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## Chapter 25: Amended Application Analysis<sup>1</sup>

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### 25.1 Introduction

This chapter presents an analysis of proposed zoning text amendments to the Proposed Action, as set forth in Chapter 1, “Project Description” of this Final Environmental Impact Statement (FEIS). The Department of City Planning (DCP) has prepared and filed amended zoning text (referred to hereafter as the “Amended Text” or “Amended Application”) that addresses issues during the Uniform Land Use Review Procedure (ULURP) process, after issuance of the DEIS. The Amended Application, known as ULURP application N 170186(A) ZRM, consists of two modifications to the Proposed Action that require environmental analysis. These modifications address conditions in which the location of landmarked buildings would preclude development and circumstances under which transit easement volumes would be deemed necessary on a development site. The Amended Application also includes minor clarifications and modifications to the Proposed Action that do not require additional environmental analysis. Specifically, the Amended Text would modify the ULURP application N 170186 ZRM, but would not alter the proposed mapping application contained in C 170187 ZMM. Appendix L.1 provides the full proposed Amended Text.

A technical memorandum analyzing the Amended Text was issued by DCP on March 27, 2017, and the amended application is further analyzed in this chapter. This chapter compares the Proposed Action as revised under the Amended Text (the “Amended With-Action Condition”) to the Proposed Action. The analysis was performed to determine whether the proposed Amended Application would result in any new or different significant adverse environmental impacts from those predicted to occur with the Proposed Action and identified in the FEIS. As set forth below, this chapter concludes that compared to the Proposed Action, the Amended With-Action Condition would result in certain additional significant adverse impacts to historic resources and public transit. To provide a complete consideration of the Amended With-Action Condition and the likely effects, each FEIS technical analysis area is considered.

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### 25.2 Principal Conclusions

The Amended Application With-Action Condition resulted in a few key changes to the Reasonable Worst-Case Development Scenario (RWCDs), specifically the addition of Projected Development Site 17 and Potential Development Site P, and the conversion of Projected Development Site 12 to Potential Development Site O (further described in Section 25.4, below).

As discussed below, the Amended Application With-Action Condition would generally result in the same environmental effects and significant adverse impacts as the Proposed Action, with the exception of one additional direct significant adverse impact in the Amended Application With-Action Condition. Another principal difference stems from the addition of the public realm improvements (PRI) into the Amended Application With-Action Condition, which changes the analysis conclusions slightly as compared to the Proposed Action in the area of transportation, which is summarized below.

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<sup>1</sup> This chapter is new to the FEIS.

The following is a summary of the principal differences between the Proposed Action versus the Amended Application:

**Historic Resources: Direct Impacts**

The Amended With-Action Condition would result in one additional direct significant adverse impact compared to the Proposed Action evaluated in Chapter 6 of the FEIS, "Historic Resources," while indirect construction impacts, controlled by the mitigation measures, would be similar to those of the With-Action Condition (there were construction-related impacts to 12 eligible resources in the FEIS).

Under the Amended With-Action Condition, the new Projected Development Site 17 contains two NYCL-listed resources – the John Peirce House (#28) and the Look Building (#29). However, both of these resources would be incorporated into the site and would remain with this scenario and as both resources would be protected by a Department of Buildings Construction Protection Plan (CPP), there would be no significant adverse impact. On new Potential Development Site P, there is one eligible resource and one listed resource; these are, respectively, the Mercantile Library at 17 East 47th Street (#101) and 400 Madison Avenue (#49). Under the Amended With-Action Condition, the NYCL-eligible Mercantile Library would be demolished and 400 Madison Avenue (NYCL and S/NR listed) would become part of the Potential Development Site P zoning lot, but would not be demolished.

Under the Amended Application No-Action Condition, the NYCL-eligible Mercantile Library at 17 East 47th Street would not be expected to be demolished. Therefore, its demolition under the Amended With-Action Condition would result in a direct significant adverse impact.

**Open Space**

In terms of open space for the Amended With-Action Condition, the same effects would occur as the Proposed Action and there would be a significant adverse indirect impact with respect to open space.

Also like the Proposed Action, the Amended With-Action Condition could include the implementation of public realm improvements, introducing new open space resources that could offset the reduction in open space ratios. However, the decision to fund and implement these improvements would be made in the future by the Public Realm Improvement Governing Group, and the exact timing of the improvements is unknown. Therefore, these improvements are not included in the quantitative analysis of open space resources.

**Transportation**

Compared to the Proposed Action evaluated in Chapter 12 of the FEIS, "Transportation," the Amended With-Action Condition would also result in significant adverse impacts with respect to traffic, subway stations, and pedestrians. The Amended With-Action Condition is not expected to result in any substantially new or different impacts than those disclosed for the Proposed Action for these analysis areas, but there would be some differences.

For traffic, the same intersections that would be impacted under the Proposed Action would also be impacted under the Amended With-Action Condition. However, some of the intersections would have new impacted movements or movements that would not be impacted under the Amended With-Action Condition. A level of service analysis was conducted at all study area intersections to determine if there

could be new, different, or worsened traffic impacts at certain locations under the Amended With-Action with the above-grade public realm improvements identified in the Concept Plan (Amended Action With PRI Condition). The results of this analysis indicate that there would be a net increase of two intersections with significant adverse impacts during the weekday AM peak hour, a net decrease of four intersections with significant adverse impacts during the weekday Midday peak hour, and a net increase of one intersection with significant adverse impacts during the weekday PM peak hour under the Amended Action With PRI Condition.

For subway stations, the same analyzed station elements that would be impacted under the Proposed Action would also be impacted under the Amended With-Action Condition.

For pedestrians, the study area was expanded to include three additional elements where new pedestrian demand from Projected Development Site 17 is expected to be most concentrated. The same number of sidewalks and corner areas that would be impacted under the Proposed Action would also be impacted under the Amended With-Action Condition. Under the Amended With-Action Condition, during the AM peak hour there would be a net decrease of two impacted crosswalks compared to the Proposed Action. During the Midday and PM peak hours, the same number of crosswalks that would be impacted under the Proposed Action would also be impacted under the Amended With-Action Condition. Pedestrian conditions were evaluated at all analyzed elements to determine if there could be new, different, or worsened impacts at certain locations under the Amended Action With PRI Condition. The results of this analysis indicate that there would no changes to the number of sidewalk elements with significant adverse impacts under the Amended Action With PRI Condition. There would be a net increase of four, two, and one crosswalks with significant adverse impacts during the weekday AM, Midday, and PM peak hours, respectively. There would also be a net decrease of twelve, five, and twelve corner areas with significant adverse impacts during the weekday AM, Midday, and PM peak hours, respectively.

Where significant adverse impacts have been identified—in the areas of traffic, subway stations, and pedestrians—mitigation measures have been examined to minimize or eliminate the anticipated impacts and are discussed in further detail below.

### **Construction**

With respect to historic resources, traffic, mobile and construction noise, the Amended With-Action Condition is expected to result in generally the same significant adverse construction-related impacts as the Proposed Action. However, there is the potential for some additional impacts to historic resources would result under the Amended Application.

Compared to the Proposed Action, the Amended With-Action Condition would result in the same and potentially additional construction impacts to historic resources. Other listed historic resources in the vicinity of new Projected Development Site 17 would become subject to protections under the New York City Department of Buildings (DOB) Technical Policy and Procedure Notice (TPPN #10/88. As noted above, for the two NYCL-and/or S/NR-listed resources at Projected Development Site 17 (11 East 51st Street (#28) and 488 Madison Avenue (# 29)) and one at Potential Development Site P (400 Madison Avenue (#49)), LPC would require the development of a Construction Protection Plan (CPP), should construction on any of these sites proceed. With the CPP in place, significant adverse impacts to these resources during construction would be minimized.

A modified construction schedule was prepared for the Amended Application, generally similar to that of the Proposed Action, with the substitution of new Projected Development Site 17 for Projected Development Site 12. The peak period of construction activity was evaluated and determined to be the same as that as the Proposed Action, e.g., the overlap of activities for Projected Development Sites 4 and 5 was found to be the worst-case period for construction analyses of traffic, air quality and noise conditions. As described in the analysis below, the construction impacts related to transportation (traffic) and noise are similar to those for the Proposed Action. Possible measures that may address these impacts are discussed in Chapter 19, "Mitigation."

### **Mitigation and Unavoidable Adverse Impacts**

Mitigation measures for the significant adverse impacts on Open Space, Shadows, Historic Resources, Transportation and Construction Traffic and Noise were explored prior to the FEIS.

As with the Proposed Action, the Amended With-Action Condition would result in significant adverse open space impacts. While the acreage of passive open space resources in the study area is, and would continue to be, deficient in comparison to the CEQR benchmark (i.e., 0.15 for the non-residential population and 0.187 for the combined non-residential and residential population), the ratios of the Proposed Action and the Amended Application With-Action Condition would essentially be equal. Additionally, as discussed in Section 25.6 below, with the approval of the Governing Group and implementation of at least 1.26 acres of passive open space public realm improvements, the change in the open space ratios in both scenarios (Proposed Action and the Amended With-Action Condition) could fall within CEQR guidelines. While the Proposed Action and the Amended With-Action Condition, through the implementation of public realm improvements, could introduce new open space resources that could offset the significant adverse impact, these improvements are subject to approvals at a later time by the Governing Group.

The Amended Application would result in the same significant adverse shadows impact as reported in FEIS Chapter 5, "Shadows." Specifically, there would be one significant shadows impact—on sunlight-sensitive stained glass windows in St. Bartholomew's Church and Community House, located on the block between East 51st and East 52nd Streets at Park Avenue. On the May 6/August 6 and June 21 analysis days, sunlight-sensitive stained glass windows at this church would experience incremental shadow coverages of 2 hours, 47 minutes (from 1:54 PM to 4:41 PM) and 3 hours, 4 minutes (from 1:41 PM to 4:45 PM), respectively. The incremental shadows that would be cast on these two analysis days would result in a reduction in sunlight available for the enjoyment or appreciation of the building's stained glass windows, and thus the incremental shadows were considered a significant adverse shadows impact. The same shadows mitigation explored in Chapter 19, "Mitigation," would apply to the results under the Amended Application Condition. Since the mitigation was considered but found not to be feasible or practicable, the significant adverse shadows impact on St. Bartholomew's Church would remain unmitigated under the Amended Application Condition.

Like the Proposed Action full mitigation for the direct Historic Resources impacts were determined not to be feasible as described in Section 5, below. The available mitigation for the direct impact would be to perform a Historic American Buildings Survey (HABS) documentation protocol of the building in advance of demolition. Absent this partial mitigation, significant adverse impact would result to historic resources at Potential Development Site P under the Amended With-Action Condition.

For the two NYCL-and/or S/NR-listed resources at Projected Development Site 17 (488 Madison Avenue (#29) and 11 East 51st Street (#28), and one at Potential Development Site P (400 Madison Avenue (#49), a Construction Protection Plan (CPP) would be required through the Department of Buildings (DOB) and would provide protections should construction on any of these sites proceed.

With respect to traffic, implementation of traffic engineering improvements described in Chapter 19, "Mitigation" would provide mitigation for some of the anticipated traffic impacts, but many of same intersections that would have unmitigated significant adverse impacts under the Proposed Action would also be unmitigated under the Amended With-Action condition. As noted for the Proposed Action, the City has committed to conduct a traffic monitoring program (TMP), which would also be implemented under the Amended Action. Under the Amended With-Action condition, unmitigated significant impacts would remain at 84, 59, and 83 intersections during the AM, Midday, and PM peak hours, respectively. Compared to the Proposed Action, the Amended With-Action condition would have a net increase of two intersections with unmitigated significant impacts in the AM peak hour, the same number of intersections with unmitigated significant impacts in the Midday peak hour, and a net increase of one intersection with unmitigated significant impacts in the PM peak hour. Under the Amended Action With PRI Condition, unmitigated significant impacts would remain at 83, 62, and 83 intersections during the AM, Midday, and PM peak hours, respectively.

With respect to transit, application of the same mitigation measures described in Chapter 19, "Mitigation," for the Amended Application would result in the same unavoidable significant adverse impacts to subway stations disclosed in Chapter 22, "Unavoidable Adverse Impacts" as for the Proposed Action. With respect to pedestrians, mitigation measures described in Chapter 19, "Mitigation," were applied to the Amended Action analyses where practicable. The Amended With-Action condition would have one fewer crosswalk with an unmitigated significant adverse impact during the AM peak hour compared to the Proposed Action. In the Midday and PM peak hours, the same unmitigated significant adverse impacts at crosswalks that would result from the Proposed Action would also result with the Amended With-Action condition. The same unmitigated significant adverse impacts at sidewalks and corner areas that would result from the Proposed Action would also result with the Amended With-Action condition for all peak hours. Under the Amended Action With PRI Condition, a total of eight, three, and ten sidewalks would have unmitigated significant impacts during the AM, Midday, and PM peak hours, respectively. There would be a total of 23, 10, and 21 crosswalks with unmitigated significant impacts during the AM, Midday, and PM peak hours, respectively. There would be a total of six, two, and seven corner areas with unmitigated significant impacts during the AM, Midday, and PM peak hours, respectively.

The Amended Application would result in the same construction noise impacts assessed in Chapter 18, "Construction," mitigation measures described in Chapter 19, "Mitigation," and unavoidable significant adverse impacts disclosed in Chapter 22, "Unavoidable Adverse Impacts" as for the Proposed Action. Partial mitigation for construction noise impacts could include, in addition to the requirements under the New York City Noise Control Code, noise barriers, use of low noise emission equipment, locating stationary equipment as far as feasible away from receptors, enclosing areas, limiting the duration of activities, specifying quiet equipment, scheduling of activities to minimize impacts (either time of day or seasonal considerations), and locating noisy equipment near natural or existing barriers that would shield sensitive receptors. The proposed measures discussed above are considered partial mitigations only. Consequently, these impacts would not be completely eliminated and they would constitute an unmitigated significant adverse construction noise impact.

Consequently, as explained above, the Amended Application would result in substantially the same unavoidable significant adverse impacts as the Proposed Action, specifically: Historic Resources (direct impacts and indirect shadow impacts); Open Space; Shadows (on St. Bartholomew’s Church); Transportation; and Construction (historic resources, traffic and construction noise).

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## **25.3 Description of the Amended Application**

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### **Proposed Addition to Regulations Governing Qualifying Site Definition**

The Proposed Action would allow increased density within subareas of the Subdistrict based on locational criteria such as proximity to transit and adjacency to wide streets. This would provide that the densest new developments would be appropriately located (i.e., near transit and along wide streets), and the as-of-right process and increased densities would serve as incentives for developers to undertake the resource-intensive effort associated with new and redevelopment projects in East Midtown. To promote the type of appropriately located new high-quality office space, the Proposed Action provides that sites eligible for the proposed Subdistrict’s as-of-right framework must have cleared frontage along a wide street, dedicate no more than 20 percent of the zoning lot’s floor area for residential use, and comply with environmental standards in order to be considered a Qualifying Site.<sup>2</sup>

Dozens of landmarked buildings exist within the proposed Subdistrict, and this landmark designation protects these structures from demolition except through a rigorous approval process by the Landmark Preservation Commission. In some cases, one or more of these landmarked buildings occupy the full length of a block’s wide street frontage.. These landmarks are protected from demolition by the Landmark Preservation Commission, although exceptions may occur following a rigorous evaluation process. The location of a landmark along a wide-street frontage effectively prohibits development of neighboring mid-block lots since they have no means to satisfy the wide-street frontage provision of the Qualifying Site definition.

The proposed Amended Application would permit assembled mid-block development sites with no access to a wide street due to one or more intervening landmarks to be recognized as a Qualifying Site as long as at least one of the intervening landmarks is on the development site’s zoning lot (the “Qualifying Site Modification”).

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### **Proposed Amendment to Mass Transit Access**

Within the Zoning Resolution, Article IX, Chapter 5 pertains to the Special Transit Land Use District (TA). The TA was established to: (1) minimize the conflict between normal pedestrian movements on public sidewalks and access to underground transit systems, (2) reduce congestion on city streets in the vicinity of transportation nodes, (3) require adequate access of light and air to the subway mezzanines or station areas, (4) encourage development that reinforces and preserves the character of the existing communities within the area, (5) coordinate the present and future relationship of land uses, and (6) promote the most desirable use of land in the area and thus conserve the value of land

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<sup>2</sup> Qualifying Site is defined in Section 81-613 (Definitions) of the proposed zoning text.

and buildings. To achieve these goals, development sites within a TA are required to file an application with the Metropolitan Transportation Authority (MTA) and the City Planning Commission (CPC) requesting a certification as to whether a transit easement volume for light wells, stairs, ramps, escalators, elevators, or passageways is required on the zoning lot. If deemed necessary for a future transit facility, the development site is required to set aside a transit easement volume in preparation for future construction of transit infrastructure by the MTA. The Proposed Action created a similar provision for Qualifying Sites within the East Midtown Subdistrict's Transit Improvement Zones<sup>3</sup> that would require development sites to coordinate with the MTA to determine whether an onsite transit easement volume is necessary. The Proposed Action also exempts these volumes from being included in the development site's floor area calculations.

Unlike the Proposed Action, the Amended Application would grant floor area exemptions for ancillary facilities<sup>4</sup> on Qualifying Sites located where the TA overlaps the East Midtown Subdistrict. Overlap of these two districts occurs at East 42nd Street and Second Avenue, and East 53rd Street and Lexington Avenue. The Amended Application would also require that an existing easement volume for pedestrian access to a subway station or rail mass transit facility on a Qualifying Site anywhere within the Subdistrict be preserved, or reconfigured in accordance with standards and terms approved by the MTA, as part of any new development or enlargement. Any reconfiguration would be constructed by the owner of the property.

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### **Other Modifications in the Proposed Amended Application**

Since the issuance of the Draft Environmental Impact Statement (DEIS), DCP identified the need to make minor edits to the proposed text governing height and setback (Section 81-66, inclusive), which are included in the Amended Application. For daylight compensation (Section 81-662), the Amended Application specifies that no compensating recess shall be required for the encroachments below a height of 150 feet, as measured from curb level. For daylight evaluation (Section 81-663), it clarifies how the daylight evaluation score is computed, and specifies that the reflectivity provisions of Section 81-276 may be utilized to raise an overall and individual score.

In addition, DCP identified the need to modify the provisions of the Authorization for Enlargements that allows enlargements of buildings located on Qualifying Sites. The Proposed Action permits these enlargements to use the Qualifying Site FAR framework, provided they make significant renovations to the existing building that would bring it up to contemporary space standards. The Amended Application clarifies that sites using this authorization would be required to pay the minimum contribution for each existing square foot of presently non-complying floor area (currently established at \$78.60).

DCP also recognized an opportunity to achieve, in tandem with development, above-grade sidewalk improvements identified in the Public Realm Improvement Concept Plan. These improvements include bus bulbouts, corner extensions, and midblock neckdowns. The cost of this in-kind contribution for public realm improvements would be deducted from the site's contribution to the Public Realm

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<sup>3</sup> Transit Improvement Zones included in the Proposed Action are in the vicinity of Grand Central Terminal, the Lexington Avenue-51st/53rd Streets station, and the Fifth Avenue-53rd Street station.

<sup>4</sup> An ancillary facility usually refers to an emergency fan plant that vents smoke out of a station when there is a fire or smoke condition. These facilities can also include emergency egress stairs.

Improvement Fund. These in-kind improvements would be constructed in accordance with standards and terms approved by the Department of Transportation and subject to approval by the Subdistrict’s Public Realm Improvement Fund Governing Group. No temporary certificate of occupancy could be issued for floor area earned through the transfer of landmark development rights until the in-kind improvement is substantially complete and usable by the public.

**25.4 Amended With-Action Condition Reasonable Worst Case Development Scenario**

The Amended Application would result in some changes to the RWCDs as compared to the Proposed Action, and accordingly a modified Future with the Proposed Action Condition was created (referred to hereafter as the “Amended With-Action Condition”).

With the Qualifying Site Modification, there would be two new development sites in the RWCDs— one Projected Development Site (Projected Development Site 17) and one potential development site (Potential Site P), as shown on Figure 25-1. Additionally, Projected Site 12 would become Potential Development Site O in the revised RWCDs.<sup>5</sup> The two new sites would be incorporated into the Amended RWCDs, and are composed of the following blocks and lots, as shown in Table 25.1. As for the Proposed Action described in the FEIS, Projected Development Sites are considered more likely to be developed, while potential development sites could meet the development criteria but are considered less likely to be developed.

**Table 25.1: Added Projected and Potential Development Sites with the Amended With-Action Condition**

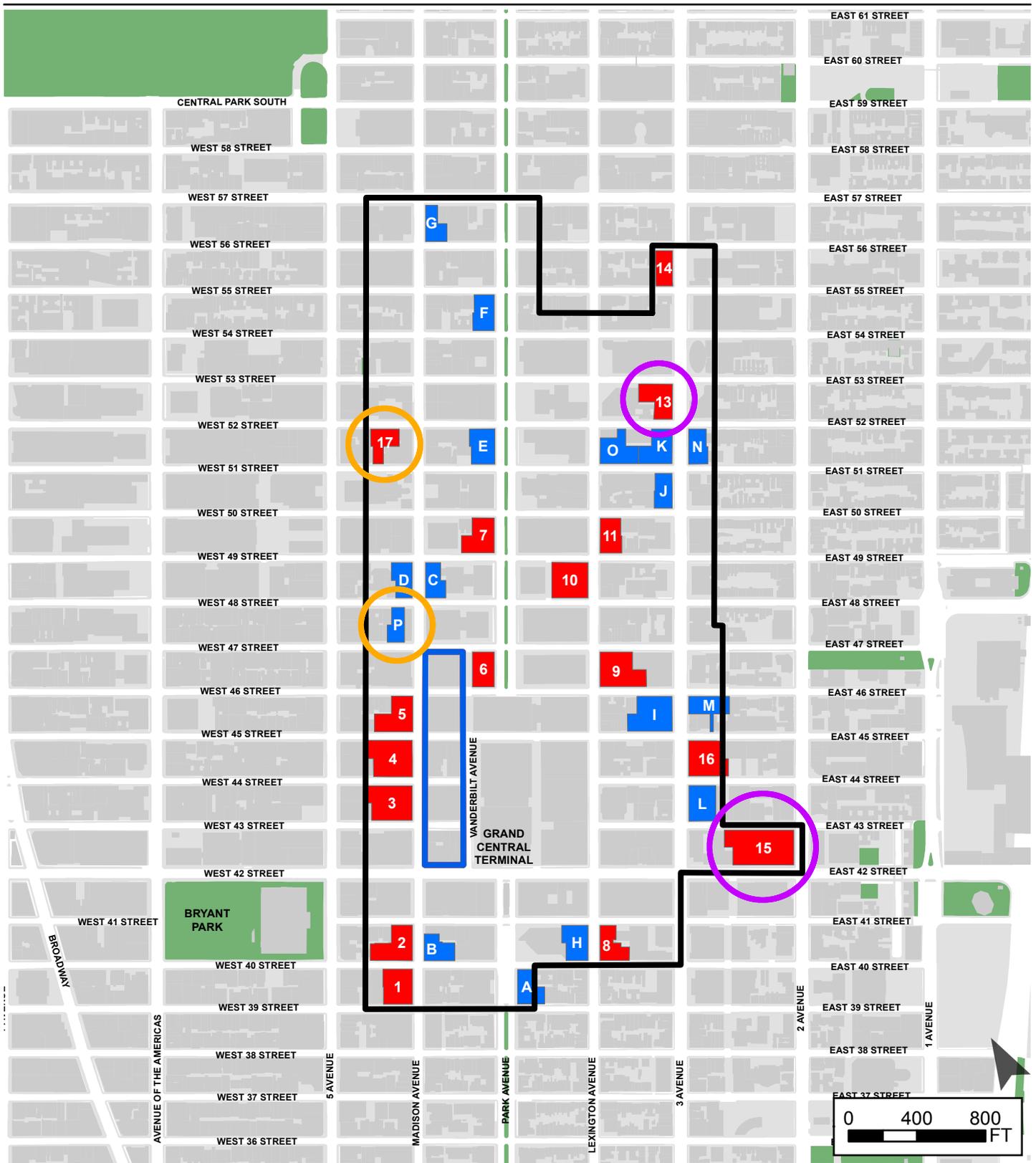
Development Site	Block No.	Affected Lots
Projected Development Site 17	1287	8, 9, 10, 14,58, 61, 62, 63
Potential Development Site P	1283	12, 13, 14, 15, 17, 58

Additionally, it is assumed that transit easement volumes for the ancillary facility exemption would be established on Projected Development Site 13 and Projected Development Site 15, to facilitate future construction of the Second Avenue Subway. The ancillary buildings were projected to have a depth of 100 feet, a width of 50 feet, and a height of 62 feet. Since the ancillary facility’s floor area volume is exempted, that floor area is relocated within the building. With the Proposed Action, Projected Development Site 13 would have a projected height of 818 feet, while with the Amended With-Action Condition, the projected building height would be 874 feet. Similarly, Projected Development Site 15 would have a projected height of 692 feet under the Proposed Action, and a height of 706 feet with the Amended With-Action Condition.

As shown in Tables 25.2 through 25.4 below, these changes flow from changes in the No-Action Condition through to the With-Action Increment.

Compared to the Proposed Action’s RWCDs presented in the FEIS, the Amended With-Action Condition would result in a 231,334-gsf increase in the office space increment, a 14,588-gsf decrease in

<sup>5</sup> As described in the FEIS, all development sites were assessed and ranked based on a set of criteria in order to determine the likelihood that a given property or assemblage would redevelop. With the addition of Projected Site 17, and given the fixed amount of landmark development rights available for transfer, Projected Site 12 was less likely to be considered a projected site, and therefore became a potential site. Due to this change, the numbering of the projected sites under the Amended Application skips from Projected Site 11 to Projected Site 13, in order to keep the site numbers consistent with those set forth in the DEIS.



- Vanderbilt Corridor (Existing Regulations Apply)
- Proposed Greater East Midtown Rezoning Boundary
- 1 Projected Development Site
- A Potential Development Site
- New Development Site
- Ancillary Facilities Site

the retail increment, a 236,508-gsf decrease in the residential increment, and a 34,874-gsf increase in the parking increment. There would be no change in the increments of hotel space or rooms. The Amended With-Action Condition incorporates the No-Action Condition analyzed in the FEIS RWCDs with respect to the added Projected Development Site 17 (Block 1287, Lots 8, 9, 10, 14, 58, 61, 62, 63), which is now projected as a commercial building under the Amended With-Action condition. As noted in FEIS Chapter 2, "Land Use, Zoning and Public Policy," the John Peirce House, a known development site in the project area, is assumed to convert to residential use. However, with the amended application, the site would be part of Projected Site 17, and its FAR would become part of the development site, changing the No-Action assumption on residential development. The resulting negative increment in residential uses of 236,508 sf on Projected Development Site 17 is the difference in the residential increment between the Proposed Action and the Amended With-Action Condition, as shown in Table 25.4. The shifts in the projected sites similarly affect the increments in retail, office, and parking, as shown in the following tables.

**Table 25.2: Proposed Action Development Scenario**

Use	No-Action Condition	With-Action Condition	Increment
Office	6,812,920	13,394,777	6,581,857
Retail	462,874	601,899	139,025
Hotel	810,171	0	-810,171
<i>Hotel Rooms</i>	1,246	0	-1,246
Residential	316,120	237,841	-78,278
<i>Residential Units</i>	163	119	-44
Parking	158,441	0	-158,441

**Table 25.3: Amended With-Action Condition**

Use	No-Action Condition	With-Action Condition	Increment
Office	6,643,178	13,456,369	6,813,191
Retail	495,013	619,450	124,437
Hotel	810,171	0	-810,171
<i>Hotel Rooms</i>	1,246	0	-1,246
Residential	552,628	237,841	-314,786
<i>Residential Units</i>	447	119	-328
Parking	123,567	0	-123,567

This chapter considers whether the proposed Amended Application would result in any new or different significant adverse environmental impacts not already identified in the FEIS, and concludes that the Amended With-Action Condition would result in one additional significant, adverse impact to historic resources that would not occur under the Proposed Action, as presented in the FEIS. Specifically, the Amended With-Action Condition would result in the demolition of a New York City Landmark-eligible building, the Mercantile Library located at 17 East 47th Street (Block 1283, Lot 13), on Potential Development Site P.

**Table 25.4: Difference in Proposed Action vs Amended With-Action Condition Increment**

Use	Proposed Action Increment	Amended With-Action Condition Increment	Difference
Office	6,581,857	6,813,191	231,334
Retail	139,025	124,437	-14,588
Hotel	-810,171	-810,171	0
<i>Hotel Rooms</i>	-1,246	-1,246	0
Residential	-78,278	-314,786	-236,508
<i>Residential Units</i>	-44	-328	-284
Parking	-158,441	-123,567	34,874

**Proposed Amendment to Select Special Transit Land Use Districts**

The Amended Application includes a provision for ancillary transit easements, assumed for purposes of this Amended RWCDs to be located within Projected Development Sites 13 and 15. As described in more detail below, this proposed modification would result in effects that are negligibly different from those of the Proposed Action. The establishment of a transit easement volume above and below-grade would result in slightly increased building heights to accommodate the easement, but the RWCDs program, bulk and development controls would be otherwise unchanged. Due to the increase in the building height, there could be an incremental change in shadowing over that projected with the Proposed Action, and this, as well as potential effects to Urban Design and Visual Resources, are considered to identify potential changes resulting from building height additions and visual context at the street level.

The transit easement volume could lead to the development of a ventilation building that has the potential to affect noise conditions in the area due to subway ventilation operations, and is evaluated accordingly. Additionally, the changes resulting from the establishment of this ancillary easement in the TA Subdistrict were evaluated for the potential to change the HVAC analysis due to slightly increased building heights. Therefore, the analysis of the ancillary transit easement is described further in the Shadows, Urban Design, Noise, and Air Quality sections below.

**Qualifying Site Modification**

In addition, the Proposed Action includes an Authorization for Enlargements, which allows enlargements to buildings located on Qualifying Sites. These enlargements may use the proposed Qualifying Site FAR framework, provided that significant renovations to the existing building would bring it up to contemporary space standards to the greatest extent feasible. The Amended Application would clarify that sites using this authorization will be required to pay the minimum contribution for each existing square foot of non-complying floor area (currently established at \$78.60). These modifications would not have any implications on the environmental conditions of the study area and no further review specific to these modifications is required.

**Other Modifications in the Proposed A-Text**

As described above, the Amended Application contains a few other edits to clarify the proposed zoning text governing height and setback (ZR Section 81-66, inclusive), specifying that no compensating recess

shall be required for the encroachments below a height of 150 feet, as measured from curb level. For daylight evaluation (ZR Section 81-663), the Amended Application clarifies how the daylight evaluation score is computed, and specifies that the reflectivity provisions of ZR Section 81-276 may be utilized to raise an overall and individual score. These revisions are clarifications only, and do not have the potential to affect the buildings or RWCDs as described and analyzed in the FEIS. Therefore, no further analysis is required.

Based on the varied likely effects of the Amended Application, the Amended With-Action Condition is discussed separately below for each CEQR category, as appropriate.

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## **25.5 Revised Environmental Analyses for the Amended Application**

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### **Probable Impacts of the Amended Application**

#### **1. Land Use, Zoning, and Public Policy**

As reported in FEIS Chapter 2, "Land Use, Zoning and Public Policy," the Proposed Action would not result in significant adverse impacts to land use, zoning or public policy. As discussed below, the Amendment With-Action Condition would not result in new or changed impacts compared to the Proposed Action, and itself would have no significant adverse impacts with respect to these analysis areas.

As shown in Table 25.3 above, compared to the Proposed Action, the Amended With-Action Condition would result in a 231,334-gsf increase in the office space increment, a 14,588-gsf decrease in the retail increment, a 236,508-gsf decrease in the residential increment (284 fewer residential units), and a 34,874-gsf increase in the parking increment. There would be no change in the increments of hotel space or rooms. As detailed below, the addition of the Amended With-Action Condition to the Proposed Action would not result in any new or different significant adverse impacts to land use, zoning and public policy.

#### **Qualifying Site Modification**

The Qualifying Site Modification is projected to result in one added projected site, Projected Development Site 17. Projected Development Site 12 would be converted to a potential site (Potential Development Site O), and Potential Development Site P would be added. As discussed above, overall changes in gross square footage would be minor compared to the Proposed Action. The decrease in the residential increment is a direct result of the additional Projected Development Site 17, which would be developed as a residential use under the Amended No-Action condition, but as a commercial use under the Amended With-Action Condition. Overall, however, the Amended With-Action Condition would not generate new land uses that would be incompatible with surrounding land uses, nor would it conflict with existing zoning or applicable public policies. Projected Development Site 17's commercial use would conform to the land use pattern of the district and would be in keeping with the goals of the Proposed Action to preserve and strengthen Greater East Midtown as a premier business

district. As such, the Qualifying Site Modification would not result in any new or different significant adverse impacts to land use, zoning and public policy.

### **TA Subdistrict Ancillary Building Easement**

As noted under the Amended With-Action Condition, it is expected that the TA Subdistrict ancillary transit easement could be applied to Projected Development Sites 13 and 15. To accommodate the ancillary easement volumes, the projected maximum allowable heights at Projected Development Sites 13 and 15 would increase slightly. In all other respects, the bulk requirements for these sites would remain the same as with the Proposed Action. There would be no change in land use or achievable FARs.

The proposed zoning exemptions only serve to accommodate the proposed easement volumes and maintain commercial development on affected sites. With only minor anticipated changes to maximum heights, the ancillary transit easement would not result in any new or different significant adverse impacts.

## **2. Socioeconomic Conditions**

As described in FEIS Chapter 3, "Socioeconomic Conditions," the Proposed Action would not result in any significant adverse impacts to the five socioeconomic areas of concern, including direct residential displacement, direct business/institutional displacement, indirect residential displacement, indirect business/institutional displacement, and adverse effects on specific industries. Similarly, as discussed following, the Amended With-Action Condition would not result in any significant adverse impacts. As the ancillary transit easement would have no effect on any of the five areas of concern as enumerated above, it is not carried forward into this analysis.

### **Qualifying Site Modification**

The Amended With-Action Condition modifies the RWCDs, adding Projected Development Site 17 and Potential Development Site P and re-designating the Proposed Action's Projected Development Site 12 as Potential Development Site O. To provide a comparison between this Amended With-Action Condition and the condition evaluated in the FEIS, socioeconomic conditions are assessed for the 16 Projected Development Sites with this modification. As development would occur on 16 RWCDs Projected Development Sites under the Amended With-Action Condition, neither the Proposed Action nor the Amended With-Action Condition would result in any significant direct residential displacement, or induce a trend that could potentially result in changing socioeconomic conditions for the residents within the East Midtown rezoning area. It is noted that the existing mixed-use building at 5 East 51st Street, containing both retail/office space and residential units would become part of Projected Development Site 17 and redeveloped as commercial office space; the 15 residential units and estimated 24 residents would be displaced as a result of this change. The Amended With-Action Condition would add a net 113 retail employees and a net 2,504 commercial office employees, when Projected Development Site 17 is developed (removing the projected employment from FEIS With-Action Projected Development Site 12). The overall modest amount of additional space developed (an additional 231,334 gsf) under the Amended With-Action Condition would not represent enough new economic activity to alter existing economic patterns in the area.

The Amended With-Action Condition would not result in any additional direct or indirect business/institutional displacement. In addition, like the Proposed Action, the Amended With-Action Condition would not result in any significant adverse impacts on specific industries.

### 3. Open Space

FEIS Chapter 4, "Open Space," reported that the Proposed Action would result in a significant adverse indirect impact with respect to open space due to a decrease of 3.85 percent in the non-residential passive open space ratio and 3.43 percent in the combined passive open space ratio. For the Amended With-Action Condition, the same effects would occur and there would be a significant adverse indirect impact with respect to open space.

Also like the Proposed Action, the Amended With-Action Condition would include the implementation of public realm improvements, introducing new open space resources that could offset the reduction in open space ratios. However, the decision to fund and implement these improvements would be made in the future by the Public Realm Improvement Governing Group, and the exact timing of the improvements is unknown. Therefore, these improvements are not included in the qualitative analysis of open space resources; instead, a quantitative assessment of these improvements is provided in Section 25.6 below. In order to avoid a significant adverse open space impact with the Amended Application, approximately 1.26 acres of the public realm improvements would need to be approved by the Governing Group and implemented, compared to the 1.20 acres needed under the Proposed Action.

#### Qualifying Site Modification

As shown in Table 25.4 above, the Amended With-Action Condition would result in a 231,334 gsf increase in the office space increment, a 14,588 gsf decrease in the retail increment, a 236,508 gsf decrease in the residential increment (284 fewer residential units). With the Amended With-Action Condition, the residential population would be reduced by 463 residents while the non-residential population would be increased by 874 workers when compared to that under the Proposed Action. As such, in the Amended With-Action Condition, the combined open space user population would increase somewhat compared to that under the Proposed Action.

The resulting non-residential passive open space ratio in the Amended With-Action Condition would be 0.064 acres per 1,000 non-residents, fractionally less than the Proposed Action (both ratios round to 0.064 at three decimal places).

Similarly, the resulting combined non-residential and residential passive open space ratio in the Amended With-Action condition would be 0.057 acres per 1,000 non-residents and residents, which is again fractionally less than the that under the Proposed Action (both ratios round to 0.057 at three decimal places).

As with the Proposed Action, the Amended With-Action Condition would result in significant adverse open space impacts. While the acreage of passive open space resources in the study area is, and would continue to be, deficient in comparison to the CEQR benchmark (i.e., 0.15 for the non-residential population and 0.187 for the combined non-residential and residential population), the ratios of the Proposed Action and the Amended Application With-Action Condition would essentially be equal. Additionally, as discussed in Section 25.6 below, with the approval by the Governing Group and

inclusion of at least 1.26 acres of mitigating passive open space public realm improvements, the change in the open space ratios in both scenarios (Proposed Action and the Amended With-Action Condition) would fall within CEQR guidelines. While the Proposed Action and Amended With-Action Condition, through the implementation of public realm improvements, could introduce new open space resources that could offset the significant adverse impact, these improvements are subject to approvals at a later time by the Governing Group.

#### 4. Shadows

FEIS Chapter 5, “Shadows,” reported that the Proposed Action would result in one significant shadows impact—on sunlight-sensitive stained glass windows in St. Bartholomew’s Church and Community House, located on the block between East 51st and East 52nd Streets at Park Avenue. Specifically, on the May 6 / August 6 and June 21 analysis days, sunlight-sensitive stained glass windows at this church would experience incremental shadow coverages of 2 hours, 47 minutes (from 1:54 PM to 4:41 PM) and 3 hours, 4 minutes (from 1:41 PM to 4:45 PM), respectively. The incremental shadows that would be cast on these two analysis days would result in a reduction in sunlight available for the enjoyment or appreciation of the building’s stained glass windows, and thus the incremental shadows were considered a significant adverse shadows impact.

Overall, it was found that the redevelopment of the 16 Projected Development Sites and the less likely redevelopment of the 14 Potential Development Sites would cast new shadows at times throughout the year on several open spaces and sunlight-sensitive features of historic architectural resources. Except for the shadows cast on St. Bartholomew’s Church and Community House, none of the incremental shadows resulting from that Proposed Action would be considered significant, as the East Midtown area is densely developed with many mid- and high-rise buildings that already cast shadows on the majority of the area’s sunlight-sensitive resources under Existing Conditions, and the other incremental shadows were relatively short in duration and would not affect the public’s enjoyment of these resources.

Under the Amended With-Action Condition, there would be two entirely new development sites (Projected Development Site 17 and Potential Development Site P) and increases in height at existing Projected Development Sites 13 and 15 to accommodate new ancillary facilities at the base of the buildings. All remaining Projected and Potential Development Sites including the redesignated Potential Development Site O (Projected Development Site 12 under the Proposed Action) would remain the same with respect to height and building bulk.

Since both the Ancillary Facilities Exemption and the Qualifying Site Modification have the potential to affect the shadows analysis as compared to the FEIS, they are analyzed together and presented below. Based on the analysis presented herein, the addition of Projected Development Site 17 and Potential Development Site P as well as the revised height at Projected Development Sites 13 and 15 would not cast new incremental shadows that would create significant adverse impacts on sunlight-sensitive resources or features. The same significant adverse impacts that would result from the Proposed Action would also result with the Amended With-Action Condition.

## Methodology

The methodology for analyzing the additional sites follows the guidance of the CEQR Technical Manual, further described in Chapter 5, “Shadows.” With respect to potential new shadow impacts, the proposed new and revised building heights would generate new maximum shadow screening radii (i.e., the individual new building heights multiplied by a factor of 4.3, pursuant to the *CEQR Technical Manual*) described as follows:

- *Projected Development Site 17* – Development on this site is expected to have a height of 482 feet, resulting in a maximum shadow screening radius of 2,072.6 feet.
- *Potential Development Site P* – Development on this site is expected to have a height of 440 feet, resulting in a maximum shadow screening radius of 1,892 feet.
- *Projected Development Site 13* - The anticipated building height would increase from 818 feet to 874 feet (56-foot increase), resulting in an increase in the maximum shadow screening radius for this site from 3517.4 feet to 3758.2 feet.
- *Projected Development Site 15* - The anticipated building height would increase from 692 feet to 709 feet (14-foot increase), resulting in an increase in the maximum shadow screening radius for this site from 2975.6 feet to 3,035.8 feet.

Based on the results of the combined Tier 1 and Tier 2 screening assessments conducted for the Projected and Potential Development Sites listed above (see Figure L.4-1 in Appendix L.4), a Tier 3 screening assessment is warranted to determine if, in the absence of intervening buildings, resulting shadows can reach a sunlight-sensitive resource, thereby warranting a detailed shadow analysis. However, given the presence and proximity of several sunlight-sensitive resources within the defined shadow radius (Figure L.4-1 in Appendix L.4), it is apparent that shadows from the Projected and Potential Development Sites under the Amended With-Action Condition would reach several resources on at least one of the representative analysis days. As such, a Tier 3 assessment is not presented, and the detailed analysis is presented in the “Assessment” section below.

It is noted that as part of the Proposed Action, several public realm improvements would be undertaken in the rezoning area, including plazas, shared streets, median widenings, and thoroughfare improvements.

## Resources of Concern

### *Open Space Resources*

As illustrated on Figure L.4-1 and listed in Table L3-1 of Appendix L.3, within the combined maximum shadow radius there are 19 open space resources of concern that would be affected by incremental shadows associated with the new and increased building heights resulting from the Qualifying Site and transit easement amendments. As listed in Table L3-2 (also in Appendix L.3), many open space resources within these maximum shadow radii would not be affected by new incremental shadows—either because of their location relative to these Projected and Potential Development Sites, or because they are indoors or otherwise covered from direct sunlight exposure.

### *Historic Resources*

All sunlight-sensitive historic resources within the combined maximum shadow radius are illustrated on Figure L.4-1 (Appendix L.4). There are eight historic resources that would be reached by new incremental shadows; however, as shown in the analysis that follows, not all of the sunlight sensitive features on these historic resources would be affected by shadows. As part of the assessment, the location of the resource in relation the Projected and Potential Development Sites was also evaluated; for example, it was noted that only those façades of a resource that face a Projected or Potential Development Site could be covered by incremental shadows due to the Proposed Action. Those sunlight-sensitive historic resources that would be affected by incremental shadows are listed in Table L3-3, while those that would not be affected by incremental shadows are listed in Table L3-4 (see Appendix L.3).

### **Assessment**

In order to limit the analysis only to those resources of concern where new incremental shadows would create significant adverse impacts, analysis thresholds were created to identify only those resources where an in-depth analysis was needed. Those thresholds include:

- Those resources of concern that receive approximately 1 hour or more of additional new incremental shadow; and/or
- Those resources of concern where the extent of new incremental shadow covers a majority of the resource area at some point during the new incremental shadow coverage; and/or
- Existing Privately-Owned Public Spaces (POPS) that have features and amenities that would be significantly impacted by a loss of additional sunlight associated with additional incremental shadow.

The tables and figures referenced below are contained in Appendix L.3 and L.4, "Shadows." Additional incremental shadows associated with the Amended Application versus the FEIS Proposed Action are detailed in Table L3-5. The full results of the shadows analysis for all identified resources are indicated in Tables L3-6 and L3-7.

### **Open Space Resources**

The assessment following pertains to POPS that could be affected by new incremental shadows. No public parks were identified as being significantly impacted by new incremental shadows. As such, no analysis is presented herein.

### *Privately-Owned Public Spaces*

#### **POPS No. 19: 12 East 49th Street**

New incremental shadows of concern generated from new Potential Development Site P would fall on POPS No. 19 during the March 21 / September 21 and May 6 / August 6 analysis periods for durations of 1 hour, 23 minutes, and 1 hour, 54 minutes, respectively (see Appendix Table L3-5). As indicated in Appendix Table L3-1, POPS No. 19 contains various seating amenities and tables, as well as some landscaping, but features a low utilization rate. During the March 21 / September 21 analysis period,

these shadows would cover a significant portion of the POPS (see Figure L.4-2), but would be relatively short overall, such that large portions of this POPS would remain sunlit for a majority of the analysis period. It should be noted that these new incremental shadows would be in addition to previously identified incremental shadows associated with the FEIS, which occur in the early morning of this analysis period. The combined duration of those previously identified incremental shadows (i.e., 1 hour, 37 minutes – see Table L3-7) is not considered significant.

During the May 6 / August 6 analysis period, new incremental shadows would combine with and extend those previously identified incremental shadows in the FEIS, from a duration of 3 hour, 5 minutes to 3 hours, 28 minutes (i.e., a 23-minute increase, see Table L3-7). At times, new incremental shadows would cover a large portion of POPS No. 19 (Figure L.4-2), such that many of the previously described amenities would be in a new shadow condition. However, this plaza receives less than four to six hours of direct sunlight exposure under Existing Conditions on this analysis day, and thus it is assumed that the trees and plantings are shade tolerant. The new incremental shadow is not expected to affect the usability of the plaza, as existing shadow conditions already cover much of this resource.

Based on the foregoing, new incremental shadows resulting from the Amended With-Action Condition differ somewhat from those that would be expected by the Proposed Action individually and in conjunction with previously-identified incremental shadows. However, the incremental shadows are not anticipated to create significant adverse impacts, and no further analysis is necessary.

#### **POPS No. 35: 520 Madison Avenue**

With the Amended With-Action Condition, new incremental shadows from Projected Development Site 17 are projected to fall on POPS No. 35, located at 520 Madison Avenue, for 59 minutes, from 12:31 PM to 1:30 PM, during the March 21 / September 21 analysis period (see Table L2-5). Incremental shadows on this resource would be entirely new, as no incremental shadows were previously identified on this resource with respect to the FEIS. As illustrated in Figure L.3-3, a large portion of this POPS would be covered in new incremental shadows near the middle of this identified duration. However, this duration is relatively short. Further, the POPS is situated alley-style in between two buildings, such that it is shaded by design most days, indicating that vegetation at this resource is shade tolerant.

As such, new incremental shadows resulting from the Amended With-Action Condition on POPS No. 35 are not expected to create adverse shadow impacts and no further analysis is warranted,

#### **Historic Resources**

##### *H2: Beaux-Arts Apartments - North*

As a result of proposed building height increases at Projected Development Sites 13 and 15, new and additional incremental shadows would fall on the Beaux-Arts Apartments North Building from 2:57 PM to 4:02 PM (for a total duration of 1 hour, 5 minutes – see Table L2-5). These new incremental shadows would be in addition to incremental shadows identified with the Proposed Action, would fall entirely within that original projected incremental shadow duration (i.e., 2:50 PM to 4:02 PM – see Table L2-6), and would increase shadow coverage on the building's southern façade, which is comprised of light and dark brick and articulated setbacks on upper stories and is considered a sunlight sensitive feature. These additional incremental shadows would be primarily relegated to the upper half of the southern façade where the sunlight sensitive architectural detail is less prominent than the pedestrian level view (see Figure L.3-4). Further, the southern façade would remain partially or entirely sunlit for

significant portions of the June 21 and other analysis periods. Based on the foregoing, projected new incremental shadows on this historic resource, in combination with projected incremental shadows identified to occur with the Proposed Action, are not expected to create significant adverse shadow impacts. Therefore, no further analysis is necessary.

*H17: Rockefeller Apartments*

During the December 21 analysis period, from 10:07 AM to 11:02 AM (i.e., 55-minute duration), new incremental shadows cast from new Projected Development Site 17 would fall on the Rockefeller Apartments, primarily on the southern façade of the southern building (see Table L2-5). This new duration would combine with the previously identified duration determined to occur with the Proposed Action to create a larger area of coverage (see Figure L.3-5 and Table L2-7). This southern façade features turreted windows, which are considered a sunlight sensitive resource.

However, this duration is considered relatively short and new incremental shadows on sunlight sensitive features would be limited to portions on the upper façade where architectural detail is less prominent than the pedestrian level view (see Figure L.3-5). Further, large portions of this façade would remain sunlit within and outside of this identified duration, such that the public's enjoyment of this resource would not be diminished.

As such, new incremental shadows on these sunlight sensitive architectural features resulting from the Amended With-Action Condition are not expected to create significant adverse impacts and no further analysis is needed.

*H18: Rockefeller Center*

Two separate periods of incremental shadow from new Projected Development Site 17 would fall on Rockefeller Center / Rockefeller Plaza for a total combined duration of 1 hour, 20 minutes during the morning hours of the June 21 analysis period (see Table L2-5). These shadows would be relatively limited in coverage on the plaza area relative to the No-Action and With-Action shadow conditions (see Figure L.3-6) and would occur during morning hours (i.e., from 6:28 AM to 6:44 AM and from 7:17 AM to 8:21 AM) when utilization would be lowest. As such, like the Proposed Action, no significant adverse shadow impacts from the Amended With-Action Condition are expected on this resource.

*H20: St. Patrick's Cathedral*

New Projected Development Site 17 would cast new incremental shadows on sunlight sensitive stained glass windows at St. Patrick's Cathedral from 7:30 AM to 7:52 AM (i.e., 22 minutes, see Table L2-5 and Figure L.3-7) during the June 21 analysis period. This new incremental shadow duration would occur entirely within the Proposed Action's identified duration on this resource during the June 21 analysis period, so the duration of shadowing would not increase. As illustrated in Figure L.3-7, the total area of stained glass windows covered in shadow would be minor. In conjunction with the relatively short duration, these new incremental shadows are not anticipated to generate significant adverse impacts and no further analysis is warranted.

*H21: St. Thomas Church and Parish House*

New incremental shadows from Projected Development Site 17 in the Amended With-Action Condition would fall on the sunlight sensitive stained glass windows of the St. Thomas Church and Parish House from 10:53 AM to 11:58 AM (1 hour, 5 minutes – see Table L2-5 and Figure L.3-8). These shadows would occur in conjunction with incremental shadows on this resource identified in the Proposed Action to create a total duration of 1 hour, 38 minutes (see Table L2-7) of coverage on sunlight sensitive features. Over the course of the identified duration, the new incremental shadows would move quickly across various stained glass windows from the resource’s southern façade to its eastern, such that durations on individual stained glass windows would be brief.

Based on the foregoing, new incremental shadows resulting from the Amended With-Action Condition, individually and in conjunction with prior incremental shadows identified for the Proposed Action, are not expected to create significant adverse impacts. As such, no additional analysis is required.

*H22: Swedish Seaman’s Church*

From 11:28 AM to 12:02 PM (34 minutes) during the March 21 / September 21 analysis day, new incremental shadows from new Potential Development Site P would be cast on the sunlight-sensitive stained glass windows on the second floor of the southern façade of the Swedish Seaman’s Church (see Table L2-5 and Figure L.3-9). As illustrated in the figure, these shadows would cover the entirety of the sunlight sensitive feature during the duration. However, this duration is projected to be relatively short, such that the public’s enjoyment of this resource would not be significantly affected by these incremental shadows. As such, new incremental shadows resulting from the Amended Application With-Action Condition are not expected to create significant adverse impacts and no further analysis is necessary.

## **5. Historic and Cultural Resources**

As reported with the Proposed Action in FEIS Chapter 6, “Historic and Cultural Resources,” the Amended With-Action Condition would not result in any significant adverse impacts to archaeological resources. The Proposed Action would not result in direct adverse impacts to NYCL-designated and S/NR-listed historic districts or individual landmark buildings and structures. The Amended With-Action Condition would result in one additional direct significant adverse impact compared to the Proposed Action evaluated in Chapter 6 of the FEIS, “Historic Resources,” while indirect construction impacts, controlled by the mitigation measures, would be similar to those of the With-Action Condition (there were construction-related impacts to 12 eligible resources in the FEIS). As with the Proposed Action, development pursuant to the Amended With-Action Condition is not expected to alter the visual relationship of architectural resources to their setting within the East Midtown street grid.

### **Qualifying Site Modification**

Under the Amended With-Action Condition, Projected Development 12 would be re-designated as Potential Site O, and Projected Development Site 17 and Potential Development Site P would be added. Under the With-Action Condition, Projected Development Site 12 would not result in direct or indirect impacts on listed or eligible historic resources, and thus its re-designation as a potential development

site under the Amended With-Action Condition would not avoid any projected significant adverse impacts to historic resources.

Under the Amended With-Action Condition, Projected Development Site 17 contains two NYCL-listed resources – the John Peirce House (#28) and the Look Building (#29). Both of these resources would be incorporated into the site and would remain with this scenario. On Potential Development Site P, there is one eligible resource and one listed resource; these are, respectively, the Mercantile Library at 17 East 47th Street (#101) and 400 Madison Avenue (#49). Under the Amended With-Action RWCDs, the NYCL-eligible Mercantile Library would be demolished and 400 Madison Avenue (NYCL and S/NR listed) would become part of the Potential Development Site P zoning lot, but would not be demolished.

Under the Amended Application No-Action Condition, the NYCL-eligible Mercantile Library at 17 East 47th Street would not be expected to be demolished. Therefore, its demolition under the Amended With-Action Condition would result in a direct significant adverse impact.

The available mitigation for this direct impact would be to perform a Historic American Buildings Survey (HABS) documentation protocol of the building in advance of demolition. Absent this partial mitigation, significant adverse impact would result to historic resources at Potential Development Site P under the Amended With-Action Condition.

For the two NYCL-and/or S/NR-listed resources at Projected Development Site 17 (488 Madison Avenue (#29) and 11 East 51st Street (#28), and one at Potential Development Site P (400 Madison Avenue (#49), a Construction Protection Plan (CPP) would be required through the Department of Buildings (DOB) and would provide protections should construction on any of these sites proceed.

As set forth in the *CEQR Technical Manual*, a CPP should be used to protect historic resources that may be affected by construction activities related to a proposed project. The plan should be developed in coordination with an appropriate consulting agency (LPC and/or SHPO) and in consultation with a foundation and structural engineer. The CPP would generally address, but not be limited to, the following:

- Borings and soil reports of the water table, establishing composition, stability, and condition;
- Existing foundation and structural condition information and documentation for the historic property;
- Formulation of maximum vibration tolerances based on impact, duration and other considerations and using accepted engineering standards for old buildings;
- Dewatering procedures, including systematic monitoring and recharging systems;
- Protection from falling objects and party wall exposure; and
- Monitoring during construction using tell-tales, seismographic equipment, and horizontal and lateral movement scales.

With the DOB-required CPP in place for each of these sites, significant adverse impacts to the resources resulting from the Amended With-Action Condition would be minimized.

Compared to the Proposed Action, the Amended With-Action Condition would result in the same significant adverse impacts to historic resources, and would add the significant adverse impact of

demolition of the NYCL-eligible Mercantile Library (#101). The only feasible mitigation for this impact of the Amended With-Action Condition is the preparation of the HABS survey as noted above, a partial mitigation of the significant adverse impact. For the two NYCL-and/or S/NR-listed resources at Projected Development Site 17 (488 Madison Avenue (#29) and 11 East 51st Street (#28), and one at Potential Development Site P (400 Madison Avenue (#49), a Construction Protection Plan (CPP) would be required through the Department of Buildings (DOB) and would provide protections should construction on any of these sites proceed.

## 6. Urban Design and Visual Resources

Neither the Proposed Action (refer to FEIS Chapter 7, “Urban Design and Visual Resources”), nor the Amended With-Action Condition would result in significant adverse impacts to Urban Design and Visual Resources. The projected changes within the modified Amended With-Action Condition are not expected to significantly modify buildings or visual resources. Streets and open spaces would be positively affected with the adoption of new open space and streetscape improvements. While the proposed amendments may facilitate marginally increased building heights in an area where very tall buildings already exist, the Midtown street grid provides only limited sightlines to the affected development sites and the marginal increase in building heights would not cause a significant impact in the area of urban design and visual resources. The assessment of the proposed text amendments is described in further detail below.

### Qualifying Site Modification

As described above, the proposed Qualifying Site Modification under the Amended With-Action Condition would introduce two new development sites, Projected Development Site 17 and Potential Development Site P. Both of these sites are through-block development sites located at mid-block locations along the east-west streets of the East Midtown street grid, with LPC-designated landmarks along the avenue frontages; the landmarked buildings located along the wide-street frontages of these two development sites could provide the transferable development rights, provided that the sites are assembled pursuant to the proposed Amended Application allowing for this condition (See proposed Amended Application definition for Qualifying Sites at Section 81-613).

The development sites’ mid-block locations on narrow streets within the grid street system limit the availability of views to the sites; views to the sites are predominately from areas located along the street on which they would be located. The sites are not located in areas currently designated as open space and therefore would not directly displace existing designated open space.

With limited visibility and frontage, these development sites have a marginal potential for change from the pedestrian perspective when compared to other portions of Greater East Midtown. Absent the proposed modifications to qualifying sites considered under the Amended With-Action Condition, building heights and setbacks would continue to be consistent with the urban design character of East Midtown and would be required to meet the applicable urban design provisions of the Zoning Resolution, including those contained in the Special Midtown District.

As shown on Figure 25-2, the Amended With-Action development that could be accommodated on Projected Development Site 17 may impede some views of the upper-most portions of the Look Building when viewed from the southeast corner of Fifth Avenue and East 51st Street. Similar

31



No-Action View

17



With-Action View

impediments would be expected when viewed from the northeast corner of Fifth Avenue and East 52nd Street. Views from these two intersections at Fifth Avenue of the Look Building's façade along its East 51st Street and East 52nd Street streetwall would be preserved. The slightly impeded views are typical of a highly urbanized area such as East Midtown and are not considered to cause a significant adverse impact, as more sweeping views to this resource are available from the wide street of Madison Avenue, where the building's frontage is much more prominent in the streetscape.

Like the Proposed Action, the Amended With-Action Condition would not result in significant adverse impacts to urban design and visual features. Without improvements to the at-grade public realm within the Project Area, both the Proposed Action and the Amended With-Action conditions would persist, and there would be no further improvements or additions to plazas, shared streets, street medians, or thoroughfares. Both the Proposed Action and the Amended With-Action Condition would increase the peak number of users within the project area, and these additional users would be expected to use existing open spaces in the vicinity. With projected modifications to streetscape and open space (including to plazas, shared streets, median widenings, and thoroughfares) for both the Proposed Action and the Amended With-Action Condition, the proposed above-grade improvements would provide a visual addition to the streetscape and urban design of East Midtown. Further, for both conditions, the potential introduction of additional street trees and other supportive vegetation would improve visual variety and interest in the streetscape. Therefore, with or without the public realm improvements, the Urban Design conclusion of no significant adverse impact would remain the same, although the streetscape and pedestrian experience would be enhanced at certain locations with the public realm improvements.

#### **Transit Easement Volume Ancillary Facility Text Amendment**

As noted above, the proposed Transit Easement Volume and the ancillary buildings that it would facilitate would be established to provide the necessary building volume and equipment to support operational ventilation requirements along the subway tunnel and provide for life safety during emergency conditions. Under the Amended With-Action Condition, the proposed Amended Application slightly modifies Projected Development Sites 13 and 15 (both with frontage to wide streets) to allow for additional height. There would be no other modification between the Proposed Action RWCDS and the Amended With-Action Condition RWCDS with regard to floor area, front or side yards, or initial setback. The Amended With-Action Condition RWCDS would increase the height of Projected Development Site 13 an additional 56 feet beyond that projected with the Proposed Action and an additional 14 feet above the Proposed Action for Projected Development Site 15.

While both Projected Development Sites 13 and 15 are located on corner lots within the East Midtown grid street system, and therefore have a relatively high visibility, the proposed increase of 56 and 14 feet respectively on sites 13 and 15 would represent a marginal increase (6.8 percent and a 2.0 percent in height, respectively). Furthermore, while Site 15 is located in close proximity to two visual resources (Daily News Building and the Ford Foundation Building), the marginal additional building height that would result in the Amended With-Action Condition would have a negligible effect on the identified surrounding visual resources; existing sightlines from the street-level pedestrian perspective would be maintained as compared to the Proposed Action. While specific building plans have not yet been developed for these two sites, the Transit Easement Volume Ancillary Facility text amendment would not preclude the development of active street frontage along their respective frontages at Third and Second Avenues. This would be consistent with the active ground-level frontage character avenue buildings within Greater East Midtown. As shown on Figure 25-3, the projected additional building



No-Action View



With-Action View



height would not impede views of the Chrysler Building, as the proposed Transit Easement Volume Ancillary Facility would not be expected to alter the overall building footprint, yards, streetwalls, or base heights.

As such, like with the Proposed Action, there would be no significant adverse impact on urban design with respect to streets, buildings, open spaces, or visual resources resulting from the Amended With-Action Condition, where the transit ancillary easement is established in a TA Subdistrict.

## 7. Hazardous Materials

The Proposed Action (refer to Chapter 8, “Hazardous Materials”) would require the placement of an (E) Designation for each of the Projected and Potential Sites associated with the RWCDs, and did not result in significant adverse hazardous materials impacts. The Amended Application’s Qualifying Site Modification could result in two added development sites that would not occur under the Proposed Action, and is discussed below.

A supplemental hazardous materials analysis, consistent with the methodology set forth in Chapter 8 of the FEIS, “Hazardous Materials,” was performed on Projected Site 17 and Potential Site P for the Amended With-Action Condition. As with sites in the Proposed Action’s RWCDs, the Amended With-Action Condition would result in the placement of a hazardous materials (E) Designation for each of the relevant parcels associated with Projected Site 17 and Potential Site P (see Table 25.5).

**Table 25.5: Summary of Environmental Issues for Projected and Potential Development Sites**

Site #	Site Address	Block	Lot	Preliminary Screening	Hazardous Materials Conditions	Recommended for (E) Designation?
<b>Projected Development Sites</b>						
Projected Site 17	5 East 51st Street 7 East 51st Street 16 East 52nd Street 14 East 52nd Street 12 East 52nd Street 10 East 52nd Street	1287	8, 9, 58, 61, 62, 63	VOCs, SVOCs, PCBs, Metals	Former laboratory, dentist, physician, silversmith, photo developer, photo studio and jeweler. Current and former hazardous waste generators and leaking tanks. Adjacent and upgradient hazardous waste generators, petroleum spills and petroleum storage tanks.	Yes
<b>Potential Development Sites</b>						
Potential Site P	15 East 47th Street 17 East 47th Street 15 East 47th Street 21 East 47th Street 18 East 48th Street	1283	12, 13, 14, 15, 58	VOCs, SVOCs, PCBs, Metals	Former jeweler, physician, dentist, photo developer, silversmith, and porcelain laboratory. On-site petroleum spills and former hazardous waste generator. Adjacent hazardous waste generators, petroleum spills, leaking tanks and petroleum storage tanks. Upgradient drycleaners, petroleum spills and leaking tanks.	Yes

As compared with the Proposed Action, there would be no new or different significant adverse impacts with respect to hazardous materials as a result of the Amended With-Action Condition.

## 8. Water and Sewer Infrastructure

As reported in FEIS Chapter 9, “Water and Sewer Infrastructure,” significant adverse impacts to water and sewer usage and supply would not occur with the Proposed Action, and as demonstrated below, no significant adverse impacts would result with the Amended With-Action Condition.

According to MTA environmental documentation for the Second Avenue Subway, and for a proposed ventilation plant that is undergoing the SEQRA environmental review process, subways and related facilities such as those contemplated under the Amended With-Action Condition demand only negligible water and sewer service. Therefore, the following discussion focuses on the potential changes in demand and generation that would result in the Amended With-Action condition for the Qualifying Site Modification.

### *Water Supply*

The incremental increase in water consumption generated by the Amended With-Action Condition over the Proposed Action would be approximately 11,323 gallons per day (gpd). This incremental volume represents an approximately 0.8 percent increase over the Proposed Action RWCDs incremental increase of 1.39 million gallons per day (mgd). As the incremental increase in water demand in the RWCDs and the added Amended With-Action Condition would represent less than 0.0003 percent of the City’s overall water supply, there would be adequate water service to meet the demand. Therefore, there would be no significant adverse impacts on the City’s water supply.

### *Wastewater Treatment*

The Amended With-Action Condition would result in an incremental decrease in sanitary flows of 25,524 gpd when compared with the Proposed Action, which would generate an increment in sanitary flows of 385,403 gpd. Like the Proposed Action, under the Amended With-Action Condition, wastewater from the study area would be treated by the Newtown Creek WWTP, which has a State Pollution Discharge Elimination System (SPDES)-permitted capacity of 310 mgd. As described in Chapter 9 of the FEIS, the Newtown Creek WWTP would continue to have ample reserve capacity for the anticipated new demand generated by the Amended With-Action Condition. The Amended With-Action Condition would not result in any significantly new or different impacts than those disclosed for the Proposed Action.

### *Stormwater and Drainage Management*

Under the Amended With-Action Condition, stormwater runoff and sanitary sewage would continue to discharge to the Newtown Creek WWTP via subcatchment areas NCM-017, NCM-036, and NCM-037. Although the Amended With-Action Condition includes the addition of Projected Development Site 17, which is located within subcatchment area NCM-036, it is not anticipated that the Amended With-Action Condition would result in any change to impervious surfaces and therefore would not result in an increase in stormwater runoff. With a reduction in sanitary flows and the implementation of best management practices (BMPs) on Projected Development Site 17 in accordance with NYCDEP’s new stormwater management requirements, it is anticipated that the Amended With-Action Condition would result in a reduction in total flows to the Newtown Creek WWTP, as compared to the Proposed Action. Therefore, like the Proposed Action, it is concluded that the Amended With-Action Condition

would not result in significant adverse impacts on stormwater conveyance and treatment infrastructure.

## 9. Solid Waste and Sanitation Services

As reported in FEIS Chapter 10, "Solid Waste and Sanitation Services," the Proposed Action would not result in significant adverse impacts to solid waste and sanitation services. As demonstrated in the following analysis, the Amended With-Action Condition would also not result in significant adverse impacts with respect to these services.

As with water and sewer service above, the ancillary transportation facilities that would be accommodated under the Amended Application amendment would not include facilities for MTA employees. Therefore no changes to solid waste demand or disposal would result from that element of the Amended With-Action Condition, and the following discussion focuses on the potential changes in demand and generation that would result in the Amended With-Action Condition for the Qualifying Site Modification.

Under this Amended With-Action Condition, a net increment of 167.5 tons of solid waste would be generated, compared to the Proposed Action increment of 169.1 tons per week. This incremental solid waste generation represents a one percent decrease from the additional solid waste generated by the Proposed Action. In addition, since the Amended With-Action Condition would result in a larger negative increment in residential floor area, the net decrease in solid waste handled by the New York City Department of Sanitation (DSNY) would be greater under the Amended With-Action Condition (an increment of -6.8 tons per week compared to the Proposed Action's increment of -0.9 tons per week). As with the Proposed Action, the incremental increase in total solid waste generation would be a minimal addition to the City's solid waste stream, representing 0.05 percent of current waste generation, and there would still be a net reduction in residential solid waste, beneficial to DSNY's waste management capacity. As such, the Amended With-Action Condition would not result in any new or different significant adverse impacts to solid waste and sanitation services. Therefore, like the Proposed Action, there would be no significant adverse impacts to sanitation services.

## 10. Energy

As reported in FEIS Chapter 11, "Energy," the Proposed Action would not result in a significant adverse impact on energy systems. As shown in the following analysis, the Amended With-Action Condition would also not result in significant adverse impacts with respect to these services.

As described in detail above, the potential transit easement volumes under the Amended Application would not impact building programming, and any ancillary transportation facilities are not anticipated to generate a significant energy demand. Therefore, the following discussion focuses on potential changes in energy demand that would result in the Amended With-Action condition for the Qualifying Site Modification.

Development under the Amended With-Action Condition would result in a minimal increase in incremental energy demand compared to the Proposed Action analyzed in the FEIS. This incremental increase in demand would not result in a significant adverse impact on energy systems.

The Amended With-Action Condition would result in an additional 1,284,490 million Btu annually, whereas the Proposed Action would result in an additional 1,267,573 million Btu annually (an increase of approximately 1.3 percent over the Proposed Action). Like the Proposed Action, the Amended With-Action Condition incremental annual energy demand would represent approximately 0.7 percent of the City's forecasted future annual energy demand. Therefore, the addition of the Amended Application to the Proposed Action would not result in significantly adverse energy impacts.

## 11. Transportation

The Proposed Action would result in significant adverse impacts with respect to traffic, subway stations, and pedestrians. The Amended With-Action Condition is not expected to result in any significantly new or different impacts than the Proposed Action for these analysis areas.

### Qualifying Site Modification

Compared with the total trip generation associated with the Proposed Action RWCDs, the Amended With-Action Condition would result in increases in the number of vehicles, transit trips, and pedestrian trips during the weekday AM, Midday, and PM peak hours. There would also be an increase in parking demand within the rezoning area during the weekday Midday peak period.

As shown in Table 25.6, the combined net increment associated with the Amended With-Action Condition as compared with the Proposed Action is a net decrease of 284 residential dwelling units, a net increase of 231,334 gsf of office uses, and a net decrease of 14,588 gsf of local retail uses. Travel demand forecasts were prepared for the Amended With-Action Condition based on the transportation planning factors summarized in Chapter 12 of the FEIS, "Transportation," and Table 25.6 presents a comparison of the total peak hour person trips that would be generated by the Amended With-Action Condition and the Proposed Action during the weekday AM, Midday, and PM peak hours. As shown in the table, the Amended With-Action Condition would result in 203, 81, and 101 additional person trips during the weekday AM, Midday and PM peak hours, respectively—which represent up to an approximate one percent increase compared to the Proposed Action. Table 25.7 presents a similar comparison of the total peak hour vehicle trips and shows that the Amended With-Action Condition would result in 33, 1, and 22 additional vehicle trips during the weekday AM, Midday, and PM peak hours, respectively.

**Table 25.6: Net Difference in Person Trips between the Amended With-Action Condition and the Proposed Action**

Development Scenario	Auto		Taxi		Bus		Subway		Railroad		Walk/Other		Total		
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
<b>AM Peak Hour</b>															
Amended With-Action	1,051	-15	251	-92	2,094	66	6,746	107	2,718	107	1,086	-201	13,946	-28	13,918
Proposed Action	1,018	1	243	-84	2,028	80	6,527	156	2,627	109	1,093	-83	13,536	179	13,715
<b>Difference</b>	<b>33</b>	<b>-16</b>	<b>8</b>	<b>-8</b>	<b>66</b>	<b>-14</b>	<b>219</b>	<b>-49</b>	<b>91</b>	<b>-2</b>	<b>-7</b>	<b>-118</b>	<b>410</b>	<b>-207</b>	<b>203</b>
<b>Midday Peak Hour</b>															
Amended With-Action	141	160	162	202	561	604	497	547	-1	-1	7,467	8,121	8,827	9,633	18,460
Proposed Action	145	163	162	201	561	602	509	557	1	1	7,422	8,055	8,800	9,579	18,379
<b>Difference</b>	<b>-4</b>	<b>-3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>-12</b>	<b>-10</b>	<b>-2</b>	<b>-2</b>	<b>45</b>	<b>66</b>	<b>27</b>	<b>54</b>	<b>81</b>
<b>PM Peak Hour</b>															
Amended With-Action	-11	1,217	-144	283	124	2,435	207	7,808	167	3,136	-69	1,448	274	16,327	16,601
Proposed Action	4	1,184	-134	277	141	2,366	252	7,570	167	3,032	107	1,534	537	15,963	16,500
<b>Difference</b>	<b>-15</b>	<b>33</b>	<b>-10</b>	<b>6</b>	<b>-17</b>	<b>69</b>	<b>-45</b>	<b>238</b>	<b>0</b>	<b>104</b>	<b>-176</b>	<b>-86</b>	<b>-263</b>	<b>364</b>	<b>101</b>

**Table 25.7: Net Difference in Vehicle Trips between the Amended With-Action Condition and the Proposed Action**

Development Scenario	Auto		Taxi		Truck		Total		
	In	Out	In	Out	In	Out	In	Out	Total
<b>AM Peak Hour</b>									
Amended With-Action	912	-11	189	189	102	102	1,203	280	1,483
Proposed Action	883	3	183	183	99	99	1,165	285	1,450
<b>Difference</b>	<b>29</b>	<b>-14</b>	<b>6</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>38</b>	<b>-5</b>	<b>33</b>
<b>Midday Peak Hour</b>									
Amended With-Action	123	137	188	188	114	114	425	439	864
Proposed Action	123	138	190	190	111	111	424	439	863
<b>Difference</b>	<b>0</b>	<b>-1</b>	<b>-2</b>	<b>-2</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>PM Peak Hour</b>									
Amended With-Action	-6	1,054	204	204	23	23	221	1,281	1,502
Proposed Action	6	1,024	202	202	23	23	231	1,249	1,480
<b>Difference</b>	<b>-12</b>	<b>30</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>-10</b>	<b>32</b>	<b>22</b>

## Traffic

As the Amended With-Action Condition would generate additional vehicle trips compared to the Proposed Action, a level of service analysis was conducted at all study area intersections to determine if there would be additional intersections with significant impacts under the Amended With-Action Condition.

As described in FEIS Chapter 12, "Transportation," the New York City Department of Transportation (DOT) has prepared a suite of conceptual options for above-grade public realm improvements that could be implemented within the Greater East Midtown area and financed through the public realm improvement fund. The Concept Plan of improvements include pedestrian plazas, shared streets, widening of the Park Avenue median, bus bulbs, curb extensions and sidewalk widenings, and turn bays. The traffic analysis is presented first as the future with the Amended Action without above-grade public realm improvements described in the Concept Plan (Amended Action Without PRI) and then as the future with the Amended Action with above-grade public realm improvements described in the Concept Plan (Amended Action With PRI).

### *Amended Action Without PRI*

Table 25.8 presents a comparison of the number of approach movements and intersections that would have significant adverse impacts for the Amended Action Without PRI Condition and Proposed Action Without PRI Condition; Table 25.9 presents a summary of intersections and approach movements that would have differences in significant adverse traffic impacts. The results of the analysis are summarized below:

- For the weekday AM peak hour, the same intersections that would be impacted under the Proposed Action Without PRI Condition would also be impacted under the Amended Action Without PRI Condition. There would be a total of 194 impacted approach movements under the Amended Action Without PRI Condition, compared to 190 under the Proposed Action Without PRI Condition. New impacted approach movements would occur at the intersections of Second Avenue at East 60th Street, Park Avenue at East 51st Street, Park Avenue at East 55th Street, and Madison Avenue at East 48th Street under the Amended Action Without PRI Condition.
- For the weekday Midday peak hour, the same intersections that would be impacted under the Proposed Action Without PRI Condition would also be impacted under the Amended Action Without PRI Condition. There would be a total of 176 impacted approach movements under the Amended Action Without PRI Condition, compared to 179 under the Proposed Action Without PRI Condition. A new impacted approach movement would occur at the intersections of Second Avenue and East 59th Street and Park Avenue and East 57th Street under the Amended Action Without PRI Condition. Additionally, there would be approach movements that would not be impacted under the Amended Action Without PRI Condition at the intersections of Lexington Avenue at East 46th Street, Lexington Avenue at East 51st Street, Park Avenue at East 55th Street, and Madison Avenue at East 42nd Street.
- For the weekday PM peak hour, the same intersections that would be impacted under the Proposed Action Without PRI Condition would also be impacted under the Amended Action Without PRI Condition. There would be a total of 202 impacted approach movements under the Amended Action Without PRI Condition, compared to 201 under the Proposed Action

Without PRI Condition. New impacted approach movements would occur at the intersections of First Avenue and East 42nd Street, Third Avenue and East 50th Street, Fifth Avenue and East 39th Street, Fifth Avenue and East 39th Street, and Fifth Avenue and East 54th Street. Additionally, there would be approach movements that would not be impacted under Amended Action Without PRI Condition at the intersections of Lexington Avenue at East 42nd Street, Lexington Avenue at East 55th Street, and Park Avenue at East 47th Street.

**Table 25.8: Number of Intersections and Approaches with Significant Adverse Traffic Impacts – Comparison of Amended Action Without PRI Condition and Proposed Action Without PRI Condition**

Peak Hour	Development Scenario	Movements / Intersections Analyzed	Movements / Intersections with No Significant Impacts	Movements / Intersections with Significant Impacts
AM	Amended Action Without PRI	454/119	260/18	194/101
	Proposed Action Without PRI	454/119	264/18	190/101
Midday	Amended Action Without PRI	436/119	260/18	176/101
	Proposed Action Without PRI	436/119	257/18	179/101
PM	Amended Action Without PRI	442/119	240/13	202/106
	Proposed Action Without PRI	442/119	241/13	201/106

**Table 25.9: Summary of Locations with Different Significant Adverse Traffic Impacts – Comparison of Amended Action Without PRI Condition and Proposed Action Without PRI Condition**

Intersection	AM Peak Hour		Midday Peak Hour		PM Peak Hour	
	Amended Action Without PRI	Proposed Action Without PRI	Amended Action Without PRI	Proposed Action Without PRI	Amended Action Without PRI	Proposed Action Without PRI
1st Ave. @ E. 42nd St.					WB-R (East), NB-LT (East), NB-R (East), NB-L (West)	NB-LT (East), NB-R (East), NB-L (West)
2nd Ave. @ E. 59th St.			EB-L, EB-TR, SB-LT	EB-L, SB-LT		
2nd Ave. @ E. 60th St.	WB-L (Bridge Exit), WB-T (Bridge Exit)	WB-L (Bridge Exit)				
3rd Ave. @ E. 50th St.					EB-T, NB-T	NB-T
Lexington Ave. @ E. 42nd St.					WB-LT, SB-L, SB-R	EB-T, WB-LT, SB-L, SB-R
Lexington Ave. @ E. 46th St.			EB-T	EB-T, SB-LT		
Lexington Ave. @ E. 51st St.			SB-T, SB-R	WB-L, SB-T, SB-R		
Lexington Ave. @ E. 55th St.					SB-T	WB-L, SB-T
Park Ave. @ E. 47th St.					WB-T (East), WB-LT (West), SB-TR	WB-T (East), NB-L, WB-LT (West), SB-TR
Park Ave. @ E. 51st St.	WB-R (East), SB-R	SB-R				
Park Ave. @ E. 55th St.	WB-TR (East), NB-L, SB-T	NB-L, SB-T	WB-TR (East), NB-T	WB-TR (East), NB-L, NB-T, WB-LT (West)		
Park Ave. @ E. 57th St.			EB-T (West), EB-R (West), EB-LT (East)	EB-T (West), EB-LT (East)		
Madison Ave. @ E. 42nd St.			EB-LT, WB-T, NB-LT	EB-LT, WB-T, NB-LT, NB-R		
Madison Ave. @ E. 48th St.	EB-L, NB-T	NB-T				
5th Ave. @ 39th St.					SB-T, SB-R	SB-T
5th Ave. @ 54th St.					EB-TR, SB-LT	SB-LT

**Notes:**  
 NB = Northbound; SB = Southbound; EB = Eastbound; WB = Westbound; L = Left-Turn; T = Through; R = Right-Turn

Projected AM, Midday, and PM peak hour traffic volumes for the Amended Action Without PRI Condition are provided in Appendix L.6. The results of the traffic analysis for the Amended Action Without PRI Condition are summarized in Appendix L.7. Section D discusses standard traffic engineering measures that could mitigate many of these significant adverse impacts. As noted for the Proposed Action, the City has committed to conduct a TMP, which would also be implemented under the Amended Action without PRI Condition.

*Amended Action With PRI*

As discussed previously, DOT has prepared a suite of conceptual options for above-grade public realm improvements that could be implemented within the Greater East Midtown area, financed through the public realm improvement fund and managed by a governing group. A level-of-service analysis was conducted at all study area intersections to determine if there would be changes to significant adverse impacts under the Amended Action With PRI Condition.

Table 25.10 presents a comparison of the number of approach movements and intersections that would have significant adverse impacts for the Amended Action Without PRI and Amended Action With PRI Conditions; Table 25.11 presents a summary of intersections and approach movements that would have differences in significant adverse traffic impacts. The results of these analyses are summarized below:

- For the weekday AM peak hour, 203 approach movements at 103 intersections would be impacted under the Amended Action With PRI Condition (compared to 194 approach movements at 101 intersections under the Amended Action Without PRI Condition). The Amended Action With PRI Condition would have significant impacts at four intersections (Tunnel Exit Street at East 40th Street, Third Avenue at East 46th Street, Lexington Avenue at East 45th Street, and Madison Avenue at East 46th Street) that were not affected in the Amended Action Without PRI Condition. The Amended Action With PRI Condition would not have significant impacts at two intersections (Lexington Avenue at East 46th Street, Lexington Avenue at East 52nd Street) that were affected in the Amended Action Without PRI Condition.
- For the weekday Midday peak hour, 178 approach movements at 97 intersections would be impacted under the Amended Action With PRI Condition (compared to 176 approach movements at 101 intersections under the Amended Action Without PRI Condition). The Amended Action With PRI Condition would have significant impacts at two intersections (Third Avenue at East 43rd Street and Lexington Avenue at East 55th Street) that were not affected in the Amended Action Without PRI Condition. The Amended Action With PRI Condition would not have significant impacts at six intersections (Tunnel Exit Street at East 40th Street, Third Avenue at East 45th Street, Third Avenue at East 49th Street, Lexington Avenue at East 38th Street, Lexington Avenue at East 40th Street, and Lexington Avenue at East 50th Street) that were affected in the Amended Action Without PRI Condition.
- For the weekday PM peak hour, 211 approach movements at 107 intersections would be impacted under the Amended Action With PRI Condition (compared to 202 approach movements at 106 intersections under the Amended Action Without PRI Condition). The Amended Action With PRI Condition would have significant impacts at four intersections (Third Avenue at East 38th Street, Third Avenue at East 43rd Street, Park Avenue at East 51st Street, and Park Avenue at East 54th Street) that were not affected in the Amended Action Without PRI Condition. The Amended Action With PRI Condition would not have significant impacts at three intersections (Third Avenue at East 49th Street, Lexington Avenue at East 45th Street, and Lexington Avenue at East 54th Street) that were affected in the Amended Action Without PRI Condition.

**Table 25.10: Number of Intersections and Approaches with Significant Adverse Traffic Impacts – Comparison of Amended Action With PRI Condition and Amended Action Without PRI Condition**

Peak Hour	Development Scenario	Movements / Intersections Analyzed	Movements / Intersections with No Significant Impacts	Movements / Intersections with Significant Impacts
AM	Amended Action With PRI	474/119	271/16	203/103
	Amended Action Without PRI	454/119	260/18	194/101
Midday	Amended Action With PRI	460/119	282/22	178/97
	Amended Action Without PRI	436/119	260/18	176/101
PM	Amended Action With PRI	466/119	255/12	211/107
	Amended Action Without PRI	442/119	240/13	202/106

**Table 25.11: Summary of Locations with Different Significant Adverse Traffic Impacts – Comparison of Amended Action With PRI Condition and Amended Action Without PRI Condition**

Intersection	AM Peak Hour		Midday Peak Hour		PM Peak Hour	
	Amended Action With PRI	Amended Action Without PRI	Amended Action With PRI	Amended Action Without PRI	Amended Action With PRI	Amended Action Without PRI
2nd Ave. @ E. 51st St.	SB-T, WB-LT	SB-T				
Tunnel Exit St. @ E. 40th St.	EB-LT			EB-LT		
3rd Ave. @ E. 38th St.					EB-LT	
3rd Ave. @ E. 39th St.					WB-T, NB-LT	WB-T
3rd Ave. @ E. 40th St.			NB-T	NB-T, NB-R	NB-T	EB-LT, NB-T
3rd Ave. @ E. 41st St.	NB-T	EB-LT, WB-R, NB-T	WB-R	EB-L, WB-R	WB-R, NB-T	EB-LT, WB-R, NB-T
3rd Ave. @ E. 42nd St.	EB-L, WB-R	EB-L, WB-R, NB-LT	EB-T, WB-R	EB-T, WB-R, NB-LT		
3rd Ave. @ E. 43rd St.	WB-TR, NB-LT	NB-LT	NB-LT		NB-LT	
3rd Ave. @ E. 45th St.	WB-R	WB-T, NB-LT		NB-LT	WB-R	NB-LT
3rd Ave. @ E. 46th St.	EB-L, NB-T					
3rd Ave. @ E. 47th St.	WB-T	WB-T, NB-LT				
3rd Ave. @ E. 49th St.	WB-T	WB-T, NB-LT		NB-LT		NB-LT
3rd Ave. @ E. 50th St.					NB-T	EB-T, NB-T
3rd Ave. @ E. 54th St.					EB-L, NB-T	NB-T
3rd Ave. @ E. 55th St.	WB-T, WB-R	WB-T, WB-R, NB-LT	WB-R	WB-R, NB-LT	WB-T, WB-R	WB-T, WB-R, NB-LT
Lexington Ave. @ E. 38th St.				EB-R	EB-T, EB-R	EB-R

**Table 25.11: Summary of Locations with Different Significant Adverse Traffic Impacts – Comparison of Amended Action With PRI Condition and Amended Action Without PRI Condition (Continued)**

Intersection	AM Peak Hour		Midday Peak Hour		PM Peak Hour	
	Amended Action With PRI	Amended Action Without PRI	Amended Action With PRI	Amended Action Without PRI	Amended Action With PRI	Amended Action Without PRI
Lexington Ave. @ E. 39th St.	WB-L, WB-T, SB-T, SB-R	WB-L, WB-T, SB-T				
Lexington Ave. @ E. 40th St.	EB-T, EB-R	EB-T, SB-LT		SB-LT	EB-T, EB-R	EB-R, SB-LT
Lexington Ave. @ E. 45th St.	SB-T					WB-LT
Lexington Ave. @ E. 46th St.		SB-LT			EB-T	EB-T, SB-LT
Lexington Ave. @ E. 48th St.	EB-R	EB-R, SB-LT				
Lexington Ave. @ E. 50th St.	EB-TR	EB-TR, SB-LT		SB-LT		
Lexington Ave. @ E. 51st St.						
Lexington Ave. @ E. 52nd St.		SB-LT	EB-T, EB-R	EB-T		
Lexington Ave. @ E. 53rd St.	WB-T, SB-T, SB-R	WB-T, SB-T				
Lexington Ave. @ E. 54th St.	EB-T	EB-T, SB-LT	EB-TR	EB-TR, SB-LT		SB-LT
Lexington Ave. @ E. 55th St.			WB-L, WB-T		WB-L	SB-T
Park Ave. @ E. 40th St.			EB-TR (West), SB-T, NB-TR	EB-TR (West), SB-T, EB-LT (Tunnel Exit), EB-LT (East)	EB-TR (West), SB-T, NB-TR	EB-TR (West), SB-T, EB-LT (Tunnel Exit), EB-LT (East)
Park Ave. @ E. 46th St.					EB-T (West), SB-T, EB-T (East), NB-T	EB-T (West), SB-T, EB-T (East)
Park Ave. @ E. 47th St.	WB-T (East), NB-L, NB-T, WB-LT (West), SB-TR	NB-L, WB-LT (West)			WB-T (East), NB-L, WB-LT (West)	WB-T (East), WB-LT (West), SB-TR
Park Ave. @ E. 48th St.			SB-L, SB-T, NB-TR	SB-L, SB-T	SB-L, NB-TR	SB-L
Park Ave. @ E. 50th St.			EB-LT (East), NB-TR	EB-LT (East)		
Park Ave. @ E. 51st St.	WB-R (East), NB-T, SB-T, SB-R	WB-R (East), SB-R	WB-T (East), WB-LT (West), SB-TR	WB-T (East), WB-LT (West)	SB-TR	
Park Ave. @ E. 52nd St.	SB-L, SB-T, NB-TR	SB-L, SB-T			SB-L, SB-T, EB-LT (East), NB-TR	SB-L, SB-T, EB-LT (East)
Park Ave. @ E. 53rd St.	WB-T (East), WB-R (East), NB-T, WB-LT (West), SB-TR	WB-T (East), WB-R (East), WB-LT (West)	WB-LT (West), SB-TR	WB-LT (West)	NB-T, WB-LT (West), SB-TR	NB-T, WB-LT (West)
Park Ave. @ E. 54th St.	SB-T, EB-T (East), NB-T	SB-T, EB-T (East)			NB-TR	
Park Ave. @ E. 55th St.			EB-TR (West), EB-LT (East), NB-TR	WB-TR (East), NB-T		
Park Ave. @ E. 56th St.					EB-TR (West), EB-LT (East), NB-TR	EB-TR (West), EB-LT (East)
Park Ave. @ E. 57th St.	EB-LT (East), NB-L, NB-T	EB-LT (East), NB-L	EB-T (West), EB-R (West), WB-LT (East), NB-T	EB-T (West), EB-R (West), EB-LT (East)		
Madison Ave. @ E. 40th St.	EB-L, EB-T, NB-TR	EB-L, NB-TR	EB-L, NB-TR	NB-TR		
Madison Ave. @ E. 41st St.	EB-LT, NB-TR	NB-TR	EB-LT, NB-TR	NB-TR	EB-LT, NB-TR	NB-TR
Madison Ave. @ E. 43rd St.					WB-R, NB-L, NB-T	NB-L, NB-T
Madison Ave. @ E. 46th St.	NB-R		EB-LT, NB-T, NB-R	NB-T	EB-LT, NB-T, NB-R	NB-T, NB-R
Madison Ave. @ E. 48th St.			EB-L	EB-L, NB-T		
Madison Ave. @ E. 53rd St.					WB-TR, NB-T	NB-T
5th Ave. @ 40th St.			EB-TR, SB-LT	EB-TR		
5th Ave. @ 47th St.					WB-L, SB-T, SB-R	WB-L, WB-T, SB-T, SB-R

**Notes:** NB = Northbound; SB = Southbound; EB = Eastbound; WB = Westbound; L = Left-Turn; T = Through; R = Right-Turn

Projected AM, Midday, and PM peak hour traffic volumes for the Amended Action With PRI Condition are provided in Appendix L.8, which include adjustments to traffic volumes to reroute traffic using the street segments on Park Avenue converted into pedestrian plazas and traffic affected by changes to street directions on Vanderbilt Avenue. The results of the traffic analysis for the Amended Action With PRI Condition are summarized in Appendix L.9. Section D discusses standard traffic engineering measures that could mitigate many of these significant adverse impacts.

## **Transit**

### *Subway Stations*

Both the Amended With-Action Condition and the Proposed Action would include the same prioritized list of transit improvements that have been identified by MTA to address current issues that impact the area's transit network and anticipate potential needs of the area based on future development. These improvements would be funded by the public realm improvement fund or requirements for sites in proximity to the area's transit nodes to construct pre-identified improvements. This section discusses the results of the Amended Action with Station Improvements (Amended With-Action) analysis. The results of the Amended Action without Station Improvements (Amended Action Without-Improvements) are provided in Appendix L.12.

As shown in Table 25.12, the Amended With-Action Condition would generate approximately 170 additional trips by subway in the AM peak hour and approximately 193 additional trips by subway in the PM compared to the Proposed Action. Data provided by NYCT were used to assign these trips to individual subway stations and station elements (i.e., stairs, escalators, passageways, and fare control areas), also accounting for transfer trips to subways from other modes (e.g., bus trips at the Port Authority Bus Terminal and commuter rail trips at Penn Station). Table 25.12 provides a comparison of the total net incremental subway trips generated by the Amended With-Action Condition and the Proposed Action during the AM and PM peak hours at each of the subway stations and station complexes serving the rezoning area.

As shown in Table 25.12, there would be a net reduction in peak hour subway trips at the Lexington Avenue-51st/53rd Streets station complex, a net increase in peak hour subway trips at the Fifth Avenue-53rd Street station, and no changes in the amount of peak hour trips at the other subway stations. Analyzed station elements were therefore evaluated at the Lexington Avenue-51st/53rd Streets station complex and the Fifth Avenue-53rd Street station to determine whether the Amended With-Action Condition would result in any new or different significant adverse impacts than those already disclosed in the FEIS.

**Table 25.12: Net Incremental Peak Hour Subway Trips by Station or Station Complex**

Subway Station	Route(s) Served	Amended With-Action		Proposed Action		Difference	
		AM	PM	AM	PM	AM	PM
Grand Central 42nd Street	4/5/6/7/S	3,578	4,247	3,578	4,247	0	0
42nd Street Bryant Park-Fifth Ave	B/D/F/M/7	596	693	596	693	0	0
47th-50th Sts-Rockefeller Center	B/D/F/M	426	487	426	487	0	0
Lexington Avenue-51st/53rd Sts	E/M/6	3,040	3,513	3,087	3,579	-47	-66
Fifth Avenue-53rd Street	E/M	285	384	90	107	195	277
57th Street	F	0	0	0	0	0	0
Lexington Avenue-59th Street	4/5/6/N/R/W	193	238	193	238	0	0
Fifth Avenue-59th Street	N/R/W	0	0	0	0	0	0
<b>TOTAL</b>		<b>8,118</b>	<b>9,562</b>	<b>7,970</b>	<b>9,351</b>	<b>148</b>	<b>211</b>

The results of the analysis show that the same analyzed station elements that had significantly adverse impacts at the Lexington Avenue-53rd Street subway station under the Proposed Action would also be impacted under the Amended With-Action Condition. The Amended With-Action Condition would not result in any significant impacts to the Fifth Avenue-53rd Street station, as trips associated with Projected Development Site 17 would be expected to use the new street entrance on the west side of Madison Avenue at East 53rd Street that would be implemented as part of the Amended With-Action Condition and funded by the public realm improvement fund. Overall, the significant impacts to all subway stations in the Amended With-Action Condition would be the same as the impacts identified for the Proposed Action. The results of the subway station analysis for the Amended With-Action Condition are summarized in Appendix L.11. Section D addresses practicable measures to address the impacts at the Lexington Avenue-53rd Street station.

#### *Subway Line Haul*

As in the Proposed Action, the Amended With-Action Condition would not result in a significant adverse impact to subway line haul. Subway line haul is typically measured at the maximum load point on each route (the point where the trains carry the greatest number of passengers during the peak hour). Under both the Proposed Action and the Amended With-Action Condition, all subway routes that are projected to exceed guideline capacity in the future are expected to experience fewer than five incremental trips per car in each direction in each peak hour. Therefore significant adverse impacts to subway line haul conditions are not anticipated based on *CEQR Technical Manual* criteria.

#### *Bus*

Under the Proposed Action, detailed analyses of local bus and express bus conditions were not required because no bus route was expected to experience 50 or more project-generated trips in any one peak hour. As shown in Table 25.6, the Amended With-Action Condition would generate a total of 52 additional trips by bus in both the weekday AM and PM peak hours compared to the Proposed Action. Of these, approximately 11 are expected to occur on local bus routes, 17 are expected to occur on express bus routes, and 24 are expected to occur at the Port Authority Bus Terminal.

Local bus trips generated by the Amended With-Action Condition were assigned to each route based on proximity to individual Projected Development Sites and current ridership patterns. Table 25.13

shows the anticipated numbers of new riders on each local bus route in the AM and PM peak hours. According to the general thresholds used by the MTA and specified in the *CEQR Technical Manual*, a detailed analysis of bus conditions is generally not required if a proposed action is projected to result in fewer than 50 peak hour trips being assigned to a single bus route (in one direction), as this level of new demand is considered unlikely to result in significant adverse transit impacts. As shown in Table 25.13, of the 16 NYCT local bus routes operating in proximity to the rezoning area, one bus route—the M1—is expected to experience 50 or more new trips on one direction in one or both peak hours and is therefore analyzed.

**Table 25.13: Net Incremental Peak Hour Local Bus Trips by Route**

Bus Route	Direction	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
M1	NB	7	2	8	7	50	57
	SB	51	5	57	4	10	14
M2	NB	12	3	15	2	21	23
	SB	25	1	26	4	10	14
M3	NB	7	2	10	2	23	25
	SB	15	1	15	4	11	15
M4	NB	9	2	11	6	43	48
	SB	39	4	42	4	11	16
M5	NB	7	3	10	1	11	12
	SB	15	1	16	2	5	7
M7	NB	4	2	6	2	16	18
	SB	8	1	9	3	8	11
M15	NB	4	2	6	2	12	14
	SB	9	1	10	4	6	10
M15 SBS	NB	16	7	23	3	20	23
	SB	34	3	37	7	9	16
M31	EB	2	1	3	1	6	7
	WB	6	0	6	1	2	4
M42	EB	14	8	22	3	32	35
	WB	35	3	38	9	13	22
M50	EB	3	1	3	1	7	8
	WB	6	0	7	2	3	5
M57	EB	1	0	1	0	5	5
	WB	2	0	2	1	2	3
M101	NB	13	4	17	6	47	53
	SB	27	2	29	13	22	36
M102	NB	8	2	10	4	31	35
	SB	17	1	18	9	15	23
M103	NB	7	2	10	3	25	29
	SB	15	1	16	7	12	19
Q32	EB	5	1	6	1	11	11
	WB	13	0	14	2	4	7

**Note:** Shading denotes greater than 50 incremental trips in one direction.

The numbers of new trips using express bus services are expected to be higher than those using local services—totaling approximately 698 and 812 in the weekday AM and PM peak hours, respectively—and these trips would be distributed among a total of 65 express routes operated by MTA-NYCT, MTA Bus, North Fork Express, Bee-Line Bus, and Monsey Trails. Table 25.14 shows the numbers of rezoning area express bus routes by borough/county served and the estimated distribution of new incremental demand based on 2006-2010 American Community Survey reverse journey-to-work data. Express bus trips would be widely distributed among the 65 express bus routes and it is, therefore, unlikely that any one express bus route would experience 50 or more new trips in one direction in any one peak hour. Consequently, the Amended With-Action Condition is not expected to result in any significant adverse impacts to express bus services based on *CEQR Technical Manual* criteria, and a detailed analysis of express bus conditions is not warranted.

**Table 25.14: Number of Rezoning Area Express Bus Routes and Estimated Distribution of Net Incremental Peak Hour Express Bus Trips by Borough/County**

Borough/County Served	Number of Express Bus Routes	Percentage Distribution	Estimated Project Increment Trips	
			AM Peak Hour	PM Peak Hour
Bronx	11	16.4	114	133
Brooklyn	9	14.9	104	121
Queens	26	33.3	233	271
Staten Island	16	28.1	197	229
Long Island	1	2.7	18	21
Westchester	1	4.6	32	37
Rockland <sup>1</sup>	1	-	-	-
<b>TOTAL</b>	<b>65</b>	<b>100</b>	<b>698</b>	<b>812</b>

**Source:** U.S. Census Bureau, American Community Survey 2006-2010 Five-Year Estimates. Special Tabulation: Census Transportation Planning  
**Note:**  
<sup>1</sup> As most express bus trips from Rockland County use the Port Authority Bus Terminal, the percentage of trips stopping within the rezoning area is small and not included in this table.

Table 25.15 shows the existing number of buses and ridership at the maximum load point in each direction for the M1 bus route in the AM and PM peak hours. As shown in Table 25.15, the M1 bus route operates with available capacity at its maximum load points in the AM and PM peak hours. The average number of passengers per bus ranges from 18 in the northbound direction in the AM peak hour to 46 on the southbound limited-stop service in the AM peak hour.

**Table 25.15: Existing Local Bus Analysis**

Peak Hour <sup>1</sup>	Route	Peak Direction	Maximum Load Point	Peak Hour Buses <sup>2</sup>	Peak Hour Passengers <sup>2</sup>	Average Passengers/Bus	Available Capacity <sup>3</sup>
AM	M1	NB	Madison Ave & E 28 St	7	128	18	250
		SB	5 Ave & E 78 St	7	207	30	171
		SB LTD	5 Ave & E 78 St	8	367	46	65
PM	M1	NB	Madison Ave & E 69 St	7	258	37	120
		SB	5 Ave & E 62 St	12	401	33	247
		NB LTD	Madison Ave & E 72 St	6	220	37	104

**Notes:**  
<sup>1</sup> Peak hours: weekday 8:00-9:00 AM and 5:00-6:00 PM.  
<sup>2</sup> Based on most currently available data from MTA NYCT from 2016.  
<sup>3</sup> Available capacity based on MTA NYCT loading guidelines of 54 passengers per standard bus unless otherwise noted.

Demand on the local bus services operating in the vicinity of the rezoning area is expected to increase during the 2016 through 2036 period as a result of background growth as well as demand from new development, including projected development sites pursuant to existing zoning and other No-Action development projects in East Midtown that are summarized in Table 12.18 of Chapter 12, “Transportation.” It should be noted that improvements to the dedicated bus lane along Fifth Avenue, which will include an expansion of the number of bus lanes from one to two along the west side of Fifth Avenue between 60th Street and 28th Street, are planned by DOT. These bus lanes would be in effect during the AM, Midday, and PM peak hours. The analysis of No-Action local bus conditions also takes a conservative approach with regard to the Second Avenue Subway (Phase 1) and does not provide for any reductions in bus ridership due to a potential modal shift.

Table 25.16 shows the estimated 2036 No-Action ridership at the maximum load point in each direction for the M1 bus route in the AM and PM peak hours. As shown in Table 25.16, current service levels on the M1 bus route will be sufficient to provide adequate capacity to meet the projected demand in the 2036 No-Action condition.

**Table 25.16: No-Action Local Bus Analysis**

Peak Hour <sup>1</sup>	Route	Peak Direction	Maximum Load Point	2036 Peak Hour Passengers <sup>2</sup>	No-Action Conditions with Current Service Levels		
					Peak Hour Buses <sup>3</sup>	Average Passengers/Bus	Available Capacity <sup>4</sup>
AM	M1	NB	Madison Ave & E 28 St	138	7	20	240
		SB	5 Ave & E 78 St	219	7	31	159
		SB LTD	5 Ave & E 78 St	394	8	49	38
PM	M1	NB	Madison Ave & E 69 St	276	7	39	102
		SB	5 Ave & E 62 St	426	12	36	222
		NB LTD	Madison Ave & E 72 St	239	6	40	85

**Notes:**  
<sup>1</sup> Peak hours: weekday 8:00-9:00 AM and 5:00-6:00 PM.  
<sup>2</sup> Assumes 0.25% percent per year background growth for the first 5 years and 0.125% per year background growth for subsequent years for the 2016 through 2036 period plus demand from No-Action developments expected by 2036.  
<sup>3</sup> Based on most currently available MTA NYCT ridership summaries.  
<sup>4</sup> Available capacity based on MTA NYCT loading guidelines of 54 passengers per standard bus.

As shown in Table 25.17, under the Amended With-Action Condition, demand on the M1 bus route is expected to increase by approximately 8 northbound trips, 13 southbound local-stop service trips, and 37 southbound limited-stop service trips at the maximum load points in the AM peak hour. (It should be noted that not all project-generated bus trips would pass through the maximum load point on a given route as some passengers may board after, or disembark prior to, a bus passing through its maximum load point.) Demand is expected to increase by approximately 22 northbound local-stop service trips, 30 northbound limited-stop service trips, and 13 southbound trips at the maximum load points in the PM peak hour.

**Table 25.17: Amended With-Action Condition Local Bus Analysis**

Route	Peak Direction	Maximum Load Point	Peak Hour Buses <sup>2</sup>	No-Action Available Capacity <sup>3</sup>	Project Increment	Available Capacity with Amended With-Action <sup>3</sup>
M1	NB	Madison Ave & E 28 St	7	240	8	232
	SB	5 Ave & E 78 St	7	159	13	146
	SB LTD	5 Ave & E 78 St	8	38	37	1
M1	NB	Madison Ave & E 69 St	7	102	22	80
	SB	5 Ave & E 62 St	12	222	13	209
	NB LTD	Madison Ave & E 72 St	6	85	30	55

**Notes:**  
<sup>1</sup> Peak hours: weekday 8:00-9:00 AM and 5:00-6:00 PM.  
<sup>2</sup> Based on most currently available MTA NYCT ridership summaries.  
<sup>3</sup> Available capacity based on MTA NYCT loading guidelines of 54 passengers per standard bus.

As shown in Table 25.17, based on projected levels of bus service in the No-Action condition, the M1 bus route would continue to operate with available capacity in the AM and PM peak hours in the Amended With-Action Condition. According to current MTA NYCT bus operating guidelines, increases in bus load levels to above their maximum capacity at any load point is defined as a significant impact since it necessitates adding more bus service along that route. As the M1 bus route is expected to operate with available capacity through its maximum load points in the AM and PM

peak hours, no significant adverse impacts to local bus service would result in the Amended With-Action Condition.

### **Pedestrians**

Compared to the Proposed Action, the Amended With-Action Condition would generate approximately 203 additional pedestrian trips in the AM peak hour, 80 additional trips in the Midday, and 105 additional in the PM peak hour. (These would include additional walk-only trips as well as additional pedestrian trips en route to and from area transit services and parking garages.) For this reason, a level of service analysis was conducted at all analyzed pedestrian elements (sidewalks, crosswalks, and corner areas) to determine if there would be new or different impacts than those disclosed in the FEIS. As the Amended With-Action Condition would also have new project-generated pedestrian trips in the vicinity of the Projected Development Site 17, the pedestrian study area was expanded to three additional pedestrian elements where new pedestrian demand from Projected Development Site 17 is expected to be most concentrated. The three pedestrian elements added to the analysis for the Amended With-Action Condition include:

- South sidewalk of East 52nd Street between Fifth and Madison Avenues
- North sidewalk of East 51st Street between Fifth and Madison Avenues
- Northwest corner at the intersection of Madison Avenue and East 51st Street

As described in Chapter 1, “Project Description,” DOT has prepared a suite of conceptual options for above-grade public realm improvements that could be implemented within the Greater East Midtown area and financed through the public realm improvement fund. The Concept Plan of improvements include pedestrian plazas, shared streets, widening of the Park Avenue median, bus bulbs, curb extensions and sidewalk widenings, and turn bays. The pedestrian analysis is presented first as the future with the Amended Action without above-grade public realm improvements described in the Concept Plan (Amended Action Without PRI) and then as the future with the Amended Action with above-grade public realm improvements described in the Concept Plan (Amended Action With PRI).

#### *Amended Action Without PRI*

Table 25.18 presents a comparison of the number of sidewalks, crosswalks, and corner areas that would have significant impacts for the Amended Action Without PRI Condition and the Proposed Action Without PRI Condition. As shown, the Amended Action Without PRI Condition would have the same number of sidewalks and corner areas with significant impacts as the Proposed Action Without PRI Condition in each of the analyzed peak hours. During the AM peak hour, there would be a total of 23 impacted crosswalks under the Amended Action Without PRI Condition, compared to 25 under the Proposed Action Without PRI Condition; the two crosswalks that would not be impacted under the Amended Action Without PRI Condition are the east crosswalk at the intersection of Lexington Avenue and East 47th Street and the east crosswalk at the intersection of Lexington Avenue and East 49th Street. During the Midday and PM peak hours, the Amended Action Without PRI Condition would have the same number of crosswalks with significant impacts as the Proposed Action Without PRI Condition. The results of the pedestrian analyses for the Amended Action Without PRI Condition are summarized below and presented in Appendix L.13. Section D addresses practicable measures to address these impacts.

**Table 25.18: Number of Locations with Significant Adverse Pedestrian Impacts – Comparison of Amended Action Without PRI Condition and Proposed Action Without PRI Condition**

Peak Hour	Elements Analyzed		Elements with Significant Impacts	
	Amended Action Without PRI	Proposed Action Without PRI	Amended Action Without PRI	Proposed Action Without PRI
<b>Sidewalks</b>				
AM	71	69	8	8
Midday	71	69	3	3
PM	71	69	10	10
<b>Crosswalks</b>				
AM	48	48	23	25
Midday	48	48	10	10
PM	48	48	24	24
<b>Corner Areas</b>				
AM	122	121	19	19
Midday	122	121	7	7
PM	122	121	20	20

*Amended Action With PRI*

To analyze the Amended Action With PRI Condition, the sidewalk, crosswalk, and corner area geometries used for the Amended Action Without PRI Condition were modified to reflect the effects of proposed sidewalk widenings, curb extensions, bus bulbs, and other improvements. These modifications are identical to those discussed in Chapter 12, “Transportation,” and the effects of these public realm improvements are summarized in Appendix F.15.

Table 25.19 presents a comparison of the number of sidewalks, crosswalks, and corner areas that would have significant impacts for the Amended Action With PRI and Amended Action Without PRI Conditions. As shown in Table 25.19, there would no changes to the number of sidewalk elements with significant adverse impacts in the Amended Action With PRI Condition. There would be a net increase of four, two, and one crosswalks with significant adverse impacts during the weekday AM, Midday, and PM peak hours, respectively. There would also be a net decrease of twelve, five, and twelve corner areas with significant adverse impacts during the weekday AM, Midday, and PM peak hours, respectively. The results of the pedestrian analysis for the Amended Action With PRI Condition are summarized in Appendix L.14. Section D addresses practicable measures to address these impacts.

**Table 25.19: Number of Locations with Significant Adverse Pedestrian Impacts – Comparison of Amended Action With PRI Condition and Amended Action Without PRI Condition**

Peak Hour	Elements Analyzed		Elements with Significant Impacts	
	Amended Action With PRI	Amended Action Without PRI	Amended Action With PRI	Amended Action Without PRI
<b>Sidewalks</b>				
AM	71	71	8	8
Midday	71	71	3	3
PM	71	71	10	10
<b>Crosswalks</b>				
AM	48	48	27	23
Midday	48	48	12	10
PM	48	48	25	24
<b>Corner Areas</b>				
AM	122	122	7	19
Midday	122	122	2	7
PM	122	122	8	20

**Vehicular and Pedestrian Safety**

The Amended With-Action Condition would not result in a significant increase in pedestrian traffic and/or turning vehicles conflicting with pedestrians at any additional high-crash locations beyond those intersections identified under the Proposed Action.

**Parking**

The hourly net increase in parking demand for the Amended With-Action Condition is summarized in Appendix L.15. With the change in land use in the Amended With-Action Condition, there would be a slightly higher demand for parking compared to the Proposed Action and one less public parking facility would be displaced compared to the Proposed Action. Table 25.20 provides a comparison of the off-street parking supply and demand under the Amended With-Action Condition and RWCDs for the Proposed Action for the weekday Midday period. As with the RWCDs for the Proposed Action, the Amended With-Action Condition would not result in a shortfall of off-street parking spaces within a quarter-mile radius of the rezoning area.

**Table 25.20: Off-Street Parking Capacity, Demand, and Utilization – Comparison of Amended With-Action Condition and Proposed Action**

Development Scenario	Total Capacity	Demand	Utilization Rate	Available Spaces
Amended With-Action	16,657	15,938	96%	719
Proposed Action	16,507	15,920	96%	587

### *Effect of Above-Grade Public Realm Improvements on Parking*

As discussed previously, DOT has prepared a suite of conceptual options for above-grade public realm improvements that could be implemented within the Greater East Midtown area, financed through the public realm improvement fund and managed by a governing group. These improvements include pedestrian plazas, shared streets, widening of the Park Avenue median, bus bulbs, curb extensions and sidewalk widenings, and turn bays.

Similar to the Proposed Action With PRI Condition, the Amended Action With PRI Condition could potentially result in a loss of on-street parking spaces at scattered locations throughout the rezoning area, depending upon where some of these improvements—including bus bulbs, curb extensions, and sidewalk widenings—would be situated. As with the Proposed Action With PRI Condition, the pedestrian plazas result in a loss of up to sixteen commercial parking spaces, and implementation of shared street corridors could also result in additional losses of on-street parking spaces—although the designs for these streets would take into account the needs of all property and business owners along them, incorporating the need for access to buildings and loading docks, sanitation and deliveries, pick-up and drop-offs (by both for-hire and private vehicles), parking, and overall circulation.

## **12. Air Quality**

As reported in FEIS Chapter 13, “Air Quality,” the Proposed Action would not result in any significant adverse air quality impacts from mobile sources with appropriate traffic mitigation measures applied at certain intersections, and no significant adverse impacts are predicted from (E) designation (E-408) stationary sources mapped at 16 Projected and 14 Potential Development Sites.

The Amended With-Action Condition is not expected to result in any significantly new or different impacts than those disclosed in the FEIS for these analysis areas. However, as discussed previously, the Amended Application would introduce two new development sites (Projected Development Site 17 and Potential Site P), and the Amended Action with PRI would result in traffic at certain intersections in the study area exceeding the PM<sub>2.5</sub> vehicle emissions screening analysis thresholds as defined in Chapter 17, Sections 210 and 311 of the *CEQR Technical Manual*. Therefore, air quality assessments were conducted related to both stationary and mobile source emissions to determine if there would be any significant adverse impacts under the Amended With-Action Condition.

The findings of the air quality analyses concluded that the Amended With-Action Condition would not result in any significant adverse impacts with respect to air quality. The Amended With-Action Condition would still result in the placement of (E) designations on Potential Development Site O (former Projected Development Site 12), Projected Development Site 17 and Potential Development Site P. Additionally, appropriate traffic mitigation measures were applied to avoid any significant adverse impacts at certain intersection locations. Mitigation measures are discussed in Section 25.5.

### **Mobile Sources**

Vehicular traffic associated with the additional development pursuant to the Amended With-Action Condition is estimated to result in 33, 1, and 22 additional vehicle trips during the weekday AM, Midday, and PM peak hours, respectively. This represents a nearly two percent increase compared to the Proposed Action (see Table 25.7). This increase, which would be spread over the traffic study area, is not expected to cause a violation of National Ambient Air Quality Standards (NAAQS) or the City’s

*de minimis* criteria, provided the traffic mitigation measures identified in the Proposed Action are applied.

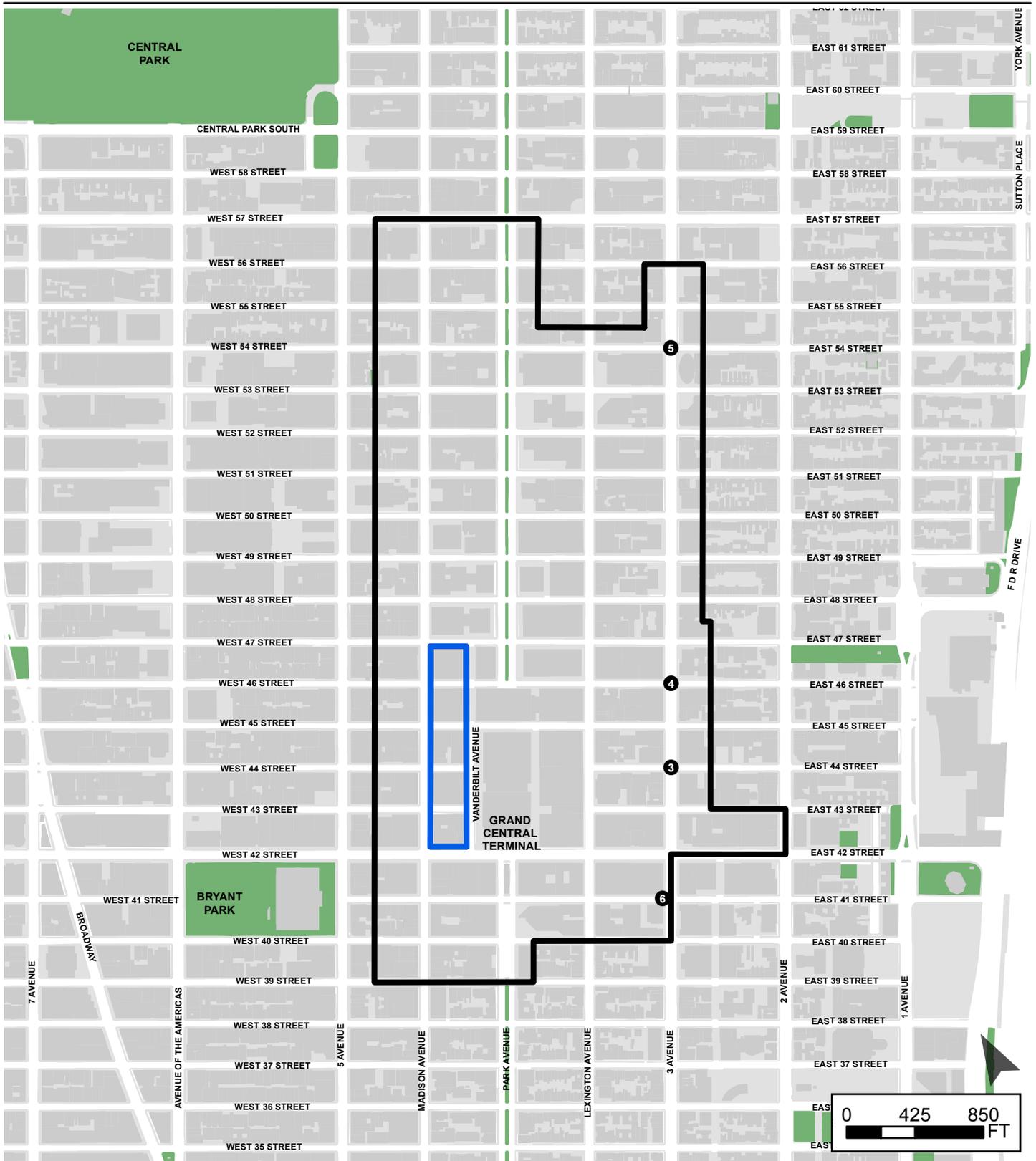
However, as discussed previously, DOT has prepared a suite of conceptual options for above-grade public realm improvements that could be implemented within the Greater East Midtown area, including pedestrian plazas, shared streets, widening of the Park Avenue median, bus bulbs, curb extensions and sidewalk widenings, and turn bays. The Amended Action with public realm improvements (Amended Action with PRI) would result in project-generated vehicular traffic at certain intersections in the study area exceeding the PM<sub>2.5</sub> vehicle emissions screening analysis thresholds as defined in Chapter 17, Sections 210 and 311 of the *CEQR Technical Manual*. Therefore, the potential impacts from vehicle-based PM (PM<sub>2.5</sub> and PM<sub>10</sub>) emissions were assessed at four critical analysis sites as shown in Figure 25-4, including three intersections (i.e., receptors 3 to 5, at Third Avenue and East 44th Street, Third Avenue and East 46th Street, and Third Avenue and East 54th Street) that were previously analyzed, and an additional intersection (i.e., receptor 6, at Third Avenue and East 41st Street), where the traffic is anticipated to increase significantly because of the traffic diversions associated with the Amended Action with PRI.

Predicted 24-hour PM<sub>10</sub> concentrations at each analysis site, with background concentrations, are presented in Table 25.21 for the No-Action and Amended Action with PRI, respectively. The values shown are the highest predicted concentration from all the receptor locations at each analysis site. As shown in Table 25.21, the 24-hour PM<sub>10</sub> concentrations at the four analysis sites are well below the NAAQS of 150 µg/m<sup>3</sup> for both the No-Action condition and the Amended Action with PRI condition.

**Table 25.21: Maximum Predicted 24-Hour PM<sub>10</sub> Concentrations (µg/m<sup>3</sup>)**

Analysis Site	Location	No Action <sup>1,2</sup>	Amended Action with PRI <sup>1</sup>	NAAQS
3	Third Avenue & East 44th Street	71.47	74.07	150
4	Third Avenue & East 46th Street	67.32	71.91	
5	Third Avenue & East 54th Street	71.73	75.02	
6	Third Avenue & East 41st Street	68.43	78.42	
<p><b>Note:</b></p> <p><sup>1</sup> The 24-hour PM<sub>10</sub> concentrations include a background concentration of 44 µg/m<sup>3</sup>.</p> <p><sup>2</sup> Amended Application has different worst-case receptors than the Proposed Action, and the highest concentrations at worst-case receptors are reported in this table.</p>				

The maximum predicted 24-hour incremental PM<sub>2.5</sub> concentrations between the No-Action condition and the Amended Action with PRI condition are present in Table 25.22. The results demonstrated that the maximum predicted 24-hour PM<sub>2.5</sub> incremental concentrations at three analysis sites (Third Avenue and East 44th Street, Third Avenue and East 46th Street, and Third Avenue and East 54th Street) for the 2036 Amended Action with PRI were below the *de minimis* criteria of 4.4 µg/m<sup>3</sup>. However, the maximum predicted 24-hour PM<sub>2.5</sub> incremental concentrations at Analysis Site 6 (located at Third Avenue and East 41st Street) would exceed the *de minimis* criteria of 4.4 µg/m<sup>3</sup> and would result in a significant adverse air quality impact. Therefore, traffic mitigation measures were examined and applied to avoid significant adverse impact at this location. Mitigation measures are discussed in Section 25.5.



- Proposed Greater East Midtown Rezoning Boundary
- Vanderbilt Corridor (Existing Regulations Apply)
- 1 Mobile Source Analysis Site (w/ I.D. Label)

**Table 25.22: Maximum Predicted 24-Hour PM<sub>2.5</sub> Incremental Concentrations (µg/m<sup>3</sup>)**

Analysis Site	Location	No Action	Amended Action with PRI	Increment	De Minimis <sup>1</sup>
3	Third Avenue & East 44th Street	5.04	6.33	1.29	4.4
4	Third Avenue & East 46th Street	6.21	8.52	2.31	
5	Third Avenue & East 54th Street	8.65	11.00	2.35	
6	Third Avenue & East 41st Street	6.02	12.06	<b>6.03</b>	
<b>Note:</b>					
<sup>1</sup> The 24-hour PM <sub>2.5</sub> <i>de minimis</i> criteria threshold is half the difference between the background concentration of 26.2 µg/m <sup>3</sup> and the 24-hour NAAQS of 35 µg/m <sup>3</sup> .					

The maximum predicted annual PM<sub>2.5</sub> incremental concentrations between the No-Action condition and the Amended Action with PRI condition are present in Table 25.23. The results demonstrated that the maximum predicted annual average incremental PM<sub>2.5</sub> concentrations at all four analysis sites would exceed the *de minimis* criteria of 0.1 µg/m<sup>3</sup> and would result in a significant adverse air quality impact. Therefore, traffic mitigation measures were examined and applied to avoid significant impact at these locations. Mitigation measures are discussed in Section 25.5.

**Table 25.23: Maximum Predicted Annual PM<sub>2.5</sub> Incremental Concentrations (µg/m<sup>3</sup>)**

Analysis Site	Location	No Action	Amended Action with PRI	Increment	De Minimis <sup>1</sup>
3	Third Avenue & East 44th Street	0.83	1.01	<b>0.18</b>	0.1
4	Third Avenue & East 46th Street	0.69	1.03	<b>0.34</b>	
5	Third Avenue & East 54th Street	0.92	1.21	<b>0.28</b>	
6	Third Avenue & East 41st Street	0.62	1.41	<b>0.78</b>	
<b>Note:</b>					
<sup>1</sup> The PM <sub>2.5</sub> <i>de minimis</i> criteria threshold for annual (neighborhood scale) is 0.1 µg/m <sup>3</sup> without considering background concentration.					

## Stationary Sources

### HVAC Analysis

An air quality assessment was performed to examine the potential project-on-existing and project-on-project impacts related to HVAC emissions for Projected Development Site 17 and Potential Development Site P introduced by the Amended Application. Like the Proposed Action, the Amended Application would require (E) designation as reported below. The (E) designations established for Projected Development Site 12 would be modified to apply to Potential Development Site O under the Amended With-Action Condition.

- *Projected Development Site 17:* This Projected Development Site would introduce 462,574 gsf of commercial space and feature a maximum height of 482 feet. There is an adjacent building (621 feet above grade) at 641 Fifth Avenue, which is taller than the proposed Amended With-Action RWCDs building and would be affected by the emissions from the HVAC systems of Projected Development Site 17. The HVAC screening methodologies from the *CEQR Technical Manual* would not apply because the distance between the source and the receptor is less than 30 feet. Thus, an (E) designation for the use of Con Edison steam would be included to ensure that there would be no significant adverse air quality impacts from HVAC emissions related to Amended-With Action Projected Development Site 17.

- *Potential Development Site P*: This Potential Development Site would introduce 348,294 gsf of commercial space and feature a maximum height of 440 feet. The nearest receptor building of similar or greater height is Potential Development Site D (524 feet above grade), which is approximately 55 feet away from the Potential Development Site P. An HVAC analysis was performed using the screening procedures from the *CEQR Technical Manual*. This Potential Development Site failed the screening analysis assuming the use of natural gas for the HVAC systems. Therefore, an (E) designation for the use of Con Edison steam would be included to ensure that there would be no significant adverse air quality impacts from HVAC emissions of for Potential Development Site P.

The HVAC Analyses results for other Proposed and Potential Development Sites under the Proposed Action would not be affected by Projected Development Site 17 and Potential Development Site P. The proposed (E) designations that would preclude impacts due to requirements for use of natural gas or a stack height at a specific level above grade would remain the same for these development sites.

To ensure that there would be no significant adverse air quality impacts from HVAC emissions of for Projected Development Site 17 and Potential Development Site P, the requirements of the (E) designations resulting from the air quality HVAC analyses would be as follows:

- *Projected Development Site 17 (Block 1287, Lots 8, 9, 58, 61, 62, and 63)*: Any new residential and/or commercial development on Block 1275, Lots 8, 9, 58, 61, 62, and 63 must ensure that utility steam from Con Edison is used to meet building's heat and hot water demands in order to avoid any significant adverse impacts.
- *Potential Development Site P (Block 1283, Lots 12, 13, 14, 15 and 58)*: Any new residential and/or commercial development on Block 1283, Lots 12, 13, 14, 15 and 58 must ensure that utility steam from Con Edison is used to meet building's heat and hot water demands in order to avoid any significant adverse impacts.

#### *Industrial Source Analysis*

Additionally, a total of 11 industrial permits were identified within a 400-foot radius of Projected Development Site 17 and Potential Development Site P. Consistent with the FEIS, an air toxics analysis was conducted using the *CEQR Technical Manual* industrial screening methodology as a general approach and a more refined AERSCREEN modeling approach for permits that indicated relatively high emission rates by exceeding thresholds. Based on the air toxics analyses, maximum concentration levels at Projected Development Site 17 and Potential Development Site P are below air toxic guideline levels established by the New York State Department of Environmental Conservation (NYSDEC), including short-term guideline concentrations (SGCs) and annual guideline concentrations (AGCs). Furthermore, the overall carcinogenic and noncarcinogenic air pollutant concentrations associated with the Proposed Action are below the health risk criteria thresholds established by EPA.

### *Major Source Analysis*

No “large” or “major” air emissions sources were identified within a 1,000-foot radius of Projected Development Site 17 or Potential Development Site P. Therefore, no significant adverse impacts would be expected and no further analysis is warranted.

### **TA Subdistrict Ancillary Building Easement**

With the Ancillary Transit Easement included in the Amended With-Action Condition, this analysis assumes that such easements could be developed within the TA Subdistricts of the East Midtown Subdistrict on Projected Development Sites 13 and 15. The projected maximum allowable heights at these two sites would increase; compared to the Proposed Action, the maximum building height for Projected Development Sites 13 would increase from 818 feet to 874 feet and the building height for Projected Development Site 15 would increase from 692 feet to 706 feet.

A review of existing and other proposed sensitive receptor sites of similar or greater height within a 400-foot radius of the Projected Development Sites 13 and 15 was performed to examine a) the potential of the HVAC emissions of Projected Development Sites 13 and 15 to significantly impact existing land uses (project-on-existing); and b) the potential of the HVAC emissions of Projected Development Sites 13 and 15 (as well as other proposed development sites) to significantly impact each other due to the changes to the maximum building heights (project-on-project). It was determined that with such minor changes to maximum buildings heights, the Ancillary Transit Easement would not result in any new or different significant adverse impacts related to the emissions from the HVAC systems of the proposed development sites compared to the Proposed Action. Therefore, the proposed (E) designations for air quality regarding fuel type and stack parameters (i.e. stack height and location) that preclude impacts under the Proposed Action would remain the same, and no further analysis is warranted.

## **13. Greenhouse Gas Emissions**

As reported in FEIS Chapter 14, “Greenhouse Gas Emissions,” there would be no significant adverse greenhouse gas (GHG) emission impacts as a result of the Amended With-Action Condition.

### **Qualifying Site Modification**

The analysis performed for the Amended With-Action Condition indicates that, due to the overall decrease in residential and commercial spaces, it would generate less operational GHG emissions compared to the Proposed Action and it would also generate slightly greater mobile source emissions as a result of a possible two percent increase in overall vehicle trips compared to the Proposed Action. As with the Proposed Action, construction and operation of buildings developed pursuant to the Amended With-Action Condition would be consistent with the goals of OneNYC and PlaNYC.

## **14. Noise**

FEIS Chapter 15, “Noise,” determined that the Proposed Action with or without PRI would not generate sufficient traffic to have the potential to cause a significant noise impact (i.e., it would not

result in a doubling of the noise passenger car equivalents (PCE) that would be necessary to cause a three dBA increase in noise levels). Ambient noise levels adjacent the Projected and Potential Development Sites were examined to determine if the Proposed Action would require noise attenuation in order to maintain an acceptable interior noise level. That assessment found noise levels would be in the “marginally unacceptable” or “clearly unacceptable” exterior noise exposure category, resulting in a minimum noise attenuation requirement of 31-38 dBA to ensure noise levels within the proposed development sites would comply with all applicable requirements. As a result, the Proposed Action includes (E) designations for all of the Projected and Potential Development Sites. The window/wall attenuation levels required under the (E) designation would avoid the potential for significant adverse noise impacts due to the Proposed Action.

Analysis was performed for both the TA Subdistrict Ancillary Transit Easement and the Qualifying Site Modification of the Amended With-Action Condition. Based upon this analysis, the Amended With-Action Condition, like the Proposed Action, would not result in significant adverse noise impacts. The Amended With-Action Condition would require (E) designations for Projected Development Site 17 and Potential Development Site P, and for former Projected Development Site 12 (Potential Development Site O in the Amended With-Action Condition), in addition to the (E) designations that would be established for the Projected and Potential Development Sites under the Proposed Action.

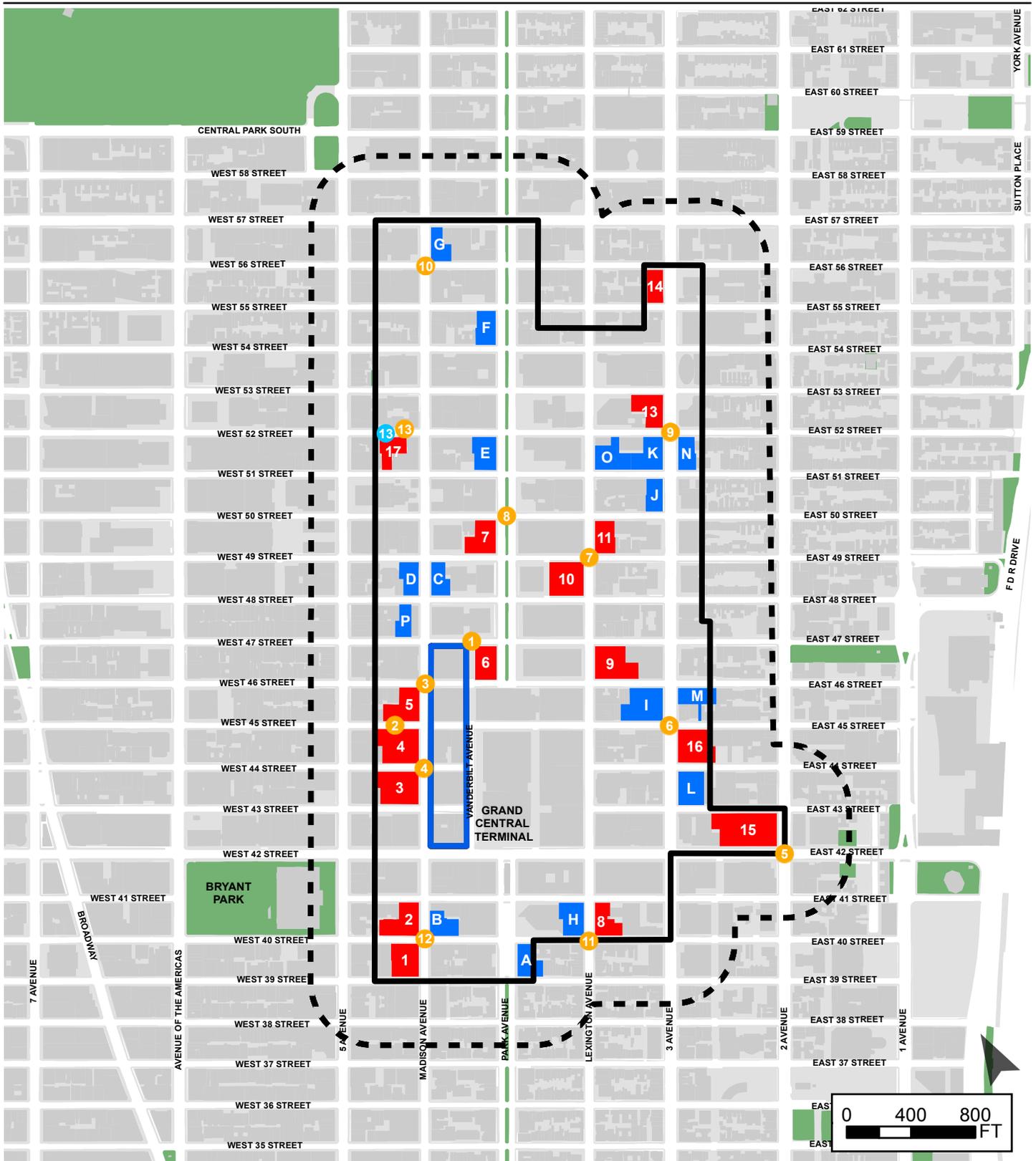
**Qualifying Site Modification**

With the Qualifying Site Modification, there would be two new development sites in the RWCDs— one Projected Development Site (Projected Development Site 17) and one potential development site (Potential Site P), as shown on Figure 25-1. To assess future noise impacts on sensitive land uses associated with Projected Development Site 17, noise monitoring was conducted on March 9, 2017. As shown in Table 25.24, ambient noise monitoring was conducted on East 52nd Street, midblock between Madison Avenue and Fifth Avenue, at the Projected Development Site 17 (noise measurement site S13, refer to Figure 25-5. Similar to the noise assessment for the Proposed Action, measurements were conducted for 20 minutes during the morning, mid-day and afternoon peak hours and traffic counts were conducted to determine the mix of vehicle types that travel along roadways nearby the monitored location.

The results of the existing noise measurements show that the ambient L<sub>10</sub> noise levels were 69.1 to 70.4 dBA with the highest L<sub>10</sub> noise level of 70.4 dBA measured in the a.m. peak period (see Table 25.25). This level of exposure places this site under the CEQR defined “marginally unacceptable” category based on the CEQR Technical Manual “Noise Exposure Guidelines for Use in City Environmental Quality Review,” and shown in Table 15.2.

**Table 25.24: Amended Noise Monitoring Site Locations**

Receptor	Location
13	East 52 <sup>nd</sup> Street between Madison Avenue and Fifth Avenue
Source: VHB, 2017	



- Proposed Greater East Midtown Rezoning Boundary
- Vanderbilt Corridor (Existing Regulations Apply)
- 400-Foot Study Area Radius
- Projected Development Sites
- Potential Development Sites
- Noise Receptor Location
- Noise Receptor Location (Updated for Amended Application)

**Greater East Midtown Rezoning**  
 Manhattan, New York

**Amended Application**  
 Noise Receptor Locations

**Figure**  
**25-5**

**Table 25.25: Amended Existing Short-Term Noise Levels (dBA)**

Site	Description	Time Period	L <sub>eq</sub>	L <sub>10</sub>	L <sub>50</sub>	L <sub>90</sub>
S13	East 52nd Street between Madison Avenue and Fifth Avenue	AM	68.3	70.4	67.9	67.1
		Midday	67.8	69.4	66.1	64.2
		PM	67.6	69.1	66.1	65.0
Source: VHB, 2017						

As discussed previously, DOT has prepared a suite of conceptual options for above-grade public realm improvements that could be implemented within the Greater East Midtown area, including pedestrian plazas, shared streets, widening of the Park Avenue median, bus bulbs, curb extensions and sidewalk widenings, and turn bays. Vehicular traffic associated with the additional development pursuant to the Amended With-Action Condition is estimated to result in 33, 1, and 22 additional vehicle trips during the weekday a.m., midday, and p.m. peak hours, respectively.

Using the Noise PCE methodology previously described in Section 15.2, Chapter 15 “Noise,” future noise levels with the Amended With-Action Condition and Amended With-Action with PRI Condition were calculated for the three analysis periods in the year 2036. Similar to the analysis for the Proposed Action, the worst-case noise condition with or without PRI was used. Future noise levels were analyzed at the 12 noise receptor locations evaluated for the Proposed Action and for a new receptor location at noise measurement Site 13. The noise level increase for the 2036 Amended With-Action and Amended With-Action with PRI Conditions would be the same as for the Proposed Action at the 12 noise receptor locations. At noise receptor Site 13, the No-Action Condition would result in up to a 0.3 dBA increase in noise compared to existing conditions as shown in Table 25.26. The Amended With-Action Condition with or without PRI would result in a 0.1 dBA increase as shown in Table 25.27. Therefore, similar to the Proposed Action, there would be no perceptible change in noise level at any receptor with the Amended With-Action Condition with or without PRI. Based on the CEQR criteria, there would be no significant adverse mobile source noise impact.

**Table 25.26: Amended 2036 No-Action Weekday Noise Levels (dBA)**

Site	Description	Time Period	2016 Noise Levels (dBA)		2036 No Action Noise Levels (dBA)		
			L <sub>eq</sub>	L <sub>10</sub>	L <sub>eq</sub>	L <sub>10</sub>	Change
S13	East 52nd Street between Madison Avenue and Fifth Avenue	AM	68.3	70.4	68.5	70.6	0.2
		Midday	67.8	69.4	68.1	69.7	0.3
		PM	67.6	69.1	67.8	69.3	0.2
Source: VHB, 2017							

**Table 25.27: Amended 2036 With-Action Weekday Noise Levels (dBA)**

Site	Description	Time Period	2036 No-Action Noise Levels (dBA)		2036 With-Action Noise Levels (dBA)		
			L <sub>eq</sub>	L <sub>10</sub>	L <sub>eq</sub>	L <sub>10</sub>	Change
S13	East 52nd Street between Madison Avenue and Fifth Avenue	AM	68.5	70.6	68.6	70.7	0.1
		Midday	68.1	69.7	68.2	69.8	0.1
		PM	67.8	69.3	67.9	69.4	0.1
Source: VHB, 2017							

Similar to the Proposed Action noise conditions at other sites, the Amended With-Action noise level would be considered “marginally unacceptable” and there would be a need to include an (E) designation with a minimum composite window/wall attenuation requirement. The minimum attenuation required at other sites (S1 to S12) range from OITC ratings of 31 to 36. Based on the CEQR attenuation values required to achieve acceptable interior noise levels, a minimum OITC rating of 28 dBA would be needed at Projected Development Site 17 (see Table 25.28). The (E) designations established for Projected Development Site 12 would be modified to apply to Potential Development Site O under the Amended With-Action Condition. The nearest governing noise measurement location to Potential Development Site P is noise measurement Site 1 and a minimum OITC rating of 35 dBA would be needed.

A summary of the window/wall attenuation levels required at each Projected Development Site 17 and Potential Development Sites O and P are provided in Table 25.29 and the applicable text for the (E) designation (E-408) by development site is included below.

**Table 25.28: Amended 2036 With-Action Weekday Noise Levels (dBA)**

Site #	Location	Maximum With- Action Condition L <sub>10</sub> (dBA)	Minimum Attenuation Required <sup>1</sup> (dBA)
S13	East 52nd Street between Madison Avenue and Fifth Avenue	70.7	28
Source: VHB, 2017 <sup>1</sup> Attenuation values are shown for residential uses; commercial uses would be 5 dBA less.			

**Table 25.29: Amended Building Attenuation Requirements for Projected and Potential Development Sites Requiring (E) Designation<sup>1,2</sup>**

Site	Block	Lots(s)	Projected Use	Nearest Noise Governing Measurement Location	Minimum Required Building Attenuation
<b>Projected Development Site</b>					
17	1287	8,9,10,14,58,61,62,63	Commercial/Residential	S13	28
<b>Potential Development Sites</b>					
Pot -O	1306	23	Commercial	S7/S9	31/35
Pot -P	1283	12, 13, 14, 15, 17, 58	Commercial	S1	35
Source: VHB, 2017 <sup>1</sup> Attenuation values are shown for proposed residential developments; commercial developments would be 5 dBA less. <sup>2</sup> The applicable text for the (E) designation by development site is located in Appendix K.3.					

- Projected Development Site 17** (Block 1287, Lot(s) 8,9,10,14,58,61,62,63) – In order to ensure an acceptable interior noise environment, future residential/commercial uses on Block 1287, Lot(s) 8,9,10,14,58,61,62,63 must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation on all other building’s facades in order to maintain an interior noise level of 45 dB(A) for residential use to avoid any significant adverse impacts. The minimum required composite building façade attenuation for future commercial uses would be 5 dBA less than that for residential uses. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation

- includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.
- **Potential Development Site O** (Proposed Action Projected Development Site 12) (Block 1306, Lot(s) 23) – In order to ensure an acceptable interior noise environment, future residential/commercial uses on Block 1306, Lot(s) 23 must provide a closed-window condition with a minimum of 35 dB(A) window/wall attenuation on all other building's facades in order to maintain an interior noise level of 45 dB(A) for residential use to avoid any significant adverse impacts. The minimum required composite building façade attenuation for future commercial uses would be 5 dBA less than that for residential uses. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.
  - **Potential Development Site P** (Block 1283, Lot(s) 12,13,14,15,17,58) – In order to ensure an acceptable interior noise environment, future residential/commercial uses on Block 1283, Lot(s) 12,13,14,15,17,58 must provide a closed-window condition with a minimum of 35 dB(A) window/wall attenuation on all other building's facades in order to maintain an interior noise level of 45 dB(A) for residential use to avoid any significant adverse impacts. The minimum required composite building façade attenuation for future commercial uses would be 5 dBA less than that for residential uses. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

Like the Proposed Action, with the added (E) designation, no significant adverse impacts to noise levels would be expected under the Amended With-Action Condition with or without PRI.

#### **TA Subdistrict Ancillary Building Easement**

The Amended With-Action Condition would establish ancillary building volume easements to provide for future provision of transit-supportive ancillary buildings, assumed for purposes of this analysis to be located on Projected Development Sites 13 and 15, both of which are located in TA Subdistricts of the East Midtown subdistrict. These ancillary facilities would extend above- and below-grade and would provide for the operational and emergency ventilation requirements of the future Second Avenue Subway extension.

Design criteria established by MTA for the Second Avenue Subway require that air-handling equipment within ventilation structures be designed so that the noise level generated by the equipment would not exceed 60 dBA at the façade of the nearest receptors. This would be achieved through locating the equipment away from sensitive receptors, as feasible, and incorporating into the ventilation structure design sound attenuation features, as needed, such as a combination of in-duct splitter attenuators (which can provide 20 to 30 dBA attenuation), sound absorptive plenums (which can provide 10 to 15 dBA attenuation), and/or acoustic louvers. A portion of the fans on the future extension would likely be located below-ground. Noise from cooling towers, which may be located on building rooftops, would be controlled by building noise barriers around one or two sides of the towers. NYCT has committed to meeting the 60 dBA ventilation equipment design specification as part of the existing Second Avenue Subway FEIS and indicated that this same design specification would apply for the future Second Avenue extension.

Due to the vertical distance between the trains and the ventilation structure opening, and the aforementioned sound attenuation features, noise generated by rail transit operations would generally be lower than the noise generated by the air-handling equipment. NYCT has committed to meet FTA standards for operational airborne noise.

With the design specification of 60 dBA, future sound levels from the ventilation structure would be substantially lower than the CEQR noise exposure guidelines which are 70 dBA ( $L_{10}$ ) at the receptor facades. Because noise generated by ventilation equipment is relatively constant, the 60 dBA design specification generally relates to a maximum level and  $L_{10}$  noise exposure. The New York City Noise Code has general prohibitions that limit sound from any source to no more than 10 dBA ( $L_{eq}$ ) during the day and 7 dBA ( $L_{eq}$ ) during the night as measured within a receiving property or on a public right-of-way. Existing ambient sound levels measured near the potential ventilation structure sites (monitoring Sites S5 and S9) are 70 to 81 dBA ( $L_{eq}$ ). Therefore, the NYCT design specification of 60 dBA for ventilation structures would result in noise emissions that are substantially lower than existing ambient conditions, within the New York City Noise Code limits, and well below the CEQR noise exposure guidelines. As with the Proposed Action, inclusion of NYCT ancillary transit easement volumes, pursuant to Section 95-00 of the Zoning Resolution, would not result in significant adverse noise impact.

## 15. Public Health

The Proposed Action would not result in unmitigated significant adverse impacts in the following technical areas: air quality, water quality, hazardous materials, or operational noise. Further, while there could be some periods of construction activity when the Proposed Action could potentially result in significant adverse impacts related to noise as defined by CEQR thresholds, the predicted overall changes to noise levels would generally not be large enough nor last long enough to significantly affect public health.

As noted in the preceding sections, the same conclusions for each of these analysis areas may be made for the Amended With-Action Condition, as neither the Qualifying Site Modification nor the TA Ancillary Transit Easement amendments would result in significant new impacts. Therefore, the Amended With-Action Condition would not result in significant adverse public health impacts.

The construction-related impacts resulting from the Amended With-Action Condition would be the same as those of the Proposed Action, as the peak period of construction activities would result in the same significant adverse impacts for the Amended With-Action Condition as for the Proposed Action. The mitigation measures that would be required for construction impacts under the Proposed Action would be the same for the Amended With-Action Condition.

## 16. Neighborhood Character

As discussed in Chapter 17, "Neighborhood Character," analysis concluded the Proposed Action's RWCDs would not result in significant adverse impacts on neighborhood character. The conclusion of this Amended With-Action Condition analysis is that it too would not result in any significant adverse impacts on neighborhood character.

### Qualifying Site Modification

As discussed in Chapter 17, “Neighborhood Character,” the East Midtown area has a varied neighborhood context and its defining features are the dominance of commercial land uses; the interspersing of older buildings with modern construction; high levels of pedestrian and vehicular activity and associated noise; a primarily high-density built context; and the presence of a number of iconic historic resources—including Grand Central Terminal, the Helmsley Building, the Chrysler Building, St. Bartholomew’s Church and Community House, St. Patrick’s Cathedral, the Seagram Building, and Lever House. With the Amended With-Action Condition, as with the Proposed Action, the East Midtown area would continue to be defined by this combination of features. The increase in building height on Projected Development Site 17 would add incremental shadowing to the St. Patrick’s Cathedral and to St. Thomas Church and Parish House—however, due to the entry and exit timing and its limited duration, this additional shadowing is not significant. Under the Amended With-Action Condition, as with the Proposed Action, it is expected that there would be an increase in the level of pedestrian and vehicular activity, as well as the noise that is generated from such activity. However, the resulting conditions would not be out of character with the East Midtown area, and thus the incremental changes would not constitute significant impacts on neighborhood character.

As with the development under the Proposed Action, under the Amended With-Action Condition, six eligible historic resources could be demolished, either partially or entirely, due to their location on Projected or Potential Development Sites. These eligible resources, listed here, are located on Projected Development Sites 2, 4, 6 and 10 and Potential Development Site J: the NYCL-eligible 22-24 East 41st Street Building (#94), the NYCL-eligible Title Guarantee and Trust Company Building at 6 East 45th Street (#99), the S/NR-eligible Barclay/Inter-Continental Hotel at 111 East 48th Street (#103), the NYCL- and S/NR-eligible Postum Building at 250 Park Avenue (#129), the NYCL-eligible Girl Scout Building at 830 Third Avenue (#133), and the 346 Madison Avenue Building (#141).

In the Amended With-Action Condition, Projected Development Site 17 includes the NYCL-listed John Peirce House (#28) and the NYCL-S/NR Look Building (#29) as part of its zoning lot. Potential Development Site P includes NYCL-listed 400 Madison Avenue (#49) and the NYCL-eligible Mercantile Library (#101). With the exception of the Mercantile Library at 17 East 47th Street, each building is planned to remain as part of its development site and added to the zoning lot. No demolition is contemplated for any of these three resources, so no direct impacts would accrue to Resources #28, #29, or #49. With the Amended With-Action Condition, if Potential Development Site P were to be developed, the NYCL-eligible Mercantile Library at 17 East 47th Street (#101) would be demolished, a significant adverse impact.

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

## 17. Construction

In the Proposed Action, Chapter 18, “Construction,” concluded that there would be significant adverse impacts related to traffic and noise during the construction period of the Proposed Action. There are

no significant adverse impacts to parking, transit, or pedestrian conditions anticipated. The Proposed Action would not result in significant adverse impacts to air quality from construction activities. The Proposed Action would result in development on both Projected and Potential Development Sites that are located within 90 feet of a designated or listed historic resource; however, these resources would not be adversely impacted by construction activities because they would be subject to protection from construction-related damage under the New York City Department of Buildings' (DOB) Technical Policy and Procedure Notice (TPPN) #10/88. There are also 12 NYCL-eligible and/or S/NR-eligible resources located within 90 feet of the Projected and Potential Development Sites, for which TPPN #10/88 would not apply, and therefore the Proposed Action could potentially result in construction-related impacts to these eligible resources. Possible measures that may address these impacts are discussed in Chapter 19, "Mitigation."

For the Amended With-Action Condition, each proposed modification is discussed following.

### **Qualifying Site Modification**

With respect to historic resources, traffic, and noise, the Amended With-Action Condition is expected to result in generally the same significant adverse construction-related impacts as the Proposed Action. However, potential for some new impacts to historic resources would result as detailed below.

#### *Historic Resources*

In the Amended Application, the midblock Projected Development Site 17 includes the NYCL-listed John Peirce House (#28) and the NYCL-S/NR Look Building (#29) as part of its zoning lot. Potential Development Site P includes NYCL-listed 400 Madison Avenue (#49) and the NYCL-eligible Mercantile Library (#101). With the exception of the Mercantile Library at 17 East 47th Street, each building is planned to remain as part of its development site and added to the zoning lot. No demolition is contemplated for any of these three resources, so no direct impacts would occur to Resources #29, #28, or #49.

The Amended With-Action Condition would indirectly affect designated/listed City, State and Federal historic resources located within 90 feet of Projected Development Sites, because new development has the potential to cause damage through ground-borne construction vibration. In addition to the John Peirce Residence and the Look building, there are three historic resources within 90 feet of Projected Development Site 17—these resources are the NYCL and S/NR Cartier, Inc. Building (#26); the NYCL and S/NR George W. Vanderbilt Residence (#27); and the NYCL, S/NR and National Historic Landmark St. Patrick's Cathedral (#30). Of the five total resources, all are New York City Landmarks, four are listed in the State/National Register, and one is a National Historic Landmark. These resources would be protected under the procedures of the New York City Department of Buildings (DOB) Technical Policy and Procedure Notice (TPPN #10/88, which governs the protection of adjacent historic properties from accidental construction damage.

### **Eligible Resources**

There are two potentially eligible historic resources on or in the vicinity of Potential Site P. As mentioned above, the NYCL-eligible Mercantile Library (#101) is located within the footprint of Potential Development Site P. With the Amended Application With-Action Condition, this resource would be demolished.

The New York Bible Society at 5 East 48th Street (#48) is eligible for listing in the State and National Register, but is not an NYCL or National Register building, and would therefore not be subject to TPPN 10/88, since the protective measures under DOB TPPN #10/88 apply only if eligible resources become designated/listed. Therefore, the Amended With-Action Condition could result in construction-related impacts to this eligible resource that are similar to the impacts described for resources affected under the Proposed Action as described in Chapter 6, "Historic and Cultural Resources."

Compared to the Proposed Action, the Amended With-Action Condition would result in potential construction impacts to historic resources. For the two NYCL-and/or S/NR-listed resources at Projected Development Site 17 (11 East 51st Street (#28) and 488 Madison Avenue (# 29)) and one at Potential Development Site P (400 Madison Avenue (#49)), LPC would require the development of a Construction Protection Plan (CPP), should construction on any of these sites proceed. As set forth in the *CEQR Technical Manual*, a CPP should be used to protect historic resources that may be affected by construction activities related to a proposed project. The plan should be developed in coordination with the appropriate consulting agency (LPC and/or SHPO) and developed in consultation with a foundation and structural engineer. The CPP would generally address, but not be limited to, the following:

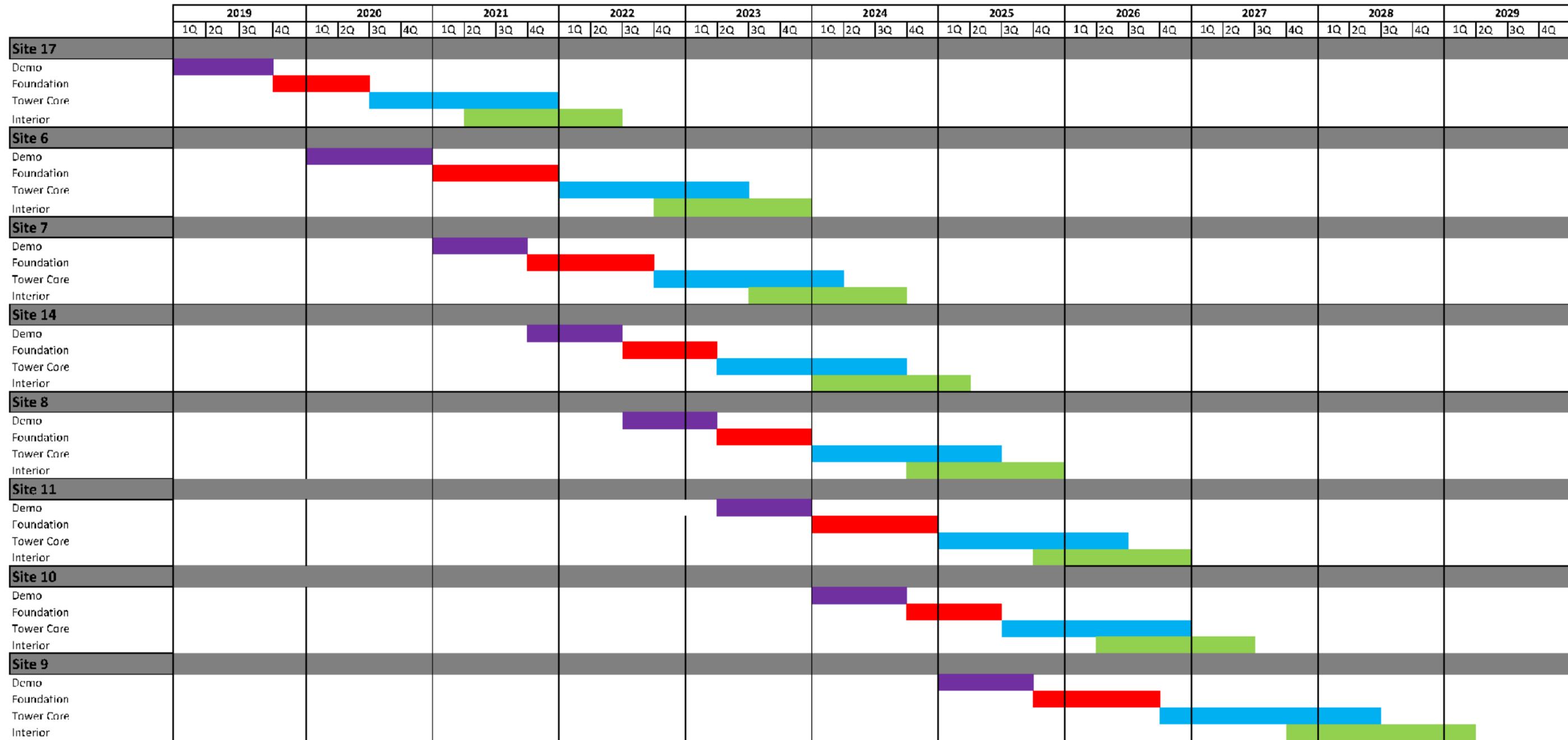
- Borings and soil reports of the water table establishing composition, stability, and condition;
- Existing foundation and structural condition information and documentation for the historic property;
- Formulation of maximum vibration tolerances based on impact, duration, and other considerations using accepted engineering standards for old buildings;
- Dewatering procedures, including systematic monitoring and recharging systems;
- Protection from falling objects and party wall exposure; and
- Monitoring during construction using tell-tales, seismographic equipment, and horizontal and lateral movement scales.

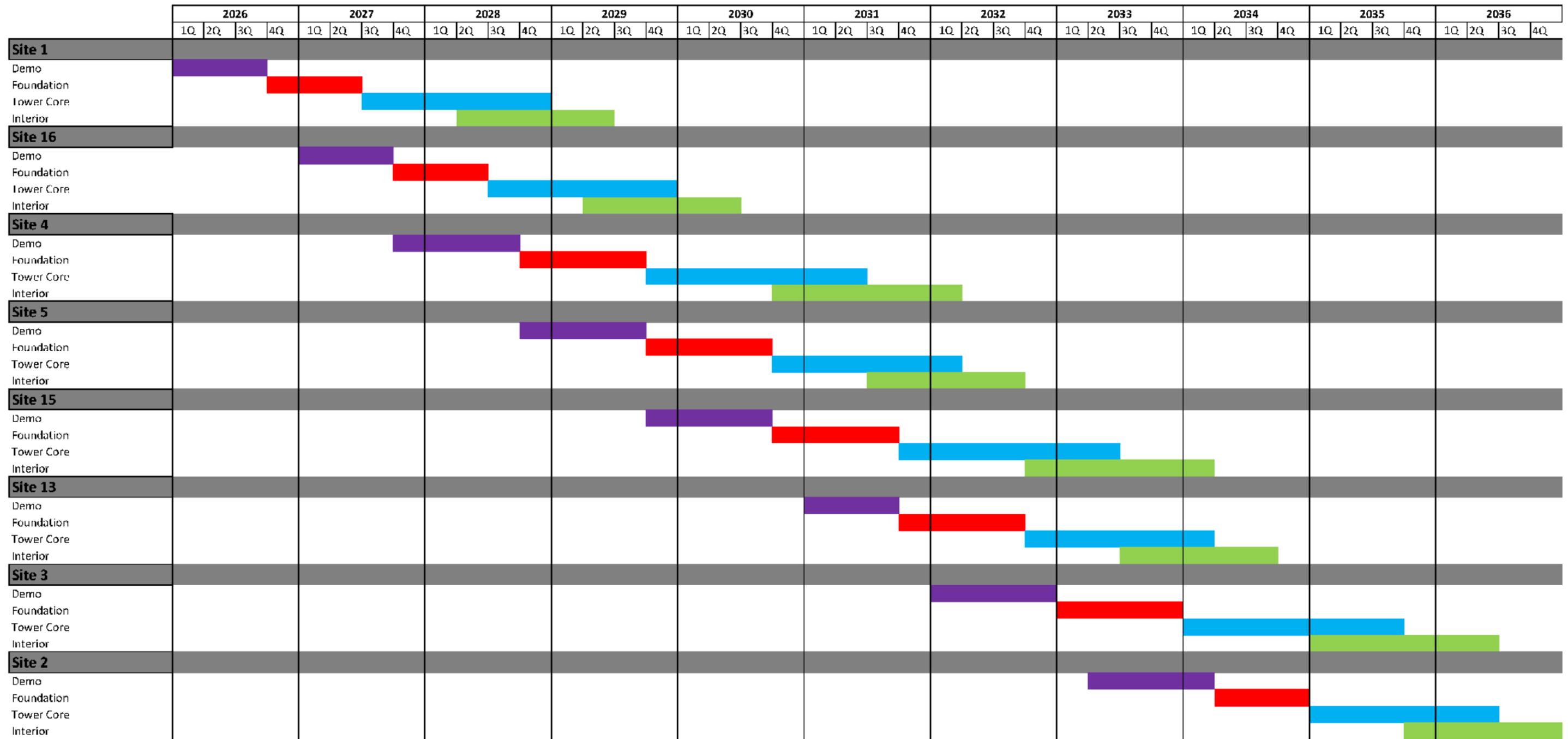
With the CPP in place, significant adverse impacts to these resources during construction would be minimized.

For Potential Development Site P, the demolition of the Mercantile Library would result in the loss of this NYCL-eligible resource as a direct impact of the Amended With-Action Condition. This direct impact is assessed under Historic Resources, above.

#### *Construction Period Impacts*

Under the Amended With-Action Condition modifications to the Qualifying Site definition, Projected Development Site 17 would replace Projected Development Site 12 in the RWCDs. Therefore, a modified conceptual development schedule was developed for the Amended With-Action Condition Projected Development Sites (Figure 25-6a and 25-6b). This modified schedule was analyzed to determine whether the addition and subtraction of a Projected Development Site would shift the peak period of construction and result in new or different construction impacts. The analysis determined that, while there could be shifts in the timing and location of development activities, the worst-case construction periods for traffic, air quality, and noise would be the same as with the Proposed Action.





### *Traffic*

As described in Chapter 18, “Construction,” the worst-case traffic period for Proposed Action construction was identified as the first quarter of 2032. During this period, the results of a detailed traffic analysis show that the Proposed Action would result in significant adverse impacts at four intersections during the construction AM peak hour (6:00–7:00 AM) and 14 intersections during the construction PM peak hour (3:00–4:00 PM). These construction-related traffic impacts would also be expected to occur with the Amended Application amendments and related modifications to the RWCDs.

### *Air Quality*

As with the Proposed Action, the Amended With-Action Condition would not alter the construction worst-case air quality peak activity period and therefore would not result in significant adverse impacts to air quality from construction activities. Construction activities are considered because local air quality is affected by engine emissions generated by on-site construction equipment and trucks entering/exiting each site during construction and by fugitive dust emissions resulting from construction activities. As detailed in Chapter 18, “Construction,” the period with the highest cumulative short-term emissions and short-term and annual emissions of PM<sub>2.5</sub> was the fourth quarter of 2029.

This quantitative air quality analysis indicated that the construction activities of the Proposed Action would not result in any concentrations of NO<sub>2</sub>, PM<sub>10</sub>, and CO that exceed the National Ambient Air Quality Standards (NAAQS). In addition, the maximum predicted incremental concentrations of CO or PM<sub>2.5</sub> would not exceed the City’s *de minimis* criteria. Because the Amended Application was determined to have the same peak construction period as the Proposed Action, no significant adverse air quality impacts are expected from construction-related sources.

### *Noise and Vibration*

The Amended With-Action Condition would result in the same significant adverse construction noise impacts as Proposed Action. As discussed in Chapter 18, “Construction,” the noise analysis findings indicate that noise levels above the CEQR impact threshold are expected at several existing buildings adjacent to Projected Development Sites 4 and 5, which are the same in the Proposed Action as in the Amended Application With-Action Conditions. The highest noise levels are projected to be at ground level and at elevated receptor locations at existing commercial and residential buildings on East 44th, 45th and 46th Streets between Madison and Fifth Avenues. Although these locations are expected to experience exterior noise levels significantly above CEQR limits, for those buildings with double-paned glazed-glass windows and a closed ventilation system, interior noise levels for those buildings would be near or below the CEQR 50-dBA L<sub>10</sub> impact threshold for commercial buildings and the CEQR 45-dBA L<sub>10</sub> impact threshold for residential buildings. The interior noise levels of these adjacent buildings would likely approach or marginally exceed the CEQR L<sub>10</sub> impact thresholds for short periods of time.

As with the Proposed Action, existing buildings adjacent to the Projected Development Site 15 would be exposed to noise levels increases of 5 dBA or greater during pile driving activities in the first quarter of 2031 for the Amended With-Action Condition. Pile driving activities would last for approximately 20 weeks. Noise levels above the CEQR limits were determined to be caused principally from noise generated by on-site construction activities, including pile driving, rather than from off-site traffic

movements. Noise-level increases during the peak construction period of Projected Development Site 15 are projected to range from 0.8 to 20.5 dBA. The greatest noise level increase of 20.5 dBA would occur at the south-facing mid-level floor location at receptor site U. The primary source of construction noise at this location is piling driving activity occurring on the site.

If the peak construction scenario conservatively assumed for simultaneous construction on Projected Development Sites 4 and 5 and for Projected Development Site 15 include impact pile driving is realized, the Proposed Action would result in a significant adverse construction noise impact. Mitigation measures that may address these impacts are discussed in Chapter 19, “Mitigation.”

As with the Proposed Action, the buildings in the Amended With-Action Condition of most concern with regard to potential damage from vibration generated during construction are those buildings located immediately adjacent or across the street from a Projected Development Site. Between Madison and Fifth Avenues, commercial buildings adjacent to Projected Development Sites 4 and 5 could experience elevated vibration levels. The types of construction activities expected to occur during the peak construction period would utilize equipment—vibratory roller, hoe ram, bulldozer and loaded trucks—with the largest peak-particle velocity (PPV) of 0.20 inch per second, which is well below the 0.50 inch per second PPV vibration limit for structural damage. Vibration perception above the 65 VdB annoyance limit could extend outward for approximately 230 feet from the source, but this would be during limited periods of time at a particular location and therefore would not result in any significant adverse impact due to vibration.

The closest building west of the Projected Development Site 15, between 42nd and 43rd Street, would be the nearest structure that could experience elevated vibration levels. Pile driving is expected as part of construction for this site. Based on the typical PPV of impact pile driving, PPV levels between 0.50 and 2.0 inches per second, which is generally considered acceptable for a building or structure, may occur at the adjacent buildings west of the Projected Development Site 15 as the preliminary construction analysis indicates impact pile driving would be required within 30 feet of their facades.

In terms of potential annoyance, the vibration generated from impact pile driving would have the most potential to produce vibration levels above the 65 VdB threshold limit. The affected area would include a radius of approximately 500 feet extending outward from the source. However, this type of construction activity would generate vibration for limited periods of time at a particular location and therefore would not result in any significant adverse impact.

With the Amended With-Action Condition, the listed historic resources within or adjacent to Projected Development Site 17 and Potential Development Site P would be subject to vibration controls developed as part of the DOB-required Construction Projection Plan (CPP) described above. With these controls in place, the potential vibration effects to the listed resources would be minimized.

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## 25.6 Mitigation

### Open Space

Substantial public realm improvements to the open space network in the East Midtown Subdistrict could be implemented under the Amended With-Action Condition. The public realm improvements would be implemented subject to the Governing Group’s approval and funding, and the exact timing

of the improvements is unknown. The minimum additional amount of open space necessary to fully mitigate the impact would be 1.26 acres.

With the inclusion of a subset of possible public realm improvements targeted to enhance passive open space, the significant impact on open space resources could be fully mitigated. The identified public realm improvements account for 2.43 acres of open space and are as follows:

- Corridor improvements to Park Avenue consisting of the widening of the central median, which would result in an additional 1.95 acres of passive open space;
- Two public plazas, each 0.16 acres. Each would be located on either side of Park Avenue between East 40th Street and East 41st Street; and,
- The 0.16-acre interim plaza at Pershing Square East (the east side of the Park Avenue viaduct, between East 41st and 42nd Street) would be reprogrammed with spaces of higher quality and utility to the public.

With these four public realm improvements providing additional passive open space, the total open space acreage in the study area would be 42.43 acres in the Amended With-Action Condition, comprising 42.22 acres of passive open space and 0.21 acres of active open space.

As a result, with the approval by the Governing Group and implementation of the identified public realm improvements, both the non-residential and the combined passive open space ratio would be greater in the Amended With-Action Condition than in the Amended No-Action Condition. The resulting non-residential passive open space ratio in the Amended With-Action Condition with the identified public realm improvements would be 0.067 acres per 1,000 non-residents, which is less than the CEQR benchmark of 0.15 acres but is 0.001 acres (or 1.69 percent) greater than the ratio under the Amended No-Action Condition (0.066). The combined open space ratio would be 0.60 acres per 1,000 non-residents and residents, which is less than the recommended weighted average of 0.187 acres but is 0.001 (or 2.21 percent) greater than the ratio under the Amended No-Action Condition (0.059).

The standard mitigation measures listed above—such as funding for improvements, renovation, or maintenance of existing local parks or improving existing open spaces to increase their utility or capacity—were explored by DCP and NYC Parks and found to be unpracticable. However, as described above, the inclusion of the identified public realm improvements would fully or partially mitigate any impacts on open space that would occur under the Amended With-Action Condition.

Therefore, with the inclusion of a subset of public realm improvements that would enhance passive open space, the significant adverse impact to open space resources could be fully mitigated. If less than 1.26 acres of the identified public realm improvements are approved by the Governing Group and built, then the significant adverse open space impact could be only partially mitigated.

## Shadows

Overall, for the Amended Application Condition it was found that the redevelopment of the 16 Projected Development Sites and the less likely redevelopment of the 14 Potential Development Sites would cast new shadows at times throughout the year on several open spaces and sunlight-sensitive features of historic architectural resources. Except for the shadows cast on St. Bartholomew's Church and Community House, none of the incremental shadows resulting from that Proposed Action would

be considered significant, as the East Midtown area is densely developed with many mid- and high-rise buildings that already cast shadows on the majority of the area's sunlight-sensitive resources under Existing Conditions, and the other incremental shadows were relatively short in duration and would not affect the public's enjoyment of these resources. The same shadows mitigation explored in Chapter 19, "Mitigation," would apply to the results under the Amended Application Condition. Since the mitigation was considered but found not to be feasible or practicable, the significant adverse shadows impact on St. Bartholomew's Church would remain unmitigated under the Amended Application Condition.

## Transportation

### Traffic

As described in Chapter 12, "Transportation," DOT has prepared a suite of conceptual options for above-grade public realm improvements that could be implemented within the Greater East Midtown area and financed through the public realm improvement fund. The traffic analysis is presented first as the future with the Amended Action without above-grade public realm improvements described in the Concept Plan (Amended Action Without PRI) and then as the future with the Amended Action with above-grade public realm improvements described in the Concept Plan (Amended Action With PRI).

#### *Amended Action Without PRI*

All study area intersections were evaluated quantitatively to determine if the significant impacts identified in the Amended Action Without PRI Condition could be mitigated. Table 25.30 presents the number of approach movements and intersections that would have significant adverse impacts in both the Amended Action Without PRI Condition and the Proposed Action Without PRI Condition and compares those that would be mitigated with those that would be unmitigated in both scenarios. Table 25.31 presents a summary of intersections and approach movements that would have different significant adverse traffic impacts and different impacted intersections that would be fully mitigated in the Amended Action Without PRI and the Proposed Action Without PRI Conditions. The results of these analyses are summarized below:

- For the weekday AM peak hour, 194 approach movements at 101 intersections would be impacted under the Amended Action Without PRI Condition (compared to 190 approach movements at 101 intersections under the Proposed Action Without PRI Condition). With respect to unmitigated intersections, 165 approach movements at 84 intersections would have unmitigated significant adverse impacts (compared to 159 approach movements at 82 intersections under the Proposed Action Without PRI Condition). The intersections of Third Avenue at East 50th Street and Third Avenue at East 51st Street, which were mitigated under the Proposed Action Without PRI Condition, would remain unmitigated under the Amended Action Without PRI Condition
- For the weekday Midday peak hour, 176 approach movements at 101 intersections would be impacted under the Amended Action Without PRI Condition (compared to 179 approach movements at 101 intersections under the Proposed Action Without PRI Condition). With respect to unmitigated intersections, 124 approach movements at 59 intersections would have

unmitigated significant adverse impacts (compared to 126 approach movements at 59 intersections under the Proposed Action Without PRI Condition). The same intersections that were unmitigated under the Proposed Action Without PRI Condition would remain unmitigated under the Amended Action Without PRI Condition.

- For the weekday PM peak hour, 202 approach movements at 106 intersections would be impacted under the Amended Action Without PRI Condition (compared to 201 approach movements at 106 intersections under the Proposed Action Without PRI Condition). With respect to unmitigated intersections, 165 approach movements at 83 intersections would have unmitigated significant adverse impacts (compared to 160 approach movements at 82 intersections under the Proposed Action Without PRI Condition). The intersection of Lexington Avenue at East 51st Street, which was mitigated under the Proposed Action Without PRI Condition, would remain unmitigated under the Amended Action Without PRI Condition.

**Table 25.30: Number of Intersections and Approaches with Significant Adverse Traffic Impacts – Comparison of Amended Action Without PRI Condition and Proposed Action Without PRI Condition**

Peak Hour	Development Scenario	Movements/ Intersections Analyzed	Movements/ Intersections With No Significant Impacts	Movements/ Intersections With Significant Impacts	Mitigated Movements/ Intersections	Unmitigated Movements/ Intersections
AM	Amended Action Without PRI	454/119	260/18	194/101	29/17	165/84
	Proposed Action Without PRI	454/119	264/18	190/101	31/19	159/82
Midday	Amended Action Without PRI	436/119	260/18	176/101	52/42	124/59
	Proposed Action Without PRI	436/119	257/18	179/101	53/42	126/59
PM	Amended Action Without PRI	442/119	240/13	202/106	37/23	165/83
	Proposed Action Without PRI	442/119	241/13	201/106	41/24	160/82

**Table 25.31: Summary of Locations with Different Significant Adverse Traffic Impacts – Amended Action Without PRI Condition and Proposed Action Without PRI Condition**

Intersection	AM Peak Hour				Midday Peak Hour				PM Peak Hour			
	Amended Action Without PRI		Proposed Action Without PRI		Amended Action Without PRI		Proposed Action Without PRI		Amended Action Without PRI		Proposed Action Without PRI	
	Impact(s)	Mitigation	Impact(s)	Mitigation	Impact(s)	Mitigation	Impact(s)	Mitigation	Impact(s)	Mitigation	Impact(s)	Mitigation
1st Ave. @ E. 42nd St.									Yes	No	Yes	No
2nd Ave. @ E. 59th St.					Yes	No	Yes	No				
2nd Ave. @ E. 60th St.	Yes	No	Yes	No								
3rd Ave. @ E. 50th St.	Yes	No	Yes	Yes					Yes	No	Yes	No
3rd Ave. @ E. 51st St.	Yes	No	Yes	Yes								
Lexington Ave. @ E. 42nd St.									Yes	No	Yes	No
Lexington Ave. @ E. 46th St.					Yes	No	Yes	No				
Lexington Ave. @ E. 51st St.					Yes	No	Yes	No	Yes	No	Yes	Yes
Lexington Ave. @ E. 55th St.									Yes	No	Yes	No
Park Ave. @ E. 47th St.									Yes	No	Yes	No
Park Ave. @ E. 51st St.	Yes	No	Yes	No								
Park Ave. @ E. 55th St.	Yes	No	Yes	No	Yes	No	Yes	No				
Park Ave. @ E. 57th St.					Yes	No	Yes	No				
Madison Ave. @ E. 42nd St.					Yes	No	Yes	No				
Madison Ave. @ E. 48th St.	Yes	No	Yes	No								
5th Ave. @ 39th St.									Yes	No	Yes	No
5th Ave. @ 54th St.									Yes	No	Yes	No

**Notes:** NB = Northbound; SB = Southbound; EB = Eastbound; WB = Westbound; L = Left-Turn; T = Through; R = Right-Turn; Mitigation = Mitigation Provided; Unmitigable impacts are highlighted

Appendix L.16 summarizes the recommended mitigation measures for each of the intersections with significant adverse traffic impacts. The results of the traffic analysis are summarized in Appendix L.17. As noted for the Proposed Action, the City has committed to conduct a TMP, which would also be implemented under the Amended Action without PRI Condition.

*Amended Action With PRI*

All study area intersections were evaluated quantitatively to determine if the significant impacts identified in the Amended Action With PRI Condition could be mitigated. Table 25.32 presents a comparison of the number of approach movements and intersections that would have significant adverse impacts and unmitigated significant adverse impacts for the Amended Action Without PRI and Amended Action With PRI Conditions. Table 25.33 presents a summary of intersections and approach movements that would have different significant adverse traffic impacts and different impacted intersections that would be fully mitigated in the Amended Action Without PRI and Amended Action With PRI Conditions. The results of these analyses are summarized below:

- For the weekday AM peak hour, 203 approach movements at 103 intersections would be impacted under the Amended Action With PRI Condition (compared to 194 approach movements at 101 intersections under the Amended Action Without PRI Condition). With respect to unmitigated intersections, 177 approach movements at 83 intersections would have unmitigated significant adverse impacts (compared to 165 approach movements at 84

- intersections under the Amended Action Without PRI Condition). Three intersections that would be either mitigated or have no significant adverse impacts under the Amended Action Without PRI Condition—including the intersections of Third Avenue with East 43rd and East 46th Streets and Madison Avenue at East 46th Street—would be unmitigated under the Amended Action With PRI Condition. Four intersections that would be unmitigated under the Amended Action Without PRI Condition—including the intersections of Third Avenue at East 40th Street and Lexington Avenue with East 46th, East 52nd, and East 54th Streets—would be either mitigated or have no significant adverse impacts under the Amended Action With PRI Condition.
- For the weekday Midday peak hour, 178 approach movements at 97 intersections would be impacted under the Amended Action With PRI Condition (compared to 176 approach movements at 101 intersections under the Amended Action Without PRI Condition). With respect to unmitigated intersections, 138 approach movements at 62 intersections would have unmitigated significant adverse impacts (compared to 124 approach movements at 59 intersections under the Amended Action Without PRI Condition). Six intersections that would be either mitigated or have no significant adverse impacts under the Amended Action Without PRI condition—including the intersections of Third Avenue with East 39th, East 52nd, and East 53rd Streets; Lexington Avenue at East 55th Street; Park Avenue at East 51st Street; and Madison Avenue at East 40th Street—would be unmitigated under the Amended Action With PRI condition. Three intersections that would be unmitigated under the Amended Action Without PRI Condition—including Second Avenue at East 53rd Street, Third Avenue at East 40th Street, and Madison Avenue at East 48th Street—would be either mitigated or have no significant adverse impacts under the Amended Action With PRI Condition.
  - For the weekday PM peak hour, 211 approach movements at 107 intersections would be impacted under the Amended Action With PRI Condition (compared to 202 approach movements at 106 intersections under the Amended Action Without PRI Condition). With respect to unmitigated intersections, 171 approach movements at 83 intersections would have unmitigated significant adverse impacts (compared to 165 approach movements at 83 intersections under the Amended Action Without PRI Condition). Six intersections that would be either mitigated or have no significant adverse impacts under the Amended Action Without PRI Condition—the intersections of Third Avenue with East 39th, East 46th, and East 48th Streets; Lexington Avenue at East 38th Street; and Park Avenue with East 51st and East 54th Streets—would be unmitigated under the Amended Action With PRI Condition. Six intersections that would be unmitigated under the Amended Action Without PRI Condition—including the intersections of Third Avenue with East 40th and East 49th Streets; and Lexington Avenue with East 45th, East 52nd, East 54th, and East 55th Streets—would be either mitigated or have no significant adverse impacts under the Amended Action With PRI Condition.

**Table 25.32: Number of Intersections and Approaches with Significant Adverse Traffic Impacts – Comparison of Amended Action With PRI Condition and Amended Action Without PRI Condition**

Peak Hour	Development Scenario	Movements/ Intersections Analyzed	Movements/ Intersections With No Significant Impacts	Movements/ Intersections With Significant Impacts	Mitigated Movements/ Intersections	Unmitigated Movements/ Intersections
AM	Amended Action With PRI	474/119	271/16	203/103	26/20	177/83
	Amended Action Without PRI	454/119	260/18	194/101	29/17	165/84
Midday	Amended Action With PRI	460/119	282/22	178/97	40/35	138/62
	Amended Action Without PRI	436/119	260/18	176/101	52/42	124/59
PM	Amended Action With PRI	466/119	255/12	211/107	40/24	171/83
	Amended Action Without PRI	442/119	240/13	202/106	37/23	165/83

**Note:**

The number of movements would increase from Amended Action Without PRI to Amended Action With PRI conditions due to changes in the roadway network and operational changes.

**Table 25.33: Summary of Locations with Different Significant Adverse Traffic Impacts – Comparison of Amended Action With PRI Condition and Amended Action Without PRI Condition**

Intersection	AM Peak Hour				Midday Peak Hour				PM Peak Hour			
	Amended Action With PRI		Amended Action Without PRI		Amended Action With PRI		Amended Action Without PRI		Amended Action With PRI		Amended Action Without PRI	
	Impact(s)	Mitigation	Impact(s)	Mitigation	Impact(s)	Mitigation	Impact(s)	Mitigation	Impact(s)	Mitigation	Impact(s)	Mitigation
2nd Ave. @ E. 51st St.	Yes	No	Yes	No								
2nd Ave. @ E. 53rd St.					Yes	Yes	Yes	No				
Tunnel Exit St. @ E. 40th St.	Yes	Yes					Yes	Yes				
3rd Ave. @ E. 38th St.									Yes	Yes		
3rd Ave. @ E. 39th St.					Yes	No	Yes	Yes	Yes	No	Yes	Yes
3rd Ave. @ E. 40th St.	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	No
3rd Ave. @ E. 41st St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
3rd Ave. @ E. 42nd St.	Yes	No	Yes	No	Yes	No	Yes	No				
3rd Ave. @ E. 43rd St.	Yes	No	Yes	Yes	Yes	Yes			Yes	Yes		
3rd Ave. @ E. 45th St.	Yes	No	Yes	No			Yes	Yes	Yes	No	Yes	No
3rd Ave. @ E. 46th St.	Yes	No							Yes	No	Yes	Yes
3rd Ave. @ E. 47th St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
3rd Ave. @ E. 48th St.									Yes	No	Yes	Yes
3rd Ave. @ E. 49th St.	Yes	No	Yes	No			Yes	Yes			Yes	No
3rd Ave. @ E. 50th St.									Yes	No	Yes	No
3rd Ave. @ E. 51st St.	Yes	No	Yes	No					Yes	No	Yes	No
3rd Ave. @ E. 52nd St.					Yes	No	Yes	Yes				
3rd Ave. @ E. 53rd St.					Yes	No	Yes	Yes				
3rd Ave. @ E. 54th St.									Yes	No	Yes	No
3rd Ave. @ E. 55th St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Lexington Ave. @ E. 38th St.							Yes	Yes	Yes	No	Yes	Yes
Lexington Ave. @ E. 39th St.	Yes	No	Yes	No								
Lexington Ave. @ E. 40th St.	Yes	No	Yes	No			Yes	Yes	Yes	No	Yes	No
Lexington Ave. @ E. 45th St.	Yes	Yes									Yes	No
Lexington Ave. @ E. 46th St.			Yes	No					Yes	No	Yes	No
Lexington Ave. @ E. 48th St.	Yes	No	Yes	No								
Lexington Ave. @ E. 50th St.	Yes	No	Yes	No			Yes	Yes	Yes	Yes	Yes	Yes
Lexington Ave. @ E. 52nd St.			Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Lexington Ave. @ E. 53rd St.	Yes	No	Yes	No								
Lexington Ave. @ E. 54th St.	Yes	Yes	Yes	No	Yes	No	Yes	No			Yes	No
Lexington Ave. @ E. 55th St.					Yes	No			Yes	Yes	Yes	No
Park Ave. @ E. 40th St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Park Ave. @ E. 46th St.									Yes	No	Yes	No
Park Ave. @ E. 47th St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Park Ave. @ E. 48th St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Park Ave. @ E. 49th St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Park Ave. @ E. 50th St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Park Ave. @ E. 51st St.	Yes	No	Yes	No	Yes	No	Yes	Yes	Yes	No		

**Table 25.33: Summary of Locations with Different Significant Adverse Traffic Impacts – Comparison of Amended Action With PRI Condition and Amended Action Without PRI Condition (Continued)**

Intersection	AM Peak Hour				Midday Peak Hour				PM Peak Hour			
	Amended Action With PRI		Amended Action Without PRI		Amended Action With PRI		Amended Action Without PRI		Amended Action With PRI		Amended Action Without PRI	
	Impact(s)	Mitigation	Impact(s)	Mitigation	Impact(s)	Mitigation	Impact(s)	Mitigation	Impact(s)	Mitigation	Impact(s)	Mitigation
Park Ave. @ E. 52nd St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Park Ave. @ E. 53rd St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Park Ave. @ E. 54th St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No		
Park Ave. @ E. 55th St.					Yes	No	Yes	No	Yes	No	Yes	No
Park Ave. @ E. 56th St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Park Ave. @ E. 57th St.	Yes	No	Yes	No	Yes	No	Yes	No				
Madison Ave. @ E. 40th St.	Yes	No	Yes	No	Yes	No	Yes	Yes	Yes	No	Yes	No
Madison Ave. @ E. 41st St.	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Madison Ave. @ E. 43rd St.									Yes	No	Yes	No
Madison Ave. @ E. 46th St.	Yes	No			Yes	No	Yes	No	Yes	No	Yes	No
Madison Ave. @ E. 48th St.					Yes	Yes	Yes	No				
Madison Ave. @ E. 53rd St.									Yes	No	Yes	No
5th Ave. @ 40th St.					Yes	No	Yes	No				
5th Ave. @ 47th St.									Yes	No	Yes	No

**Notes:** NB = Northbound; SB = Southbound; EB = Eastbound; WB = Westbound; L = Left-Turn; T = Through; R = Right-Turn; Mitigation = Mitigation Provided; Unmitigable impacts are highlighted

Appendix L.18 summarizes the recommended mitigation measures for each of the intersections with significant adverse traffic impacts. The results of the traffic analysis are summarized in Appendix L.19. As noted for the Proposed Action, the City has committed to conduct a TMP, which would also be implemented under the Amended Action with PRI Condition.

**Transit**

*Subway Stations*

All escalators at the Lexington Avenue-53rd Street subway station were evaluated quantitatively to determine if the significant impacts identified in the Amended With-Action condition could be mitigated. The same unmitigated significant adverse impacts that would result from the Proposed Action would also result with the Amended With-Action condition. The results of the subway station analysis are presented in Appendix L.20.

**Pedestrians**

As described in Chapter 12, “Project Description,” DOT has prepared a suite of conceptual options for above-grade public realm improvements that could be implemented within the Greater East Midtown area and financed through the public realm improvement fund. The pedestrian analysis is presented first as the future with the Amended Action without above-grade public realm improvements described in the Concept Plan (Amended Action Without PRI) and then as the future with the Amended Action with above-grade public realm improvements described in the Concept Plan (Amended Action With PRI).

*Amended Action Without PRI*

As discussed previously, the Amended Action Without PRI Condition would result in two fewer significant adverse impacts to crosswalks during the AM peak hour compared to the Proposed Action Without PRI Condition. During the Midday and PM peak hours for crosswalks, and for all peak hours for sidewalks and corner areas, there would be no change in the number of significant adverse impacts between the Amended Action Without PRI Condition and the Proposed Action Without PRI Condition. Mitigation measures identified for impacts due to the Proposed Action and described in Chapter 19, “Mitigation,” were applied to the Amended Action Without PRI analyses where practicable. As shown in Table 25.34, there would be one fewer unmitigated significant adverse impact for the Amended Action Without PRI Condition compared to the Proposed Action Without PRI Condition. During the AM peak hour, the east crosswalk at the intersection of Lexington Avenue and East 49th Street, which would be unmitigated under the Proposed Action Without PRI Condition, would have no significant adverse impact under the Amended Action Without PRI Condition. As in the Proposed Action Without PRI Condition, a three-second decrease in walk time associated with air quality mitigation measures in the Amended Action Without PRI Condition would create an unmitigated significant adverse impact at the south crosswalk of the intersection of Third Avenue and East 43rd Street during the PM peak hour. The results of the pedestrian analysis are summarized in Appendix L.21.

**Table 25.34: Number of Locations with Significant Adverse Pedestrian Impacts – Comparison of Amended Action Without PRI Condition to Proposed Action Without PRI Condition**

Peak Hour	Significant Impacts		Unmitigated Significant Impacts <sup>1</sup>	
	Amended Action Without PRI	Proposed Action Without PRI	Amended Action Without PRI	Proposed Action Without PRI
<b>Sidewalks</b>				
AM	8	8	8	8
Midday	3	3	3	3
PM	10	10	10	10
<b>Crosswalks</b>				
AM	23	25	21	22
Midday	10	10	6	6
PM	24	24	20	20
<b>Corner Areas</b>				
AM	19	19	18	18
Midday	7	7	7	7
PM	20	20	19	19
<b>Notes:</b>				
*Includes unmitigated significant impacts due to traffic or corner mitigation measures.				

*Amended Action With PRI*

All analyzed pedestrian elements where significant adverse impacts were identified in the Amended Action With PRI Condition were evaluated quantitatively to determine if the impacts could be mitigated. Feasible mitigation measures were identified for crosswalk and corner areas where significant adverse impacts were identified, including at locations that experienced new crosswalk impacts in the Amended Action With PRI Condition due to the implementation of corner curb

extensions. The shortening of crosswalks due to corner curb extensions resulted in a number of locations where crosswalk impacts mitigated in the Amended Action Without PRI Condition could not be mitigated in the Amended Action With PRI Condition. At the time of implementation of curb bulb outs, DOT will explore the potential for widening crosswalks at these locations. As with the Amended Action Without PRI Condition, no feasible mitigation measures were identified for sidewalks with significant adverse impacts.

Table 25.35 presents the number of sidewalks, crosswalks, and corner areas that would have impacts and compares them to unmitigated significant adverse impacts in the Amended Action With PRI Condition and the Amended Action Without PRI Condition. As shown in, there would be no changes to the amount of sidewalks with unmitigated significant adverse pedestrian impacts. With respect to crosswalks, the Amended Action With PRI Condition would have an increase in two, four, and one elements with unmitigated significant adverse pedestrian impacts during the AM, Midday, and PM peak hours, respectively. With respect to corner areas, the Amended Action With PRI Condition would have a decrease of twelve, five, and twelve elements with unmitigated significant adverse pedestrian impacts during the AM, Midday, and PM peak hours, respectively. The results of the pedestrian analysis are summarized in Appendix L.22.

**Table 25.35: Number of Locations with Significant Adverse Pedestrian Impacts – Comparison of Amended Action With PRI Condition to Amended Action Without PRI Condition**

Peak Hour	Significant Impacts		Unmitigated Significant Impacts <sup>1</sup>	
	Amended Action With PRI	Amended Action Without PRI	Amended Action With PRI	Amended Action Without PRI
<b>Sidewalks</b>				
AM	8	8	8	8
Midday	3	3	3	3
PM	10	10	10	10
<b>Crosswalks</b>				
AM	27	23	23	21
Midday	12	10	10	6
PM	25	24	21	20
<b>Corner Areas</b>				
AM	7	19	6	18
Midday	2	7	2	7
PM	8	20	7	19
<b>Notes:</b>				
<sup>1</sup> Includes unmitigated significant impacts due to traffic or corner mitigation measures.				

## 18. Air Quality

As discussed previously in Section 25.4, traffic generated by the Amended Action with PRI is predicted to result in 24-hour incremental PM<sub>2.5</sub> concentration that exceeds the City's *de minimis* criteria of 4.4 µg/m<sup>3</sup> at the intersection of Third Avenue and East 41st Street. Additionally, traffic generated by the Amended Action with PRI is predicted to result in annual incremental PM<sub>2.5</sub> concentrations that exceed the City's *de minimis* criteria of 0.1 µg/m<sup>3</sup> at all four analyzed intersections, including Third Avenue

and East 44th Street, Third Avenue and East 46th Street, Third Avenue and East 54th Street, and Third Avenue and East 41st Street. Therefore, air quality mitigation is required at these locations.

Traffic mitigation measures were developed to reduce congestion and increase speeds along the Third Avenue corridor in the affected area. Table 25.36 and Table 25.37 present the maximum predicted 24-hour and annual incremental PM<sub>2.5</sub> concentrations respectively, with the proposed traffic mitigation measures in place.

As shown in Table 25.36 and Table 25.37, the results of this modeling analysis (performed in accordance with methodologies described in Chapter 13, “Air Quality”) indicate that the 24-hour incremental PM<sub>2.5</sub> concentration would not exceed the City’s *de minimis* criteria of 4.4 µg/m<sup>3</sup>, and the annual incremental PM<sub>2.5</sub> concentrations would not exceed the *de minimis* criteria of 0.1 µg/m<sup>3</sup>. No unmitigated significant adverse air quality impacts would remain upon incorporation of the traffic mitigation measures.

**Table 25.36: Maximum Predicted 24-Hour PM<sub>2.5</sub> Incremental Concentrations (µg/m<sup>3</sup>)**

Analysis Site	Location	Annual PM <sub>2.5</sub> Concentration		De Minimis <sup>1</sup>
		Increment	Increment (with Mitigation)	
6	Third Avenue & East 41st Street	6.03	0.76	4.4

**Note:**  
<sup>1</sup> The 24-hour PM<sub>2.5</sub> *de minimis* criteria threshold is half the difference between the background concentration of 26.2 µg/m<sup>3</sup> and the 24-hour NAAQS of 35 µg/m<sup>3</sup>.

**Table 25.37: Maximum Predicted Annual PM<sub>2.5</sub> Incremental Concentrations (µg/m<sup>3</sup>)**

Analysis Site	Location	Annual PM <sub>2.5</sub> Concentration		De Minimis <sup>1</sup>
		Increment	Increment (with Mitigation)	
3	Third Avenue & East 44th Street	0.18	-0.07	0.1
4	Third Avenue & East 46th Street	0.34	0.09	
5	Third Avenue & East 54th Street	0.28	-0.02	
6	Third Avenue & East 41st Street	0.78	0.09	

**Note:**  
<sup>1</sup> The PM<sub>2.5</sub> *de minimis* criteria threshold for annual (neighborhood scale) is 0.1 µg/m<sup>3</sup> without considering background concentration.

## 25.7 Conceptual Analysis

The Conceptual Analysis disclosed in Chapter 21 of this FEIS is not expected to change substantially under the Amended Application because the Projected Development sites that were identified for additional development under the Special Permit Scenario remain the same as in the Amended Application With-Action Condition. The minor differences would be similar to those disclosed in Chapter 21, in relation to the site-specific effects of the new Projected Development Site 17.