Response to Comments

A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Scope of Work (Draft Scope) for the proposed East Midtown Rezoning and Related Actions project made during the public review period. These consist of comments made at the Public Scoping Meetings held by the New York City Planning Commission (CPC) on September 27, 2012, and written comments submitted to the New York City Department of City Planning. The period for public review remained open until October 9, 2012.

Section B lists the organizations and/or individuals who made oral statements at the Public Scoping Meeting and/or submitted written comments, and summarizes and responds to these comments.

B. DRAFT SCOPE OF WORK COMMENTS AND RESPONSES

Comments were accepted on the Draft Scope for the East Midtown Rezoning and Related Actions project. The City Planning Commission held two Public Scoping Meetings on the East Midtown Rezoning and Related Actions in the Manhattan Municipal Building, 1 Centre Street, on September 27, 2012. Written comments were also accepted on the Draft Scope through October 9, 2012. Written comments received on the Draft Scope are included in Appendix A.

This section lists and responds to comments on the Draft Scope. The comments are organized by subject area, following the organization of the Draft Scope for the Environmental Impact Statement (EIS) document. Where comments on the same subject matter were made by more than one person, a single comment summarizes those individual comments. The organization and/or individual that made the comment is identified next to each comment, using a numerical reference keyed to the list of commenter below. In instances where a comment applies to more than one subject area, the comment is listed multiple times. Comments on the Draft Scope were received from the following individuals and organizations:

1. Paul Costa, on behalf of Bill de Blasio, Public Advocate for the City of New York (oral statement at Public Scoping Meeting and written comments dated 09/18/2012)
2. Jessica Lappin, New York City Council Member, 5th District, Manhattan (oral statement at Public Scoping Meeting and written comments dated 09/07/2012, 09/12/2012, and 09/27/2012)

3. Daniel R. Garodnick, New York City Council Member, 4th District, Manhattan (oral statement at Public Scoping Meeting and written comments dated 09/25/2012 and 09/27/2012)
4. Karolina Hall, on behalf of Scott Stringer, Manhattan Borough President (oral statement at Public Scoping Meeting and written comments dated 09/27/2012)
5. Mark Thompson, Chair, Manhattan Community Board 6 (oral statement at Public Scoping Meeting, written comments submitted 09/27/2012, and email statement dated 10/09/2012)
6. Ellen Imbimbo, Vice Chair, Manhattan Community Board 6 (oral statement at Public Scoping Meeting and written comments dated 09/27/2012)
7. Catherine McVay Hughes, Chair, Manhattan Community Board 1 (oral statement at Public Scoping Meeting and written comments dated 09/27/2012)
8. Clayton Smith, Manhattan Community Board 5 (oral statement at Public Scoping Meeting)
9. Vikki Barbero, Chair, Manhattan Community Board 5 (oral statement at Public Scoping Meeting and written comments dated 10/09/2012)
10. Edward Klimerman, Manhattan Community Board 5 (oral statement at Public Scoping Meeting and written comments dated 09/27/2012)
11. David Golab, Manhattan Community Board 5 (oral statement at Public Scoping Meeting)
12. Lola Finkelstein, Manhattan Community Board 5 (oral statement at Public Scoping Meeting)
13. Jennifer Carey, JLC Environmental Consultants, on behalf of Nancy Goshow, Manhattan Community Board 5 (oral statement at Public Scoping Meeting)
14. J. Michael Greeley, Manhattan Community Board 5 (oral statement at Public Scoping Meeting and written comments dated 09/27/2012)
15. George Haikalis, Manhattan Community Board 5 (oral statement at Public Scoping Meeting and written comments dated 09/27/2012)
16. Eric Stern, Community Board 5 (oral statement at Public Scoping Meeting)
17. Stephen Lefkowitz, Fried, Frank, Harris, Shriver and Jacobson LLP, representing the Trustees of St. Patrick's Cathedral, and St. Bartholomew's Episcopal Church and Central Synagogue (oral statement at Public Scoping Meeting and written comments submitted 09/27/2012)
18. Carol Van Guilder, representing the Real Estate Board of New York (oral statement at Public Scoping Meeting and written comments dated 09/27/2012)
19. Roxanne Warren, Institute for Rational Urban Mobility (oral statement at Public Scoping Meeting and written comments dated 09/27/2012)

20. Elysabeth Kleinhans, Korein/Kleinhans family, owner of landmarked property at 390 Park Avenue (oral statement at Public Scoping Meeting)
21. Leo Korein, Korein/Kleinhans family, owner of landmarked property at 390 Park Avenue (oral statement at Public Scoping Meeting)
22. Barbara Mutterperl, resident 300 East 77th Street (oral statement at Public Scoping Meeting)
23. Vivienne Morgan, New York Hotel Trades Council (oral statement at Public Scoping Meeting)
24. Andrea Goldwyn, New York Landmarks Conservancy (oral statement at Public Scoping Meeting and written comments dated 09/27/2012)
25. Miranda Nelson, New York Hotel Trades Council (oral statement at Public Scoping Meeting)
26. Charles Montalbano, New York Hotel Trades Council (oral statement at Public Scoping Meeting)
27. Sal Marciante, New York Hotel Trades Council (oral statement at Public Scoping Meeting)
28. Brian Gaffney, New York Hotel Trades Council (oral statement at Public Scoping Meeting)
29. Peter Lempir, Grand Central Partnership (oral statement at Public Scoping Meeting)
30. Vishaan Chakrabarti, Center for Urban Real Estate at Columbia University; also a consultant for two property owners who will be affected by this action (i.e., SL Green and L&L Holdings) (oral statement at Public Scoping Meeting and written comments dated 09/27/2012)
31. Robert Schiffer, representing SL Green (oral statement at Public Scoping Meeting)
32. John Pettit West III, resident of 250 West 94th Street; also a member of Manhattan Community Board 6 but speaking as a member of the public (oral statement at Public Scoping Meeting and written comments dated 09/27/2012)
33. Michael Gerrard, Arnold & Porter; on behalf of the Municipal Art Society (oral statement at Public Scoping Meeting and written comments dated 09/27/2012)
34. Raju Mann, representing the Municipal Art Society (oral statement at Public Scoping Meeting)
35. Budd Heyman, resident of 67 Park Avenue (oral statement at Public Scoping Meeting)
36. Kwame Adu, New York Hotel Trades Council (oral statement at Public Scoping Meeting)
37. Maria Rosario, New York Hotel Trades Council (oral statement at Public Scoping Meeting)
38. Andreas Benzing, Manhattan Community Board 5 (oral statement at Public Scoping Meeting)
39. Corey Johnson, Chair, Manhattan Community Board 4 (oral statement at Public Scoping Meeting)
40. Alex Hing, New York Hotel Trades Council (oral statement at Public Scoping Meeting)
41. Papa Ndiaye, New York Hotel Trades Council (oral statement at Public Scoping Meeting)

42. Serge Jeudy, New York Hotel Trades Council (oral statement at Public Scoping Meeting)
43. Alexandra Nosel, New York Hotel Trades Council (oral statement at Public Scoping Meeting)
44. Katie Roussos, New York Hotel Trades Council (oral statement at Public Scoping Meeting)
45. Michael R. Keane, BFJ Planning (oral statement at Public Scoping Meeting, written comments dated 09/27/2011 *[sic]*, and email statement dated 09/07/2012)
46. Allen Oster, resident of 477 West 22nd Street (oral statement at Public Scoping Meeting)
47. Carla Fine, resident of 477 West 22nd Street (oral statement at Public Scoping Meeting)
48. Municipal Art Society (written comments dated 10/09/2012)
49. Manhattan Community Board 6, Land Use & Waterfront Committee (written comments submitted 9/27/2012)
50. Alan B. Abramson, Abramson Brothers Incorporated (written comments dated 10/03/2012)
51. Anthony E. Malkin, Malkin Holdings LLC (written comments dated 10/03/2012)
52. Colleen Curtis, Manhattan Community Board 6 (written comments dated 09/27/2012)
53. Gale A. Brewer, New York City Council Member, 6th District, Manhattan (written comments dated 10/09/2012)
54. Nina Rappaport, Docomomo New York Tri-State (written comments dated 10/09/2012)
55. Historic Districts Council (written comments dated 10/08/2012)
56. Margery Perlmutter, Bryan Cave LLP, on behalf of the owners of 678 Lexington Avenue (written comments dated 10/09/2012)
57. Kevin McEvoy, Lester A. Epstein & Associates LLC, owners of 9 and 11 East 47th Street (written comments submitted 10/9/2012)
58. Garrett Gourlay, RA (written comments dated 10/05/2012)
59. Paul Selver, Kramer Levin Naftalis & Frankel LLP, counsel to the owner of 231-241 East 42nd Street / 230-238 East 43rd Street and 785-491 Second Avenue (written comments dated 10/05/2012 and 10/09/2012)
60. Richard T. Anderson, New York Building Congress (written comments dated 09/27/2012)
61. Dan Quart, New York State Assembly Member, 73rd District (written comments dated 10/09/2012)
62. Micah Z. Kellner, New York State Assembly Member, 65th District (written comments dated 08/31/12)
63. The Rev. F.M. "Buddy" Stallings, Saint Bartholomew's Church (written comments dated 10/09/2012)

64. William B. Curtis and Bruce A. Silberblatt, Turtle Bay Association (written comments dated 10/01/2012)
65. Timothy Michael Cardinal Dolan, Archbishop of New York (written comments dated 09/21/2012)
66. Dr. Floyd Lapp, FAICP, Vision 42 Advisory Committee Member (written comments dated 10/04/2012)
67. Manhattan Community Board 5 (written comments dated 10/09/2012)

B.1 Project Description (Including Development Scenario) / General Project Information

Comment B1.1 *The area that would benefit from the maximum FAR should be extended at least one block south to include sites on the south side of 42nd Street that could meet the lot size minimum, are close to Grand Central Terminal, and have an underground connection to the subway network. 315 Madison Avenue and One Grand Central Plaza should benefit from the maximum FAR. (18) (29) (50) (51)*

Response: **DCP believes the Grand Central Core appropriately reflects the area that is most-directly connected to the Terminal and therefore is not considering such an expansion.**

Comment B1.2: *The Subdistrict should not extend beyond the current eastern boundary which lies 165 to 200 feet east of Third Avenue. The areas between 2nd and 3rd Avenues and East 43rd and East 45th Streets should be excluded from the proposed new Subdistrict. The proposed Grand Central Subarea extends too close to residential buildings, and the boundary should be moved west within 125 feet of the east side of Lexington Avenue. (2)*

Response: **DCP has modified the proposal to remove the midblock areas east of Third Avenue between East 43rd and 45th Streets, which will be reflected in the Final Scope of Work (Final Scope). However, DCP believes the eastern boundary of the Grand Central subarea is appropriate. The boundary mirrors the western boundary between Madison and Fifth Avenues. The area in question between Lexington and Third Avenues is predominantly made up of high-density commercial uses and Third Avenue in this area is lined with office buildings. Additionally, removing this area from the subarea would limit the opportunity for 1.0 FAR transfers from the subarea's landmarks.**

Comment B1.3: *The area just west of Second Avenue between 42nd and 45th Streets should be omitted from the rezoning area. (5)*

Response: **DCP has modified the proposal to remove the midblock areas east of Third Avenue between East 43rd and East 45th Streets (see response to Comment B1.2). However, given its location along a major wide east-west corridor, DCP believes the portion along East 42nd Street should be included in the subdistrict.**

Comment B1.4: *The Special Midtown District should be expanded to extend across East 42nd Street as far as Second Avenue, where there is a substantial likelihood of facilitating redevelopment of sites that are now burdened by obsolete, overbuilt buildings that are in close proximity to Grand Central Terminal. (18)*

Response: **DCP has modified the proposal to expand the subdistrict along East 42nd Street as will be reflected in the Final Scope.**

Comment B1.5: *The boundaries of the Grand Central Core within which greater FARs are allowed should be adjusted to relate to the density ameliorating amenities of the "airpark" above Grand Central Terminal and the pedestrian concourse system of Terminal City that serves Grand Central and the adjacent buildings. (32)*

Response: **DCP believes the Grand Central Core boundaries as proposed are appropriate as they relate both to below-grade connections and the open area above Grand Central Terminal.**

Comment B1.6: *The boundaries for the Special Midtown District and East Midtown Subdistrict should be extended north to East 57th Street, and the EIS should study an extension of the C6-6 district along Lexington Avenue north to East 57th Street as an alternative. (56)*

Response: **DCP believes the character of Lexington Avenue north of 54th street is of a lower scale and more mixed-use character than the areas of the proposed East Midtown subdistrict. Thus, this area is not included in the subdistrict.**

Comment B1.7: *To facilitate the redevelopment of the site at 231-241 East 42nd Street / 230-238 East 43rd Street and 785-791 Second Avenue, the following changes should be made to the proposed rezoning: (i) extend the Special District and C5-3 (MID) district a distance of 150 feet along East 42nd Street to Second Avenue, to a depth of 100 feet to the west of Second Avenue, and north to East 43rd Street – an expansion of the proposed remapping by 25,000 square feet – and (ii) allow buildings with 200 feet of frontage on any wide street (rather than just a north-south Avenue) to increase their floor area through the District Improvement Bonus. Also, the site should be included as a projected development site. (59)*

Response: **DCP has modified the proposal to expand the subdistrict along East 42nd Street as will be reflected in the Final Scope.**

Comment B1.8: *The annexed area (mid block between 2nd and 3rd avenues, 43rd to 45th street) should remain as is and should not be absorbed into the Midtown Special District. Its zoning should remain unchanged. (64)*

Response: **DCP has modified the proposal to remove these areas from the rezoning. See response to Comment B1.2.**

Comment B1.9: *No FAR 18.0 districts should be mapped close to or adjacent low-rise (FAR 4.0) residential districts. (64)*

Response: **No 18.0 FAR districts are being mapped as part of the proposal.**

Comment B1.10: *The east limits of the Grand Central Subdistrict should extend no further than 125 feet east of Lexington Avenue. The FAR beyond that limit should remain as is at FAR 12.0 and FAR 15.0. (64)*

Response: **See response to Comment B1.2.**

Comment B1.11: *It is unclear whether the proposed changes to the Grand Central Subdistrict will be of any help to the landmark Grand Central Terminal as its air rights may now be set aside in favor of those that the City is selling. (24)*

Response: **The proposed expansion of the area of the Grand Central Subdistrict would increase the number of sites that may receive currently transferrable development rights from Grand Central Subdistrict landmarks thereby enhancing the prospects for Grand Central Terminal area's unused development rights to be transferred and used. The proposed rezoning would also permit the purchasers of development rights above 18 FAR on qualifying sites to purchase rights transferred from designated landmarks including the landmark Grand Central Terminal, in lieu of contributions under the District Improvement Bonus (DIB) mechanism.**

Comment B1.12: *The Draft Scope too narrowly defines qualifying sites. Any site that is eligible to be redeveloped should be considered, including: condominiums, co-ops, or residential buildings that contain 6+ rent-stabilized units; all buildings constructed between 1961 and 1982 that are 85 percent or less of allowable FAR; and buildings with more than 1 million square feet or 35 stories that are 85 percent or less of allowable FAR. (1) (2) (3) (4) (8) (14) (16) (3) (34) (48) (67)*

Response: **DCP has modified its reasonable worst case development assessment of qualifying sites to account for buildings constructed between 1961 and 1982. This change has led to the inclusion of two new potential development sites as will be reflected in the Final Scope. However, DCP continues to believe the other assessment criteria are appropriate given the development history of the area and current market**

trends. Given the difficulties and costs associated with emptying and demolishing buildings over 1,000,000 sf, DCP believes the redevelopment of such sites is unlikely. To its knowledge, no building in Midtown of this size has ever been demolished.

Buildings that are over 35 stories also make for challenging demolition cases. Furthermore, the views afforded by such taller buildings make them less likely to be demolished as their tower floors are considered more valuable - either in their current office uses or as converted to other uses. While testimony was given about one taller building that was demolished (Singer Building), DCP believes such a building today would more likely be candidate for conversion.

Finally, DCP's assessment of residential buildings in the area, meets the standards of excluded sites in the *CEQR Technical Manual,* Chapter 2, Section 410, "The Future Without the Action".

Comment B1.13: *The Draft Scope does not conservatively predict the amount of development that could occur as a result of this rezoning. Density- and site-specific impacts should be considered for both projected and potential development sites. The Reasonable Worst Case Development Scenario should be broadened to include the impacts of hotel and residential development. All 40 sites listed in the scoping proposal (as opposed to only 22 sites) should be evaluated in the EIS. The increment between the No-Action and With-Action conditions should be determined using all 40 sites. (2) (9) (64) (67)*

Response: **The Reasonable Worst Case Development Scenario (RWCDS) was developed in accordance with the guidelines in the *CEQR Technical Manual,* Chapter 2, Section 423, "Determining a Reasonable Amount of Future Development".**

Comment B1.14: *The assumption in the RWCDS regarding non-complying building rebuild identification should be revised. Newer rebuilt buildings are designed to accommodate anywhere from 5% to 10% more occupants. (48)*

Response: **Two-hundred fifty square feet per worker is the standard used in the RWCDS to calculate the number of office workers for the projected level of incremental development. East Midtown currently contains about 70 million square feet of office space and about 220,000 office workers for an average square foot per worker of 318 square feet, well above the 250 square feet per worker standard being used in the environmental review. Accordingly, the RWCDS accounts for the potential increase in the number of workers in non-complying buildings that could be reconstructed pursuant to the rezoning.**

Comment B1.15: *Hotels should only be allowed by special permit, which would allow the community and the City to guide the type and quality of future hotel development in the area. If not*

included in the Proposed Action, this should be added as an alternative scenario. (1) (2) (3) (14) (23) (25) (26) (27) (28) (36) (37) (39) (40) (41) (42) (43) (44) (45) (53) (62)

Response: **The East Midtown proposal seeks to maintain the success of the City's premier office district by seeding the area with a handful of new, state-of-the-art office buildings over the next 20 years together with improvements to the transit and pedestrian network.**

As is the case today, hotels are a key component of the vibrant 24-hour business community envisioned under the proposal.

Because hotels are an essential ingredient to keeping East Midtown dynamic and competitive, the East Midtown proposal does not contemplate requiring a special permit for hotels, which may be developed today without discretionary review. Hotels provide accommodations for visitors, space for meetings, conferences and entertainment, foot traffic for businesses in the area and jobs for New Yorkers. East Midtown is, in fact, an ideal location for hotels—it is centrally located with excellent access to mass transit, and is home to some of the City's best business, landmark and tourist destinations. Hotels in East Midtown are key to the continuing growth of New York City's tourism industry, and they have always been integral to Midtown's identity and success. Requiring a lengthy special permit process for the development of hotels would be contrary to the goals of the proposal and analysis of a special permit alternative is therefore not warranted.

Comment B1.16: *There is an error in the building classification in EAS Land Use Map Figure 3 at Block 1283 Lot 63 (12 E 47) which has not been a religious building for several years. (57)*

Response: **Comment noted. The building classification of the 6-story building on Block 1283, Lot 63 (8-14 East 47th Street) has been updated in the Final Scope to reflect that it is a commercial building and not a religious building. The building currently includes restaurant uses on its ground and 2nd floors with offices located on the upper floors.**

Comment B1.17: *A correction should be made with regards to the proposed hotel at Site #11 in Draft Scope Figure 5. Appendix A should include the now and former religious properties on E 48 St. (Block 1283 Lots 62, 63) and 13 East 47 Street (Block 1283 Lot 11) as consistent with documents on file at the City Register and exclude 9 and 11 East 47th Street. (57)*

Response: **Development Site 11 as configured is a viable development site given the criteria established for identifying possible sites in the Draft Scope.**

Comment B1.18: *It is not clear that authority exists for the sunrise provision. The sunrise provision is bad public policy and sets an unusual precedent as zoning changes usually become effective on the date of adoption or shortly thereafter. (18) (24)*

Response: **The proposed "sunrise" provision is important to promote sequencing of development consistent with planning objectives in Midtown including Hudson Yards, and to create certainty for developers in East Midtown. From a planning perspective, the sunrise provision recognizes that realizing the City's growth objectives needs to be considered from a broad perspective and that the relationships among various city initiatives need to be coordinated.**

Use of a delayed effective date, such as the "sunrise" provision, is not unprecedented. For example, the 1961 Zoning Resolution was adopted on December 15, 1960, and took effect one year later.

Comment B1.19: *What is the justification for a 5-year sunrise period instead of a 7-year period or 10-year period? Why is the five year clock set for July 2017, and not 5 years from when the proposed zoning is approved? (48)*

Response: **The sunrise is designed to help ensure that the catalyzing effect of the public investment in the Hudson Yards (subway, park and boulevard) will be realized, to unlock the full potential of the integrated zoning and infrastructure plan for that area, while also recognizing the importance of redevelopment in East Midtown. The sunrise provision allows the sequencing of development consistent with planning objectives in Midtown including Hudson Yards. Given the impending completion of the No. 7 Line extension and the schedule for park and boulevard improvements, DCP believes that a 5-year sunrise, rather than a longer period, is appropriate.**

Comment B1.20: *The sunrise date should be four years after final approval, including that of the EIS, by all involved government agencies having jurisdiction over the Proposed Action. (64)*

Response: **See response to Comment B1.19.**

Comment B1.21: *The sunrise provision should establish a minimum amount of commercial floor area that must be achieved in the Hudson Yards Redevelopment area in order to allow the issuing of building permits under the new East Midtown zoning mechanisms. The minimum amount of built floor area required should be no less than the amount necessary to generate the tax revenues needed to repay the municipal bonds used to fund the #7 line extension. (45)*

Response: **The purpose of the sunrise provision is to provide sufficient time for Hudson Yards to become established as a major commercial area of the City. By 2017, it is expected that the opening of the subway and Hudson Park and Boulevard will result in an overall level of activity and interest in new office construction in the area that will accomplish this result.**

Comment B1.22: *There is no need for the sunrise provision because East Midtown will attract different tenants than Hudson Yards and the World Trade Center site. (29) (31) (33)*

Response: **The proposed "sunrise" provision is important to promote sequencing of development consistent with planning objectives in Midtown including Hudson Yards, and to create certainty for developers in East Midtown. From a planning perspective, the sunrise provision recognizes that realizing the City's growth objectives needs to be considered from a broad perspective and that the relationships among various city initiatives need to be coordinated. Future marketing and tenanting of individual buildings cannot be predicted with certainty and there is no empirical basis to conclude that East Midtown and Hudson Yards would attract different tenants for large developments of comparable scale.**

Comment B1.23: *Before proceeding with the planned rezoning, a more detailed study should be conducted to determine the level of demand for Class A office space throughout New York City and in East Midtown. The EIS should clearly set out both the need for and the goals for the redevelopment of East Midtown, including the anticipated market, the projected need for additional Class A office space in this area, the kinds of tenants that may be attracted to this neighborhood, the kind of space and amenities they are likely to need, and how this proposed re-zoning fits within the City's overall planning goals. (2) (3) (7) (9) (22) (32) (33) (39) (45) (46) (47) (48) (49) (61) (67)*

Response: **As discussed in the Draft Scope, the Department has utilized in its East Midtown study a market study prepared by the real estate firm of Cushman & Wakefield, which analyzes the future demand for Class A office space in East Midtown. The precise types of tenants and the kinds of space and amenities that they are likely to need are expected to change considerably by the "build year" of 2033; the Proposed Action would create more flexible zoning rules to allow the real estate market to respond to those firms and their needs over time.**

Comment B1.24: *All landmarks within the rezoning area should be granted greater flexibility and a less burdensome process to transfer their development rights, optimally to all eligible sites within the Subdistrict. Adoption of the proposal in its current form will disadvantage a number of landmarked institutions in the area. The City's Landmarks Preservation Law should be reflected in the proposed rezoning. (17) (20) (29) (63) (65)*

Response: **The proposal continues the area-wide transfers allowed within the Grand Central Subdistrict, consistent with longstanding zoning policy for that area. Outside of the Grand Central Subdistrict, the rights of landmarks to transfer development rights remain unchanged.**

Comment B1.25: *Under the proposed rezoning it is unclear how the ability to transfer floor area across a street would be affected while the merging of the zoning lot should still provide for the transfer of floor area. (58)*

Response: **Only landmarks are permitted to transfer unused floor area across streets. This, as well as the ability to merge zoning lots, would remain unchanged under the Proposed Action.**

Comment B1.26: *Before a final proposal is developed, the Landmarks Preservation Commission (LPC) must share the results of its survey of East Midtown. LPC should prepare the necessary inventory (requested by Manhattan Community Board 5) of existing and potential buildings and interiors in the area to help the discussion about which buildings should be included in the rezoning. (9) (10) (2) (67)*

Response: **As noted in the Draft Scope, the Draft Environmental Impact Statement (DEIS) will include a full assessment of historic resources in the area, prepared in consultation with LPC.**

Comment B1.27: *Green spaces such as parks and plazas should be mapped before the before the Draft Scope is finalized (and prior to commencing the EIS). (64)*

Response: **As noted in the Draft Scope, potential effects of the Proposed Action on public open space resources, including parks and plazas, will be analyzed in the DEIS.**

Comment B1.28: *Before the Draft Scope is finalized (and prior to commencing the EIS), the following should be described in detail: the modifications to Vanderbilt Avenue; the method of overcoming narrow sidewalks on Madison and Lexington Avenues; and the modifications to the Grand Central, 51st and 53rd Street subway stations (64)*

Response: **The Final Scope describes the current proposed plan for Vanderbilt Avenue, under which four of the individual block portions would be turned into pedestrian areas, while maintaining existing cross-town access. A loop-road portion between East 43rd and East 44th Streets would provide access to adjacent buildings and Grand Central Terminal.**

As described in the Final Scope, Qualifying Sites located on Madison and Lexington Avenues would be required to set back from the property line to afford greater sidewalk width.

The Draft Scope describes the types of improvements that could be undertaken in the various subway stations. The DEIS will describe in greater detail the proposed modifications to the Grand Central subway station that are considered a priority use for DIB funding. Future improvements to other subway stations are possible

under the framework for identifying and prioritizing DIB improvements that will be established under the zoning regulations.

Comment B1.29: *DCP should describe the DIB in greater detail, including the process for determining the price at which the DIB would be established, a plan on how the DIB would be implemented/structured, and how funds will be allocated. It is imperative that the DIB is valued before certification. For the DIB to be successful, there must be a clear flow of funding, a defined board structure, a comprehensive list of improvements with projected costs and corresponding priority levels, a clear understanding of the pricing of the DIB, and what objective and publicly-verifiable measures can be used for that purpose. The lead agency should create a comprehensive and prioritized plan (with input from the public and building owners) for future public realm improvements to be financed by the DIB including the costs associated and guaranteed funding sources. There are a number of outstanding questions about the DIB: Who will audit the fair market value of DIB air rights and how often? How would pricing of DIB be adjusted over time, and how would current and future pricing be enacted in the Zoning Resolution? What will be the relationship between the purchase of additional floor area pursuant to the DIB and the purchase of unused landmark development rights? What City agency will oversee the DIB fund? Who will be held accountable for the proper management of the DIB fund? Who or what will enforce that accountability and disclose it to the public? What will be the cost of administering the DIB fund and the DIB project selection process? Will the costs be capped at a fixed amount or a percentage of the fund? Will the City or other governmental agency match DIB money for projects? What is the cost of each of the DIB projects that DCP has already identified? What are DCP's specific priorities for improvements to the public realm? Would these improvements be detailed in the rezoning resolution? If so, what pre-defined zoning mechanism would allow changes with changing community needs over time? Would the Vanderbilt Avenue pedestrian open space improvement be funded by the DIB or a different fund mechanism? Will the DIBs be used for new capital projects and amenities rather than for maintenance and repair items that should be covered by existing city or agency funding sources? Why is the DIB being proposed to fund improvements of the below-ground transit pedestrian network when it should be the MTA's responsibility? How will the community be engaged with the selection of DIB projects? What role would Community Board play in respect to this entity and in determining where the DIB funds would be used? (1) (2) (3) (4) (5) (6) (14) (18) (29) (48) (49) (60) (64) (67)*

Response: **The proposed procedures for determining the required contribution to the District Improvement Fund per square foot of bonused floor area, for administering the District Improvement Fund and for selecting district improvements will be described in the zoning text and in the DEIS. In addition, the City has made available the development rights valuation study it commissioned from Landauer Valuation & Advisory to determine the appropriate**

market value of development rights under the DIB – which the study determined to be $250 per square foot in current dollars.

The District Improvement Fund is intended to fund improvements that would not otherwise be funded under current and anticipated programs.

Comment B1.30: *There is no mention of the solution if there should be a gap between funding needs and the money gathered in the DIB fund. A funding study should be undertaken to answer questions about the identification, nature, scope, and cost of public realm projects, the source of funds and offer insight into the omission of guarantor mechanisms (such as tax-free bonds guaranteed by the City, PILOTs, Tax Equivalency Payments, etc.) which should be assured before implementation of the rezoning. If mitigation is not achievable with a conservative DIB estimate, the City should consider alternative mitigation strategies including alternative financing, bond structures, or a threshold for total funds that must be generated by the DIB before permitting use of a landmark transfer for additional FAR, and create criteria for "payment-in-kind" option for developers to finance and construct their own public improvements in lieu of a contribution to the DIB to serves as mitigation for adverse impacts. Mechanisms should be incorporated to encourage developers to contribute both publicly accessible active and passive recreational spaces in new developments. (4) (6) (11) (48) (49) (67)*

Response: **The City has not proposed any additional financial commitments to district improvements in East Midtown, other than the District Improvement Fund. No funding commitments are anticipated, beyond the resources expected to be available through the Fund.**

Potential mitigation measures and/or other improvements proposed for funding under the District Improvement Fund will be disclosed in the DEIS. In addition, the mitigation capacity of the priority DIB improvements in Grand Central subway station will be assessed in the DEIS by analyzing the effects of the Proposed Action with and without these improvements and with the development of Vanderbilt Avenue. The Proposed Action specifies that "qualifying sites" increase FAR by means of contribution to the District Improvement Fund, prior to any use of landmark development rights in the Grand Central Subdistrict. The zoning text will also include a proposed procedure for "in-kind" contributions.

Comment B1.31: *Different pricing concepts should be explored for the DIB, including an auction. The DIB bonus should be priced not at market price, but at a price between market price and what developers get as their consumer surplus, enabling the city to provide benefits for the adverse impacts that would come with a reasonable worst-case build. (16) (18) (67)*

Response: **The proposed procedures for determining the required contribution to the District Improvement Fund per square foot of bonused floor area will be described in the zoning text and the DEIS. Also see response to Comment B1.29.**

Comment B1.32: *Air rights should be priced lower than any FAR in the area that is already attached to a site. Pricing of the DIB should be done to reflect the fact that the FAR will be used primarily for commercial space, are air rights, and be combined with the price of land in order to create a feasible development. Pricing of the DIB must reflect market value of what will incentivize development (commenter believes is $150-$175/ft^2) and must account for the fact that newly-completed commercial office buildings are valued at ~$1,000/ft^2, compared to ~$2,500/ft^2 for (for-sale) residential. There should be an objective and predictable price for the DIB bonus. (29) (30) (31)*

Response: **See response to Comment B1.31.**

Comment B1.33: *The City should not, as it did at the Hudson Yards, establish an arbitrary value for the DIB and have it adjusted by an index which bears no relationship to changes in the real estate market. The procedure for valuing the DIB must be incorporated into the text of the East Midtown zoning changes so that it can be openly considered by the industry and the public. The issues of the amount of funds the DIB is expected to generate and the related issue of how the unit price of the DIB will be computed do not have a place in the EIS. There is no need to include a discussion of the DIB in the EIS. (59)*

Response: **The proposed procedures for determining the required contribution to the District Improvement Fund per square foot of bonused floor area, for administering the District Improvement Fund and for selecting district improvements will be described in the DEIS. Also see response to Comment B1.29**

Comment B1.34: *Any funds from the sale of air rights could be used to provide maintenance to the landmark and for a contribution to the DIB fund or similar fund for area improvements. (10) (67)*

Response: **The existing Grand Central subdistrict requires a continuing maintenance plan be provided for landmarks that transfer their unused development rights. This requirement will be maintained in the amended Grand Central subarea. Contributions to the DIB fund will be used to provide for area improvements.**

Comment B1.35: *Owners of older buildings that are overbuilt under current zoning should not be required to pay into a bonus fund in order to redevelop the amount of floor area that is already built on site. (18) (29) (30)*

Response: **Elsewhere in the City, new construction must comply with current zoning and the non-complying floor area of buildings that previously occupied the sites may not be reconstructed. In East Midtown, as noted in the Draft Scope, an exception is**

being made to allow previously overbuilt sites that meet certain requirements to reconstruct their overbuilt floor area, subject to the same system of per square foot contributions into the District Improvement Fund that applies to new construction, pursuant to a modified rate. This modified rate is being included because the City believes the newly constructed floor area would support a higher worker population than existing buildings, principally because new construction would not include the interior columns and less efficient layouts that characterize the existing buildings. See also response to Comment B1.14

Comment B1.36: *Improvements should be constructed before new density is introduced rather than after the DIB collects enough money. There should be a provision of the DIB that will allow the funds to be used to repay the City for beginning work on public improvements that would benefit the East Midtown business district. Vanderbilt Plaza should be completed first to increase attractiveness for companies to move to the East Midtown area. (2) (5) (6) (18) (29) (48) (49) (61)*

Response: **See response to Comment B1.30. Additionally, the proposal is designed to match the timing of improvements with development. More specifically, because the District Improvement Fund contribution would be required to be made at the time of obtaining a building permit, and the time to completion of a new Class A office building and full occupancy may be 2-3 years, there is a period of time in which funds will be available to initiate and complete district improvements.**

Comment B1.38: *Proximity of areas located east of Third Avenue to the new, larger buildings should be a factor considered in allotting DIF funds. City Planning should allow DIF funds contributed by developers of buildings east of Third Avenue to be used on infrastructure improvements and open space additions in close proximity to the East Midtown district, between 43rd and 53rd Streets and between Third Avenue and the East River. (61)*

Response: **DCP's proposal for the District Improvement Fund (DIF) will allow funds to be used in the area immediately adjacent to the subdistrict if such improvements can be shown to improve conditions in the subdistrict or mitigate environmental impacts.**

Comment B1.39: *City Planning should codify regulations within the rezoning plan that ensures that new Class A development within the East Midtown Subdistrict improves the environment by generating all of their own energy from renewable sources. This would ensure that sustainability is given the same weight as design or infrastructure improvements. (61)*

Response: **Construction in the area will meet all Citywide Code standards for high-performance buildings and, as stated in the Final Scope, the proposed zoning text amendment will include sustainability measures for Qualifying Site developments.**

Comment B1.40: *The City should create specific, comprehensive criteria for evaluating the site plan, massing, and in turn, architectural merit of a proposed (special permit) development. A careful design review process or set of criteria should be established. This design review board could be modeled on similar boards which exist in many municipalities across the US with the goal of encouraging high quality design. (48) (67)*

Response: **The special permit provision of the zoning text amendment will contain criteria to judge the building's site plan and massing in a future public review process.**

Comment B1.41: *The rezoning effort is moving too quickly and the Draft Scope of Work does not contain sufficient detail about the proposal. The Community Boards (as well as the Tri Board Task Force), elected officials, and members of the public did not have ample time to review the Proposed Action. There have not been adequate opportunities for stakeholders to offer input. The political calendar should not drive the time frame for the Proposed Action. There should be a postponement of the Scoping for at least six months. (1) (2) (3) (5) (9) (12) (52) (53) (57) (64) (67)*

Response: **DCP believes the Draft Scope includes sufficient detail for the public to comment upon the environmental methodologies that will be used to analyze the proposal. With regard to the project overall, since announcing the project in June 2012, DCP has attended more than 10 individual Community Board public meetings to describe the proposal and solicit input. In addition, DCP has held numerous meetings with the area's stakeholder groups for the same purposes, and has continued to do so since the Public Scoping Meeting.**

B.2 Land Use, Zoning, and Public Policy

Comment B2.1: *The Department of City Planning cited the Cushman and Wakefield study as demonstrating a need for 70 million additional square feet of office space in Midtown over the next 30 years. However, the study does not show that the demand exists specifically in East Midtown or that the demand is for Class A space. Before proceeding with the planned rezoning, a more detailed study should be conducted to determine the level of demand for Class A office space throughout New York City and in East Midtown. The analysis should explore the possible impact of the project on land use in Lower Manhattan, Hudson Yards, Downtown Brooklyn, Long Island City and other areas on a year-by-year basis and study the implications of the proposed rezoning on the City budget, with respect to funding the #7 Subway Extension. If the sunrise provision of the East Midtown Rezoning expires before the amount of development in Hudson Yards is realized that is necessary to repay the tax increment financing bond sales used to fund the #7 subway line, will the sunrise provision be extended? The fate of newly-vacated space and an absorption study for the No-Action alternative should be accounted for in this analysis. The EIS needs to examine these implications to ensure*

that we are not just rezoning East Midtown but actually planning for the future of the entire city. (2) (3) (7) (9) (22) (32) (33) (39) (45) (46) (47) (48) (49) (61) (67)

Response: **DCP believes the Cushman & Wakefield study provides a conservative and reasonable estimate of future office growth in Midtown Manhattan. The study looked at the demand for office space in Hudson Yards, as well as the larger demand for office space in the overall Manhattan office market over the next 30 years. The study used generally accepted industry methods and data to make its forecast, including population and economic trends. Furthermore, as the study was conducted as part of a bond offering for Hudson Yards, it was further reviewed by ratings agencies and investors. As noted in the Draft Scope, the study described a need for 70 million square feet of office space in that time period, of which a conservative portion is assumed to occur in East Midtown. The demand for new office space in Midtown is the demand for Class A office space since, given the cost of construction, new buildings are built for Class A tenants. See also response to Comment B1.19.**

Comment B2.2: *What are the implications of setting a precedent for a sunrise provision? Will similar large scale rezonings require a sunrise provision? How does this affect the predictability of land use approvals? (48)*

Response: **The "sunrise" provision is not unprecedented. For example, the 1961 Zoning Resolution was adopted on December 15, 1960, and took effect one year later.**

The City Planning Commission may delay the effective date of new zoning, where sound land use considerations suggest that this would be appropriate. The sunrise provision provides owners and developers predictability in terms of planning for future development, including the substantial time to assemble, vacate and demolish sites.

Comment B2.3: *Special consideration in the EIS should be given to transfers of unused FAR from landmarks to development sites, to correctly analyzing sites where zoning lots have been previously merged and FAR transferred, to analyzing the effect of the MTA LIRR East Side Access regarding properties taken by eminent domain and how that may affect potential redevelopment sites and to analyzing whether the City would be competing with holders of unused development rights with regards to the DIB process. What amount of development air rights are available that could be transferred from Grand Central for development in Midtown, and under what conditions can air rights be transferred for development? (17) (49) (57)*

Response: **As noted in the Draft Scope, DCP has assessed sites that have previously merged with adjacent sites and removed them from the analysis of possible development sites. As described in the Draft Scope, more than 1.2 million square feet of development rights remain unused in the Grand Central area on the Grand**

Central lot. Under the Proposed Action, the transfer of these and other landmark development rights in the Grand Central Subarea is permitted within the subarea for qualifying sites that first utilize the District Improvement Bonus for the first 3.0 FAR above their base FAR.. In addition, the transfer of development rights from such landmarks is permitted within the Grand Central Subarea by certification not to exceed a FAR of 1.0 above the basic maximum FAR allowed by the applicable zoning district regulations.

Comment B2.4: *While there are no 197a plans for the study area, all public policy documents created by the affected community boards should be analyzed. (48)*

Response: **As discussed in the Draft Scope, Task 2, "Land Use, Zoning, and Public Policy," the DEIS will provide an assessment of the Proposed Action's potential effects related to issues of compatibility with surrounding land use and consistency with zoning and other adopted public policies.**

Comment B2.5: *If the Proposed Action is not modified to provide for increased flexibility in allowing transfers from landmarked buildings, the Scope should consider: the conflict with the City's established landmarks preservation policy; the impact on existing landmarks of the City's newly created development rights that may be purchased as-of-right that will directly compete with transfers from the landmark sites that require a Special Permit from the City Planning Commission; and the impact on the landmark law itself of the economic loss to the owners of landmarked buildings that would result if the East Midtown Rezoning were to be adopted in its present form. (17) (63)*

Response: **No economic loss to designated landmarks within the area is anticipated. The proposal continues the area-wide transfers allowed within the Grand Central Subdistrict, consistent with longstanding zoning policy for that area. Outside of the Grand Central Subdistrict, the rights of landmarks to transfer development rights remain unchanged.**

Comment B2.6: *The EIS should conduct a full review of the Proposed Action to ensure that it is fully compatible and consistent with the goals set out in PlaNYC 2030, including: creating a million more housing units by the year 2030; ensuring that all New Yorkers live within a 10-minute walk of a park; achieving the cleanest air of any big city in America; activate the streetscape; supporting ecological connectivity and incorporate sustainability in the design / maintenance of all public space; reducing global warming emissions by more than 30%; reaching a full "state of good repair" on New York City's roads, subways and rails; upgrading energy infrastructure to provide cleaner, more reliable power; and improving travel times by the addition of transit capacity. (13) (48) (67)*

Response: **As discussed in the Draft Scope, Task 2, "Land Use, Zoning, and Public Policy," the DEIS will include a sustainability consistency assessment of the Proposed**

Action's compliance with PlaNYC pursuant to *CEQR Technical Manual* guidelines.

Comment B2.7: *The EIS should study zoning text that limits uses that will not contribute to the success of the East Midtown district, such as in the Madison Avenue Special Preservation District, Fifth Avenue Special District, and the 125th Street rezoning, and explore a skyline retail requirement to guarantee public access to the tops of these buildings. (48)*

Response: **As noted in the Draft Scope, pursuant to CEQR guidelines, the DEIS will include an assessment of the Proposed Action's consistency with zoning.**

The Purpose and Need Section of the Draft Scope identifies the issues identified in DCP's study of East Midtown and the objectives of the Proposed Action. The study did not identify a need for use restrictions, in comparison to the uses permitted under current zoning.

New commercial buildings projected to be developed pursuant to the Proposed Action will be constructed by private developers. Public access to the tops of these buildings will be at the discretion of the owners, for whom this may or may not be consistent with the overall business plan for the building.

B.3 Socioeconomic Conditions

Comment B3.1: *The EIS should include a detailed assessment of the location, operational characteristics and economic impact to smaller businesses, including analysis of indirect business displacement to determine whether the proposed actions may introduce trends making it difficult for smaller businesses to remain in the area (loss of Class B and C space). The EIS should identify specific areas within the study area and elsewhere in the City that would provide adequate affordable space for all potentially displaced businesses and what impact might that have on a broader study area than East Midtown. Consultation should be made with planning, sociology and economics faculties at Hunter, Pratt and Columbia University. (1) (48) (67)*

Response: **Comment noted. As described in the Draft Scope under Task 3, "Socioeconomic Conditions," the assessment of direct and indirect business displacement and adverse effects on specific industries will be conducted in conformance to the *CEQR Technical Manual* and will begin with preliminary assessments of each of these three areas of concern to determine whether a detailed analysis is necessary. Detailed analyses will be conducted for those areas in which the preliminary assessment cannot definitively rule out the potential for significant adverse impacts. The detailed assessments will be framed in the context of existing conditions and evaluations of the future No-Action and With-Action conditions in 2033 including any population and employment changes anticipated to take**

place by the analysis year of the Proposed Action. Pursuant to the *CEQR Technical Manual*, appropriate mitigation measures will be identified for any potential significant adverse impacts resulting from the Proposed Action.

Comment B3.2: *What is the number of minority, women and veteran owned/run businesses/institutions that are estimated to be displaced? How would the overall racial composition changed in the With-Action as opposed to No-Action scenario? Would there be a disparate racial impact? A detailed survey should be done to produce data in accordance with the demographic and sector traits of the firms that are on any development site. NYSDOL data and Census data would be insufficient. (16) (67)*

Response: **The Draft Scope is consistent with the methodologies presented in the *CEQR Technical Manual*. The proposed assessment is beyond the scope of CEQR impact analysis. Local census data and NYSDOL data are the most widely used and acceptable form of assessing residential and worker populations, as well as housing and industry conditions. This data will be supplemented with field inspections of the area, information from local real estate brokers, and real estate data on trends.**

Comment B3.3: *A detailed analysis should be conducted of the potential for both direct and indirect residential displacement in the With-Action as opposed to No-Action scenarios, including for the adverse indirect residential displacement that would otherwise be built in the neighborhood. How would this impact HPD's New Housing Marketplace Plan? Specifically, how many of the new units with no-action would be affordable units (below area medium income) or otherwise designated by HPD or HDC? (16) (67)*

Response: **As discussed in the Draft Scope under Task 3, "Socioeconomic Conditions," according to 2012 *CEQR Technical Manual* guidelines, the direct displacement of fewer than 500 residents would not typically be expected to alter the socioeconomic characteristics of a neighborhood. The Proposed Action would not directly displace any residents or residential units from the projected development sites and, therefore, the Proposed Action would not result in significant adverse impacts due to direct residential displacement, and a detailed analysis of direct residential displacement is not warranted. The Draft Scope further explains that the Proposed Action would forestall conversion of office to residential space resulting in a net reduction of residential units compared to No-Action conditions, and would therefore not induce a trend that could potentially result in changing socioeconomic conditions for the residents within the rezoning area. Therefore, the Proposed Action would not result in significant adverse impacts due to indirect residential displacement and an assessment of indirect residential displacement would not be warranted for the Proposed Action.**

Comment B3.4: *The following questions should be addressed in the socioeconomic analysis: How might a rezoning impact the area's Class B office space and the number of jobs housed in such buildings? How many East Midtown buildings are today considered Class A versus Class B? If any Class B buildings are torn down and replaced with Class A (or if Class B/C buildings are converted to hotels or residential), where will these tenants and their employees go? Given the growing number of technology companies seeking affordable office space in Manhattan, how might this segment of the City's economy benefit or lose from any possible rezoning? What is the FAR and vacancy rate for each of these buildings that are regarded as under-performing in East Midtown? What is the profile of commercial tenants in these under-performing buildings? How many businesses occupy these under-performing buildings, what is their tax contribution to the City, and how many jobs do they represent? If forced to relocate, where might they move and will that put additional pressure on rents in other neighborhoods? Where are these Class A tenants now and what kind of rents do they pay? Why would East Midtown be attractive to do business as opposed to Hoboken, Jersey City, Newark, White Plains, and Stamford? How would the Proposed Action affect East Midtown property values? (14) (49)*

Response: **As discussed in the Draft Scope under Task 3, "Socioeconomic Conditions," the DEIS's analysis of direct business and institutional displacement will estimate the number of employees and the number and types of businesses that would be physically directly displaced by the Proposed Action on the identified projected development sites. As also discussed under Task 3, the indirect business displacement analysis will identify and characterize conditions and trends in employment and businesses within the study area and characterize the office market. The analysis will include an inventory of the study area's existing and anticipated building stock, including: types of office space, built FAR, vacancy rates, typical rental rates, and types of business tenants. It also will describe the Manhattan office markets. Pursuant to CEQR guidelines, the indirect displacement assessment will also identify if the Proposed Action would markedly increase property values and rents throughout the study area, making it difficult for some categories of businesses to remain in the area. Pursuant to the *CEQR Technical Manual*, appropriate mitigation measures will be identified for any potential significant adverse impacts resulting from the Proposed Action.**

Comment B3.5: *The Proposed Action will mean more construction will cause severe financial damage to Turtle Bay businesses (bars and restaurants). (52)*

Response: **As noted in the Draft Scope, the DEIS Construction chapter will evaluate the potential impacts associated with construction activity resulting from the Proposed Action, including potential effects related to socioeconomic conditions.**

Comment B3.6: *The EIS should consider the fact that smaller buildings in the project area serve a purpose as a small start up business incubator, a function not possible in larger buildings due to economic feasibility and market conditions. (57)*

Response: **Comment noted. As noted in the Draft Scope, pursuant to CEQR guidelines, the DEIS will assess the Proposed Action's effect on direct and indirect business displacement. This will include a determination of whether the Proposed Action would markedly increase property values and rents throughout the study area, thereby making it difficult for some categories of businesses to remain in the area, and will identify the type of businesses and institutional uses located within the proposed rezoning area.**

B.4 Community Facilities & Services

Comment B4.1: *Study the impact of the rezoning on current services and resources in Turtle Bay and the West 50s. Turtle Bay needs an elementary school with an auditorium for both students and community meetings gatherings, one that also has an outdoor playground replete with a basketball court. The Scope should include a review of the current capacity of City (and local BID) services, the resource level, and any current service complaints. Study any areas within the rezoning boundary that do not fall in the catchment of a local BID. (3) (52)*

Response: **As indicated in the EAS for the East Midtown Rezoning and Related Actions project, the Proposed Action would not result in the direct displacement of any existing community facilities or services, nor would it affect the physical operations or access to and from any police or fire stations; therefore, the Proposed Action would not have any potential for significant adverse direct impacts on existing community facilities or services. Furthermore, based on the RWCDS, the Proposed Action would result in a net decrease in residential population and, therefore, does not have the potential to result in significant adverse indirect impacts related to public schools, libraries, and child care. Therefore, the Proposed Action does not have the potential to result in impacts to any of the types of community facilities analyzed under CEQR, and an analysis of community facilities and services is not warranted in the DEIS.**

Comment B4.2: *With the new development enabled by the Proposed Action, would law enforcement be adequate to preserve public safety? Would there be enough police personnel in Grand Central Terminal to provide the free movement of an increased number of commuters? Would the City have enough fire trucks, ladder engine trucks and other equipment to deal with any emergency that might arise in the East Midtown area? What would be the impacts on other local resources such as schools, libraries, health and day care facilities? It is alarming to see any threat to the demise of both our fire department and police precinct. Larger buildings demand more firemen and police, not less. (49) (52)*

Response: **As noted in the *CEQR Technical Manual*, the Fire Department does not allocate resources based on proposed development but continually evaluates the need for changes in personnel, equipment, or locations of fire stations and makes any adjustments necessary. Similarly, the Police Department independently reviews its staffing levels against the precinct's population, area coverage, crime levels, and other local factors. Therefore, an assessment of fire and police services is conducted only if a proposed project would affect the physical operations of, or access to and from, a station house or precinct, or if a proposed project would create a sizable new neighborhood where none existed before. The Proposed Action would not create a sizeable new neighborhood, nor would it have an effect on the physical operations of a police or fire facility. Therefore, an assessment of potential impacts on fire and police facilities is not warranted. See response to Comment B4.1 above regarding schools, libraries, health and daycare facilities.**

B.5 Open Space

Comment B5.1: *Privately-owned public spaces (POPS) are the primary form of open space in the study area. A number of the projected and potential development sites are either buildings that include POPS, or buildings that are adjacent to POPS. New development as a result of the proposed rezoning may impact the amount of open space acreage that exists in the study area. Demolition and construction of buildings within the study area may result in the imposition of noise, air pollutant emissions, odors, or shadows on POPS adjacent to projected and potential development sites that will alter their usability, the EIS should study both the direct and indirect effects on open space resources within the study area. (48)*

Response: **Comment noted. The DEIS will include an analysis of both direct and indirect effects of the Proposed Action on open space resources, including identified Privately Owned Public Spaces (POPS).**

Comment B5.2: *A more exhaustive list of public realm improvements needs to be analyzed. The EIS should examine very carefully the opportunity for additional on-site open space in new buildings as well potential improvements to the area wide open space network detailed below:*

- *Widened sidewalks along Madison, Lexington, and 3rd Avenues in addition to a widened Park Avenue mall by removing a travel lane or a portion of a travel lane.*
- *Improvements and widening of crosstown streets such 53rd Street and 42nd Street (critical crosstown streets with subway stations), as well as 47th Street and 48th Street to reflect new pedestrian volumes from East Side access entrances.*

- *West 41st between Park Avenue and 5th Avenue should also be examined for improved/expanded public space in addition to expanding Pershing Square Plaza on the east side of the Viaduct between 41st Street and 42nd Street and*
- *Closing off a portion of the viaduct to vehicular traffic or facilitating pedestrian access to the Park Avenue Viaduct should also be examined. Potential impacts to vehicular congestion should be carefully analyzed for these potential improvements.*
- *The reintegration of Depew Place into the pedestrian grid.*
- *The creation of on-site public space in some of the development sites, in particular setting back buildings from 42nd Street and Vanderbilt Avenue to create additional open space around Grand Central or the provision of public open space on rooftops and building setbacks.*
- *Re-purposing the former taxi drop off area adjacent to Vanderbilt Avenue within Grand Central.*
- *Underneath Grand Central and to the north is a network of underground passageways that bring riders of Metro North Railroad to the north, with entrances at 47th Street and Madison Avenue, 48th Street. The EIS must recognize these underground networks as a key element to the pedestrian network and incorporate their usage into the EIS. The potential for the improvement and expansion of these spaces should also be carefully studied and whether daylight can be added to make the more inviting spaces. (48)*

Response: **Comment noted. As described in the Draft Scope and clarified in the Final Scope, the City has identified certain priority improvements in the area that it believes have the greatest potential to both address the needs created by new development in the area as well as provide enhanced amenity to office workers, visitors and residents; the City is also encouraging the public to provide additional ideas for improvements in East Midtown. The proposal will provide a mechanism, that will be described in the DEIS, for adding and prioritizing these additional improvements in the future.**

Comment B5.3: *The potential rezoned area needs more open space in terms of both quantity and quality. Consideration needs to be given to opportunities to create more park or park like areas. The open space assessment should be completed under the oversight of the Department of Parks and Recreation. The only mapped publicly accessible open space within the rezoning boundaries is the Park Avenue Mall. The other open space amenities in the study area are POPS which frequently fail to be a meaningful public amenity as a result of half-hearted enforcement and restricted hours of operation. The proposed changes to Vanderbilt Avenue must be described in greater detail. (2) (11) (48) (52) (67)*

Response: **Comment noted. As per the *CEQR Technical Manual* guidelines, the lead agency may determine it is appropriate to consult or coordinate with the City's expert**

technical agencies, including the New York City Department of Parks and Recreation (DPR), for information, technical review, and recommendations for mitigation relating to open space. As noted in the Draft Scope, the Open Space chapter of the DEIS will identify and describe open spaces included in the study area through data collection and site visits to determine the types of facilities, jurisdiction, features, user groups, quality/condition, utilization levels, factors affecting usage, hours of operations, and access. Regarding the proposed changes to Vanderbilt Avenue, as described in the Draft Scope, the City may – subject to further analysis and public consultation – amend the City Map to reflect a 'Public Place' designation over portions of Vanderbilt Avenue between East 42nd and East 47th Street. This action would provide one of several options for the permanent development of a partially pedestrianized Vanderbilt Avenue, and any such designation would be structured to allow for phased development of improvements as funding is made available from the District Improvement Fund (DIF) and as surrounding conditions permit.

Comment B5.4: *It is unclear whether the assumption in the Draft Scope that there will be a net decrease in residential population is accurate. (11) (67)*

Response: **The rationale for this assumption is explained in the Draft Scope, and will be expanded on in the DEIS.**

Comment B5.5: *Potential mid-block lots should be identified that could be turned into vest pocket parks. (11) (67)*

Response: **The Proposed Action does not contemplate vest pocket parks. However, in areas in the East Midtown Subdistrict outside of the Grand Central Subarea, the plaza bonus would continue to apply.**

Comment B5.6: *What green spaces have been solicited as part of this proposal? (35)*

Response: **DCP has solicited input from stakeholders on possible public improvements fundable through the DIB. A number of suggested improvements have been identified. See also response to Comment B5.2.**

Comment B5.7: *The City should find other innovative methods – in addition to the proposed improvements to Vanderbilt Avenue – to provide new public open space in the area. Changes to the Park Avenue median – which originally was intended as a wider, occupiable space – and new public spaces within new buildings should be explored. (30)*

Response: **The Proposed Action, through the DIF, generates funding for area-wide improvements to the pedestrian network in East Midtown including a proposal to pedestrianize portions of Vanderbilt Avenue. The proposal will provide a mechanism for adding and prioritizing additional improvements in the future.**

B.6 Shadows

Comment B6.1: *The effects of shadows on the interiors of sunlight-sensitive resources of concern should be evaluated, including: St. Patrick's Cathedral, St. Bartholomew's Church and Community House, Central Synagogue; and other historic buildings with stained glass fenestration. Shadows on art deco landmarks like the Chrysler building, the General Electric building and others should be evaluated. The effects of shadows on Grand Central Terminal's landmarked interiors (concourse) should be evaluated very carefully as well as the proposed open space on Vanderbilt Avenue, the Park Avenue medians and other potential open space opportunities. (48)*

Response: **As described in the Draft Scope, a shadows assessment will be provided in the DEIS, which will assess the potential for the projected and potential development sites identified in the RWCDS to cast incremental shadows on publically accessible open spaces, natural resources, and sunlight-sensitive features of historic resources in accordance with the methodologies identified in the *CEQR Technical Manual*.**

Comment B6.2: *The shadows from the proposed buildings with the new rezoning would be quite detrimental to (the Turtle Bay) community. (52)*

Response: **See response to Comment B6.1.**

B.7 Historic and Cultural Resources

Comment B7.1: *According to the CEQR Technical Manual, for actions that are highly visible and can be perceived from more than 400 feet, the study area must to be extended. Given the potential for adverse visual impacts to historic resources and for shadows outside of the 400 foot perimeter, the study area should be extended to 1,600 feet in order to assess these impacts. (1,600ft=approximately 8 blocks N/S) (48)*

Response: **As per the *CEQR Technical Manual* guidelines, the Urban Design and Visual Resources chapter of the DEIS will identify the view corridors within the study area from which visual resources are publicly viewable. The analysis will describe the Proposed Action as it relates to existing view corridors and access to visual resources. The study area for the analysis will comprise both a primary study area, which is coterminous with the boundaries of the proposed rezoning area, and a secondary study area, which extends an approximate quarter-mile radius from the proposed rezoning area. In accordance with the *CEQR Technical Manual* guidelines, the study area for the shadows analysis will encompass the maximum extent of the shadows cast by the projected and potential development sites.**

Comment B7.2: *According to the CEQR Technical Manual, Section 322.2, any potentially eligible architectural resources that may be affected by the action should be identified; not only*

those that have been previously identified eligible for designation under the New York City Landmarks Law. Furthermore, Section 322.2 notes that historic resources can be considered significant if they meet the eligibility for listing on the State and/or National Register (S/NR), not just if they meet the LPC's eligibility criteria for New York City landmark designation. It is critical that the historic resource analysis include a comprehensive, impartial survey of the entire rezoning area as well as the area within the 1,600-foot perimeter of the rezoning area, even if a survey has already been conducted in advance of the proposal. Lastly, per section 420, it is clear that the project will have a significant adverse physical impact on historic resources. These impacts should be thoroughly documented. (48)

Response: **The DEIS will identify and describe potential architectural resources within the study area, including buildings and structures that are potentially eligible for New York City Landmarks designation and listing on the State and National Registers (S/NR) of Historic Places. As recommended by the *CEQR Technical Manual*, potential architectural resources will be identified using the National Register and New York City Landmarks Law criteria, and in consultation with the New York City Landmark Preservation Commission (LPC). As described in the Draft Scope, the study area for the architectural resources analysis will include the proposed rezoning area and the area within a 400-foot radius of the rezoning area boundaries, which is an appropriate distance to assess potential indirect effects of the Proposed Action given the existing high-density context of the Proposed Rezoning Area. As described in the Draft Scope, the analysis will include an assessment of potential direct (physical) effects to historic resources, and if any direct effects are identified, they will be documented in the DEIS.**

Comment B7.3: *The Draft Scope lacks a comprehensive review of historic resources in Midtown East. Besides the City-designated landmarks (that the Scope excludes as potential development sites), there are 21 buildings that the State Historic Preservation Office has determined are eligible for listing on the State and National Registers of Historic Places. Also, the New York Landmarks Conservancy recently completed a survey and found 17 additional structures that they plan to submit for such eligibility. Of this total group, 16 have been identified as projected or potential development sites. A suggestion is to work with LPC to identify all known and potential historic resources within the study area and complete a comprehensive analysis of potential impacts on the area's historic fabric, including individual potential landmark sites. (4) (14) (24) (48)*

Response: **As indicated in the Draft Scope, the DEIS will identify all known and potentially eligible architectural resources located within the Historic Resources study area. As per the *CEQR Technical Manual*, known architectural resources include designated New York City Landmarks and Historic Districts; properties calendared for consideration as landmarks by LPC; properties listed on, or formally determined eligible for listing on, the S/NRs or contained within a**

district listed on or determined eligible for listing on the Registers; properties recommended by the New York State Board for listing on the Registers; and National Historic Landmarks. Potential architectural resources include buildings and structures that are potentially eligible for New York City Landmarks designation and S/NR listing and, as recommended by the *CEQR Technical Manual,* will be identified using the National Register and New York City Landmarks Law criteria. The inventory of known and potential historic resources will be compiled in consultation with the LPC, and the DEIS will provide an analysis of both the direct and indirect effects of the Proposed Action on the identified resources.

Comment B7.4: *In addition to Grand Central Terminal, the study area includes seven buildings remaining from the Terminal City development era (identified in the 2001 East Side Access FEIS) that have been previously identified as historic resources – 51 East 42 Street (Vanderbilt Avenue Building), 50 Vanderbilt Avenue (Yale Club), 52 Vanderbilt Avenue (Vanderbilt Concourse Building), 45 East 45 Street (Roosevelt Hotel), 250 Park Avenue (Postum Building), 420 Lexington Avenue (Graybar Building), 111 East 48 Street (Barclay Hotel) – as well as two properties that were determined S/NR eligible (in the 2006 50th Street Facility Revised Supplemental EA to the East Side Access FEIS) – 18-20 East 50 Street (Grand Rapids Furniture Company / NYHRC), 39 East 51 Street. MAS has conducted a preliminary survey of the area and identified an additional 19 buildings to be evaluated – 125 East 56 Street, 4 East 43 Street, 445 Park Avenue, 450 Park Avenue, 711 Third Avenue, 661 Lexington Avenue, 125 East 50 Street, 830 Third Avenue, 509 Lexington Avenue, 541 Lexington Avenue, 56 East 42 Street, 57 East 55 Street, 17 East 47 Street, 5 East 48 Street, 125 Park Avenue (100 East 42 Street), 224 East 47 Street, 525 Lexington Avenue, 270 Park Avenue, and 346 Madison Avenue. A full survey of the area should be conducted and include any buildings that appear to be eligible for the State or National Registers or designation by the New York City Landmarks Preservation Commission. Determination of eligibility of these resources should be determined by the New York Landmarks Preservation Commission and the State Historic Preservation Office and the results of these determinations included in the DEIS. The results of the survey should be given to both the New York Landmarks Preservation Commission and the New York State Historic Preservation Office (SHPO) so that they may determine the eligibility of the resources. SHPO determinations should be included in the DEIS along with those of the New York City Landmarks Preservation Commission. (48)*

Response: **The DEIS will identify and describe all known and potential architectural resources within the study area, including buildings and structures that are potentially eligible for New York City Landmarks designation and listing on the State and National Registers (S/NR) of Historic Places. The evaluation of historic resources will be conducted in consultation with the LPC and documented in the DEIS.**

Comment B7.5: *Specific buildings should be evaluated as part of the study because the Proposed Action could compromise the historic context of the affected area and its architectural resources. The study area includes numerous buildings that were built between 1945 and 1975 that would be impacted both directly and indirectly if many of the sites proposed were to be upzoned. These buildings have significance both as clusters of buildings as potential historic districts, as together they create an aura of the post-war corporate culture unmatched in any other city in the world at the time. But also there are numerous individual buildings that can be recognized as individual Landmarks to safeguard because of their special significance. Docomomo New York/Tri-State had conducted a survey of the 200 buildings in Midtown Manhattan as the Midtown Modern Survey back in 2004. From that intensive research survey we have identified the list of buildings in the East Midtown scoping area and as the most significant to be preserved and protected: 150 East 45th Street (Lord Memorial Building / Children's Aid Society); 300 East 42nd Street; 225 East 43rd Street; 592 Fifth Avenue (Trade Bank & Trust Company Building); 445 Park Avenue (Universal Pictures Building); 270 Park Avenue (Union Carbide Building); 450 Park Avenue (Franklin National Bank Building); 460 Park Avenue (Davies Building / Olin Building); 425 Park Avenue; 505 Park Avenue (Aramaco (Arabian American Oil Company) Building); 711 Third Avenue; 777 Third Avenue (U.S. Plywood Building); 979 Third Avenue (Decoration & Design Building); 909 Third Avenue; 633 Third Avenue (Continental Can Building); 830 Third Avenue (Girl Scout Building); 860-870 United Nations Plaza. (54)*

Response: **See response to Comment B7.3.**

Comment B7.6: *There are numerous buildings of quality design and construction, not to mention character and history, that are presently not designated as landmarks and are at great risk of demolition due to the proposed up-zoning. Historic Districts Council (HDC) has identified three general categories of buildings we feel should be examined- the remaining 19th and early 20th century buildings which recall the residential, pre-Grand Central days of the area; hotels and office buildings which rose around Grand Central as part of Terminal City; and post-World War II, modernist office buildings which helped make this distinct one of the world's premier business address. HOC asks that the following buildings be considered in the EIS under Task 6, Historic and Cultural Resources: 355 Lexington Avenue; 420 Lexington Avenue (Graybar Building); 501 Lexington Avenue (Roger Smith Hotel); 509 Lexington Avenue (Lexington Hotel); 525 Lexington Avenue (Shelton Hotel); 541 Lexington Avenue (Hotel Montclair); 270 Madison Avenue; 274 Madison Avenue; 292 Madison Avenue (Johns-Manville Building); 295 Madison Avenue; 299 Madison Avenue; 331 Madison Avenue; 346 Madison Avenue (Brooks Brothers); 366 Madison Avenue; 400 Madison Avenue; 444 Madison Avenue; 515 Madison Avenue; 532 Madison Avenue; 99 Park Avenue (National Distillers Building); 250 Park Avenue (Postum Building); 270 Park Avenue (Union Carbide Building); 280 Park Avenue (Bankers Trust Building); 400 Park Avenue; 410 Park Avenue (Chase Manhattan Bank); 417 Park Avenue; 445 Park*

Avenue; 450 Park Avenue; 708 Third Avenue (The Commerce Building); 710 Third Avenue; 711 Third Avenue; 850 Third Avenue (Western Publishing Building); 50 Vanderbilt Avenue (Yale Club); 52 Vanderbilt Avenue; 10 East 40th (11 East Street); 16 East 41st Street (American Encaustic Tiling Co.); 18-20 East 41st Street; 22-24 East 41st Street; 50-52 East 41st Street (Chemist Club); 51 East 42nd Street; 100 East 42nd Street (Pershing Square Building); 235 East 42nd Street (Pfizer headquarters); 48 East 43rd Street; 45 East 45th Street (Roosevelt Hotel); 150 East 45th Street (Children's Aid Society); 140 East 46th Street; 17 East 47th Street (Mercantile Library); 123-147 East 47th Street; 5 East 48th Street (Church of Sweden / former New York Bible Society Building); 142, 146, and 150 East 49th Street; 125 East 50th Street (Hotel Beverly); 135 East 50th Street; 39 East 51st Street (Jennie S. Parker Residence); 10 and 12 East 42nd Street; 3 East 53rd Street (Paley Park); 19 East 54th Street (Minnie Young Residence); 57 East 54th Street (former Bill's Gay Nineties); 59 East 54th Street; 60 East 54th Street (Hotel Elysee / Monkey Bar); 111-113 East 54th Street (Brook Club); 115-117 East 54th Street (Bayard Dominick Residence); 119 East 54th Street (Alonzo and Elsie Potter House); 121 East 54th Street; 14 and 16 East 55th Street; and 57 East 55th Street (Friar's Club / former Martin Erdmann Residence). (55)

Response: **See response to Comment B7.3.**

Comment B7.7: *This proposal allows the transfer/purchase of vast amounts of development rights to receiving areas adjacent to designated landmarks. However, there is currently no mechanism that evaluates the impact of the receiving site skyscraper on an adjacent landmark that is not the original transfer site. This potential scenario should be evaluated, in light of the additional designations expected to result because of this proposal. (48)*

Response: **As described in the Draft Scope, the DEIS will analyze the potential impacts to historic resources resulting from the development of the projected and potential development sites identified in the RWCDS, which will include an evaluation of potential impacts to any designated landmarks located adjacent to the development sites.**

Comment B7.8: *If the rezoning proposal is not modified to permit flexible landmarks transfers, the EIS should study: the conflict with the City's established landmarks preservation policy; the impact on existing landmarks of the City's newly created development rights that may be purchased as-of-right that will directly compete with transfers from the landmark sites that require a Special Permit from the City Planning Commission; and the impact on the landmark law itself of the economic loss to the owners of landmarked buildings that would result if the East Midtown Rezoning were to be adopted in its present form. (17) (63)*

Response: **See response to Comment B2.5.**

Comment B7.9: *The EIS must recognize that the designation of an historic district or of multiple individual office buildings as landmarks in East Midtown has the potential to frustrate the zoning plan and must make it clear that the demolition of these buildings, to the extent that they exist, is an unavoidable consequence of the City's objectives. (18)*

Response: **As noted in the Draft Scope, the DEIS will analyze the potential impacts of the Proposed Action on historic resources in accordance with the *CEQR Technical Manual* guidelines. If significant adverse impacts are identified, potential mitigation measures will be considered in the Mitigation Chapter of the DEIS. If no practicable mitigations are identified, the DEIS will disclose these impacts as unavoidable adverse impacts.**

Comment B7.10: *It would be a pyrrhic victory for the city if hastily planned development blotted out the views and world famous silhouettes of the Chrysler Building, Waldorf Astoria, RCA Building, Chanin and Lincoln Buildings, the Ford Foundation, and many others. This plan, if it goes forward, should begin with careful and creative thinking about these legacy issues. I would point to the redevelopment around Bryant Park as a useful model: new, spectacular buildings like those being imagined for Midtown East, older buildings handsomely repurposed and re-cladded and landmarks preserved. The result is a landscape of immense aesthetic value, one that expresses the mix of function and form, new and old, that New York alone provides. (53)*

Response: **See response to Comment B7.9.**

Comment B7.11: *Consider submitting the Phase 1A and any subsequent phase cultural resource reports to SHPO for their comments as part of a coordinated agency review since they may take a broader approach with regards to such resources which may be listed or eligible for listing on the State and National Registers but which may not be under the jurisdiction of the Landmarks Preservation Commission. Having SHPO included at the outset in the rezoning discussion may avoid having to make later revisions or respond to comments later. Additionally, the historic significance of the Terminal City properties proposed as Grand Central core redevelopment sites in Draft Scope Figure 5 should be considered as part of the EIS. (57)*

Response: **Since the Proposed Action does not include any State approvals, the Department of City Planning, as lead agency, will consult the LPC regarding the Proposed Actions effects on historic resources. Regarding the historic significance of the Terminal City properties, as noted in the Draft Scope, the DEIS will identify and describe all known and potential historic resources within the study area, and this evaluation will be conducted in consultation with the LPC.**

B.8 Urban Design & Visual Resources

Comment B8.1: *The development that will be facilitated by the proposal falls into all of the categories that warrant a detailed analysis of urban design and visual resources according to the CEQR Technical Manual. The EIS should include a detailed analysis of urban design and visual resources and should describe any potential approaches to mitigate urban design and visual resource impacts including bulk controls, which protect important view corridors and/or height limits adjacent to the Chrysler Building to protect the context of this landmark. (48) (67)*

Response: **As noted in the Draft Scope, a detailed analysis of urban design and visual resources will be prepared if warranted based on the preliminary assessment. If significant adverse project impacts are identified, practicable measures to mitigate those impacts will be described in the Mitigation chapter of the DEIS.**

Comment B8.2: *Given the substantially increased density that the proposal will facilitate, and the number and concentration of projected and potential development sites, a pedestrian wind condition analysis should be required in the EIS. How will wind funneling and downdrafts be diminished with even higher towers? (14) (48) (67)*

Response: **As discussed in the Final Scope, the DEIS will include a screening assessment for the Proposed Action on pedestrian wind conditions. A detailed pedestrian wind analysis will be prepared if warranted as a result of the screening assessment.**

Comment B8.3: *The EIS should study the effects that higher density development will have on the streetscapes of Madison and Lexington avenues, and identify potential pedestrian network improvements to these streets that can improve the existing public realm especially a widening of sidewalks along these corridors. (48) (67)*

Response: **As described in the Draft Scope, the Urban Design and Visual Resources chapter of the DEIS will include an analysis that describes, in both narrative and graphical form, the potential changes that could occur to urban design and visual resources in the future with the Proposed Action condition, in comparison to the future without the Proposed Action condition, focusing on the changes that could negatively affect a pedestrian's experience of the area. Currently under study are improvements, where feasible, to the sidewalks along Lexington and Madison Avenues to facilitate pedestrian movement including, as described in the Final Scope, sidewalk widening along Madison and Lexington Avenues. Additional potential improvements may be identified in the course of environmental and public review or in response to changing conditions in the future.**

Comment B8.4: *A defining feature of much of Park Avenue is the setbacks that are included on the ground floors of the buildings, particularly between the Seagram Building / Lever House down to Grand Central. The EIS should study the impact that eliminating these*

setbacks would have on the character of Park Avenue and the overall pedestrian network. (48) (67)

Response: **As per the *CEQR Technical Manual* guidelines, determining the significance of an urban design impact requires consideration of the degree to which a project would result in a change to the built environment's arrangement, appearance, or functionality such that the change would negatively affect a pedestrian's experience of the area. One important consideration is a project's context – for example, the scale and use of surrounding buildings. This will be considered in the DEIS's urban design analysis in conformance to the *CEQR Technical Manual*.**

Comment B8.5: *Buildings proposed through the special permit scheme have the potential to obstruct the view of the Chrysler Building in the New York City skyline. The EIS should study the effects that new development at the densities allowed through the special permit would have on New York City's skyline including buildings outside the study area such as the Empire State building, the GE building, in addition to other landmark buildings which populate the New York City skyline. (48) (67)*

Response: **As described in the Draft Scope, since it is not possible to predict whether a special permit would be pursued on any given 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. Therefore, a conceptual analysis will be provided to generically assess the potential environmental impacts that could result from the development of such higher maximum FARs within the rezoning area, including an assessment of urban design and visual resources.**

Comment B8.6: *The Chrysler Building, the Helmsley Building and Grand Central Terminal are all internationally renowned landmarks that are visible throughout the study area, and in the case of the Chrysler Building, throughout much of New York City and beyond. The EIS should analyze the impact of view corridors on these landmarks, including: from 42nd Street; from Park Avenue and Lexington Avenue; and from other significant vantage points throughout the East Midtown re-zoning area in addition to a much wider study area from which the length of the skyline can be observed. (48) (67)*

Response: **Comment noted. As noted in the Draft Scope, the Urban Design and Visual Resources chapter of the DEIS will identify the view corridors within the study area from which visual resources are publicly viewable. The analysis will describe the Proposed Action as it relates to existing view corridors and access to visual resources. The study area for the analysis will comprise both a primary study area, which is coterminous with the boundaries of the proposed rezoning area, and a secondary study area, which extends an approximate quarter-mile radius from the proposed rezoning area.**

Comment B8.7: *The uncertainties of obtaining approvals under the Grand Central Subdistrict could be reduced by preparing a more evolved urban design plan for the affected sites, showing programmatically and diagrammatically what the new buildings would be expected to contribute to the public realm and the urban environment. The new urban design plan would seek to seamlessly integrate the existing Metro-North facilities, including North End Access, the new LIRR facilities, especially its concourse under Vanderbilt Avenue, the existing subway complex, the various connecting buildings, and the adjacent streets in order to maximize the synergy and the predictability of the many improvements. (32)*

Response: **Comment noted. Urban design requirements in the proposed zoning text amendment are expected to address such connections.**

Comment B8.8: *Will the bulkhead and streetwall regulations be altered enough to achieve unique signature buildings? (12)*

Response: **As described in the Draft Scope, the East Midtown special permit mechanism allows for the modification of bulk and urban design regulations to provide a significant public benefit in terms of such elements as overall design and relationship to the street. Additionally, DCP is proposing limited modifications to the existing height and setback rules in the area to better account for existing context and unique site conditions.**

Comment B8.9: *The EIS should fully analyze the ability to use all the proposed as-of-right floor area within the envelopes of the height and setback rules of the district. Can the types of buildings that are desired under this plan be built within the height and setbacks rules or should there be some modifications? (18)*

Response: **As noted in the Draft Scope, DCP is proposing limited modifications to the existing height and setback rules in the area to better account for existing context and unique site conditions.**

Comment B8.10: *The City should examine potential access improvements to East Side Access that could result from the redevelopment of key sites and particularly whether additional light and air could be brought down to the below grade spaces to improve their functionality and appearance. (48)*

Response: **See response to Comment B8.7.**

Comment B8.11: *This new East Midtown Subdistrict delineation will cause a discontinuity in neighborhood character and urban design along the remaining portion of the two Lexington Avenue frontages from the East 54th Street-East 55th Street mid-block to East 57th Street. (56)*

Response: **As noted in the Draft Scope, the Neighborhood Character chapter of the DEIS will present a qualitative assessment of the potential effects of the Proposed Action on neighborhood character. Similarly, the Urban Design and Visual Resources chapter of the DEIS will describe the potential changes that could occur to urban design and visual resource in the future with the Proposed Action condition, in comparison to the future without the Proposed Action condition, focusing on changes that could negatively affect a pedestrian's experience of the area. Also see the response to Comment B1.6**

Comment B8.12: *The EIS should study effects of existing setback requirements by deed restriction within the project area such as exists on East 47th & East 48th Streets Fifth to Madison Avenues. (57)*

Response: **Such setbacks are permitted under existing zoning, and would continue to be allowed under the proposed zoning text amendment.**

Comment B8.13: *It would be a pyrrhic victory for the city if hastily planned development blotted out the views and world famous silhouettes of the Chrysler Building, Waldorf Astoria, RCA Building, Chanin and Lincoln Buildings, the Ford Foundation, and many others. This plan, if it goes forward, should begin with careful and creative thinking about these legacy issues. I would point to the redevelopment around Bryant Park as a useful model: new, spectacular buildings like those being imagined for Midtown East, older buildings handsomely repurposed and re-cladded and landmarks preserved. The result is a landscape of immense aesthetic value, one that expresses the mix of function and form, new and old, that New York alone provides. (53)*

Response: **The DEIS will analyze the potential impacts of the Proposed Action on urban design and visual resources in accordance with the *CEQR Technical Manual* guidelines. If significant adverse impacts are identified, potential mitigation measures will be considered in the Mitigation chapter of the DEIS. If no practicable mitigations are identified, the DEIS will disclose these impacts as unavoidable adverse impacts. Also see response to Comment B7.10.**

B.9 Hazardous Materials

Comment B9.1: *The study should address asbestos removal from buildings built before 1970. (49)*

Response: **As described in the Draft Scope, the Hazardous Materials analysis will evaluate the need for (E) designations to be placed on the projected and potential development sites, which would ensure that testing for and remediation of hazardous materials, including asbestos, if necessary, occurs prior to future redevelopment of the subject sites. In addition, if asbestos is present within a structure, asbestos**

abatement would be required prior to demolition in accordance with the applicable New York City rules and regulations.

B.10 Water and Sewer Infrastructure

Comment B10.1: *PlaNYC's stated goal to address the root cause of Combined Sewer Overflows by investing in green infrastructure to capture storm water before it overwhelms the sewer system should be considered when assessing potential new development. The EIS will determine the amount of storm water that will be generated and the potential adverse impacts created by Proposed Actions. The EIS should analyze a separate scenario that identifies the amount of waste water and storm water that could be reduced if the projected development sites are required to adhere to best storm water management practices, including green roofs and other strategies. (48)*

Response: **As described in the Draft Scope under Task 9, "Water and Sewer Infrastructure," the DEIS will include an assessment of stormwater in accordance with *CEQR Technical Manual* guidelines. The DEIS will include an evaluation of the Proposed Action's potential effects on wastewater and stormwater infrastructure. All information used in this assessment will be based on the latest information from the City's Department of Environmental Protection (DEP) regarding existing flows to the water pollution control plants (WPCP) that serve the rezoning area, as well as any other information as warranted.**

Comment B10.2: *The DEIS should investigate the application of blue and green roofs, subsurface detention systems that allow for infiltration while slowing the release of storm water to the sewer system, roadway alterations that allow runoff to soak or infiltrate into the ground particularly along Vanderbilt Avenue if the City is proposing to re-design, and cisterns that can store water from downspouts during warm weather months. Storm water capture through green infrastructure and other controls will re-duce CSO volumes and improve water quality while providing substantial sustainability benefits such as reducing energy use and mitigating the urban heat island effect. The DEIS should also identify water conservation measures, such as low-flow fixtures, and develop a concept plan that identifies general types, locations and anticipated demand reductions. If in either combined sewer or separate sewer areas, identify on-site storm water best management practices to either treat and retain or detain and release with controlled discharge rates to slow peak runoff rates, and develop a concept plan that identifies general types, locations, sizing and anticipated runoff reductions. Storm water management systems may be incorporated into the project to mitigate potential significant impacts from storm water. These systems include techniques, such as subsurface stone beds, storm chambers, and perforated pipes, that allow the storm water to seep into the ground and be slowly released to the sewer system or blue and green roofs that also store storm water and gradually release it during off-peak periods. (48)*

Response: **See response to Comment B10.1. Low-flow toilets and faucets/shower heads are already required for new construction.**

Comment B10.3: *How can water use and discharge (rain) into the sewer system be mitigated? (14)*

Response: **Practicable mitigation measures will be identified in accordance with *CEQR Technical Manual* guidelines if the DEIS analyses identify potential significant infrastructure impacts resulting from action-induced development.**

Comment B10.4: *A study should be made of the potential increase of water usage due to natural population growth outside the study area and the HVAC needing more water due to global warming. What plans are in place to ensure an adequate supply of water should upstate New York experience a severe drought, or compromise of the water supply? (49)*

Response: **This comment relates to city-wide actions and is outside the scope of the DEIS.**

Comment B10.5: *The EIS should consider and study capacity of the sewer infrastructure to handle system overflows at peak periods such as intense rainstorms which have caused back ups into our properties repeatedly during such inclement weather events. (57)*

Response: **As noted in the Draft Scope, the preliminary analysis of wastewater and stormwater flows in DEIS will determine the volume and peak discharge rates of storm water and sanitary flow rates expected from projected development sites in the future With-Action Scenario for a range of rainfall events using a DEP volume calculation worksheet. This worksheet will determine the change in flows and volumes to the combined sewer system expected with the Proposed Action and the related increases in flows and volumes at the outfalls serving the drainage area and discharging to specific waterbodies. If warranted by this assessment of dry and wet weather flows from the Proposed Action, then the worksheet will be reviewed by DEP. DEP will work with the lead agency to determine whether further modeling and detailed analysis is warranted to evaluate the magnitude of impacts to a receiving waterbody.**

B.11 Solid Waste and Sanitation Services

Comment B11.1: *Although the Draft Scope has stated that the EIS will assess the Proposed Actions' consistency with the City's Solid Waste Management Plan, the EIS should be sure to disclose the amount of solid waste reduction that could occur with more aggressive recycling programs and by utilizing solid waste conversion technologies that can dispose of waste more sustainably. The EIS should also examine trash storage practices to ensure that trash is stored within buildings rather than piled on sidewalks. (48)*

Response: **As noted in the Draft Scope, the DEIS's "Solid Waste and Sanitation Services" chapter will include an assessment of the Proposed Action's effects on solid waste**

and sanitation services, including an estimate of the additional solid waste generated with the Proposed Action's anticipated development on the projected development sites utilizing the solid waste generation rates for typical land uses and activities provided in the *CEQR Technical Manual*.

Comment B11.2: *A study should be conducted to address an increase of 10% in solid waste by the year 2030 along with DCP's Proposed Action. (49)*

Response: **As described in the Draft Scope under Task 10, "Solid Waste and Sanitation Services," the DEIS will provide an estimate of the additional solid waste expected to be generated by the projected developments and assess its effects on the City's solid waste and sanitation services in accordance with *CEQR Technical Manual* guidelines. This will entail the calculation of existing solid waste generation on the projected development sites, as well as a comparison of projected calculations in the future without the Proposed Action (the No-Action condition) and the future with the Proposed Action (the With-Action condition). This chapter will also describes existing and future New York City solid waste disposal practices, and assesses the impacts of the Proposed Action's solid waste generation (from the projected developments) on the City's collection needs and disposal capacity. The Proposed Action's consistency with the City's Solid Waste Management Plan will also be assessed.**

B.12 Energy

Comment B12.1: *Although the Draft Scope determines that the proposed actions will not create significant adverse energy impacts, it would be appropriate to require more stringent standards for all new buildings in order to help achieve PlaNYC's goal to encourage sustainable neighborhoods. (48)*

Response: **Comment noted. The DEIS's "Energy" chapter will address the effects of the Proposed Action on energy, and evaluate whether the available energy supply is anticipated to be sufficient to accommodate the additional demand generated by the Proposed Action. As noted in the Final Scope, buildings that utilize the DIB would be required to comply with a higher performance-oriented energy standard than are currently required for such buildings through the New York City energy code, there would be a reduction in the energy load conservatively forecasted as the result of the Proposed Action.**

Comment B12.2: *The EIS will disclose the projected amount of energy consumption during long-term operation resulting from the Proposed Action. This projected amount should be based on the RWCDS for all of the projected and potential development sites. It should then be determined how much energy could be saved if each of these sites were to utilize leading green energy technologies. (48)*

Response: **As noted in the Draft Scope, the DEIS's "Energy" chapter will include an assessment of the Proposed Action's effects on energy, including an estimate of the additional energy consumption associated with the Proposed Action's anticipated development on the projected development sites, including an estimate of the demand load on electricity, gas, and other energy sources, and an assessment of available supply. As energy is a density-based technical analysis, only projected development sites form the basis for the assessment of energy pursuant to CEQR guidelines. As noted above in response to Comment B12.1, the utilization of higher performance sustainability standards for buildings that utilize the DIB, would lead to a reduction in the energy load conservatively forecasted as the result of the Proposed Action.**

Comment B12.3: *The area's energy infrastructure and transmission capabilities may not be currently equipped for the change in energy usage, and a detailed assessment is needed in order to measure the demand increase and the potential for transmission congestion. (48)*

Response: **According to the *CEQR Technical Manual*, because all new structures requiring heating and cooling are subject to the New York State Energy Conservation Code, which reflects State and City energy policy, actions resulting in new construction would not create significant energy impacts, and as such would not require a detailed energy assessment. For CEQR analysis purposes, energy analysis focuses on an action's consumption of energy. As described above in the response to Comment B12.2, the DEIS will disclose the additional energy consumption associated with the Proposed Action.**

Comment B12.4: *By communicating with Con Edison early in the process, the lead agency should document and disclose the power mix (the fuels used to supply electricity and their resultant air pollutant emissions, including the emissions of carbon dioxide) for the project site. (48)*

Response: **Comment noted. The DEIS will analyze the energy system's ability to meet the Proposed Action's energy demand under the RWCDS. The air pollutant emissions associated with the HVAC systems for buildings on projected and potential development sites would be included in the Air Quality analysis provided in the DEIS.**

Comment B12.5: *As mitigation for the added energy use brought by the proposed project, the EIS should analyze methods to reduce energy demand through green building technologies, green roofs, gray water systems, and other infrastructure improvements. The lead agency should analyze a high performing building alternative scenario which would seek to ensure that all new buildings are held to the highest possible environmental standard, whether that is a standard that has already been developed such as LEED or net zero or one the Department of City Planning develops in close consultation with the Office of*

Long Term Planning and Sustainability for this re-zoning area. A greener alternative should be examined in order to curb the significant environmental and economic harm that added energy demand may cause our city. As part of this green alternative, the EIS should also explore the possibility of using alternative energy sources, such as solar and biomass. (48)

Response: **Practicable mitigation measures will be identified in accordance with CEQR guidelines if potential significant energy impacts resulting from action-induced development are identified in the DEIS.**

Comment B12.6: *The potential for combined heat and power should be fully explored as a way of achieving significant energy savings; the contemplated building sizes and densities may be ideal for this application. The possibility of CHP in buildings that are adjacent or across the street should be examined; the Columbia University School of Engineering has been examining the considerable potentials for such systems. (48)*

Response: **Comment noted.**

Comment B12.7: *The energy section of the proposed scope seems to anticipate an analysis based only on the energy required to operate buildings. It does not propose to address the energy required to demolish or construct buildings and does not mention the embodied energy of existing buildings. It should do both of these things. There are two questions for which a life cycle energy analysis would be informative: Should public policy encourage the replacement of substantial existing buildings in East Midtown with new buildings, and should public policy encourage development in East Midtown or in other commercial districts? Because sites in East Midtown tend to be occupied by large buildings, rather than being vacant or occupied by relatively small buildings, the energy cost of renovating or even enlarging an existing building should be compared to replacing it. A life cycle analysis would consider the embodied energy of the existing building, including the energy used to create, transport, and erect the old materials, the energy to demolish and dispose of the existing structure, and the energy to create, transport, and erect the new materials, compared to the energy needed to renovate the existing building, and it would also compare the relative energy costs to operate a new building compared to a renovated building. A similar analysis considering sites in other commercial districts with vacant or lightly developed sites, such as Hudson Yards or Long Island City, would contrast the energy budgets of replacing a large building versus replacing small buildings. There may be energy reasons for encouraging the reuse of large existing buildings on many sites in East Midtown and the development of new buildings on less developed sites elsewhere. (32) (48) (49)*

Response: **Comment noted. In conformance to the *CEQR Technical Manual*, only operational energy consumption will be considered in the DEIS. Therefore, this comment is beyond the scope of the DEIS.**

Comment B12.8: *The energy assessment should use more progressive building standards. How will green, sustainable building and operational practices be encouraged? (14) (38)*

Response: **See response to Comments B1.39 and B12.1.**

Comment B12.9: *How will this increased development generate its own electrical and heating energy? (14)*

Response: **As described in the Draft Scope in Task 11, "Energy," the DEIS will disclose the projected amount of energy consumption during long-term operation resulting from the Proposed Action. The projected amount of energy consumption during long-term operation will be estimated based on the average annual whole-building energy use rates for New York City (per Table 15-1 of the *CEQR Technical Manual*). The assessment will also describe any planned "green measures" to reduce energy consumption that may be realized with the Proposed Action.**

Comment B12.10: *A study should be conducted to determine if New York City's electrical capacity could accommodate ever increasing demand for electrical energy by the year 2030. The EIS should contain an inventory of electrical uses in existing buildings in East Midtown and an analysis of the RWCDS resulting from the Proposed Action. The same kind of study should be conducted for future steam demand. Also, what impact does the Proposed Action have on the gas supply and infrastructure? (49)*

Response: **See response to Comment B12.1.**

Comment B12.11: *Consider including a discussion of "green" building techniques and LEED certification as part of the EIS. (57)*

Response: **As described in the Draft Scope, the energy assessment will also describe any planned "green measures" to reduce energy consumption that may be realized with the Proposed Action. See also response to Comment B1.39.**

B.13 Transportation

Comment B13.1: *The transportation section of the Scope should contain a detailed listing of all the assumptions that go into the model used. The various projections and assumptions in all the other relevant EIS's (e.g. Second Avenue Subway, East Side Access, 34th Street BRT, etc) should be presented in a table so they can readily be compared. (48)*

Response: **The Final Scope includes a Transportation Planning Factors memorandum summarizing the assumptions used in the analysis of traffic, parking, transit and pedestrian conditions. This memorandum will also be included as an appendix to the DEIS.**

Comment B13.2: *Locations that are near concentrations of projected and potential development sites should be selected as intersections for the traffic study (i.e., around Grand Central Terminal, upper Lexington Avenue, Park Avenue, and 42nd Street). (48)*

Response: **As described in the Draft Scope and clarified in the Final Scope, the traffic study area will include key intersections adjacent to projected development sides and along major approach routes leading to the rezoning area where the highest concentrations of action-generated demand would occur.**

Comment B13.3: *Perform a comprehensive street-by-street analysis of all infrastructure improvements needed in the area, including transit capacity, vehicular transportation, pedestrian access, and sidewalk widening. A plan to sharply increase densities in this area needs extensive review of infrastructure needs, traffic management, and street level services. There should be a study that relates the public investment in infrastructure, particularly transit, and the private investment in commercial real estate. Mitigation should be informed by a careful district improvement plan rather than on an ad-hoc basis. It could also include consideration of the City's plan to add several thousand taxi medallions onto congested Midtown streets and measures that would reduce, not increase traffic flow, including revisiting the City congestion pricing plan. Investment in infrastructure must precede new development. (2) (3) (5) (9) (15) (32) (35) (47) (48) (49) (53) (67)*

Response: **As stated in the Draft Scope, detailed traffic, transit and pedestrian analyses will be performed in accordance with the procedures outlined in the *CEQR Technical Manual*. If potential significant adverse impacts are identified, feasible mitigation measures will be determined in accordance with *CEQR Technical Manual* guidelines.**

A study relating public investment in infrastructure to private investment in commercial real estate is outside of the scope of the Proposed Action.

As indicated in the Draft Scope, the City has identified certain priority improvements to the pedestrian network in the area that it believes have the greatest potential to both address the needs created by new development in the area as well as provide enhanced amenity to office workers, visitors and residents. Priority improvements would be implemented in relation to the pace and the level of future development.

Comment B13.4: *How will there be enough additional public parking spaces to accommodate increased demand for parking as a result of the Proposed Action? Consider the findings of DCP's Manhattan Core Public Parking Study of 2011. (49)*

Response: **As noted in the Draft Scope, the DEIS will include a parking analysis. Existing off-street public parking facilities will be inventoried and their utilization will be**

estimated. Parking utilization will then be projected for the Future with and without the Proposed Action, accounting for demand from new developments and the net change in the supply of off-street parking spaces.

Comment B13.5: *The EIS should assess the impact that closing Vanderbilt Avenue to through traffic will have on traffic patterns and examine the effect on taxi pick-up and drop-off, deliveries that impact small businesses, restaurants, hotels, and private clubs that are close to Vanderbilt Avenue. (2) (48)*

Response: **As described in the Final Scope, the DEIS will assess potential impacts associated with closing Vanderbilt Avenue on traffic conditions and vehicular access to surrounding buildings. See also response to Comment B1.28.**

Comment B13.6: *The EIS should study the impact that demolition and construction at the development sites would have on the efficiency and flow of bus transit and parking throughout the study area. The EIS should also account for the influx of bus users that may be associated with East Side Access and the Second Avenue Subway and should also investigate a Bus Rapid Transit line on 42nd Street, river to river, and/or improvements to the existing bus infrastructure on Madison and Fifth Avenues. This analysis should consider a modified loading and parking scenario whereby no new parking is permitted in the East Midtown Special District and loading policy is analyzed in conjunction with DOT to determine the most efficient way. The new larger buildings resulting from this proposal should have a carefully developed loading strategy to accommodate deliveries and trash collection, as well black car queuing and passenger pick up. (11) (67) (11) (48) (49) (67)*

Response: **As noted in the Draft Scope, Task 18 of the DEIS will assess construction impacts to transportation systems.**

As described in the Draft Scope and clarified in the Final Scope, the DEIS will account for the effects of programmed changes to transit services (such as the East Side Access and Second Avenue Subway [Phase 1] projects) and DOT initiatives (such as the extension of the bus lane operating hours on Madison Avenue and the provision of dual bus lanes on Fifth Avenue) in the Future without the Proposed Action analyses. The investigation of a Bus Rapid Transit (BRT) line along 42nd Street is outside of the scope of the Proposed Action; if potential significant adverse impacts to transit services are identified as a result of the Proposed Action, feasible mitigation measures will be determined in accordance with *CEQR Technical Manual* guidelines.

The proposed off-street public parking is intended to accommodate the parking demand that would be generated by the Proposed Action. As in other existing subdistricts in the Special Midtown District, the existing Grand Central

Subdistrict contains a series of bulk and urban design requirements tailored to the unique conditions of the subdistrict and include loading requirements.

Comment B13.7: *The transportation section needs to consider not only the impacts of increased density on transit in East Midtown but also the effects of changes in the transit system (i.e. East Side Access / Second Avenue Subway) on the attractiveness of the commercial districts as well as potential impacts and mitigation measures. The EIS should discuss (and include a map of) current and planned Select Bus Service routes within or in proximity to the rezoning area in terms of mitigation. The EIS should take into account other development planned, in particular Hudson Yards, Lower Manhattan and Long Island City, and how that might impact Grand Central which is a key transfer point in the subway network. (32) (45) (48) (49)*

Response: **As noted in the Draft Scope and clarified in the Final Scope, the transit analysis in the DEIS will be performed in accordance with the procedures outlined in the *CEQR Technical Manual*. It will include a discussion and map of existing bus routes serving the study area. The effects of programmed changes to transit services (such as the East Side Access and Second Avenue Subway [Phase 1] projects) and trips generated by major proposed developments likely to be in place (including those in the Hudson Yards, Lower Manhattan and Long Island City) will be considered in the Future without the Proposed Action analyses. If potential significant adverse impacts to transit services are identified, feasible mitigation measures will be determined in accordance with *CEQR Technical Manual* guidelines.**

Comment B13.8: *The EIS should study the impacts that improvements to subway stations throughout the study area will have on the flow of subway riders in and around the stations, how much funding it will take to make these improvements, whether the DIB is an adequate funding source and describe how the improvements would be financed if the DIB is insufficient. (48)*

Response: **The DEIS will evaluate the effect of potential improvements to subway stations on transit and pedestrian conditions as noted in the Final Scope. Estimated costs of the planned improvement will be provided in the DEIS. At the initial price per square foot of DIB floor area and the projected amount of development, there would be sufficient funding to cover these costs.**

Comment B13.9: *An analysis should be conducted of existing Metro-North, LIRR, and NJ Transit services as well as future infrastructure construction plans and how would they accommodate commuters through the 2030. The analysis must provide more detailed estimates of how many additional people are likely to be coming into the area for what purposes, and identify all projects that are now in construction, being designed, or in the queue for funding: (a) East Side Access, bringing LIRR trains to a new terminal*

under Grand Central (by 2018); (b) Second Avenue Subway (Phase 3); (c) Amtrak's Gateway project, doubling rail capacity to New Jersey (by 2025), and Amtrak's direct physical connection of Penn Station and Grand Central (sometime between 2030 and 2040) as part of the expansion of true high speed rail from New York to Boston. How would these plans affect changes in the transit system and on the interrelationship of the various commercial districts? (49)

Response: **The DEIS will evaluate potential impacts of the Proposed Action to Long Island Rail Road and Metro-North commuter rail service at Grand Central Terminal, as appropriate. Commuter rail trips to Penn Station via NJ Transit would be expected to take secondary modes to access the study area (e.g., subway or walk) and will be accounted for in those respective analyses. See also response to Comment B13.10.**

As described in the Final Scope, the East Side Access project is anticipated to be completed by 2033 and will be included in the Future without the Proposed Action analyses. In contrast, since Phase 3 of the Second Avenue Subway and a direct connection of Amtrak between Penn Station and Grand Central Terminal are not anticipated to occur by 2033, they will not be considered in the Future without the Proposed Action analyses.

NJ Transit has projected a shortfall in cross-Hudson rail capacity in the future, regardless of the completion of the Proposed Action (*Access to the Region's Core FEIS, 2008*). In response to the cancellation of the Access to the Region's Core (ARC) project, Amtrak accelerated development of its Gateway Program concept, which would address similar capacity issues as the ARC project. These improvements will be subject to their own environmental planning studies.

An assessment of how planned changes to the transit systems would affect other commercial districts in Manhattan (apart from East Midtown) is outside of the scope of this environmental review.

Comment B13.10: *The EIS should analyze Metro-North lines serving Grand Central Terminal in terms of potential impacts on platform capacities, station stairways, entrance control areas, and other pedestrian circulation elements that would be impacted by project-generated trips, as well as conditions and volumes in connection with project-generated trips. (45)*

Response: **As clarified in the Final Scope, the DEIS will include an analysis of project-generated pedestrian flows within Grand Central Terminal.**

Comment B13.11: *The Second Avenue Subway construction project below 63rd Street is not funded, and given the political climate there is no assurances that it will be in the foreseeable future. Without the Second Avenue Subway service to the East Midtown Area, how will future increasing numbers of commuters be accommodated through the year 2030? (49)*

Response: **As described in the Final Scope, the DEIS will account for MTA capital improvements anticipated to be completed by 2033, which include Phase 1 of the Second Avenue Subway. With no date currently assigned to its completion, Phase 3 of the Second Avenue Subway is not anticipated to occur by 2033 and will not be considered in the Future without the Proposed Action analyses. The DEIS will provide an analysis of the project's potential effects on transit conditions. If potential significant adverse impacts to transit services are identified, feasible mitigation measures will be determined in accordance with *CEQR Technical Manual* guidelines.**

Comment B13.12: *The Vision 42 proposal for an auto-free light rail boulevard along 42nd Street deserves the Commission's attention as part of the rezoning. (19) (49) (66)*

Response: **This proposal is outside of the scope of the Proposed Action.**

Comment B13.13: *In addition to the Vision 42 proposal, another possibility for a new mode of transit that should be discussed (first touted around 1940) would be replacing the Grand Central-Times Square Shuttle with a continuously-moving set of variable speed "slidewalks." (49)*

Response: **See response to Comment B13.12.**

Comment B13.14: *DCP should actively pursue consideration of a new rail link between Penn Station and Grand Central Terminal as part of USDOT's plans for new Hudson River passenger rail capacity. (15) (67)*

Response: **See response to Comment B13.12.**

Comment B13.15: *The Draft Scope should address the need for expanding and enhancing the walking environment at street level. The above-grade walking environment is extraordinarily congested and will become even more so with the Proposed Action, and the proposed changes to Vanderbilt Avenue are insufficient. Further investment in pedestrian improvements in and around Grand Central Terminal must be incorporated to accommodate the new foot traffic created by East Side Access at Grand Central. Train platforms, station stairways, entries and nearby sidewalks are already at capacity. A quantitative study should be conducted of the pedestrian impacts resulting from DCP's proposed action. All sidewalks within the rezoning boundaries should be included in the analysis. Pedestrian impacts should be assessed using intersections located near concentrations of projected and potential construction (i.e., around Grand Central Terminal, upper Lexington Avenue, Park Avenue), at entrances of subway stations throughout the study area, at the network of underground passageways under Grand Central Terminal, at the entrances to the Metro-North Railroad located at 47th and Madison Avenue and 48th and Park Avenue, future entrances to East Side Access*

located at 48th and Madison Avenue and 47th and Park Avenue, and along major thoroughfares in the study area (i.e., 42nd Street). (3) (19) (48) (49) (60)

Response: **Comment noted. As stated in the Draft Scope, detailed pedestrian analyses will be performed in accordance with the procedures outlined in the *CEQR Technical Manual*. The assignment of project-generated pedestrian trips to and from projected development sites will consider the locations of both existing and planned entrances to Grand Central Terminal. Pedestrian analysis locations will be selected based on criteria from the *CEQR Technical Manual*. If potential significant adverse impacts are identified, feasible mitigation measures will be determined in accordance with *CEQR Technical Manual* guidelines.**

As described in the Draft Scope, the District Improvement Fund (DIF) would be focused on City-priority improvements to the pedestrian network. In addition to the potential improvements to Vanderbilt Avenue, there are other enhancements to the pedestrian network including, as described in the Final Scope, sidewalk widening along Lexington and Madison Avenues.

Comment B13.16: *The Draft Scope does not mention the possibility – discussed by DCP during presentations made to the Land Use and Waterfront Committee of Manhattan Community Board 6 – of creating wider sidewalks, especially on Madison and Lexington Avenues, by setting buildings back from the current street wall, and unless the sidewalks are widened throughout the district, this will provide only isolated pockets of relief, not adequate, even, to alleviate the current problem. (49)*

Response: **As noted in the Final Scope, the zoning text will include requirements for sidewalk widening for qualifying sites developed along Madison and Lexington Avenues.**

Comment B13.17: *There is an omission in the EAS Land Use Map Figure 3 and Draft Scope on page 6 under Pedestrian Network Challenges and Task 12 covering Transportation on pages 35-38 with regards to the entrances to Grand Central Terminal especially the north passageway entrances which are of great importance to the planning process regarding the Proposed Action in determining pedestrian flow. (57)*

Response: **The purpose of the land use map in the EAS (Figure 3) is to show the primary land use for each lot; it is not intended to show individual entrances to railroad or subway stations. The assignment of project-generated pedestrian trips to and from projected development sites will consider the locations of both existing and planned entrances to Grand Central Terminal, including Grand Central North. Pedestrian analysis locations will be selected based on criteria from the *CEQR Technical Manual*.**

Comment B13.18: In regard to new underground connections proposed to serve MTA facilities, it should be required that they provide weather-protected direct connections to buildings similar to the passageways from Grand Central to the Graybar and Chrysler Buildings. (49)

Response: Comment noted.

Comment B13.19: Include an evaluation of the area with the bike share program in mind. (3)

Response: As reflected in the Final Scope, the DEIS will describe existing bicycle facilities and those being developed by the City's Department of Transportation (DOT). The effects of new bicycle parking requirements of the New York City Zoning Resolution will also be described. Impacts on bicyclists and bicycle traffic will be addressed qualitatively in the DEIS. The traffic level of service analyses will reflect the existing and future planned bicycle lanes in the assessment.

B.14 Air Quality

Comment B14.1: A study of all the pollutants in CEQR Technical Manual, 2012 Edition (Revised 6/18/12), must be included in the EIS. Nitrogen Oxides (NO_x) levels should checked during the mobile analysis (both the screening and detailed analysis portions), all of the stationary source analysis screening types and the garage analysis screenings. New class A office buildings will be burning more fuels for heating and cooling and there will also be a dramatic increase in the use of personal vehicles and also "black cars". The EIS should consider the impact of the Proposed Action on particulate matter. (13) (35) (67)

Response: All of the pollutants of concern as identified in the current *CEQR Technical Manual*, including particulate matter, will be considered, and the potential impacts of the pollutants of concern for both the mobile and stationary source analyses will be estimated in accordance with *CEQR Technical Manual* guidance.

Changes and/or increase in motor vehicle activities associated with the Proposed Action will be evaluated and provided as part of the DEIS's Transportation chapter.

Comment B14.2: Has DCP studied the potential environmental impact of new hotels (specifically, additional cars serving the hotels)? (22)

Response: Changes and/or increase in motor vehicle activities associated with the Proposed Action will be estimated in accordance with *CEQR Technical Manual* guidance, including hotel-related vehicles. Environmental consequences as the result of those changes will be evaluated and provided as part of the DEIS's Transportation and/or Air Quality chapters.

Comment B14.3: *The EIS should address whether the Proposed Action supports PlaNYC 2030 in its missions, initiatives and goals, including: reducing emissions from construction vehicles and construction related activities; reducing emissions from buildings; reducing energy related emissions by cutting energy consumption and upgrading NYC's energy supply by promoting the cleaner burning heating fuels, reducing heating fuel usage and enforcing strict emission standards in buildings; pursuing natural solutions to improve air quality such as increased tree planning (attaining the goal of 1 million by 2017) on properties like vacant lots, parking garages and public spaces; developing new tools to understand the real nature of air quality degradation so that NYC can identify the exposure NYers experience in the newly rezoned midtown east neighborhood and reduce it; and launch collaborative local air quality studies by monitoring and modeling neighborhood level air quality across NYC. (13) (67)*

Response: **As stated in the Draft Scope, the DEIS will address the Proposed Action consistency with PlaNYC 2030 under Land Use, Zoning, and Public Policy.**

Comment B14.4: *The study of air quality mitigation technologies such as photo-catalytic cements and coatings should be considered. (13) (67)*

Response: **All of the pollutants of concern as identified in the *CEQR Technical Manual* will be considered, and the potential impacts of the pollutants of concern for both the mobile and stationary source analyses will be estimated in accordance with CEQR Technical Manual guidance.**

Practicable mitigation measures will be identified in accordance with CEQR guidelines if significant adverse air quality impacts resulting from action-induced development are identified in the DEIS.

Comment B14.5: *The testing of TVOC (Total Volatile Organic Compounds) is not included in the proposed EIS studies of Air Quality. VOC's according to the EPA have an ability to create photochemical smog and should be studied. (67)*

Response: **The potential impacts of Proposed Action's affects on VOCs (together with nitrogen oxides) will be considered in the DEIS.**

Comment B14.6: *The Draft Scope does not state the amount of microscale receptors and at what locations the reading would be taken. DCP should conduct an air quality analysis in accordance with CEQR Technical Manual Chapter 17. (49)*

Response: **Both the mobile and stationary source analyses will estimate pollutant levels at dozens of receptor locations near each analysis site. The maximum values estimated any of these locations will be compared with applicable air quality standards and/or impact thresholds. All of the analyses will be conducted in accordance with *CEQR Technical Manual* guidance.**

Comment B14.7: The EIS should include a discussion of "green" building techniques and LEED certification. (57)

Response: See response to Comment B1.39.

B.15 Greenhouse Gas Emissions

Comment B15.1: To comply with the mitigation and avoidance requirements of CEQR/SEQRA, and to prepare for / adapt to, climate change, the EIS should examine adaptation and mitigation measures which may reduce the impact climate change will have on an action in the future. (48)

Response: As noted in the Draft Scope, the DEIS will assess the Proposed Action's consistency with the City's sustainability policies, goals for reducing greenhouse gas emissions, and considerations for climate resilience in conformance with the *CEQR Technical Manual.*

Comment B15.2: There should be an explicit discussion of the temperature conditions that are projected to occur in Manhattan over the next 50 years, and the effect of this on air conditioning loads and hence on electricity service and consumption. (48)

Response: Energy consumption will be assessed in accordance with the *CEQR Technical Manual* guidelines. Temperature projections for Manhattan over the next 50 years, and their effect on electricity consumption is outside the scope of this DEIS.

Comment B15.3: Concerned that the proposal reduces the City's commitment to sustainability by encouraging the demolition of perfectly intact buildings. (24)

The EIS should consider initiatives outlined in PlaNYC (specifically, on pages 127-130). (13)

Response: The Proposed Action's consistency with PlaNYC, the City's long-term sustainability plan, will be evaluated as part of the Land Use, Zoning, and Public Policy analysis, in conformance to the *CEQR Technical Manual.*

B.16 Noise

Comment B16.1: Can it really be true that the proposed action generated traffic would result in no significant noise impacts? (67)

Response: The exact magnitude of the noise level change will not be known until the traffic analysis is completed and the traffic noise exposure calculations are subsequently completed as part of the DEIS.

Comment B16.2: *The Draft Scope does not state the amount of descriptors and at what locations the readings would be taken. DCP should conduct a noise analysis in accordance with CEQR Technical Manual Chapter 19. (49)*

Response: **As described in the Draft Scope, noise measurement sites will be selected at representative noise locations. The noise monitoring site section will be determined by a multi-step review process consisting of identifying roadway segments with the maximum project traffic trip generation estimates in conjunction with the location of all proposed and potential development sites. Appropriate noise descriptors to describe the existing noise environment will be selected, as stated in the Draft Scope, in accordance with the *CEQR Technical Manual*. The DEIS will provided a full description of the protocol utilized in conducting the noise measurements and analysis.**

B.17 Public Health

No comments.

B.18 Neighborhood Character

Comment B18.1: *There are several unresolved questions about neighborhood character: Will retail space be encouraged or required at street level? Which firms & what types of firms will be displaced due to this zoning change? How will Madison's and Lexington's sidewalks be widened to handle even more density? Is anything else envisioned by DCP besides improved subway platforms & staircases? Can improved sidewalk grates be designed to encourage walking on them, especially by ladies in high-heeled shoes and when it rains by men in dress shoes? Is there room for a new Madison/Lexington Avenue loop bus line? Can a bus line be put on Park Avenue? Can corporate black cars have on-site parking, instead of lined-up and idling in the street? What will be done about the increased vehicular traffic due to new hotels and residential conversions at mid-block "soft sites"? (14)*

Response: **As described in the Draft Scope and clarified in the Final Scope, the Neighborhood Character chapter of the DEIS will assess neighborhood character to determine whether changes expected in other technical analysis areas – land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; transportation; and noise – may affect a defining feature of neighborhood character. It will evaluates whether the Proposed Action has the potential to affect these defining features, either through the potential for a significant adverse impact or a combination of moderate effects in the relevant technical areas. If significant adverse impacts to neighborhood character are identified, mitigation measures will be discussed in the Mitigation chapter of the DEIS. As per the *CEQR Technical Manual***

guidelines, mitigation proposed for significant impacts in the technical areas that contribute to neighborhood character may also often mitigate neighborhood character impacts.

Comment B18.2: *This new East Midtown Subdistrict delineation will cause a discontinuity in neighborhood character and urban design along the remaining portion of the two Lexington Avenue frontages from the East 54th Street-East 55th Street mid-block to East 57th Street. (56)*

Response: **Comment noted. The Neighborhood Character chapter of the DEIS will assess the potential effects of the Proposed Action on neighborhood character. Similarly, the Urban Design and Visual Resources chapter of the DEIS will describe the potential changes that could occur to urban design and visual resource in the future with the Proposed Action condition, in comparison to the future without the Proposed Action condition, focusing on changes that could negatively affect a pedestrian's experience of the area.**

B.19 Construction

Comment B19.1: *Due to the impact that construction may have on existing privately owned public spaces and transit infrastructure, including the Lexington Avenue 4/5/6 subway line, the EIS should assess the potential impacts that construction will have on both open space and infrastructure, in addition to the other factors identified in the draft scope of work. (48)*

Response: **As noted in the Draft Scope, the DEIS's Construction chapter will evaluate the potential impacts associated with construction activity resulting from the Proposed Action, including potential effects related to open space and infrastructure.**

Comment B19.2: *Construction for the development of new office buildings and pedestrian network improvements facilitated by the proposal will overlap with the construction of East Side Access and the Second Avenue Subway. The EIS should study the compounded impacts of the construction of all these elements on the study area. (48)*

Response: **As reflected in the Final Scope, at this time there is no time table for the completion of the segment of the Second Avenue Subway extending between East 63rd Street and Houston Street (Phase 3), which is in the vicinity of the Proposed Action, and therefore, it is not anticipated that would be completed by the Proposed Action's Analysis Year of 2033. Therefore, the DEIS will not study the overlap of construction under the Proposed Action and the Second Avenue Subway. The DEIS will study any potential overlaps of construction between East Side Access and the Proposed Action. See also response to Comment B13.11.**

Comment B19.3: *The EIS should explore how air pollution emissions and fuel use from construction equipment can be minimized, such as through electrified equipment and fine particulate filters. (48)*

Response: **As described in the Draft Scope, Task 18, "Construction," the construction air quality impact section will evaluate mobile air source emissions from construction equipment and worker and delivery vehicles, and fugitive dust emissions. As clarified in the Final Scope, the analysis will assume emission control measures required by law or regulation and will consider, if warranted, additional measures to reduce emissions including the use of electrified equipment and fine particulate filters. See also response to Comment B19.4.**

Comment B19.4: *Review of construction impacts should be undertaken on a worst-case scenario basis. Concurrent construction on multiple sites will amplify negative impacts. A worst-case scenario may require the implementation of mitigation measures. Construction reviews should also include construction impacts for anticipated DIB improvement projects. (11) (67)*

Response: **As discussed in the Draft Scope, Task 18, "Construction," as the Proposed Action would result in construction activity on multiple sites within the same geographic area, such that there is the potential for project timelines to overlap and with overall construction periods lasting longer than two years, which are near to sensitive receptors, a preliminary impact assessment of construction will be prepared in accordance with *CEQR Technical Manual* guidelines. The preliminary assessment will evaluate the duration and severity of the disruption or inconvenience to nearby sensitive receptors. Moreover, as further described under Task 18, if the preliminary assessments indicate the potential for a significant impact during construction, a detailed construction impact analysis will be undertaken and reported in the DEIS in accordance with guidelines contained in the *CEQR Technical Manual*. If warranted, potential practical mitigation measures would be identified as necessary. An assessment of construction-related impacts of the specific identified DIB improvement projects identified in the DEIS would be included, as necessary, in accordance with guidelines in the *CEQR Technical Manual.***

Comment B19.5: *DCP should conduct a construction impact analysis in accordance with CEQR Technical Manual Chapter 22. (49)*

Response: **As described in the Draft Scope, the DEIS will provide a preliminary impact assessment of construction impacts following the guidelines in the *CEQR Technical Manual.* Furthermore, the Draft Scope describes that if the preliminary assessments indicate the potential for a significant adverse impact during construction, a detailed construction impact analysis will be undertaken and**

reported in the DEIS in accordance with guidelines contained in the *CEQR Technical Manual.*

Comment B19.6: *The Proposed Action will mean more construction, more pollution, more noise, and severe financial damage to Turtle Bay businesses (bars and restaurants). (52)*

Response: **As noted in the Draft Scope, the Construction chapter will evaluate the potential impacts associated with construction activity resulting from the Proposed Action, including potential effects related to air quality, noise, and socioeconomic conditions.**

B.20 Mitigation

Comment B20.1: *If mitigation is not achievable with a conservative DIB estimate, the City should consider alternative mitigation strategies including alternative financing, bond structures, or a threshold for total funds that must be generated by the DIB before permitting use of a landmark transfer for additional FAR, and create criteria for "payment-in-kind" option for developers to finance and construct their own public improvements in lieu of a contribution to the DIB to serves as mitigation for adverse impacts. Mechanisms should be incorporated to encourage developers to contribute both publicly accessible active and passive recreational spaces in new developments. (4) (6) (11) (48) (49) (67)*

Response: **See response to Comment B13.8.**

Comment B20.2: *As mitigation for the added energy use brought by the proposed project, the EIS should analyze methods to reduce energy demand through green building technologies, green roofs, gray water systems, and other infrastructure improvements. (48)*

Response: **Practicable mitigation measures will be identified in accordance with CEQR guidelines if potential significant energy impacts resulting from action-induced development are identified in the DEIS.**

Comment B20.3: *The EIS should discuss East Side Access, Second Avenue Subway, and current and planned Select Bus Service routes within or in proximity to the rezoning area in terms of mitigation. Mitigation for transportation impacts should be informed by a careful district improvement plan rather than on an ad-hoc basis. (45) (48)*

Response: **As indicated in the Draft Scope, the City has identified certain priority improvements to the pedestrian network in the area that it believes have the greatest potential to both address the needs created by new development in the area as well as provide enhanced amenity to office workers, visitors and residents. Priority improvements would be implemented in relation to the pace and the level of future development.**

The DEIS will account for the effects of programmed changes to transit services such as the East Side Access and Second Avenue Subway (Phase 1) projects in the Future without the Proposed Action analyses. The investigation of a Bus Rapid Transit (BRT) line along 42nd Street is outside of the scope of the Proposed Action. If potential significant adverse impacts to transit services are identified as a result of the Proposed Action, feasible mitigation measures will be determined in accordance with *CEQR Technical Manual* guidelines.

Comment B20.4: *The study of air quality mitigation technologies such as photo-catalytic cements and coatings should be considered. (13) (67)*

Response: **Practicable mitigation measures will be identified in accordance with CEQR guidelines if significant adverse air quality impacts resulting from action-induced development are identified in the DEIS.**

Comment B20.5: *To comply with the mitigation and avoidance requirements of CEQR/SEQRA, and to prepare for / adapt to, climate change, the EIS should examine adaptation and mitigation measures which may reduce the impact climate change will have on an action in the future. (48)*

Response: **Practicable mitigation measures will be identified in accordance with CEQR guidelines if significant adverse impacts related to greenhouse gas emissions resulting from action-induced development are identified in the DEIS.**

B.21 Alternatives

Comment B21.1: *DCP should study an alternative scenario in which there is a special permit requirement for hotels. (1) (2) (3) (14) (23) (25) (26) (27) (28) (36) (37) (39) (40) (41) (42) (43) (44) (45) (53) (62)*

Response: **Such an alternative would not be consistent with the goals and objectives of the proposed East Midtown zoning, which are to strengthen East midtown's status as a world-class business center. Transient hotels, at a range of sizes and target markets, have and will continue to play an important role in the success of East Midtown.**

Comment B21.2: *The EIS should study hotels that incorporate a residential component in a mostly commercial development (i.e., the concept of a "hybrid hotel"). (18)*

Response: **Such an alternative would not be consistent with the goals and objectives of the proposed East Midtown rezoning, which are to strengthen East Midtown's status as world-class business center, including the development of transient hotels typical of a commercial and tourist-oriented district. See also Response to Comment B21.3, below with respect to residential conversions.**

Comment B21.3: *DCP should study an alternative in which there is a special permit requirement for residential development and conversions. (14)*

Response: **The purpose of this amendment is to promote the creation of modern commercial space that would allow East Midtown to offer a range of commercial space options needed for an economically healthy business district. The rezoning therefore includes provisions for increased commercial density. However, residential use is part of vibrant commercial districts including East Midtown, and we anticipate residential growth to continue to occur in the area on smaller, midblock sites, as well as through the conversion of existing commercial buildings. An alternative that made it more difficult to have residential uses within East Midtown would not be consistent with the objectives of the proposed East Midtown zoning.**

Comment B21.4: *There should be an alternative that considers mixed use development. The possibility should be studied of allowing residential FAR on large sites once a certain amount of commercial FAR is committed to be built. This mixed use alternative could allow for a small portion – no more than 20% or 25% – of any building which uses the additional FAR created under this proposal to be used for residential purposes. This will require additional analysis given the unique impacts of a residential population. For instance, it will require a more detailed open space analysis to reflect the introduction of additional residents. (2) (4) (16) (22) (29) (48) (48) (53) (67)*

Response: **See response to Comment B21.3.**

Comment B21.5: *DCP should study an alternative scenario whereby there is a more liberal provision for the transfer of landmark development rights. The EIS should study ways to provide maximum viable receiving sites for the transfer of development rights for both the Grand Central Terminal and other landmarks in the Subdistrict. Survey land-locked landmarked buildings in the vicinity of the rezoning boundaries and study the possibility of creating a floating area to allow for landmarks immediately outside of the Grand Central Subdistrict to sell their air rights within the Subarea. Allowing excess development rights to be transferred between the Grand Central Core and the Park Avenue Subarea or larger area should be analyzed. A broader transfer mechanism must be found to allow existing landmarks with substantial unused development rights to find realistic receiving sites for their development rights and to allow them to transfer these rights on an as-of-right basis. This could be accomplished by modifying the preferential treatment given the DIB in the Grand Central Subdistrict and eliminating the exclusive availability of the DIB outside the Subdistrict as a vehicle for increasing floor area. Another idea is to allow transfers of air rights by buildings in the Park Avenue Subarea at a minimum distance of 3 blocks north-south along Park Avenue and one block east-west. Alternatively, the EIS should consider a transfer area of 6-8 blocks surrounding each landmark. Any funds from the sale of air rights could be used to provide maintenance to the landmark and for a contribution to the DIB fund or*

similar fund for area improvements. The Grand Central and Broadway Theater Subdistricts are models. (4) (3) (10) (14) (17) (18) (20) (21) (35) (48) (58) (67)

Response: **The proposal continues the area-wide transfers allowed within the Grand Central Subdistrict, consistent with longstanding zoning policy for that area. Outside of the Grand Central Subdistrict, the provisions for Landmarks transfers remain unchanged. Allowing designated landmarks within the study area but located outside the Grand Central Subarea to transfer unused floor area into the Subarea would represent a departure from City-wide policy. The suggested expansion of the definition of 'adjacent lot' for purposes of Section 74-79 to allow for transfers from a Landmark to sites within a multi-block area raises City-wide policy issues that are beyond the goals and purposes of the proposal.**

Comment B21.6: *An alternative that could address both the goal of the Proposed Action and the goal to shift development away from East Midtown would be to amend the Grand Central Subdistrict to make it more as-of-right and predictable and to recognize the evolving needs of the public realm in the two decades since the Subdistrict was established. (32)*

Response: **As stated in the Final Scope, a Lower Density Alternative that will be studied in the DEIS, focusing only on the area of the Grand Central Subarea, is similar to what is suggested in the comment.**

Comment B21.7: *A Hotel District along Lexington Avenue in the study area should be studied, perhaps as a parallel to the Theatre District. For example, hotels within the district (historic and non-historic) that retain hotel use could be allowed to transfer development rights, allowing facades to be restored, maintained, and their uses continued. (48)*

Response: **DCP did not identify the need for such a district in order to ensure continuation of a diversity of transient hotel uses in East Midtown in the future with the Action. In addition, the proposal would depart significantly from the use of transfer development rights to preserve historic, culture and open space assets, and raise Citywide policy concerns.**

Comment B21.8: *DCP should study an alternative scenario in which there is potential inclusion of additional findings in the special permit for "superior" buildings, such as exceptional environmental performance standards. (4)*

Response: **Comment noted.**

Comment B21.9: *The EIS should study an alternative where only DIBs are used until a certain agreed dollar threshold is achieved. The amount of the threshold would depend on the cost estimates for the most significant community improvements, after which a developer could continue to purchase DIBs or acquire privately-held air rights. (10) (67)*

Response: **Under the proposal, developers would continue to be free to acquire privately held air rights as they are today. No land use rationale has been offered for limiting prospective improvements to the most significant or to a specific dollar amount.**

Comment B21.10: *The EIS should study potential impacts at varying FAR increments of 23, 21, 18 and 15 in order to understand how an increase in commercial office space resulting from the proposed East Midtown Rezoning will affect the ongoing reconstruction of Lower Manhattan. (7) (67)*

Response: **The proposal includes a "sunrise" provision that defers the start of construction of any building until July 1, 2017. This sunrise provision provides time for both for the ongoing reconstruction of Lower Manhattan as well the establishment of an office district in Hudson Yards.**

Comment B21.11: *The City should study the possibility of mandating developers to fully fund a district improvement plan, and landmark air rights would only be available for use after that plan is fully funded. (14) (67)*

Response: **With the projected development under the RWCDS, there would be sufficient funds to fully fund the initial priority improvements to Grand Central subway station and Vanderbilt Avenue, as well as other future above- and below-grade improvements while accommodating the transfer of unused development rights for designated landmarks within the Grand Central Subarea.**

Comment B21.12: *Higher as-of-right densities should be studied, and at the very least, densities that could only be built by special permit should be studied at key sites to reduce the time needed for CEQR review. The analysis should consider how the bulk could be accommodated in an-as-of-right scenario, should the City increase the as-of-right densities. (18)*

Response: **The proposed FARs are the highest as-of-right densities permitted within any built-up area of the City. DCP believes densities above these as-of-right levels may be appropriate in certain locations subject to conditions, and should therefore be subject to a special permit discretionary review.**

Comment B21.13: *Flexibility for site size should be studied, including a waiver mechanism. Site size and frontage requirements for new development should not thwart assemblages. (18)*

Response: **The site requirements are necessary to promote the goals and objectives of the rezoning, which are to encourage the development a handful of large, new commercial buildings in the area over the long term. DCP believes the requirements are appropriate to the development of significant contemporary commercial buildings at the proposed densities. Therefore, DCP does not contemplate such a change to the proposal.**

Comment B21.14: *The EIS should study an extension of the C6-6 district along Lexington Avenue north to East 57th Street as an alternative. (56)*

Response: **See response to Comment B1.6.**

Comment B21.15: *The EIS should include consideration and study of a zoning change alternative with regards to C5-2.5 replacing with C5-3 base zoning mid block throughout the study area but especially from 52nd St to 42nd Street. The City needs to consider and study restoring the earlier 1961 15.0 FAR midblock and how this might further the goals of the action as part of the EIS. (57)*

Response: **DCP believes the current zoning pattern in Midtown – with lower-density midblock areas – continues to be appropriate in East Midtown. Furthermore, as the proposal is focused on the development of new commercial buildings on avenue sites, such a change would not meet the goals and objectives of the rezoning. Therefore, DCP does not contemplate such a change to the proposal.**

Comment B21.16: *DCP should investigate a lower density scenario that removes from the rezoning area Madison Avenue and Lexington Avenues, and includes the proposed up-zoning of the Grand Central Subdistrict, Park Avenue, and 3rd Avenue. This alternative would recognize the limited amount of space for pedestrian and vehicular movement along Madison and Lexington in comparison to the width of Park & 3rd Avenues and therefore the ability of these streets to better manage additional density. (48)*

Response: **As stated in the Final Scope, the DEIS will include a Lower Density Alternative that removes northern Madison and Lexington Avenues from the Proposed Action.**

Comment B21.17: *Study a "focused higher density alternative" to allow for additional FAR up to 36 (similar to what has been developed in Times Square) for the Met Life building in recognition of the importance of this site in setting the architectural context for East Midtown and as a key gateway to Grand Central/North End Access should be examined. With the additional FAR in place, the redevelopment of this site becomes more likely and in turn would help to create better access to Grand Central from the north, potentially create a large public plaza on 45th Street in front of the building and create a true 'icon' given the critical site this building occupies in New York City. (48)*

Response: **DCP does not believe the use of FAR incentives to redevelop the Met Life building is a realistic proposal.**

Comment B21.18: *The EIS should include an evaluation of impacts both if the infrastructure improvements were done before 2017 and if they were done after 2017. Consider the possibility that the City can make some of the infrastructure improvements today and later recoup funds in the DIB. (2) (3) (5) (6) (18) (29) (48) (49) (61)*

Response: **There are no impacts from development prior to 2017 since building permits pursuant to the proposed zoning amendment would not be available before then. Similarly, there would be no infrastructure improvements resulting from this proposal before the expiration of the sunrise provision. See also response to Comment B1.30.**

Comment B21.19: *The EIS should study the impact of a portion of the square footage being developed prior to 2017 (i.e., the proposed sunrise date). (18)*

Response: **See response to Comment B21.18.**

Comment B21.20: *The inclusion of a sunrise provision may or may not sufficiently offset any negative impacts of this rezoning on office space development considered at Hudson Yards. Study different sunrise provisions in the environmental review: 7, 10, and 15 year sunrise provisions. (3)*

Response: **The sunrise is designed to provide sufficient time for projects to proceed in both Lower Manhattan and Hudson Yards. This would allow sufficient time for construction and occupancy. Very long sunrise provisions, such as 10 or 15 years, would have the effect of making the proposal meaningless in spurring the development of modern office space in East Midtown while it is not anticipated that a change in the sunrise for one year more or less would produce a meaningfully different outcome.**

Comment B21.21: *The EIS should study zoning alternatives that do not create incentives for replacing with new structures any existing historically and culturally significant buildings that are not designated as New York City Landmarks but contribute to the unique character and rich history of the study area, including – but not limited to – 51 East 42 Street (Vanderbilt Avenue Building), 50 Vanderbilt Avenue (Yale Club), 52 Vanderbilt Avenue (Vanderbilt Concourse Building), 45 East 45 Street (Roosevelt Hotel), 250 Park Avenue (Postum Building), 420 Lexington Avenue (Graybar Building), 111 East 48 Street (Barclay Hotel), 18-20 East 50 Street (Grand Rapids Furniture Company / NYHRC), 39 East 51 Street, 125 East 56 Street, 4 East 43 Street, 445 Park Avenue, 450 Park Avenue, 711 Third Avenue, 661 Lexington Avenue, 125 East 50 Street, 830 Third Avenue, 509 Lexington Avenue, 541 Lexington Avenue, 56 East 42 Street, 57 East 55 Street, 17 East 47 Street, 5 East 48 Street, 125 Park Avenue (100 East 42 Street), 224 East 47 Street, 525 Lexington Avenue, 270 Park Avenue, and 346 Madison Avenue. (48) (67)*

Response: **As noted in the Draft Scope, the DEIS will evaluate potential effects on buildings identified by the Landmarks Preservation Commission as historic resources under established criteria.**

Comment B21.22: Consider a modified loading and parking scenario whereby no new parking is permitted in the East Midtown Special District and loading policy is carefully analyzed in conjunction with DOT to determine the most efficient way of loading and unloading while minimizing the presence of large loading bay and docks which are dangerous for pedestrians and create a very uninviting streetscape. (48) Perhaps this area could have only night-time deliveries for large items (i.e. not lunches and packages). The largest, block-long buildings could be required to have drive-through off-street deliveries rather than loading docks. (49)

Response: Parking and loading requirements in East Midtown and elsewhere within the Manhattan Core are the subject of another proposed zoning text amendment, the Manhattan Core Parking Text Amendment (CEQR# 13DCP041M), now in the public review process.

Comment B21.23: The EIS should analyze a separate scenario that identifies the amount of waste water and storm water that could be reduced if the projected development sites are required to adhere to best storm water management practices, including green roofs and other strategies. (48)

Response: See response to Comment B10.5.

Comment B21.24: The lead agency should analyze a high performing building alternative scenario which would seek to ensure that all new buildings are held to the highest possible environmental standard, whether that is a standard that has already been developed such as LEED or net zero or one the Department of City Planning develops in close consultation with the Office of Long Term Planning and Sustainability for this re-zoning area. A greener alternative should be examined in order to curb the significant environmental and economic harm that added energy demand may cause our city. As part of this green alternative, the EIS should also explore the possibility of using alternative energy sources, such as solar and biomass. (48)

Response: See response to Comment B1.39.

B.22 Unavoidable Adverse Impacts

No comments.

B.23 Growth-Inducing Aspects of the Proposed Actions

No comments.

B.24 Irreversible and Irretrievable Commitment of Resources

No comments.

Appendix A

Public Comment Letters on the Draft Scope

THE PUBLIC ADVOCATE FOR THE CITY OF NEW YORK
Bill de Blasio – PUBLIC ADVOCATE

My name is Bill de Blasio and I am the Public Advocate of New York City. I would like to thank the Department of City Planning for the opportunity to testify on the proposed scope of the Midtown East Rezoning.

The rezoning area between Second and Fifth avenues, and East 39th to East 57th streets contains more than 70 million square feet of office space, more than 200,000 jobs and hundreds of business. The area is home to many of the City's most important assets; Grand Central Terminal, the Chrysler Building and some of the most recognized streets like Park and Madison Avenues. The area will also be home to future important assets with the completion of the East Side access and the 2nd Ave subway line.

Even with these assets this area is in danger of falling behind as a premier office district. Many of these buildings are over 50 years old and have high vacancy rates compared to other areas of the City. There has been lack of development of the Class A, high-tech office space that is in demand.

City Planning understands the long-term development challenges which threaten the area's attractiveness of being a world-class business district. The rezoning looks to address the challenges of an aging office building stock, a crowded and burdened pedestrian network and limited development potential. City Planning has created a rezoning that provides the Floor Area Ratio (FAR) to allow for the development of Class A office space and tailored zoning districts to reflect the neighborhood character. And the District Improvement Bonus (DIB) unlocks additional square footage at the same time, using these funds to improve public amenities for the area. I believe that this rezoning will help address the challenges currently facing Midtown East and promote more development and job growth in an area that can and should compete on a global scale.

In this testimony, I would like to raise several questions and areas for concern that are critical in order to optimally accomplish this rezoning. The specific issues I raise today will focus on the proposed scope of the project, the District Improvement Bonus plan, the impact on local businesses, and the use of hotel special permits.

First, the additional FAR and creation of iconic buildings will surely impact the surrounding community. A thorough and fair analysis of the plan in the Environmental Impact statement will allow Community Boards 5 and 6 to fully understand the impact this rezoning will have on their neighborhoods. I am concerned that the proposed scope of the EIS too narrowly defines qualifying sites, excluding sites within the area that may be attractive to new development. I urge City Planning to consider broadening the scope of the EIS, enabling the community to better understand how the rezoning may affect open space, infrastructure and other important considerations. other

Second, I ask that City Planning describe the District Improvement Bonus plan in greater detail, including a plan on how the DIB would be implemented and structured and how funds will be allocated.

Third, I want to make sure we are protecting existing local businesses and jobs in Midtown East. City Planning should conduct a thorough analysis on businesses that may be forced to leave because of the loss of Class B and C space, and the City should make every possible effort to protect against the displacement of local businesses.

Finally, the current rezoning areas contain 1.7 million square feet of hotel space which are located primarily along Lexington Avenue. Even without the rezoning City Planning recognizes that this area is attractive for the development of hotels. While nobody disputes that hotels are a commercial use that should be allowed in commercial zones, hotels should not dominate the redevelopment of the area, placing a greater strain on services than virtually any other use. Allowing hotels only by special permit will help ensure that Midtown East develops the Class A office space it needs and will give the community a say in local development. City Planning should study an alternative scenario in which there is a Special Permit for hotels all hotels in the rezoning.

Thank you for considering these recommendations, and I invite further discussion on these important issues.

THE PUBLIC ADVOCATE FOR THE CITY OF NEW YORK
Bill de Blasio – PUBLIC ADVOCATE

September 18, 2012

Amanda Burden, Director
Department of City Planning
22 Reade Street
New York, NY 10007

Dear Director Burden:

The Department of City Planning is currently studying the rezoning of Midtown East between 39th Street and 59th Street, from 3rd Avenue and 5th Avenue. The stated goal of the Midtown East Rezoning is to encourage the development of new Class A office space, which is in high demand by companies throughout the world. However, a potential unintended consequence of this rezoning is an increase in new hotel developments, rather than this much needed Class A office space. In order to protect the intention and aim of the Midtown East rezoning, I write to encourage you to consider adopting special permits for all hotel development in this rezoning process.

Zoning that allows hotels only by special permit seems obvious for the area. The proposed rezoning is likely to encourage more hotel development. New York has long been in the midst of a hotel room boom, recovering from the recession faster than other cities. Hotel financing is some of the easiest real estate financing to obtain, and obtaining it is much easier than financing for office buildings, especially since hotels do not have the burden of finding anchor tenants. As building owners find themselves newly able to redevelop their buildings, I am concerned that many of them will choose to build hotels instead of office space. As such, why was it not included in the original proposal from the Department of City Planning?

While nobody disputes that hotels are a commercial use that should be allowed in commercial zones, it is important that hotels do not dominate the redevelopment of the area. The City needs office space, with current vacancy rates being half the national average, and we must make sure we do not lose office space at the expense of hotels as buildings renovate. With the stated goal of the rezoning being that we must create office space that makes New York more competitive with other global cities, it makes sense for the City to have more control over competing uses like hotels. Requiring hotels only by special permit in the new zone would allow the community and the City to guide the type and quality of future hotel development in the area.

I am also concerned about the strain additional hotels might pose on residential communities in the area to be rezoned. Hotels have a greater impact on the nearby area and put a greater strain on services than virtually any other use. Hotels are designed to be densely occupied. They operate 24 hours a day and generate an enormous amount of both pedestrian and vehicular traffic at both peak and non-peak hours. Laundry and catering services, if any, require substantial truck traffic at most hotels. And hotels larger than 100 rooms are entitled to "no standing" zones in front of the hotel, which reduces available parking or loading zones in the area. If the rezoning creates an influx of new hotels, the community should have a voice in their development which it can under a special permit.

Allowing hotels only by special permit will help ensure that Midtown East develops the Class A office space the rezoning outlines to be built. I ask that you consider adopting special permits for all hotels in the Midtown East Rezoning.

Thank you for your attention to this matter.

Sincerely,

Bill de Blasio

Bill de Blasio
Public Advocate for the City of New York

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JESSICA S. LAPPIN
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THE COUNCIL
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THE CITY OF NEW YORK

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COMMITTEE ON AGING

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LAND USE

SUBCOMMITTEE
ZONING & FRANCHISES

OFFICE OF THE CHAIRPERSON

SEP 14 2012
2 5500

September 7, 2012

Ms. Amanda Burden
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Chair Burden:

I am writing regarding the proposed rezoning of East Midtown. While I embrace your goal of modernizing our increasingly outdated commercial office space in that area, I would like to share some of my concerns with you.

First and foremost, I am troubled by your timetable. While I understand the desire to get this done before the end of the Bloomberg administration, I do not think expediting the rezoning is in our collective best interest. I join with Council Member Garodnick in requesting a delay of your scoping session for 6 months from September 27, 2012 to March 27, 2013. The best argument for this delay is illustrated in your agency's comprehensive responses of August 10, 2012, to the extensive list of complex questions put forth to you by Community Board 5. The letter is 22 pages long and illustrates that the issues are many and complex. They require due diligence and thoughtful review. Affected stakeholders deserve more time to analyze and respond to the data.

As you are undoubtedly aware, this rezoning will have a significant impact on those who live, work, and visit the area. I understand that an extensive environmental review will be undertaken. However, those who live in the area are deeply concerned about specific issues, including: the affect on city services such as sanitation, sewer and water; on open space - of which there is very little in this area; on their quality of life, including construction impacts, air quality, light, shadows and the changing streetscape.

Residents of the Turtle Bay area are also determined to maintain the existing residential and mixed use aspects of Second Avenue. The Sutton Area Community (SAC) at the northern tip of the area shares that concern. And last, and perhaps most importantly, residents are worried about traffic and public transportation. Moving

forward, a continuing, open dialogue must be maintained among stakeholders, elected officials and City Planning in order to effectuate a plan that will enable us to compete on a global stage without ignoring the needs of current residents.

I appreciate the extensive outreach your staff has provided to the community, including the substantive presentations, frank discussions and thoughtful feedback. I look forward to continuing these discussions as we go forward on a rezoning for East Midtown that will help make the world's greatest city better than ever.

Sincerely,

Jessica Lappin

JESSICA LAPPIN
Council Member
5th District – Manhattan

CC: Mark Thompson, Chair, Community Board Six
Terrence O'Neal, Chair, CB 6 Land Use and Waterfront Committee
Vicky Barbero, Chair, Community Board Five
Bruce Silberblatt, Vice President, Zoning/Land Use/Transportation Chairman

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THE COUNCIL
OF
THE CITY OF NEW YORK

CHAIR - SUB COMMITTEE ON
LANDMARKS, PUBLIC SITING & MARITIME USES

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SANITATION & SOLID WASTE MANAGEMENT
TRANSPORTATION
GENERAL WELFARE
OVERSIGHT & INVESTIGATIONS
STANDARDS & ETHICS

September 12, 2012

OFFICE OF THE
CHAIRPERSON

SEP 20 2012

25507

Ms. Amanda Burden
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Chair Burden:

I am writing with an addendum to the letter that I sent to you last week regarding the proposed rezoning of Midtown East. In that letter I outline a number of issues that concern area residents. I would also like to express a desire to see hotel uses allowed by special permit rather than as-of-right.

Zoning that allows hotels only by special permit seems obvious for the area. The proposed rezoning is likely to encourage more hotel development. New York has long been in the midst of a hotel room boom, recovering from the recession faster than other cities. Hotel financing is some of the easiest real estate financing to obtain, and obtaining it is much easier than financing for office buildings, especially since hotels do not have the burden of finding anchor tenants. As building owners find themselves newly able to redevelop their buildings, I am concerned that many of them will choose to build hotels instead of office space.

While nobody disputes that hotels are a commercial use that should be allowed in commercial zones, it is important that hotels do not dominate the redevelopment of the area. The City needs office space, with current vacancy rates being half the national average, and we must make sure we do not lose office space at the expense of hotels as buildings renovate. The stated goal of the rezoning is to create office space that makes New York more competitive with other global cities, and so it makes sense for the City to have more control over competing uses like hotels. Requiring hotels only by special permit in the new zone would allow the community and the City to guide the type and quality of future hotel development in the area.

I am also concerned about the strain additional hotels might pose on residential communities in the area to be rezoned. Hotels have a greater impact on the nearby area and put a greater strain on services than virtually any other use. Hotels are designed to be densely occupied. They operate 24 hours a day and generate an enormous amount of both pedestrian and

vehicular traffic at both peak and non-peak hours. Laundry and catering services, if any, require substantial truck traffic at most hotels. And hotels larger than 100 rooms are entitled to "no standing" zones in front of the hotel, which reduces available parking or loading zones in the area. If the rezoning creates an influx of new hotels, as I believe it will, the community should have a voice in their development.

Allowing hotels only by special permit will help ensure that Midtown East becomes a real office destination. As such, I hope they will be included in any modified proposal.

Thanks for your attention to this matter.

Sincerely,

JESSICA LAPPIN
Council Member
5th District – Manhattan

Cc. Deputy Mayor Howard Wolfson
Deputy Mayor Robert K. Steel
Mark Thompson, Chair, Community Board 6
Vikki Barbero, Chair, Community Board 5
Bruce Silberblatt, Turtle Bay Association

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CHAIR - COMMITTEE ON

AGING

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LAND USE
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CULTURAL AFFAIRS
ZONING & FRANCHISES SUBCOMMITTEE

TESTIMONY OF NEW YORK CITY COUNCILWOMAN JESSICA LAPPIN
ON THE EAST MIDTOWN REZONING
DRAFT SCOPE OF WORK
FOR AN ENVIRONMENTAL IMPACT STATEMENT
CEQR NO. 13DCP011M
SEPTEMBER 27, 20112

Thank you for the opportunity to testify today. I am Councilwoman Jessica Lappin and I represent parts of the Upper East Side of Manhattan and Roosevelt Island.

Chair Burden, I agree that Midtown Manhattan needs to maintain its iconic status as the best business address in the world. And to do that we need larger, more modern, class A office space. Current zoning prevents large commercial development in the Central Business District (CBD). And the Grand Central Subdistrict created in 1992, which allowed the transfer of landmark development rights, did not spur development as was intended at the time. To continue to compete on a global stage, and to prevent older buildings from turning to hotel or residential uses, we do need to work together with stakeholders and our East Midtown community members to rezone parts of the central business district.

But that does not mean we should rush to action without a full and detailed examination of your proposal. I am concerned by the lack of specifics in the Draft Scope, which may have resulted from a rush to get this rezoning done before the end of Mayor Bloomberg's term.

That is why many people, myself included, requested a postponement of the Draft Scope of at least 6 months so that a more comprehensive document could be prepared. But we are where we are. And so now it is even more important that we be very specific about what should be analyzed and included in the Final Scope.

I would like to focus on a number of areas.

First of all, we need to preserve existing residential neighborhoods that are next to the CBD. The creation of the East Midtown Subdistrict extends commercial zoning too far east. It should not extend beyond the current eastern boundary which lies 165 to 200 feet east of Third Avenue. The areas between 2nd and 3rd Avenues and East 43rd and East 45th Streets should be excluded from the proposed new Subdistrict. This area has always been residential with local retail business that serves those neighborhoods. This area should be removed from the Scope of Work.

In addition, the newly created Grand Central Subarea extends across Lexington about 275 feet beyond Lexington Avenue, within 125 feet of 3rd Avenue. This is too close to residential

buildings. The boundary should be moved west within 125 feet of the east side of Lexington Avenue.

Second, more details are needed on the District Improvement Bonus. Developers would be required to contribute to a fund dedicated to area-wide pedestrian network improvements, including those in the Grand Central subway station, as well as the 53rd and 5th Avenue and the 53rd and Lexington Avenue stations. Improvements to Vanderbilt Avenue and the widening of the sidewalks along Lexington and Madison Avenues would also be funded through this bonus. Other potential improvements may be identified. However, there are currently not enough details concerning these improvements or the amount, timing, and use of the funds. Those details need to be decided now, in advance of the rezoning. Simply put: which projects will go forward first? Will there be a priority list developed? What if top priorities aren't fully funded? Who will decide which projects go forward and when?

Third, the potentially rezoned area needs more open space. People live blocks, not miles, from this proposed Subdistrict. Workers and residents alike will need more green space than is contemplated. Public space improvements must be identified and planned before the zoning changes are enacted. There is little mention of open space in the Draft Scope and what is there is vague.

And, while Vanderbilt Avenue is singled out to become a pedestrian plaza, that idea was under consideration before this rezoning was proposed. Personally, I dislike that idea. But to evaluate it fully, changes to this avenue must be described in greater detail. The area near Grand Central is already congested with vehicular traffic. How is this street supposed to serve as public space and yet accommodate deliveries, drop offs, and other day- to- day activities that impact the small businesses, restaurants, hotels, and private clubs that are within close proximity to Vanderbilt Avenue?

Fourth, a thorough transportation study is required. We must ensure that the city's transportation system can handle the increased capacity that the proposed rezoning will bring to the area. Vehicular, transit and pedestrian traffic already overwhelm the area. Madison and Lexington Avenues are particularly stressed. You estimate that less than 5 million square feet of new office space will be developed in this already congested area. How will these workers get to these buildings? What will that mean for overcrowded platforms and subway lines? Will bus service be added? We need answers to these questions up front.

We have all seen redevelopment projects where promises were oftentimes not realized. That's why Community Board 6 is asking that a comprehensive planning process be undertaken to determine the scope of these public improvements, including transit capacity improvements, vehicular transportation, pedestrian access, sidewalk widening, adequate utilities, and open space.

Fifth, our existing and potential landmarks must be protected. I appreciate that at the request of Community Board 5, City Planning has asked the Landmarks Preservation Commission for an inventory of existing and potential landmark buildings in the proposed area. However, as the former Chair of the Landmarks Subcommittee in the City Council, I know what it takes to survey

an area. The public review of the Environmental Impact Statement (EIS) is expected to begin in first quarter of 2013. This is a short timeframe. I am afraid that the administration, in its haste, may miss some potentially significant properties. Once our landmarks are demolished, they're gone forever. We learned the hard way with Penn Station.

Sixth, Hotel Uses should be allowed by Special Permit Only. Zoning that allows hotels only by special permit rather than as-of-right seems obvious for the area. The proposed rezoning is likely to encourage more hotel development. New York has long been in the midst of a hotel room boom, recovering from the recession faster than other cities. Hotel financing is some of the easiest real estate financing to obtain, and obtaining it is much easier than financing for office buildings, especially since hotels do not have the burden of finding anchor tenants. As building owners find themselves newly able to redevelop their buildings, I am concerned that many of them will choose to build hotels instead of office space.

Seventh, in the scoping proposal, City Planning lists 40 sites, most of which are concentrated close to Grand Central, as potential development sites. However, for the purpose of the Environmental Impact Statement (EIS), it has kept only 22 sites on which to base its calculations. If the EIS is to be valid and relevant today and for years to come, all 40 sites must be evaluated.

In addition, I believe more thought and study should be given to the possibility of allowing residential FAR on large sites, once a certain amount of commercial FAR is committed to be built. The Bloomberg building right outside my district is a perfect example of how this can work.

Finally, I am concerned about how this rezoning would impact other development projects, including Hudson Yards, commercial developments in Long Island City, and in Lower Manhattan. Our city has a lot invested in these projects. Given our fickle economy and the uncertain real estate market, we need to be sure that these sites do not stall as a result of this rezoning. I know that Community Board 4 is very concerned about this as it relates to Hudson Yards and has joined with Community Boards 5 and 6 in a Tri Board Task Force to address the issues in the rezoning.

Despite the many issues that I have raised concerning this rezoning, I want to emphasize that I am in favor of moving forward on it, albeit by taking a more measured, deliberate and thorough approach. It is imperative that Community Boards 4, 5, and 6 are at the table every step of the way. The Tri Board Task Force meets regularly and is committed to getting the rezoning right. Their thoughtful insight and input will only want to make the proposal stronger in the end. I appreciate all that you and the Administration have done to bring us to this point, and I look forward to working with you on this in the months ahead.

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THE COUNCIL
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PUBLIC SAFETY
ZONING & FRANCHISES

Via Electronic Mail and U.S. Mail

September 25, 2012

Ronnie Lowenstein
Executive Director
New York City Independent Budget Office
110 William Street
14th Floor
New York, NY 10038

Dear Ms. Lowenstein:

I write regarding the proposed rezoning of East Midtown.

As you know, the Mayor has proposed a rezoning of the neighborhood north of 40th Street, east of Fifth Avenue, south of 57th Street and west of Second Avenue—much of which falls within the boundaries of my Council District. The goal of the proposal is to create the right incentives to upgrade our aging commercial office spaces in the Grand Central Corridor, which on the surface has obvious merit. However, I am concerned about the potential budgetary impact to the City as a result of creating competition across simultaneous rising commercial districts – particularly Hudson Yards.

The Department of City Planning (DCP) has appropriately acknowledged the potential impact of this proposed rezoning on other business districts by proposing a five year "sunrise" clause for new development in East Midtown. Nevertheless, to the extent that commercial development ends up being slower than expected in the emerging other areas – especially in Hudson Yards – it is not clear that five years is the appropriate time horizon. In fact, a 2011 Cushman & Wakefield report noted that "significant changes to City zoning to create new

markets that would be competitive with Hudson Yards could potentially result in lower development than forecast."[1]

It is my understanding that the slower than expected development at Hudson Yards has already put added demands on the City's budget. Because the funding for planned infrastructure improvements, such as the 7 line extension, comes from bonds which are meant to be backed by revenues the project was expected to generate, any further delays in private development at the site open the City to additional risk. An analysis by the *Daily News* last December projected that the City will pay more than $500 million through 2015 just to pay the interest on the $3 billion in bonds associated with development at Hudson Yards.[2] Simply put, it is my concern that the City will need to continue to set aside funds to pay for the 7 line extension the longer that Hudson Yards is not fully developed.

I would like to ask the IBO to analyze the potential impact on the City budget of slowed growth at Hudson Yards, whether new development in the Grand Central Corridor could slow it further, and if so, what the implication could be on future City budgets. I am additionally interested in how much the City already has paid toward the 7 line in contrast to what was initially projected, as well as what is now anticipated to be the total bill for the City.

Thank you in advance for your consideration.

Sincerely,

Daniel R. Garodnick

[1] CUSHMAN & WAKEFIELD, *Hudson Yards Demand and Development Report*, Aug. 2011 at 23.

[2] *Juan Gonzalez*, "Huge shortfall on West Side project," NEW YORK DAILY NEWS, 12/7/11.

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Testimony of Council Member Daniel R. Garodnick
On the Proposed Rezoning of East Midtown
Before the New York City Department of City Planning
Thursday, September 27, 2012

Good afternoon Chair Burden, and thank you for the opportunity to testify today. As you know, much of the proposed rezoning of East Midtown falls within the boundaries of my Council District. Since the Mayor first mentioned this project in his 2012 State of the City address in January, without prior notice to me, or residents who live in the area, members of the East Midtown community have engaged in a spirited dialogue about the proposed rezoning.

As I have expressed many times, I wholeheartedly agree that we need to keep our midtown core competitive and ensure that our office buildings keep pace. I further believe that this rezoning presents a unique opportunity for us to create desperately needed infrastructure improvements in the Grand Central area. But I respectfully submit that you all are moving too fast. Under the proposal, building permits would not be issued under the new zoning mechanisms until July 1, 2017, and yet, it is only September 2012. We have time to slow this down by six months, and to do it with more care and deliberation. As I lay out below, there are a number of substantive issues that exist and that have not yet been fully considered. Of course, as a member of the City Council, I will have an opportunity to vote directly on this application when it comes before me in the fall of 2013, and will be able to decide at that time whether these issues have been addressed. However, if you do not slow the process down, I wanted to raise my concerns early with a hope that they are considered well before that point.

Furthermore, as you know, in order for the Council to be able to modify the proposal that ultimately reaches us, we need to make sure that it is within the scope of the environmental review. Accordingly, I ask the Department of City Planning to consider the following in the scope of its environmental review.

Review This Rezoning As Part of A Broader Review of All Commercial Districts

First, I think it is imperative for us to consider any changes to the rezoning of East Midtown as part of a comprehensive plan for all of the City's commercial districts. This entire exercise must have that as one of its central goals, and the draft documents suggest that it is. Already, the Department of City Planning considered the potential impacts of this rezoning on emerging commercial areas by proposing a five-year "sunrise" clause, specifically noting that this would prevent direct competition with Hudson Yards. While I think it is important to ensure that development in East Midtown does not negatively impact other commercial districts, the sunrise clause itself should be studied in the environmental review. Additionally, the trigger date for the sunrise provision (apparently July 1, 2012) has not yet been subject to any public review, and must be.

We should all fear inhibiting not just development in other areas – but particularly those areas that have taxpayer subsidies attached to them. Development at Hudson Yards has lagged, and the City taxpayers are already on the hook for the extension of the 7 train, the cost of which was supposed to be paid by tax revenues from that project. Before we approve this application, we will need to be certain that our appetite to expand East Midtown will not hurt our other emerging commercial areas, and inadvertently create a hit on the City's budget. I have raised this issue directly with the Independent Budget Office.

Evaluate Demand for Class A office Space

I further ask that you survey the precise demand for Class A office space. The Draft Scope of Work for An Environmental Impact Statement ("Draft Scope") relies on an August 2011 Cushman & Wakefield report that was prepared for the Hudson Yards application, which projected 50.6 msf of new real estate development for Hudson Yards, including 25.3 msf of office space.[1] I note that development has not gone as quickly as planned at Hudson Yards, so I caution against purely relying on this report to justify demand for more space. A Studley report covering the second quarter of 2012 indicates that overall office space demand in downtown and midtown Manhattan hasn't kept pace with availability, and that Class A vacancy rates are 12% and 11.6%, respectively.[2]

In addition, the Cushman & Wakefield report cautions that projections for new office space development at Hudson Yards are predicated on the assumption that the City's zoning will not change significantly so as to create new markets that could effectively compete with development at Hudson Yards.[3] The inclusion of a sunrise provision in the proposed East Midtown rezoning may or may not sufficiently offset any negative impacts of the rezoning on office space development considered at Hudson Yards. Accordingly, I ask that you study both a seven, ten and fifteen year sunrise provision in the environmental review.

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[1] CUSHMAN & WAKEFIELD, *Hudson Yards Demand and Development Report*, Aug. 2011 at p. 22.
[2] STUDLEY OFFICE MARKET AND SPACE DATA REPORT, *Spotty Conditions Continue*, New York (2Q, 2012) at p. 1.
[3] CUSHMAN & WAKEFIELD REPORT, Aug 2011 at p. 23.

Expand the Reasonable Worst Case Scenario Criteria

The Draft Scope's "reasonable worst-case development scenario" (RWCDS) should be expanded. The RWCDS operates without a survey of potential developers or updated information on the demand for this office space, making it very difficult to determine which sites could potentially be developed.

The RWCDS identifies 20 projected and 18 potential sites in the rezoning area, but still states that the EIS will assess site specific *and* density impacts from development at all the projected sites, and *only* site specific impacts from development at the 18 potential sites. I recommend that the scope should be expanded to include any site that is eligible to be redeveloped in order to best project the impacts on my community. I ask that you broaden your qualifications when determining the projected and potential sites. For example, you have omitted residential buildings that contain 6 or more stabilized units from the analysis. And yet, over the past number of years, my district has witnessed aggressive tactics by landlords looking to buy up buildings and to quickly displace stabilized tenants in order to meet their development goals. With the added incentive of additional FAR – and thus greater incentive for landlords to continue these practices – the scope should assume that buildings with 6 or more stabilized units are *not* immune from demolition.

In addition to broadening the list of projected or potential sites, I ask that any sites considered be evaluated for density *and* site specific impacts, rather than the current proposal which would only evaluate the projected sites for both. The purpose of a reasonable worst case scenario is to determine the impacts on the surrounding environment should this application be extremely successful. For that reason, we need to evaluate the greatest possible increase in density, rather than the current more conservative projection in the RWCDS which would evaluate the impacts of just an additional 4.4 million gsf.

Broaden Projected and Potential Sites to Include the Environmental Impacts of Hotel and Residential Development

The stated goal of this project has been to protect and strengthen East Midtown as a premier business address; to seed the area with new modern buildings; to improve pedestrian areas; and to complement development in other commercial districts. Obviously, hotels are an important part of our economic tapestry, but this rezoning should not be an open invitation for developers to populate the area only with hotels.

The environmental impacts of a full-service hotel differ drastically from a regular office building. Hotels are designed to be densely occupied, and they have activity 24 hours a day, from guests entering and exiting, to deliveries and catering events. The impact of new hotels on the surrounding neighborhood must be evaluated as part of the EIS. If the City is truly in need of more office space, this rezoning should take steps to ensure that our existing outdated office space is updated, and not replaced by other competing uses, like hotels. Where hotels are needed, we should include them. This

should not, however, be part of the as-of-right development scenario. I ask that you study allowing hotels in this new zone only by special permit to give the local community and the City an opportunity to guide the type and quality of future hotel development in the area.

Survey Land-Locked Landmarked Buildings in the Vicinity of the Boundaries

This rezoning currently contains a proposal for an expanded air rights transfer district within a portion of the prescribed boundaries. DCP should study the environmental and financial impacts of creating a floating area within the rest of the new rezoning boundaries to allow for landmarks just outside the relevant zone to sell their air rights within it. While I do not yet have an opinion on whether they should be included, I ask that you expand your study to include an analysis of all potential donating sites within the boundaries immediately outside of the special Grand Central subdistrict.

Perform a Comprehensive Analysis of All Infrastructure Improvements Needed

In order for the District Improvement Fund (DIF) to be successful, there must be a clear flow of funding, a defined board structure, and a comprehensive list of improvements with projected costs and corresponding priority levels. Before we begin to think about the funding mechanism and the board structure, which are two crucial questions, this rezoning should include a street-by-street analysis of the infrastructure needs required in the area. The current framework includes reference to the Grand Central subway station; the sidewalks of Madison and Lexington Avenues; the lack of publicly-accessible open spaces; and under-utilization of Vanderbilt Avenue. These are all worth studying, but I fear that without a clear plan at the outset, money will sit in this fund, and improvements will be made in a piecemeal fashion. The inevitable result would be for the existing pedestrian and transportation infrastructure to remain strained, while more and more people will make use of them.

Additionally, a list of all projects needed, with a corresponding budget, could help the City determine how much money is necessary to ensure the DIF has an impact on our pedestrian network. I believe that the City should plan and make some of these improvements today, and allow for the City to later recoup funds in the DIF. Indeed, this environmental review should include an evaluation of impacts both if the infrastructure improvements were done before 2017, and if they were done after.

The worst possible outcome for the surrounding area would be a boom in development and increased density with no real infrastructure upgrades. In DCP's response to a letter from Community Board 5, the agency estimated that several hundred million dollars would be available through the DIF for long term pedestrian network improvements. We need to know the projected cost for the projects that are already enumerated in order to determine if the current District Improvement Bonus (DIB) structure will be sufficient. We further need to have a clear picture of the pricing of the DIB, and what objective and publicly-verifiable measures can be used for that purpose.

We need to take a wider view of pedestrian network challenges than is set forth in the Draft Scope. As mentioned above, the Draft Scope notes bottlenecks at Grand Central station and the narrow sidewalks of Madison and Lexington Avenues as areas of particular need. These are obvious problem areas, but I urge you to broaden the scope of this review to include all sidewalks within the boundaries. With the expected increase in density throughout the defined area, we need to ensure that our sidewalks have sufficient capacity from Fifth Avenue to Second Avenue, and not just on Madison and Lexington Avenues. Further, with the inclusion of Bike Share stations next spring, the impacts surely will change. This Draft Scope must include an evaluation of these areas with the bike share program in mind. Of course, this is yet another reason why it is crucial to take a broader look at the pedestrian challenges that exist before we start individual, and fragmented, projects.

Impact on Current Services and Resources for My Constituents in Turtle Bay and the West 50s

If implemented, this plan will increase the density in East Midtown, and for that reason a review of the current capacity of our City services, the resource level, and any current service complaints should be included in the scope to ensure the City is able to handle the increased number of people within the new boundaries. My constituents are particularly concerned about this part of the Draft Scope's inquiry, and they are right. Questions about sanitation, energy, transportation, air quality, noise, neighborhood character and construction are most important for my constituents in Turtle Bay and the West 50s.

It is worth noting that my office has received numerous complaints in this area related to trash building up in garbage cans and in the street. The local Business Improvement Districts (BIDs) provide additional services, including extra garbage collection and street sweeping. A review of the City and local BIDs' current sanitation capacity – as well as all of the services that BIDs currently provide – must be included. Additionally, I urge you to study any areas within the boundaries that do not fall in the catchment of a local BID, as these areas might need additional support from the City. With increased density, we need a comprehensive plan that ensures we have allocated adequate City resources.

Thank you for considering my views and for the opportunity to testify today.

THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

Testimony at Scoping Session for East Midtown Rezoning
Before the Department of City Planning

September 27, 2012

I would like to thank the Department of City Planning for the opportunity to testify on the proposed scope of work for environmental review on the East Midtown Rezoning. I would also like to thank and commend the members of Community Boards 4, 5 and 6, and their respective chairs, Corey Johnson, Vikki Barbero and Mark Thompson, for their diligent work in thoughtfully and thoroughly responding to the Department of City Planning's ("DCP") proposal.

The existing Midtown special permits granting the transfer of development rights from landmarks and allowing new density in exchange for mass transit improvements have proven to be too cumbersome to generate new construction and associated public realm improvements. The special permits are rarely used and, as a result, new development in the area has been slow. The building stock averages more than 70 years of age and there is concern that aging office buildings could undermine East Midtown's prestige as a premier central business district. Midtown Manhattan is advantaged by exceptional transit connectivity and will benefit from new local and regional transit improvements such as East Side Access and the extension of the 7 subway line. The proposed rezoning aims to fortify the commercial center; introduce modern, sustainable office buildings; improve the pedestrian and built environment; and complement the growth of New York's other central business districts.

Today's hearing offers the public an opportunity to comment on the scope of the East Midtown Rezoning's environmental study. Scoping hearings are essential for determining a framework that will ensure fair disclosure of potential environmental impacts and identifying appropriate alternative development scenarios. As a participant in the ULURP process, I will not issue a formal position until the project is before me for review. However, I believe any potential rezoning must balance citywide goals with potential impacts. Over the past several months, I have heard concerns from community members, many of which will be voiced today. The matters raised have informed the comments that follow and I, therefore, ask that the study be modified as outlined below.

Alternatives

While many alternatives may be offered through the course of this hearing, the community and the Community Boards have explored several variations of the proposed plan. In order to ensure that these modifications remain feasible through the ULURP process, they should be studied as alternative development scenarios in the Environmental Impact Statement (EIS). Based on community feedback, I

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ask DCP to study these alternative development scenarios in the EIS: the incorporation of mixed uses in the study area; the addition of a hotel special permit in the text; the inclusion of a Landmark Transfer mechanism in subareas other than the Grand Central Subarea; and the potential inclusion of additional findings in the special permit for "superior" buildings.

One aim of the East Midtown Rezoning is to safeguard the vitality of the commercial district by only allowing the bonus structure to apply to commercial development. Office-dominated neighborhoods often become deserted after 5:00 pm, with vacant shop fronts, few pedestrians and a stark lack of activity to keep the streets safe and integrated into the functioning of the city. As a result, commercial uses often lack the amenities associated with residential districts, like 24-hour retail. It is therefore important to consider the potential benefits of introducing limited residential uses to East Midtown as has been successfully done in other commercial districts. Most notably, Lower Manhattan is one of New York's fastest-growing residential areas, while maintaining its central role as a commercial core. The inclusion of residential uses has benefited these commercial districts by promoting activity essential to the streetscape, safety and economic health of this area. As the potential impacts of adding new residential uses are not known, it should be studied as a potential alternative. Specifically, a development scenario should be examined to incorporate mixed-use buildings in the bonus structure.

To further balance the land use composition in East Midtown, the inclusion of a hotel special permit in the zoning text should be examined. Due to the relative ease of financing for hotels, there is a risk that they may out-compete other commercial uses, resulting in unintended consequences and a proliferation of hotels on large sites. A hotel special permit should be considered as an alternative development scenario.

The proposal includes increased flexibility to transfer development rights from landmarks. However, the Landmark Transfer is only available in the Grand Central Subarea. The remaining subareas only allow the DIB bonus mechanism. The East Midtown study area is rich with New York City-designated landmarks and many are not located in the Grand Central Subarea. Several representatives of landmarked buildings have raised concern that they lack receiving sites to transfer their density and have requested that the Landmark Transfer is expanded to subareas beyond Grand Central. While the potential impact of the proposal is not known, it may have several positive benefits. Applying the Landmark Transfer would not only give developers increased flexibility, but could assist landmark owners in maintaining these historic structures to the standard that befits the neighborhood. The city should study applying the Landmark Transfer to the entire Special Midtown District to understand the potential impacts and benefits.

The only discretionary component of the proposed East Midtown Rezoning is the special permit for superior buildings. The criteria and findings for such a permit have not been established. As the proposed rezoning moves forward, many stakeholders will suggest appropriate criteria for determining the qualities of a superior building. As such, it is important to create a framework now that allows these criteria to be included in the special permit. One such criterion, green standards, should be included in this framework. New York's building stock emits 75% of the city's greenhouse gases.[1] Constructing without concern for energy consumption creates further local and global environmental impacts. Recent development trends in New York City have demonstrated that superior buildings can meet exceptional environmental performance standards. The inclusion of high performance criteria should remain in scope as the special permit is analyzed throughout the ULURP process.

Reasonable Worst-Case Development Scenario

The Reasonable Worst-Case Development Scenario identifies projected and potential development sites

[1] New York City. Office of Long-Term Planning and Sustainability. *PlaNYC 2030*. New York City: 2011.

in calculating the amount of expected new development. Several criteria are applied to determine which sites are most likely to be affected by the proposed actions.

Five criteria were applied to exclude sites from analysis. Among these, buildings with six or more rent-stabilized units were excluded. There are relatively few residential buildings in the study area. Still, many are on or near avenues. As the proposed development scenario is over a 20 year period, the Reasonable Worst-Case Development Scenario should acknowledge that buildings with rent-stabilized units may be vacated through attrition or legal buy-outs. Therefore, likely development sites should not exclude residential buildings.

Additionally, the qualifying site identification criteria have excluded newer buildings – those constructed after 1982 and those built between 1961 and 1982 to maximum allowable bulk. As a result, non-landmarked buildings built before 1961 are included among likely development sites. The proposal is meant to allow for the redevelopment of buildings with archaic configurations, low floor-to-ceiling heights and awkward columns that prove disadvantageous in leasing these spaces. However, as the proposal aims to redevelop buildings built before 1960, it risks targeting many historic buildings. Unfortunately, historic buildings are typically considered for landmark status outside of the ULURP process, which strains preservation efforts. DCP should work with the Landmarks Commission not only to study individual, potential landmarks, but to complete a comprehensive analysis of potential impacts on the area's historic fabric and how it relates to economic development goals.

District Improvement Bonus

The District Improvement Bonus ("DIB") is proposed in the Special Midtown District as a mechanism for allowing increased floor-area-ratios ("FAR"), while generating funds dedicated to public realm improvements, both over- and underground. The second mechanism for achieving higher FARs, currently applicable in just the Grand Central Subarea, is the Landmark Transfer, which is a private market transaction with no direct contribution to public funds.

The DIB has not been assigned a value. It is uncertain, based on the 4.4 million net square feet of new development identified in the scoping documents, how much funding this growth would generate. It is imperative that the DIB is valued before certification. Scoping documents present that public realm improvements funded by the DIB will mitigate potential adverse impacts. To determine the extent of the improvements and the extent of mitigation, it is necessary to clarify the amount of financing expected to be generated by the DIB bonus structure.

Another factor that obscures the amount of contribution available through the DIB is the availability of the Landmark Transfer. The transfer of development rights from landmark buildings will be negotiated in the private market. Where an option between the two bonus mechanisms exists, the Landmark Transfer risks competing with the DIB. A reduced DIB reduces the money available for public improvements, thereby limiting potential mitigation.

The public realm improvements to be funded by the DIB are yet to be determined, but DCP has suggested pedestrian circulation upgrades in the Grand Central Terminal and the mapping of Vanderbilt Avenue as a public place. This scale of projects can be costly and depends on a reliable flow of money to be efficiently completed. Financing these public realm improvements should be made a priority by New York City if they are necessary to mitigate potential impacts. Therefore, the city should create a conservative account of DIB funds in order to determine what mitigation is feasible. Further, if mitigation is not achievable with a conservative DIB estimate, then the city should consider alternative mitigation strategies. Such mitigation could include, but is not limited to, alternative financing, bond structures or a threshold for total funds that must be generated by the DIB before permitting use of

Landmark Transfer for additional FAR.

Finally, the scoping documents suggest the availability of a "payment-in-kind" option for developers to finance and construct their own public improvements in lieu of a contribution to the DIB. Such an option impacts the effectiveness of DIB funds and affects the mitigation of impacts. The City should create criteria for this option that ensure that any payment-in-kind serves as mitigation for adverse impacts.

Conclusion

I look forward to seeing the results of this Environmental Impact Statement and urge that all potential impacts be examined carefully and thoroughly. In the meantime, I encourage DCP to continue working closely with the community to ensure that any future development properly balances the needs of the community and the need for East Midtown to remain strong. Thank you again for the opportunity to testify.

Frank Ruchala

Good afternoon. I am Mark Thompson, Chair of Manhattan Community Board 6. I would like to thank Edith Hsu-Chen and the staff at the Department of City Planning for attending our Land Use & Waterfront meetings over the past several months, and hope to continue to work with them throughout this process. This afternoon I will be presenting a brief summary of several of the most important comments that we have developed in our Land Use & Waterfront Committee. Written comments, with greater detail, will be provided later.

First, the time frame. The East Midtown Study was finalized in the month of July, and the scoping documents issued in August. As is well known, Community Boards do not meet during the summer months, so this timing created a serious problem for timely, serious and transparent public review and comment. Further, this scoping session and the comment period was scheduled in such a rushed time frame that it did not allow our Board sufficient time to fully review it. The rapid pace of this proposal could prove a detriment to a final result that we can all support.

Second, it appears clear that the focus is on up-zoning and on development of "a few iconic buildings." There appears to be no overall urban plan or master plan driving the effort. While DCP acknowledges that public realm improvements are required, we believe that a comprehensive planning process must take place to determine the nature and extent of these public improvements, including transit capacity improvements, vehicular transportation, pedestrian access, sidewalk widening, adequate utilities, and open space, to name a few. Appropriate time is required for <u>any</u> planning process to take place. We believe it is of paramount importance that the City of New York takes the lead with specific proposals for public realm improvements – with the input from the taxpaying citizens, businesses and property owners - before this plan is finalized.

Third, a District Improvement Bonus has been proposed with little detail. Public funding is required up front in order to begin the process of public realm improvements, before developers start to build. For example, if there is inadequate funding in the DIB for the top priority project, but enough for the 5th priority project, the top priority may never be realized, to the public's detriment. Without public funding and completion of public improvements *first*, many proposed public projects may never take place. We need to determine – now - specifically what the improvements are and how they are to be funded.

Fourth, transit improvements are unspecified. With the exception of the improvements to the main stair and escalators from Grand Central to the Lexington Avenue 4-5-6 line, there is no plan for transit improvements. A thorough study is required to determine existing transit capacity and projected capacity with a higher number of riders.

Regarding transit, there are several projects that are now in construction, being designed, or in the queue for funding that will increase the pedestrian population in East Midtown, even without the proposed increase in allowable floor area. These are: (a) East Side Access, bringing LIRR trains to a new terminal under Grand Central (by 2018); (b) the Second Avenue Subway (Phase 3); (c) Amtrak's Gateway project, doubling rail capacity to New Jersey (by 2025), and Amtrak's direct physical connection of Penn Station and Grand Central (sometime between 2030 and 2040) as part of the expansion of true high speed rail from New York to Boston. Clearly, a thorough study of transit improvements and their impact on the area is in order.

Fifth, the impacts of added pedestrians, vehicles, and the corresponding impact on the area's existing infrastructure has not been adequately addressed. ULURP certification in January 2013 will not allow ample time to get this right.

Finally, the study area includes within its boundaries a residential part of CB6: the Turtle Bay neighborhood, just west of Second Avenue between 42nd and 45th Streets. As the primary goal of this

plan is to develop commercial, not residential space, increasing the FAR there from 12.0 to 14.4 is not consistent with the stated goals of the study. We urge you to omit this area from the study.

Thank you.

From: Mark Thompson [mailto:mark.thompson@cbsix.org]
Sent: Tuesday, October 09, 2012 1:57 PM
To: ROBERT DOBRUSKIN; EDITH HSU-CHEN
Cc: Carlina, Toni; 'Terrence O'Neal'
Subject: Additional Testimony on Midtown Rezoning Proposal

Dear Chair Burden,

I am writing to follow up with additional comments to my testimony presented at the Scoping Hearing for the Midtown Rezoning on September 27, 2012.

First, it is clear that any public amenities that would improve the district need to be either in place or confirmed as soon as possible. By doing so, the development community will have confidence that the proposed improvements will happen, thereby increasing the desirability and value of their projects. This in turn will drive up the value of the 'DIBS' and the City's revenue and increase overall property values (and therefore real estate tax revenue). Without clear cut amenities to the public realm – whether in place or guaranteed by a strong, well-supported plan – the goal of attracting high quality, iconic projects will not be as successful as it could be.

Second, in meetings and presentations the public is reminded that the upzoning will only create approximately 4 million new square feet. What has been completely forgotten is the enormous amount of undeveloped space allowed under current zoning that could be built in addition to that 4 million square feet. Four million square feet will have a significant impact on the area's infrastructure; but whatever else is currently allowed will amplify that impact. The total increase – not just the incremental increase – needs to be identified and analyzed.

I urge the City to create a solid, forward thinking plan for the area's public realm and to calculate what the total development of the area could be. This will allow all of us to make better informed decisions.

Sincerely,
Mark P. Thompson
Chair, Community Board Six

Outline of Testimony
Ellen Imbimbo
Draft EIS – East Midtown Rezoning
September 27, 2012

My name is Ellen Imbimbo, a Vice Chair of Community Board 6 as well as of its Land Use and Waterfront Committee.

We appreciate the opportunity to comment here today on the Draft EIS and we look forward to working with the Department of City Planning and other agencies towards our common goal of enhancing the Grand Central area in its role as one of the epicenters of the commercial world.

We hope City Planning will reconsider the scope of the East Midtown Zoning proposal and conclude, as has the Regional Plan Association in its report "Building the Next Yew York: Recommendations for Large Scale Real Estate Projects," that major redevelopment should "lead with public realm improvements" in planning for large scale developments. As has been stated by the Chair of Board 6, we believe the East Midtown Zoning proposal does not qualify as a true urban plan. It lacks specificity regarding named public realm projects, the costs associated with those projects, their prioritization, and the absence of guaranteed funding sources at levels necessary to ensure that the Grand Central area is able to not only renew itself with modern and larger buildings, but will be fully integrated and balanced regarding its full aims and their actualization.

The District Improvement Bonus appears to be the only revenue source for funding public realm projects. Two public realm projects identified are the Vanderbilt Avenue promenade, and the stairway (and other attendant circulation problems) at the Grand Central Subway station, the costs for which are not specified but which would likely be at either end of a cost spectrum from very expensive (the stairway) to less expensive (Vanderbilt Avenue) There is also no mention made of the solution if there should be a gap between funding needs – such as sidewalk widening - and the money gathered in the DIB fund. Construction in an area as densely developed as Grand Central will surely uncover infrastructure or other unforeseen hurdles which dramatically raise costs – particularly with the completion of the Second Avenue Subway and East Side Access bringing additional commuters, pedestrians and circulation problems to the area.

We have only to turn to the plan for Hudson Yards for some thoughts on how funding might be handled for public realm projects within an ambitious rezoning plan. Although the Hudson Yards area is not nearly as developed as East Midtown (but has its own engineering hurdles), the Hudson Yards plan benefited from a much longer lead time than that for East Midtown. We are hopeful that, if the study time for East Midtown zoning were to be extended, a funding study will be undertaken to answer questions about the identification, nature, scope, and cost of public realm projects and the source of funds which we believe should be assured before the implementation of the East Midtown Zoning Plan. The "Hudson Yards Demand and Development Report" by Cushman & Wakefield states: "Significant changes to City zoning to create new markets that would be competitive with Hudson Yards could potentially result in lower development than forecast." The statement could also hold true for East Midtown and developments at the World Trade Center site, thereby lowering the availability of DIB funds for the Grand Central area.

In addition, the Hudson Yards Infrastructure Corporation states as one of its key goals ..."enhanced access to mass-transit, availability of large commercial sites, creation of new public open spaces and cultural amenities..." However, these goals are accompanied by tax-free bonds guaranteed by the City, PILOTs, Tax Equivalency Payments, and payments for additional air

rights pursuant to the District Improvement Fund Bonus." … "The DIF will be used by the City to help finance density-ameliorating infrastructure improvements in the Hudson Yards." We hope that City Planning and the Final EIS will offer some insight into the omission of these guarantor mechanisms from the East Midtown zoning initiative.

If City Planning develops a more comprehensive urban plan, dedicated funding sources will ensure that the East Midtown Zoning plan will indeed result in a major enhancement of one of the pre-eminent locations for the iconic buildings which will surely follow.

The City of New York
Manhattan Community Board 1
Catherine McVay Hughes CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER

New York City Department of City Planning

East Midtown Rezoning
Public Scoping Meeting

Testimony by Catherine McVay Hughes
Chairperson

Thursday, September 27, 2012
Manhattan Municipal Building, 1 Centre Street, New York, NY
2:00 PM

Good morning. I am Catherine McVay Hughes, Chairperson of Manhattan Community Board One (CB1). We thank you for the opportunity to comment on the scoping of the Environmental Impact Statement (EIS) for the proposed East Midtown Rezoning for 78 blocks around Grand Central.

We understand that if the East Midtown Rezoning is approved, it would increase the maximum allowable Floor-Area-Ratio (FAR)[1] for developers, which would immediately create incentives for new office development in East Midtown. CB1 strongly believes the EIS should include a comprehensive review of how the proposed East Midtown Rezoning would affect Lower Manhattan, with a particular emphasis on the extent to which an up-zoning of office and commercial space in Midtown would adversely impact the ongoing redevelopment of Lower Manhattan.

As a result of the terrorist attacks on the World Trade Center on September 11, 2001, 14 million square feet of commercial office space in Lower Manhattan was destroyed or damaged, 65,000 jobs were lost or relocated, and more than 20,000 residents were displaced.[2] Now, eleven years after the attacks of 9/11, Lower Manhattan is in the middle of a renaissance. More residents and businesses have returned to the area than were lost during the attacks. By 2011, Lower Manhattan had 8,428 companies, 130 more than were here on the day of the attacks, and a total of 309,500 employees. This figure is 4% lower than it was on September 11, 2001, but employment is on an upward trend and is expected to continue to grow as almost 9 million square feet of office space is completed at the World Trade Center site. CB1 is also the fastest growing residential neighborhood in New York City. Population increased by 77% between 2000 and 2010 with the next highest increase being 18% in CB4.

Remarkable and steady progress has been made at the 16-acre World Trade Center site as construction continues on 8.8 million square feet of world-class office space, including 500,000 square feet of retail space. The 105-story 2.6 million square foot 1 World Trade Center tower is

[1] Floor Area Ratio (FAR) is the principal bulk regulation controlling the size of buildings. FAR is the ratio of total building floor area to the area of its zoning lot.
[2] "The State of Lower Manhattan," *Downtown Alliance*, 2011.

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approximately 55 percent leased and is expected to open in late 2013. The 72-story 2.3 million-square-foot 4 World Trade Center tower is 50 percent leased and will open in the fall of 2013.

The rebuilding of Lower Manhattan is a long-term process and is vital to the restoration and revitalization of our neighborhood. Redevelopment of the WTC site is on track. CB1 wants to make sure that the positive momentum continues.

Therefore, CB1 strongly urges that the EIS study potential impacts at the varying FAR increments of 23, 21, 18 and 15 in order to better understand how an increase in commercial office space resulting from the proposed East Midtown Rezoning will affect the ongoing reconstruction of Lower Manhattan.

MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair | 450 Seventh Avenue, Suite 2109 | Wally Rubin, District Manager
New York, NY 10123-2199
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October 9, 2012
Comments on Draft Scope of Work

Community Board Five first learned that the Department of City Planning was proposing a significant re-zoning in East Midtown in April and a draft of that proposal was first presented to the Board in July. At the start of these discussions, the Department made it clear that this administration wanted the entire process completed by the end of its term in office, now less than 15 months away.

As we have said many times before, we are engaged participants and willing partners in this work. However, the political calendar cannot and should not drive decisions of this magnitude. This is the most far-reaching zoning proposal to come before Community Board Five in a very, very long time. A carefully thought through proposal, developed in coordination with all the critical stakeholders, will enjoy the support of any administration. There is too much at stake here to not get this right. Indeed, we are deliberating on the economic viability of New York City, and NYC's position in the global economy, for decades to come.

Community Board Five will be looking very carefully at the DEIS. A thorough analysis of the issues raised in our scoping comments will set a collaborative tone for the ULURP process and create a sense that the very legitimate concerns and questions about this proposal are being taken seriously.

Much of the present day economic success of New York City is the result of our tremendous inheritance – the infrastructure, the architecture, the streets themselves. We have a responsibility to live up to this inheritance by planning carefully for our future.

The DEIS must identify every potential adverse impact and every possible alternative which meets the projects goals should also be carefully examined in the DEIS. There are many critical questions that need to be very carefully addressed described in further detail below. Among the most important issues to Community Board Five are:

1) We don't believe for many reasons that the scope of work conservatively predicts the amount of development that could occur as a result of this re-zoning. This issue is described in more detail below.

2) We're very concerned about the sequencing of new development and transit improvements. The subways, sidewalks, and streets are overburdened today. Any new development has the potential to make things significantly worse. Investment in critical infrastructure needs to precede new development.

3) Many of the buildings that define this area are not landmarks and it's critical that, before a final proposal is developed, LPC share their survey of East Midtown in order for us to ensure we protect important pieces of our city's history.

4) Finally, this proposal has the potential to undercut many other critical public investments. The EIS needs to very carefully examine these implications to ensure that we're not just *re-zoning* East Midtown but actually *planning* for the future of our entire City.

Analysis Framework – Reasonable Worst Case Development Scenario

Given the 20 year time horizon for projected development we can expect significant changes in the real estate market and the City's economy. It is difficult to predict how robust and aggressive the demand will be for additional Class A office space or new hotel space. Therefore, we urge the lead agency to take a careful look at the potential environmental impacts of this proposal and include sites in the reasonable worst case development scenario that have not been analyzed:

- Condominiums, co-ops, or residential buildings that contain 6+ rent-stabilized units.

To identify qualifying sites we recommend including sites with 6+ more residential units as potential development sites. Site assemblage is undoubtedly a challenge for developers seeking to build very large buildings. Nonetheless, given the extraordinary size of some of the buildings that could be built under the proposed zoning and the financial incentive to assemble large sites the zoning creates we don't think it is a prudent or a reasonable assumption to exclude sites with a 6+ residential units.

- All buildings built between 1961-1982 built to their maximum permitted bulk (given their recent construction).

The build year for this project is 2033. At that point many of the buildings in this range will be 50-70 years old, exactly the kinds of buildings this proposal argues are outdated and need to be redeveloped. Buildings that have less than 85% of the FAR allowed under the proposed re-zoning built between 1961-1982 should be included in the RWCDS.

- All other buildings over 1 million square feet or that contained a tower of more than +35 stories (given their size and the difficulties inherent in emptying and demolishing the structure).

Where these buildings are hotels, which are far easier sites to empty than office buildings sites, and have less than 85% of the FAR allowed under the proposed re-zoning, they should be included as a development sites in the RWCDS. Therefore, the Hyatt hotel site which has a built FAR of 17.95 - significantly less than 85% of the FAR allowed as-of-right under the proposed zoning (24 FAR) – should be included as a projected development site. There have also been examples in New York City's recent past for the demolition of pre-war skyscrapers in the range of 35 stories including:

The Singer Building, New York City, 1908-1968. Demolished to make way for 1 Liberty Plaza. 614 ft 47 floors

City Investing Building, New York City, 1908-1968. Also demolished to make way for One Liberty Plaza. 487 feet 33 floors

National City Bank Building, New York City, 1928-1986. Demolished to make way for 60 Wall Street. 433 feet 32 floors.

Therefore, in conducting a conservative analysis of the proposed re-zoning, we urge the Department of City Planning to include those buildings which are 85% or less than the proposed FAR as soft sites regardless of building height or square footage.

Projected vs. Potential Development Sites

"Development is not anticipated on the potential development sites within the foreseeable future; therefore these sites have not been included in the density-related impact assessments." p21 Draft Scope of Work .

Given the demand for additional office space in New York City – an **unmet demand** of 21 million square feet is projected over the next thirty years according to the Draft Scope of Work – the RWCDS should include density related impacts from the potential sites. These sites would help fulfill the demand that City believes exists for additional Class A office space and therefore should be conservatively analyzed in the RWCDS.

Task 1: Project Description
Task 2: Land Use, Zoning, and Public Policy

We need the EIS to look very carefully at potential impacts to development that is already planned or underway elsewhere in the City. We're concerned that the creation of a major new office district in New York poses a significant risk to the creation of a new office district at Hudson Yards and to development in other areas of our city.

There is only a finite demand for new office space in New York, and it is quite possible that attracting business to East Midtown will largely be at the expense of these other areas. There has been a huge public investment in the World Trade Center area and Hudson Yards, and the benefit of this investment should not be diminished by the City's own actions in creating a competing district.

The Hudson Yards Infrastructure Corporation hired Cushman &Wakefield to prepare a "Hudson Yards Demand and Development Report." The report states, "Significant changes to City zoning to create new markets that would be competitive with Hudson Yards could potentially result in lower development than forecast."

The EIS should therefore very carefully study the implications on the city budget with respect to the funding of the #7 train of pulling office demand away from Hudson Yards and should provide clear projections for how this proposal may change the build year for any environmental analysis that was done as a part of the Hudson Yards Re-zoning.

Likewise, the EIS should include a comprehensive review of how the proposed East Midtown Rezoning would affect Lower Manhattan, with a particular emphasis on the extent to which an up-zoning of office and commercial space in Midtown would adversely impact the ongoing redevelopment of Lower Manhattan.

As a result of the terrorist attacks on the World Trade Center on September 11, 2001, 14 million square feet of commercial office space in Lower Manhattan was destroyed or damaged, 65,000 jobs were lost or relocated, and more than 20,000 residents were displaced. Eleven years after the attacks, Lower Manhattan is in the middle of a renaissance. Redevelopment of the WTC site is on track but it is essential that this momentum continues.

The rebuilding of Lower Manhattan is vital to our city. Therefore, we strongly urge that the EIS study potential impacts at the varying F AR increments of 24, 21, 18 and 15 in order to better understand how an increase in commercial office space resulting from the proposed East Midtown Rezoning will affect the ongoing reconstruction of Lower Manhattan.

Task 3: Socioeconomic Conditions

For business and institutional displacement, what is the number of minority, women and veteran owned/run businesses/institutions that are estimated to be displaced? We want a survey of the businesses in the effected district and their demographic profile. We also want to understand the socioeconomic breakdown of the types of current businesses and want to know the socioeconomic makeup of employees of these firms. How would the overall racial composition compare with action and no-action? Would there be a disparate racial impact?

Regarding the analysis of business displacement, we believe that NY DOL and Census data would be insufficient to identify adverse impacts important. We ask that a detailed survey be done to produce data in accordance with the demographic and sector traits of the firms that are on any development site.

We disagree that no residential displacement could occur under this scenario and ask that a detailed analysis be done for all of the residential properties that are located in sites zoned for new development. There are over 10,000 residents and to say that 500 couldn't be displaced in a worst case scenario though their lots would be up zoned defies logic. Furthermore, we ask that a detailed analysis be done for the adverse indirect residential displacement that would otherwise be built in the neighborhood. How would this impact HPD's New Housing Marketplace Plan? Specifically, how many of the new units with no-action would be affordable units (below area medium income) or otherwise designated by HPD or HDC?

On identifying trends, consultations should be made with not only real estate brokers (whose independence should be considered questioned given REBNY's advocacy of the project), but with planning, sociology and economics faculty at Hunter, NYU, Pratt and Columbia University.

Task 4: Open Space

Open space in Manhattan is at a premium. A goal for this re-zoning should be to increase the quantity and quality of open space in the east midtown. The threshold for a non-residential open space assessment has been met since the proposed rezoning will generate at least an additional 500 employees.

We question the assumption in the draft scope that there will be a net decrease of 1,459 residents especially since an increase of only 200 new residents would require a residential open space assessment.

We know that there are existing Co-op and Condominiums in the study area and question the wisdom of isolating them amongst massive office towers. And we question the assumption that the neighborhood demographic could not shift upward by such a small number as 200 residents.

The trend in other parts of Manhattan is toward a mixed-use, 24/7 neighborhood such as we see in Downtown, Times Square area, and Midtown South. This limited residential mixed-use alternative should be analyzed.

We request that the Open Space assessment be done with the oversight of the NYC Department of Parks and Recreation.

We ask that mechanisms be incorporated in the new zone to encourage developers to contribute both publically accessible active and passive recreational spaces in their new developments. Aside from the exploration of how Vanderbilt Avenue could be transformed into a potential open space, we encourage the exploration of other sites as well. For example, we would like identified potential mid-block lots that could be developed into vest pocket parks.

From an open space perspective, should the DIBs to be used for new capital projects and amenities rather than for maintenance and repair items that should be covered by existing city or agency funding sources?

What types of businesses require Class A office space? Why would they prefer a dense crowded area to a new spacious, well-designed area like Hudson Yards? Is it not true that office space that overlooks parks and green space command the highest rents? Consideration need to be given to opportunities to create more park or park like areas.

Task 6: Historic and Cultural Resources

There are currently more than 30 designated landmark buildings and interiors in the proposed rezoned area, and there are additional buildings and interiors that are eligible for landmark designation. Community Board Five has requested from the Landmark Preservation Commission an inventory of existing and potential buildings and interiors in the area. As of today, LPC has not provided the requested information. While the existing landmarks will continue to be protected, the eligible landmarks could be in danger. LPC should prepare the necessary inventory as quickly as possible in order to inform the discussion about which areas should be included and not included in the rezoning boundaries.

While the proposed rezoning gives valuable benefits to buildings in the area, it doesn't benefit the landmarks outside of the Grand Central Subdistrict. The reality is that such landmarks are unable to transfer their air rights since current zoning restricts transfers to adjacent or nearby parcels. The DEIS should analyze as an alternative the transfer of air rights from existing and potentially new landmarks in the proposed rezoned area outside of the Grand Central Subdistrict should be allowed to transfer their air rights throughout the area. Any funds from the sale of air rights could be used to provide maintenance to the landmark and for a contribution to the DIB fund or similar fund for area improvements. The Grand Central and the Broadway Theater Subdistricts are models for such a structure. This could help preserve the historic designated buildings, make building owners more accepting of landmark status, and strengthen the legal rationale for the landmarking process.

Regarding the DIBs, in the Grand Central Subdistrict under the current proposal the first three additional FARs must be acquired by using DIBs, and, thereafter, by acquiring additional DIBs or the purchase of privately-held air rights. Grand Central Terminal has approximately 1.4 million privately-held air rights available for sale. The DEIS should also study an alternative where the DIF is funded until a certain agreed dollar threshold is achieved. The amount of the threshold would depend on the cost estimates for the most significant community improvements, after which a developer could continue to purchase DIBs or acquire privately-held air rights.

Preservation

The study area contains a number of historically and culturally significant buildings that are not designated as New York City Landmarks. However, these structures contribute to the unique character and rich history of the study area. The EIS should study zoning alternatives for the structures listed below that do not create incentives for them to be replaced with new structures. These buildings include, but are not limited to, the following:

- Vanderbilt Avenue Building (51 East 42 Street, Block 1277 Lot 27; Warren & Wetmore, 1912)
- Yale Club (50 Vanderbilt Avenue, Block 1279 Lot 8; James Gamble Rogers, 1915)
- Vanderbilt Concourse Building (52 Vanderbilt Avenue, Block 1279 Lot 45; Warren & Wetmore, 1914)
- Roosevelt Hotel (45 East 45 Street, Block 1281 Lot 21; George B. Post & Sons, 1924)
- Postum Building (250 Park Avenue, Block 1282 Lot 34; Cross & Cross, 1923)
- Graybar Building (420 Lexington Avenue, Block 1280 Lot 60; Sloan & Robertson, 1927)
- Barclay Hotel (111 East 48 Street, Block 1303 Lot 14; Cross & Cross, 1926)
- Grand Rapids Furniture Company/NYHRC (18-20 East 50 Street, Block 1285 Lot 59; Rouse & Goldstone & Steiman, 1915)
- 39 East 51 Street (Block 1287 Lot 27; Clinton & Russell, 1904)
- 125 EAST 56 STREET, Block 1311 Lot 11; J H de Sibour, 1902; office building
- 4 EAST 43 STREET, Block 1277 Lot 67; 1927 (architect unknown)
- 445 PARK AVENUE, Block 1311 Lot 1; Kahn & Jacobs, 1947; office building
- 450 PARK AVENUE, Block 1292 Lot 37; Emery Roth & Sons, 1968-1972; office building

- 711 THIRD AVENUE, Block 1318 Lot 1; William Lescaze & Associates, 1956; office building
- 661 LEXINGTON AVENUE, Block 1310 Lot 22; York & Sawyer 1902; office building
- 125 EAST 50 STREET, Block 1305 Lot 20; Emery Roth & Sylvan Bien, 1927; hotel
- 830 THIRD AVENUE, Block 1305 Lot 40; Skidmore, Owings & Merrill (Roy O. Allen & William T. Meyer), 1957; office building
- 509 LEXINGTON AVENUE, Block 1302 Lot 51; Schultze & Weaver, 1928; hotel
- 541 LEXINGTON AVENUE, Block 1304 Lot 20; Emery Roth, 1928; hotel
- 56 EAST 42 STREET, Block 1276 Lot 42; J. E. R. Carpenter and Dwight P. Robinson, 1928; office building
- 57 EAST 55 STREET, Block 1291 Lot 127; Taylor & Levi , 1908; private club
- 17 EAST 47 STREET, Block 1283 Lot 13; Henry Otis Chapman, 1932; library
- 5 EAST 48 STREET, Block 1284 Lot 6; Wildred Edward Anthony, 1920; church
- 125 PARK AVENUE (100 E 42 STREET), Block 1296 Lot 1; York & Sawyer /John Sloan, 1923; office building
- 224 EAST 47 STREET, Block 1320 Lot 34; Warren & Wetmore 1930; community facility
- 525 LEXINGTON AVENUE, Block 1303 Lot 53; Arthur Loomis Harmon, 1923; hotel
- 270 PARK AVENUE, Block 1283 Lot 21; Skidmore, Owings & Merrill (Gordon Bunshaft, Natalie Dubois), 1962; office building
- 346 MADISON AVENUE, Block 1279 Lot 17; LaFarge & Morris, 1915; commercial building

Task 7: Urban Design and Visual Resources

The CEQR Technical Manual states on page 10-2 that when a proposed development would allow for projects that may potentially obstruct view corridors, compete with icons in the skyline, and/or make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings, a detailed analysis of urban design and visual resources is needed. The development that will be facilitated by the proposal falls into all of these categories, and therefore, the EIS should include a detailed analysis of urban design and visual resources and should describe any potential approaches to mitigate urban design and visual resource impacts including bulk controls, which protect important view corridors and/or height limits adjacent to the Chrysler Building to protect the context of this landmark.

The draft scope of work does not call for a study of pedestrian wind conditions. According to the CEQR Technical Manual, factors that contribute to the necessity of a pedestrian wind condition analysis include:

- The size and orientation of buildings that are proposed to be constructed;
- The number of proposed buildings to be constructed; and
- The site plan and surrounding pedestrian context of the project.

Given the substantially increased density that the proposal will facilitate, and the number and concentration of projected and potential development sites, MAS believes that a pedestrian wind condition analysis should be required in the EIS.

In conducting studying the Urban Design and Visual Resources, the EIS should specifically take into account the following:

Streetscape Experience
Currently, Madison and Lexington avenues present challenges to the pedestrian experience for workers and residents of East Midtown. The sidewalks on these avenues are 12 to 13 feet wide, which is relatively narrow for a street given the number of people that navigate these corridors. The combination of tall buildings with the narrow sidewalks creates a canyon-like effect, resulting in a streetscape that feels imposing and claustrophobic for the pedestrian. Furthermore, the subway grates along Lexington Avenue exacerbate the effects that result from the narrow sidewalks. The EIS should study the effects that higher density development will have on the streetscapes of Madison and Lexington avenues, and identify potential pedestrian network improvements to these streets that can improve the existing public realm especially a widening of sidewalks along these corridors.

Park Avenue, arguably one of New York City's most iconic boulevards, is the most pleasant corridor in the study area to walk through as a pedestrian. It has a well-landscaped median, combined with wide sidewalks. A defining feature of much of Park Avenue is the setbacks that are included on the ground floors the buildings, particularly between the Seagrams Building/Lever House down to Grand Central. These setbacks help open up the streetscape by pulling the buildings back creating a far sunnier and more spacious corridor than many of the surrounding streets. The EIS should study the impact that eliminating these setbacks would have on the character of Park Avenue and the overall pedestrian network.

Architecture and Skyline
The special permit scheme in the proposal allows for the development of new "iconic" structures intended to be "seeded" within the study area. In order to receive special permit approval, proposed development projects must exemplify a superior site plan and massing, make a positive contribution to the skyline, result in superior relationship to other buildings, and make a significant contribution to the pedestrian network. The City should create specific, comprehensive criteria for evaluating the site plan, massing, and in turn, architectural merit of a proposed development.

Buildings proposed through the special permit scheme have the potential to obstruct the view of the Chrysler Building in the New York City skyline. The EIS should study the effects that new development at the densities allowed through the special permit would have on New York City's skyline including buildings outside the study area such as the Empire State building, the GE building, in addition to other landmark buildings which populate the New York City skyline.

View Corridors
The Chrysler Building, the Helmsley Building and Grand Central Terminal are all internationally renowned landmarks that are visible throughout the study area, and in the case of the Chrysler Building, throughout much of New York City and beyond. The EIS should analyze the impact of view corridors on these landmarks, including:

- From 42nd Street;
- From Park Avenue and Lexington Avenues; and

- From other significant vantage points throughout the East Midtown re-zoning area in addition to a much wider study area from which the length of the skyline can be observed.

It is unclear that the quality of architecture the Department of City Planning is describing would be accomplished under the standard provisions of New York City zoning. Many of the buildings the Department of City Planning has described as "iconic" or "extraordinary" do not comply with the underlying height and setback rules of the existing zoning. In addition, if the goal is to truly construct "iconic" buildings as the Department of City Planning is describing then a careful design review process or set of criteria should be established. This design review board could be modeled on similar boards which exist in many municipalities across the US with the goal of encouraging high quality design. The Department of City Planning should therefore more carefully study the creation of a design review process for new buildings in the project area.

Task 12: Transportation

1) Can we expect NYCDCP to prepare a *comprehensive street use plan* as requested by Manhattan CB5, joined by CB4 and CB6, in November 2009?

Some modest increase in the share of Vanderbilt Avenue street space for pedestrian circulation is discussed in the Scoping document. However, even without the addition of millions of square feet of office space in the most crowded district in the city, the walking environment in East Midtown is intolerable. The streets are the city's most valuable real estate resource and plans for their use – whether for transit lanes, wider sidewalks, pedestrian malls, bike lanes, curbside parking, sidewalk vending or other uses - should be treated in a more coherent way. A Comprehensive Street Use Plan would bring together a series of ad hoc transportation proposals that have been brought before the three boards in recent years. It could also include consideration of the city's plan to add several thousand taxi medallions onto congested Midtown streets and measures that would reduce, not increase traffic flow, including revisiting the City congestion pricing plan. Traffic reduction measures would permit consideration of more extensive pedestrian space increases in Midtown, where pedestrians outnumber motorists by five to one or more.

2) Will NYC DCP actively pursue Manhattan CB5's resolution, adopted on May 7, 2008, calling for consideration of a new rail link between Penn Station and Grand Central Terminal as part of USDOT's plans for new Hudson River passenger rail capacity?

This resolution was adopted in response to the MTA/NJ Transit/PANYNJ Access-to-the-Region's Core (ARC) planning effort, completed in 2003. Manhattan CB5 strongly favored an alternative that would route new rail tunnels directly to Penn Station and then continue to existing tracks and platforms at Grand Central Terminal because it would ease travel by public transportation from the growing West of Hudson commuter shed, that now lacks direct rail service to East Midtown. NJ Transit rejected the connection plan in favor of an isolated deep cavern plan under 34th Street. NJ Governor Chris Christie later canceled this plan has too costly and failing to provide New Jersey residents

with better access East Midtown. Recently, USDOT has begun scoping for a new programmatic draft environmental impact analysis of a $151 billion plan for major investments in high speed and regional rail service in the Northeast Corridor. Plans include a major expansion of Hudson River passenger rail capacity and consideration of routing options for new rail capacity through Midtown Manhattan are central elements of this scoping. NYCDCP has an opportunity to participate in the USDOT scoping, including consideration of routing options that relate to the East Midtown rezoning.

3) How will the DIB be priced?

4) Who will audit the fair market value of DIB and how often?

5) What City agency will oversee the DIB fund? Who will have oversight over the fund to ensure it is properly managed?

6) What will be the cost of administering the DIB fund and DIB project selection?

7) Will the costs be capped at a fixed amount or a percentage of the fund?

8) Will the City or other governmental agency match DIB money for projects?

9) What is the cost of each of the DIB projects that DCP has already identified?

10) How will the community be engaged with the selection of DIB projects?

The long term infrastructure needs of our city need to be more carefully considered along with an attempt to more coherently plan for our City's streets.

As an alternative approach we ask the city to study a proposal of mandating a development to fully fund a District Improvement Plan and only after that plan is fully funded would landmark air rights be available for use.

Task 13: Air Quality

We believe the following matters regarding the study of air quality and environmental quality need to be addressed by the EIS Report preparation team:

1. A study of all the pollutants in CEQR Technical Manual, 2012 Edition (Revised 6/18/12), must be included in the EIS. Nitrogen Oxides (NO_x) levels should checked during the mobile analysis (both the screening and detailed analysis portions), all of the stationary source analysis screening types and the garage analysis screenings. NOx is a criteria pollutant, an indirect greenhouse gas and a key cause of acid rain. The burning of fossil fuels is a major source of NOx. Not only will new class A office buildings be burning more fuels for heating and cooling, the higher rents will bring to the East Midtown area more highly compensated workers and thus a dramatic increase in the use of not only personal vehicles but also so called "black cars". Black cars are known for their frequently idling motors and along with the other factors mentioned, could increase

area pollution significantly as new sources of NO_x, SO_x CO and other emissions flourish. There are also the on-going air quality changes the area may experience after the opening of Madison Yards. Our firm has worked on the East Side Access project initiative for over 15 years. Once the final phases of the East Side Access project are completed, air quality in this area may be affected and this needs to be taken into consideration.

2. The Study of Air Quality Mitigation technologies such as photo-catalytic cements and coatings which help reduce hydrocarbons and other emissions at point of reception after being applied to buildings and hardscapes, should be considered.

3. The testing of TVOC (Total Volatile Organic Compounds) is not included in the proposed EIS studies of Air Quality. VOC's according to the EPA have an ability to create photochemical smog and should be studied.

4. Will the EIS Scope of Work address and support NYC's Sustainability Master Plan "PlaNYC 2030" in its missions, initiatives and goals? These initiatives are specifically described in pages 127, 128 and 129 of the Greener, Greater New York PlaNYC. And I quote "The following initiatives are designed by PlaNYC to provide everyone in our city with healthier air to breathe. We should expect no less than the cleanest air of any big city in America, given the track record we have set in becoming the country's safest large city." These PlaNYC initiatives include:
    a. Reducing emissions from construction vehicles and construction related activities;
    b. Reducing emissions from buildings;
    c. Reducing energy related emissions by cutting energy consumption and upgrading NYC's energy supply by promoting the cleaner burning heating fuels, reducing heating fuel usage and enforcing strict emission standards in buildings;
    d. Pursuing natural solutions to improve air quality such as increased tree planning (attaining the goal of 1 million by 2017) on properties like vacant lots, parking garages and public spaces;
    e. Developing new tools to understand the real nature of air quality degradation so that NYC can identify the exposure NYers experience in the newly rezoned midtown east neighborhood and reduce it;
    f. Launch collaborative local air quality studies by monitoring and modeling neighborhood level air quality across NYC.

The EIS needs to address these important issues.

Task 15: Noise

Can it really be true that the proposed action generated traffic would result in no significant noise impacts? Higher density equals more trash and more traffic.

In terms of trash collection, for example, the trucks emit the same volume of noise but it with a longer duration due to increased trash quantity.

Likewise, the increase in pedestrians, bike, and automotive traffic invites more car alarms and horn honking. We ask that the new larger buildings resulting from this proposal have a carefully

developed loading strategy to accommodate deliveries and trash collection, as well black car queuing and passenger pick up. This strategy for better managing loading, trash pick-up, and the queuing of black car needs to be carefully described in the EIS.

Task 18: Construction

Due to the density and adjacency of the projected and potential development sites, review of construction impacts should be undertaken on worst-case scenario basis. Concurrent construction on multiple sites will amplify negative impacts.

A worst-case scenario may require the implementation of mitigation measures, such as phased development or instituting an organization modeled after the Lower Manhattan Construction Command Center.

Construction reviews should also include construction impacts for anticipated DIB improvement projects.

Task 19: Mitigation

The EIS should not include DIF-funded improvements as mitigation that reduces the otherwise adverse impact of development to the greatest potential allowed under the new zoning. They can be cited as a means of mitigating problems, but this should not be used to require that DIF improvements be utilized for such mitigation purposes. Since no price is outlined in the draft scope, there is no way to have any guarantee that any substantive improvements will come from the DIF and adverse impacts.

Task 20: Alternatives

1) Why is mixed use development not to be examined or discussed? Vitality and around the clock life add to the desirability of a neighborhood. You are attempting to keep up with London while London is encouraging and proceeding and adding residential to its main financial center. The EIS needs to study mixed us as an alternative.

2) The EIS should explore the potential for setting up a regulatory framework to ensure that DIBs are priced above the going rate for air rights, yet below an amount that would dissuade development. In economic terms, the city should look at a mitigation measure that would enable the city to tap into as much of the developers' profit margin as possible to provide benefits for the adverse impacts that would come with a reasonable worst-case build. For instance, if future affordable housing would be displaced from the community, DIBs could be used to support not only transit and pedestrian improvements, but also fund affordable housing initiatives for the community.

3) The DEIS should analyze as an alternative the transfer of air rights from existing and potentially new landmarks in the proposed rezoned area outside of the Grand Central Subdistrict should be allowed to transfer their air rights throughout the area. Any funds from the sale of air rights could be used to provide maintenance to the landmark and for a contribution to the DIB fund or similar fund for area improvements. The Grand Central

and the Broadway Theater Subdistricts are models for such a structure. This could help preserve the historic designated buildings, make building owners more accepting of landmark status, and strengthen the legal rationale for the landmarking process.

Community Board Five looks forward to a thorough and fair analysis of all the issues we have raised here, and a collaborative ULURP process where legitimate concerns and questions continue to be asked and answered with the detail this project, and our city, deserves.

September 27, 2012

Edward Klimerman

9.27.12

Tasks: 3, 19, 20

My name is Edward Klimerman. I am a member of Manhattan's Community Board 5 and a member of the East Midtown task force which includes Community Boards 4, 5, and 6.

There are currently more than 30 designated landmark buildings and interiors in the proposed rezoned area, and there are additional buildings and interiors that are eligible for landmark designation. Community Board Five has requested from the Landmark Preservation Commission an inventory of existing and potential buildings and interiors in the area. As of today, LPC has not provided the requested information. While the existing landmarks will continue to be protected, the eligible landmarks could be in danger. LPC should prepare the necessary inventory as quickly as possible in order to help the discussion about which buildings should be included and not included in the rezoning.

While the proposed rezoning gives valuable benefits to buildings in the area, it doesn't benefit the landmarks outside of the Grand Central Subdistrict. The reality is that such landmarks are unable to transfer their air rights since current zoning restricts transfers to adjacent or nearby parcels. The DEIS should analyze as an alternative the transfer of air rights from existing and potentially new landmarks in the area outside of the Grand Central Subdistrict throughout the rezoned area.

Alternatively, the DEIS should consider a transfer area of six to eight blocks surrounding each landmark. Any funds from the sale of air rights should be used to provide maintenance to the landmark and for a contribution to the DIB fund or similar fund for area improvements. The Grand Central and the Broadway Theater Subdistricts are models for such a structure. This could help preserve the historic designated buildings, make building owners more accepting of landmark status, and strengthen the legal rationale for the landmarking process.

Regarding the DIBs, in the Grand Central Subdistrict under the current proposal the first three additional FARs must be acquired by using DIBs, and, thereafter, by acquiring additional DIBs or the purchase of privately-held air rights. Grand Central Terminal has approximately 1.4 million privately-held air rights available for sale. The DEIS should also study an alternative where only DIBs are used until a certain agreed dollar threshold is achieved. The amount of the threshold would depend on the cost estimates for the most significant community improvements, after which a developer could continue to purchase DIBs or acquire privately-held air rights.

We urge you to consider these alternatives carefully in the DEIS and thank you for the opportunity to testify on this very important issue.

East Midtown Scoping Hearing
9.27.12
Tasks: SocioEconomic (CEQR Chapter 5)
Historic Resources (9)
Urban Design (10)
Water/Sewer (14)
Energy (15)
Transportation (16)
Neighborhood Character (21)
Alternatives (23)

J. Michael Greeley
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My name is Michael Greeley. I live at 60 Thayer Street in Inwood, I cook at the Waldorf=Astoria Hotel, I am a member of Manhattan Community Board 5, and I am a member of the East Midtown Task Force for Community Boards 4, 5, and 6.

We have many unanswered questions that DCP needs to disclose in the Draft EIS, and today I want to focus my spoken comments on two tasks of study: Transportation and Neighborhood Character. And among our questions are the DIB and its fund:

1) How will the DIB air-rights be priced?
2) Who will audit the fair market value of DIB air-rights and how often?
3) What City agency will oversee the DIB fund?
4) Who will be held accountable for the proper management of the DIB fund?
5) Who or what will enforce that accountability and disclose it to the public?
6) What will be the cost of administering the DIB fund and the DIB project selection process?
7) Will the costs be capped at a fixed amount or a percentage of the fund?
8) Will the City or other governmental agency match DIB money for projects?
9) What is the cost of each of the DIB projects that DCP has already identified?
10) How will the community be engaged with the selection of DIB projects?

As an alternative approach:
We ask the City to study a proposal of mandating a developer of a site to fully fund a District Improvement Plan or Project and **only after that plan is fully funded** would landmark air-rights be available for use.

I would also like to touch on neighborhood character:

The defining characteristics of the neighborhood are that:
1. it is the core Commercial Office District in the city and region;
2. huge numbers of people come into & go out of the neighborhood each business day;
3. it is home to a large number of business services firms which allows our Commercial Office District to run efficiently; and
4. a large number of food and personal services retail firms are here to cater to the huge work force that comes each day.

These defining characteristics must always be kept in mind with any proposal to East Midtown.

However at the moment we are still left with some unresolved questions like:

1) Will retail space be encouraged or required at street level?
2) Which firms & what types of firms will be displaced due to this zoning change?
3) How will Madison's and Lex's sidewalks be widened to handle even more density?
4) Is anything else envisioned by DCP besides improved subway platforms & staircases?
5) Can improved sidewalk grates be designed to encourage walking on them, especially by ladies in high-heeled shoes and when it rains by men in dress shoes?
6) Is there room for a new Madison/Lexington Ave loop bus line?
7) Can a bus line be put on Park Avenue?
8) Can corporate black cars have on-site parking, instead of lined-up and idling in the street?
9) What will be done about the increased vehicular traffic due to new hotels and residential conversions at mid-block "soft sites"?

As an alternative: We also ask the City to study a proposal of using Special Permits for hotel and residential development & conversions because crosstown traffic is already so slow from 9am to 7pm Monday to Friday.

Thank you for your time and I am looking forward to in-depth study and answers to these questions and alternatives.
In addition to my spoken comments, I also ask DCP to study and answer the following questions that still have not been resolved:

(SocioEconomic)
1) How might a re-zoning impact the area's Class B office space and the number of jobs housed in such buildings?
2) How many East Midtown buildings are today considered Class A versus Class B?
3) If any Class B buildings are torn down and replaced with Class A (or if Class B/C buildings are converted to hotels or residential) where will these tenants and their employees go?
4) Given the growing number of technology companies seeking affordable office space in Manhattan, how might this segment of the City's economy benefit or lose from any possible re-zoning?
5) What is the FAR and vacancy rate for each of these buildings that are regarded as under-performing in East Midtown?

6) What is the profile of commercial tenants in these under-performing buildings?
7) How many businesses occupy these under-performing buildings, what is their tax contribution to the City, and how many jobs do they represent?
8) If forced to relocate, where might they move and will that put additional pressure on rents in other neighborhoods?
9) Where are these Class A tenants now and what kind of rents do they pay?

(Historic, Alternatives)
10) Will LPC identify any of the buildings that are not already landmarked?
11) Besides GCT, will other landmarks be able to transfer air-rights to a larger area?

(Urban Design, Energy, Water/Sewer)
12) Will the bulkhead & streetwall regulations be altered enough to achieve unique signature buildings?
13) How will green, sustainable building and operational practices be encouraged?
14) How will wind funneling and downdrafts be diminished with even higher towers?
15) How can water use and discharge (rain) into the sewer system be mitigated?
16) How will this increased development generate its own electrical & heating energy?

Scoping Hearing for East Midtown Rezoning September 27, 2012

My name is George Haikalis and I'm a civil engineer and transportation planner. I live at One Washington Square Village and I'm a public member of Manhattan Community Board 5 and a member of the East Midtown task force which includes Community Boards 4, 5, and 6. Today, I would like to address two critical issues: midtown's streets and the longer term need for regional infrastructure.

1. Can we expect NYCDCP to prepare a *comprehensive street use plan* as requested by Manhattan CB5, joined by CB4 and CB6, in November 2009?

Some modest increase in the share of Vanderbilt Avenue street space for pedestrian circulation is discussed in the Scoping document. However, even without the addition of millions of square feet of office space in the most crowded district in the city, the walking environment in East Midtown is intolerable. The streets are the city's most valuable real estate resource and plans for their use – whether for transit lanes, wider sidewalks, pedestrian malls, bike lanes, curbside parking, sidewalk vending or other uses - should be treated in a more coherent way. A Comprehensive Street Use Plan would bring together a series of ad hoc transportation proposals that have been brought before the three boards in recent years.It could also include consideration of the city's plan to add several thousand taxi medallions onto congested Midtown streets and measures that would reduce, not increase traffic flow, including revisiting the City congestion pricing plan. Traffic reduction measures would permit consideration of more extensive pedestrian space increases in Midtown, where pedestrians outnumber motorists by five to one or more.

2. Will NYCDCP actively pursue Manhattan CB5's resolution, adopted on May 7, 2008, calling for consideration of a new rail link between Penn Station and Grand Central Terminal as part of USDOT's plans for new Hudson River passenger rail capacity?

This resolution was adopted in response to the MTA/NJ Transit/PANYNJ Access-to-the-Region's Core (ARC) planning effort, completed in 2003. Manhattan CB5 strongly favored an alternative that would route new rail tunnels directly to Penn Station and then continue to existing tracks and platforms at Grand Central Terminal because it would ease travel by public transportation from the growing West of Hudson commuter shed, that now lacks direct rail service to East Midtown. NJ Transit rejected the connection plan in favor of an isolated deep cavern plan under 34th Street. NJ Governor Chris Christie later canceled this plan as too costly and failing to provide New Jersey residents with better access to East Midtown. Recently,USDOT has begun scoping for a new programmatic draft environmental impact analysis of a $151 billion plan for major investments in high speed and regional rail service in the Northeast Corridor. Plans include a major expansion of Hudson River passenger rail capacity and consideration of routing options for new rail capacity through Midtown Manhattan are central elements of this scoping. NYCDCP has an opportunity to participate in the USDOT scoping, including consideration of routing options that relate to the East Midtown rezoning.

The long term infrastructure needs of our city need to be more carefully considered along with an attempt to more coherently plan for our City's streets.

We urge you to examine these issues more carefully in the DEIS. Thank you for your time and consideration.

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October 9, 2012

BY HAND

Robert Dobruskin
Environmental Assessment and Review
New York City Department of City Planning
22 Reade Street
New York, NY 10007

Re: Statement On Behalf of the Trustees of St. Patrick's Cathedral Concerning Draft Environmental Scope for East Midtown Rezoning – CEQR 13DCP011M

Dear Mr. Dobruskin:

Enclosed please find a copy of the Statement on Behalf of the Trustees of St. Patrick's Cathedral Concerning Draft Environmental Scope for East Midtown Rezoning – CEQR 13DCP011M.

Very truly yours,

Stephen Lefkowitz

SL:vm
Enclosure

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STATEMENT ON BEHALF OF THE TRUSTEES OF ST. PATRICK'S CATHEDRAL CONCERNING DRAFT ENVIRONMENTAL SCOPE FOR EAST MIDTOWN REZONING – CEQR 13DCP011M

This statement is submitted on behalf of the Trustees of St. Patrick's Cathedral.

St. Patrick's Cathedral is one of the most prominent landmarks in New York City. Designated by the Landmarks Preservation Commission in 1966 (one year before Grand Central Station), it is both an important religious center and an icon for millions of visitors each year. By law, the Trustees are charged with the responsibility of preserving this historic complex and have recently initiated a $180 million restoration program to address badly needed repairs to interior and exterior, including metal and stone restoration, plaster and stained glass window restoration, and infrastructure upgrades.

The Cathedral is located in Manhattan's East Midtown and the Trustees support the rezoning as an important initiative to maintain New York City's competitive position in the global economy. However, adoption of the proposal in its present form, without addressing the urgent needs of the Cathedral and other landmarks in the area, will greatly disadvantage those who are responsible for their preservation.

Under current zoning, unused development rights on landmark sites can only be transferred to contiguous sites or sites across a street or cater-corner across an intersection. St Patrick's Cathedral is surrounded by fully-built commercial sites or by other landmarks – to the North by Olympic Tower, to the South by Saks Fifth Avenue (a landmark) and Swiss Tower, to the East by Villard Houses (a Landmark) and the Palace Hotel, and to the West byRockefeller Center (a landmark). Thus, over 1.2 million square feet of unused development rights belonging to the Cathedral are frozen; they cannot be used on site, nor can they be transferred to the sites which the East Midtown EAS has identified for development under the proposed rezoning.

While the Trustees of the Cathedral support the goals of the East Midtown rezoning, they believe it is important, and manifestly fair, to recognize that preservation of historic landmarks within the area is an important goal, and that the needs of the institutions responsible for preserving them must be addressed. The proposed rezoning presents a unique opportunity to provide relief for the owners of landmark sites that are within the new Subdistrict, including the Cathedral. Yet the rezoning ignores this opportunity and the needs of these owners for relief. All landmarks within the proposed Subdistrict should be granted greater flexibility and a less burdensome process to transfer their development rights. In particular, we urge that landmarks within the Subdistrict be permitted to transfer their unused development rights to eligible sites within the Subdistrict – just as Grand Central Terminal is permitted to transfer its development rights to sites within the GCT core. These transfers should be permitted without the need for a special

permit, just as is proposed for landmarks transfers within the GCT core. We do not see a policy reason for distinguishing between transfers from Grand Central Terminal and transfers from St. Patrick's Cathedral.

There is ample precedent for permitting flexible landmarks transfers within East Midtown, such as the Theater District zoning, where listed theaters can transfer rights to any site within the District. The South Street Seaport Special District provides another precedent. In the present case, the legal rationale is the same as that which underlies the City's Landmark Preservation Law itself: in order to preserve historic sites, and to compensate for the burdens imposed on their owners, landmarks are given greater freedom to transfer their development rights. We urge that this policy be implemented in the East Midtown Rezoning, so that designated landmarks within the Subdistrict can participate in and benefit from the new development.

With respect to the Scope of the EIS, we recommend the following:

The EIS should include as an alternative, the transfer of unused development rights from designated landmarks within the Subdistrict to qualifying sites within the Subdistrict.

If the proposal is not modified to permit these transfers, the EIS should study the conflict between the proposed rezoning and the City's established landmarks preservation policy which is ignored in the present proposal.

Finally, the EIS should study the impact of the DIB, a new and unlimited source of City-owned development rights – and in many cases, the sole source – which will directly compete with transfers from the landmark sites. This will only worsen the position of landmarks which would remain subject to the inadequate provisions of existing zoning.

Thank you for the opportunity to comment on these important issues.

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EAST MIDTOWN REZONING – CEQR 13DCP011M – DRAFT SCOPE

This statement is presented on behalf of the Trustees of St. Patrick's Cathedral, and St. Bartholomew's Episcopal Church and Central Synagogue.

These three prominent houses of worship, which are all designated New York City landmarks located in Manhattan's East Midtown, support the rezoning as an important initiative to maintain New York City's competitive position in the global economy. However, adoption of the proposal in its present form will disadvantage all three of these historic institutions whose spiritual and social missions are deserving of greater recognition.

Under current zoning, unused development rights on landmark sites can only be transferred to contiguous sites or sites across a street or cater-corner across an intersection. All three of these historic landmarks are surrounded by fully-built commercial sites or by other landmarks. Thus, almost two million square feet of unused rights in East Midtown are frozen; they cannot be used on site, nor can they be transferred to the sites which have been identified for development under the proposed rezoning.

While the three institutions support the goals of the East Midtown rezoning, they believe it is important, and only fair, to recognize that commercial development should not be the only goal. Also important is the preservation of historic landmarks within the area, and the needs of the institutions that are charged, by law, with the responsibility of preserving them. The proposed rezoning presents a unique opportunity to provide relief for the owners of landmark sites that are within or just beyond the proposed borders of the new Subdistrict. Yet the rezoning ignores this opportunity and the needs of these owners for relief. All landmarks within the area should be granted greater flexibility and a less burdensome process to transfer their development rights, optimally to all eligible sites within the Subdistrict – just as Grand Central Terminal is permitted to transfer its development rights to sites within the GCT core.

There is ample precedent for permitting flexible landmarks transfers within East Midtown, such as the Theater District zoning, where listed theaters can transfer rights to any site within the District. In the present case, the legal rationale is the same as that which underlies the City's Landmark Preservation Law: in order to preserve historic sites, landmarks are given greater freedom to transfer their development rights. We ask that this policy be reflected in the East Midtown Rezoning, so that designated landmarks can participate in the new development.

Since this is a hearing on the Scope of the EIS, I must add that, if the proposal is not modified to permit these transfers, the EIS must study the conflict with the City's established landmarks preservation policy. In addition, the EIS must also study the impact of the DIB, a new and unlimited source of City-owned development rights – in many cases, the sole source – which will

directly compete with transfers from the landmark sites. This will only worsen the position of landmarks which would remain subject to the inadequate provisions of existing zoning.

Thank you for the opportunity to be heard on this important issue.

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Comments of the Real Estate Board of New York, Inc. on the Draft Scope of Work for an Environmental Impact Statement for East Midtown Rezoning, CEQR No. 13DCP011M

September 27, 2012

The Real Estate Board of New York welcomes the City's rezoning proposal to invigorate development in East Midtown. This proposal will strengthen East Midtown as the world's premier office district by attracting new businesses and helping keep New York City on competitive footing with other world cities. We believe, however, that the proposal needs to be elaborated in some places and modified in others in order to induce the kind of development that the City needs in a way that is fair to all stakeholders.

It would inject new vigor into a market that has seen very little new development since the 1980's when the city nudged new development to the west side with a series of zoning changes and tax incentives. Only two new office buildings have been developed there in the last decade.

East Midtown is a key job center in NYC. Its building stock however is aging and many buildings are outmoded and lack the floor plate size, slab to slab clearances and design efficiency that tenants require. A rezoning proposal that responds effectively to these and other needs has the potential to create opportunities for updated workspaces that will continue to attract companies and employers. In this way the plan will produce significant public benefits.

Insuring that the zoning proposal encompasses the full range of changes needed to induce the redevelopment of East Midtown requires that the public and environmental review processes encompass as wide a range of options as is reasonable in light of the project's goals. REBNY therefore urges that, in preparing the Environmental Impact Statement, the Department of City Planning study the following:

- The scope of work should include study of possible extensions/changes to the district boundaries. The southern and eastern boundaries of the district should be modified to incorporate sites that have a genuine opportunity to benefit from the rezoning and whose redevelopment would achieve the goals of the proposal. One example would be that the new maximum FAR should be extended a block to the south to take in sites on the other side of 42nd Street that could meet the lot size minimum, are close to Grand Central and have an underground connection to the subway network and would be a fitting place for high density development. In addition, we recommend that the Special Midtown District be expanded so that it extends across East 42nd Street as far as Second Avenue, where there is a substantial likelihood of facilitating the redevelopment of sites that are now burdened by obsolete, overbuilt buildings that are in close proximity to Grand Central Terminal.

- One of the most important aspects of this plan is to provide incentive for older buildings that are overbuilt under current zoning to be redeveloped as a more modern commercial building. To that end, we recommend that such owners not be required to pay into a bonus fund in order to redevelop the amount of floor area that is already built on site.

- We recommend that higher as-of-right densities be studied with the underlying idea that the plan must incentivize owners to take action. At the very least, the EIS should study the development of key sites with buildings that could only be built with the special permit so that, if there were to be proposals for these sites in the future, the time needed for the review of a special permit could be reduced by limiting the CEQR review to a technical memorandum rather than encompassing yet another EIS. Less time in the pre-development process is an important incentive to those seeking to redevelop these properties.

- Flexibility for site size should be studied. There are smaller overbuilt sites than could be encouraged to become new boutique office properties. We also don't want site size and frontage requirements for new development to end up thwarting assemblages due to hold-outs or other obstacles. A waiver mechanism should be analyzed.

- The process for determining the price at which the District Improvement Bonus would be established, and the relationship between the purchase of additional floor area pursuant to the bonus and the purchase of unused landmark development rights needs to be spelled out now. The process must be one that is guided to a fair result by appropriate standards and that reaches those results in a fair manner. Different pricing concepts should be explored including an auction which might be used to establish price.

- We are concerned about the proposed 2017 sunrise date. This is bad public policy and sets an unusual precedent as zoning changes usually become effective on the date of adoption or shortly thereafter. The East Midtown rezoning would complement, not diminish, other office markets developing around the city since each market is different and draws different types of tenants. We believe that this arbitrary start point does not reflect real market conditions and we question the premise of the delayed start date. The 2017 sunrise date would also limit the ability of some of the prime development sites to participate since their current lease structure would allow them to start sooner. The EIS should study the impact of a portion of the square footage being developed in buildings that would start construction prior to 2017 so that the Department can consider text that allows, under appropriate circumstances, sites that are ready to go in the next five years to move forward without unnecessary delays.

- A major concern remains the transfer of development rights from landmarks in the district. The EIS must explore methods of providing maximum viable receiving sites for both the Grand Central Terminal and other landmarks in the district. Such a mechanism must respect the intent of the GCT Subdistrict as well integrate other landmarks. A broader transfer mechanism must be found to allow existing landmarks with substantial unused development rights such as Lever House, Central Synagogue, St. Bart's and St. Patrick's to find realistic receiving sites for their development rights and to allow them to transfer these rights without a special permit or other discretionary action-i.e. on as-of-right basis. Expanding the boundaries of the District and Sub district would help. In

addition the EIS needs to study modifications or alternatives to the current proposal that would ensure that landmarks are given a fair opportunity to transfer their unused development rights to generate "bonus" floor area for development sites. This could be accomplished by, among other changes, modifying the preferential treatment given the DIB in the Grand Central Subdistrict and eliminating the exclusive availability of the DIB outside the Subdistrict as a vehicle for increasing floor area. (This can be done while still insuring there are funds available to make the public realm and infrastructure improvements that are important to the area.) Doing this would achieve two important objectives: helping these landmarks take greater advantage of their rights under the Zoning Resolution and facilitating the replacement of obsolete commercial space.

- However, the EIS must recognize that the designation of an historic district or of multiple individual office buildings as landmarks in East Midtown has the potential to frustrate the zoning plan and must make it clear that the demolition of these buildings, to the extent that they exist, is an unavoidable consequence of the City's objectives.

- The EIS must fully analyze the ability to use all the proposed as-of-right floor area within the envelopes of the height and setback rules of the district. Can the types of buildings that are desired under this plan be built within the height and setbacks rules or should there be some modifications? A second analysis should consider how the bulk could be accommodated in an-as-of-right scenario, should the City increase the as-of-right densities as we suggest they should.

- The EIS should also study hotels that incorporate a residential component in a mostly commercial development. For example, the unit could be sold to an individual buyer and occupied as an apartment or used for hotel type use without any restrictions on the length of stay. In previous discussions with City Planning, this concept was called a "hybrid hotel".

In a mature market area with virtually no vacant sites, new development opportunities will occur slowly over time and only when the leasing circumstances in individual buildings and market conditions in the area combine to make new development economically feasible. As a result of the modest and incremental nature of the rezoning, we don't believe that there will be major environmental impacts. There could also be benefits achieved by energy conservation in new buildings.

The plan does include a fund to enhance pedestrian movement and transportation in the proposed district. Whatever infrastructure improvements are planned, they must be planned with input from the building owners. For example, discussion of redesigning Vanderbilt Avenue must include input from owners since it would affect building operations and traffic circulation. Likewise, for owners who are contemplating utilizing the "new" Vanderbilt Avenue as the gateway to their building, a detailed conceptual design for this infrastructure improvement would be a critical component in the design and orientation of any building on Vanderbilt Avenue.

Thank you for the opportunity to comment. REBNY looks forward to working with you on this plan.

Comments on the Draft Scope of Work for East Midtown Rezoning and Related Actions by the Department of City Planning (DCP)
CEQR 13DCP011M, dated August 27, 2012

Roxanne Warren, AIA, Roxanne Warren Architects
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September 27, 2012
www.vision42.org

My comments focus on two basic things that are sorely needed in Midtown, but are missing from the Draft Scope:

1. the need for *expanding and enhancing the walking environment at street level*, and
2. the need for *first class, crosstown, river-to-river rail transit*.

In its proposed upzoning of East Midtown, DCP acknowledges the need for improvements to the area-wide pedestrian network, both above- and below-grade. There already exists a reasonable *below-grade* pedestrian network, but the *above-grade* walking environment is extraordinarily congested, and will become even more so as floor area ratios are increased from 15.0 FAR up to 24.0, and even up to 30.0 FAR. Making a block or two of Vanderbilt Avenue car-free will be *totally insufficient* for the massive numbers of additional pedestrians that can be expected. *Streets are valuable real estate that should be increasingly dedicated to pedestrians as building densities are increased*.

The proposed upzoning focuses on the area directly around Grand Central Terminal, both because it has the largest concentration of aging office stock and because it has the best rail transit access in East Midtown. This is true if one considers *only north/south rail transit lines*. But the reach of *east/west rail transit* is poor, since it only extends to Grand Central and Times Square. Public transit between the Terminal and major existing and planned development at both rivers is *limited to buses*, and these are *inadequate for a city of such high density and prominence*. This administration has so far repeatedly turned its back on popular proposals for a river-to-river, light rail line on 42nd Street—initially, by the 42nd Street Development Corporation, and currently by the Institute for Rational Urban Mobility.

We urge the present Administration and DCP to reconsider their rejection of the current plan, known as **vision42**, to convert 42nd Street into a *river-to-river, auto-free and landscaped light rail boulevard, with premium crosstown low-floor light rail transit service, worthy of this great city*. Technical studies by well-regarded consultants have confirmed that **vision42** would yield substantial economic and fiscal benefits for the city—appreciably even more benefits than an additional station at 10th Avenue on the #7 subway line. We urge you to explore these studies, which are all posted on our website, both in detail and in summary form.

Thank you.

www.vision42.org

THE NEW YORK
LANDMARKS
CONSERVANCY

September 27, 2012

STATEMENT OF THE NEW YORK LANDMARKS CONSERVANCY AT THE PUBLIC SCOPING MEETING REGARDING THE PROPOSED DRAFT SCOPE OF WORK FOR THE PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR REZONING MIDTOWN EAST

Good day Chair Burden. I am Andrea Goldwyn, speaking on behalf of the New York Landmarks Conservancy. The Landmarks Conservancy is a private, independent, not-for-profit organization, founded in 1973. Our mission is to preserve and protect historic resources throughout New York.

The Conservancy has substantial concerns about the proposed Midtown East rezoning. We agree that New York needs to change and grow, and that new development can stimulate the economy and sometimes results in fantastic architecture. This proposal, however, almost entirely ignores the fine historic buildings that already grace Midtown East, and give this part of the City its character.

While the draft scoping documents exclude City-designated landmarks as potential development sites, they lack a comprehensive review of historic resources in Midtown East. Besides those City-designated landmarks, there are 21 buildings that the State Historic Preservation Office has determined are eligible for listing on the State and National Registers of Historic Places. We have recently completed a survey and found 17 additional historic structures, designed by significant architects such as Warren & Wetmore, York & Sawyer, and James Rogers Gamble, that we plan to submit for such eligibility. Of this total group, 16 have been identified as projected or potential development sites (images attached). These are fine, old buildings that date to the early 20th century, with soaring masonry facades enlivened by decorative details. They are an essential part of the mix that makes New York such a special place. London didn't tear down its historic architecture to build the Shard, and neither should New York.

We also question whether the proposed changes to the Grand Central Subdistrict will be of any help to this landmark. The owners of Grand Central's air rights are rightly concerned that those rights will now be set aside in favor of those that the City is selling. And we have heard from major religious institutions wondering that if the City can create special districts where none existed, why can't it do the same for those landmark buildings that so enrich New York?

Our concern about the historic buildings is only one of many that this plan raises. It reduces the City's commitment to sustainability by encouraging the demolition of perfectly intact buildings with all their embodied energy. It lacks specifics about how the transportation improvement funds will be used. And it is not clear that authority exists for the "sunrise" provision.

In many cases, the City Planning Department has used rezoning judiciously, responding to community concerns and codifying existing building patterns. That thoughtful application has improved neighborhoods. If fully implemented, the plan presented today would irreparably damage one of New York's great historic commercial zones. The blend of new and old is what keeps New York vital and unique. That principle should be a starting point for revitalizing this significant area, not an afterthought as it is presented here.

Thank you for the opportunity to express The Landmarks Conservancy's views.

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Midtown East Historic Buildings Identified as Projected or Potential Development Sites

New York Landmarks Conservancy
September 27, 2012

51 East 42nd Street
Warren and Wetmore, 1913

Roosevelt Hotel, 45 East 45th Street
George B. Post, 1925

Roosevelt Hotel, Madison Avenue Facade

Hotel Inter-Continental/Barclay Hotel, 111 East 48th Street
Cross & Cross, 1927

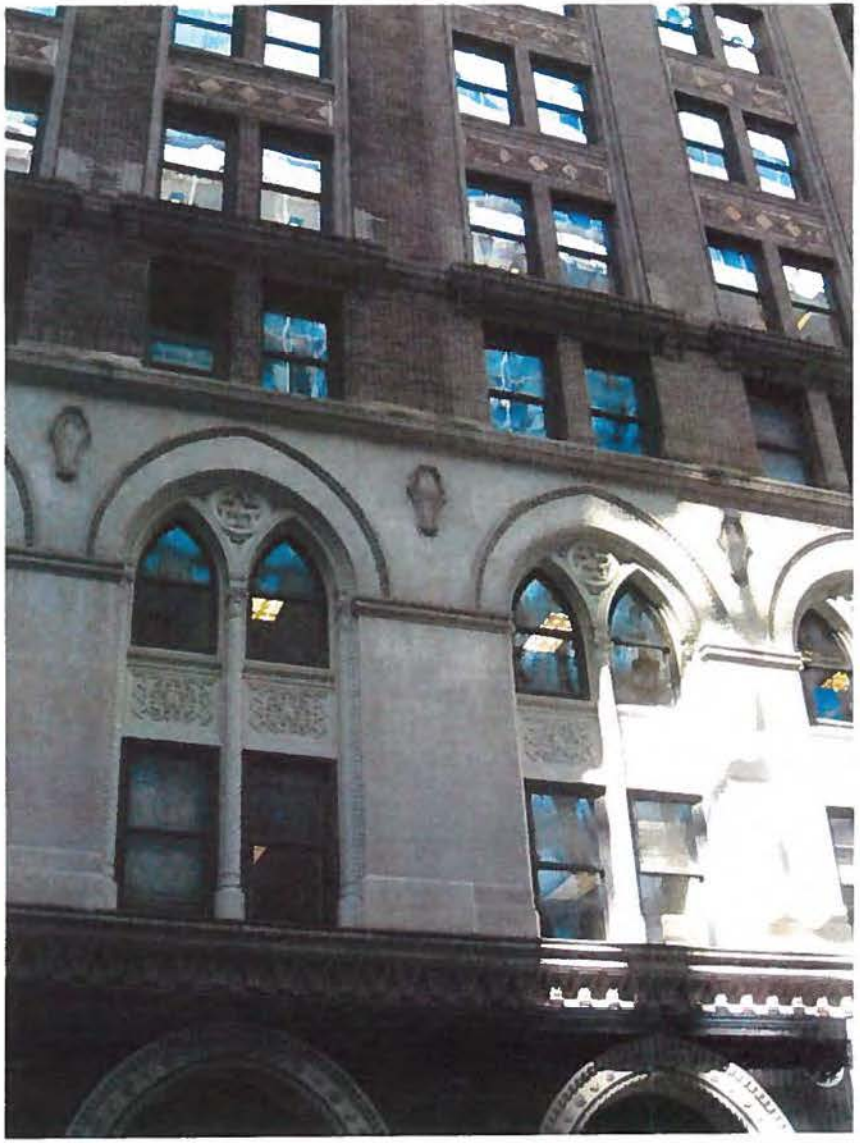
Lexington Hotel, 511 Lexington Avenue
Schultze & Weaver, 1928

Shelton Club Hotel, 525 Lexington Avenue
Arthur Loomis Harmon, 1924

Hotel Montclair, 541 Lexington Avenue
Emory Roth, 1929

285 Madison Avenue
Rouse and Goldstone, 1925

292 Madison Avenue
Ludlow and Peabody, 1923



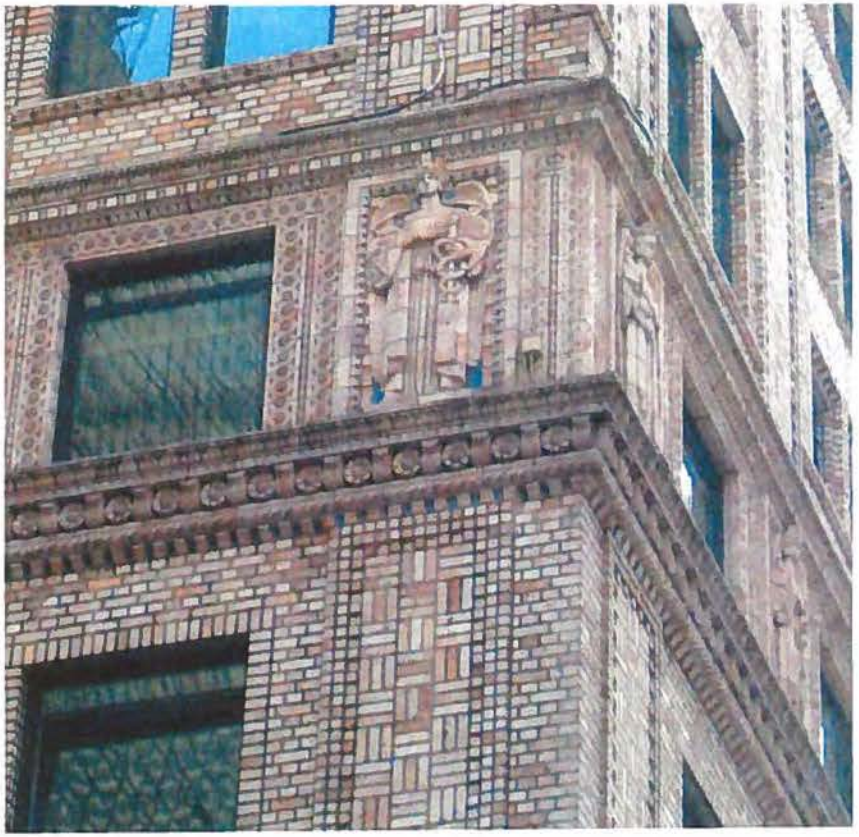
331 Madison Avenue
Severance and Van Alen, 1911

346 Madison Avenue
La Forge & Morris, 1914

347 Madison Avenue
Warren and Wetmore, 1918

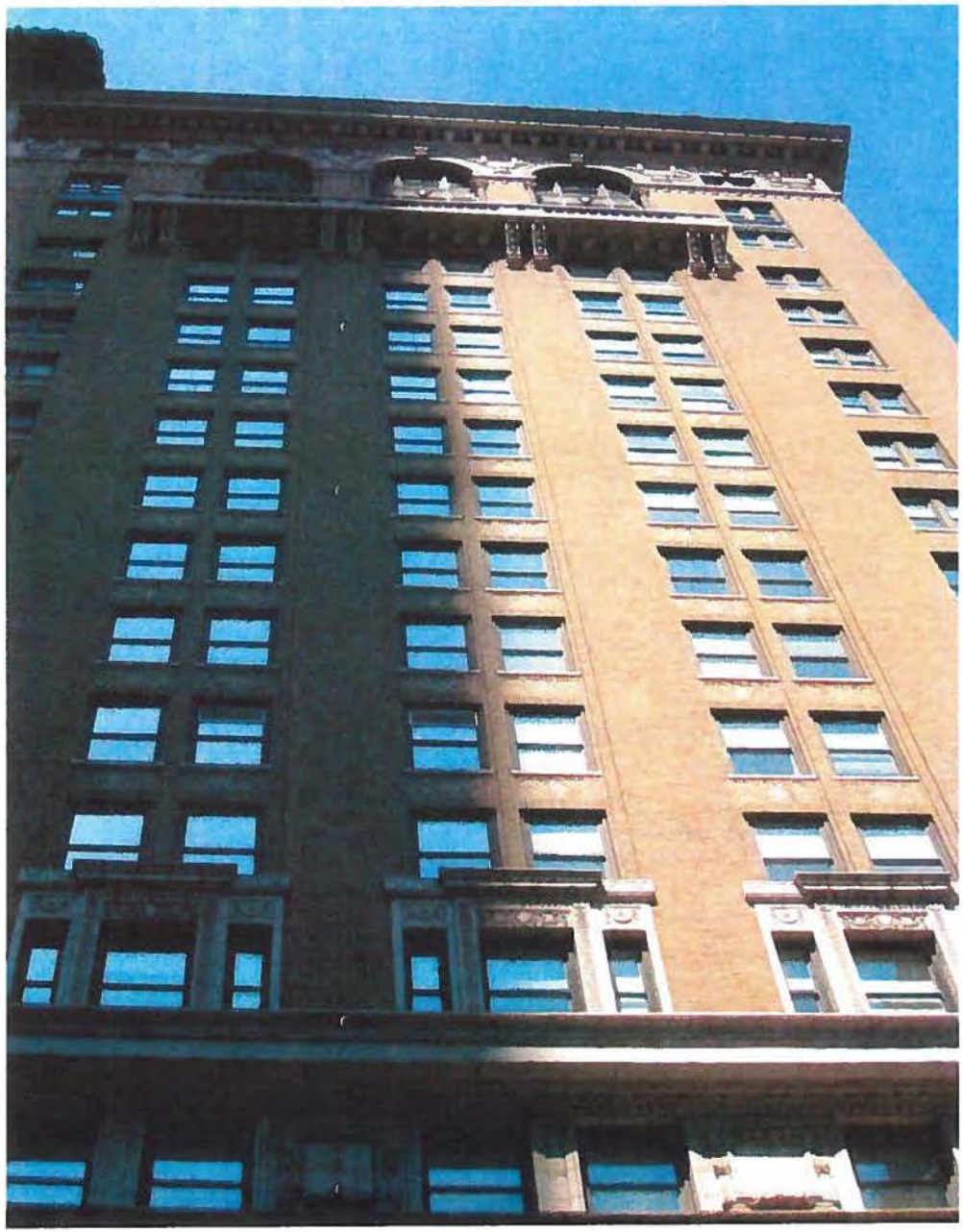
366 Madison Avenue
Warren and Wetmore, 1920

125 Park Avenue
York and Sawyer, 1922



250 Park Avenue, Postum Building
Cross & Cross, 1925

52 Vanderbilt Avenue
Warren and Wetmore, 1915



Yale Club, 60 Vanderbilt Avenue
James Rogers Gamble, 1915

Columbia University
IN THE CITY OF NEW YORK
THE GRADUATE SCHOOL OF ARCHITECTURE PLANNING AND PRESERVATION
400 AVERY HALL

Comments from the Director of the Center for Urban Real Estate (CURE.) at Columbia University on the Draft Scope of Work for an Environmental Impact Statement for East Midtown Rezoning and Related Actions, CEQR No. 13DCP011M

9/27/12

Good afternoon. I am Vishaan Chakrabarti, Director of the Center for Urban Real Estate at Columbia University or CURE. In full disclosure, I am also a consultant for two property owners who will be impacted by this action, namely SL Green and L&L Holdings.

The Center for Urban Real Estate advocates solutions for a rapidly urbanizing world. We at CURE redefine sustainability as dense, mixed-income, mixed-use, transit-based urban development such as what is being contemplated for Midtown East.

We endorse and applaud the City's efforts to modernize and improve the heart of our central business district. As is well known to you, the buildings of Midtown East have grown increasingly obsolete, threatening the very competiveness of our City and Region.

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A significant upzoning will be required to incentivize redevelopment of Midtown East, and we support the decisions by the Department to allow for 24 FAR buildings with a Chair's Certification, and up to 30 FAR by Special Permit.

Many of the existing buildings in the area are aging, but when they are partially or fully leased it remains very expensive and very risky to de-lease, demolish, and rebuild them. We understand the need for the City to upzone using a District Improvement Bonus (DIB) mechanism that will require developers to pay for district improvements in return for additional floor area.

The pricing of the DIB will be a crucial determinant in the success of the rezoning. This pricing should be done to reflect the fact that the FAR will be used primarily for commercial space, which is typically a lower price than residential FAR. Also, this price must reflect the fact that these are air rights, and as such must be combined with the price of land in order to create a feasible development; air rights should be priced lower than any FAR in the area that is already attached to a site.

The DIB should not be charged for overbuilt FAR. The overbuilt FAR in the district has already been purchased by its owners, and is only a consequence of a decades old downzoning.

Midtown East is a unique marketplace that is largely driven by the direct access Grand Central enjoys to Connecticut and Westchester where many senior executives reside. This historically has resulted in higher office rents for Midtown East. As a consequence, we do not view Midtown East as competitive with either the World Trade Center site or Hudson Yards. Both of those very important locations attract different tenant types

seeking lower rents, larger office floorplates, and access to New Jersey, Brooklyn, or other parts of region.

As a consequence, we do not feel the Sunrise provision, which is intended to delay development here in order to allow other parts of the city to develop, is necessary.

The area needs more hotels, and even a small amount of associated residential, to make it another of the lively mixed-use districts that are the hallmark of the Bloomberg Administration. Limited amounts of hotel and associated residential would likely increase the value of new office space, which is a pattern we are seeing in new developments worldwide. We urge the Department of City Planning to keep a limited amount of these uses in the EIS Scope.

We applaud the City's efforts to reimagine Vanderbilt as a beautiful new public space that will tie Grand Central to the new building sites along that unique Avenue, and enhance the connections to East Side Access, whose tunnels sit directly below Vanderbilt. In addition to Vanderbilt, we encourage the City to find other innovative methods to provide new public open space in an area that promises to be denser and more thriving. Changes to the Park Avenue median, which originally was intended as a wider, occupiable space, and new public spaces within new buildings should be rigorously explored.

Thank you for the opportunity to provide comments today.

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27 Sep 12

East Midtown Rezoning -- Scope of Environmental Review

My name is John West. I am a member of Community Board Six; however, I am speaking today as an individual. This is in part because a formal position of the Board requires a resolution by the Board and, although we took the unusual course of holding committee meetings during July and August to accommodate the City's accelerated schedule, we have not been allowed adequate time to properly review the proposed scope before this meeting.

I will limit my comments to four issues. There is more detail in my written testimony, so I will only introduce the four items now.

Task 2. Land Use, Zoning, and Public Policy: Midtown Manhattan, particularly East Midtown, is considered the hub of the region's commercial districts. Thirty or 40 years of public policy have sought to spread the wealth of this economic engine to the city's other central business districts in order to bring jobs and economic development to parts of the city with sites and infrastructure to accommodate it. These areas are intricately interrelated. What happens in one area affects the other areas. A change in the City's policy for East Midtown deserves a detailed examination of what is likely to happen in the other commercial districts and the neighborhoods they support.

It has long been City policy to spread commercial office development from East Midtown to other parts of the city. During the Lindsay administration there were Mayor's Development Offices to encourage investment in places as diverse as Lower Manhattan, Downtown Brooklyn, and Jamaica, Queens. In 1982 the Special Midtown District was established explicitly to "achieve balanced growth by stabilizing the East Side Core while encouraging development in West Midtown." Subsequent rezonings in Long Island City, Downtown Brooklyn, Hudson Yards, and elsewhere have sought to advance this policy. The goal has been to distribute development over the city's several central business districts to make better use of existing infrastructure, to reduce congestion, and to promote economic development and job creation throughout the city.

The zoning proposal for East Midtown seems intended to reverse that policy.

Before making such a change it seems there ought to be a thorough market and economic study that relates the public investment in infrastructure, particularly transit, and the private investment in commercial real estate. There needs to be real justification for a reversal of the City's policy since before1982. Ideally such

a study would also address the region's other business centers, such as Hoboken, Jersey City, Newark, White Plains, and Stanford.

In any event, the scope of the environmental analysis of the proposal needs to recognize the interrelations of the several commercial districts and the impacts of encouraging real estate development to again focus on East Midtown.

Task 11. Energy: An energy analysis of development in East Midtown differs from most places in that the development sites are already occupied by large buildings with significant embodied energy. An appropriate study would compare the life-cycle energy budget of renovating or enlarging an existing building with demolishing and replacing it.

The energy section of the proposed scope seems to anticipate an analysis based only on the energy required to operate buildings. It does not propose to address the energy required to demolish or construct buildings and does not mention the embodied energy of existing buildings.

There are two questions for which a life cycle energy analysis would be informative:

- Should public policy encourage the replacement of substantial existing buildings in East Midtown with new buildings?
- Should public policy encourage development in East Midtown or in other commercial districts?

Because sites in East Midtown tend to be occupied by large buildings, rather than being vacant or occupied by relatively small buildings, it would be important to compare the energy cost of renovating or even enlarging an existing building compared to replacing it.

A life cycle analysis would consider the embodied energy of the existing building, including the energy used to create, transport, and erect the old materials, the energy to demolish and dispose of the existing structure, and the energy to create, transport, and erect the new materials, compared to the energy needed to renovate the existing building, and it would also compare the relative energy costs to operate a new building compared to a renovated building.

A similar analysis considering sites in other commercial districts with vacant or lightly developed sites, such as Hudson Yards or Long Island City, would contrast the energy budgets of replacing a large building versus replacing small buildings.

It is sometimes said that the greenest buildings are those that already exist, and, without prejudging the analysis, there may be energy reasons for encouraging the reuse of large existing buildings on many sites in East Midtown and the development of new buildings on less developed sites elsewhere.

Task 12. Transportation: A major factor in the relative attractiveness of East Midtown is the accessibility of its location – it is central to other activities and it is well served by public transportation. More than the generosity of zoning, location is what attracts tenants and developers. The analysis should consider the effect

that changes, such as East Side Access for the Long Island Rail Road, will have on, for example, the relative attractiveness of the several central business districts and the softness of sites near Grand Central.

The transportation section of the proposed scope does not mention Amtrak or the three commuter railroads: Metro-North, LIRR, and NJ Transit. Nor does it specifically mention the Second Avenue subway.

The relative attractiveness of the city's several commercial districts depends in large part on their access. Lower Manhattan, for example is at a disadvantage as a location for corporate headquarters because East Midtown is closer to where many of the heads of those corporations live. Therefore, the transportation section needs to consider not only the impacts of increased density on transit in East Midtown but also the effects of changes in the transit system on the attractiveness of the commercial districts.

The scope should obviously consider the existing Metro-North service as well as the planned LIRR service to Grand Central, including access to their facilities, and the stages of the Second Avenue subway much as it proposes to consider the existing subway.

The scope should also consider the effects of changes in the transit system on the interrelationships of the various commercial districts. Changes that are known to be planned or have been studied include:

- Routing Metro-North service to Penn Station via Sunnyside Yards and Riverside Park.
- Providing NJ Transit revenue service to the planned intermodal station in the Sunnyside Yards at Long Island City when East Side Access opens.
- Extending the Second Avenue subway to Lower Manhattan.
- Track connections between Grand Central and Penn Station that would allow Amtrak service and NJ Transit service through Penn Station to Grand Central and Metro North and/or LIRR service through Grand Central to Penn Station.

East Side Access will, of course, increase the attractiveness of East Midtown and the Sunnyside Yards station would increase the attractiveness of Long Island City. What are the other impacts?

Task 20. Alternatives: The goals of the proposed action are to maintain the attractiveness of East Midtown by seeding it with a few new, iconic, class A office buildings and by improving the public realm. It is claimed that the existing Special Midtown District and its Grand Central Subdistrict are unsuccessful and need to be replaced because they have not engendered more development (although it was the goal of these regulations to shift development away from East Midtown).

An alternative that would address both goals, without reversing 30 or 40 years of public policy, would be to amend the Grand Central Subdistrict to make it more as-of-right and predictable and to recognize the evolving needs of the public realm in the two decades since the subdistrict was established.

The nexus of the subdistrict is twofold: the "airpark" above Grand Central Terminal, which is preserved by the removal of the unused development rights, and the pedestrian concourse system of Terminal City that serves Grand Central and the adjacent buildings. These are the goals that justify the provisions of the zoning. The boundaries of the core within which greater FARs are allowed should be adjusted to relate to these two density ameliorating amenities. The result would be a compact district facilitating the desired new buildings where they can best be accommodated and where they can best contribute to the improvement of the public realm.

The uncertainties of obtaining approvals under the subdistrict could be reduced by preparing a more evolved urban design plan for the affected sites, showing programmatically and diagrammatically what the new buildings would be expected to contribute to the public realm and the urban environment. The new urban design plan would seek to seamlessly integrate the existing Metro-North facilities, including North End Access, the new LIRR facilities, especially its concourse under Vanderbilt Avenue, the existing subway complex, the various connecting buildings, and the adjacent streets in order to maximize the synergy and the predictability of the many improvements.

I am hopeful that these issues will be fully explored.

Thank you for the opportunity to speak.

East Midtown Rezoning
Comments on Draft EIS Scope
September 27, 2012

My name is Michael Gerrard. I am an attorney with the law firm of Arnold & Porter. I am speaking today on behalf of the Municipal Art Society of New York.

I would like to address one important aspect of the proposed scope for the environmental impact statement for the East Midtown Rezoning.

The creation of a major new office district in New York poses a significant risk to the redevelopment of the World Trade Center area, the creation of a new office district at Hudson Yards, and possibly the desired evolution of Long Island City and downtown Brooklyn. There is only a finite demand for new office space in New York, and it is quite possible that pulling businesses toward East Midtown will largely be at the expense of these other areas. There has been a huge public investment in the World Trade Center area and Hudson Yards, and the benefit of this investment should not be diminished by the City's own actions in drawing away tenants.

We already know that the pace at which these other developments can attract tenants is constrained. The Final Generic Environmental Impact Statement for the World Trade Center redevelopment, issued in 2004, assumed that all five towers plus a hotel would be completed and fully occupied by 2015. Clearly that is not happening. There have been great successes in attracting tenants but only two towers are now under full construction, and neither of these is yet fully leased. The pace of office tower construction there, of course, is driven largely by the pace of leasing.

Last year the Hudson Yards Infrastructure Corporation hired Cushman &Wakefield to prepare a "Hudson Yards Demand and Development Report." The report was issued in August 2011. It stated that the Hudson Yards district "is positioned to satisfy a large portion" of the future demand for office space in Manhattan. Cushman & Wakefield expressed the opinion that "market demand can reasonably be expected to support new development in the Hudson Yards, given the assumptions used to derive these projections." One of those is zoning stability. The report states, "Significant changes to City zoning to create new markets that would be competitive with Hudson Yards could potentially result in lower development than forecast."

The EIS should include an absorption study that would project the demand for new office space in New York City throughout the study period, and would estimate what portions of this demand would be satisfied in East Midtown, lower Manhattan, Hudson Yards, and other areas on a year-by-year basis. To the extent that some of this new space involves vacating currently-occupied space, the fate of that newly vacated space should be accounted for in this analysis. There should also be an absorption study for the no-action alternative, so that the impact of the East Midtown rezoning on the development of the other parts of the city can be gauged.

MAS will be submitting more detailed comments in writing by October 9. Thank you for the opportunity to testify today.

From: Michael Keane [mailto:M.Keane@bfjplanning.com]
Sent: Friday, September 07, 2012 10:31 AM
To: EDITH HSU-CHEN
Subject: East Midtown Draft Scope

Hi Edith.

Thanks again to you and DCP for another informative presentation to CB5.

Two items regarding the Transportation section of the Draft Scope:

1. Transit subsection (p. 36): This section calls out subways and buses for analysis, but not commuter rail. Metro North rail lines should be analyzed, looking at potential impacts similar to those outlined for the subways.

2. East Side Access: Check with your environmental experts, but I believe CEQR regs state that major projects affecting the study area that have (a) been formally announced or (b) are underway and expected to be completed before the build year of the proposed action must be analyzed in the EIS (possibly in the Future With Action section?).

3. Second Ave Subway: Ditto from #2 above. While outside the study area boundaries, the planned station at 42nd and 2nd, one could argue, will be impacted by future density increases in East Midtown. DCP might consider discussing this in terms of mitigation measures, i.e. offsetting potential future ridership increases along the 4/5/6 lines resulting from the rezoning. On that note, it might helpful for the applicant to discuss DOT's SBS projects in the Mitigation section—another progressive transportation initaitive that will no doubt support higher-density development in East Midtown. (Include a visually compelling map displaying all existing and planned SBS routes within and near the study area).

Hope this is of some use to DCP. If I can make it to the public session on the 27th, I'll reiterate these to get them on the record.

Good luck with everything,

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MEMORANDUM

To: Edith Hsu-Chen, Director, New York City Department of City Planning, Manhattan Office

Cc: Robert Dobruskin, AICP, Director, Environmental Assessment and Review Division, New York City Department of City Planning

From: Michael R. Keane, AICP

Subject: East Midtown Rezoning and Related Actions - Draft Scope of Work for an Environmental Impact Statement (CEQR No. 13DCP011M)

Date: September 27, 2011

Reference is made to the Draft Scope of Work for an Environmental Impact Statement (CEQR No. 13DCP011M), dated August 27, 2012, in connection with the East Midtown Rezoning and Related Actions (the "Proposed Action"). The Draft Scope of Work has been reviewed for compliance with the analysis framework established in the City Environmental Review (CEQR) Technical Manual.

Overall, the Draft Scope of Work is found to be well-written and, in general, responds to the range of technical analyses set forth in the CEQR Technical Manual. In addition, several recommendations are offered to expand or enhance the analyses and methodologies that will be utilized to prepare the EIS.

PART E. PROPOSED SCOPE OF WORK FOR THE EIS, Task 12. Transportation

Comment #1. **Transit subsection (p. 36):** This section calls out subways and buses for analysis, but is silent on commuter rail. Metro North Rail lines serving Grand Central Terminal should be analyzed in terms of the following impacts:

- potential impacts on platform capacities, station stairways, entrance control areas, and other pedestrian circulation elements that would be impacted by project-generated trips
- conditions and volumes in connection with project-generated trips.

Comment #2. **Long Island Railroad East Side Access Project:** CEQR regulations state that major projects affecting the study area that (a) have been formally announced, or (b) are underway and expected to be completed before the build year of the proposed action must be analyzed in the EIS. The Long Island Railroad East Side Access project is expected to be operational by 2019. Potential density increases in connection with the proposed rezoning could impact ridership levels on this new commuter rail line. The EIS should analyze the East Side Access project both in terms of potential impacts as well as mitigation measures (e.g. new rail supporting higher FAR standards).

Comment #3. **Second Ave Subway:** The EIS should discuss the Second Avenue Subway in terms of mitigation measures, i.e. offsetting potential future ridership increases on the 4/5/6 lines resulting from higher densities. Reference should be made to the planned Second Avenue subway station at 42nd Street and Second Avenue.

Comment #4. **Select Bus Service (SBS) - Current and Planned Routes:** The EIS should discuss the current and planned SBS routes within or in proximity to the East Midtown study area. As with the Second Avenue Subway, SBS routes should be discussed in terms of mitigation, i.e. offsetting potential ridership increases on the subway lines resulting from density increases.

ADDITIONAL COMMENTS

The recommendation below does not address the proposed scope of work for the EIS. It is submitted in response to the Proposed Action itself.

Part C. DESCRIPTION OF PROPOSED ACTION, Proposed Zoning Text Amendment

Sunrise Provision (p. 15). The Proposed Action includes a Sunrise Provision, under which building permits in the East Midtown study area could not be issued under the new zoning mechanisms until July 1, 2017. The intent is to "allow for the sequencing of development consistent with planning objectives in the entirety of Midtown" including the Hudson Yards Redevelopment area. However, this temporal restriction, while written in the spirit of development sequencing, does not fully prevent future development efforts in East Midtown under the new zoning mechanisms from adversely impacting future development efforts in Hudson Yards. In fact, the amount of time necessary to prepare for a new development project in a rezoned East Midtown (property acquisition, parcel assemblage, etc.) could exceed the four-year restriction, thereby rending the provision obsolete. Moreover, the restriction could expire before the amount of development in Hudson Yards necessary to repay the tax increment financing (TIF) bond sales used to fund the #7 subway line extension is realized.

As an alternative, the Sunrise Provision should establish a minimum amount of commercial floor area that must achieved in the Hudson Yards Redevelopment area in order to allow the issuing of building permits under the new East Midtown zoning mechanisms. The minimum amount of built floor area required should be no less than the amount necessary to generate the tax revenues needed to repay the municipal bonds used to fund the #7 line extension. This alternative would serve to better sequence development patterns in Manhattan while also ensuring fiscal responsibility.

The Municipal Art Society of New York
MASNYC

October 9, 2012
Comments on Draft Scope of Work

The Municipal Art Society of New York is a non-profit committed to advocating for intelligent urban planning, design, and preservation policy. MAS has a particularly long and celebrated history in East Midtown, leading the fight to preserve Grand Central Terminal and for many years locating our offices at the Villard Houses on Madison and East 50th Street within the re-zoning area.

The proposed East Midtown re-zoning could potentially remake a neighborhood that is essential to New York City's economy, a critical infrastructure node, and a central part of New York City's identity. Given the Department of City Planning's very ambitious timeline for this proposal and the very limited public discussion of this proposal prior to issuance of the Draft Scope of Work we urge the lead agency to revise the reasonable worst case development scenario, conduct a rigorous study of potential environmental impacts based on the suggestions below, and explore all the alternatives listed below. These alternatives meet the project's goals and will provide the public and decision makers the opportunity to pursue other approaches.

MAS along with the other stakeholders will be looking very carefully at the DEIS. A thorough analysis of the issues raised in our scoping comments will help set a productive tone for the ULURP process and create a sense that the very legitimate concerns and questions about this proposal are being taken seriously.

Analysis Framework – Reasonable Worst Case Development Scenario

We urge the lead agency to take a careful look at the potential environmental impacts of this proposal and include sites in the reasonable worst case development scenario that have not been analyzed. There is a clear justification for analyzing these sites and it will ensure that the EIS does not underestimate the likely environmental impact of this proposal. This is a concern that has been voiced by Councilmembers Garodnick and Lappin, Public Advocate DiBlasio, the affected Community Boards, and the Borough President. In short, all participants in the ULURP process have asked for a more careful analysis of the amount of projected development that could occur under the proposed re-zoning. The following is a list of building sites that have been excluded from the reasonable worst case development scenario but should be included in order to ensure the DEIS carefully analyzes the impact of the re-zoning.

1) <u>Condominiums, co-ops, or residential buildings that contain 6+ rent-stabilized units.</u>

To identify qualifying sites we recommend including sites with 6+ more residential units as potential development sites. Site assemblage is undoubtedly a challenge for developers seeking to build very large buildings. Nonetheless, given 1) the extraordinary size of some of the buildings that could be built under the proposed zoning and 2) the financial incentive to assemble large sites the zoning creates by allowing for additional FAR only on these sites it isn't a prudent or a reasonable assumption to exclude these buildings.

2) <u>All buildings built between 1961-1982 built to their maximum permitted bulk (given their recent construction).</u>

The build year for this project is 2033. At that point many of these buildings will be 50-70 years old, these are exactly the kinds of buildings this proposal argues are outdated and need to be redeveloped. Buildings that have less than 85% of the FAR allowed under the proposed re-zoning (a number the lead agency is using to determine a likely development site) built between 1961-1982 should be included in the RWCDS.

3) <u>All other buildings over 1 million square feet or that contained a tower of more than +35 stories (given their size and the difficulties inherent in emptying and demolishing the structure).</u>

Where these buildings are hotels, which are far easier sites to empty than office buildings sites, and have less than 85% of the FAR allowed under the proposed re-zoning they should be included as a development site in the RWCDS. Therefore, the Hyatt hotel site which has a built FAR of 17.95 - significantly less than 85% of the FAR allowed as-of-right under the proposed zoning (24 FAR) – should be included as a projected development site. There have also been examples in New York City's recent past for the demolition of pre-war skyscrapers in the range of 35 stories including:

- The Singer Building, New York City, 1908-1968. Demolished to make way for 1 Liberty Plaza, a building which has approximately 18 FAR, which is significantly less than the proposed as-of-right 24 FAR under the current proposal around Grand Central. 614 feet and 47 floors.

- City Investing Building, New York City, 1908-1968. Also demolished to make way for One Liberty Plaza. 487 feet 33 floors.

- National City Bank Building, New York City, 1928-1986. Demolished to make way for 60 Wall Street. 433 feet 32 floors.

We urge the lead agency to include as soft sites those buildings with more than 35 stories or 1 million square feet if they have less than 85% of the proposed as-of-right FAR. There is no other district in New York City with this kind of dense building stock and comparable as-of-right densities as the density proposed in this area, so it is very difficult to guess how the market will react to this up-zoning. Therefore, in conducting a conservative analysis of the proposed re-zoning, we urge the Department of City Planning to include those buildings which are 85% or less than the proposed FAR as soft sites regardless of building height or square footage. The above examples clearly document that very large buildings have been taken down in order to construct buildings that have less FAR than is proposed in this district.

4) <u>Non-complying Building Rebuild Identification</u>

The assumption in the RWCDS that new buildings would have the same floor area and therefore the same density as the buildings they are replacing is not borne out in conversations MAS has had with architects. Newer rebuilt buildings are more densely populated with commercial tenants and designed to accommodate anywhere from 5% to 10% more occupants. This should be analyzed as an increase in density for those sites anticipated to be office buildings.

5) <u>Projected vs. Potential Development Sites</u>

"Development is not anticipated on the potential development sites within the foreseeable future; therefore these sites have not been included in the density-related impact assessments." p21, Draft Scope of Work.

Given the asserted demand for additional office space in New York City – an unmet demand of 21 million square feet is projected over the next thirty years according to the Draft Scope of Work – the RWCDS should include density related impacts from the potential sites. These sites would help fulfill the demand that the City believes exists for additional Class A office space and therefore should be conservatively analyzed in the RWCDS.

COMMENTS ORGANIZED BY TASK
The following additional comments are broken down according to the respective tasks of the scoping document.

Task 1: Project Description

Goals
The EIS should clearly set out both the need for and the goals for the redevelopment of East Midtown, including but not limited to the anticipated market that the redeveloped East Midtown intends to serve, the projected need for additional Class A office space in this area, the kinds of tenants that may be attracted to this neighborhood, and the kind of space and amenities they are likely to need. This discussion should also clearly articulate how this proposed re-zoning fits within the City's overall planning goals.

Task 2: Land Use, Zoning, and Public Policy

Study Area
The proposed actions can reasonably be expected to affect land-use in an area that exceeds the proposed project boundaries. The analysis should explore the possible impact of the project on the land use in Lower Manhattan and Hudson Yards in addition to Downtown Brooklyn and Long Island City – other parts of New York where the Department of City Planning has sought to encourage the development of commercial cores. The City of New York and the State of New York through the Port Authority have made enormous financial contributions both in the form of tax incentives and subsidy to encourage the development of Hudson Yards and Lower Manhattan[1] and there is a possibility that if these areas develop or lease up less quickly than is expected the public sector will continue to have to bear the financial brunt of the investment Therefore, the DEIS needs to carefully examine the financial implications of the East Midtown re-zoning in the context of the existing public policies – including financial policies – which are in place.

The study area for the DEIS needs to include New York City's (and perhaps the region's) other commercial districts because they all are interrelated.

In 1982 the Special Midtown District was established explicitly to "achieve balanced growth by stabilizing the East Side Core while encouraging development in West Midtown." Subsequent re-

[1] http://blogs.wsj.com/metropolis/2012/09/24/wtc-construction-leads-to-downgrade-of-port-authoritys-bond-rating/

zonings in Long Island City, Downtown Brooklyn, Hudson Yards, Jamaica, Queens and elsewhere have sought to advance this policy. The goal has been to distribute development over the city's several central business districts to make better use of existing infrastructure, to reduce congestion, and to promote economic development and job creation throughout the city.

The zoning proposal for East Midtown seems intended to reverse that policy. Before making such a change there ought to be a thorough market and economic study, relating public investment in infrastructure, particularly transit, to private investment in commercial real estate.

The creation of a major new office district in New York poses a significant risk to the redevelopment of the World Trade Center area, the creation of a new office district at Hudson Yards, and possibly the desired evolution of Long Island City and downtown Brooklyn. There is only a finite demand for new office space in New York, and it is quite possible that pulling businesses toward East Midtown will largely be at the expense of these other areas. There has been a huge public investment in the World Trade Center area and Hudson Yards, and the benefit of this investment should not be diminished by the City's own actions in drawing away tenants.

We already know that the pace at which these other developments can attract tenants is constrained. The Final Generic Environmental Impact Statement for the World Trade Center redevelopment, issued in 2004, assumed that all five towers plus a hotel would be completed and fully occupied by 2015. Clearly that is not happening. There have been great successes in attracting tenants but only two towers are now under full construction, and neither of these is yet fully leased. The pace of office tower construction there, of course, is driven largely by the pace of leasing.

Last year the Hudson Yards Infrastructure Corporation hired Cushman & Wakefield to prepare a "Hudson Yards Demand and Development Report." The report was issued in August 2011. It stated that the Hudson Yards district "is positioned to satisfy a large portion" of the future demand for office space in Manhattan. Cushman & Wakefield expressed the opinion that "market demand can reasonably be expected to support new development in the Hudson Yards, given the assumptions used to derive these projections." One of those is zoning stability. The report states, "Significant changes to City zoning to create new markets that would be competitive with Hudson Yards could potentially result in lower development than forecast."

The EIS should include an absorption study that would project the demand for new office space in New York City throughout the study period, and would estimate what portions of this demand would be satisfied in East Midtown, lower Manhattan, Hudson Yards, and other areas on a year-by-year basis. To the extent that some of this new space involves vacating currently-occupied space, the fate of that newly vacated space should be accounted for in this analysis. There should also be an absorption study for the no-action alternative, so that the impact of the East Midtown rezoning on the development of the other parts of the city can be gauged.

To the extent that the absorption periods for these other areas extend past the date when the first new East Midtown buildings are open, this suggests that East Midtown has the ability to impede absorption in those other areas.

Because the East Midtown re-zoning may materially affect the overall development potential of the World Trade Center site and Hudson Yards, it calls into question the assumptions that Cushman

Wakefield made to underpin the Hudson Yards infrastructure bond financing. Therefore, potential financial impacts to the City budget need to be carefully analyzed. There is a significant possibility that development of buildings in East Midtown will further slow the development of Hudson Yards, which in turn will mean that the New York City taxpayers will fund the development of the infrastructure there instead of through the originally intended PILOT (Payment In-Lieu of Taxes) mechanism. This needs to fully disclosed and analyzed.

While there are no 197a plans for the study area, all public policy documents created by the affected community boards, including but not limited to Community District Needs Statements, annual budget priorities, and adopted resolutions pertaining to East Midtown, should be analyzed.

Retail Mix
Ensuring the right retail mix will be essential to the success of this project. The EIS should study zoning text that limits uses that will not contribute to the success of the East Midtown district, such as bank branches, automobile dealerships, and lobbies which occupy more than 50 feet of frontage. The City should study the relevance of zoning text in the Madison Avenue Special Preservation District, Fifth Avenue Special District, and the 125th Street rezoning for restricting retail uses that will not serve the goals of the project and encouraging uses that will. The City should also explore a skyline retail requirement – essentially creating a new retail requirement for the tops of these new high rises to guarantee some kind of public access to the tops of these buildings – a number of which may be amongst the tallest buildings in New York City.

"Sunrise" Period
There are many important questions about the sunrise provision which have not been carefully answered. What are the implications of setting a precedent for a sunrise provision? Will similar large scale re-zonings require a sunrise provision? How does this affect the predictability of land use approvals? What is the justification for a 5 year period instead of a 7 year period? Or 10 year period? Why is the five year clock set for July 2017, and not 5 years from when the proposed zoning is approved? If the 5 year period is an insufficient time frame for development to occur in Hudson Yards or Lower Manhattan – the justification for the sunrise provision – will the "sunrise" be extended?

PlaNYC
The EIS should conduct a full review of the proposed actions to ensure that they are fully compatible and consistent with the goals set out in the Mayor's PlaNYC 2030. These include the relationship of the project to the following goals:

- The goal of creating a million more housing units by the year 2030;
- Ensuring that all New Yorkers live within a 10-minute walk of a park;
- Achieving the cleanest air of any big city in America;
- Activate the streetscape, in particular the use of a more pedestrian and business friendly construction shed. There is no area in New York City where this is more important given the very limited existing sidewalk space.
- Support ecological connectivity and incorporate sustainability through the design and maintenance of all public space.
- The reduction of global warming emissions by more than 30%;
- The reaching of a full "state of good repair" on New York City's roads, subways and rails;
- The upgrading of our energy infrastructure to provide cleaner, more reliable power;

- The improvement of travel times by the addition of transit capacity;

Task 3: Socioeconomic Conditions

Direct and Indirect Business Displacement
The 70 blocks of East Midtown that would be affected contain relatively few residences. The main displacement concern is the potential for direct and indirect business displacement. The proposed actions are expected to directly displace more than 100 employees, warranting a preliminary analysis.

According to the 2010 U.S. Census County Business Patterns data, 69% of East Midtown businesses in zip codes 10017 and 10022 (the area bounded by East 40th Street to the south, East 60th Street to the north, Fifth Avenue to the west, and the East River to the east) have fewer than 10 employees. Because one of the City's stated goals is to continue to attract the highest rent-paying tenants, which require large spaces, maintaining appropriate space for the area's smaller businesses should be carefully considered. The EIS should include a detailed assessment of the location and operational characteristics of these smaller businesses as well as their economic impact. It should be determined if these businesses could be relocated if directly displaced and whether the product or service they provide would continue to be available in the area if the nature of the business is such that the location matters to its customers.

Additionally, an indirect business displacement analysis should be done to determine whether the proposed actions may introduce trends, such as increased rents, that would make it difficult for smaller businesses to remain in the area. The EIS should identify specific areas within the study area and elsewhere in the City that would provide adequate affordable space for all potentially displaced businesses. If these displaced tenants move elsewhere, what impact might that have on a broader study area than East Midtown?

Task 4: Open Space

Privately-Owned Public Spaces (POPS)
The draft scope states, "The Proposed Action would not have a direct effect on any open space resource; therefore, the analysis will be limited to its indirect effects on open space." Privately-owned public spaces (POPS) are the primary form of open space in the study area. A number of the projected and potential development sites are either buildings that include POPS, or buildings that are adjacent to POPS. Therefore, new development as a result of the proposed rezoning may impact the amount of open space acreage that exists in the study area. For instance, 201 East 42nd Street has a public plaza immediately adjacent to a projected development site as does 800 Third Avenue. 685 Third Street is a development site with a required open space. In addition, if the RWCDS is modified to reflect our comments above there will likely be additional sites that require careful open space analysis.

Moreover, the demolition and construction of buildings within the study area may result in the imposition of noise, air pollutant emissions, odors, or shadows on POPS adjacent to projected and potential development sites that will alter their usability. The CEQR Technical Manual defines these impacts as direct impacts, and therefore, the EIS should study both the direct and indirect effects on open space resources within the study area.

With a population of approximately 200,000, the primary population in study area is workers. With the proposed rezoning, the worker population will increase substantially.

According to the CEQR Technical Manual, workers predominantly take advantage of passive open spaces. However, the study area faces a severe lack of open space. The only mapped publicly accessible open spaces within its boundaries are the Park Avenue Mall, which runs along Park Avenue from East 46th Street to East 59th Street. The other open space amenities in the study area are POPS. However, POPS frequently fail to be a meaningful public amenity. Often this is a result of half-hearted enforcement and restricted hours of operation.

The EIS should examine very carefully the opportunity for additional on-site open space in new buildings as well potential improvements to the area wide open space network detailed below.

District Improvement Bonus (DIB)
The proposal includes a District Improvement Bonus (DIB) mechanism that is intended to generate funding for City-priority improvements to the pedestrian realm network, both above- and below-grade. To best leverage this opportunity, MAS urges the lead agency to create a comprehensive and prioritized plan for future public realm improvements to be financed by the DIB. This will provide for a more accurate and thorough analysis in the EIS of potential impacts. MAS appreciates the identification in the draft scope of work of the following public realm improvements – improvements to the Grand Central subway station, improvements to other East Midtown subway stations, and improvements to Vanderbilt Avenue – however, we believe that a more exhaustive list of public realm improvements need to be analyzed:

Among the additional open space opportunities that should be analyzed in the DEIS:

1) Widened sidewalks along Madison, Lexington, and 3rd Avenues in addition to a widened Park Avenue mall by removing a travel lane or a portion of a travel lane.
2) Improvements and widening of crosstown streets such 53rd Street and 42nd Street (critical crosstown streets with subway stations), as well as 47th Street and 48th Street to reflect new pedestrian volumes from East Side access entrances.
3) West 41st between Park Avenue and 5th Avenue should also be examined for improved/expanded public space in addition to expanding Pershing Square Plaza on the east side of the Viaduct between 41st Street and 42nd Street and
4) Closing off a portion of the viaduct to vehicular traffic or facilitating pedestrian access to the Park Avenue Viaduct should also be examined. Potential impacts to vehicular congestion should be carefully analyzed for these potential improvements.
5) The reintegration of Depew Place into the pedestrian grid.
6) The creation of on-site public space in some of the development sites, in particular setting back buildings from 42nd Street and Vanderbilt Avenue to create additional open space around Grand Central or the provision of public open space on rooftops and building setbacks.
7) Re-purposing the former taxi drop off area adjacent to Vanderbilt Avenue within Grand Central.
8) Underneath Grand Central and to the north is a network of underground passageways that bring riders of Metro North Railroad to the north, with entrances at 47th Street and Madison Avenue, 48th Street. The EIS must recognize these underground networks as a key element to the pedestrian network and incorporate their usage into the EIS. The potential for the improvement

and expansion of these spaces should also be carefully studied and whether daylight can be added to make the more inviting spaces.

To this end, MAS has launched *The Next 100*, a design challenge for the future of the public realm around Grand Central Terminal. We have invited three distinguished architecture firms to re-think the public spaces in and around the Terminal. MAS plans to share these results with the Department of City Planning and other critical stakeholders to help inform the development of a comprehensive strategy for public realm improvements in the study area. The presentation of this work will be at the MAS Summit for NYC on October 18th.

Finally, the mixed use alternative that should be studied and is detailed below in the alternatives will require a more detailed open space analysis to reflect the introduction of additional residents.

Task 5: Shadows

CEQR Technical Manual requires a study of whether the proposed action will result in a shadow being cast on a natural feature, open spaces and historic resources.

The effects of shadows on the interiors of sunlight-sensitive resources of concern should be evaluated, including but not limited to: St. Patrick's Cathedral, St. Bartholomew's Church and Community House, Central Synagogue; and other historic buildings with stained glass fenestration.

Per the *CEQR Technical Manual*, shadows on terra cotta polychrome on such art deco landmarks as the Chrysler building, the General Electric building and others should be evaluated. The effects of shadows on Grand Central Terminal's landmarked interiors should be evaluated very carefully as well as the proposed open space on Vanderbilt Avenue and the Park Avenue medians and the other potential open space opportunities outlined above. The concourse of Grand Central is one of the world's most important public spaces and this analysis should be particularly detailed and careful.

Task 6: Historic and Cultural Resources

All known and potential historic resources must be identified in the study area and project area, not only those that could be directly impacted. In recent large-scale re-zonings, the area impacted by accelerated land values has been larger than the limited study area. Subsequently, attempts at the preservation of noteworthy historic buildings in the general area but not within the study area are weakened because the resources have not been adequately considered.

According to the *CEQR Technical Manual*, for actions that are highly visible and can be perceived from more than 400 feet, the study area must to be extended. Given the potential for adverse visual impacts to historic resources and for shadows outside of the 400 foot perimeter, the study area should be extended to 1,600 feet in order to assess these impacts. *(1,600ft=approximately 8 blocks N/S)*

According to the guidelines of the *CEQR Technical Manual*, Section 322.2, any potentially eligible architectural resources that may be affected by the action should be identified; not only those that have been previously identified eligible for designation under the New York City Landmarks Law.

Furthermore, Section 322.2 notes that historic resources can be considered significant if they meet the eligibility for listing on the State and/or National Register (S/NR), not just if they meet the LPC's eligibility criteria for New York City landmark designation. It is critical that the historic resource analysis include a comprehensive, impartial survey of the entire rezoning area as well as the area within the 1,600-foot perimeter of the rezoning area, even if a survey has already been conducted in advance of the proposal. Lastly, per section 420, it is clear that the project will have a significant adverse physical impact on historic resources. These impacts should be thoroughly documented.

The study area contains arguably the most prominent historic resource in New York City – Grand Central Terminal (NHL, S/NR, NYCL). Completed in 1913, the Terminal was part of a comprehensive master plan for the area, which became known as Terminal City. In addition to the Terminal itself, several buildings from the Terminal City era remain, and have been previously identified as historic resources. The MTA/LIRR East Side Access FEIS released in March 2001 identified seven such buildings remaining from the Terminal City development era. These buildings "form a cohesive group defined by a similarity in height, construction, materials and design" and were determined to meet eligibility criteria for listing on the State and National Register. These buildings are:

- Vanderbilt Avenue Building (51 East 42 Street, Block 1277 Lot 27; Warren & Wetmore, 1912)
- Yale Club (50 Vanderbilt Avenue, Block 1279 Lot 8; James Gamble Rogers, 1915)
- Vanderbilt Concourse Building (52 Vanderbilt Avenue, Block 1279 Lot 45; Warren & Wetmore, 1914)
- Roosevelt Hotel (45 East 45 Street, Block 1281 Lot 21; George B. Post & Sons, 1924)
- Postum Building (250 Park Avenue, Block 1282 Lot 34; Cross & Cross, 1923)
- Graybar Building (420 Lexington Avenue, Block 1280 Lot 60; Sloan & Robertson, 1927)
- Barclay Hotel (111 East 48 Street, Block 1303 Lot 14; Cross & Cross, 1926)

In April 2006 the MTA released the 50th Street Facility Revised Supplemental Environmental Assessment to the East Side Access FEIS, where the following properties were determined S/NR eligible:

- Grand Rapids Furniture Company/NYHRC (18-20 East 50 Street, Block 1285 Lot 59; Rouse & Goldstone & Steiman, 1915)
- 39 East 51 Street (Block 1287 Lot 27; Clinton & Russell, 1904)

MAS has conducted a preliminary survey of the study area and identified an additional 19 buildings to be evaluated. These buildings, in no order of significance, are:

- 125 EAST 56 STREET, Block 1311 Lot 11; J H de Sibour, 1902; office building
- 4 EAST 43 STREET, Block 1277 Lot 67; 1927 (architect unknown)
- 445 PARK AVENUE, Block 1311 Lot 1; Kahn & Jacobs, 1947; office building
- 450 PARK AVENUE, Block 1292 Lot 37; Emery Roth & Sons, 1968-1972; office building
- 711 THIRD AVENUE, Block 1318 Lot 1; William Lescaze & Associates, 1956; office building
- 661 LEXINGTON AVENUE, Block 1310 Lot 22; York & Sawyer 1902; office building
- 125 EAST 50 STREET, Block 1305 Lot 20; Emery Roth & Sylvan Bien, 1927; hotel
- 830 THIRD AVENUE, Block 1305 Lot 40; Skidmore, Owings & Merrill (Roy O. Allen & William T. Meyer), 1957; office building
- 509 LEXINGTON AVENUE, Block 1302 Lot 51; Schultze & Weaver, 1928; hotel
- 541 LEXINGTON AVENUE, Block 1304 Lot 20; Emery Roth, 1928; hotel

- 56 EAST 42 STREET, Block 1276 Lot 42; J. E. R. Carpenter and Dwight P. Robinson, 1928; office building
- 57 EAST 55 STREET, Block 1291 Lot 127; Taylor & Levi , 1908; private club
- 17 EAST 47 STREET, Block 1283 Lot 13; Henry Otis Chapman, 1932; library
- 5 EAST 48 STREET, Block 1284 Lot 6; Wildred Edward Anthony, 1920; church
- 125 PARK AVENUE (100 E 42 STREET), Block 1296 Lot 1; York & Sawyer /John Sloan, 1923; office building
- 224 EAST 47 STREET, Block 1320 Lot 34; Warren & Wetmore 1930; community facility
- 525 LEXINGTON AVENUE, Block 1303 Lot 53; Arthur Loomis Harmon, 1923; hotel
- 270 PARK AVENUE, Block 1283 Lot 21; Skidmore, Owings & Merrill (Gordon Bunshaft, Natalie Dubois), 1962; office building
- 346 MADISON AVENUE, Block 1279 Lot 17; LaFarge & Morris, 1915; commercial building

This list is not comprehensive and a full survey of the area should be conducted and include any buildings that appear to be eligible for the State or National Registers or designation by the New York City Landmarks Preservation Commission. Determination of eligibility of these resources should be determined by the New York Landmarks Preservation Commission and the State Historic Preservation Office and the results of these determinations included in the DEIS.

This proposal allows the transfer/purchase of vast amounts of development rights to receiving areas adjacent to designated landmarks. However, there is currently no mechanism that evaluates the impact of the receiving site skyscraper on an adjacent landmark that is not the original transfer site. This potential scenario should be evaluated, in light of the additional designations expected to result because of this proposal.

State and City Agency Involvement
The results of the survey should be given to both the New York Landmarks Preservation Commission and the New York State Historic Preservation Office (SHPO) so that they may determine the eligibility of the resources. SHPO determinations should be included in the DEIS along with those of the New York City Landmarks Preservation Commission.

Task 7: Urban Design and Visual Resources

The CEQR Technical Manual states on page 10-2 that when a proposed development would allow for projects that may potentially obstruct view corridors, compete with icons in the skyline, and/or make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings, a detailed analysis of urban design and visual resources is needed. The development that will be facilitated by the proposal falls into all of these categories, and therefore, the EIS should include a detailed analysis of urban design and visual resources and should describe any potential approaches to mitigate urban design and visual resource impacts including bulk controls, which protect important view corridors and/or height limits adjacent to the Chrysler Building to protect the context of this landmark.

The draft scope of work does not call for a study of pedestrian wind conditions. According to the CEQR Technical Manual, factors that contribute to the necessity of a pedestrian wind condition analysis include:

- The size and orientation of buildings that are proposed to be constructed;
- The number of proposed buildings to be constructed; and

- The site plan and surrounding pedestrian context of the project.

Given the substantially increased density that the proposal will facilitate, and the number and concentration of projected and potential development sites, MAS believes that a pedestrian wind condition analysis should be required in the EIS.

In conducting studying the Urban Design and Visual Resources, the EIS should specifically take into account the following:

Streetscape Experience
Currently, Madison and Lexington avenues present challenges to the pedestrian experience for workers and residents of East Midtown. The sidewalks on these avenues are 12 to 13 feet wide, which is relatively narrow for a street given the number of people that navigate these corridors. The combination of tall buildings with the narrow sidewalks creates a canyon-like effect, resulting in a streetscape that feels imposing and claustrophobic for the pedestrian. Furthermore, the subway grates along Lexington Avenue exacerbate the effects that result from the narrow sidewalks. The EIS should study the effects that higher density development will have on the streetscapes of Madison and Lexington avenues, and identify potential pedestrian network improvements to these streets that can improve the existing public realm especially a widening of sidewalks along these corridors.

Park Avenue, arguably one of New York City's most iconic boulevards, is the most pleasant corridor in the study area to walk through as a pedestrian. It has a well-landscaped median, combined with wide sidewalks. A defining feature of much of Park Avenue is the setbacks that are included on the ground floors the buildings, particularly between the Seagrams Building/Lever House down to Grand Central. These setbacks help open up the streetscape by pulling the buildings back creating a far sunnier and more spacious corridor than many of the surrounding streets. The EIS should study the impact that eliminating these setbacks would have on the character of Park Avenue and the overall pedestrian network.

Architecture and Skyline
The special permit scheme in the proposal allows for the development of new "iconic" structures intended to be "seeded" within the study area. In order to receive special permit approval, proposed development projects must exemplify a superior site plan and massing, make a positive contribution to the skyline, result in superior relationship to other buildings, and make a significant contribution to the pedestrian network. The City should create specific, comprehensive criteria for evaluating the site plan, massing, and in turn, architectural merit of a proposed development.

Buildings proposed through the special permit scheme have the potential to obstruct the view of the Chrysler Building in the New York City skyline. The EIS should study the effects that new development at the densities allowed through the special permit would have on New York City's skyline including buildings outside the study area such as the Empire State building, the GE building, in addition to other landmark buildings which populate the New York City skyline.

Preservation
The study area contains a number of historically and culturally significant buildings that are not designated as New York City Landmarks. However, these structures contribute to the unique character and rich history of the study area. The EIS should study zoning alternatives for the structures listed

below that do not create incentives for them to be replaced with new structures. These buildings include, but are not limited to, the following:

- Vanderbilt Avenue Building (51 East 42 Street, Block 1277 Lot 27; Warren & Wetmore, 1912)
- Yale Club (50 Vanderbilt Avenue, Block 1279 Lot 8; James Gamble Rogers, 1915)
- Vanderbilt Concourse Building (52 Vanderbilt Avenue, Block 1279 Lot 45; Warren & Wetmore, 1914)
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- 541 LEXINGTON AVENUE, Block 1304 Lot 20; Emery Roth, 1928; hotel
- 56 EAST 42 STREET, Block 1276 Lot 42; J. E. R. Carpenter and Dwight P. Robinson, 1928; office building
- 57 EAST 55 STREET, Block 1291 Lot 127; Taylor & Levi , 1908; private club
- 17 EAST 47 STREET, Block 1283 Lot 13; Henry Otis Chapman, 1932; library
- 5 EAST 48 STREET, Block 1284 Lot 6; Wildred Edward Anthony, 1920; church
- 125 PARK AVENUE (100 E 42 STREET), Block 1296 Lot 1; York & Sawyer /John Sloan, 1923; office building
- 224 EAST 47 STREET, Block 1320 Lot 34; Warren & Wetmore 1930; community facility
- 525 LEXINGTON AVENUE, Block 1303 Lot 53; Arthur Loomis Harmon, 1923; hotel
- 270 PARK AVENUE, Block 1283 Lot 21; Skidmore, Owings & Merrill (Gordon Bunshaft, Natalie Dubois), 1962; office building
- 346 MADISON AVENUE, Block 1279 Lot 17; LaFarge & Morris, 1915; commercial building

View Corridors

The Chrysler Building, the Helmsley Building and Grand Central Terminal are all internationally renowned landmarks that are visible throughout the study area, and in the case of the Chrysler Building, throughout much of New York City and beyond. The EIS should analyze the impact of view corridors on these landmarks, including:

- From 42nd Street;
- From Park Avenue and Lexington Avenues; and

- From other significant vantage points throughout the East Midtown re-zoning area in addition to a much wider study area from which the length of the skyline can be observed.

It is unclear that the quality of architecture the Department of City Planning is describing would be accomplished under the standard provisions of New York City zoning. Many of the buildings the Department of City Planning has described as "iconic" or "extraordinary" do not comply with the underlying height and setback rules of the existing zoning. In addition, if the goal is to truly construct "iconic" buildings as the Department of City Planning is describing then a careful design review process or set of criteria should be established. This design review board could be modeled on similar boards which exist in many municipalities across the US with the goal of encouraging high quality design. The Department of City Planning should therefore more carefully study the creation of a design review process for new buildings in the project area.

Task 9: Water and Sewer Infrastructure

PlaNYC's stated goal to address the root cause of Combined Sewer Overflows by investing in green infrastructure to capture storm water before it overwhelms the sewer system should be considered when assessing potential new development. The EIS will determine the amount of storm water that will be generated and the potential adverse impacts created by Proposed Actions. The EIS should also analyze a separate scenario that identifies the amount of waste water and storm water that could be reduced if the projected development sites are required to adhere to best storm water management practices, including green roofs and other strategies.

If appropriate storm water management measures are not implemented, proposed projects that increase runoff to the City's sewer system may potentially worsen existing conditions such as street flooding, surcharging sewers downstream, sewer back-ups or combined sewer overflows in surrounding water bodies, all of which are public health and natural resources concerns. The DEIS should investigate the application of blue and green roofs, subsurface detention systems that allow for infiltration while slowing the release of storm water to the sewer system, roadway alterations that allow runoff to soak or infiltrate into the ground particularly along Vanderbilt Avenue if the City is proposing to re-design, and cisterns that can store water from downspouts during warm weather months. Storm water capture through green infrastructure and other controls will re-duce CSO volumes and improve water quality while providing substantial sustainability benefits such as reducing energy use and mitigating the urban heat island effect.

The DEIS should also identify water conservation measures, such as low-flow fixtures, and develop a concept plan that identifies general types, locations and anticipated demand reductions.

If in either combined sewer or separate sewer areas, identify on-site storm water best management practices to either treat and retain or detain and release with controlled discharge rates to slow peak runoff rates, and develop a concept plan that identifies general types, locations, sizing and anticipated runoff reductions. Storm water management systems may be incorporated into the project to mitigate potential significant impacts from storm water.

These systems include techniques, such as subsurface stone beds, storm chambers, and perforated pipes, that allow the storm water to seep into the ground and be slowly released to the sewer system or blue and green roofs that also store storm water and gradually release it during off-peak periods.

Task 10: Solid Waste and Sanitation Services

Because so much of the increased development is to be commercial, the Proposed Actions is expected to result in a net increase of more than 50 tons of solid waste per week, compared to no-action conditions, warranting a waste assessment. Although the Draft Scope has stated that the EIS will assess the Proposed Actions' consistency with the City's Solid Waste Management Plan, the EIS should be sure to disclose the amount of solid waste reduction that could occur with more aggressive recycling programs and by utilizing solid waste conversion technologies that can dispose of waste more sustainably. The EIS should also examine trash storage practices to ensure that trash is stored within buildings rather than piled on sidewalks.

Task 11: Energy

According to PlaNYC, buildings are the largest component of New York's demand for energy. Although the Draft Scope determines that the proposed actions will not create significant adverse energy impacts; it would be appropriate to require more stringent standards for all new buildings in order to help achieve PlaNYC's goal to encourage sustainable neighborhoods.

The EIS will disclose the projected amount of energy consumption during long-term operation resulting from the Proposed Action. This projected amount should be based on the RWCDS for all of the projected and potential development sites. It should then be determined how much energy could be saved if each of these sites were to utilize leading green energy technologies.

The area's energy infrastructure and transmission capabilities may not be currently equipped for the change in energy usage, and a detailed assessment is needed in order to measure the demand increase and the potential for transmission congestion.

By communicating with Con Edison early in the process, the lead agency should document and disclose the power mix (the fuels used to supply electricity and their resultant air pollutant emissions, including the emissions of carbon dioxide) for the project site.

As mitigation for the added energy use brought by the proposed project, the EIS should analyze methods to reduce energy demand through green building technologies, green roofs, gray water systems, and other infrastructure improvements. A greener alternative, which will be set out in more detail below, should be examined in order to curb the significant environmental and economic harm that added energy demand may cause our city. As part of this green alternative, the EIS should also explore the possibility of using alternative energy sources, such as solar and biomass.

The potential for combined heat and power should be fully explored as a way of achieving significant energy savings; the contemplated building sizes and densities may be ideal for this application. The possibility of CHP in buildings that are adjacent or across the street should be examined; the Columbia University School of Engineering has been examining the considerable potentials for such systems.

The energy section of the proposed scope seems to anticipate an analysis based only on the energy required to operate buildings. It does not propose to address the energy required to demolish or

construct buildings and does not mention the embodied energy of existing buildings. It should do both of these things.

There are two questions for which a life cycle energy analysis would be informative:

- Should public policy encourage the replacement of substantial existing buildings in East Midtown with new buildings?
- Should public policy encourage development in East Midtown or in other commercial districts?

Because sites in East Midtown tend to be occupied by large buildings, rather than being vacant or occupied by relatively small buildings, the energy cost of renovating or even enlarging an existing building should be compared to replacing it.

A life cycle analysis would consider the embodied energy of the existing building, including the energy used to create, transport, and erect the existing building, the energy to demolish and dispose of the existing structure, and the energy to create, transport, and erect the new building, compared to the energy needed to renovate the existing building, and it would also compare the relative energy costs to operate a new building compared to a renovated building.

A similar analysis considering sites in other commercial districts with vacant or lightly developed sites, such as Hudson Yards or Long Island City, would contrast the energy budgets of replacing a large building versus replacing small buildings.

It is sometimes said that the greenest buildings are those that already exist, and, without prejudging the analysis, there may be energy reasons for encouraging the reuse of large existing buildings on many sites in East Midtown and the development of new buildings on less developed sites elsewhere.

Task 12: Transportation

The study area is one of the most heavily used transit points in New York City. As a result, the proposal has the potential to impact regional transit, traffic, subway, bus, and parking conditions in the study area in addition to the pedestrian network.

The transportation section of the scope should contain a detailed listing of all the assumptions that go into the model used, such as mode choice, vehicle occupancy, peaking patterns, etc. The various projections and assumptions in all the other relevant EIS' (e.g. Second Avenue Subway, East Side Access, 34th Street BRT, etc) should be presented in a table so they can readily be compared.

In conducting a transportation analysis, the EIS should take into account the following considerations:

Traffic
The proposal includes a District Improvement Bonus (DIB) mechanism that is intended to generate funding for City-priority improvements to the pedestrian realm network, both above- and below-grade. The City has suggested that a potential public realm improvement to be funded through the DIB mechanism is the transformation of Vanderbilt Avenue into a pedestrian plaza. Vanderbilt Avenue is commonly used as a drop off point by taxis, in addition to being used by trucks for loading. The EIS should assess the impact that closing Vanderbilt Avenue to through traffic will have on traffic patterns throughout the study area and a careful examination of taxi pick-up and drop-off should be conducted.

It is possible that the demolition and construction that will take place as a result of the proposal will impact traffic in the study area. Locations that are near concentrations of projected and potential development sites should be selected as intersections for the traffic study (i.e., around Grand Central Terminal, upper Lexington Avenue, Park Avenue), in addition to intersections along major thoroughfares in the study area (i.e., 42nd Street).

Transit

The increase in office space that the proposal will facilitate will significantly increase the worker population of East Midtown. In addition, the East Side Access project, which provides a direct train trip from Long Island and Queens to Grand Central, will add to the worker population of East Midtown. The EIS should formulate the aggregate increase in the worker population that would result from all current transit initiatives that are taking place within the study area in conducting the transit assessment which should include express buses, Long Island Railroad, and Metro North, and passenger ferries with connecting bus or pedestrian trips. The rezoning proposal will add new commuters to subways lines that already operate at unacceptable levels of service, which will likely constitute a significant adverse impact. Mitigation must include improved access to stations, widened sidewalks at critical intersections, and potentially new subway entrances. This mitigation should be informed by a careful district improvement plan rather than on an ad-hoc station entrance by station entrance basis.

These improvements should be constructed before new density is introduced rather than after the DIB collects enough money to fund these specific improvements otherwise any new density will only exacerbate the existing overcrowding and unsafe conditions. One proposal that has been implemented in Hudson Yards is the selling of infrastructure bonds which would be paid back through the DIB when development occurs.

The City should also examine potential access improvements to East Side Access that could result from the redevelopment of key sites and particularly whether additional light and air could be brought down to the below grade spaces to improve their functionality (daylight helps with way finding) and appearance.

Subway

The Lexington Avenue 4/5/6 subway line is the most crowded transit line throughout the New York City subway system (it is currently 16% overcapacity). To decrease the congestion on the Lexington Avenue line, the City is currently in the process of constructing the Second Avenue Subway. Expected to be completed in 2019(?), the first phase of this project includes a subway line along Second Avenue from 63th to 96th Street, with a connection to the Q train. In addition to accounting for the new populations coming to the study area with East Side Access, the EIS should include the impact that the Second Avenue Subway will have on subway ridership in the study area. The EIS should take into account other development planned, in particular Hudson Yards, Lower Manhattan and Long Island City, and how that might impact Grand Central which is a key transfer point in the subway network. The development planning for Hudson Yards, for example, may bring many people through the Grand Central, residents of the Upper East Side will take the 4/5/6 to Grand Central and then transfer to the 7 train to go to Hudson Yards.

The City has identified a number of improvements to be made to subway stations throughout the study area, including the Grand Central Terminal subway station and the 53rd Street subways stations. These improvements will be financed through the DIB. The EIS should study the impacts that improvements to

subway stations throughout the study area will have on the flow of subway riders in and around the stations and how much funding it will take to make these improvements and whether the DIB is an adequate funding source. Based on preliminary presentations it is not clear that the DIB is an adequate funding source for these improvements, and the City should describe how the needed improvements to the infrastructure would be financed if the DIB is insufficient.

Bus

The EIS should study the impact that demolition and construction at the projected and proposed development sites would have on the efficiency and flow of bus transit throughout the study area. The EIS should also account for the influx of bus users that may be associated with East Side Access and the Second Avenue Subway. The EIS should also investigate a Bus Rapid Transit line on 42nd Street, river to river, and/or improvements to the existing bus infrastructure on Madison and Fifth Avenues.

Pedestrians

In assessing the impact that the proposal will have on the pedestrian experience in the study area, the intersections that are to be used as points of study should be located near concentrations of projected and potential construction (i.e., around Grand Central Terminal, upper Lexington Avenue, Park Avenue), at entrances of subway stations throughout the study area, at the entrances to the Metro North Railroad located at 47th and Madison Avenue and 48th and Park Avenue, future entrances to East Side Access located at 48th and Madison Avenue and 47th and Park Avenue, and along major thoroughfares in the study area (i.e., 42nd Street). In completing this assessment, the EIS should account for the influx of pedestrians that may be associated with East Side Access and the Second Avenue Subway.

Underneath Grand Central and to the north is a network of underground passageways that bring riders of Metro North Railroad to the north, with entrances at 47th Street and Madison Avenue, 48th Street. The EIS must recognize these underground networks as a key element to the pedestrian network and incorporate their usage into the EIS. The potential for the improvement and expansion of these spaces should also be carefully studied.

MAS urges the lead agency to create a comprehensive and prioritized plan for future public realm improvements to be financed by the District Improvement Bonus. This will provide for a more accurate and thorough analysis in the EIS. MAS appreciates the identification in the draft scope of work of the following public realm improvements – improvements to the Grand Central subway station, improvements to other East Midtown subway stations, and improvements to Vanderbilt Avenue – however, we believe that a more exhaustive list of public realm improvements is needed and should include:

1) Widened sidewalks along Madison, Lexington, and 3rd Avenues in addition to a widened Park Avenue mall by removing a travel lane or a portion of a travel lane.
2) Improvements and widening of crosstown streets such 53rd Street and 42nd Street (critical crosstown streets with subway stations), as well as 47th Street and 48th Street to reflect new pedestrian volumes from East Side access entrances.
3) West 41st between Park Avenue and 5th Avenue should also be examined for improved/expanded public space in addition to expanding Pershing Square Plaza on the east side of the Viaduct between 41st Street and 42nd Street and

4) Closing off a portion of the viaduct to vehicular traffic or facilitating pedestrian access to the Park Avenue Viaduct should also be examined. Potential impacts to vehicular congestion should be carefully analyzed for these potential improvements.
5) The reintegration of Depew Place into the pedestrian grid.
6) The creation of on-site public space in some of the development sites, in particular setting back buildings from 42nd Street and Vanderbilt Avenue to create additional open space around Grand Central or the provision of public open space on rooftops and building setbacks.
7) Re-purposing the former taxi drop off area adjacent to Vanderbilt Avenue within Grand Central.
8) Underneath Grand Central and to the north is a network of underground passageways that bring riders of Metro North Railroad to the north, with entrances at 47th Street and Madison Avenue, 48th Street. The EIS must recognize these underground networks as a key element to the pedestrian network and incorporate their usage into the EIS. The potential for the improvement and expansion of these spaces should also be carefully studied and whether daylight can be added to make the more inviting spaces.

Parking

The EIS should assess the impact that demolition and construction of the projected and potential sites will have on parking throughout the study area. This analysis should consider a modified loading and parking scenario whereby no new parking is permitted in the East Midtown Special District and loading policy is carefully analyzed in conjunction with DOT to determine the most efficient way of loading and unloading while minimizing the presence of large loading bay and docks, which are dangerous for pedestrians and create a very uninviting streetscape.

The transportation section of the proposed scope does not mention Amtrak or the three commuter railroads: Metro-North, LIRR, PATH, and NJ Transit. Nor does it specifically mention the Second Avenue subway. The scope should consider the impact of this re-zoning on all of those pieces of the transit network as well as the Second Avenue subway.

The scope should also consider the effects of changes in the transit system on the interrelationships of the various commercial districts. Changes that are known to be planned or being studied include:

- Routing some Metro-North service to Penn Station via Sunnyside Yards and Riverside Park.
- Providing NJ Transit revenue service to the planned intermodal station in the Sunnyside Yards at Long Island City when East Side Access opens.
- Extending the Second Avenue subway to Lower Manhattan.
- Track connections between Grand Central and Penn Station that would allow Amtrak service and NJ Transit service through Penn Station to Grand Central and Metro North and/or LIRR service through Grand Central to Penn Station.

Task 14: Greenhouse Gas Analysis

Global climate change is a real environmental concern that is currently being raised and discussed at the international, national, statewide, and local level. While climate change is of global concern, we need to act on a local level in order to not exacerbate a growing problem.

Through PlaNYC 2030, the City has positioned itself to be a leader in the fight to curb the effects of global climate change by articulating the lofty goal of a 30 percent reduction in the City's "carbon

footprint" by 2030. In a speech, Mayor Michael Bloomberg stated that "we soon realized that you can't formulate a land use plan without thinking about transportation and you can't think about transportation without thinking about air quality. You can't think about air quality without thinking about energy and you certainly can't think about energy – or any of this – without thinking about global warming."

Clearly, the Mayor believes that any good land use plan should consider the impacts a project may have upon climate change. This is especially true in New York City, where, according to the New York Greenhouse Gas Emissions Inventory, citywide carbon dioxide equivalent emissions were approximately 58 million metric tons in 2005, with an astounding 79% coming from or attributable to buildings. Therefore, when we plan, we must simultaneously assess a project's impact upon climate change and how best to reduce such impact.

Regardless of how the carbon dioxide emissions are measured, however, by disclosing the greenhouse gas emissions of a project, the lead agency can identify the opportunities to economically and practicably reduce such emissions through simple mitigation measures. Other mitigation measures can include reducing the traffic impacts, working with MTA early in the process to develop a better and more comprehensive transit system to serve this area, and working with Con Edison to provide the cleanest energy possible.

Considering Climate Change Impacts
In reports by NASA-Goddard Center at Columbia University, it is estimated that the sea level in New York City may rise significantly over the coming decades and the interval of the 100-year storm flood could shorten to as little as 4 to 60 years. Many aspects of the infrastructure and environment in New York City could be significantly impacted if these predictions are realized.

Based upon the recent predictions of the effects of climate change, it is necessary that the lead agency discuss whether climate change will exacerbate the environmental impacts of an action (or create additional environmental effects).

To comply with the mitigation and avoidance requirements of CEQR/SEQRA, and to best prepare for, and adapt to, climate change, the EIS should examine adaptation and mitigation measures which may reduce the impact climate change will have on an action in the future.

There should be an explicit discussion of the temperature conditions that are projected to occur in Manhattan over the next 50 years, and the effect of this on air conditioning loads and hence on electricity service and consumption. Recent projections of protracted episodes of extreme high temperature make this a real concern.

Task 18: Construction

Due to the impact that construction may have on existing privately owned public spaces and transit infrastructure, including the Lexington Avenue 4/5/6 subway line, the EIS should assess the potential impacts that construction will have on both open space and infrastructure, in addition to the other factors identified in the draft scope of work.

Construction for the development of new office buildings and pedestrian network improvements facilitated by the proposal will overlap with the construction of East Side Access and the Second Avenue Subway. The EIS should study the compounded impacts of the construction of all these elements on the study area.

The EIS should explore how air pollution emissions and fuel use from construction equipment can minimized, such as through electrified equipment and fine particulate filters.

Task 20: Alternatives

1) Landmark Transfer Alternative

It has already been determined that many of the existing and proposed landmarks have excess floor area but no place to send their development rights. With the potential for new landmark designations to result from this action, the number of potential receiving sites may decrease.

Since development rights transfers require cyclical maintenance and often, facade restorations. Creating a more flexible environment for transfers could encourage additional designations and certainly, appropriate façade work. If development rights from landmarks were permitted to float and transfer to the Park Avenue sub district for example, the construction of 'iconic' buildings along that corridor might be further encouraged while providing additional funding to help maintain and protect existing landmarks. Therefore, allowing excess development rights to be transferred between the Grand Central Core and the Park Avenue subdistrict or larger area should be analyzed.

A Hotel District along Lexington Avenue in the study area should be studied, perhaps as a parallel to the theatre district. For example, hotels within the District (historic and non-historic) that retain hotel use could be allowed to transfer development rights, allowing facades to be restored, maintained, and their uses continued.

Generally, a more liberal transfer provision will help to protect existing landmarks, provide a rationale for future landmark designations, and support the development of new 'iconic' buildings.

As discussed in the Transportation discussion this should consider modified loading and parking scenario whereby no new parking is permitted in the East Midtown Special District and loading policy is carefully analyzed in conjunction with DOT to see determine the most efficient way of loading and unloading while minimizing the presence of large loading bay and docks which are dangerous for pedestrians and create a very uninviting streetscape.

2) Mixed Use Alternative

East Midtown should remain primarily a commercial office core but nonetheless it is consistent with the project's goals and objectives to allow for the inclusion of a residential component in the buildings that will receive additional FAR through this proposal. The existing zoning permits residential development and we have not seen it meaningfully "out compete" commercial uses on those sites the Department is seeking to see redeveloped under the current zoning. Furthermore, as has been well documented in planning literature, residential uses create a market for retail uses which support the needs of office workers as well. This mixed use alternative would allow for a small portion – no more than 20% or 25% -

of any building which uses the additional FAR created under this proposal to be used for residential purposes. This figure is consistent with the Time Warner Center and Bloomberg LP headquarters, which are still predominantly commercial buildings. This is an alternative that many stakeholders have urged the lead agency to analyze and will support the goals of creating a thriving 21st century business district. This will require additional analysis given the unique impacts of a residential population.

As discussed in the Transportation discussion, this should consider a modified loading and parking scenario whereby no new parking is permitted in the East Midtown Special District and loading policy is carefully analyzed in conjunction with DOT to determine the most efficient way of loading and unloading while minimizing the presence of large loading bay and docks which are dangerous for pedestrians and create a very uninviting streetscape.

3) High Performing Building Alternative

To truly create a 21st century commercial district the lead agency should analyze a high performing building alternative scenario which would seek to ensure that all new buildings are held to the highest possible environmental standard, whether that is a standard that has already been developed such as LEED or net zero or one the Department of City Planning develops in close consultation with the Office of Long Term Planning and Sustainability for this re-zoning area.

A greener alternative should be examined in order to curb the significant environmental and economic harm that added energy demand may cause our city. As part of this green alternative, the EIS should also explore the possibility of using alternative energy sources, such as solar and biomass.

4) Lower Density Alternative

The Department should also investigate a lower density scenario that removes from the re-zoning area Madison Avenue and Lexington Avenues, and includes the proposed up-zoning of the Grand Central Subdistrict, Park Avenue, and 3rd Avenue. This alternative would recognize the limited amount of space for pedestrian and vehicular movement along Madison and Lexington in comparison to the width of Park & 3rd Avenues and therefore the ability of these streets to better manage additional density.

5) Focused Higher Density Alternative

How might we be able to incentivize the re-development of the Met Life building to better frame Park Avenue as a corridor, to improve connections to Grand Central from the north, and to create at a highly visible location a true “iconic” building? Given this site’s prominence, allowing for additional FAR up to 36 (similar to what has been developed in Times Square) in recognition of the importance of this site in setting the architectural context for East Midtown and as a key gateway to Grand Central/North End Access should be examined. With the additional FAR in place, the redevelopment of this site becomes more likely and in turn would help to create better access to Grand Central from the north, potentially create a large public plaza on 45th Street in front of the building and create a true ‘icon’ given the critical site this building occupies in New York City.

Manhattan Community Board 6 – Land Use & Waterfront Committee

Questions & comments in response to the Department of City Planning's Scope of Work regarding proposed Midtown rezoning

1. Land Use, Zoning, and Public Policy

a. What amount of development air rights are available that could be transferred from Grand Central for development in Midtown?

i. Under what conditions can air rights be transferred for development?

b. New York City's Department of City Planning (DCP) cites Cushman & Wakefield's study that indicates that in 30 years, future commercial needs would include more than 70 million square feet of new office space. If Hudson Yards is estimated to add 25 million square feet and Midtown Rezoning to add about five million square feet, where would the remaining 40 million square feet be?

c. Why is DCP in their proposed Midtown Rezoning using District Improvement Bonus to fund improvements of the below-ground transit pedestrian network when it should be the MTA's responsibility?

i. DCP estimates that the proposed Midtown Rezoning would generate several hundred million dollars from District Improvement Bonuses (DIBs). DCP contemplates using DIB funds for improvements to the 53rd/Fifth Avenue station and the 53rd/Lexington/51st street station complex in addition to improvements under Grand Central Terminal. Experience has shown that any underground projects involving subway stations or computer train stations are very costly. These improvements alone could use most of the expected DIB funds leaving very little for above-ground and public realm improvements.

1. The DCP Scope of Work (p.14) identifies certain priority improvements in the Midtown area.

a. What are DCP's specific priorities for improvements to the public realm?

b. Would these improvements be detailed in the rezoning resolution?

c. If so, what pre-defined zoning mechanism would allow changes with changing community needs over time?

d. How would "payment-in-kind" be administered to maximize improvement to the public realm?

i. How would this mechanism be enacted by a zoning resolution?

ii. What role would Community Boards play in determining use of this fund?

iii. What entity would administer this "payment-in-kind" fund?

ii. District Improvement Fund (DIF)

1. What entity would manage this fund?

a. How would it be funded and by whom?

i. Developers

ii. Public funds

iii. Private donations

iv. Public grants

b. What role would Community Board play in respect to this entity?

c. How would this DIF entity be created in the rezoning resolution?

d. What role would Community Boards with DIB Fund entity have on prioritized public realm projects with changing needs of the community?

e. Would the Vanderbilt Avenue pedestrian open space improvement be funded by this fund or a different fund mechanism?

f. Would any funds from Special Permit DIB go into this Fund?

g. According to DCP Draft Scope of Work for an EIS, page 14, it indicates that DIB can be used in other areas within the East Midtown area, rather than tied to specific

development sites. What role would Community Boards have in determining where the DIB funds would be used?

h. Pricing of Development Bonus.

i. DCP plans to determine a price for the contribution per square foot for public review by first quarter of 2013, which would be higher than $120/sq.ft. that is priced for Hudson Yards project.

ii. How would pricing of DIB be adjusted over time?

iii. What are the criteria determining present and future pricing of DIB?

iv. How would DIB pricing be enforced?

v. How would DIB current and future pricing be enacted in the zoning resolution?

d. The EIS should contain a feasibility study indicating the compelling need for such rezoning action.

i. It should identify what communities are inclined to move into and out of the East Midtown area.

1. What are the incentives for companies to develop in East Midtown?

a. Tax incentives

i. Real Estate abatements

b. Electrical Energy discount in lieu of tax incentives

c. Since transit is necessary to attract development, there should be a transit infrastructure feasibility study

i. Would the Second Avenue Subway completion increase attractiveness of East Midtown?

ii. Would improvements to bus service be adequate to accommodate increases in ridership as a result of the proposed action?

iii. Would improvements in Metro-North, LIRR, and NJ Transit accommodate increases in ridership by the year 2030 and increase the attractiveness of East Midtown?

d. Logistics for the company to do business

i. Why would East Midtown be attractive to do business as opposed to Hoboken, Jersey City, Newark, White Plains, and Stanford business centers?

e. Proximity to markets

f. Public realm attractiveness

i. Vanderbilt Plaza should be completed first to increase attractiveness for companies to move to the East Midtown area.

g. Area zoning

i. Midtown Rezoning

ii. Could infrastructure under Grand Central Terminal System support additional development resulting from DCP's proposed action?

h. How would DCP's proposed action affect East Midtown property values?

e. Would all future as-of-right development submit EIS for public review?

2. Community Facilities and Services. The proposed Midtown Rezoning would allow as-of-right FAR density of 24 or 31 by special permit around the Grand Central area. It is estimated that an additional five million square feet of development would be created over what would be created under the current zoning regime. The increase in development could attract as many as 20,000 people on top of the 250,000 people presently in the Midtown area.

a. Would law enforcement be adequate to preserve public safety? Would there be enough police personnel in Grand Central Terminal to provide the free movement of an increased number of commuters in the terminal?

b. With taller buildings a result of DCP's proposed action, would the City have enough fire trucks, ladder engine trucks and other equipment to adequately deal with any emergency that might arise in the East Midtown area?

c. Impacts on other local resources like schools, libraries, health and day care facilities should be envisioned and described.

3. Natural Resources

a. See elsewhere

4. Hazardous Materials

a. The study should address asbestos removal from buildings built before 1970.

5. Waterfront Revitalization Program

a. By others

6. Infrastructure

a. Water supply:

i. According to the DCP proposed EIS analysis questionnaire, page 7 section 10(a), of future water needs as a result of their proposed action would be "no more" than a million gallons of water per day. However, in Attachment B of the EIS analysis questionnaire, page 20, it states that the proposed action would use more than 1 million gallons of water per day and a study of water usage would be conducted. That would be consistent with estimates of water consumption due to increases in population (estimated to be 20,000 people) as a result of proposed City Planning action for East Midtown Rezoning, which can be 0.5 to 2.2 million gallons per day for human use, and approximately 0.5 million gallons that would be used by HVAC systems. According to the DEP 2011 "water quality and supply" report, it supplies about one billion gallons of water to eight million to NYC residences with a reservoir capacity of about 550 billion gallons of water. A study should be made of the potential increase of water usage due to natural population growth outside the study area and the HVAC needing more water due to global warming. While the proposed action would demand only a small increase in daily water usage, *PlaNYC 2030* estimates that New York City's population would increase to over 9 million people which could increase the daily water consumption by six percent. What plans are in place to ensure an adequate supply of water should upstate New York experience a severe drought, or compromise of the water supply?

ii. Wastewater and Sewage treatment

a. Same analysis as water supply should be done.

iii. Bridges and tunnels

7. Solid Waste and Sanitation Services

a. NYC generates about 14 million tons of solid waste per year. By the year 2030, it is estimated that the city will generate 15.4 million tons of solid waste per year. A study should be conducted to address an increase of 10% in solid waste by the year 2030 along with the DCP's proposed action of Midtown Rezoning.

8. Energy

a. In 2011 NYC peak demand was about 14,000 megawatts (MW) of electrical energy. According to NYISO, NYSERDA and NYCEDC, New York City has 9,000 MW installed and 4,000 MW imported capacity (5,000 MW max.) They estimate that NYC will require between 6,000 and 8,000 MW of increased capacity over the next 20 years keeping up with demand. This does not consider the impact of DCP's proposed action. A study should be conducted to determine if our electrical capacity could accommodate ever increasing demand for electrical energy by the year 2030.

i. The EIS should contain an inventory of electrical uses in existing buildings in East Midtown and analysis of the Reasonable Worst-Case Development Scenario (RWCDS) resulting from DCP's proposed action.

b. The same kind of study should be conducted for future steam demand. Would there be enough steam capacity and infrastructure to service an additional five million square feet of development above and beyond organic growth for the next 30 years?
c. What impact does the DCP's proposed action have on our gas supply and infrastructure?
d. An analysis should be conducted to determine the energy cost of demolishing and constructing new buildings including the energy cost to make and transport both the old and new materials, and relative to the energy costs of reusing existing buildings. It should also compare the relative energy costs of operating a new building and renovated buildings.

9. Traffic and Parking

a. Since the DCP's proposed action estimates an additional 20,000 workers being brought into the Midtown area, many of these workers would be driving into the area, an analysis should be made as to what impact that would have on East Midtown area traffic. The study should include additional projected workers in the Midtown area through the years 2030.
b. The DCP's Manhattan Core Public Parking Study of 2011 acknowledged the need of additional off-street parking. The report also noted that off-street parking decreased from 127,000 public parking spaces in 1978 to 103,000 spaces in 2010. The report also indicated that 67% of people who drive into the city do so for business-related reasons. How will there be enough additional public parking spaces to accommodate increased demand for parking as a result of the proposed action?
c. Deliveries in the subject area are not addressed, though they impact congestion. Perhaps this area could have only night-time deliveries for large items (i.e. not lunches and packages). The largest, block-long buildings could be required to have drive-through off-street deliveries rather than loading docks.

10. Transit and Pedestrians The analysis must provide more detailed estimates of how many additional people are likely to be coming into the area for what purposes, and identify all projects that are now in construction, being designed, or in the queue for funding: (a) East Side Access, bringing LIRR trains to a new terminal under Grand Central (by 2018); (b) Second Avenue Subway (Phase 3); (c) Amtrak's Gateway project, doubling rail capacity to New Jersey (by 2025), and Amtrak's direct physical connection of Penn Station and Grand Central (sometime between 2030 and 2040) as part of the expansion of true high speed rail from New York to Boston. This would include:

a. DCP estimates that its proposed action would result in the need for 50 or more additional bus trips and 200 or more trips at a single subway station which triggers a detailed transit analysis under the reasonable worst-case development scenario.
b. The East Side Access project is to be completed in 2017 and will serve about 160,000 commuters per day. The Second Avenue Subway construction project below 63rd Street is not funded, and given the political climate there is no assurances that it will be in the foreseeable future. Without the Second Avenue Subway service to the East Midtown area, how will future increasing numbers of commuters be accommodated through the year 2030?
c. An analysis should be conducted of existing Metro-North, LIRR, and NJ Transit services as well as future infrastructure construction plans and how would they accommodate commuters through the year 2030. How would these plans affect changes in the transit system and on the interrelationship of the various commercial districts?
d. A quantitative study should be conducted of the pedestrian impacts resulting from DCP's proposed action.
e. In regard to new underground connections proposed to serve MTA facilities, it should be required that they provide weather-protected direct connections to buildings – similar to the passageways from Grand Central to the Graybar and Chrysler Buildings. In the 1980s MTA policy was mistakenly changed, removing the requirement for developers to provide direct transit access easements for subway entrances within their buildings, and permitting new transit entrances to dump everyone onto the sidewalk out in front of a building. That happened when the a developer – to obtain a zoning bonus – created a new outdoor #6 train entrance kiosk at the SE corner of E. 53rd St. & Lexington Ave. in connection with its

participation in building a direct connection for the MTA between 51 St. station on the 6 line and the Lexington Ave. station on the E & M lines.

f. The scoping should discuss the possibility for imaginative, additional new modes of transit that might be able to handle the greater density the people that will be crammed into the district. For example, the Vision42 plan, a 42nd St. trolley running in a park-like pedestrian-oriented Transitway. Another possibility (first touted around 1940) would be replacing the Grand Central-Times Square Shuttle with a continuously-moving set of variable speed "slidewalks."

g. Presentations made by the DCP to the Land Use and Waterfront Committee discuss the possibility of creating wider sidewalks, especially on Madison and Lexington Avenues, by setting buildings back from the current street wall. However, the scoping doesn't mention this, and unless the sidewalks are widened throughout the district, this will provide only isolated pockets of relief, not adequate, even, to alleviate the current problem.

11. Air Quality

a. DCP scoping does not state the amount of microscale receptors and at what locations the reading would be taken. DCP will conduct an air quality analysis in accordance with *CEQR* Technical Manual Chapter 17.

12. Noise

a. The DCP scoping does not state the amount of descriptors and at what locations the readings would be taken. DCP will conduct a noise analysis in accordance with *CEQR* Technical Manual Chapter 19.

13. Construction Impacts

a. DCP will conduct a construction impact analysis in accordance with *CEQR* Technical Manual Chapter 22.

ABRAMSON BROTHERS

INCORPORATED

Realty Investments

501 FIFTH AVENUE, NEW YORK, N.Y. 10017 MURRAY HILL 7-2655
FAX 212-490-0630

ALAN BARRETT ABRAMSON
ADAM FORREST ABRAMSON

MANVILLE H. ABRAMSON (1913-1983)
JUNIUS P. ABRAMSON (1905-1974)

October 3, 2012

Ms. Amanda Burden,
Director, Department of City Planning
Chair, City Planning Commission
22 Reade Street
6 Floor West
New York, New York 10007

Dear Ms. Burden:

I write as owner of 315 Madison Avenue to lend my support to the current up-zoning proposal for Midtown East. More specifically, I request your respectful consideration to expand the maximum FAR to the south side of 42nd Street across from Grand Central Station between Madison and Park Avenues.

315 Madison Avenue sits on a plot of 11,245 square feet on the Southeast corner of Madison Avenue and 42nd Street. Our corner is one of the most highly populated corners in the world at the crossroads of New York City's most densely concentrated infrastructure of public transportation. Our property was built in 1913 and while we have maintained it in excellent condition, now is the appropriate moment to address its future, and the future needs of the business community of the City of New York.

Our property is contiguous to One Grand Central Place, (formerly known as the Lincoln Building). Together these two properties look north directly at Grand Central Station and have a combined plot area of 55,787 square feet.

Again, I respectfully request your serious consideration to expand the maximum available FAR to those properties situated on the south side of 42nd Street directly across the street from Grand Central Station. I believe this to be in the long term

interests of the City of New York.

I greatly appreciate your time and consideration.

Very truly yours,

ABRAMSON BROTHERS INCORPORATED

Alan B. Abramson

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OFFICE OF THE
CHAIRPERSON

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October 3, 2012

Ms. Amanda Burden
Director, Department of City Planning
Chair, City Planning Commission
22 Reade Street, 6th Fl. West
New York, NY 10007

Dear Amanda,

I am writing to you as the owner of One Grand Central Place at 60 E. 42nd Street in support of the rezoning and with a request for an expansion of the area for maximum potential FAR.

One Grand Central Place is the "poster child" for the planned/hoped for changes in zoning prompted by the East Midtown Study Area. The intentions of the new zoning under discussion are admirable. With the huge infrastructure spend at Grand Central Terminal, taking existing buildings ill-suited for the best companies demanding modern, quality office and replacing them will lead to a more competitive position and provide enhanced revenue for New York City.

One Grand Central Place is uniquely positioned to take best advantage of, and provide the best possible benefits from, the changes created by the proposed new zoning. As it currently exists, One Grand Central Place has the following good and bad characteristics:

- Good:
  - Large lot size of 44,542 square feet[1]
  - In-building access mass transit
    - Times Square Shuttle
    - 4, 5, 6 and 7 Subway Lines
    - Grand Central Terminal

- Bad:
  - Poorly configured floor plates.
    - Large base floors of irregular shape.
    - Small tower floors which do not easily subdivide.
  - Low floor to beam clearances throughout.

[1] This is the total including our "light protector" at 301 Madison Avenue which has a lot size of 2,400 square feet.

In addition, One Grand Central Place surrounds 315 Madison Avenue. 315 Madison Avenue's lot size is 11,245 square feet, and suffers from similar early 20th century design and construction limitations. One Grand Central Place and 315 Madison's lots combine for an attractively shaped 55,787 square feet lot.

The best possible outcome for the market and New York City of the proposed zoning is to allow the greatest rezoning potential to the properties with best combination of access to mass transit and the largest lot sizes. This will ensure development of the best and most efficient buildings to attract world-leading tenants while taking the best advantage of the upgraded mass transit infrastructure and creating the lowest burden from new development.

On its own, the site of One Grand Central Place provides an extraordinary, strong argument to extend the maximum FAR south of 42nd Street. Its location, lot size, and mass transit access are compelling. The prospect to combine in the future the site of One Grand Central Place, with all of its attributes, with 315 Madison Avenue with the maximum FAR creates one of the largest, greatest Transit Oriented Development opportunities in all of New York City.

The contemplated maximum potential development under the rezoning already includes sites with fewer positive attributes. I urge you in your review to extend the maximum FAR available south over 42nd Street to include these parcels. Not to do so is to waste one of the largest and best potential development sites, with the in-building access to mass transit, in the entire area to be rezoned.

It is in the best interest of public policy and the economic vitality of our city going forward to make this change. Thank you for your consideration.

Onward and upward.

Best regards,

Anthony E. Malkin

cc: Robert Steele

Colleen Curtis CB6
Landuse Committee
East Midtown Rezoning Testimony
9/27/12

Dear Commissioners:

I am certain Mayor Bloomberg's legacy will be hailed for some of his great policies like the revitalization of our major streets-14th-34th-and 42nd street or his strong stance on gun control but, the EAST MID-TOWN REZONING may not be remembered so kindly. His proposal of abandoning our current zoning laws and replacing them with hasty ,arbitrary decisions before his term of office is ended, is just too great a demand on all of us New Yorkers. We really do need much more time to thoroughly examine this project properly.

We already have on this tiny island more skyscrapers than those featured in the "East Mid-Town" study, which compares us with larger area cities that of,.. London-Tokyo and Chicago. It seems to me that this analysis is flawed.

Another aspect, regarding East Mid-Town properties is that, we sell real estate here in the U.S.A.-to foreign entities that are most often backed by their governments. We Americans however, can not easily buy real estate in many countries like,Italy or Switzerland.I asked, recently about a designated site on 45th and Madison Ave. "The Roosevelt Hotel".(E. M. R. and related actions, fig.5,site 7). I was told that it was not landmarked though, it is a classic beaux art beauty. I have learned that the ownership of this property is-Pakistan Airlines. I wouldn't expect Pakistan to share the same feelings that, we New Yorkers have for this exquiste structure.Hopefully, Pakistan will not sell it for profit.

Turtle Bay is a very unique N.Y.neighborhood an international one too, because of the U.N. The people here in Turtle Bay are glamorous, fun, loyal,serious and sometimes gracious.There are over 2000 TBA members, but Turtle Bay is always facing many challenges too,serious ones:

1.With the sale of U.N. 1AND 2 located in T.B.---The profits are being allocated to many out of area projects in N.Y.C. and not a penny to T.B.
2.N.Y. C. and N.Y.State do not have investment property inT.B. T.B.needs an elementary school with an auditorium for both students and community meetings\ gatherings, one that also has an outdoor playground replete with basketball court for chunky cherbs of all ages! There is not much park space in this area now.More people,Big Problem!
3.Second Ave.zoned for C1-9. Many new apartment buildings 40 and 50 stories--all legal, both sides of the streets, lots of shadows.This in preparation for second ave.subway. There are alot more people in this area already. Still third ave. at night is a dead zone.

4. More construction, more pollution,more noise,and severe financial damage to T.B. businesses (bars and restaurants).

5. It is extremely alarming to see any threat to the demise of both our fire department and police precinct. “SAFETY FIRST”! Larger humongous buildings demand more fire-men and police ---not less.(p. 21--fig.14 and 15 E.M.R. RELATED ACTIONS)

6.The areas 42--46 street (2nd ave.--3rd ave.)were always meant to service the.T.B. community. These are garages of necessity for this location. The shadows from the pro posed buildings with the new re-zoning would be quite detrimental to this community.

Things have not changed so much from 1916(oh yes they have) BUT we still want sun-shine-- clean air--and room to walk comfortably on the sidewalk--don’t we?

I look forward to seeing you soon.

RESPECTFULLY YOURS

COLLEEN CURTIS

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TESTIMONY ON THE PROPOSED EAST MIDTOWN REZONING
COUNCIL MEMBER GALE A. BREWER, 6TH DISTRICT, MANHATTAN
OCTOBER 9, 2012

My name is Gale A. Brewer and I represent the residents of the upper West Side and the northern part of Clinton in the City Council. I am commenting on the scope of the proposal to rezone East Midtown that is before the City Planning Commission in preparation for the Environmental Impact Statement.

This is the largest area of midtown Manhattan to be proposed for rezoning in modern times. Proposals of comparable scale and impact, and many of lesser impact, have been subject to far more lengthy discussion and professional and community input prior to scheduling the certification and scoping process. I recommend slowing down this process- political concerns cannot push aside your obligation to due diligence on behalf of the people of the city.

Millions of people use the public transportation, sidewalks, and streets of the Grand Central area now. During business hours it is one of the city's densest concentrations of pedestrians and traffic. With the planned opening of the LIRR connector into Grand Central Terminal, this immediate area will see further influx of pedestrians, and heightened demands on subways, buses, and taxis. Just to the West is the even busier corridor of Fifth Ave and Bryant Park. A plan to sharply increase densities in this area needs extensive review of infrastructure needs, traffic management, and street level services. None of this can or should be done hastily.

As the Landmarks Conservancy and other preservation groups have testified, the East Midtown area is home to some of our most iconic landmarked buildings, as well as many architecturally significant buildings whose character should not be dismissed cavalierly. It would be a pyrrhic victory for the city if hastily planned development blotted out the views and world-famous silhouettes of the Chrysler Building, Waldorf Astoria, RCA Building, Chanin and Lincoln Buildings, the Ford Foundation, and many others. These towers, like the Empire State Building and Rockefeller Center, are defining of New York. We diminish them at our peril.

By contrast, no one believes that the city is defined by the scores of generic post-modern office buildings that have sprouted around Midtown and Grand Central. To sacrifice our iconic buildings to more generic development- or any development- would be profoundly self-defeating. Surely it is possible to create many new, valuable development sites in East Midtown without endangering our heritage, and surely we can reimagine New York for a new century without degrading the city we have and love.

This plan, if it goes forward, should begin with careful and creative thinking about these legacy issues. I would point to the redevelopment around Bryant Park as a useful model: new, spectacular buildings like those being imagined for Midtown East, older buildings handsomely repurposed and re-cladded and landmarks preserved. The result is a landscape of immense aesthetic value, one that expresses the mix of function and form, new and old, that New York alone provides. Looking a little farther afield, a great deal of effort and public infrastructure investment is now going into the development of the Hudson Yards and lower Manhattan. Will the rezoning of Midtown East hurt the chances of building successful communities in these two areas? We as a city take on large scale projects, but can we actually manage this amount of planning and foresight?

To accomplish anything like the planned re-scaling and increased density of East Midtown, we will need the close collaboration of our planning, preservation, community, and development interests. All around Manhattan we have examples of successes in these endeavors, and also many failures. At the scale being proposed, failure to plan appropriately cannot be an option, and to avoid mistakes adequate time for reflection will be needed.

There are ways to accomplish a positive outcome, including setting aside time to analyze a mixed use alternative which would allow for some new residential development while still protecting the commercial character of the area. The other alternative that Community Board 5 and others have requested is to look at allowing landmarks to transfer their development rights in a broader area so landmark air rights aren’t undercut by the air rights the City is creating through the District Improvement Bonus. Finally, the need for a hotel special permit needs to be part of the discussion and final resolution, but that too takes time.

For these reasons, and many more, I urge you to withdraw the East Midtown rezoning as proposed at this time, and take a long, sensible look at your options, to think and plan creatively, and to listen to all of the stakeholders. This is a hundred year legacy. Let's get it right.

Documentation and Conservation of buildings,
sites and neighborhoods of the Modern Movement

do_co_mo_mo_us
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October 9, 2012

RE: CEQR NO. 13DCP011M – Task 6 Historic and Cultural Resources
East Midtown Re-Zoning Proposal for EIS

Dear Mr. Dobruskin,

I am writing on behalf of Docomomo New York/Tri-State, a chapter of the international Modern architecture preservation organization that has been active in the New York, New Jersey and Connecticut region for over fifteen years. Our focus is to recommend Modern buildings, sites, and environments for Landmark designation, to educate the public about their significance, and to assist in their safeguarding and preservation. These buildings are primarily built between 1925 and 1975 in our region.

We are responding to the scoping meeting for the Draft Environmental Impact Statement for the East Midtown Rezoning CEQR NO. 13DCP011M to request that specific buildings be evaluated as part of the study because the Proposed Action could compromise the historic context of the affected area and its architectural resources as outlined in *Task 6 - Historic and Cultural Resources*.

The post-war years in New York City were in part characterized by a large-scale building boom that transformed entire sections of the city's streetscape, such as seen in East Midtown Manhattan, from masonry mid-rise structures to glass and steel skyscrapers. Much of the Midtown Manhattan that one experiences today was developed during this period. East Midtown both exemplifies the cultural development of new businesses that established themselves in Midtown and architectural achievements that comprise a specific and distinct building type in which New York City led the way.

In the area there are but a few New York City Landmarks: Lever House, Seagram Building, Socony-Mobil Building, Pepsi-Cola Building, and the Look Building. These buildings inspired numerous others in both their material innovation and their situation on the streetscape. Their set backs and open plazas also inspired a new variegated streetscape leading to the 1961 New York City Zoning regulation. The standardization and mass production of the new curtain wall systems of extruded metal mullions and glass reinforced the systemization of the corporate office and company culture. The EIS

study area includes numerous buildings that were built between 1945 and 1975 that would be impacted both directly and indirectly if many of the sites proposed were to be upzoned. These buildings have significance both as clusters of buildings as potential historic districts, as together they create an aura of the post-war corporate culture unmatched in any other city in the world at the time. But also there are numerous individual buildings that can be recognized as individual Landmarks to safeguard because of their special significance.

As part of the EIS all known and potential historic resources must be identified in the study area and project area. Docomomo New York/Tri-State had conducted a survey of the 200 buildings in Midtown Manhattan as the Midtown Modern Survey back in 2004. From that intensive research survey we have identified the list of buildings in the East Midtown scoping area and as the most significant to be preserved and protected. These are in the attached document.

Please let me know if you need additional information. Thank you for your consideration.

Yours Sincerely,

Nina Rappaport
Founder and President Emeritus Docomomo New York Tri-State
Coordinator the Midtown Modern Survey
Phone: 212-531-3472
Email: nina@ninarappaport.com

CC: Docomomo New York / Tri-State Board of Directors
Municipal Arts Society

Docomomo NY Tri-State October 8, 2012
East Midtown Historic Buildings of Significance

Lord Memorial Building, Children's Aid Society
150 East 45th Street

Architect: Gibbons & Heidtmann
Date of Construction: 1950 (four-floor addition, 1967)
Block/Lot: 1299/41

Alternating strips of gray brick spandrel panels and fixed and casement aluminum-framed windows emphasize the horizontality of this seven-story building, which served as a headquarters for the Children's Aid Society. The original three-story building was designed by the White Plains-based architecture firm of Gibbons & Heidtmann (later Gibbons Heidtmann & Salvador), who designed the foundation and structural steel to accommodate future expansion (in 1966-67, four floors were added on top of the existing structure).

300 East 42nd Street

Architect: William Lescaze & Associates
Date of Construction: 1963-64
Block/Lot: 1334/1

This bronze-toned aluminum-clad building is typical of William Lescaze's post-1942 design work, especially in Midtown Manhattan. It was during this period that Lescaze came to favor glass curtain-wall construction over the smooth, clean lines of the International Style which figured prominently in this earlier work. 300 East 42nd Street was a speculative corporate-commercial development by the Fred F. French Investing Company, which required flexible office spaces and easy access to light from the interior.

225 East 43rd Street

Architect: Oscar I. Silverstone
Period of Construction: 1950
Block/Lot: 1317/15

Four stories of recessed windows are framed in curved aluminum and contrast sharply with the flat cladding of dark stone, creating the impression that the windows are simply floating in the façade. Oscar I. Silverstone established his firm in 1931 and primarily

designed apartment houses in Manhattan, Queens, and Brooklyn; a commercial building by him is rare. The building was originally constructed for multiple uses and included office space, printing space, and a garage (which has been retained).

Trade Bank & Trust Company Building
592 Fifth Avenue

Architect: Hausman & Rosenberg
Date of Construction: 1962-64 (renovation of 1912 Carrere & Hastings bank)
Block/Lot: 1263/41

The building is given its distinctive look by the use of three-inch-thick white marble panels that frame vertically-oval windows. Thin joints between marble panels cause the facades to appear quite smooth, resulting in the appearance that the windows are punctured right through the stone. This was a re-cladding and expansion of Carrere & Hastings' jewelry company Black, Starr & Frost. The architects, Alvin Hausman and Stanley Rosenberg later designed the Lincoln Square Synagogue (1970) on the Upper West Side.

Universal Pictures Building
445 Park Avenue

Architect: Kahn & Jacobs
Structural Engineer: Fred N. Severud
Period of Construction: 1947
Block/Lot: 1311/1

The first post-war office building on Park Avenue (and the first fully air-conditioned commercial structure in New York City), 445 Park Avenue set the stage for future development along Park Avenue. The prominent architecture firm Kahn & Jacobs, architects of the Landmarked Municipal Asphalt Plant (1941-44), designed this building. The rectilinear glass and limestone structure, with its dark granite base, is composed of four setbacks, adhering to the 1916 zoning law. Continuous ribbon windows and limestone spandrel panels give the building a sleekness in stark contrast to its contemporary buildings. Lever Brothers Company, Schweppes, Ford Motor Company, Monsanto Chemical Company, and Universal Pictures Corporation all leased space in the structure in the 1940s.

Union Carbide Building
270 Park Avenue

Architect: Gordon Bunshaft/Natalie De Blois (Skidmore, Owings & Merrill)
Structural Engineer: Weiskopf & Pickworth
Date of Construction: 1958-60
Block/Lot: 1283/21

This building is a 52-story Park Avenue tower connected to a 12-story annex on Madison Avenue. It was designed for maximum window access from offices, and is set back behind a small plaza. It is constructed of gray glass with stainless steel mullions and black-painted steel spandrel panels and exterior columns (achieved through a new metal coloring process, called Permyron, developed by Electro Metallurgical Company, a Division of Union Carbide Corporation). The building was an engineering challenge due to its location over the railroad tracks leading out of Grand Central. Gordon Bunshaft and Natalie de Blois' idea of a skyscraper tower, instead of a block of setbacks, ultimately influenced the new zoning regulations established in 1961 [the architects also designed Lever House (1950-52) and the Pepsi-Cola Building (1958-1960), both Landmarked]. The Union Carbide Building was the tallest stainless-steel-clad building in the world and Park Avenue's tallest skyscraper at the time of its completion, as well as Manhattan's tallest building since 1933.

Franklin National Bank Building
450 Park Avenue

Architect: Emery Roth & Sons
Date of Construction: 1969-72
Block/Lot: 1292/37

The building has a smooth façade treatment composed of “black granite” (likely gabbro or diabase) and elliptical window segments of gray-tinted glass. 450 Park Avenue served as the headquarters of the Franklin National Bank from only 1972-74, and its sleek black façade and dark glass set it apart from other structures on Park Avenue, especially those designed by Emery Roth & Sons in the previous decades. Following the 1961 zoning resolution provided the architects designed a privately owned public space on the west side of the structure.

Davies Building/Olin Building
460 Park Avenue

Architect: Emery Roth & Sons
Date of Construction: 1953-54
Block/Lot: 1293/35

Two-story faceted aluminum panels clad the entire structure above a dark stone base. The building was originally called the Davies Building, after silent-film actress Marion Davies, who owned the land beneath the building. The Olin-Mathieson Chemical Corporation had its executive offices in the building since the mid-1950s, although did not lend its name to the skyscraper until after 1964. 460 Park Avenue was only the second structure in New York City to have an "exterior aluminum curtain wall," the first being 99 Park Avenue (National Distillers Building). The aluminum panels were prefabricated and erected in under 10 hours!

425 Park Avenue

Architect: Kahn & Jacobs
Date of Construction: 1957
Block/Lot: 1310/1

425 Park Avenue is a unique example of a white-glazed-brick-clad commercial building in East Midtown. A strong vertical emphasis is created by the brick piers that rise continuously from the storefronts. The 31-story building and black reflective spandrel panels, which contrast with the bright white of the glazed brick give the building a strong presence on Park Avenue. The one-story recessed entrance has rounded walls and a white mosaic ceiling and piers. The prominent firm, Kahn & Jacobs, architects of the Landmarked Municipal Asphalt Plant (1941-44), designed this building. The National Biscuit Company, International Business Machines, and architecture firm Carson & Lundin all leased office space.

Aramco (Arabian American Oil Company) Building
505 Park Avenue

Architect: Emery Roth & Sons
Date of Construction: 1948-49
Block/Lot: 1394/1

Emery Roth & Sons developed a standard method of designing corporate/commercial buildings, which could be easily adapted to different sites, developers, and materials. Part of this method was the use of "factory-type window module spacing" which the firm first employed in their design for 505 Park Avenue. Continuous horizontal buff brick spandrel panels and ribbon windows define the structure. The curved corner at Park Avenue and 59th Street sets this building apart and gives it a unique presence on an otherwise linear avenue. The Arabian American Oil Company leased almost the entire building upon its completion.

711 Third Avenue

Architect: William Lescaze & Associates
Date of Construction: 1954-56
Block/Lot: 1318/1

711 Third Avenue is a base-and-tower skyscraper. Alternating bands of continuous windows and glazed brick spandrels define both the base (in gray) and tower (in blue). Even before the Third Avenue elevated railroad was razed in 1955, construction of modernist office towers was underway. 711 Third Avenue was one of the earliest, and marked the beginning of the area's rapid and dramatic post-war transformation. The design is typical of William Lescaze's post-1942 design work, especially in Midtown Manhattan. It was during this period that Lescaze came to favor glass curtain-wall construction over the smooth, clean lines of the International Style which figured prominently in this earlier work.

U.S. Plywood Building
777 Third Avenue

Architect: William Lescaze & Associates
Date of Construction: 1963
Block/Lot: 1322/1

The U.S. Plywood Building is a tower-and-base curtain wall skyscraper of black anodized aluminum and "black granite" (likely gabbro or diabase). Adhering to the 1961 zoning resolution, the building has a wrap-around plaza, which was constructed in exchange for additional floor area above. Lescaze's belief in the integration of art and architecture resulted in this being one of the first post-war office buildings in New York City to move its artwork from the private into the public realm, and features sculptures by Beverly Pepper and Theodore Ceraldi in its plaza. The building was named for the United States Plywood Company, which leased five floors in the building, and was the world's largest distributor of plywood and related products at the time.

Decoration & Design Building
979 Third Avenue

Architect: David & Earl J. Levy
Date of Construction: 1963-64 (addition, 1966)
Block/Lot: 1332/1

The Decoration & Design Building is composed of a tiered design, with distinctive layers accentuated by continuous horizontal glazing separated by white brick spandrels. It is a

late example of a setback skyscraper, adhering to the 1916 zoning resolution rather than the recently passed 1961 resolution. A distinguishing feature of this building is its neoclassical base with large arched openings. It was built for use as offices and showrooms for interior decorators, designers, and related occupations. An article written recently after the building's completion stressed the importance of such a structure which would "consolidate most of the industry into one location."

909 Third Avenue

Architect: Max O. Urbahn and Associates, Emery Roth & Sons
Date of Construction: 1967-68
Block/Lot: 1328/1

The base of 909 Third Avenue is a distinctive windowless prism, hovering one story above the street, and faced with glazed brick in varied tones, ranging from fern green to forest green to dark purple. A recessed portico is below, with a coffered ceiling and large columns, all in exposed aggregate concrete. A coffered, precast-concrete-panel tower rises above. The combination of color, texture, and shape of architectural elements allows this building to stand apart from its neighbors on Third Avenue. Max O. Urbahn, the building's designer, was a prolific architect of government buildings and for NASA. The tower floors had offices and the Franklin D. Roosevelt Post Office occupied the four floors of the prism and two basement floors below.

Continental Can Building
633 Third Avenue

Architect: Harrison & Abramovitz
Period of Construction: 1959-61
Block/Lot: 1314/7502

The Continental Can Building is a tri-partite structure, composed of a central tower and flanking low-rise wings. A distinct façade treatment of green glazed brick, set in common bond with matching green-tinted windows and green glass spandrels which add to the overall luster of the building. The developer, Socony-Mobil Company, had worked with Harrrison & Abramovitz only years before on the 1956 Socony-Mobile Building at 150 East 42nd Street (a New York City Landmark). 633 Third Avenue was named after its primary tenant, the Continental Can Company, the nation's second leading metal can maker (behind American Can). Harrison & Abramovitz, were considered to be "pioneers in the creation of glass and metal-walled buildings," and in 1962 their brick skyscraper was called "an architectural rarity in this age of glass and metal."

Girl Scout Building
830 Third Avenue

Architect: William T. Meyer, Skidmore, Owings & Merrill
Date of Construction: 1957
Block/Lot: 1305/40

A fourteen-story glass-and-aluminum building, the Girl Scout Building retains its original green-tinted glass windows, white structural glass spandrel panels, and black anodized-aluminum grid. William T. Meyer was the lead architect, with Skidmore, Owings & Merrill as consulting architect for design and office layout. Natalie de Blois, worked on it as part of Skidmore, Owings & Merrill. The architects worked with the cost-conscious clients to ensure that the design did not exhibit signs of extravagance, and in 1965 Ada Louise Huxtable called the structure "modest but impeccable." The national headquarters of the Girl Scouts of the U.S.A. were located here between November 1957 and July 1992.

860-870 United Nations Plaza

Architect: Harrison & Abramovitz
Date of Construction: 1963-66
Block/Lot: 1360/1

This twin 32-story apartment towers above a single six-story base of offices were called a "Monument to Aluminum." The bronze-colored coating on the aluminum was created by a protective Duranodic finish, developed by Alcoa in the early 1960s. Wallace K. Harrison & Max Abramovitz's residential/commercial design was the tallest residential structure in New York and the city's most expensive co-op. It quickly became the address of United Nations dignitaries and powerful society, political, and corporate figures, including Senator John F. Kennedy, Truman Capote, John Dickson Harper (president of Alcoa), and Johnny Carson. *The Christian Science Monitor* called the building "about the most fashionable and glamorous new residence address in Manhattan… United Nations Plaza is quiet, open, separate, private, and conveniently close-by—all at once."

HISTORIC DISTRICTS COUNCIL

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11th Street New York NY 10003
tel **(212) 614-9107** fax (212) 614-9127 email hdc@hdc.org

October 8, 2012

Re: Proposed draft scope of work for the preparation of an EIS for rezoning East Midtown

The Historic Districts Council is the advocate for New York City's designated historic districts and neighborhoods meriting preservation. In this role of protecting the special character of the city's neighborhoods, HDC would like to comment on the proposed draft scope for the Midtown East rezoning proposal. This area, of course, is home to many New York's most iconic buildings and there is certainly room for new ones in the future. There are though also numerous buildings of quality design and construction, not to mention character and history, that are presently not designated as landmarks and are at great risk of demolition due to the proposed up-zoning. We have identified three general categories of buildings we feel should be examined - the remaining 19th and early 20th century buildings which recall the residential, pre-Grand Central days of the area; hotels and office buildings which rose around Grand Central as part of Terminal City; and post-World War II, modernist office buildings which helped make this district one of the world's premier business address. HDC asks that the following buildings be considered in the the environmental impact statement under Task 6, Historic and Cultural Resources.

355 Lexington Avenue, Block 1295/Lot 23 – office building, 1958

420 Lexington Avenue, 1280/60 – Graybar Building, Sloan & Robertson, 1927

501 Lexington Avenue, 1302/21 – Roger Smith Hotel, Denby & Nute, 1925

509 Lexington Avenue, 1302/51 – Lexington Hotel, Schultze & Weaver, 1929

525 Lexington Avenue, 1303/53 –Shelton Hotel, Arthur Loomis Hammon, 1925

541 Lexington Avenue, 1304/20 – Hotel Montclair, Emery Roth, 1928

270 Madison Avenue, 869/16 – office building, 1923

274 Madison Avenue, 869/58 – office building, 1927

292 Madison Avenue, 1275/59 – Johns-Manville Building, Ludlow & Peabody, 1923

295 Madison Avenue, 1275/50 – Bark & Djorup, 1928-30

299 Madison Avenue, 1276/23 – Hill & Stout, 1912-3

331 Madison Avenue, 1277/52 – Severance & Van Alen, 1924

346 Madison Avenue, 1279/17 – Brooks Brothers, LaFrage & Morris, 1917

366 Madison Avenue, 1281/56 – office building, 1921

400 Madison Avenue, 1283/17 – H. Craig Severance, 1929

444 Madison Avenue, 1285/15 – Kohn, Vitola & Knight, 1929-1931

515 Madison Avenue, 1291/21 – office building, 1931

532 Madison Avenue, 1290/15 – office building, 1958

99 Park Avenue, 895/1 – National Distillers Building, Emery Roth & Sons, 1954

250 Park Avenue, 1284/33 – Postum Building, Cross & Cross, 1925

270 Park Avenue, 1282/21 – Union Carbide Building, SOM Gordon Bunshaft, Natalie Dubois, 1960

280 Park Avenue, 1284/33 – Bankers Trust Building, Emery Roth & Sons, 1963 (addition to the west, Emery Roth & Sons, 1971)

400 Park Avenue, 1290/36 – Emery Roth & Sons, 1955-8

410 Park Avenue, 1290/37 – Chase Manhattan Bank, SOM (bank and curtain wall) and Emery Roth & Sons (building), 1957-9

417 Park Avenue, 1309/69 – Emery Roth, 1917

445 Park Avenue, 1311/1 – Paramount Building, Kahn & Jacobs, 1947

450 Park Avenue, 1292/37 – Emery Roth & Sons, 1972

708 Third Avenue, 1299/33 – The Commerce Building, Ely Jacques Kahn, 1931

710 Third Avenue, 1299/37 – tenement building, c.1900

711 Third Avenue, 1318/1 – William Lescaze, 1956

850 Third Avenue, 1306/33 – Western Publishing Building, Emery Roth and Sons, 1963

50 Vanderbilt Avenue, 1279/28 – Yale Club, James Gamble Rogers, 1915

52 Vanderbilt Avenue, 1279/45 – office building, 1916

10 East 40th (aka 11 East Street), 869/66 – Ludlow & Peabody, 1927-8

16 East 41st Street, 1275/63 – American Encaustic Tiling Co., Rich & Mathesius, 1922

18-20 East 41st Street, 1275/61 – George & Edward Blum, 1912-4

22-24 East 41st Street, 1275/60 – George & Edward Blum, 1912-4

50-52 East 41st Street, 1275/44 – Chemist Club, York & Sawyer, 1910

51 East 42nd Street, 1277/27 – office building, 1913

100 East 42nd Street, 1296/1 - Pershing Square Building, York & Sawyer, 1923

235 East 42nd Street, 1316/23 – Pfizer headquarters, Emery Roth & Sons, 1961

48 East 43rd Street, 1277, 46 – office building, 1923

45 East 45th Street, 1281/21 – Roosevelt Hotel, George B. Post, 1924

150 East 45th Street, 1299/41 – Children's Aid Society, Gibson Heidtmann & Salvador, 1949 & 1963-5

140 East 46th Street, 1300/50 – mixed residential/commercial building, 1924

17 East 47th Street, 1283/13– Mercantile Library, Henry Otis Chapman, 1932

123-147 East 47th Street 1302/22-30 – rowhouses with commercial ground floors, c.1900 with later alterations

5 East 48th Street, 1284/6 – Church of Sweden/former New York Bible Society Building, 1871, altered by Wilfred E. Anthony, 1921

142, 146, & 150 East 49th Street, 1303/46, 45, & 31 – apartment buildings, 1924, 1920, & 1923

125 East 50th Street, 1305/20 –Hotel Beverly, Emery Roth and Sylvan Bien, 1927

135 East 50th Street, 1305/23 – apartment building, 1924

39 East 51st Street, 1287/27 – Jennie S. Parker Residence, York & Sawyer, 1902-3

10 and 12 East 52nd Street, 1287/63 and 62 – store and loft buildings, 1930

3 East 53rd Street, 1289/6 – Paley Park, Zion and Breene Associates, 1967

19 East 54th Street –Minnie Young Residence, Hiss & Weekes, 1900

57 East 54th Street, 1290/127 – former Bill's Gay Nineties, late 19th century, altered 1924

59 East 54th Street, 1290/28 – mixed residential/commercial building, 1923

60 East 54th Street, 1289/45 – Hotel Elysee/Monkey Bar, 1926

111-113 East 54th Street, 1309/5 – Brook Club, Delano & Aldrich, 1925

115-117 East 54th Street, 1309/6 – Bayard Dominick Residence, William F. Dominick, 1921

119 East 54th Street, 1309/7 – Alonzo and Elsie Potter House, Grosvenor Atterbury and Julian L. Peabody, 1909

121 East 54th Street, 1309/107 – probably John M. Hatton and Diego de Suarez, 1919

14 & 16 East 55th Street , 1290/62 & 61 – town houses, 1915

57 East 55th Street, 1291/127 – Friar's Club (former Martin Erdmann Residence), Taylor & Levi, 1908-9

BRYAN CAVE

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October 9, 2012

BY HAND

Mr. Robert Dobruskin
Director, Environmental Assessment and Review Division
New York City Department of City Planning
22 Reade Street, Room 4E
New York, NY 10007-1216

Ms. Edith Hsu-Chen
Director, Manhattan Office
New York City Department of City Planning
22 Reade Street, Room 4E
New York, NY 10007-1216

Re: East Midtown Rezoning And Related Actions
Draft Scope of Work for an Environmental Impact Statement
CEQR No. 13DCP011M

Dear Mr. Dobruskin and Ms. Hsu Chen:

We represent KDI Lexington Inc., the owner (the "Owners") of 678 Lexington Avenue (Block 1311, Lot 14). 678 Lexington Avenue, is a 15, 213 square foot zoning lot with 115 feet of frontage on East 56th Street and 100 feet of frontage on Lexington Avenue. The vacant development site falls partly within the C5-2.5 Special Midtown District and partly in the C5-2 zoning district that is not within the Midtown District. On behalf of the Owners, we respectfully submit these comments on the Draft Scope of Work for the East Midtown Rezoning and Related Actions Environmental Impact Statement, dated August 27, 2012 (the "Draft Scope").

The Proposed Action (the "Rezoning") would map the East Midtown Subdistrict's north-easternmost boundary mid-block between East 55th Street and East 54th Street along the mid-block between Park Avenue and Lexington Avenue and the east side of Third Avenue, isolating from the new Subdistrict the remaining portion of the Special Midtown District located directly north of that boundary and south of East 57th Street.

In the Introduction to the Draft Scope, the East Midtown neighborhood is described as "bounded by East 39th Street to the south, East 57th Street to the north, Second and Third Avenues to the east and Fifth Avenue to the west;" indeed these

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do describe a neighborhood with a distinct commercial character that was recognized as such by the Special Midtown District almost thirty years ago. Oddly, however, the proposed East Midtown Rezoning boundaries ignore the contours of the Special Midtown District as they near East 57th Street, despite the similarity in character between this portion of the Special Midtown District and the portion to the south.

The Draft Scope also points to the transportation infrastructure that currently services and will service the East Midtown neighborhood, noting in particular construction of the 63rd Street station for the Second Avenue subway that will support the anticipated new East Midtown population. However, the Draft Scope fails to note that, due to the more than half-mile walk to get there, the 63rd Street station will not be convenient to any of East Midtown as it is presently delineated. There are at present, however, subway station entrances at East 51st, 59th and 63rd Streets and Lexington Avenue, at 53rd and Third Avenue, the 57th and 59th Street crosstown buses, as well as the Roosevelt Island Tram at 59th Street and 2nd Avenue. With respect to the East Midtown neighborhood, these important transportation sources are most convenient to businesses located immediately south of East 57th Street and nearest to Lexington and Third Avenues. The Proposed Action and Draft Scope ignore this. Good urban planning dictates that if the new East Midtown Subdistrict is to support vast increases in population, the boundaries in which major new construction will take place should encompass those sites with convenient access to multiple lines of transportation.

The Proposed Action refers to the narrowness of Lexington Avenue's sidewalks "given the scale of pedestrian use they handle," and which will be exacerbated by the new construction and increased populations the Rezoning will encourage. To alleviate the impact of the Rezoning, District Improvements will be directed at sidewalk widenings and other publicly-accessible open spaces. However, as described above, because many of the sources of transportation are located to the north of the East Midtown Subdistrict as presently delineated, the two and one-half blocks along both sides of Lexington Avenue that have been excluded from the Proposed Action will also be excluded from the benefits of the District Improvements and will become even more congested than they already are.

The Draft Scope states that the north portions of Lexington Avenue contain "more recent office construction," and therefore such areas are excluded from the proposed re-development incentives. A walk down that portion of Lexington Avenue south of East 57th Street makes clear that with the exception of the Citigroup Center building, this statement is inaccurate. Many of these buildings pre-date 1982 and are under-built, applying the criteria used in the Draft Scope to establish potential soft sites.

Furthermore, since the Special Midtown District's boundaries were first delineated, many of the carve-out areas that were appropriately excluded from the Special Midtown District in 1982 have since changed in character. The Proposed Action recognizes this fact in part by proposing to incorporate portions east of Third Avenue and south of East 48th Street into both the East Midtown Subdistrict and the Special Midtown District. Meanwhile, however, no re-evaluation of the areas that were excluded from the Special Midtown District just south of East 57th Street and East of Park Avenue has been conducted, despite the changed characters of these areas. Likewise, the Proposed Action ignores

the discontinuity in urban form presented by the C6-6 district located on both sides of Lexington Avenue from East 48th to East 54th Streets and the C5-2.5 district along the same stretch of Lexington Avenue immediately to the north of this C6-6 district.

This new East Midtown Subdistrict delineation will cause a discontinuity in neighborhood character and urban design along the remaining portion of the two Lexington Avenue frontages from the East 54th Street-East 55th Street mid-block to East 57th Street, and undermine the objective of and run counter both to the stated goals of the Department of City Planning and the existing context. Accordingly, the Environmental Impact Statement and the Proposed Action should include a district boundary delineation that extends the Special Midtown District and East Midtown Subdistrict north to East 57th Street and should study an extension of the C6-6 district along Lexington Avenue north to East 57th Street as an alternative for this area.

Sincerely,

Margery Perlmutter

Margery Perlmutter

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RE: EAST MIDTOWN REZONING AND RELATED ACTIONS
CEQR NO. 13DCP011M

Dear Mr. Dobruskin,

Please be advised that we are the owners of 9 & 11 E 47 Street (Block 1283 Lots 9& 10) shown on page 9 of the Draft Scope of Work for EIS for the proposed East Midtown Rezoning as being within the proposed action area we were never notified concerning the proposed action and only became aware of it after the date of the public meeting and therefore were denied by the DCP the opportunity for public comment. We believe that denying stakeholders the opportunity to comment is a significant flaw in the process and calls into question the rush and haste with regards to this matter and the possibility of decisions being made using faulty data and factual errors and is inconsistent with the public statement on the DCP website as follows "it will continue to seek input from many stakeholders to develop a proposal that maintains the area's role as a premier business district and job center for the City"

We hereby submit the following comments concerning the proposed action:

1. Regarding Draft Scope Description of Proposed Action Section C and Analysis Framework Section D pages 3-24, we believe that the scope of the EIS should include consideration and study of a zoning change alternative with regards to C5-2.5 replacing with C5-3 base zoning mid block throughout the study area but especially from 52nd St to 42 Street. This area was downzoned from 15.0 FAR to 12.0 FAR which has created an economic disincentive for mid block owners with aging office properties to consider the redevelopment. The result then is a situation of properties not fully utilizing their development potential which is inconsistent with the stated intent of the project action with regards to meeting challenges that must be addressed in Midtown East including but not limited to redeveloping aging office stock with contemporary structures to maintain East Midtown as a premier job center and generate tax revenue. While midblock properties would be included for bonus FAR through District Improvement Bonus (DIB), this would only affect mid block properties if an avenue property were to be included in the development site. The City needs to consider and study restoring the earlier 1961 15.0 FAR midblock and how this might further the goals of the action as part of the EIS.

2. Regarding Draft Scope Description of Proposed Action Section C and Analysis Framework Section D pages 3-24, special consideration in the EIS should be given to transfers of unused FAR from landmarks to development sites, to correctly analyzing sites where zoning lots have been previously merged and FAR transferred, to analyzing the effect of the MTA LIRR East Side Access regarding properties taken by eminent domain and how that may effect potential redevelopment sites and to analyzing whether the City would be competing with holders on unused development rights with regards to the DIB process.

3.We noted an error in bldg classification in EAS Land Use Map Figure 3 at Block 1283 Lot 63 (12 E 47) which has not been a religious building for several years since it was sold to a developer who failed.

4. We noted an omission in the EAS Land Use Map Figure 3 and Draft Scope on page 6 under Pedestrian Network Challenges and Task 12 covering Transportation on pages 35-38 with regards to the entrances to Grand Central Terminal especially the north passageway entrances which are of great importance to the planning process regarding the proposed action in determining pedestrian flow.

5. A correction should be made with regards to the proposed hotel at Site #11 in Draft Scope Figure 5 and Appendix A should include the now and former religious properties on E 48 St. (Block 1283 Lots 62, 63) and 13 East 47 Street (Block 1283 Lot 11) as consistent with documents on file at the City Register and exclude our properties not part of the site.

6. Draft Scope Task 9 on page 33 considering Water and Sewer Infrastructure should consider and study capacity of the sewer infrastructure to handle system overflows at peak periods such as intense rainstorms which have caused back ups into our properties repeatedly during such inclement weather events.

7. Draft Scope Task 5 considering Shadows, Task 7 considering Urban Design and Visual Resources and Task 17 covering Neighborhood Character should include study of the effects of existing setback requirements by deed restriction within the project area such as exists on East 47th & East 48th Streets Fifth to Madison Avenues.

8. Draft Scope Task 6 on page 30 under Historic and Cultural Resources and Task 17 covering Neighborhood Character should consider submitting the Phase 1A and any subsequent phase cultural resource reports to SHPO for their comments as part of a coordinated agency review since they may take a broader approach with regards to such resources which may be listed or eligible for listing on the State and National Registers but which may not be under the jurisdiction of the Landmarks Preservation Commission. Having SHPO included at the outset in the rezoning discussion may avoid having to make later revisions or respond to comments later. Additionally, the historic significance of the Terminal City properties proposed as Grand Central core redevelopment sites in Draft Scope Figure 5 should be considered as part of the EIS.

9 Draft Scope Task 3 on pages 25-27 under Socioeconomic Conditions should consider the fact that smaller buildings in the project area serve a purpose as a small start up business incubator a function not possible in larger buildings due to economic feasibility and market conditions.

10. Task 18 covering Construction, Task 7 covering Urban Design and Visual resources, Task 13 covering Air Quality and Task 11 covering Energy should consider including a discussion of "green" building techniques and LEED certification as part of the EIS.

Thank you for considering our comments. Please do not hesitate to contact us with any questions. Please also include us on future document distribution lists as interested stakeholders.

Very truly yours

Kevin McEvoy, Member
Lester A. Epstein & Associates LLC
Epstein Family Holdings LLC

GARRETT GOURLAY, RA

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Friday, October 5, 2012

Jim Korein
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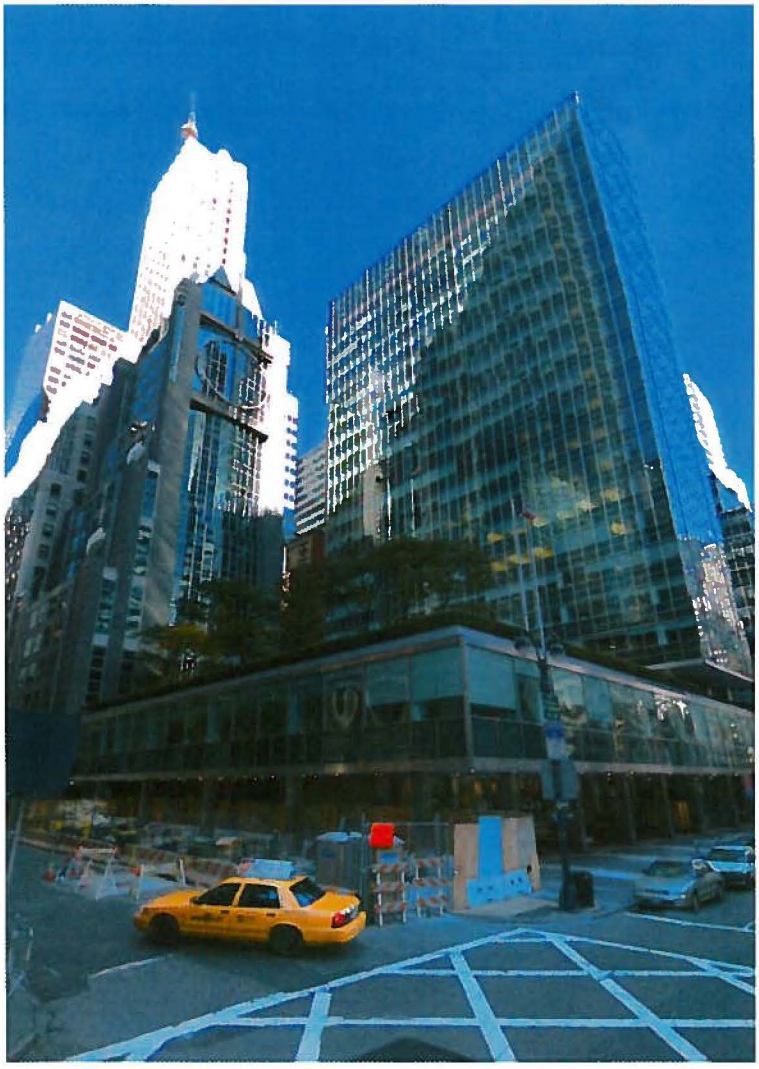
Re: Lever House – development rights analysis update.



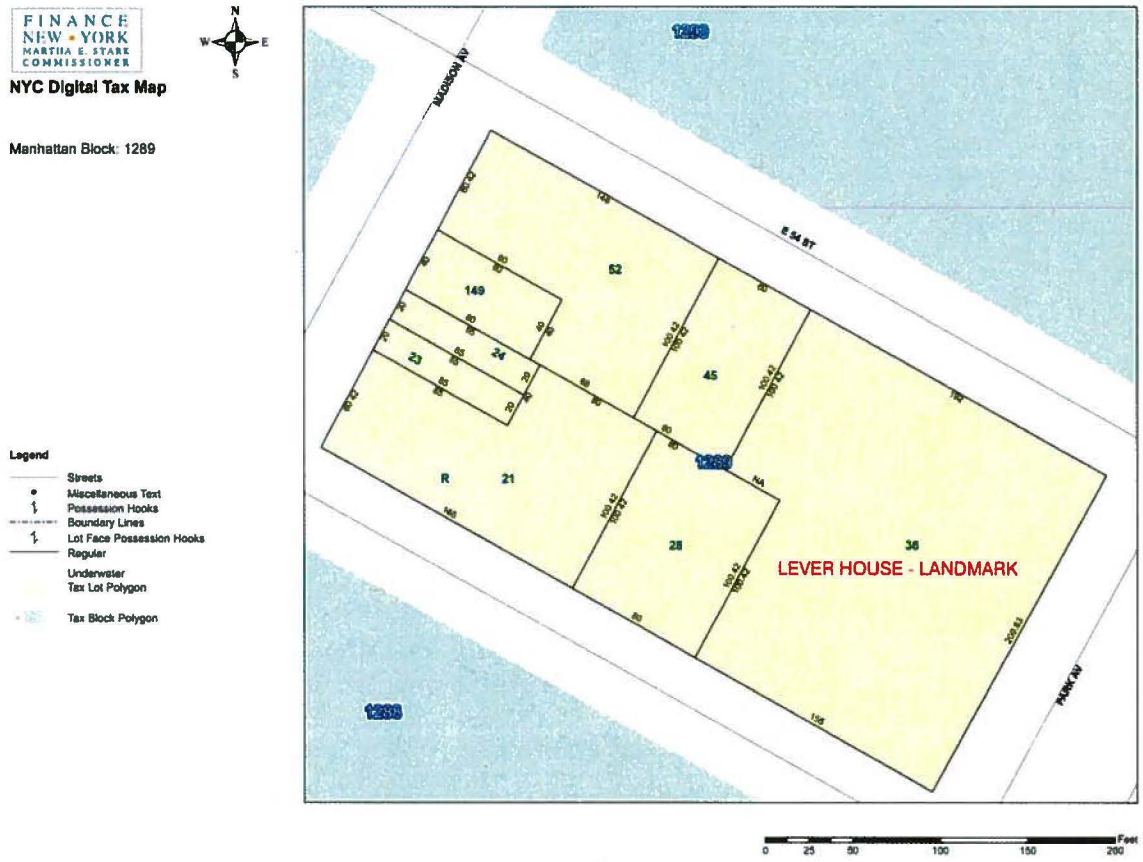
The Lever House building located at 390 Park Avenue (Block: 1289 – Lot: 36) is a designated Landmark by the Landmarks Preservation Commission pursuant to Chapter 8-A of the New York City Administrative Code and as such has the ability to transfer its development rights beyond the lot(s) that are directly adjacent and adjoining with 10 feet of common lot line by special permit or may on an as-of-right basis transfer development rights to the lot(s) that are directly adjacent and adjoining with 10 feet of common lot line.

The building consists of a 22 story commercial office tower set on a raised one story plinth containing an existing floor area of approximately 218,440sf on an approximately 38,560sf flag shaped lot. The site is located in a C5-3 (approximately 25,104sf – within 125' of Park Avenue) and C5-2.5 (approximately 13,456sf – beyond 125' of Park Avenue) zoning districts within the Midtown Special District. The C5-3 zone permits a maximum FAR of 15 for commercial use and 12 FAR for residential use (with the appropriate open recreation space provided otherwise the maximum is 10

FAR). The C5-2.5 zone permits a maximum FAR of 12 for commercial use and 12 FAR for residential use (again with the appropriate open recreation space provided otherwise the maximum is 10 FAR). The maximum permitted floor area is thus:

15 x 25,104sf + 12 x 13,456sf = 376,560sf + 161,472sf = <u>538,032sf</u>

The estimated available excess development rights = 538,032sf – 218,440sf = <u>319,592sf</u>

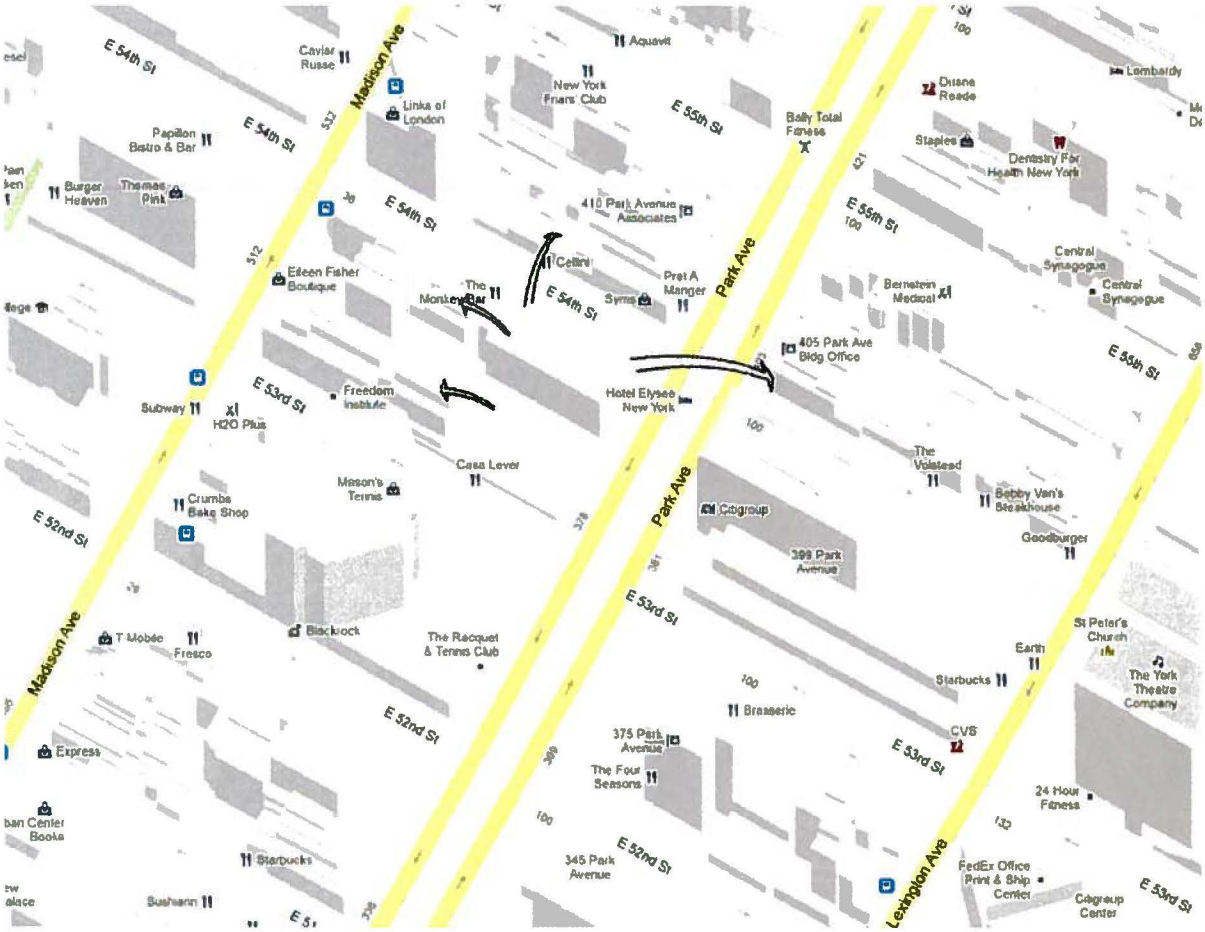


Focusing on the as-of-right transfer of development rights option initially there are two potential receiving lots directly adjacent to and adjoining with 10 feet of common lot line with the Lever House site. The first lot is the Santander Building (former Bank of Spain building) at 43 East 53rd Street (Block: 1289 – Lot: 28) that is currently improved with a 20 story commercial office tower of approximately 112,950sf and is located in the C5-2.5 zoning district. The second lot is at 56 East 54th Street (Block: 1289 – Lot: 45) that is currently improved with a 15 story hotel of approximately 65,450sf and is also located in the C5-2.5 zoning district. In either case the potential amount of transferrable development rights is limited by the split zoning districts in as much as only floor area of the same use and floor area ratio may be transferred across such district boundary.

The ability to transfer the development rights on an as-of-right basis is the difference between the permitted floor area in the C5-2.5 district and the amount of floor area contained within the existing Lever House building within the C5-2.5 district, such floor area can be utilized for any permitted use. In addition only up to 12 FAR can be transferred from the C5-3 zoning district as residential use since the commercial FARs are not the same, as such the difference between the permitted

floor area in the C5-3 district and the amount of floor area contained within the existing Lever House building within the C5-3 district, up to a maximum of 12 FAR can be transferred for residential use. Note: a survey is required to confirm the exact lot area and built area of the Lever House building as well as the amount of floor area of the existing building in each zoning district.

In either case the razing of the existing structures would be required as it is highly unlikely that either could support the additional load of the resulting building that utilizes the excess development rights available.



In addition to the as-of-right scenario outlined above the Zoning Resolution currently offers a Special Permit that can be obtained through the New York City Department of City Planning. This gives the granting Landmark site the ability to transfer its excess development rights to a lot that is directly across a street or across a street intersection in the case of a corner lot. In this scenario floor area transferred in a C5-2.5 district is limited to 2 FAR for the receiving lot; this limitation does not apply in the C5-3 district (neither in the case of the as-of-right scenarios described previously). The diagram above references the viable options for the transfer of development rights from the Lever House by special permit by application to the New York City Department of City Planning.

The following text sections are excerpted from the New York City Zoning Resolution for reference:

(2/2/11)

74-79

Transfer of Development Rights from Landmark Sites

In all districts except R1, R2, R3, R4 or R5 Districts or C1 or C2 Districts mapped within such districts, for #developments# or #enlargements#, the City Planning Commission may permit development rights to be transferred to adjacent lots from lots occupied by landmark #buildings or other structures#, may permit the maximum permitted #floor area# on such adjacent lot to be increased on the basis of such transfer of development rights, may permit, in the case of #developments# or #enlargements# containing #residences#, the minimum required #open space# or the density requirements to be reduced on the basis of such transfer of development rights, may permit variations in the front height and setback regulations and the regulations governing the size of required loading berths, and minor variations in #public plaza#, #arcade# and #yard# regulations, for the purpose of providing a harmonious architectural relationship between the #development# or #enlargement# and the landmark #building or other structure#. Where a #zoning lot# occupied by a landmark #building or other structure# is located in a #Residence District#, the Commission may modify the applicable regulation of primary business entrances, #show windows#, #signs# and entrances and exits to #accessory# off-street loading berths on the "adjacent lot" in a #Commercial District# provided that such modifications will not adversely affect the harmonious relationship between the #building# on the "adjacent lot" and landmark #building or other structure#.

For the purposes of this Section, the term "adjacent lot" shall mean a lot that is contiguous to the lot occupied by the landmark #building or other structure# or one that is across a #street# and opposite to the lot occupied by the landmark #building or other structure#, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by the landmark #building or other structure#. It shall also mean, in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, a lot contiguous or one that is across a #street# and opposite to another lot or lots that except for the intervention of #streets# or #street# intersections, form a series extending to the lot occupied by the landmark #building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS).

A "landmark #building or other structure#" shall include any structure designated as a landmark by the Landmarks Preservation Commission and the Board of Estimate pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments, and bridges. No transfer of development rights is permitted pursuant to this Section from those portions of #zoning lots# used for cemetery purposes, any structures within historic districts,
statues, monuments or bridges.

The grant of any special permit authorizing the transfer and use of such development rights shall be in accordance with all the regulations set forth in Sections 74-791 (Requirements for application), 74-792 (Conditions and limitations) and 74-793 (Transfer instruments and notice of restrictions).

(2/2/11)

74-791

Requirements for application

An application to the City Planning Commission for a grant of a special permit to allow a transfer of development rights and construction based thereon shall be made by the owners of the respective #zoning lots# and shall include: a site plan of the landmark lot and the adjacent lot, including plans for all #developments# or #enlargements# on the adjacent lot; a program for the

continuing maintenance of the landmark; and such other information as may be required by the City Planning Commission.
The application shall be accompanied by a report from the Landmarks Preservation Commission.
A separate application shall be filed for each independent "adjacent lot" to which development rights are being transferred under this Section.

(2/2/11)

74-792

Conditions and limitations

(a) For the purposes of this Section, except in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, the basic maximum allowable #floor area# for a #zoning lot# occupied by a landmark shall be the maximum #floor area# allowed by the applicable district regulations on maximum #floor area ratio# or minimum required #open space ratio# and shall not include any additional #floor area# allowed for #public plazas#, #arcades# or any other form of bonus whether by right or special permit.
(b) The maximum amount of #floor area# that may be transferred from any #zoning lot# occupied by a landmark #building# shall be computed in the following manner:
(1) the maximum allowable #floor area# that could be built for #buildings# other than #community facility buildings# under existing district regulations on the same #zoning lot# if it were undeveloped;
(2) less the total #floor area# of all #buildings# on the landmark lot;
(3) the figure computed from paragraphs (a) and (b) of this Section, inclusive, shall be the maximum amount that may be transferred to any one or number of adjacent lots; and
(4) unutilized #floor area# may be transferred from one or any number of #zoning lots# occupied by a landmark #building# to one or any number of #zoning lots# adjacent to the landmark lot so as to increase the basic maximum allowable #floor area# that may be utilized on such adjacent #zoning lots#. For each such adjacent #zoning lot#, the increase in #floor area# allowed under the provisions of this Section shall in no event exceed the basic maximum #floor area# allowable on such adjacent #zoning lot# by more than 20 percent.
(c) When adjacent lots are located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts and are to be #developed# or #enlarged# with #commercial buildings#, the following conditions and limitations shall apply:
(1) the maximum amount of #floor area# that may be transferred from any #zoning lot# occupied by a landmark #building# shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on said landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;
(2) for each such adjacent #zoning lot#, the increase in #floor area# allowed by the transfer pursuant to this Section shall be over and above the maximum #floor area# allowed by the applicable district regulations; and
(3) the City Planning Commission may require, where appropriate, that the design of the #development# or #enlargement# include provisions for public amenities such as, but not limited to, open public spaces, subsurface pedestrian passageways leading to public transportation facilities, #public plazas# and #arcades#.
(d) In any and all districts, the transfer once completed shall irrevocably reduce the amount of #floor area# that can be utilized upon the lot occupied by a landmark by the amount of #floor area# transferred. In the event that the landmark's designation is removed or if the landmark #building# is destroyed, or if for any reason the landmark #building# is #enlarged# or the landmark lot is redeveloped, the lot occupied by a landmark can only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by the transfer.

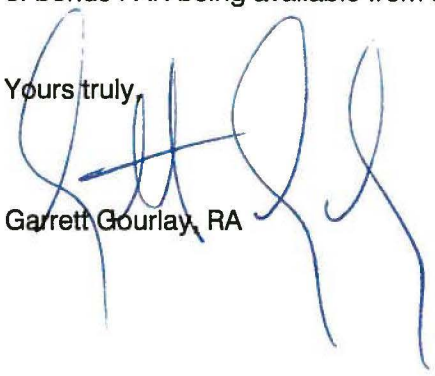
(e) As a condition of permitting such transfers of development rights, the Commission shall make the following findings:
(1) that the permitted transfer of #floor area# or variations in the front height and setback regulations will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole;
(2) that the program for continuing maintenance will result in the preservation of the landmark; and
(3) that in the case of landmark sites owned by the City, State or Federal Government, transfer of development rights shall be contingent upon provision by the applicant of a major improvement of the public pedestrian circulation or transportation system in the area.
The Commission shall give due consideration to the relationship between the landmark #building# and any #buildings developed# or #enlarged# on the adjacent lot regarding materials, design, scale and location of #bulk#. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Basically under the current zoning the remaining development rights from the Lever House building can be transferred to the Santander Building site and/or the Hotel Elysee site on an as-of-right basis by merging the zoning lots, however the resulting floor plates would likely not be of a size generally viable for commercial office space. New development on the site would probably be best served as a residential tower.

Under the proposed East Midtown Study it is unclear how your ability to transfer floor area across a Street would be affected while the merging of the zoning lot should still provide for the transfer of floor area from the Lever House to the Santander Building site and/or the Hotel Elysee site. In addition any bonus floor area above the base FAR could only be achieved through contributions to the District Improvement Bonus and not from a Landmark's site.

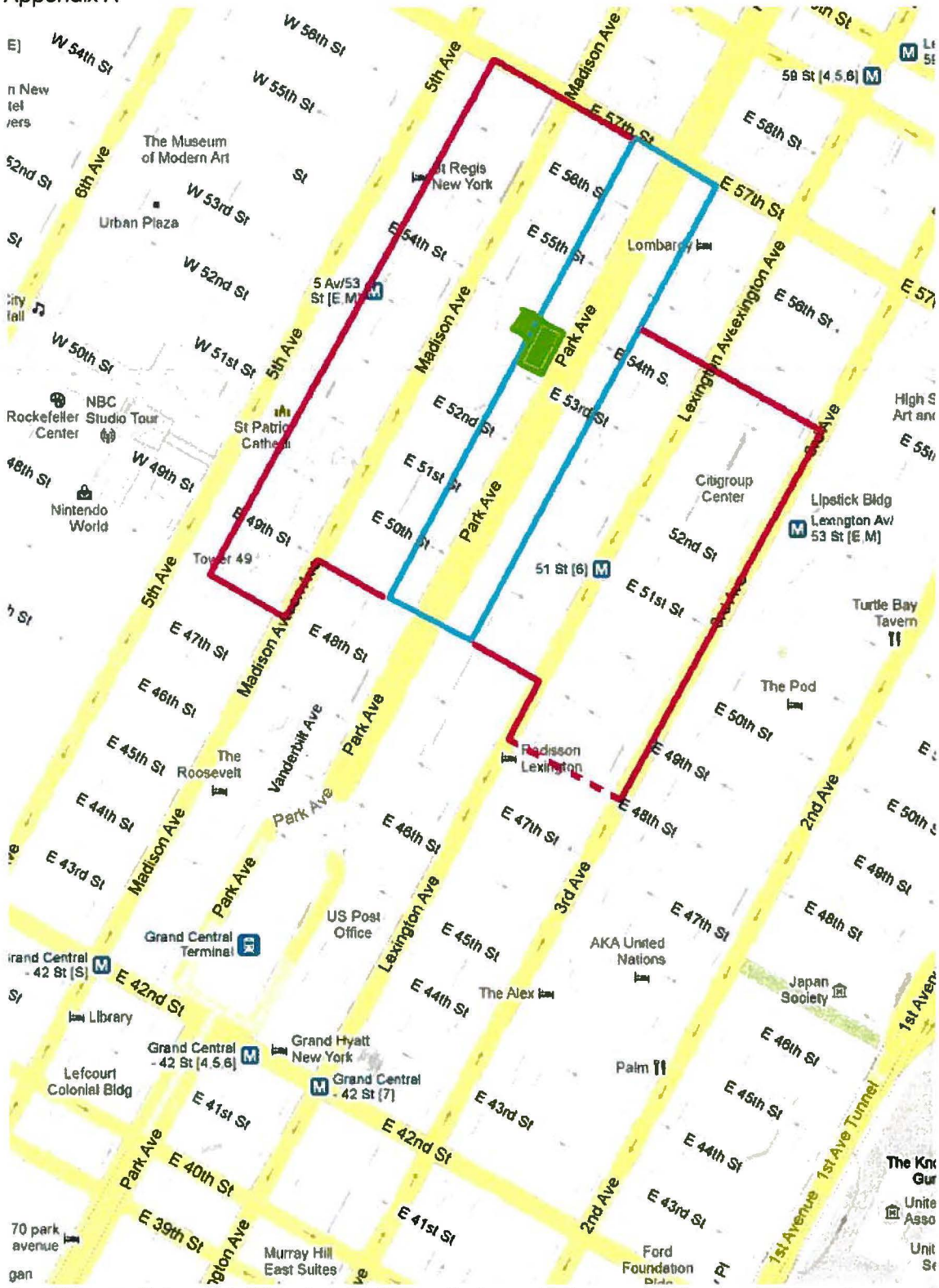
A concept to put forth for consideration would be to allow the transfer of development rights to a broader bound area as indicated on the map in Appendix A, with the provision of a certain amount of bonus FAR being available from a landmarks transfer.

Yours truly,



Garrett Gourlay, RA

Appendix A



Park Avenue Subarea in blue, Lever House site is marked green, and proposed transfer zone is indicated as the blue and red bordered areas.

PAUL D. SELVER
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October 5, 2012

VIA PDF AND U.S. MAIL

Robert Dobruskin
Director, Environmental Assessment and Review
Department of City Planning
22 Reade Street, Room 4E
New York, NY 10007

Re: Draft Scope of Work – East Midtown Rezoning
and Related Actions ("Draft Scope")

Dear Mr. Dobruskin:

Kramer Levin is land use counsel to Seaver Realty LLC, the owner of the land ("Lot" or "Site") at 231-241 East 42nd Street/230-238 East 43rd Street and 785-791 Second Avenue (Block 1316, Lot 23) in Manhattan. The Lot has an area of 37,657 square feet and is shaped like an "L", with frontage of 225 feet on East 42nd Street, 100 feet on Second Avenue and 150 feet on East 43rd Street. It is currently mapped in a C5-2 zoning district.

The Lot is improved with a 33-story office building ("Building") that has an estimated zoning floor area of about 603,000 square feet[1] -- a floor area ratio ("FAR") of 16.01. The Building was completed in 1960 and is in many respects typical of the obsolete office infrastructure of the Midtown Manhattan Central Business District. However, the Site is likely to be one of the easier properties in Midtown to redevelop because the Building is occupied entirely by one organization.

We are writing to ask that the Draft Scope be modified (i) to allow for full public consideration of a mapping that would encourage and facilitate the redevelopment of the Site in a manner that realizes fully the benefits of the proposed rezoning and (ii) to recognize the Site as one of the properties projected to be redeveloped.

The Department of City Planning's ("DCP's") Study for the rezoning of East Midtown proposed an expansion of the Special Midtown District ("Special District") to the

[1] Our estimate of the Building's zoning floor area takes its gross floor area as shown on the City's records of 672,462square feet and reduces it by 37,657 square feet to account for one cellar and 5% of the above grade gross floor area.

blocks between Second and Third Avenue, East 42nd and East 45rd Streets. The mapping proposal in the DCP study proposed extending the Special District to a line 100 feet west of Second Avenue from East 45th Street to the midblock between East 42nd and East 43rd Streets. South of the midblock the boundary was pulled back so that the Special District ended 150 feet west of Second Avenue.

The proposed mapping will divide the Site subject into three different zoning districts having three different sets of floor area controls, two different mechanisms for generating bonus floor area, and two different height and setback controls. It will discourage the Site's redevelopment (i) by subjecting it to an unnecessarily complicated set of controls and (ii) by foreclosing the opportunity to replace the existing structure with an entirely new building that takes advantage of the Building's non-complying floor area rather than one that retains at least 25% of the existing, obsolete floor area. In addition, the proposed text does not permit the Site (or others similarly situated) to be developed with the additional 20% of "bonus" floor area generated by payments to the District Improvement Fund. As a result, the map and text as currently proposed will result in a loss of the payments to the District Improvement Fund that could be generated by the Site's redevelopment. In the end, they will prevent a property that meets DCP's key criteria for a special site from being redeveloped in a way that realizes fully the benefits expected from the rezoning.

We believe that mapping the Site entirely within the Special Midtown District, as modified, is consistent with and will advance the goals of the rezoning now under consideration. Our belief is based on:

- The Site's inherent characteristics. It is over 50% larger than the minimum site size (25,000 square feet) required to take advantage of the higher FARs offered by the rezoning. It has a regular 30,000 square foot footprint; over 200 feet of frontage on East 42nd Street, a wide street; and 100 feet of frontage on Second Avenue. It is both large enough and prominently situated enough to accept a significant new building.
- The Site's immediate surroundings. It is on a block and faces an intersection that are and have for many years been developed exclusively with high density commercial buildings.
- The Site's proximity to transportation facilities. It is within a five minute walk of Grand Central Terminal, and it sits atop a future station on the Second Avenue subway line.
- The Building itself. It is overbuilt, functionally obsolete, relatively easy to vacate, and its redevelopment will help maximize payments into the District Improvement Fund.

Not to take advantage of these qualities by mapping the Site so that it is eligible for the benefits of the proposed rezoning would be a lost opportunity – and it would be unnecessary.

The simplest and most logical way of ensuring that the Site is redeveloped in a way that realizes its full potential under the rezoning would be: (i) to extend the Special District and C5-3 (MID) district a distance of 150 feet along East 42nd Street to Second Avenue and, to a depth of 100 feet to the west of Second Avenue, north to East 43rd Street – an expansion of the proposed remapping by 25,000 square feet – and (ii) to allow buildings with 200 feet of frontage on any wide street (rather than just a north-south Avenue) to increase their floor area through the District Improvement Bonus. By making these changes, this mapping would: (1) make the Site eligible for the benefits extended to overbuilt buildings and for the additional floor area that is generated by the District Improvement Bonus; (2) allow the full site to be developed under a single set of bulk controls; and (3) facilitate the use of the Zoning Resolution's existing split lot regulations for an improved distribution of floor area around the Site.

Unfortunately, the Draft Scope of work for the environmental impact statement for the rezoning does not provide either for the mapping of the Site described above (or a comparable modification of the current rezoning proposal) or for the likelihood of the Site's development. In its current form, the scope is too narrow to permit the mapping to be considered during the ULURP process. We therefore urge the Department of City Planning to amend the scope prior to issuing it in final form so that the participants in the ULURP process and the public have an opportunity to consider the mapping described in this letter. This can be simply done by extending to Second Avenue the area of the Special Midtown District and the C5-3 (MID) mapping and by treating the Site as a probable development site if the rezoning were to be approved.

We would be pleased to provide you with any additional information you need to make this change to the Draft Scope. Thank you for your consideration

Very truly yours,

Paul Selver

Cc: E. Hsu-Chen
A. Wolff
F. Ruchala
M. Field
G. Schenker

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Visit **www.vision42.org**
Contact: **info@vision42.org**
212.957.0550 or 212.475.3394
Roxanne Warren, AIA, Chair, architect/author
George Haikalis, ASCE, Co-Chair, civil engineer/transportation planner

vision42

a citizens' initiative to re-imagine and upgrade surface transit in midtown Manhattan, with a low-floor light rail line running river-to-river along 42nd Street within a landscaped pedestrian boulevard.

vision42 improves the livability of the core of our city for commuters, businesses, tourists, and residents

- smoothly-flowing surface transportation
- enhanced walking environment
- reduced carbon footprint
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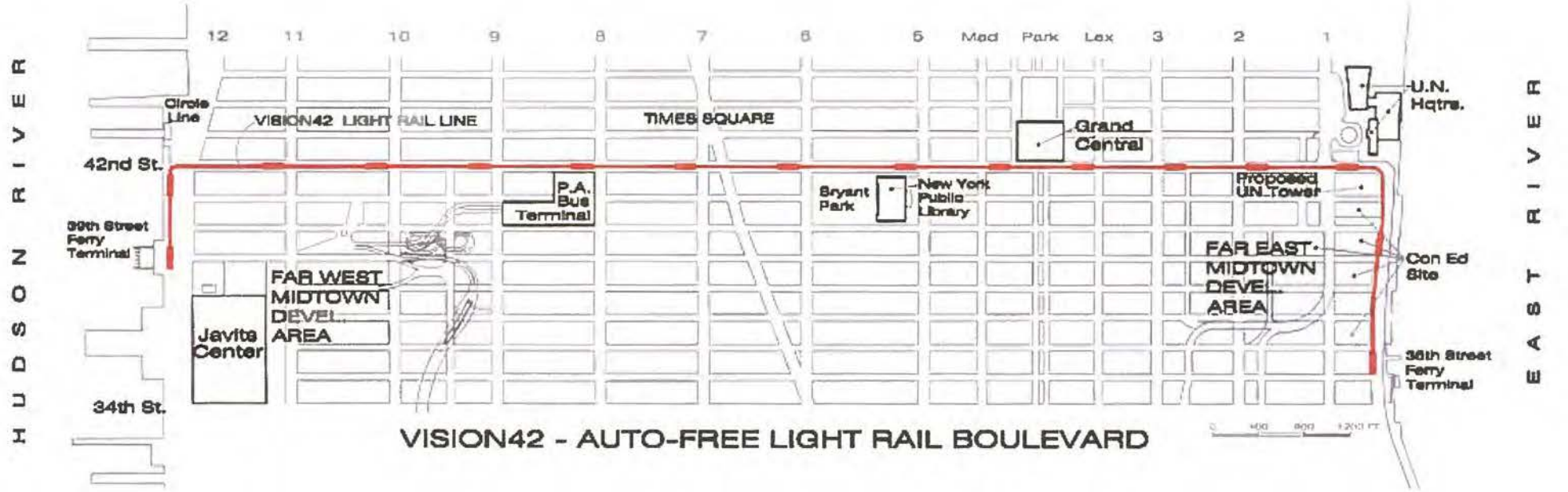
Visit our website, www.vision42.org to learn about vision42 studies on traffic, costs, and projected economic benefits, where you can sign a petition to the Mayor.



VISION42 - AUTO-FREE LIGHT RAIL BOULEVARD

While **vision42** is a bold initiative, it is also surprisingly affordable. Economic gains from improved access and a better walking environment translate into increased City and State tax revenues, paying for the project without diverting scarce funds from other much-needed transit projects.

Light rail, even when combined with pedestrian amenities, costs only one-tenth as much per mile as subway construction. Given the City's fiscal constraints, vision42 provides opportunities to do "more with less".

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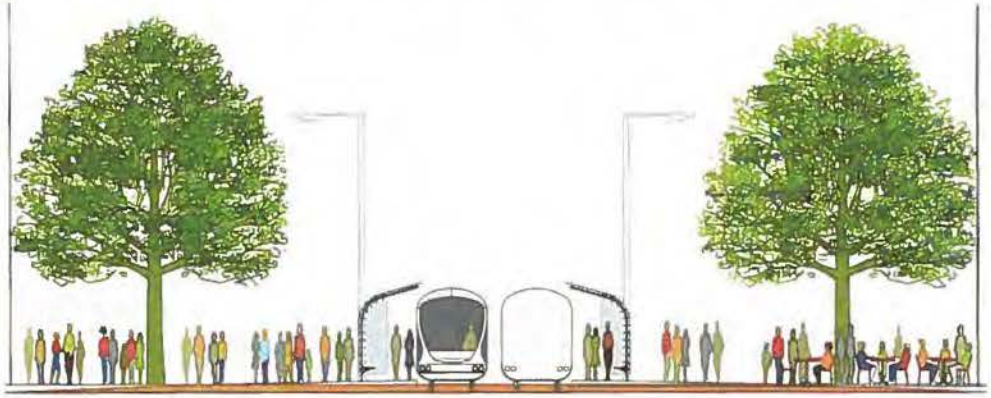
This relatively inexpensive project will dramatically increase transport options for those traveling into and around Manhattan by subway, train, bus or ferry.

Dense traffic can be replaced with a lively mix of urban amenities, including sidewalk cafés, plantings, and fountains. The 42nd Street corridor contains many of New York's most important cultural, educational, and civic institutions — coupled with the metropolitan area's principal transportation hubs — the Grand Central and Port Authority terminals, stations of 17 of the City's 20 subway lines, and the Hudson River and East River ferries. **vision42 connects them all easily and efficiently.**



TYPICAL CROSS SECTION

Few motor vehicles use 42nd Street to travel river-to-river. In fact, only 5% of traffic in the area is on 42nd Street. If appropriate mitigation measures are put in place, like re-striping alternative streets and adjusting signal timing, acceptable levels of service can be maintained even after the closing of 42nd Street to vehicular traffic.

Light rail has been combined with pedestrian-only streets in many cities around the world, including nine in the U.S., with very positive results.

Light rail is flexible and easily extendable The initial line across 42nd Street can be continued south, and east along 34th St. forming a river-to-river two-way loop.

Given the massive increase in commercial and residential floor space approved in the City's West Midtown/ Hudson Yards rezoning, light rail is critically needed to supplement the extension of the #7 subway. Similarly, in far East Midtown, the Con Ed site, rezoned for major new development, clearly needs new surface rail transit.

PAUL D. SELVER
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October 9, 2012

Via email and U.S. mail

Robert Dobruskin
Director
Environmental Review Division
Department of City Planning
22 Reade Street, Room 4E
New York, NY 10007

Re: Draft Scope of the Environmental Impact Statement for the East Midtown Rezoning Comments by Midtown Trackage, Inc.

Dear Mr. Dobruskin:

This firm represents Midtown Trackage, Inc. ("Midtown"), the owner of the land beneath Grand Central Terminal and the unused development rights appurtenant to that land. We are writing to comment on the omission from the Draft Scope ("Draft Scope") of the Environmental Impact Statement for the East Midtown Rezoning ("East Midtown EIS") of a discussion of both the amount of funds the District Improvement Bonus ("DIB") is expected to generate and the related issue of how the unit price of the DIB will be computed. We did not comment at the public hearing because of our belief that, under New York State law, these issues do not have a place in the East Midtown EIS. However, a number of comments were made at the hearing that, we believe, were both so inappropriate and so misleading that they require a response.

The New York State courts have consistently held that "financial feasibility of a project, particularly when public funding is involved, is not an appropriate subject of review in an environmental impact statement. . . ." *See, e.g., Tudor City Association, Inc. v. City of New York*, 225 A.D.2d 367, 368 (1st Dept. 1996). The sole exception to this rule occurs where the financial vehicle for funding the project is deemed to be a "sham". Id. Here, there is no need to include a discussion of the DIB in the East Midtown EIS. The DIB is anything but a sham; rather, a fair, properly structured and administered DIB program has the potential to contribute materially to the financing of some or all of the infrastructure improvements needed or desirable for the future East Midtown. To the extent the rezoning has impacts that remain unmitigated because no funds are available to address them (whether from the DIB or otherwise), the East Midtown EIS can satisfy the requirements of the City Environmental Quality Review ("CEQR") by acknowledging that these impacts will remain unmitigated.

Comments at the public hearing on the Draft Scope have made it clear that some neither share our view as to the legally proper scope of the East Midtown EIS nor have any compunctions about attempting to hijack the CEQR process for their own private gain. The substance of these comments has no place in the East Midtown EIS. However, it would be a mistake to leave these comments unanswered. This is because they go to the heart of both the process for determining the value of the DIB and valuation itself and because, if they were to be treated seriously, they could significantly lower the amount of money raised by the DIB (and thus the extent to which the City can pay for any needed infrastructure improvements).

We understand that the City's goal is to price the DIB so that it is competitive with the price of unused development rights. This goal is a sensible one because, at that level, the DIB will be priced at that "sweet spot" at which the developer has an economic incentive to purchase it and the City can maximize the funds they generate. Because the price of excess development rights varies with, among other things, whether the transfer is through a zoning lot merger or a "floating" transfer mechanism, the location of the development site, and the timing of the transaction, the only way that this goal can be achieved is through a procedure that is project specific, rigorous and transparent. This means that the City should not, as it did at the Hudson Yards, establish an arbitrary value for the DIB and have it adjusted by an index which bears no relationship to changes in the real estate market. It also means that the procedure for valuing the DIB must be incorporated into the text of the East Midtown zoning changes so that it can be openly considered by the industry and the public.

Finally, we want to address the assertion (which is wholly unsubstantiated) that the current value of unused development rights in the area of Grand Central Terminal is $175/square foot. It is a claim that merits more than a little skepticism in light of its source – an organization that has said that it plans to develop a large assemblage in the vicinity of Grand Central Terminal and, above all other considerations, is interested in acquiring additional floor area as cheaply as possible. It is also wrong. Anecdotally, this firm, which has represented one or another party in scores of development rights transactions for over a generation, has not seen large blocks of unused development rights trade at so low a price anywhere in Midtown in years. For a more objective look at development rights values, Midtown has asked HR&A Advisors to prepare a study that looks both at current values and at expected future values under the East Midtown rezoning proposal. It expects to use this study to inform the public dialogue about the DIB during the public review process for the rezoning.

Midtown believes that resolution of the issues surrounding the process by which the DIB is valued and its appropriate valuation is critical to the fairness and success of the East Midtown zoning, and it intends to be an active in addressing these issues both before and during the public review process.

Thank you for your consideration.

Very truly yours

Paul Selver

Cc: Edith Hsu-Chen
Adam Wolff
Frank Ruchala
Andrew Penson
James Capalino
Carl Weisbrod
Jamie Springer

NEW YORK BUILDING CONGRESS

Attn: Robert Dobruskin
Department of City Planning
22 Reade Street
New York, NY 10007

September 27, 2012

Re: East Midtown Rezoning EIS Scoping Hearing

To Whom it May Concern:

The New York Building Congress supports the Department of City Planning's proposed rezoning for the East Midtown neighborhood. The zoning amendments will permit responsible growth in New York City's central business district and encourage expansion of the City's tax base.

The East Midtown neighborhood is anchored by Grand Central Terminal, which will soon house an east side terminus for the Long Island Rail Road. East Side Access is a transformative project for the City, providing direct access from Long Island to the east side of Manhattan for the first time. Tens of thousands of additional commuters will flow out of Grand Central at peak hours, creating a real incentive for property owners to upgrade their building stock to accommodate this potential new workforce.

Failure to accommodate a new workforce will be a missed opportunity for the City to capitalize on this multi-billion dollar infrastructure investment. Right now, high redevelopment costs in Midtown East discourage truly transformative, area-wide change without new incentives. Rezoning would add substantially to the value of these sites, creating a financial interest for private owners to assemble sites, tear down existing large structures, and erect larger, modern buildings.

Moreover, because of their age and quality the building stock around Grand Central is simply inadequate to accommodate new demand. The average building age is 70 years old and does not offer the amenities and floor plans that attract Class A tenants.

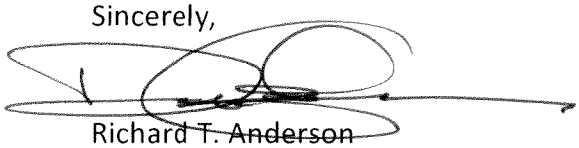
The Building Congress notes that further investment in pedestrian improvements in and around Grand Central Terminal must be incorporated to accommodate the new foot traffic created by East Side Access at Grand Central. Train platforms, station stairways, entries and nearby sidewalks are already at capacity. The rezoning includes a development incentive bonus (DIB) that must be purchased by developers wishing to maximize their developable square footage. The DIB has the potential to fund hundreds of millions of dollars of infrastructure projects as sites are redeveloped. The DIB must be included in the final proposal to ensure adequate

infrastructure for a denser neighborhood. We applaud the City for including this in their proposal.

The East Midtown rezoning will facilitate development of modern office space that will help attract and retain the world class businesses that drive the City's economy. The MTA has made an enormous investment in East Side Access to help anchor new growth. The Department of City Planning's proposal creates the conditions for development of new commercial space to capitalize on this investment.

The Building Congress endorses the scope of the East Midtown Rezoning and urges timely completion of the environmental review process. We look forward to reviewing the detailed proposal at a later date.

Sincerely,



Richard T. Anderson
President

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

Dan Quart
Member of Assembly
73RD District

COMMITTEES

Alcoholism & Drug Abuse
Corporations, Authorities & Commissions
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Insurance
Judiciary
Tourism, Arts & Sports Development

Testimony of State Assemblymember Dan Quart
On the Proposed Rezoning of East Midtown
Before the New York City Department of City Planning
Tuesday, October 9, 2012

Thank you for the opportunity to submit testimony regarding the Draft Scope of Work for an Environmental Impact Statement for the East Midtown rezoning proposal. The entirety of the proposed rezoning lies within the 73rd Assembly district, so I appreciate the chance to convey the views of my constituents as well as my own personal perspective on how this rezoning can be better targeted and more beneficial to the local community.

Manhattan's East Midtown area ("East Midtown") has been essential to the City's success as a destination for commercial development. The Department of City Planning ("City Planning") presciently recognized that East Midtown's vitality is in danger due to aging, undesirable building stock. This rezoning proposal is well-positioned to correct this problem and secure East Midtown's position as the premiere business district in the country. However, I believe there are ways this proposal can better serve the residents and businesses of East Midtown, as well as the City at large.

Evaluate the Demand in East Midtown

The Department of City Planning cited the Cushman and Wakefield study as demonstrating a need for 70 million additional square feet of office space in Midtown over the next 30 years. However, the study does not show that the demand exists specifically in East Midtown or that the demand is for Class A space. Recent reports detailed high vacancy rates in the Plaza District, which includes all of the East Midtown Subdistrict. Before proceeding with the planned rezoning, a more detailed study should be conducted to determine the level of demand for Class A office space in East Midtown.

Begin Transportation and Infrastructure Improvements Now

The current transportation infrastructure is inadequate to handle the number of people that travel to and walk through the East Midtown business district surrounded by Grand Central Terminal. I applaud City Planning for recognizing this fact and creating a mechanism to improve these public services. However, my constituents and people who travel to the East Midtown business district would benefit from public improvements that are constructed before the first permits are issued in 2017. The District Improvement Fund (DIF) should include a provision that will allow the funds to be used to repay the City for beginning work on these improvements.

Benefit to the Local Community

My constituents living in close proximity to the proposed East Midtown expansion have expressed concerns about the rezoning permitting larger buildings to be constructed east of Third Avenue. I

appreciate that, following the preliminary study, City Planning removed most of the area east of 3rd Avenue from the rezoning proposal. However, proximity to these new, larger buildings should be a factor considered in allotting DIF funds. City Planning should allow DIF funds contributed by developers of buildings east of Third Avenue to be used on infrastructure improvements and open space additions in close proximity to the East Midtown district, between 43rd and 53rd Streets and between Third Avenue and the East River.

Guarantee the Sustainability of New Development

This project is a once in a lifetime opportunity for the City of New York to have a direct effect on the way development will proceed over the next decades. The City has smartly used the tremendous amount of leverage it has over potential developers to ensure that these buildings contribute to the local area in a number of ways. City Planning's regulations for the new East Midtown Subdistrict require developers to make financial contributions to improve local transportation and infrastructure and for design by limiting special permits to buildings of truly iconic design. City Planning must ensure that sustainability is given the same weight as design or infrastructure improvements by codifying regulations within the rezoning plan that ensures that new Class A development within the East Midtown Subdistrict improves the environment by generating all of their own energy from renewable sources.

Thank you for the opportunity to testify.

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

MICAH Z. KELLNER
Assembly Member, 65th District

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OFFICE OF THE CHAIRPERSON
SEP 5 - 2012
2541

August 31, 2012

Hon. Amanda M. Burden
Director
Department of City Planning
22 Reade Street
New York, NY 10007

Dear Director Burden:

I have reviewed the Department of City Planning's draft proposal for the rezoning of Midtown East. I would like to recommend that hotel uses within the area be allowed by special permit, rather than as-of-right.

Zoning that allows hotels only by special permit seems appropriate for this area of Manhattan. I believe that the proposed rezoning as currently drafted is likely to encourage more hotel development. New York has long been in the midst of a hotel boom, recovering from the recession faster than other cities. Since hotels do not have the burden of finding anchor tenants, hotel financing is much easier to obtain than financing for office buildings. As building owners find themselves newly able to redevelop their buildings, I am concerned that many of them will choose to build hotels instead of office space.

While nobody disputes that hotels are a commercial use that should be allowed in commercial zones, it is important that hotels do not dominate the redevelopment of the area. The City needs office space, with current vacancy rates being half the national average, and we must make sure we do not lose office space at the expense of hotels as buildings are renovated. With the stated goal of the rezoning being the creation of office space that makes New York more competitive with other global cities, it makes sense for the City to have more control over competing uses like hotels. Requiring hotels only by special permit in the new zone would allow the community and the City to guide the type and quality of future hotel development in the area.

I am also concerned about the strain additional hotels might pose on residential communities in the area to be rezoned. Hotels have a greater impact on the surrounding area and place a greater strain on services than virtually any other use. Hotels are designed to be densely occupied. They operate twenty-four hours a day and generate an enormous amount of both pedestrian and vehicular traffic at both peak and non-peak hours. Laundry and catering services, if any, require substantial truck traffic at most hotels. And hotels larger than one hundred rooms are entitled to "no standing" zones in front of the hotel, which reduces available parking or loading zones in the area. If the rezoning creates an influx of new hotels, as I believe it will, the community should have a voice in their development.

Allowing hotels only by special permit will help ensure that Midtown East becomes a real office destination. As such, I hope that this recommendation will be included in any modified proposal.

ALBANY OFFICE: Room 654, Legislative Office Building, Albany, New York 12248 • 518-455-5676, FAX: 518-455-5282
DISTRICT OFFICE: 1365 First Avenue, New York, New York 10021 • 212-860-4906, FAX: 917-432-2983
EMAIL: kellnerm@assembly.state.ny.us

Thank you for your attention to this matter.

Sincerely,

Micah Z. Kellner
Assembly Member

cc: Robert K. Steel, Deputy Mayor for Economic Development
cc: Howard Wolfson, Deputy Mayor for Government Affairs and Communication

ST BARTS EVERYBODY NEEDS A PLACE SAINT BARTHOLOMEW'S CHURCH NEW YORK

October 9, 2012

The Department of City Planning
22 Reade Street
New York, NY 10007-1216

Re: East Midtown Rezoning and Related Actions
CEQR No. 13DCP011M

Ladies and Gentlemen:

This letter is submitted in response to the Draft Scope of Work relating to the above-referenced project.

All of the property owned by St. Bartholomew's Episcopal Church on Park Avenue between 50th Street and 51st Street has been designated as a landmark. The Church building is almost 100 years old and the Community House building is over 80 years old. The nature of these extraordinary buildings means that maintenance and preservation are very expensive. St. Bart's owns 640,000 square feet of unused development rights. If we were able to sell these rights, we would have the funds to restore the buildings and maintain them in perpetuity. Like many other landmarked buildings in New York City, the permissible receiving sites are limited since the neighborhood is already densely developed, and none of the potential projects presented to St. Bart's over the years has resulted in a transaction.

St. Bart's has a very modest endowment, none of which is available for preservation or maintenance of the buildings. We are constantly struggling find the money to pay for the most pressing needs. For example, the sidewalks, which are in deplorable condition, will cost more than $1 million to replace, partly because they are located above the rail tracks. We are currently devoting significant time and energy to raising the money to pay for the sidewalks and other critical projects.

Every landmarked building is an amenity that benefits its neighbors. Due to their scale, some landmarked buildings, such as St. Patrick's Cathedral, Central Synagogue and St. Bart's, are amenities that benefit a wide area of the City We believe that the architectural and urban design characteristics of St. Bart's make the exterior of our buildings particularly valuable to our neighbors and passersby, without regard to their or our religious views.

The owners of landmarked buildings have greater rights to transfer their unused development rights than the owners of sites that do not contain a landmark, first, in recognition that the owner of the landmark is deprived of the right to alter its building, and second, to provide money to maintain and preserve the landmark. Without these rights, the owners of

landmarked buildings would have a strong case under current jurisprudence that landmarking constitutes a taking without the constitutionally required compensation.

When the City announced earlier this year that it would propose a rezoning of East Midtown, we at St. Bart's were very encouraged by the early reports that the proposal would address the needs of the landmarked buildings in the area. We are now most disappointed to learn that the East Midtown Rezoning described in the Draft Scope of Work not only fails to make any change that would make it easier for St. Bart's and the owners of other landmarked buildings in East Midtown to sell their development rights, it actually **diminishes** the inadequate rights available to St. Bart's under current law by allowing the City to sell its newly-created development rights throughout East Midtown.

In the case of St. Bart's, the situation is even more egregious. The Draft Scope of Work identifies two sites that are eligible receiving sites for St. Bart's under current law, but subject to the requirement of a Special Permit (Projected Office Development Site 12 and Potential Office Development Site 6). The City's proposal acknowledges the difficulties that result from the requirement for a Special Permit and gives the City the right to sell its newly-created development rights as-of-right, with the proceeds to be used for un-defined amenities.

If these changes were enacted, it is highly unlikely that an owner would choose to purchase development rights from St. Bart's rather than from the City, which deprives St. Bart's of the funds needed to preserve and maintain an existing amenity of great value to East Midtown and to the entire City. Depriving St. Bart's of potential sales to currently eligible receiving sites cannot be justified. Furthermore, the nature of the amenity that St. Bart's buildings offer amply justifies greater flexibility and a less cumbersome process for St. Bart's and the other not-for-profit owners of landmarked buildings in East Midtown to transfer their unused development rights within a wider area.

If the proposal is not modified to preserve the benefits of existing law for St. Bart's and other landmarks and to provide for increased flexibility in allowing transfers, the Scope of the environmental review must include:

- the conflict with the City's established landmarks preservation policy;
- the impact on existing landmarks of the City's newly created development rights that may be purchased as-of-right that will directly compete with transfers from the landmark sites that require a Special Permit from the City Planning Commission;
- the impact on the landmark law itself of the economic loss to the owners of landmarked buildings that would result if the East Midtown Rezoning were to be adopted in its present form.

Sincerely,

F. M. "Buddy" Stallings

The Rev. F. M. "Buddy" Stallings
Priest-in-Charge

TURTLE BAY ASSOCIATION
224 East 47th Street, New York, NY 10017

Robert Dobruskin, AICP, Director
Environmental Assessment & Review Division
Department of City Planning
22 Reade Street
New York, NY 0007-1216

October 1, 2012

Re: East Midtown Rezoning CEQR No. 13DCPin011M

Dear Director Dobruskin:

Enclosed please find a Statement and Resolution of the Turtle Bay Association dated October 1, 2012, which is a written response in conformance with the August 27 Public Notice of a Scoping Meeting held on September 27, 2012, the subject of which was the East Midtown Rezoning CEQR No. 13DCP011M. We are complying with that same notice which set the close of business on October 9, as the deadline for submitting written comments.

The Turtle Bay district shares the eastern boundary with the Midtown Special District from East 43rd to East 53rd Streets. Our Association has serious concerns and objections to many aspects of the proposed East Midtown Rezoning, all of which are detailed within in our Statement and Resolution. We ask that you give them your full attention. We are available to meet with you at a mutually convenient time and place.

Very truly yours,
TURTLE BAY ASSOCIATION

William B Curtis, President

Bruce A. Silberblatt, Vice President
Zoning/Land Use/Transportation Chairman

Cc: Amanda M. Burden, FAICP, Director

VIA OVERNIGHT DELIVERY

Telephone: (212) 751-5465
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turtlebay-nyc.org
office@turtlebay-nyc.org

TURTLE BAY ASSOCIATION
224 EAST 42ND STREET
NEW YORK, NEW YORK 10017

RESOLUTION OF THE TURTLE BAY ASSOCIATION BOARDOF DIRECTORS: OCTOBER 1, 2012

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT - (CEQR No. 13DCP011M) ISSSUED BY THE DEPARTMENT OF CITY PLANNING.

WHEREAS, in early 2012 the Department of City Planning embarked on an East Midtown Study, intending to reassert the world-wide pre-eminence of Midtown Manhattan as a leading international business center. City Planning announced it wanted the Plan ratified by the end of December, 2013.

WHEREAS, Community Boards 4, 5, ,6, and the Turtle Bay Association reviewed the study and directed comments to both City Planning and various elected representatives, expressing serious reservations about the December, 2013, approval date as well as many elements of the Plan which were incomplete or missing.

WHEREAS, On August 27, 2012, City Planning issued a Draft Environmental Impact Statement, establishing September 27, 2012 for an open hearing and October 9 as the deadline for written comments. This Statement was still incomplete.

WHEREAS, the Turtle Bay Association issued a Draft Statement on September 10, 2012, detailing its many concerns about the City Planning August 27 statement. A final copy is attached and shall be deemed to be part of this Resolution.

WHEREAS, the City Planning Statement called for the absorbing of part of Turtle Bay between 2nd and 3rd Avenues, 43rd to 45th streets, and merging it into the Midtown Special District, increasing the allowable building floor area in the process, and as detailed in the Turtle Bay Association September 10 Statement.

WHEREAS, the City Planning Statement called for extending the eastern boundary of the Grand Central sub-district from the west side of Lexington Avenue, from 42nd to 48th streets, to a north-south line 125 feet west of 3rd Avenue and as detailed in the Turtle Bay Association September 10 Statement.

WHERAS, the City Planning Statement is silent or incomplete on many aspects which of necessity need to be described in detail so as to convert it from its status as a Study to a fully functional design.

WHERAS, as of this date, City Planning, despite receiving objections from both the Community Boards and our elected representatives, has not demonstrated the slightest inclination to postpone the ratification process. It is holding firm to December 2013, closing date.

NOW, THEREFORE, BE IT RESOLVED BY THE TURTLE BAY ASSOCIATION BOARD OF DIRECTORS THAT:

1. **WE CATEGORICALLY REJECT ANY STUDY OR SCOPING PLAN THAT INCLUDES THE ANNEXED AREA (AS DESCRIBED HEREIN) AS PART OF THE SPECIAL MIDTOWN DISTRICT OR INCREASES THE BUILDING SIZES THEREIN, THIS ANNEXED AREA SHALL REMAIN UNCHANGED, AS IS, and**

2. **WE REJECT THE ESTABLISHMENT OF THE EAST BOUNDARY OF THE GRFAND CENTRAL SUB- DISTRICT TO ANY POINT BEYOND A NORTH-SOUTH LINE DRAWN 125 FEET EAST OF LEXINGTON AVENUE, and**

3. **WE REJECT ANY STUDY OR SCOPING PLAN THAT DOES NOT RESOLVE, IN A MANNER EQUITABLE TO ALL PARTIES CONCERNED, INCLUDING THE TURTLE BAY ASSOCIATION, ALL OF THE REMAINING ISSUES LISTED IN OUR SEPTEMBER 10, STATEMENT, and**

4. **WE JOIN COMMUNITY BOARDS 4, 5, AND 6, AND COUNCILMEMBERS DAN GARODNICK AND JESSICA LAPPIN IN SEEKING AN EXTENSION OF THE APPROVAL PROCESS OF AT LEAST SIX MONTHS. LET'S GET THIS RIGHT THE FIRST TIME!**

APPROVED:

IN FAVOR 15 **ABSTAINING** 0 **AGAINST** 0

TURTLE BAY ASSOCIATION:

William B. Curtis, President

Bruce A. Silberblatt, Vice President
Zoning/Land Use/Transportation Chairman

TURTLE BAY ASSOCIATION
224EAST 47TH STREET
NEW YORK, NEW YORK 10017

STATEMENT OFFERED TO THE DEPARTMENT OF CITY PLANNING, OCTOBER 1, 2012, SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT - (CEQR No. 13DCP011M)

The Turtle Bay Association area flanks and overlaps the Midtown Special District on its east side from 43rd to 53rd street, extending as far west as Lexington Avenue.

We recognize that the current east boundary of Midtown lies 165 to 200 feet east of Third Avenue, We have lived harmoniously with this arrangement for all of the 55 years we have been in existence, including from 1982 when the Midtown Special District was created. Now City Planning is proposing a revitalization of Midtown and, in so doing, adversely reshaping our neighborhood. On August 27 the Department issued a Draft Scoping document which is both incomplete and in part endangers the very heart and soul of the Turtle Bay district.

CHANGES AFFECTING TURTLE BAY

The Annexed Area

What we absolutely cannot accept is any intrusion of Midtown beyond the current eastern boundary. City planning, however, is trying to annex an irregular area lying between 2nd and 3rd avenues, and East 43rd and East 45th streets and absorb it into the East Midtown study area. We strenuously object to this for the following reasons:

That part of Manhattan lying east of 3rd Avenue has been known, ever since it has been populated circa 1860, as the East Side.

The zoning maps have always excluded the Annexed Area from the Midtown Special District.

It is flanked by residential communities and within it are many local retail businesses serving those communities.

The characteristics of this part of our neighborhood have little in common, other than being zoned commercial, with what exists in Midtown.

The zoning is Floor Area Ratio (FAR) 10.0, whereas in Midtown we have FAR 12.5 and FAR 15. We note that City Planning will boost the FAR 10.0 to FAR 12.5.

There is only one proposed building site in the annexed area, which if maximized to the new FAR designation, would be only 8% larger (approximately 32,000 square feet – an insignificant increase considering the over 9,000,000 square feet that could be built from Start to the 2033 finish) . Since it lacks a 200 foot frontage on an avenue, this site is ineligible for District Improvement Benefits funds.

We request that this Annexed area be permanently removed from the Scope of Work.

Other Local Comments

We ask that no FAR 18.0 be mapped close to or adjacent to any low-rise (R8B FAR 4.0) districts.

The original Proposal states that the Grand Central subarea (FAR 24.0) will extend "fully across Lexington" and Madison Avenues, and south to East 39th Street. As shown on Figure 2, it has been pushed some 275 feet beyond Lexington Avenue, coming within 125 feet of 3rd Avenue and directly abutting residential properties such as the 300 unit Buchanan apartments on 3rd Avenue. This boundary should be moved back to within 125 feet of the east side of Lexington Avenue.

GENERAL COMMENTS

Green Space: Other than Vanderbilt Avenue, which was proposed before the East Midtown Study, there is no mention of other green areas such as parks, landscaped plazas.

Narrow Sidewalks: There are no specifics about the widening of sidewalks on Lexington and Madison Avenues, particularly at existing buildings which will remain.

District Improvement Benefits: These are to be funded by the sale of transfer of eligible air rights, the administration or details of which are to be described in a future zoning text amendment. There is no per square foot price set. Given the magnitude of this proposal, it is easy to see that the money involved could run well into nine figures, possibly ten. Leaving it to a thus far future text amendment is much too vague. This element, absolutely critical to this project, must spelled out – and in detail – now as part of the Proposal. It cannot be left for some later date.

District Improvements to be funded via DIB:

1. Improvements to the Grand Central Subway Station: This requires coordination with MTA. More detail is needed, but clearly this is a large scale project requiring large-scale funding. It would be necessary to amass a very substantial portion – perhaps all – of the DIB Fund, and that would not become available until very many of the With Action construction is done. The wait would very well be a decade plus the time to build this project.

2. Improvements to East Midtown Stations (5th Avenue at 53rd Street and Lexington Avenue at 51st Street) require MTA coordination and substantial funding, although not on the scale of the Grand Central Subway Station project. Omitted is the 53rd Street Station at Lexington/3rd Avenues. More detail is needed.

3. Vanderbilt Avenue Improvements requires coordination with DOT. More detail is needed.

Sunrise Provision: It is set for July, 2017. It must be changed to begin four years after the East Midtown approval is granted in full.

Determining the EIS Method:

City Planning has selected 40 sites (all depicted in Appendix A of the August 27, 2012, Draft) most concentrated near or close to Grand Central, which are candidates for development under the scoping Proposal. For purpose of the EIS, it has discarded 18 and kept 22 on which to base its calculations. Appendix A shows four categories: Start/Existing, No Action, With Action, Increment (from No Action to With Action), With Action is depicted as Worst Case Scenario.

The areas involved are:

Start	8,845,000 s. f.
No Action	10,004,000 s. f.
With Action	14,415,000 s. f.
Increment	4,411,000 s. f.

The term No Action implies that no work was done as of that time. In fact, 1,159,000 s. f. was built between Start and No Action (see Appendix A). The Proposal does not state whether or not it complied with the Study, but in any case, it must be added to this increment, raising it to 5,570,000 s. f.

The computation must consider all 40 of the eligible, potential sites, not just the 22 culled out by City Planning. The missing 18 sites add:

Start	10,536,000 s. f.
No Action	10,536,000 s. f.
With Action	13,991,000 s. f.
Increment	3,455,000 s. f. (from Start)

The totals for all 40 sites are

Start	19,381,000 s. f.
No Action	20,540,000 s. f.
With Action	28,406,000 s. f.
Increment	9,025,000 s. f. (from Start)

The Worst Case Scenario must be computed based on an increment of 9,025,000 square feet - not 4,411,000 square feet.

There would be only 16 years – not 20 - in which to build, due to the Sunrise Provision. That would require an average of 275,000 square feet of construction a year for the 4,411,000 s. f. increment, and 565,000 square feet for the correct 9,025,000 square foot increment – the latter being equal to producing just one extra average size office building per year within the 78 block Study Area.

There are many unpredictable and impossible to calculate factors that affect building and investment – weather, labor and material availability, fluctuating economic conditions, supply and demand, changing building codes. The longer the period – here 20 years – the harder it is to achieve accuracy and reliability.

SUMMARY

The Annexed Area (midblock between 2nd and 3rd avenues, 43rd to 45th street, is to remain as is and not absorbed into the Midtown Special District. Its zoning shall remain unchanged.

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No FAR 18.0 districts shall be mapped close to or adjacent low-rise (FAR 4.0) residential districts.

The east limits of the Grand Central subdistrict shall extend no further than 125 feet east of Lexington Avenue. The FAR beyond that limit shall remain as is at FAR 12.0 and FAR 15.0.

Green Spaces such as parks and plaza shall be mapped before the Draft Scoping is finalized, prior to commencing EIS.

The method of overcoming narrow sidewalks on Madison and Lexington Avenues shall be described in detail before the Draft Scoping is finalized, prior to commencing EIS.

The modifications to the Grand Central, 51st and both 53rd street subway stations shall be described in detail before the Draft Scoping is finalized, prior to commencing EIS. Funding shall be assured in advance.

The modifications to Vanderbilt Avenue shall be described in detail before the Draft Scoping is finalized, prior to commencing EIS. Funding shall be assured in advance.

The administration of the District Improvement Bonus Fund shall be established in detail before the Draft Scoping is finalized, prior to commencing EIS.

The Sunrise Date shall be four years after final approval, including that of EIS, by all involved government agencies having jurisdiction.

The Worst Case Scenario required to compute the EIS shall be based on the predicted status of all 40 sites listed by City Planning in Exhibit A of the Draft Scope, utilizing the Start Status and that of the 40 site Worst Case scenario. The increment shall be determined by comparing the Start Status with the 40 Site Worst Case Scenario.

We join Councilmember Garodnick and Community Boards 4, 5, and 6 in seeking a Scoping postponement of at least six months. The Draft Scope is woefully incomplete and requires considerable reworking and modification before the next stage of the approval process commences. Planning the revitalization of Midtown demands methodical, careful thought. Haste is dangerous and unwarranted. The Midtown Plan cannot be rushed to meet a premature, politically motivated deadline. Mistakes can be costly in both money and wasted time. LET'S GET THIS RIGHT THE FIRST TIME!

Respectfully Submitted,
TURTLE BAY ASSOCIATION

William B. Curtis, President

Bruce A. Silberblatt
Vice President – Zoning/Land Use/Transportation Chairman

OFFICE OF THE CARDINAL
1011 FIRST AVENUE
NEW YORK, NY 10022

September 21, 2012

Honorable Amanda M. Burden, FAICP
Chair
New York City Planning Commission
22 Reade Street
New York, NY 10007

Dear Chair Burden:

As the public review process for East Midtown rezoning begins, I write to support your efforts in strengthening this area as one of the city's most important business districts. It is an essential task and I understand the need. Please know that the archdiocese endorses the broad objectives of the proposed rezoning.

I continue to believe, however, that the rezoning proposal presents us with a unique opportunity to provide relief for St. Patrick's Cathedral as well as other landmarked buildings in the rezoning area without jeopardizing your goals. The preservation of historic buildings is an important city policy which underlies the Landmarks Preservation Law. Preserving these structures is greatly impaired if their excess development rights cannot be used by any eligible receiving sites.

Testimony to this effect will be offered at the public hearing on September 27. I am confident that the City Planning Commission will find a way to permit Saint Patrick's Cathedral, and other landmarked buildings, to transfer unused development rights to eligible sites within the rezoning area, so as to enable them to preserve these historic edifices.

In closing, permit me to thank you and your staff for your time and effort in considering our proposal. It is deeply appreciated.

Faithfully,

+ Tim. card. Dolan

Timothy Michael Cardinal Dolan
Archbishop of New York

October 4, 2012

Amanda Burden, Chairman
New York City Planning Commission
22 Reade Street
New York, NY 10007-1216

Dear Amanda,

As a City Planning Commission member in 1993, you will recall the Commission approved a proposed light rail facility along 42nd Street between First and Twelfth Avenues. Now, and well into the future, as far west midtown Manhattan redevelopment continues to grow, a variety of transit options are needed to support the growing numbers of persons residing or employed in the area. In addition, with the Bloomberg administration's increasing attention to new and imaginative pedestrian spaces, the Vision 42 proposal for an auto-free light rail boulevard along 42nd Street deserves the Commission's attention as part of the rezoning of East Midtown in the Grand Central terminal area.

Thank you very much for this consideration.

Sincerely,

Floyd A.S.

Dr. Floyd Lapp, FAICP
Vision 42 Advisory Committee Member

Revised comments on the East Midtown Draft Scope

I am Elysabeth Kleinhans, representing the Korein/Kleinhans family.

We are the owners of the fee position including the air rights at 390 Park Avenue, better known as Lever House. This landmarked property has approximately 300,000 feet of unused air rights. The building, exclusive of the air rights, is currently net leased to RFR Realty, with which we have no affiliation.

We would like to express our support for the objectives of the East Midtown Rezoning proposal; we agree with its importance for the future of the City of New York.

However, needless to say, we are concerned with the plan's proposal regarding Landmarked buildings in the Park Avenue Subarea. While the proposal allows for an increase in the maximum FAR for qualified buildings on Park Avenue, it specifically allows this increase to be created only through the purchase of District Improvement Bonuses (DIBs) and not through the transfer of unused air rights of Landmarked buildings. In contrast to the proposed rules in the Grand Central Subarea, the proposal also does not allow an expansion of the receiving sites for such Landmarks' air rights within either the Park Avenue Subarea or the neighboring "Other Areas" in the East Midtown District. I believe that the Department of City Planning is under the impression that no harm is being done to the Landmarked buildings in its proposal. But this is not true.

Under current zoning, it is extremely difficult to find recipients for our unused air rights. Lever House, at present, has only four potential receiving sites for its air rights. Please see page 2 of the attached architect's analysis of air rights transfers under the current rules. The proposed changes would further reduce the likelihood of any such transfer to receiving sites on Park Avenue should redevelopment on Park Avenue proceed under the proposed rules with DIBs as the only means of achieving higher FARs. In this way, the proposed changes actually put Landmarked properties in a worse situation than they are under current zoning.

Limiting potential receiving sites essentially takes away the value of our property and penalizes us for owning a Landmarked property, which is contrary to the principle of preserving such properties. Likewise, depending on the pricing of the DIBs, potential purchasers may find that buying from private parties is not cost effective and could essentially prevent those parties from ever receiving value for their landmarked properties. I don't believe it is the intention of the Department of City Planning to put the City or the owners of Landmarked properties in this position. Rather, this is an unintended consequence of a poorly thought out scheme. We therefore request that Landmark transfer alternatives in the Park Avenue Subarea be studied in the Draft EIS.

Specifically, we propose that the upzoning in the Park Avenue Subarea be implemented by having developers of Qualified Sites buy the first increase from 15 to 18 FAR through the purchase of DIBs, and the remaining increase from 18 to 21.6 through Landmark transfers and/or DIBs. This is the same scheme as is proposed for the Grand Central Subarea and essentially preserves the possible realization of value of Landmarked buildings' air rights in the Park Avenue Subarea. We have no objection to the requirement that the first increase in FARs from 15 to 18 in the Park Avenue Subarea be paid for through DIBs. An upgrade of the subway entrance on 53rd Street east of Madison Avenue would be a welcome and excellent use of such funds. However, preventing existing Landmarks in the Park Avenue Subarea from selling their air rights to Qualifying Sites is an unnecessary component of the plan that creates fundamental unfairness.

Alternatively we suggest that if Landmarked buildings in the Park Avenue Subarea are not able to transfer air rights to Qualified Sites within the Subarea then they should be permitted to transfer air rights within the East Midtown Subdistrict from 49th to 57th Streets, between Madison and Third Avenues, essentially comprising much of the "Other Areas" as designated on Figure 2 of the Scope. (See our architect's map on page 7 of his report.) This should add enough potential receiving sites to make a transfer of air rights from our Landmarked site (and others in the Subarea) more likely to occur in the coming decades.

Providing greater flexibility for the transfer of air rights available from Landmarked buildings like Lever House would be entirely consistent with the objectives of the rezoning proposal. It would also have at least two beneficial effects. First, it would further the goal of allowing bigger, more competitive buildings to be developed in the Park Avenue Subarea. Second, it would help protect existing Landmarks by making capital available for the upgrade and energy retrofit of Landmarked buildings, further improving the stock of midtown office buildings.

I hope these comments will help inform a new dialogue about the rezoning process.

Thank you.

Transcript of spoken testimony by Leo Korein

Hello, I am Leo Korein, also here on behalf of the Korein/Kleinhans families. I am going to echo sentiments that you have already head a number of times and so will try and be brief.

I am very excited by the goals of the proposed action and think it is exactly the kind of practical and forward thinking that keeps New York as the vibrant global hub that it is. However, I am concerned that the proposed action is not enough to fully achieve these goals throughout the East Midtown area. It's clear that the authors of the scope document understand the crucial role that landmarks play in defining East Midtown's neighborhood character and refer in the scope to the Lever House as one of the "city's most iconic office buildings." We also agree that religious institutions such as St Patricks, St Barts, and the Central Synagogue are integral parts of East Midtown's fabric. Yet it seems that these landmarks are all being excluded by the proposed action when they should be considered key contributors to achieving the action's goals.

So I also am requesting that a landmark transfer alternative be studied. I think such an alternative would be a huge asset in reaching the goals of the plan. The alternative could achieve this specifically by giving the Park Avenue Subarea the same landmark transfer rules as the Grand Central Subdistrict. To fully complement the plan the landmark transfer rules should also be considered for expansion for all of the East Midtown Subdistrict above 49th Street. I believe this inclusive alternative to the currently described landmark transfer rule should be considered by the EIS as a method to bring the plan's goals to fruition by "protecting and strengthening" the entire East Midtown Subdistrict. Thanks.

Hi, my name is Ahmed Zanta.

I work at Intercontinental Times Sq hotel as a Cook.
I've been a member of the New York Hotel Trades Council for 19 years.

Being a union member means that I have a salary that allows my family and me to live decently in New York City. My benefits include a pension and free healthcare for my entire family.

I'm asking the Commission to include a special permit process for hotels in the scope to protect middle class jobs like mine.

Thank you.

Public Scoping Meeting on the East Midtown Rezoning
Testimony by New York Hotel Trades Council Members

Lead Agency received 205 cards - each signed by individual members of NY Hotel Trade Council.