

GREATER EAST MIDTOWN REZONING

FINAL SCOPE OF WORK FOR AN ENVIRONMENTAL IMPACT STATEMENT

CEQR NO. 17DCP001M

ULURP NOS.

N 170186 ZRM

170187 ZMM

December 30, 2016

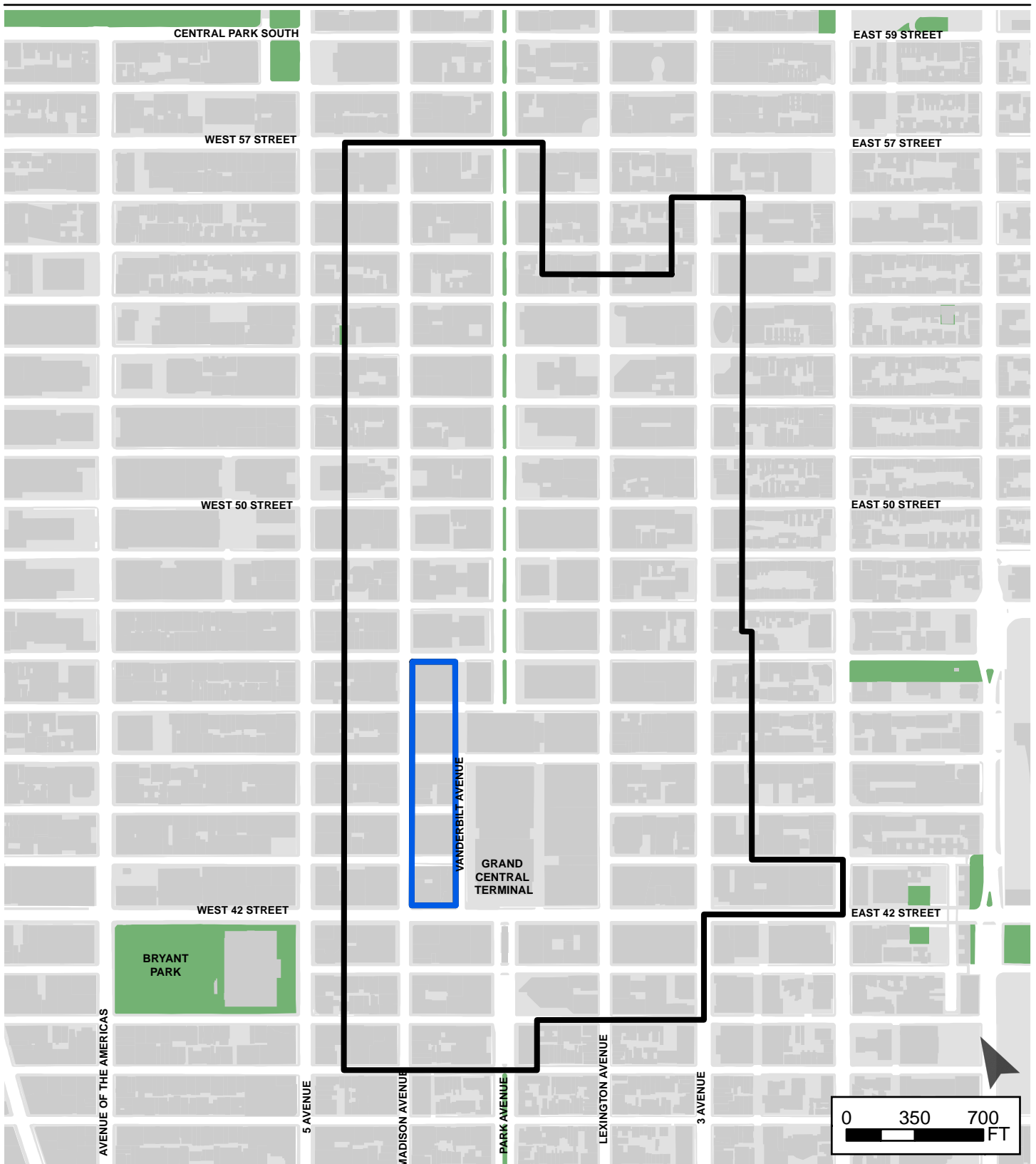
A. Introduction



This Final Scope of Work (the “Final Scope”) outlines the technical areas to be analyzed in the preparation of an Environmental Impact Statement (EIS) for the Greater East Midtown Rezoning proposal (the “Proposal”), consisting of zoning map and zoning text amendments (collectively, the “Proposed Action”) that would affect an approximately 78 block area of Manhattan Community Districts 5 and 6. The affected area is generally bounded by East 39th Street to the south, East 57th Street to the north, Second and Third Avenue to the east and Fifth Avenue to the west (refer to Figure 1). Currently, the affected area is comprised of high-density commercial zoning districts (C5 and C6). This document provides a description of the Proposed Action, as well as its associated development, and includes task categories for all technical areas to be analyzed in the EIS.

The New York City Planning Commission (CPC) has determined that an EIS for the Proposed Action will be prepared in conformance with City Environmental Quality Review (CEQR) guidelines, with the Department of City Planning (DCP) acting on behalf of the CPC as the lead agency. The environmental analyses in the EIS will assume a development period of 20 years for the Reasonable Worst-Case Development Scenario (RWCDS) for the Proposed Action (i.e., 2036 analysis year), and identify the cumulative impacts of other projects in areas affected by the Proposed Action. DCP will conduct a coordinated review of the Proposed Action with involved and interested agencies.

As discussed in more detail below, the Draft Scope of Work was published on August 22, 2016. Subsequent to publication of the Draft Scope of Work, several changes were incorporated, as follows:

- **No Action Assumptions** - Minor changes to the No Action assumptions for two sites were made that affected the RWCDS (see Table 2, below):
- **Rezoning Boundary** - The rezoning boundary was modified slightly—the eastern boundary beginning on the block between East 47th and East 48th Street was shifted slightly west by approximately 25 feet so that it follows the existing zoning district lines.
- **Vanderbilt Corridor** - As described in the Draft Scope of Work, the Vanderbilt Corridor (the five-block area along the west side of Vanderbilt Avenue between East 42nd and East 47th Streets) was excluded from the proposed rezoning as it was the subject of a 2015 zoning text



-  Proposed Greater East Midtown Rezoning Boundary
-  Vanderbilt Corridor (Existing Regulations Apply)

amendment (N 150127 ZRM). This corridor is located within the Special Midtown District. As reflected in this Final Scope of Work, the Vanderbilt Corridor would be located within the Special Midtown District's proposed East Midtown Subdistrict. As none of the Proposed Action mechanisms would apply to the five blocks located in the Vanderbilt Corridor, no changes to analysis methodologies are warranted.

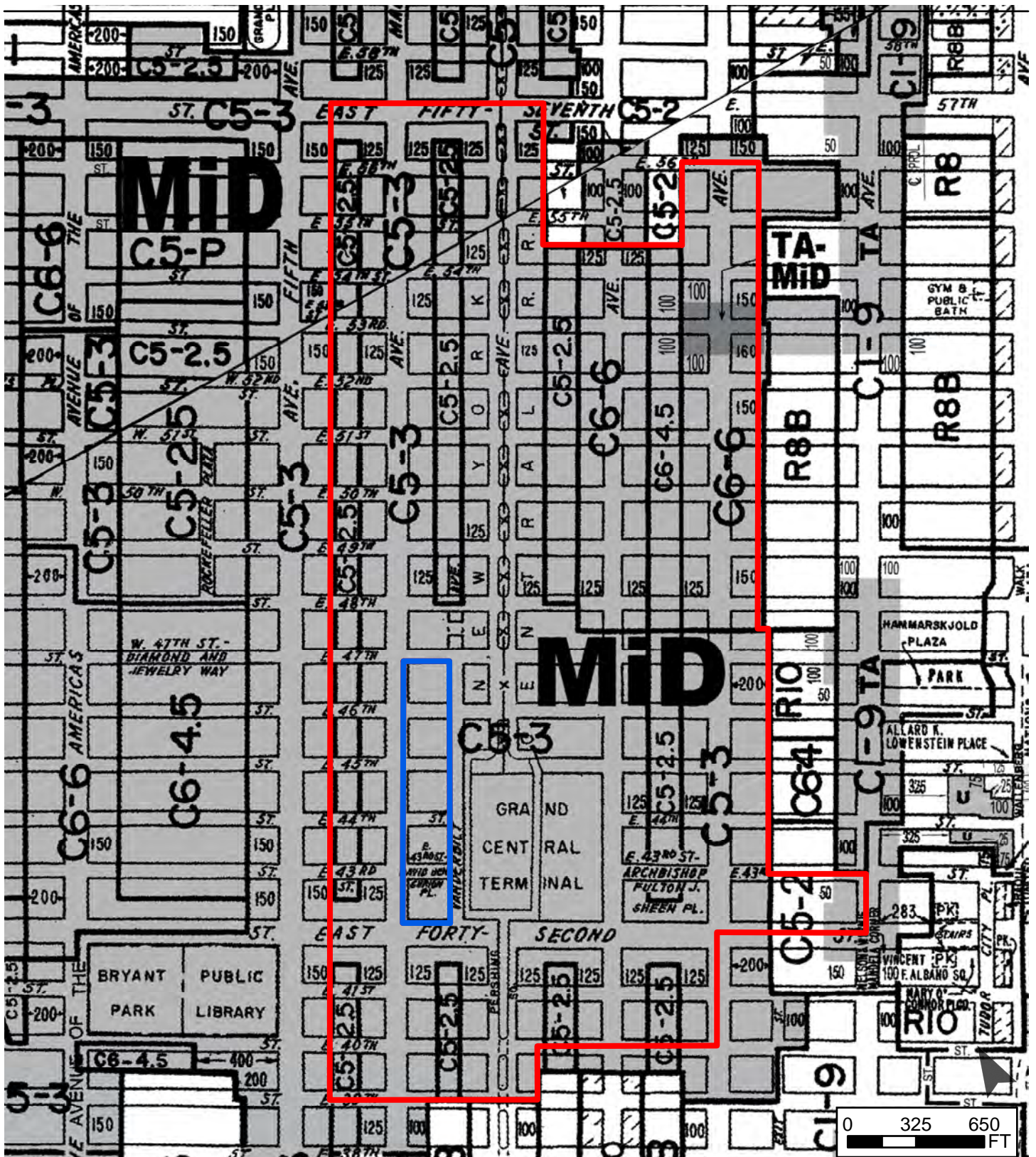
- **Discretionary Action Mechanisms** - The Draft Scope of Work identified three special permit mechanisms, each subject to a separate public review process (for example, CEQR/ULURP): Public Concourse, Transit Improvement, and Hotel Special Permits. The Draft Scope also noted that the Proposed Action could include mechanisms to allow for waivers of various provisions of the Special Midtown District, including height and setback. This Final Scope of Work reflects the addition of a fourth special permit to allow modifications to the subdistrict's bulk and Qualifying Site regulations as appropriate and a CPC authorization that would allow enlargements that make significant renovations to use the Subdistrict's increased FAR framework.
- **Public Realm Improvements** - Additional information on the below-grade improvements (transit improvements) and above-grade pedestrian improvements is provided in the Final Scope of Work.
- This Final Scope of Work also reflects additional work to be done as part of the Transportation Planning Factors (TPF) technical memorandum (see "Transportation," below).
- Additional information has been added to Figure 5 of the Final Scope of Work related to the proposed zoning subdistricts.

B. Required Approvals and Review Procedures

The Proposed Action encompasses discretionary actions that are subject to review under the Uniform Land Use Review Procedure (ULURP), as well as pursuant to Section 200 of the City Charter. The discretionary actions include: (1) a zoning text amendment to establish the East Midtown Subdistrict (the "Subdistrict") within the Special Midtown District which will supersede the existing Grand Central Subdistrict; and (2) a zoning map amendment to change an existing C5-2 district to a C5-3 district and to extend the Special Midtown District and the East Midtown Subdistrict over the proposed C5-3 district (see Figures 2 through 5).

The Proposed Action is a Type I action, as defined under 6 NYCRR 617.4 and 43 RCNY 6-15, subject to environmental review in accordance with CEQR guidelines. An Environmental Assessment Statement (EAS) was completed on August 19, 2016. A Positive Declaration, issued on August 22, 2016, established that the Proposed Action may have a significant adverse impact on the environment, thus warranting the preparation of an EIS.

The CEQR scoping process is intended to focus the EIS on those issues that are most pertinent to the Proposed Action. The process allows other agencies and the public a voice in framing the scope of the EIS. The scoping document sets forth the analyses and methodologies which will be utilized to prepare the EIS. During the period for scoping, those interested in reviewing the Draft Scope of Work were given an opportunity to review the document and give their comments to the lead agency at a public scoping meeting and/or in writing during the scoping comment period. The public, interested agencies, Manhattan Community Boards 5 and 6, and elected officials, were invited to



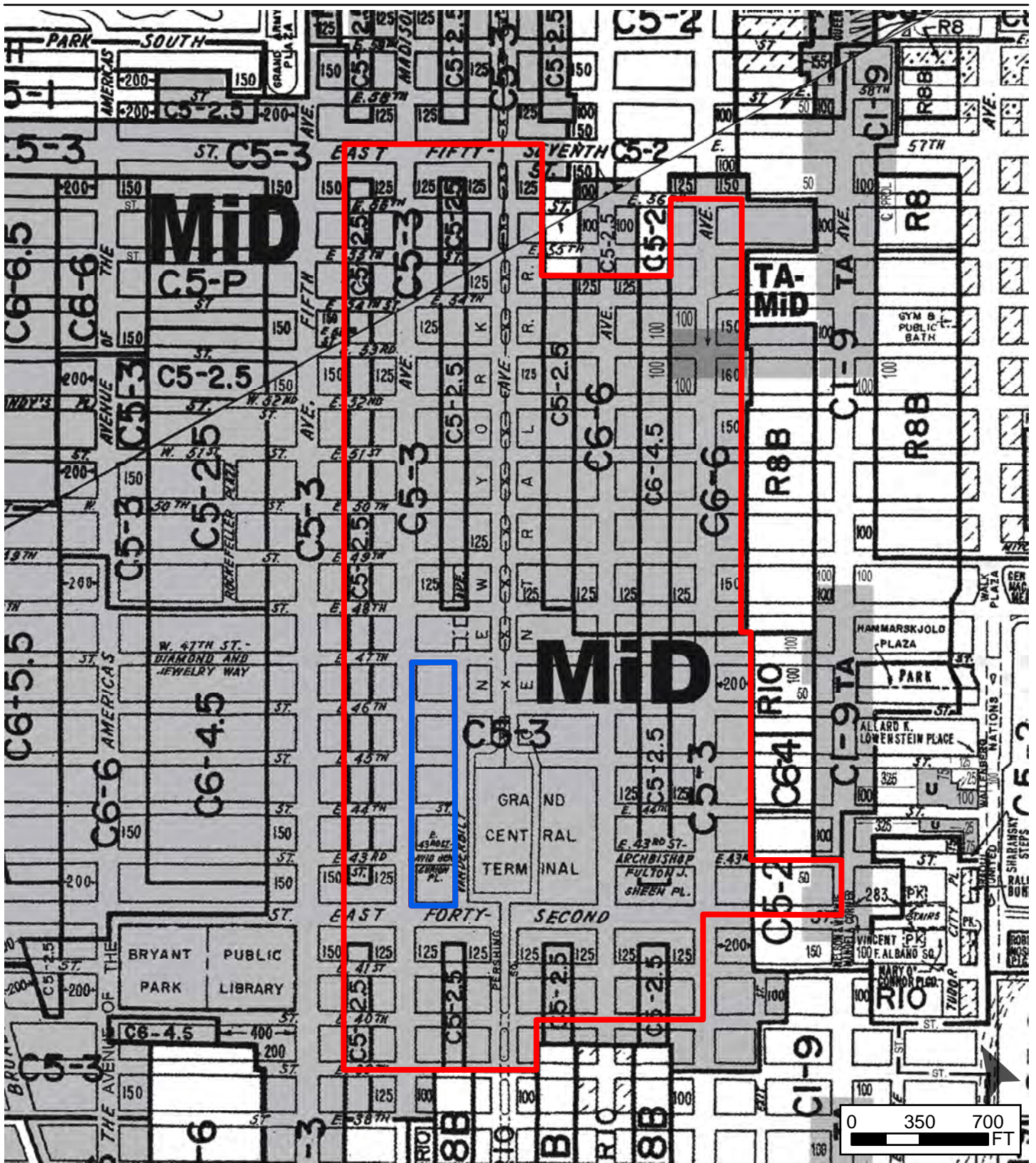
- Proposed Greater East Midtown Rezoning Boundary
- Vanderbilt Corridor (Existing Regulations Apply)

Greater East Midtown Rezoning
Manhattan, New York

Existing Zoning

Figure
2





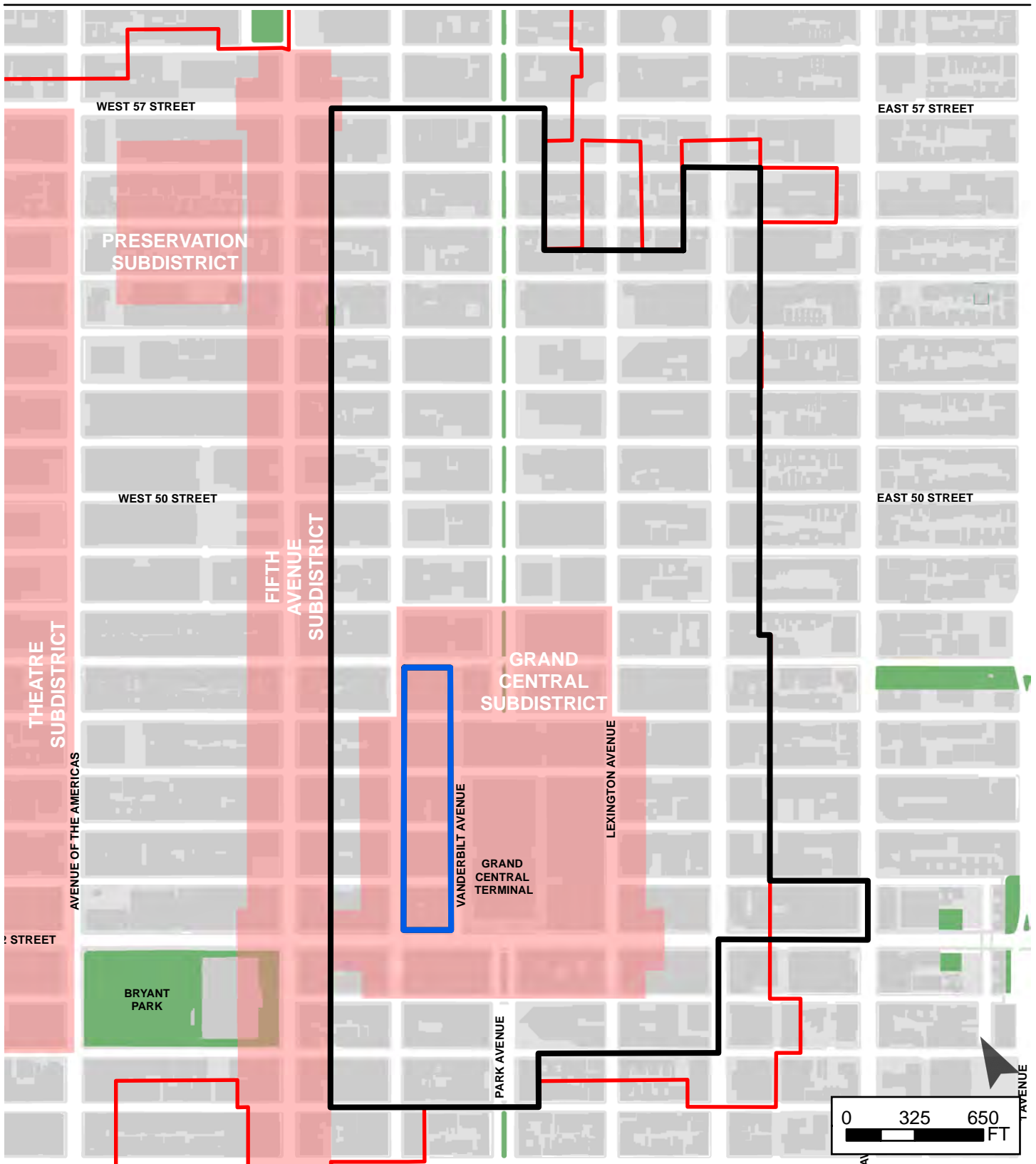
- Proposed Greater East Midtown Rezoning Boundary
- Vanderbilt Corridor (Existing Regulations Apply)
- Proposed Zoning Map Change*

*Extension of C5-3 and Special Midtown Zoning District

Greater East Midtown Rezoning
Manhattan, New York

Proposed Zoning
Amendments

Figure
3

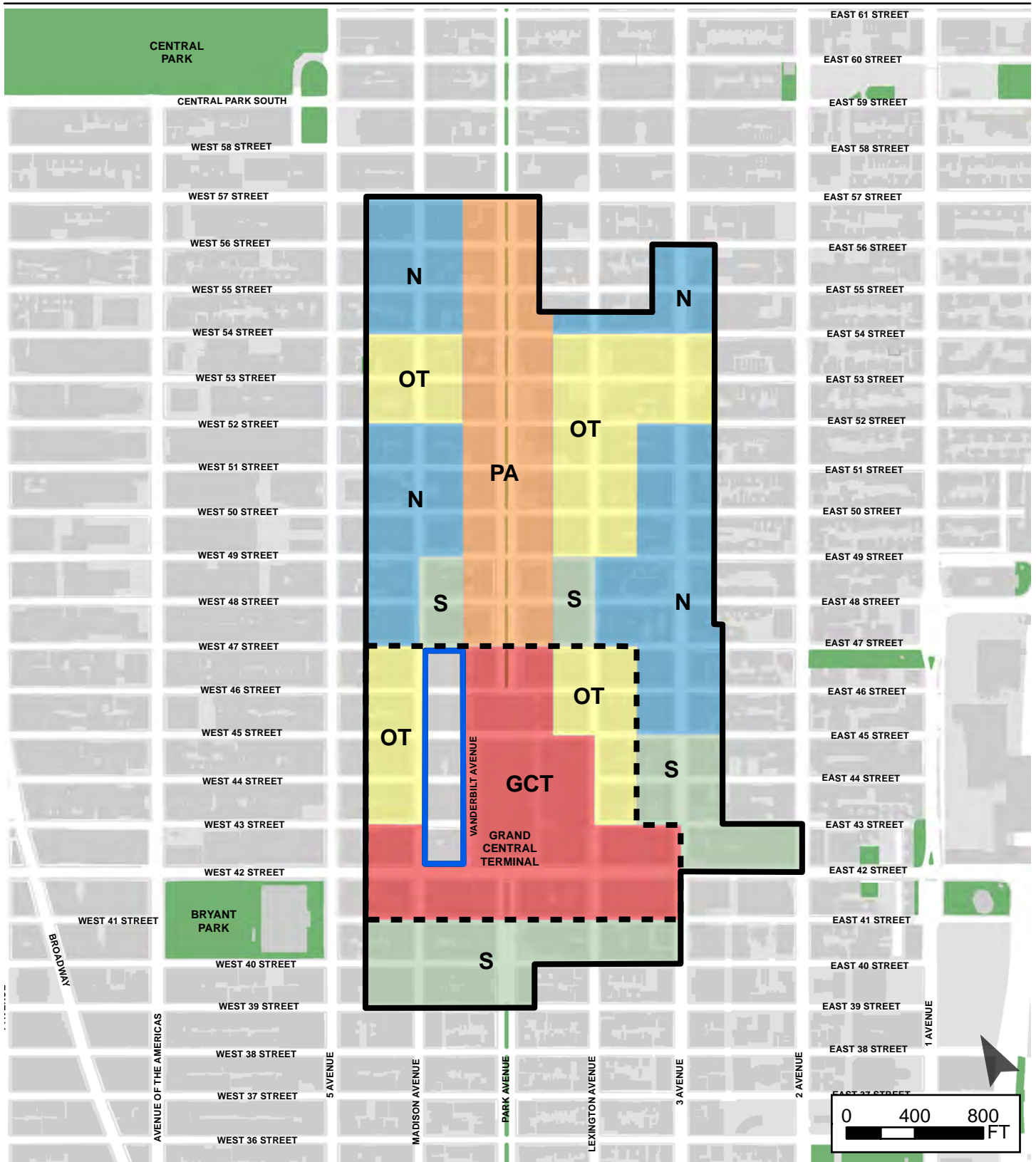










- Proposed Greater East Midtown Rezoning Boundary
- Vanderbilt Corridor (Existing Regulations Apply)
- Special Midtown District Boundary
- Special Midtown District Subdistrict Boundary

Greater East Midtown Rezoning
Manhattan, New York

Existing Subdistricts

Figure
4



- | | |
|---|---|
|  Proposed Greater East Midtown Rezoning Boundary | Subdistrict Maximum Permissible FAR |
|  Vanderbilt Corridor (Existing Regulations Apply) |  Northern Subarea (N) - 18.0 FAR |
|  Grand Central Core Area |  Southern Subarea (S) - 21.6 FAR |
| |  Other Transit Improvement Zone Subarea (OT) - 23.0 FAR |
| |  Park Avenue Subarea (PA) - 25.0 |
| |  Grand Central Improvement Zone Subarea (GCT) - 27.0 FAR |

comment on the Draft Scope at a public scoping meeting held on Thursday, September 22, 2016 in the Municipal Building, Mezzanine Level, 1 Centre Street, New York, NY 10007. The meeting was held in two sessions with the first session starting at 2:00pm and the second starting at 6:00pm. Comments received during the draft scope's public meeting, and written comments received through Tuesday, October 4, 2016 have been considered and incorporated as appropriate into this Final Scope. Appendix E to this Final Scope identifies the comments made during the public review period and provides responses. Appendix F provides the written comments received. The Draft EIS (DEIS) will be prepared in accordance with the Final Scope of Work for an EIS.

Once the lead agency is satisfied that the DEIS is complete, the document will be made available for public review and comment. A public hearing will be held on the DEIS in conjunction with the CPC hearing on the land use applications to afford all interested parties the opportunity to submit oral and written comments. The record will remain open for 10 days after the public hearing to allow additional written comments on the DEIS. At the close of the public review period, a Final EIS (FEIS) will be prepared that will incorporate all substantive comments made on the DEIS, along with any revisions to the technical analysis necessary to respond to those comments. The FEIS will then be used by the decision makers to evaluate CEQR findings, which address project impacts and proposed mitigation measures, before deciding whether to approve the requested discretionary actions, with or without modifications.

C. Description of Proposed Action

Background and Existing Conditions

The Greater East Midtown business district is one of the largest job centers in New York City and one of the highest-profile business addresses in the world. The area between Second and Fifth Avenues, and East 39th and East 57th Streets contains more than 70 million square feet of office space, more than a quarter million jobs and numerous Fortune 500 companies.

This area is anchored by Grand Central Terminal (the "Terminal" and "Grand Central"), one of the city's major transportation hubs and most significant civic spaces. Around the Terminal and to the north, some of the city's most iconic office buildings, such as Lever House, Seagrams Building, 550 Madison (formerly AT&T, then Sony Building), 601 Lexington (formerly the Citigroup Building) and the Chrysler Building line the major avenues – Park, Madison, and Lexington Avenues – along with a mix of other landmarked buildings, civic structures and hotels.

The area's transportation network is currently under expansion through two major public infrastructure projects: East Side Access and the Second Avenue subway. East Side Access will, for the first time, permit Long Island commuters one-seat access to East Midtown through a new below-grade Long Island Rail Road station adjacent to Grand Central. Construction is expected to be completed in 2022. The Second Avenue subway—whose first phase from East 63rd to East 96th Streets is planned for passenger service at the end of 2016—is expected to alleviate congestion on the Lexington Avenue subway line which runs through the Greater East Midtown office district.

Current Status and Recent Trends

Greater East Midtown continues to be one of the most sought-after office addresses in the New York City metropolitan region. The area straddles two Midtown office submarkets – Grand Central and the Plaza districts. The Grand Central district is typically considered an older submarket, with a higher vacancy rate and lower rents than the overall Midtown market. The Plaza district, centered on Park and Madison Avenues is one of the most expensive submarkets in the country, and generally has more recent construction. Nonetheless, it too exhibits a higher than average vacancy rate compared to Midtown as a whole.

Greater East Midtown’s tenants have historically included financial institutions and law firms. The area is home to numerous Fortune 500 companies and serves as the headquarters for many corporations. Recent trends have both reinforced and altered this role. First, the area has become home to the city’s hedge fund and private equity cluster – due, in part, to the area’s cachet and easy access to the Grand Central 42nd Street subway station and the Metro-North Railroad. Given this, rents for high-quality space in the area’s top buildings have greatly increased as this industry competes for these spaces. Conversely, as rents dropped with the economic downturn beginning in 2008, the area has developed a more diverse roster of tenants, including non-profits, technology, and media firms that were previously priced out of the Greater East Midtown office market, and which have moved in. Both trends have helped the area recover from the 2008 recession, with vacancy rates beginning to fall to within a more stable range.

Other recent trends have affected the overall level of employment in the area – which dropped during the economic downturn but has since risen. In 2000, approximately 255,000 persons worked in the area. As of 2016, employment has increased to almost 257,000 persons working in the area¹, up from a reported drop to 235,000 in 2009. Even with this marginal rise in the area’s employment since 2000, the Grand Central and Plaza districts continue to exhibit higher vacancy rates than other nearby markets. Further, the older office stock of Class B and C office buildings in the Grand Central district has become less competitive, especially compared to the newer office construction in the Plaza District and elsewhere in the City, including Hudson Yards and Lower Manhattan.

Additionally, the area has experienced a shift from a singular high travel period—typically at a rush ‘hour’—toward an overall more dispersed daily ridership. This has resulted in part from people working more flexible and varied hours; a trend which has been seen throughout the city.

Purpose and Need for Proposed Action

While this area currently continues to perform well in terms of overall cachet, rents, and vacancy rates, DCP has identified a number of long-term challenges that must be addressed in order for Greater East Midtown to remain one of the region’s premier job centers and one of the most attractive business districts in the world. A primary challenge is the area’s office building stock, which the DCP is concerned may not—in the long run—offer the kinds of spaces and amenities that are desired by tenants, and which can only be provided through new construction. As a result, Greater East Midtown faces challenges that may compromise its long-term competitiveness as a premier business district. These include aging building stock, limited recent office development and few available office development sites, public realm challenges, and an existing zoning framework that hinders new office development. Each of these long-term challenges are discussed in detail below. In light of these factors,

¹ 2016, ESRI.com Business Analyst

DCP has projected that the area's importance as a premiere central business district could diminish over time and the large investment in transit infrastructure, including the East Side Access and Second Avenue subway projects, will fail to generate its full potential of jobs and tax revenue for the city and region.

Challenges Affecting East Midtown

Aging Building Stock

The Greater East Midtown area contains approximately 475 buildings, of which more than 300 are more than 50 years old; the average age of office buildings in the area is approximately 75 years. For an office district competing for tenants regionally and globally, this is a comparatively aged building stock. In the Grand Central district, most buildings are considered to be Class B or Class C type buildings.

Much of the office space in the area's office buildings is already or may soon become outdated in relation to tenant needs. Today, this is seen in the area with office buildings more than 50 years old having notably higher vacancy rates and lower rents. Reasons for this include limited technology and amenity offerings which can at least partially be ameliorated through full-scale renovations of the buildings. However, some of the most challenging features cannot be dealt with through renovations, particularly low floor-to-floor heights and the numerous immovable interior columns.

Many prospective tenants looking for office space in Midtown today desire large expanses of column-free space in order to have flexibility in creating office layouts, which are trending toward more open organization. Columns and low floor-to-floor heights cannot accommodate such flexible open layouts or modern technology requirements, and thus, older buildings with such features are not desirable. With such a large amount of the office stock having these outdated features, the DCP is concerned this area's buildings cannot offer the kinds of space and amenities that new construction offers and therefore can no longer compete for the occupants who have typified the Greater East Midtown area.

Instead, the DCP believes that in the long term the area's outdated office buildings may begin to convert to other uses—particularly residential buildings and/or hotels. Given the area's concentration of rail public transit infrastructure and the current expansion of this network, this outcome does not align with the city's long-term economic goals. While the DCP has undertaken many initiatives over the last decade to accommodate new office construction in the city; including at Hudson Yards, Downtown Brooklyn, and Long Island City; all of these were predicated on East Midtown remaining a center for office jobs, and none contemplated the diminishment of this area as one of the city's premier business districts.

Finally, since most of the area's buildings were constructed before sustainability and energy efficiency became key features of office building design and operation, many of the area's buildings are far less efficient than new construction.

Limited Recent Office Development and Few Available Office Development Sites

With much of the Greater East Midtown's existing office stock aging, the area has also experienced little new office development. Only three office buildings have been constructed in East Midtown since 2001, representing a significant drop from preceding decades. Of the almost 60 million square feet of office space currently in the area, less than three percent was constructed within the last two decades. Whereas the area had an overall annual space growth rate of 1 percent between 1982 and 1991, the

area's growth rate began to drop off in the next decade, with an annual growth rate of 0.14 percent. Over the last decade, this has continued to fall with the period between 2002 and 2014 exhibiting an annual growth rate of only 0.02 percent.

Since 1982, the area's average age of buildings increased from 52 years to over 70 years—although four major office developments are currently underway or in the planning stages. The most prominent of these, One Vanderbilt Avenue, will be a 30-FAR office building directly west of Grand Central Terminal, developed pursuant to the 2015 Vanderbilt Corridor text amendment's provisions. In exchange for bonus floor area, the development provided numerous transit improvements, a new marquee public space on a pedestrianized portion of Vanderbilt Avenue, and an on-site transit hall with connections to commuter rail lines. The transit improvements were valued at approximately \$225 million. Also contemplated is the redevelopment of 343 Madison Avenue, pursuant to the Vanderbilt Corridor zoning text. Like the One Vanderbilt development, 343 Madison Avenue would contribute to the goal of improving public circulation and transit access in the area around Grand Central Terminal. The other two developments that are underway, 425 Park Avenue and 380 Madison Avenue, are replacing existing office buildings in-kind and do not add office floor area to East Midtown.

The area is highly built up and contains few remaining development sites based on typical "soft site" criteria, i.e., sites where built FAR is less than half of the permitted base FAR, excluding landmarked buildings. Of the possible development sites that do exist, few would accommodate a major new office building. Beyond the difficulty of assembling appropriately-sized sites, there are a number of other challenges to new development. These include the need to vacate existing tenants which, depending on existing leases, can be a long, multi-year process that is not economically viable for many property owners. Large existing buildings must then be demolished, further extending the period during which the property produces no revenue. These issues have led to very limited new office construction in the area and many owners attempting instead to renovate their buildings, often on a piecemeal basis, to compete in the overall market.

Public Realm Challenges – Pedestrian Realm and Transit Network

East Midtown contains some of the city's best known public and civic spaces, including Grand Central Terminal's main hall, the Seagram Building Plaza, and Park Avenue itself. The public realm, however, encompasses more than just iconic or grand civic spaces—it exists both above and below grade, and includes sidewalks, roadways, parks and open spaces, indoor and outdoor privately-owned public spaces (POPS) as well as publicly-accessible transit-related infrastructure. An example of the below-grade public realm is the extensive subterranean pedestrian network that connects Grand Central Terminal to the Grand Central 42nd Street subway station and to surrounding streets and buildings, allowing for a more efficient distribution of pedestrians in the area.

East Midtown is one of the most transit-rich locations in the city, and the public realm, both above and below grade, is one of the area's unique assets. However, the area faces a number of challenges to creating a pedestrian network that matches the area's role as a premier central business district, and allows pedestrians to easily access its public spaces, transit amenities, office buildings and institutions. Specifically, challenges to the above and below grade public realm include:

- The area's below-grade transit system is heavily utilized. For example, Grand Central 42nd Street subway station is one of the busiest—second only to Penn Station—with nearly half a million daily users. Like other stations in the area, Grand Central 42nd Street experiences pedestrian circulation constraints, including platform crowding and long dwell times for the Lexington Avenue line (Nos. 4, 5, and 6), which limits train through-put, creating a subway

system bottleneck. The transit upgrades associated with One Vanderbilt will help alleviate pressure on the Lexington Line at the Grand Central 42nd Street station. However, the Flushing line at Grand Central 42nd Street is in need of critical upgrades, and the area's other two transit hubs, at Lexington Avenue-51st/53rd Streets and Fifth Avenue-53rd Street stations, require targeted improvements to improve pedestrian circulation and transfers between train lines.

- Several stations outside the Subdistrict boundaries serve East Midtown, through transfers or as final destinations. These stations face a similar series of connectivity and circulation-related challenges that make it difficult for users to access the area.
- The area's sidewalks and pedestrian circulation spaces can be crowded during the workweek. Vehicular congestion can be pronounced in the area, especially during rush hours, which exacerbates these negative aspects of the pedestrian experience. Such crowded spaces include the sidewalks of Madison and Lexington Avenues, which are extremely narrow—both less than 12 feet wide. Effective widths (the unobstructed area available to pedestrians) are even narrower, when subway grates and other sidewalk furniture are considered. The Department of Transportation (DOT) implemented protected sidewalk extensions at key pedestrian crossings on the west side of Lexington Avenue, adjacent to Grand Central, which have helped improve pedestrian safety. However, similar measures are needed throughout the area's north-south corridors, particularly near transit-hubs, which tend to be highly trafficked by pedestrians.
- Given the area's built density, there are seemingly limited means to expand its open spaces or public spaces oriented towards passive activities. The city is working to address this issue in publicly owned property through the creation of Vanderbilt Place and the planned pedestrianization of Pershing Square. Over 40 developments in the area contain POPS. Since 2007, nine of these spaces have been redesigned, and one new one has been built. POPS are a key component of East Midtown's above-grade public realm, but the current zoning and built-out fabric yield few opportunities to further supplement these spaces on private property.

Challenges of Current Zoning

East Midtown's current zoning framework is broadly intended to strengthen the area's role as a central business district and to promote and incentivize high-density development where appropriate. DCP has identified a number of issues with the current framework that serve to limit new construction. One of the most prominent challenges is with permitted density. The increment between a building's maximum permitted FAR and built FAR is a driving factor in whether redevelopment is feasible. The more underbuilt a site is, the more feasibly it can be redeveloped.

East Midtown is generally zoned C5-3 and C6-6 along wide streets and in Grand Central's vicinity, and C5-2.5 and C6-4.5 along midblocks. The entire area, save a small portion of Block 1316 bordering Second Avenue between East 42nd and East 43rd Streets, is located within the Special Midtown District. The C5-3 and C6-6 districts permit a maximum as-of-right density of 15.0 FAR and the C5-2.5 and C6-4.5 districts permit 12.0 FAR. Existing Zoning is shown in Figure 2 and the existing subdistricts are shown in Figure 4.

Existing built densities are commonly higher than the allowable 15.0 and 12.0 FAR, which makes new construction of office space a challenge. As a whole, the area contains approximately 2.3 million square feet more than currently permitted under zoning. The "overbuilt" condition is particularly true for buildings which were constructed before 1961, when the concept of floor area ratio was first instituted

under the Zoning Resolution, and contain more floor area than would be permitted under existing zoning. As discussed above, many of these “overbuilt” buildings contain obsolete features that make them less marketable, but the lesser amount of square footage that could be constructed in a new building on the site presents a significant disincentive to new construction. Under current zoning, up to 75 percent of the floor area could be removed and reconstructed as modern office space, but this would still leave a building with 25 percent of floor space below contemporary standards, and the construction issues caused by this requirement make it extremely challenging to undertake. As indicated, two buildings, 425 Park Avenue and 390 Madison Avenue, are being redeveloped in this manner at great cost. These two redevelopments, however, are in-kind replacements and add no new office space to the area.

There are two main options for a development site to increase its on-site density without changing its underlying zoning. One is to transfer and incorporate unused development rights from area landmarked buildings, and the second is to pursue a floor area bonus through either an as-of-right or discretionary zoning action. In practice, however, it can be difficult for development sites in East Midtown to successfully utilize these mechanisms.

East Midtown’s landmarked properties with unused development rights (i.e., potential “granting sites”) hold considerable reserves of unused floor area—approximately 3.5 million square feet in total. In particular, Grand Central Terminal, St. Patrick’s Cathedral and St. Bartholomew’s Episcopal Church each contain between 850,000 and 1.2 million square feet of unused development rights. As-of-right, granting sites may only transfer development rights to contiguous “receiving sites” via zoning lot merger. However, Section 74-79 of the Zoning Resolution allows landmarked properties to transfer unused development rights to receiving sites that are adjacent or across the street via CPC special permit. In high-density locations, the CPC can require public improvements as a condition to the special permit’s approval, such as public open spaces and plazas, arcades or below-grade connections to public transit. Even with this expanded range of potential receiving sites, only two developments in East Midtown (610 Lexington Avenue and 120 Park Avenue) have utilized this action, and the majority of the area’s landmark development rights remain unused with limited prospects for transfer.

The Grand Central Subdistrict of the Special Midtown District was adopted in 1992, in part to address this issue by permitting the transfer of development rights from Grand Central Terminal and other nearby landmarked buildings to a wider range of surrounding development sites, and to create an improved pedestrian realm in the area. In the Core area of the Subdistrict (between Madison and Lexington Avenues, from East 41st to East 48th Streets) the maximum permitted FAR through transfer is 21.6 and requires a special permit from the CPC that finds that a significant pedestrian improvement is being provided as part of the project. Only one building, 383 Madison Avenue, has used this provision, providing covered circulation space and transit access improvement as part of the approval for 6.6 FAR beyond the permitted base FAR. Additionally, 1.0 FAR transfers are permitted through a certification process in the Core and a larger area which includes the other sides of Madison and Lexington Avenues. This mechanism has been used three times since 1992. In total, more than 1.2 million square feet of development rights remain unused on the Grand Central Terminal site.

Besides Section 74-79 and the Grand Central Subdistrict mechanisms, the current zoning framework provides two land use actions that permit increased density. First, subway bonuses are permitted for sites directly adjacent to subway entrances (up to 20 percent more than the permitted base FAR) through the provision of an improvement to the subway network (pursuant to Sections 81-292 and 74-634 of the Zoning Resolution). However, the geographic applicability, discretionary nature of the action and long-term collaboration requirement with the Metropolitan Transportation Authority (MTA) make

this mechanism comparatively challenging to pursue. To date, two developments over 20 years apart, 599 Lexington Avenue and 885 Third Avenue, have been granted this special permit.

Additionally, in the portions of East Midtown outside the Grand Central Subdistrict, as-of-right bonuses of 1.0 FAR are permitted through the provision of public plazas.

The Special Midtown District formerly provided a 20 percent bonus via special permit for the provision of publicly accessible Covered Pedestrian Spaces (CPS) pursuant to Section 74-87. This permit was responsible for notable indoor public spaces at the Sony/ATT building (550 Madison Avenue), and IBM building (590 Madison Avenue). In 1998, this typology was prohibited in the Special Midtown District along with the Through Block Arcade, another type of bonusable public space that was popular during the 1970s and 1980s.

Beyond density regulations, the provisions governing height and setback in the Special Midtown District can limit new development. The District has two alternative sets of as-of-right height and setback regulations—daylight compensation and daylight evaluation. They were developed over thirty years ago in 1982 in response to concerns that midtown’s built density and future development would compromise the public’s access to light and air. These regulations were crafted with larger, regularly shaped development sites in mind, and have proven restrictive on smaller or irregular sites, particularly for the development of high-density office buildings.

Consequences of Long Term Challenges

The DCP believes that the long-term consequence of failing to address the aging of the existing office stock, the lack of replacement office development, the area’s public realm issues and the challenges of its current zoning would be a decline in the diverse and dynamic business district in East Midtown. The needs of the full range of tenants that East Midtown serves today would be unmet if current challenges are not addressed. In particular, tenants of state-of-the-art Class A office space, who have been attracted to the area in the past, would begin to look elsewhere for space. This would likely not only affect the top of the market, but also the Class B and C office space since tenants in these buildings would lose proximity to other important businesses in their cluster. As a result, Class B and C buildings would become ripe for conversion to other uses. In sum, East Midtown would become less desirable as a business district and the significant public investment in the area’s transit infrastructure would fail to maximize its full potential to generate jobs and tax revenues for the city.

Prior Studies in the East Midtown Area

2013 East Midtown Rezoning Proposal

Acknowledging the challenges discussed above, in order to reinforce the area’s standing as a premier central business district, the city created the 2013 East Midtown Rezoning proposal (the “2013 Proposed Action”). It was developed to encourage new, predominantly office development in East Midtown. To do so, it proposed modified zoning regulations for a 70-block area of the Special Midtown District to be known as the East Midtown Subdistrict, which would have superseded the Grand Central Subdistrict. The East Midtown Subdistrict’s primary features included the following:

- Focused new commercial development on large sites with full block frontage on avenues around Grand Central Terminal and its concentration of transit access by permitting the

highest as-of-right densities for these sites and slightly lesser densities allowed along the Park Avenue corridor and elsewhere.

- Provided a District Improvement Bonus mechanism to generate funding for area-wide pedestrian network improvements through new development.
- Streamline the process for landmarked buildings to transfer their unused floor area.

The 2013 Proposed Action was approved by the CPC in September 2013, but was withdrawn by the City in November of that year before reaching the City Council vote with the understanding that the project lacked City Council support for adoption. After taking office in 2014, Mayor Bill de Blasio committed the City to developing a new plan to ensure the area's long-term success as a business district. This new plan included a stakeholder-driven process to determine a new framework for the overall East Midtown area.

Despite the 2013 Proposed Action application's withdrawal, it garnered stakeholders' broad consensus and agreement with DCP's analysis that the current zoning impedes replenishment of office space and that without a change in outdated zoning, the office stock will continue to age and the overall competitiveness of the business district will gradually decline, eroding one of the most important job centers and tax bases in the city. The key concerns raised by stakeholders during the public review process included:

- The effectiveness of the District Improvement Bonus in providing the critically needed infrastructure improvements in the area, coupled with uncertainty over which above and below grade public realm improvements the public could expect.
- The need to balance new development with preservation of the area's existing buildings, and to identify ways for the area landmarked buildings to transfer their unused development rights.
- The specific uses that should be allowed in new development in the area, with particular concern about as-of-right hotel development.

The Vanderbilt Corridor

In 2014, DCP sought to address the above challenges in a more targeted area, as a first phase of the East Midtown rezoning effort. A five-block area along the west side of Vanderbilt Avenue between East 42nd and East 47th Streets, (the "Vanderbilt Corridor") was the subject of a 2015 zoning text amendment (N 150127 ZRM). In particular, the text amendment created mechanisms to increase density in exchange for substantial public realm improvements, and permitted greater transfer of unused landmark development rights in order to allow them to be a primary driver of growth. Sites in the corridor could apply for one or a combination of both special permits to achieve a maximum of 30.0 FAR. Creation of the Vanderbilt Corridor also included a City Map amendment (C 140440 MMM) to designate the portion of Vanderbilt Avenue between East 42nd and East 43rd Streets as a "public place" dedicated to pedestrian uses, in part to alleviate the public realm challenges identified earlier.

The Vanderbilt Corridor plan addressed a number of development sites along Vanderbilt Avenue that met the criteria to provide modern commercial space in the immediate vicinity of Grand Central Terminal, and created a special permit mechanism linking new commercial development to significant transit and public realm improvements in the overall Grand Central area. In particular, this process facilitated the development of One Vanderbilt Avenue, a new 30 FAR, 1.3 million square foot

commercial tower that received a special permit floor area bonus for the provision of approximately \$225 million in improvements to transit and the public realm in the Grand Central area. Construction is underway on this new building. Also contemplated in conformance with the Vanderbilt Corridor zoning text is the redevelopment of 343 Madison Avenue. Like the One Vanderbilt development, 343 Madison Avenue would contribute to the goal of improving public circulation and transit access in the area around Grand Central Terminal. Since the 343 Madison Avenue development would be subject to a separate discretionary approval process, with project-specific analysis, the associated transit improvements are not assigned to this development site in this analysis. While the Vanderbilt Corridor area would be included in the proposed East Midtown Subdistrict, the Proposed Action does not contemplate any modifications to the provisions currently applicable in the corridor.

East Midtown Steering Committee

Following the withdrawal of the 2013 Proposed Action, Mayor de Blasio established the East Midtown Steering Committee in May 2014 and requested that the Manhattan Borough President and local City Council member serve as co-chairs. The Steering Committee included representatives from Community Boards 5 and 6, real estate and business interests, citywide civic and labor organizations. It was tasked with developing a new planning agenda for the future of East Midtown that would inform future rezoning, funding and capital commitments, and other policy decisions there.

The Steering Committee met 19 times between 2014 and 2015 and met several more times in 2016. The Steering Committee produced a report that included a set of recommendations intended to serve as a framework for the Proposed Action. Their recommendations covered the following topics:

- Land Use and Density:
 - Higher as-of-right densities should be permitted dependent upon both the location of a development site (such as proximity to transit), and upon proposed improvements to transit and the wider public realm.
 - Designated landmarked buildings should be permitted to transfer their existing unused development rights throughout the entire district on an as-of-right basis.
 - A percentage of the sale of landmark transfer development rights (TDR) would be made as a contribution to an “Improvement Fund” for area-wide public realm improvements, with a per-square-foot minimum contribution.
- Improvement Fund and Place-making:
 - Revenue secured through a percentage of sale of landmark TDRs should be held in the Improvement Fund. A Governing Group with appointees from the Mayor, local elected officials and representation by Community Boards and other stakeholders should set planning and project management priorities, as well as the use of funding for specific projects once available.
 - Parameters should be employed to ensure funding for both above- and below-grade improvements over time.
 - Key corridors should receive special attention for place-making and pedestrian improvements.

- Landmark Designation:
 - The New York City Landmarks Preservation Commission (LPC) should calendar for landmarks designation as many historic resources as it deems appropriate and do so by the certification date of the rezoning of Greater East Midtown.

In response to the Steering Committee's recommendations, the DCP, in concert with other city agencies and the MTA collaborated to produce an interagency proposal for Greater East Midtown, of which the Proposed Action is a main component. These included:

- LPC reviewed the area's buildings and calendared 12 buildings within the proposed Subdistrict with the intention of considering designation of all 12 before the end of 2016 (see below for additional information on LPC's consideration of these resources).
- MTA studied the area's transit network to identify its primary issues, and conducted extensive engineering and costing analyses to deliver a list of feasible transit improvements to address them.
- DOT examined the Steering Committee's recommendations regarding sidewalks, roadways and similar elements of the above-grade public realm. Their study provided cost estimates and a list of improvements and place-making strategies.

Based upon the previous work prepared by DCP, the development strategies established through the Vanderbilt Corridor rezoning and the guidance provided by the East Midtown Steering Committee, DCP has developed the Proposed Action as described following.

D. The Proposed Action

The City's vision for Greater East Midtown is that it will continue to be a premier central business district that complements office development throughout the city and facilitates the long-term expansion of the city's overall office stock. The addition of new office buildings would reinforce the area's standing, support the preservation and continued maintenance of cherished landmarked buildings, and provide for public realm improvements essential for both a functional and dynamic commercial district and reflect the public commitment to the area commensurate with the major infrastructure investments already under construction (East Side Access and Second Avenue Subway). It is envisioned that the majority of buildings would remain in their current office uses and only a small portion would convert to residential and hotel uses.

Specifically, the goals of this Proposal are to develop a largely as-of-right framework which produces predictable results that:

- Protect and strengthen Greater East Midtown as a regional job center and premier central business district by seeding the area with new modern and sustainable office buildings;
- Help preserve and maintain landmarked buildings by permitting their unused development rights to transfer within the district's boundary;
- Permit overbuilt buildings to retain their non-complying floor area as part of a new development on the site;

- Upgrade the area’s public realm through improvements that create pedestrian friendly public spaces and that facilitates safer, more pleasant pedestrian circulation within the transit stations and the street network; and
- Maintain and enhance key characteristics of the area’s built environment such as access to light and air, active retail corridors and the iconic street wall character in the area surrounding Grand Central Terminal.

It is expected that enactment of the Proposed Action would lead to the development of approximately 16 new buildings, predominantly for office use. These buildings would be located throughout the Subdistrict, with concentrations along Madison Avenue between East 39th and 46th Streets and around the Lexington Avenue-51st/53rd Streets subway station. A more limited number of developments are projected along Park Avenue and east of Grand Central Terminal. This construction would utilize all of the unused floor area from the Subdistrict’s landmarked sites and provide significant opportunities for above- and below-grade public realm improvements, all of which would serve to address key challenges in the area. Projected building heights would range from 482 to 846 feet. New construction permitted through the Proposed Action would translate into an increase of less than 6.5 percent above the approximately 90 million square feet of total space in the Subdistrict today.

The tax blocks and lots within the proposed rezoning area are detailed in the following table:

Table 1: Blocks and Lots within the Rezoning Area

| Block | Lot |
|-------|---|
| 869 | 16, 20, 22, 24, 25, 26, 27, 34, 49, 54, 58, 61, 64, 66, 74, 7501 |
| 895 | 1 |
| 1275 | 6, 8, 11, 12, 14, 16, 23, 27, 44, 50, 59, 60, 61, 63, 64, 66, 143 |
| 1276 | 1, 22, 23, 24, 33, 42, 51, 58, 65, 66, 999 |
| 1277 | 6, 8, 14, 20, 27, 46, 52, 67 |
| 1278 | 1, 8, 14, 20, 62, 63, 64, 65 |
| 1279 | 6, 9, 17, 23, 24, 25, 28, 45, 48, 57, 63, 65, 69, 7501 |
| 1280 | 1, 10, 30, 54, 90, 154, 7501 |
| 1281 | 1, 9, 21, 30, 56, 59, 61, 62, 64, 65, 66, 7501 |
| 1282 | 1, 17, 21, 30, 34, 64, 7501 |
| 1283 | 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 21, 58, 61, 62, 63, 64 |
| 1284 | 7, 12, 13, 14, 17, 21, 26, 33, 52, 55, 56, 59, 60, 152, 7501 |
| 1285 | 13, 15, 21, 36, 46, 59, 7501 |
| 1286 | 1, 21, 30, 35, 43, 53 |
| 1287 | 8, 9, 10, 14, 21, 27, 28, 33, 52, 58, 61, 62, 63, 7501 |
| 1288 | 6, 7, 10, 11, 21, 24, 27, 33, 51, 56, 63 |
| 1289 | 6, 8, 14, 21, 23, 24, 28, 36, 45, 52, 59, 65, 67, 107, 149 |
| 1290 | 6, 14, 15, 16, 17, 21, 27, 28, 31, 36, 37, 44, 50, 52, 56, 61, 62, 115, 127, 7501, 7502 |
| 1291 | 10, 21, 28, 38, 45, 47, 51, 127, 7501 |
| 1292 | 8, 15, 33, 37, 41, 42, 47, 48, 52, 64, 66, 7501 |
| 1295 | 1, 17, 20, 23, 33, 40, 58 |
| 1296 | 1, 14, 7501, 7502 |
| 1297 | 23, 27, 31, 33 |
| 1298 | 23, 28, 33, 34, 36, 37, 38, 40, 41, 45, 127, 136 |
| 1299 | 22, 23, 27, 33, 37, 38, 40, 41, 48, 7501 |
| 1300 | 1, 6, 14, 20, 21, 23, 24, 25, 26, 33, 42, 44, 46, 47, 50, 122, 124, 145, 146 |
| 1301 | 1, 23, 33 |
| 1302 | 21, 22, 23, 24, 25, 27, 28, 29, 30, 33, 43, 51, 123, 127, 7501 |

Table 1: Blocks and Lots within the Rezoning Area (Continued)

| Block | Lot |
|-------|--|
| 1303 | 1, 14, 30, 33, 41, 45, 46, 53, 7501, 7502 |
| 1304 | 1, 14, 30, 33, 41, 45, 46, 53, 7501, 7502 |
| 1305 | 1, 13, 20, 23, 28, 32, 33, 40, 60, 128, 7501 |
| 1306 | 1, 23, 33, 42, 50 |
| 1307 | 1, 14, 23, 29, 43, 59, 7501 |
| 1308 | 33, 7501, 7502 |
| 1309 | 1, 5, 6, 7, 8, 23, 32, 39, 41, 69, 72, 107, 7502 |
| 1310 | 1, 33, 34, 35, 36, 37, 38, 39, 40, 133, 140 |
| 1311 | 1, 5, 65 |
| 1316 | 1, 12, 23, 30, 7501 |
| 1317 | 1, 7 |
| 1318 | 1, 43, 44, 143 |
| 1319 | 1, 2, 3, 7, 8, 11, 47, 103, 104, 7503 |
| 1320 | 46, 7503, 7506 |
| 1321 | 1, 42, 47 |
| 1322 | 1, 7, 8, 9, 42, 43, 44, 107, 143 |
| 1323 | 1, 8, 42, 43, 47 |
| 1324 | 1, 9, 42, 47, 48, 49 |
| 1325 | 1, 47, 48, 50, 7503, 7504 |
| 1326 | 1, 7, 41, 140 |
| 1327 | 1, 37, 7501 |
| 1328 | 1 |
| 1329 | 1 |

Requested Actions

To facilitate the proposed Subdistrict, the following actions are required:

Proposed Zoning Text Amendment

The proposed zoning text amendment (the “Amendment”) would establish an East Midtown Subdistrict (the “Subdistrict”) within the Special Midtown District (see Figures 3 and 5). The proposed Amendment would focus new development on sites that are near transit stations and along wide streets. The greatest as-of-right density would be around Grand Central Terminal with lesser densities surrounding the Grand Central core. Development generated through the proposed mechanisms would provide greater opportunity for landmarked buildings to transfer unused development rights throughout the Subdistrict and would provide district-wide public realm improvements. The proposed Subdistrict would supersede the existing Grand Central Subdistrict, and most of the existing zoning regulations of the Grand Central Subdistrict would be incorporated into the proposed Amendment.

Density Framework to Permit and Promote New Development

Due to current maximum-permitted FARs and the lengthy and unpredictable special permit process, there is limited growth potential in the Greater Midtown Area. This proposal addresses these development challenges through a primarily as-of-right framework that permits additional density, by carrying degrees, based on locational criteria such as proximity to transit and adjacency to wide streets. This creates a scenario whereby the public can be assured that the densest new developments will be

appropriately located (i.e., near transit and along wide streets) and whereby the predictable as-of-right process and increased permitted densities will serve as incentives for developers to undergo the resource intensive effort associated with redevelopment projects in this area. The as-of-right process is elaborated upon throughout this section of the document and the proposed maximum densities are detailed here.

The area around Grand Central Terminal is mapped as a C5-3 zoning district on both wide and narrow streets. This designation permits a maximum of 15.0 FAR. The remainder of the area is mapped with C5-3 and C6-6 districts, which permit a maximum of 15.0 FAR, along the avenues and C5-2.5 and C6-4.5 districts, which permit a maximum of 12.0 FAR, along the midblocks. This Proposal would enable sites to utilize the three as-of-right mechanisms to achieve specific maximum densities in excess of these base FARs.

New as-of-right maximum densities proposed for the Subdistrict range from 18.0 to 27.0 FAR based on geography. Broadly, this translates to higher permitted FARs in locations proximate to transit nodes and along Park Avenue, an especially wide street. In the area immediately surrounding Grand Central Terminal, the as-of-right maximum density would be 27.0 FAR. This would be the highest as-of-right density allowance in the East Midtown Subdistrict, reflecting the DCP's planning policy of focusing density in areas with excellent access to transit. In the area east and west of the Grand Central core and the area surrounding the Fifth Avenue-53rd Street and Lexington Avenue-51st/53rd Streets subway stations, the as-of-right maximum density would be 23.0 FAR. These areas of the district with a 23.0 or 27.0 FAR are further defined as Transit Improvement Zones, explained in further detail below. In the area encircling the Grand Central Transit Improvement Zone, the as-of-right maximum density would be 21.6 FAR for the blocks nearest Grand Central Terminal's below-grade network and 18.0 FAR for blocks further away. Generally, the areas that flank the Fifth Avenue-53rd Street and Lexington Avenue-51st/53rd Streets Transit Improvement Zones would have as-of-right maximum densities of 18.0 FAR. The exception is along Park Avenue where the as-of-right maximum density would be 25.0 FAR.

Qualifying Site Requirements

Development of new high-quality office space requires appropriate sites. Consequently, sites that are 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 building's floor area for residential use, and comply with environmental standards in order to be considered a Qualifying Site. Qualifying Sites may use three new as-of-right zoning mechanisms to achieve additional floor area: (1) the transfer of landmark development rights, (2) the rebuilding of legally non-compliant floor area, and (3) the completion of direct improvements to below-grade transit infrastructure.

Transfer of Landmark Development Rights

Under existing regulations, a landmark is only permitted to transfer its unused floor area to adjacent sites via a special permit. Adjacency is defined, pursuant to Zoning Section 74-79, which governs landmark transfers, as those lots that abut the landmark's zoning lot or are located across a street. The Proposed Action would permit greater flexibility in the transfer of those development rights by allowing landmarked buildings the ability to transfer to development sites anywhere in the proposed Subdistrict. This mechanism would allow for the redistribution of unused floor area for the

construction of office space, support the restoration and continued maintenance of landmarked buildings, and generate funds for public realm improvements.

- Redistribution of unused commercial floor area – Due to regulations curtailing modifications to landmarked structures, floor area that could conceivably be built on landmark sites is not being used. The redistribution of this unused floor area presents an opportunity to require that transferred floor area from these sites be developed for office use in the most appropriate portions of the proposed Subdistrict.
- Landmark restoration and maintenance – As is the procedure under Zoning Section 74-79, landmarked buildings that transfer development rights will be required to develop a restoration and continuing maintenance plan that is approved by LPC. The sale of development rights will aid landmark property owners in funding these preservation plans and help to ensure that landmarked structures continue their significant contribution to the area’s overall character.
- Public realm improvement support – Each landmark development rights transfer transaction will generate a contribution to the Public Realm Improvement Fund that will facilitate improvements to the area. The contribution rate will be 20 percent of the sale of each development rights transfer from a landmark, or a minimum contribution of \$78.60 per square foot, whichever is greater. This will help to ensure that new developments appropriately support public realm improvements. The City Planning Commission will, by rule, review and adjust the floor pursuant to the City Administrative Procedure Act every three to five years.

This as-of-right mechanism alleviates the need for a discretionary process by CPC to require improvements as part of floor area transfers in high density locations, which is the only mechanism available under current zoning.

Rebuilding Overbuilt Buildings

There are a number of pre-1961 buildings in East Midtown that do not comply with current zoning regulations, particularly with regard to the amount of floor area permitted, since they were constructed prior to the introduction of FAR regulations in the Zoning District. The Proposed Action would allow for the amount of floor area that exceeds the base FAR to be utilized as-of-right in a new development on the site and in conjunction with a contribution to the Public Realm Improvement Fund, which is detailed below.

- Rebuilding non-complying floor area – The Proposed Action would eliminate the requirement that 25 percent of a building’s structure be retained in order to utilize the building’s non-complying (i.e., overbuilt) floor area as part of a new development. Instead, it would allow the amount of overbuilt floor area to be utilized in a new development as-of-right, and would permit additional floor area to be attained through a landmark development rights transfer and/or a transit infrastructure project. All floor area would be subject to the Proposal’s use regulations.
- Public realm improvement support – The amount of non-complying floor area rebuilt on these sites would be subject to a contribution into the Public Realm Improvement Fund. The contribution amount would be the same as the minimum contribution (i.e., \$78.60 per square foot and adjusted every three to five years). This will facilitate improvements to the area that are designed to address the increased density generated by these new developments, which

traditionally have lower vacancy rates and more efficient floor layouts that allow for a greater number of workers per square foot than the existing building they would replace.

Pre-identified Transit Improvements

Under the Proposed Action, developments on Qualifying Sites within a Transit Improvement Zone (TIZ) would be required to undertake one or more pre-identified transit improvements in exchange for increases to their permitted floor area. Development sites located outside of a TIZ would not be required, or permitted, to undertake transit improvements.

Eligible Stations and Improvements – The Subdistrict is one of the most transit-rich in the city due to its access to Metro-North Railroad and the Grand Central 42nd Street subway station, the Fifth Avenue-53rd Street subway station, and the Lexington Avenue-51st/53rd Streets subway station. Three additional stations also function as critical components of Greater East Midtown’s interdependent transit network by serving as stations from which riders enter and exit the Subdistrict on foot and as stations from which riders transfer to and from trains that are entering and exiting the Subdistrict. These subway stations include 42nd Street Bryant Park-Fifth Avenue, 47th-50th Streets-Rockefeller Center, and Lexington Avenue-59th Street.

The MTA has identified specific improvements that would most facilitate the movement of Greater East Midtown office workers, visitors, and residents. These projects have been selected and designed by MTA to address current issues that impact the area’s transit network and anticipate potential needs of the area based on future development. As detailed below, the types of projects identified relate to handicap accessibility, improved access within station areas and circulation between platforms, and new points of access into subway stations from street level.

To facilitate this requirement, the pre-identified transit improvements would be assigned a standardized amount of floor area. Transit improvements fall into three categories of floor area, based upon project scope and public benefit ranging from 40,000 sf, 80,000 sf or 120,000 square feet.

New developments located in the Transit Improvement Zones, and built pursuant to this proposed framework, would be required to generate between 10 and 20 percent of the development’s maximum permitted floor area by completing one or more pre-identified transit improvements. For developments in 23.0 FAR districts, this would equate to between 2.3 and 4.6 FAR of transit improvements, and for developments in the 27.0 FAR district this would equate to between 2.7 and 5.4 FAR of transit improvements. All permitted floor area above these amounts would be through the transfer of unused floor area from the area’s landmarks. The exception to this would be for any eligible development that undertakes the improvements identified for the Fifth Avenue-53rd Street (E-M) station, detailed below. It is expected that these improvements need to be completed simultaneously in order to avoid transit operational complications and contain the construction period for each suite of station improvements. Therefore, a development would be permitted, as-of-right, to increase its additional floor area beyond 20 percent to complete improvements at this station. The Zoning Resolution will detail how individual developments select transit improvements, with priority given to those improvements closest to the development site.

Pre-identified Transit Improvement List – Projects on the pre-identified transit improvement list will be included in the zoning text. These improvements include:

- **Grand Central 42nd Street (4-5-6-7-S):** Suites of improvements are contemplated to improve accessibility to and from the Flushing Line platforms, including a new platform staircase to the escalator core serving the upper mezzanine, widening of staircases leading down from the

- Lexington Avenue Line platforms, and a widening of the platform stair at the east end of the station.
- **Lexington Avenue-51st/53rd Streets (E-M-6):** Proposed improvements include widening an escalator at the 53rd Street portion of the station, replacement of an escalator at the 51st Street portion of the station with a wider staircase, and the addition of new street entrance to the uptown Lexington Avenue Line platform at 50th Street.
 - **Lexington Avenue-59th Street (N-Q-R-4-5):** At this station, proposed improvements include adding more stair capacity between the N-Q-R and Lexington Avenue Line express platforms and the provision of ADA access.
 - **Fifth Avenue-53rd Street (E-M):** Proposed improvements include a new street entrance on the west side of Madison Avenue, a new mezzanine and fare control area, and new vertical circulation elements to the upper and lower platform levels. In addition, a new elevator would make the station fully accessible.
 - **47th-50th Streets-Rockefeller Center (B-D-F-M):** Capacity improvements at this station would result from the addition of two new platform stairs and the widening of existing platform stairs.
 - **42nd Street Bryant Park-Fifth Avenue (B-D-F-M-7):** Proposed improvements at this station include a new street entrance to the Flushing Line mezzanine from the north side of West 42nd Street, midblock between Fifth and Sixth Avenues. ADA access would also be provided between the mezzanine level and the Flushing Line platform as well as between the mezzanine level and the Sixth Avenue Line platform.

East Midtown Public Realm Improvement Fund, Governing Group and Concept Plan

As indicated, the Proposed Action would establish the East Midtown Public Realm Improvement Fund (the “Public Realm Improvement Fund” or “Fund”) for the deposit and administration of contributions generated by the transfer of landmark development rights, or the redevelopment of overbuilt buildings with legally non-complying floor area. The Fund shall be utilized, at the discretion of a Public Realm Improvement Governing Group (the “Governing Group”), to implement improvements within the proposed Subdistrict, and in its immediate vicinity.

The Governing Group will consist of nine members: five members shall be mayoral appointees from City agencies, a representative of the Office of the Manhattan Borough President, a representative of the New York City Council Member representing Council District 4; a representative of Manhattan Community Board 5; and a representative of Manhattan Community Board 6.

The Governing Group will adopt procedures for the conduct of its activities, which shall be consistent with the goals of the proposed Subdistrict. The Governing Group will also adopt and maintain a list of priority above- and below-grade improvements (the “Concept Plan”). To inform the initial Concept Plan, a suite of conceptual above- and below-grade public realm improvements have been prepared by DOT and MTA. The MTA improvements are those listed above, as the “Pre-Identified Transit Improvement List.” The DOT improvements fall into four general categories: (1) plazas, (2) shared streets, (3) median widenings, and (4) thoroughfare improvements.

The above- and below-grade public realm improvements will be evaluated as appropriate in the DEIS chapters. This analysis will provide an understanding of how these types of improvements might affect

Greater East Midtown if implemented. The above-grade improvements serve as illustrative examples of the types of projects that could be included in the Concept Plan and where those types of projects might be located. The Governing Group will have the ability to amend, add, or remove projects on the Concept Plan, and to prioritize the funding of projects. All projects must meet a set of criteria outlined in the Zoning Resolution and be a capital project under Section 210 of the New York City Charter.

Height and Setback Modifications

Compliance with the Special Midtown District's height and setback regulations is based on a calculation of the amount of daylight and openness to the sky made available to pedestrians through the proposed building's design. Under the Section 74-79 Landmark Transfer Special Permit, as well as the permits available in the Grand Central Subdistrict, modifications to these regulations are allowed to accommodate the higher FAR made available through the floor area transfer. To extend a similar flexibility to the as-of-right framework included in the Proposal, limited modifications to the underlying height and setback regulations would be granted to Qualifying Sites in order to permit as-of-right development at the levels allowed through the proposed framework and to better take account of the smaller development sites and higher street walls found in the East Midtown area. Specific modifications would include:

- The requirement that new buildings either meet the existing minimum daylight score for individual Midtown streets (66 percent), or achieve at least the same daylight score of the buildings they replace;
- The removal of unintended penalties for building designs looking to match the area's higher street wall context; provide street wall recesses and at-grade setbacks; or place more of their bulk higher in the air where it has less on-street visual impact; and
- The allowance for buildings along Park Avenue to measure height and setback compliance based on the avenue's actual dimensions. (Current regulations do not recognize Park Avenue's greater width.)

Other Modifications Affecting Qualifying Sites

Environmental standards – In order to ensure that new office construction supports the City's goals for reducing greenhouse gas emissions and achieves a high standard for energy efficiency, all developments on Qualifying Sites shall meet one of the following two requirements. New developments must either (1) utilize a district steam system for the building's heating and hot water systems; or (2), if it does not use district steam, the building's core and shell must exceed the stringent energy efficiency standards of the 2016 New York City Energy Conservation Code (NYCECC) by at least three percent. The CPC may update this standard by rule to keep pace with evolving codes and building practices.

Stacking rules – In order to enliven the program of future buildings the 'stacking' rules will be relaxed. Under the existing 'stacking' rules, non-residential uses are not permitted above or on the same story as residential uses, limiting the ability to develop such uses in mixed-use buildings with residential uses. In order to permit these active uses, the Proposed Action would allow restaurants, observation decks, and other similar uses to be developed above residential uses as-of-right, provided that the residential and non-residential uses above are not accessible to each other on floors above the ground level.

Urban design – The Special Midtown District contains a series of requirements tailored to the unique conditions of the area. These include special street wall, pedestrian circulation space, and loading requirements. These requirements would be modified to ensure appropriate as-of-right development in the East Midtown Subdistrict, and would include elements such as the following:

- Sidewalk widening requirement - While existing street wall requirements for Madison and Lexington Avenues permit sidewalk widenings of up to 10 feet along these streets, full-frontage sites would now be required to provide sidewalk widenings that would translate into sidewalks with a minimum width of 20 feet along these streets.
- Retail continuity - Existing retail requirements on wide streets (including Madison and Lexington Avenues) would be maintained, but developments in the area around Grand Central Terminal would also be required to devote a minimum of 50 percent of their side street frontage to retail uses.

Other Modifications Affecting Entire Subdistrict

Hotels in Greater East Midtown provide a vital service to the business community. To ensure that new development, conversion, or enlargement of hotels in the Subdistrict will provide on-site amenities and services that support the area’s role as a business district, hotel uses will be permitted only through special permit.

Discretionary Actions

While the vast majority of this Proposal provides an as-of-right framework to achieve the development and public realm improvements desired for the area, there are limited scenarios in which a discretionary action, subject to a separate public review process (for example, ULURP), is the most appropriate mechanism. This is the case for projects that would include any of the following improvements or uses. The following special permit mechanisms and authorization would be created through the Proposed Action, and would occur only through additional discretionary actions that may be pursued in the future.

- **Public Concourse Special Permit** – To create new opportunities for publicly accessible space on Qualifying Sites, the Proposed Action includes a new special permit that will be created within the proposed Subdistrict to allow an on-site Public Concourse in exchange for up to 3.0 FAR of additional floor area. A Public Concourse can be an enclosed or unenclosed public space that reflects contemporary best practices in urban design. The 3.0 FAR bonus would be in addition to the proposed as-of-right maximum FAR. Therefore, a Qualifying Site could, through this discretionary action, increase their maximum FAR as follows:
 - Northern Subarea: 18.0 FAR to 21.0 FAR
 - Southern Subarea: 21.6 FAR to 24.6 FAR
 - Other Transit Improvement Zone Subarea: 23.0 FAR to 26.0 FAR
 - Park Avenue Subarea: 25.0 FAR to 28.0 FAR; and
 - Grand Central Transit Improvement Zone Subarea: 27.0 FAR to 30.0 FAR.
- **Transit Improvement Special Permit** – To allow for new opportunities for transit improvements on Qualifying Sites beyond those made possible through the as-of-right

- framework, the existing Subway Station Improvements bonus, pursuant to Zoning Sections 74-634 and 81-292, would be permitted within the Transit Improvement Zones of the proposed Subdistrict. These special permits allow 3.0 FAR increase of the maximum permitted FAR in exchange for improvements to transit infrastructure. This bonus of up to 3.0 FAR would be in addition to the proposed as-of-right maximum FAR. Therefore, a Qualifying Site could, through this discretionary action, increase their maximum FAR as follows:
- Other Transit Improvement Zone Subarea: 23.0 FAR to 26.0 FAR
 - Grand Central Transit Improvement Zone Subarea: 27.0 FAR to 30.0 FAR.
- **Special Permit Modification of Subdistrict Regulations** – It is anticipated that over the analysis period, some new developments may require modifications to the proposed Subdistrict’s regulations in order to utilize the new FAR framework, or to realize their maximum permitted floor area within the Subdistrict’s as-of-right envelope. This special permit would primarily allow modifications to the proposed Subdistrict’s provisions governing height and setback, the definition of a Qualifying Site, and may extend to use and additional bulk regulations as appropriate.
 - **Hotel Special Permit** – Hotels in Greater East Midtown must appropriately serve the needs of the business community by providing business-oriented amenities and services, such as conference facilities and advanced telecommunication tools, at a scale proportionate to the needs of the area. To ensure that new floor area for hotel use in the Subdistrict meet these requirements, a special permit, similar to that of the Special Permit for Transient Hotels in the Vanderbilt Corridor, would be created within the proposed Subdistrict.
 - **Authorization for Enlargements** – The Proposed Action permits enlargements to use the Qualifying Site provisions by CPC Authorization. Buildings that could not meet the cleared avenue frontage requirement for a Qualifying Site (where, at the time of development, no existing buildings or other structures can remain along the site’s wide street frontage, or a portion thereof) could utilize this authorization to increase its maximum permitted as-of-right floor area to the equivalent amount for a Qualifying Site in the same subarea. It would achieve this additional floor area through the use of the as-of-right floor area increase mechanisms in the same manner as a Qualifying Site. The enlargement must include significant renovations to the existing building that will bring it up, to the greatest extent possible, to contemporary standards. The authorization may be used in combination with any of the other discretionary actions.

Zoning Map Amendment

The rezoning area is currently zoned predominantly as high density commercial (zoning districts C5 and C6) within the Special Midtown Subdistrict. The area between Second and Third Avenues along East 42nd Street is entirely commercial in character, with a number of existing aging office buildings with potential for redevelopment. The Special Midtown Subdistrict generally follows the boundary of Midtown’s commercial areas and thus this area would more appropriately be located in the Midtown Subdistrict, and additionally as part of the East Midtown Subdistrict. By incorporating the area into Midtown, the Special Subdistrict regulations, including height and setback and streetscape requirements, would become applicable. These are more tailored to the needs of the area than the generic 1961 high-density commercial zoning provisions that now apply.

In order to do this, the rezoning would replace the existing C5-2 district (10.0 FAR) with a C5-3 district (15.0 FAR), and extend the Special Midtown District and the East Midtown Subdistrict over the proposed C5-3 district, in the area bounded by East 43rd Street to the north, East 42nd Street to the south, Second Avenue to the east, and a line generally between 150 and 200 feet easterly of Third Avenue to the west. As both the existing and proposed designations are C5 districts, they share the same permitted uses.

Affected Area

The proposed Project Area is generally bounded by East 57th Street to the north, East 39th Street to the south, a line 200 feet easterly of Third Avenue to the east, and a line 250 feet westerly of Madison Avenue to the west.

- Block 1316 is included in the rezoning area in its entirety.
- The portion of Block 895 beginning 125 feet east of Park Avenue is excluded from the rezoning area.
- The portion of Block 1311 beginning 125 feet east of Park Avenue is excluded from the rezoning area.
- The portion of Block 1310 125 feet east of Park Avenue and 100 feet west of Third Avenue is excluded from the rezoning area.
- The portion of Block 1309 is excluded, beginning 125 feet east of the intersection of the westerly side of Park Avenue and the southerly side of E. 55th Street, running thence:
 - 100.42 feet southerly, parallel to Park Avenue;
 - Running thence along the midline of Block 1309, parallel to East 55th Street, approximately 685 feet to a point 100 feet west of Third Avenue;
 - Running north thence 100.42 feet to a point 100 feet west of the intersection formed by the westerly side of third Avenue the southerly side of East 55th Street;
 - Running thence to the point or place of beginning.
- Blocks 920, 1314, 1315 and 1330 are excluded from the rezoning area.

The rezoning includes the five-block area between East 42nd Street, East 47th Street, Vanderbilt Avenue and Madison Avenue known as the Vanderbilt Corridor although, as noted above, none of the Proposed Actions mechanisms would apply to this five block area.

E. Analysis Framework

Reasonable Worst-Case Development Scenario (RWCDs)

In order to assess the possible effects of the Proposed Action, a RWCDs was established using both the current zoning (No-Action) and proposed zoning (With-Action) conditions projected for the build year of 2036 (the year by which the Projected Development would be in place). The incremental difference between the No-Action and With-Action Conditions is the basis of the impact category analyses of the

DEIS. To determine the With-Action and No-Action Conditions, standard methodologies have been used following the *2014 CEQR Technical Manual* guidelines employing reasonable assumptions. These methodologies have been used to identify the amount and location of future development, as discussed below.

Development Site Criteria

In projecting the amount and location of new development, several factors have been considered in identifying likely development sites. These include known development proposals, past development trends, and the development site criteria described below. Generally, for area-wide rezonings, new development can be expected to occur on selected, rather than all, sites within the rezoning area. The first step in establishing the development scenario was to identify those sites where new development or conversion could reasonably occur. The following site criteria were used to assess different aspects of the Proposal and long-term trends in the area.

Given the challenges for new development in East Midtown, considering its existing density and built character, the typical development site criteria utilized for development scenarios in other contexts would not be practical in East Midtown. For example, limiting the assessment of development sites to only those that are built to less than 50 percent of permitted FAR would produce few development sites in East Midtown given its already built-up character. It is anticipated that the proposed increases in maximum proposed FAR would be sufficient to incentivize redevelopment of sites built well over this 50 percent threshold. Therefore, site criteria more reflective of existing area conditions and development history were developed. To identify sites within the East Midtown rezoning area that could utilize the new zoning mechanisms of the Proposed Action, an assessment of all existing buildings in the area was undertaken. All the following were then excluded from the analysis:

- LPC-designated landmarked buildings.
- Condominiums, co-ops, or residential buildings that contain six or more rent-stabilized units. Discretion was given to site assemblages that contained in sum more than six rent stabilized units, but that provided considerable land use rationale for inclusion within the analysis.²
- Post-1982 buildings (given their relatively recent construction).
- All other buildings over 1 million sf, or towers with 35 stories or more (given their size and the difficulties inherent in emptying and demolishing the structure).

The sites were then assessed, conservatively, to see whether the existing built FAR was less than 85 percent of what could be constructed based on the proposed maximum as-of-right FAR permitted under the proposed East Midtown Subdistrict. Sites with existing built FAR greater than 85 percent were removed.

² Projected Site 14 and Potential Site C contain more than six rent stabilized dwelling units. Site 14 warrants inclusion because it is built to less than 20 percent of its proposed maximum floor area—the lowest figure among all sites. The upside of its redevelopment potential was considered sufficient to overcome the costs associated with relocating residential rental tenants. Site C is also considerably underbuilt given the surrounding context, and contains seven rent stabilized dwelling units, which is considered only marginally greater than the cutoff of six. The site's location and the age and construction of its existing structures render it a reasonable candidate for redevelopment.

New Construction Development Assumptions

To produce a reasonable conservative estimate of future growth with and without the Proposed Action (With-Action and No-Action Conditions, respectively) and based on recent trends, the RWCDs assumes that both Projected and Potential Sites would develop to the maximum developable square footage pursuant to current zoning in the future without the Proposed Action. Potential Development Sites are less likely to be developed because they are not easily assembled into single ownership, have an irregular shape, are in active use, reflect a significant amount of relatively recent renovation or alteration, or have some combination of these features. The development sites are distributed throughout the rezoning area.

Developments were assumed to have 1.0 FAR of retail on the ground floor and office floor area occupying all above stories. Ground floor retail on developments with less than 40,000 square feet of lot area was assumed to be 100 percent local retail. Development sites with more than 40,000 square feet of lot area were assumed to include 0.5 FAR of local retail and 0.5 FAR of destination retail. Mechanical space is assumed to account for approximately 15 percent of gross floor area for office developments. Residential developments are assumed to have a mechanical space rate of 5 percent. For mixed residential and commercial developments, the entire building is assumed to utilize 15 percent of gross floor area for mechanical space. Accessory off-street parking in East Midtown is permitted, but not required. Subsequently, recent commercial development trends in the wider the area indicate a shift away from providing off-street parking. Development sites are therefore assumed not to provide accessory off-street parking. Building heights and massing are dictated by either of the Special Midtown District's alternative height and setback regulations, daylight evaluation and daylight compensation. Under either framework, developments are assumed to be developed up to the tallest permissible limits of their envelope while ensuring viable office floorplates.

Projected and Potential Development Sites

To produce a reasonable, conservative estimate of future growth, the development sites were further divided into two categories (i.e., Projected Development Sites and Potential Development Sites). The Projected Development Sites are considered more likely to be developed within the analysis period for the Proposed Action, while Potential Development Sites are considered less likely to be developed over the same period. The process utilized to determine which development sites were projected versus potential is discussed below. Sites were assessed and ranked based on a variety of criteria in order to determine which would be most likely to develop, and hence be classified as Projected Development Sites. These were:

- Age of existing buildings (older buildings were considered more likely to be development sites);
- Ratio of existing built FAR to proposed new maximum as-of-right FAR (sites with lower built-to max ratios were considered more likely development sites); and
- Number of lots required for assemblage (sites made up of fewer lots were considered more likely development sites).

Sites that exhibited the strongest combination of these factors were considered those most likely to utilize the new proposed new zoning mechanisms, and were considered to be Projected Development Sites (Projected Sites). The remainder were determined to be Potential Development Sites (Potential

Sites). Any selected site with more than six rent stabilized units was automatically determined to be a Potential Site given the difficulties in vacating tenants. In determining Projected vs. Potential Sites, some discretion was used to account for geographic distribution of development.

The number of Projected Sites (versus Potential Sites) was constrained by the fixed amount of available unused landmark development rights available for transfer, since this would be the primary mechanism to allow a site to develop to its maximum permitted FAR. There are approximately 3.6 million sf of unused landmark development rights within the Subdistrict.

The amount of development rights necessary to reach the as-of-right maximum FAR was calculated for the 16 highest ranked sites according to the criteria listed in the previous section. Included in this calculation was the fact that sites with Transit Improvement Zones would be required to undertake transit infrastructure projects before being permitted to utilize landmark development rights. These improvements would generate floor area equivalent to not less than 10 and no more than 20 percent of the site's maximum floor area (i.e., a maximum of 5.4 in a 27.0 FAR area, or 4.6 FAR in a 23.0 FAR area, and a minimum of 2.7 or 2.3 FAR, respectively). Sites located within designated mandatory transit improvement areas were assumed to undertake improvements ranging from 2.3 FAR to 5.4 FAR. Accounting for these transit improvements, the highest-ranked 16 Projected Sites would use all 3.6 million sf of available landmark development rights.

Summary

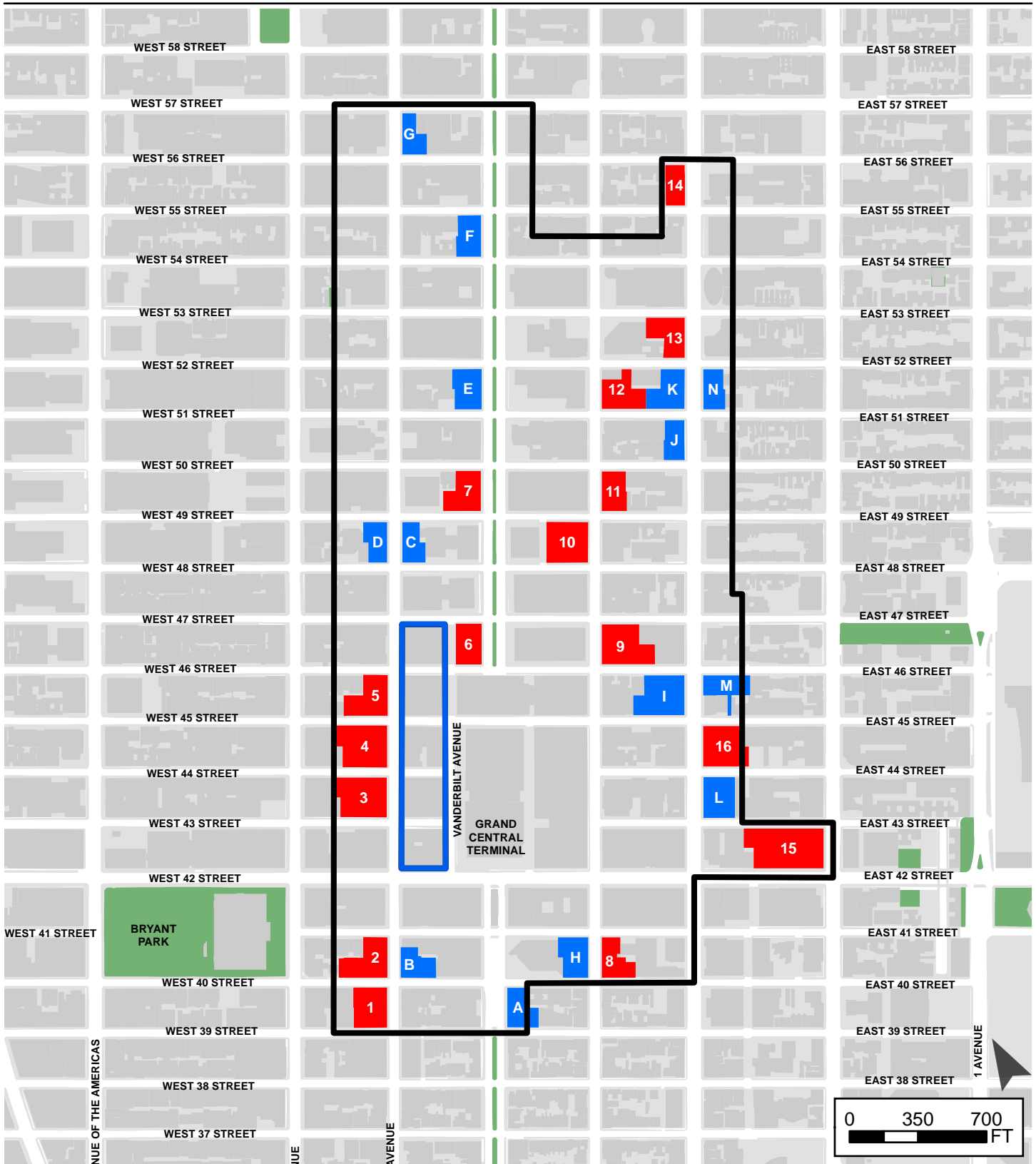
Thirty development sites (16 projected and 14 potential) have been identified in the rezoning area. Figure 6 shows these Projected and Potential Development Sites, and Appendix A identifies the uses expected to occur on each of those sites under No-Action and With-Action Conditions. Table 2 below provides a summary of the RWCDs for each analysis scenario.

The environmental review will assess both density-related and site specific potential impacts from the development on all Projected Development Sites. Density-related impacts are dependent on the amount and type of development projected on a site and the resulting impact on traffic, air quality, and open space.

Site-specific impacts relate to individual site conditions and are not dependent on the density of projected development. Site-specific impacts typically include potential noise impacts from development, the effects on historic resources, and the possible presence of hazardous materials. Development is not anticipated on the Potential Development Sites within the foreseeable future; therefore, these sites have not been included in the density-related impact assessments. However, a number of Potential Development Sites could be developed under the Proposed Action in lieu of one or more of the Projected Development Sites in accommodating the development anticipated during the foreseeable future as the result of the Proposed Action. The Potential Development Sites are therefore addressed in the EIS for site-specific effects in order to ensure a conservative analysis.

The Future without the Proposed Action (No-Action Condition)

In the future without the Proposed Action (No-Action Condition), given the existing zoning and land use trends in the area, it is anticipated that the rezoning area would experience negligible growth in commercial uses and modest growth in residential uses over the next 20-year period. Anticipated



- Proposed Greater East Midtown Rezoning Boundary
- Vanderbilt Corridor (Existing Regulations Apply)
- 1 Projected Development Site (w/ I.D. Label)
- A Potential Development Site (w/ I.D. Label)

Greater East Midtown Rezoning
Manhattan, New York

Proposed Rezoning Area
RWCD Sites

Figure
6



development on the Projected and Potential Sites identified in the RWCDs in the future without the Proposed Action is presented in Appendix A.

As discussed above, the RWCDs projects that sites currently zoned to permit commercial use would develop pursuant to current zoning in the No-Action Condition. As shown in Table 2 below, it is anticipated that, in the future without the Proposed Action, there would be a total of approximately 163 residential units, 6.8 million gross square feet (gsf) of office space, and 0.4 million gsf of retail space on the 16 Projected Development Sites. The Future without the Proposed Action also identifies 12 known hotel developments, which will add approximately 1,246 hotel rooms within the study area.

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

In the future with the Proposed Action, higher density commercial development is expected to occur throughout the rezoning area. The Proposed Action is expected to result in new development, including 119 dwelling units, 14.2 million gsf of commercial space, including 13.4 gsf of office space and 0.6 million gsf of total retail space on the 16 Projected Development Sites. This estimate is based on the above soft-site criteria and the available sites within the rezoning area. In addition, some uses on the Projected Development Sites that are expected in the future without the Proposed Action would be redeveloped, although in most cases such No-Action uses would remain. No parking spaces are projected to be constructed on the development sites. The projected incremental (net) change, between the No-Action and With-Action Condition would be a decrease of 0.8 million gsf of hotel use, a decrease of 78,000 gsf of residential use and a reduction of 564 parking spaces.

The Projected Development Sites, with project No-Action and With-Action development, are summarized in Table 2, and also presented in Appendix A. A total of 14 sites were considered less likely to be developed within the foreseeable future, and were thus considered Potential Development Sites (see also Appendix A).

Table 2: RWCDS and Population Summary for Projected Development Sites

| USE | Existing Conditions (GSF) | No-Action Condition (GSF) | With-Action Condition (GSF) | No-Action to With-Action Increment (GSF) |
|---|---------------------------|---------------------------|-----------------------------|--|
| Office | 6,856,059 | 6,812,920 | 13,394,777 | 6,581,857 |
| Retail | 467,202 | 462,874 | 601,899 | 139,025 |
| Hotel | 810,171 | 810,171 | 0 | -810,171 |
| <i>Hotel Rooms</i> | 1,246 | 1,246 | 0 | -1,246 |
| Residential | 50,813 | 316,120 | 237,841 | -78,278 |
| <i>Residential Units</i> | 68 | 163 | 119 | -44 |
| Parking | 158,441 | 158,441 | 0 | -158,441 |
| <i>Parking Spaces</i> | 564 | 564 | 0 | -564 |
| POPULATION / EMPLOYMENT ¹ | Existing Conditions | No-Action Condition | With-Action Condition | No-Action to With-Action Increment |
| Residents | 111 | 266 | 194 | -72 |
| Workers | 29,311 | 27,500 | 55,390 | 27,890 |
| Notes: | | | | |
| ¹ Assumes 1.63 persons per DU (based on 2014 American Community Survey data for rezoning area), 200 SF per parking space, 650 SF per hotel room, 1 employee per 250 SF of office, 3 employees per 1000 SF of retail, 1 employee per 2.67 hotel rooms, 1 employee per 25 DUs, and 1 employee per 10,000 SF of parking floor area. | | | | |

The Potential Sites are deemed less likely to be developed because they did not closely meet the criteria listed above. However, as discussed above, the analysis recognizes that a number of Potential Sites could be developed under the Proposed Action in lieu of one or more of the Projected Sites in accommodating the development anticipated in the RWCDS. The Potential Sites are therefore also addressed in the environmental review for site-specific effects.

As such, the environmental impact statement document will analyze the projected developments for all technical areas of concern and also evaluate the effects of the potential developments for site-specific effects such as archaeology, shadows, hazardous materials, air quality, and noise.

Conceptual Analysis of the Discretionary Actions

The Proposed Action, as discussed above, would establish or modify provisions related to several special permits and one authorization (refer to Section C, above, for a full description of the discretionary actions). Since the issuance of the Draft Scope, it was determined that there would be the following new discretionary actions created as part of the Proposed Action that may be pursued by applicants in the future:

1. The Public Concourse Special Permit;
2. The Transit Improvement Special Permit;
3. A Special Permit to Modify Subdistrict Regulations;
4. The Hotel Special Permit; and
5. The Authorization for Enlargements.

Because it is not possible to predict whether one or more special permits or an authorization would be pursued on any one site in the future, the RWCDS does not include specific development sites that would include a new or enlargement of hotel use and/or achieve the higher maximum FAR. Instead, a conceptual analysis will be presented to generically assess the potential environmental impacts that

could result from development at higher FARs pursuant to the special permits and authorization. See Task 21, “Conceptual Analysis.”

F. Proposed Scope of Work for the EIS

As the Proposed Action would affect various areas of environmental concern and, pursuant to the EAS and Positive Declaration, has been found to have the potential for significant adverse impacts, an EIS will be prepared for the Proposed Action. The EIS will analyze the RWCDs associated with the Proposed Action for all technical areas of concern.

The EIS will be prepared in conformance with all applicable laws and regulations, including the State Environmental Quality Review Act (SEQRA) (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617; New York City Executive Order No. 91 of 1977, as amended; and the Rules of Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York. The EIS will follow the guidance of the *CEQR Technical Manual* and will contain:

- A description of the Proposed Action and its environmental setting;
- A statement of the environmental impacts of the Proposed Action, including its short- and long- term effects and typical associated environmental effects;
- An identification of any adverse environmental effects that cannot be avoided if the Proposed Action is implemented;
- A discussion of reasonable alternatives to the Proposed Action;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the Proposed Action should it be implemented; and
- A description of mitigation proposed to eliminate or minimize any significant adverse environmental impacts.

The EIS will analyze the projected developments for all technical areas of concern and also evaluate the effects of the potential developments for site-specific effects such as archaeology, shadows, hazardous materials, air quality, and noise. Based on the preliminary screening assessments outlined in the *CEQR Technical Manual* and detailed in the EAS document, all the CEQR impact categories aside from community facilities and natural resources would require analysis in the EIS.

The specific technical areas to be included in the EIS, as well as their respective tasks, are described below.

Task 1. Project Description

The first chapter of the EIS introduces the reader to the Proposed Action and sets the context in which impacts are assessed. The chapter contains a description of the Proposed Action—its location; the background and/or history of the project; a statement of the purpose and need; key planning considerations that have shaped the Proposal; a detailed description of the Proposed Action; and discussion of the approvals required, procedures to be followed and the role of the EIS in the process.

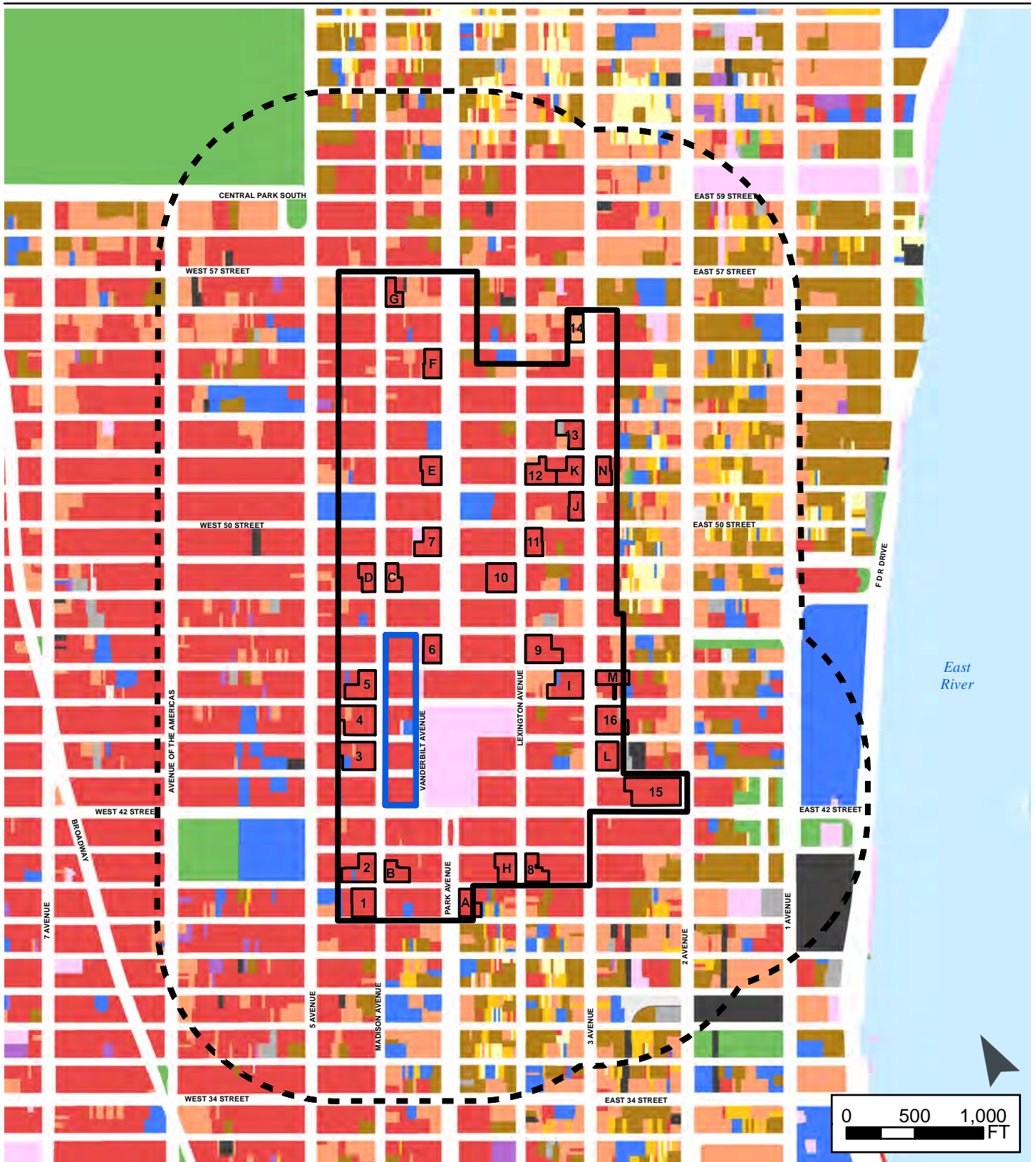
This chapter is key to understanding the Proposed Action and its impact, providing the public and decision-makers with a base from which to evaluate the Proposed Action.

In addition, the project description chapter will present the planning background and rationale for the actions being proposed and summarize the RWCDs for analysis in the EIS. The section on approval procedures will explain the ULURP process, its timing and hearings before the Community Board, the Borough President's Office, the CPC and the New York City Council. The role of the EIS as a full-disclosure document to aid in decision-making will be identified, and its relationship to ULURP and the public hearings described.

Task 2. Land Use, Zoning, and Public Policy

Pursuant to the methodologies presented in the CEQR Technical Manual, this chapter will analyze the potential impacts of the Proposed Action on land use, zoning and public policy. The primary land use study area will consist of the rezoning area, where the potential effects of the Proposed Action will be directly experienced (reflecting the proposed rezoning and resultant RWCDs). The secondary land use study area will include the neighboring areas within a quarter-mile distance from the rezoning area (as shown in Figure 7), which could experience indirect impacts. Subtasks will do the following:

- Provide a brief development history of the rezoning and surrounding study areas.
- Provide a description of land use, zoning and public policy in the study areas discussed above. (A more detailed analysis will be conducted for the rezoning area.) This task will be closely coordinated with Task 3, "Socioeconomic Conditions," which will provide a qualitative analysis of the Proposed Action's effect on businesses and employment within the rezoning area. Recent trends in the rezoning area will be noted. Other public policies that apply to the study area will also be described, including: Applicable 197-a plans; Historic Districts and Business Improvement Districts within the study area; and the City's sustainability/PlaNYC/OneNYC policies. The directly-affected area is not located within the boundaries of the City's Coastal Zone, therefore an assessment of the Proposed Action's consistency with the City's Waterfront Revitalization Program is not required.
- Based on field surveys and prior studies, identify, describe and graphically portray predominant land use patterns for the balance of the study areas; describe recent land use trends in the study areas and identify major factors influencing land use trends.
- Describe and map existing and recent zoning actions in the study areas.
- Prepare a list of future development projects in the study areas that are expected to be constructed by the 2036 analysis year and may influence future land use trends. Also, identify pending zoning actions or other public policy actions that could affect land use patterns and trends in the study areas. Based on these planned projects and initiatives, assess future land use and zoning conditions without the Proposed Action (No-Action Condition).
- Describe proposed zoning changes and potential land use changes based on the Proposed Action's RWCDs (With-Action Condition).



- Proposed Greater East Midtown Rezoning Boundary
- Vanderbilt Corridor (Existing Regulations Apply)
- Quarter-Mile Study Area
- Projected Development Sites (w/ I.D. Label)
- Potential Development Sites (w/ I.D. Label)

- One & Two Family Buildings
- MultiFamily Walkup Buildings
- MultiFamily Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing

- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

Greater East Midtown Rezoning
Manhattan, New York

Land Use Study Area

Figure
7

- Discuss the Proposed Action's potential effects related to issues of compatibility with surrounding land use; the consistency with zoning and other public policies; and the effect of the Proposed Action on ongoing development trends and conditions in the study areas.
- If necessary, mitigation measures to avoid or reduce potential significant adverse land use, zoning and/or public policy impacts will be identified.

Task 3. Socioeconomic Conditions

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Although socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services or economic investment in a way that would also change the socioeconomic character of the area. This chapter will assess the Proposed Action's potential effects on the socioeconomic character of the study area, which is expected to conform to the quarter-mile land use study area described in Task 2.

Pursuant to Section 310 of Chapter 5 of the *CEQR Technical Manual*, the socioeconomic study area boundaries are expected to be similar to those of the land use study area, and will be dependent on the size and characteristics of the RWCDs associated with the Proposed Action. A socioeconomic assessment seeks to assess the potential to change socioeconomic character relative to the study area population. For projects or actions that result in an increase in population, the scale of the relative change is typically represented as a percent increase in population (i.e., a project that would result in a relatively large increase in population may be expected to affect a larger study area). Therefore, consistent with the *CEQR Technical Manual*, the socioeconomic study area would be expanded to a half-mile radius if the RWCDs associated with the Proposed Action would increase the population by five percent compared to the expected No-Action Condition population in a quarter-mile study area.

As the Proposed Action would affect an area comprising approximately 78 blocks of East Midtown, it may be appropriate to create subareas for analysis if the action affects different portions of the study area in different ways. For example, if an action concentrates development opportunities in one portion of the study area, and would result in higher increases in population in that portion, it may be appropriate to analyze the subarea most likely to be affected by the concentrated development. Distinct sub-areas will be based on recognizable neighborhoods or communities in an effort to disclose whether the Proposed Action may have disparate effects on distinct populations that would otherwise be masked or overlooked within the larger study area.

Pursuant to the *CEQR Technical Manual*, the five principal issues of concern with respect to socioeconomic conditions are whether a proposed action would result in significant adverse impacts due to (1) direct residential displacement; (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement; and (5) adverse effects on specific industries. As detailed below, the Proposed Action warrants an assessment of socioeconomic conditions with respect to all but two of these principal issues of concern—direct and indirect residential displacement. According to the *CEQR Technical Manual*, direct displacement of fewer than 500 residents would not typically be expected to alter the socioeconomic characteristics of a neighborhood. As shown in the RWCDs Summary in Table 2, there would be an incremental displacement of 72 residents—well below the threshold for triggering a direct residential displacement analysis; therefore, the Proposed Action would not result in significant adverse impacts due to direct residential displacement. As to indirect residential displacement, the Proposed Action would forestall

conversion of office to residential space, resulting in a net reduction of residential units compared to the No-Action Condition, and would therefore not introduce a trend that could potentially result in changing socioeconomic conditions for the residents within the rezoning area. Therefore, an assessment of indirect residential displacement would not be warranted for the Proposed Action.

In conformance with the *CEQR Technical Manual* guidelines, the assessment of the three remaining areas of concern will begin with a preliminary assessment to determine whether a detailed analysis is necessary. Detailed analyses will be conducted for those areas in which the preliminary assessment cannot definitively rule out the potential for significant adverse impacts. The detailed assessments will be framed in the context of Existing Conditions and evaluations of the No-Action and With-Action Conditions in 2036, including any population and employment changes anticipated to take place by the Proposed Action's analysis year.

Direct Business Displacement

The analysis will disclose the type of businesses and workers displaced by the Proposed Action's RWCDs, and to what extent they will be displaced. According to the *CEQR Technical Manual*, if a project would directly displace more than 100 employees, a preliminary assessment of direct business displacement is appropriate. It is expected that the Proposed Action would exceed the *CEQR Technical Manual* analysis threshold of 100 displaced employees, and therefore, a preliminary assessment pursuant to CEQR guidelines will be provided in the EIS.

The analysis of direct business and institutional displacement will estimate the number of employees and the number and types of businesses that would be displaced by the Proposed Action; it will also characterize the economic profile of the study area using current available employment and business data from the New York State Department of Labor or U.S. Census Bureau. This information will be used to address the following CEQR criteria for determining the potential for significant adverse impacts: (1) whether the businesses to be displaced provide essential products or services that would no longer be available in the "trade area" due to the difficulty of either relocating the businesses or establishing new, comparable businesses; and (2) whether a category of businesses is the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it.

Indirect Business Displacement

The indirect business displacement analysis determines whether the Proposed Action may introduce trends that make it difficult for businesses that provide products or services essential to the local economy—or those subject to regulations or publicly adopted plans to preserve, enhance, or otherwise protect them—to remain in the area. The purpose of the preliminary assessment is to determine whether a proposed action has potential to introduce such a trend. As shown in the RWCDs Summary in Table 2, the Proposed Action would introduce more than 5 million square feet of new commercial uses to the area. Since this exceeds the CEQR threshold of 200,000 square feet for "substantial" new development, the Proposed Action warrants a preliminary assessment, which will perform the following subtasks:

- Identify and characterize conditions and trends in employment and businesses within the study area. This analysis will be based on field surveys, employment data from the New York State Department of Labor and/or Census and other information from real estate brokers.

- Determine whether the Proposed Action would introduce enough new economic activity to alter existing economic patterns.
- Determine whether the Proposed Action would add to the concentration of a particular sector of the local economy enough to alter or accelerate an ongoing trend or to modify existing economic patterns.
- Determine whether the Proposed Action would directly displace uses of any type that directly support businesses in the area or that bring in people who constitute the customer base for local businesses.
- Determine whether the Proposed Action would directly or indirectly displace residents, workers or visitors who constitute the customer base for existing businesses in the area.

If the preliminary assessment determines that the Proposed Action could introduce trends that make it difficult for businesses essential to the local economy to remain in the area, a detailed analysis will be conducted. The detailed analysis would follow the *CEQR Technical Manual* guidelines to determine whether the Proposed Action would increase property values—and thus increase rents—for a potentially vulnerable category of business and whether relocation opportunities exist for those businesses.

Adverse Effects on Specific Industries

The analyses of direct business displacement will provide sufficient information to determine whether the Proposed Action could have any adverse effects on a specific industry when compared with the No-Action Condition. The analyses will determine:

- Whether the Proposed Action would significantly affect business conditions in any industry or category of business within or outside the study areas.
- Whether the Proposed Action would substantially reduce employment or impair viability in a specific industry or category of business.

Task 4. Open Space

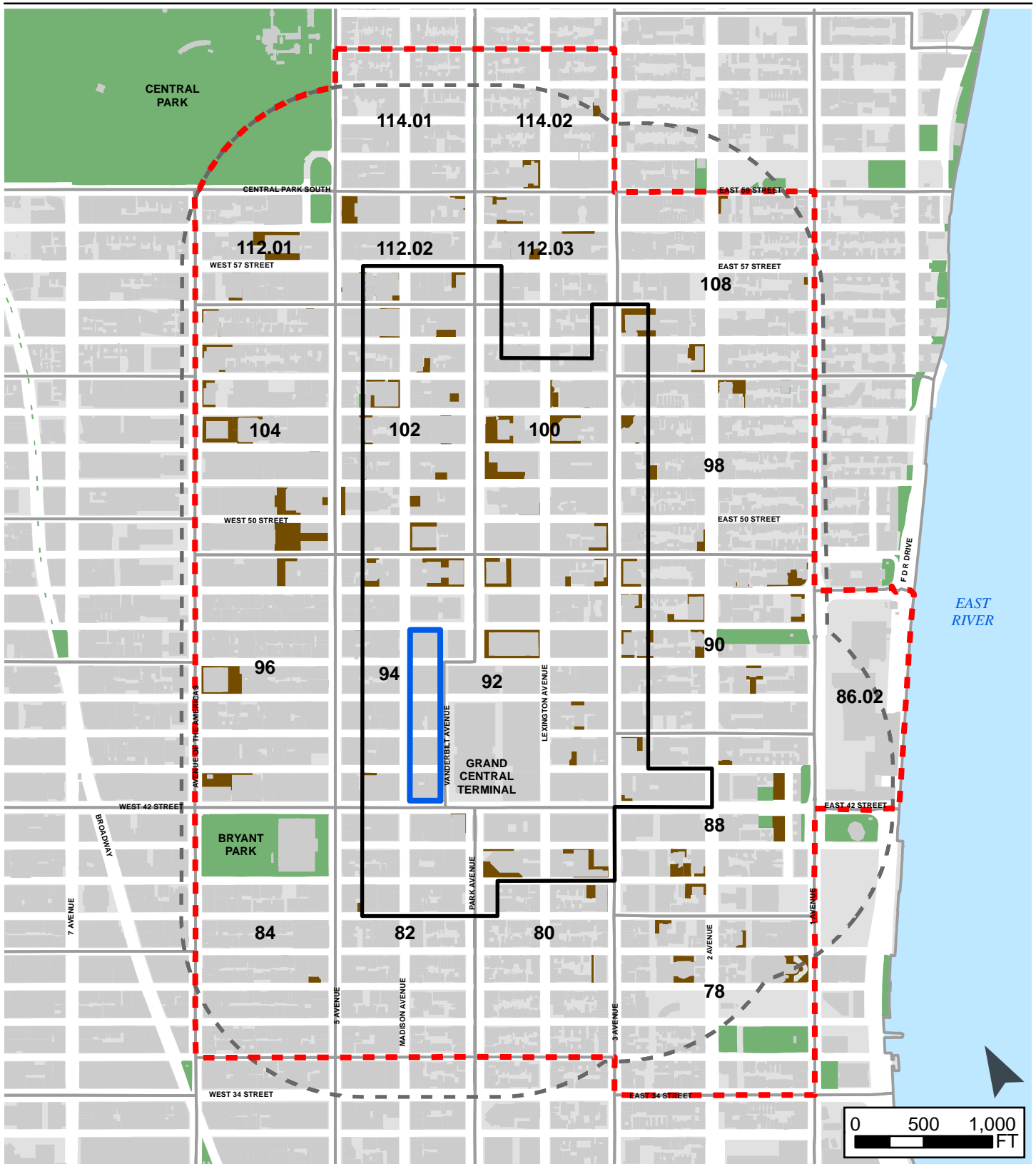
Open space is defined as publicly or privately owned land that is publicly accessible and either operates, functions or is available for leisure, play or sport or is set aside for the protection and/or enhancement of the natural environment. CEQR requires an open space assessment when a proposed action would generate more than 200 residents and 500 employees. The analysis then determines whether there would be direct effects resulting from the elimination or alteration of open space and/or indirect effects resulting from overtaxing available open space.

The Proposed Action would generate more than 26,000 employees; therefore, a non-residential open space assessment is warranted. The increment between the future without the Proposed Action and the future with the Proposed Action would be a net decrease of approximately 72 residents within the directly affected area; therefore, a residential open space assessment is not warranted.

As the Proposed Action would introduce workers in excess of the CEQR threshold, the analysis will assess open space resources and calculate open space ratios within a non-residential, quarter-mile radius study area. As recommended in the *CEQR Technical Manual*, the study area comprises all census

tracts that have 50 percent of their area located within quarter-mile radius of the rezoning area (see Figure 8). The detailed open space analysis in the EIS will include the following subtasks:

- Determine characteristics of the open space user group. The number of workers and other daytime users in the study area will be calculated based on reverse journey-to-work census data and other appropriate data sources. This information will be updated based on an annual growth rate derived from a comparison of New York State Department of Labor (NYSDOL) Quarterly Census of Employment and Wages and private sector employment data from the third quarter of 2013 for zip codes comprising the approximately half-mile area surrounding the rezoning area. Additionally, the daytime population estimate will be adjusted to include the student population of major colleges/universities in each study area.
- Inventory existing active and passive open spaces within the open space study area. The condition and usage of existing facilities will be described based on the inventory and field visits. Jurisdiction, features, user groups, quality/condition, factors affecting usage, hours of operation and access will be included in the description of facilities. Acreage of these facilities will be determined and total study area acreage will be calculated. The percentage of active and passive open space will also be calculated. A map showing the locations of open spaces keyed to the inventory will be provided.
- Calculate, based on the inventory of facilities and study area populations, open space ratios for the residential and daytime populations, comparing the results to City guidelines in order to assess adequacy. As per the *CEQR Technical Manual*, open space ratios are expressed as the amount of open space acreage per 1,000 users.
- Assess expected changes in future levels of open space supply and demand in the 2036 analysis year, based on other planned development projects within the open space study areas. Any new open space or recreational facilities anticipated to be operational by the analysis year will also be accounted for. Open space ratios will be calculated for the No-Action Condition and compared with existing ratios to determine changes in future levels of adequacy.
- Assess the effects on open space supply and demand resulting from increased worker populations due to the RWCDs. The assessment of the Proposed Action's impacts will be based on a comparison of open space ratios for the No-Action versus With-Action Conditions. In addition to the quantitative analysis, qualitative analysis will be performed to determine if the changes resulting from the Proposed Action constitute a substantial change (positive or negative) or an adverse effect to open space conditions. The qualitative analysis will assess whether or not the study area is sufficiently served by open spaces—with consideration given to the type (active vs. passive), capacity, condition and distribution of open space and the profile of the study area population.
- According to the *CEQR Technical Manual*, projects that may result in significant quantitative impacts on open space resources, or projects that would exacerbate an existing underserved area in relation to open space, are typically further assessed in a qualitative assessment to determine the overall significance of the impact. Therefore, a qualitative assessment will be prepared if warranted.



- Greater East Midtown Rezoning Boundary
- Open Space and Recreation
- Vanderbilt Corridor (Existing Regulations Apply)
- Privately Owned Public Space
- Open Space Study Area
- Quarter-Mile Search Radius
- 104 Census Tract Boundary (w/ Tract No.)

Greater East Midtown Rezoning
Manhattan, New York

Open Space Study Area

Figure
8



Task 5. Shadows

Pursuant to *CEQR Technical Manual* criteria, this chapter will examine the Proposed Action's potential for significant adverse shadow impacts. The *CEQR Technical Manual* requires a shadow analysis for proposed actions that have the potential to cast new shadows on a publicly-accessible open space or historic resource with sunlight-sensitive features. Generally, the potential for shadow impacts exists if an action would result in new structures or building additions that could cast shadows on important natural features, publicly-accessible open space or historic features dependent on sunlight. While CEQR dictates 50 feet as the height threshold for such structures, new construction or building additions resulting in incremental height changes of less than 50 feet can also potentially result in shadow impacts if they are located adjacent to, or across the street from, a sunlight-sensitive resource.

The Proposed Action would permit development of buildings of greater than 50 feet in height, and therefore has the potential to result in shadow impacts in the areas to be rezoned. Various sunlight-sensitive resources are located within the rezoning area, including historic resources with sunlight-sensitive features such as St. Bartholomew's Church and Community House, the St. Patrick's Cathedral and the Christ Church United Methodist buildings. The EIS will assess the RWCDs on a site-specific basis for the potential shadowing effects new developments or additions might have on sunlight-sensitive features near Projected and Potential Development sites, and disclose the range of shadow impacts that are likely to result from the Proposed Action. The shadows analysis in the EIS will include the following subtasks:

- The EIS will provide a preliminary shadows screening assessment to ascertain whether the Projected and Potential Developments' shadows may potentially reach any sunlight-sensitive resources at any time of year.
- Pursuant to CEQR, a Tier 1 Screening Assessment will be conducted on the height of any new structures, including building additions, in Projected and Potential Development Sites to determine the study area of the longest shadow, which is defined as 4.3 times a structure's height (the longest shadow would occur on December 21, the winter solstice). A base map will be developed to illustrate the locations of the Projected and Potential Development Sites in relation to the sunlight-sensitive resources.
- A Tier 2 Screening Assessment will be conducted if any portion of a sunlight-sensitive resource lies within the longest shadow study area. The Tier 2 assessment will determine the triangular area that cannot be shaded by any new structures, which, because of New York City's proximity in relation to the sun, is the area that lies between -108 and +108 degrees from true north of the Projected and Potential Development Sites.
- If any portion of a sunlight-sensitive resource is within the area that could be shaded by the Projected or Potential Developments, a Tier 3 Screening Assessment will be conducted. Through the use of three-dimensional computer modeling software with the capacity to accurately calculate shadow patterns, the Tier 3 Screening Assessment will determine if shadows resulting from the Projected and Potential Developments can reach a sunlight-sensitive feature. The model will include a three-dimensional representation of the sunlight-sensitive resource(s), a three dimensional representation of the Projected and Potential Development Sites identified in the RWCDs, and a three-dimensional representation of the topographical information within the area being analyzed. Shadow analyses will be conducted for four representative days of the year to determine the extent and duration of

- new shadows that would be cast on sunlight-sensitive resources as a result of the Proposed Action.
- If the screening analysis does not rule out the possibility for the Proposed Action to cast shadows on any sunlight-sensitive features, such as publicly-accessible open spaces and historic resources, the EIS will include a detailed analysis of potential shadow impacts resulting from new construction on both Projected and Potential Development Sites, as identified in the RWCDs. The detailed shadow analysis will establish a baseline condition (No-Action Condition), which will be compared to the future condition resulting from the Proposed Action (With-Action Condition) to illustrate the shadows cast by existing or future buildings and distinguish the additional (incremental) shadow cast by the Projected and Potential Developments. The detailed analysis will include the following tasks:
 - Document the analysis with graphics comparing shadows resulting from the No-Action Condition with shadows resulting from the Proposed Action, highlighting incremental shadows in a contrasting color—including differentiation for those incremental shadows falling on sunlight-sensitive features of historic resources.
 - Provide a summary table listing the entry and exit times and total duration of incremental shadows on each applicable representative day for each affected resource.
 - Assess the significance of any shadow impacts on sunlight-sensitive features.
 - Discuss potential mitigation measures in the event that the results of the detailed analysis identify a potential for a significant impact.

Task 6. Historic and Cultural Resources

The *CEQR Technical Manual* identifies historic resources as districts, buildings, structures, sites and objects that are of historical, aesthetic, cultural and archaeological importance. This includes LPC-designated landmarks; properties calendared for consideration as landmarks by the LPC; properties listed on the State/National Register of Historic Places (S/NR) or contained within a district on, or formally determined eligible for, the S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks; and properties not identified by one of the programs listed above, but that meet their eligibility requirements. Because the Proposed Action would induce development that could result in new in-ground disturbance and construction of a building type not currently permitted in the affected area, it has the potential to result in impacts to archaeological and architectural resources.

Impacts on historic resources are considered for the affected sites and in the area surrounding identified development sites. The historic resources study area is therefore defined as the area to be rezoned plus a 400-foot radius, as per the guidance provided in the *CEQR Technical Manual*. Archaeological resources are considered only in those areas where new in-ground disturbance is likely to occur; these are limited to sites that may be developed in the rezoning area, and include Projected as well as Potential Development Sites that would involve additional in-ground disturbance compared to the No-Action Condition. This chapter will include an overview of the study area's history and land development. Subtasks will include:

Architectural Resources

- Research and report history of land use and architecturally sensitive locations in the rezoning area plus the surrounding 400-foot study area.
- In consultation with LPC, identify, map and describe LPC-designated, S/NR-listed, and LPC- and S/NR-eligible architectural resources in the study area.
- Identify and assess the probable impacts of development resulting from the Proposed Action on architectural resources located on or adjacent to the Projected and Potential Development Sites.
- If applicable, develop mitigation measures in consultation with LPC to avoid any adverse impacts on architectural resources.

Archaeological Resources

Archaeological resources are considered only in those areas where new in-ground disturbance is likely to occur; these are limited to sites that may be developed in the rezoning areas, and include Projected as well as Potential Development Sites. This section will include an overview of the study area's history and land development. This history will be detailed enough to provide the background and development history of East Midtown, and reference previous East Midtown environmental documentation approved by LPC. Subtasks include consultation with LPC to identify those areas within the rezoning area that could be archaeologically sensitive. If consultation with LPC or other record searches determines that new in-ground disturbances on Projected and Potential Development Sites could disrupt archaeologically sensitive areas as a result of the Proposed Action, a Phase IA Archaeological Documentary Report (Phase IA) will be prepared. The Phase IA will document the site history, its development and uses, and the potential for the site to host significant archaeological features. If required, the Phase IA analysis will be summarized in the EIS, and the full Phase IA report will be submitted to LPC for review.

Task 7. Urban Design and Visual Resources

A preliminary analysis of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning; this includes the following: 1) projects that permit the modification of yard, height, and setback requirements, and 2) projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the Proposed Action. CEQR stipulates a detailed analysis for projects that would potentially obstruct view corridors, compete with icons in the skyline, or would result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings.

As the Proposed Action would rezone some areas to allow higher density by creating new bulk, height and setback regulations to be mapped with the study area, a preliminary assessment of urban design and visual resources will be provided in the EIS. In addition, an assessment of whether a pedestrian wind analysis would be warranted will be provided in the EIS, as channelized wind pressure from between tall buildings and/or parallel tall buildings may cause winds that jeopardize pedestrian safety. If an analysis is found to be warranted, it will be conducted in accordance with *CEQR Technical Manual* guidelines.

As defined in the *CEQR Technical Manual*, the urban design study area will be the same as that used for the land use analysis (delineated by a quarter-mile radius from the proposed rezoning area boundary). For visual resources, the assessment should identify the view corridors within the study area from which such resources are publicly viewable. The assessment will be based on *CEQR Technical Manual* methodologies for a preliminary assessment, and includes the following:

- Based on field visits, describe the project site and the urban design and visual resources of the rezoning and adjacent study area—using text, photographs and other graphic material as necessary to identify critical features, use, bulk, form and scale.
- Discuss specific relationships between the proposed rezoning area and adjacent areas in regards to light, air and views.
- In coordination with the land use task, describe the changes expected in the urban design and visual character of the study area due to planned development projects in the future without the Proposed Action (No-Action Condition).
- Describe the potential changes that could occur in the urban design character of the study area as a result of the Proposed Action (With-Action Condition). For the Projected and Potential Development Sites, the analysis will focus on general building types for the sites that are assumed for development as well as elements such as street wall height, setback and building envelope. Photographs and/or other graphic material will be utilized, where applicable, to assess the potential effects on urban design and visual resources, including views of/to resources of visual or historic significance (landmark structures, historic districts, parks, etc.).

A detailed analysis will be prepared if warranted based on the preliminary assessment. As described in the *CEQR Technical Manual*, examples of projects that may require a detailed analysis are those that would make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings, potentially obstructing view corridors or competing with icons in the skyline. The detailed analysis would describe the Projected and Potential Development Sites and the urban design and visual resources of the surrounding area. The analysis would describe the potential changes that could occur to urban design and visual resources in the With-Action Condition, in comparison to the No-Action Condition, focusing on the changes that could negatively affect a pedestrian's experience of the area. If necessary, mitigation measures to avoid or reduce potential significant adverse impacts will be identified. As noted above, a screening assessment for the Proposed Action on pedestrian wind conditions will be conducted as part of the EIS. Construction of large buildings at locations that experience high wind conditions may result in an exacerbation of wind conditions due to 'channelization' or 'downwash' effects that may affect pedestrian safety. Factors that may be considered in making this determination include, but are not necessarily limited to: locations that could experience high wind conditions, such as along the waterfront, or other locations where winds from the waterfront are not attenuated by buildings or natural features; size, orientation, and number of buildings that may be constructed as the result of the Proposed Action; and, the surrounding pedestrian context of the affected area. A detailed pedestrian wind analysis will be prepared, if warranted, as a result of the screening assessment.

Task 8. Hazardous Materials

The hazardous materials assessment will determine which, if any, of the Projected and Potential Development Sites may have been adversely affected by present or historical uses at or adjacent to the sites. As per the *CEQR Technical Manual*, for some proposed projects (e.g., area-wide rezonings), portions of the typical scope for a Phase I Environmental Site Assessment, such as site inspections, may not be possible. The Proposed Action is an area-wide rezoning, and none of the identified Projected and Potential Development Sites are in City ownership. As such, pursuant to the *CEQR Technical Manual* and Chapter 24 of Title 15 of New York City Department of Environmental Protection (DEP) rules governing the placement of (E)³ designations, a preliminary screening assessment will be conducted for the Projected and Potential Development Sites to determine which sites warrant an (E) designation. The hazardous materials assessment will include the following tasks:

- A review of Sanborn Fire Insurance Maps and City directories for the Projected and Potential Development Sites, to develop a profile on the historical uses of properties.
- A review of regulatory agency database listings will also be conducted within a 400-foot radius around each site.
- Review and evaluate relevant existing data to assess the potential for environmental concerns at the subject sites.
- A summary of findings and conclusions will be prepared for inclusion in the EIS to determine where (E) designations may be appropriate.

Task 9. Water and Sewer Infrastructure

The *CEQR Technical Manual* outlines thresholds for analysis of a project's water demand and its generation of wastewater and stormwater. For the Proposed Action, an analysis of water supply is warranted because the RWCDs associated with the Proposed Action would result in a demand of more than one million gallons per day (gpd), as noted in the EAS. Therefore, this chapter will analyze the Proposed Action's potential effects on water, wastewater and stormwater infrastructure. DEP will be consulted during the preparation of the assessment.

Water Supply

- The existing water distribution system serving the rezoning area will be described based on information obtained from the DEP's Bureau of Water Supply and Wastewater Collection.
- Water demand generated by the Projected Development Sites identified in the RWCDs will be projected. As disclosed in the EAS, water demand is projected to exceed 1.4 million gallons per day.
- The effects of the incremental demand on the City's water supply system will be assessed to determine if there would be impacts to water supply or pressure. The incremental water

³ As described in the *CEQR Technical Manual*, an (E) designation is used in connection with an environmental review pursuant to any zoning map amendment to identify potential significant contamination on one or more tax lots within the affected zoning area that is not under the control of the applicant. The (E) designation discloses the potential contamination associated with the site and the required mitigation needed to ensure the protection of public health and the environment prior to construction of the site.

demand will be the difference between the water demand of the Projected Development Sites in the With-Action Condition and the demand in the No-Action Condition.

Wastewater and Stormwater Infrastructure

A preliminary assessment of the Proposed Action's effects on wastewater and stormwater infrastructure is warranted because the RWCDs for the Proposed Action would result in the development of more than 5 million sf of commercial space, exceeding the CEQR threshold of 250,000 sf of commercial space in Manhattan. The Proposed Action's directly affected area is located within the service area of the Newtown Creek Wastewater Treatment Plant (WWTP). The analysis will be conducted for this WWTP service area, using the following *CEQR Technical Manual* methodology:

- Establish an appropriate study area for the assessment in accordance with the guidance of the *CEQR Technical Manual* and in consultation with DEP.
- Describe the existing stormwater drainage system and surfaces (pervious or impervious) on the Projected Development Sites, and estimate the amount of stormwater generated on those sites using DEP's volume calculation worksheet. Present drainage areas with direct discharges and overland flow.
- Describe the existing sewer system serving the rezoning area based on records obtained from DEP. Records obtained will include sewer network maps, drainage plans, capacity information for sewer infrastructure components, and other information as warranted. The existing flows to the WWTP that serve the rezoning area will be obtained for the latest available 12-month period, and the average dry weather monthly flow will be presented.
- Describe any changes to the stormwater drainage system and surface area expected in the future without the Proposed Action. Any changes to the sewer system that are expected to occur in the future without the Proposed Action will be described based on information provided by DEP.
- Quantify future stormwater generation from the Projected Development Sites and assess the Proposed Action's potential to create impacts. Changes to the Projected Development Sites' proposed surface area (pervious or impervious) will be described, and runoff coefficients and runoff for each surface type/area will be presented. Volume and peak discharge rates of stormwater from the sites will be determined based on the DEP volume calculation worksheet.
- Estimate sanitary sewage generation for the Projected Development Sites identified in the RWCDs. The effects of the incremental demand on the system will be assessed to determine if there will be any impact on operations of the WWTP.
- Based on the assessment of future stormwater and wastewater generation, determine the change in flows and volumes to the combined sewer system and/or waterbodies due to the Proposed Action.

A more detailed assessment may be required if increased sanitary or stormwater discharges from the Proposed Action are predicted to affect the capacity of the existing sewer system, exacerbate Combined Sewer Overflow (CSO) volumes/frequencies or contribute greater pollutant loadings in stormwater discharged to receiving water bodies. The scope of a more detailed analysis, if necessary, will be developed based on conclusions from the preliminary infrastructure assessment and coordination with DEP.

Task 10. Solid Waste and Sanitation Services

A solid waste assessment determines whether an action has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with either the City's Solid Waste Management Plan or with stated policy of the City's integrated solid waste management system. The Proposed Action would induce new development that would require sanitation services. According to the *CEQR Technical Manual*, if a project's generation of solid waste in the With-Action Condition would not exceed 50 tons per week, it may be assumed that there would be sufficient public or private carting and transfer station capacity in the metropolitan area to absorb the increment, and further analysis generally would not be required. As the Proposed Action is expected to result in a net increase of more than 172 tons per week, as noted in the EAS, exceeding the CEQR threshold of 50 tons per week compared to the No-Action Condition, an assessment of solid waste and sanitation services is warranted. This chapter will provide an estimate of the additional solid waste expected to be generated by the projected developments and assess its effects on the City's solid waste and sanitation services. This assessment will:

- Describe existing and future New York City solid waste disposal practices.
- Estimate solid waste generation under Existing Conditions and the No-Action Condition.
- Forecast solid waste generation by the projected developments induced by the Proposed Action based on CEQR guidelines.
- Assess the impacts of the Proposed Action's solid waste generation (projected developments) on the City's collection needs and disposal capacity.
- Assess the Proposed Action's consistency with the City's Solid Waste Management Plan.

Task 11. Energy

According to the *CEQR Technical Manual*, an EIS must include a discussion of the effects, if applicable and significant, of a proposed action on the use and conservation of energy. In most cases, an action does not need a detailed energy assessment, but its operational energy is projected. A detailed energy assessment is limited to actions that may significantly affect the transmission or generation of energy.

For other actions, in lieu of a detailed assessment, the *CEQR Technical Manual* recommends disclosure of the estimated amount of energy that would be consumed annually as a result of the day-to-day operation of the buildings and uses resulting from an action.

Although significant adverse energy impacts are not anticipated for the Proposed Action, the EIS will disclose the projected amount of energy consumption during long-term operation resulting from the Proposed Action. As noted in the EAS, the Proposed Action's energy use is estimated at 1,281,570 million BTU's. The projected amount of energy consumption during long-term operation will be estimated based on the average annual whole-building energy use rates for New York City (per Table 15-1 of the *CEQR Technical Manual*). The assessment will also describe any planned "green measures" to reduce energy consumption that may be realized with the Proposed Action.

Task 12. Transportation

The objective of a transportation analysis is to determine whether a proposed action may have a potential significant impact on traffic operations and mobility; public transportation facilities and services; pedestrian elements and flow; safety of all roadway users (pedestrians, bicyclists and vehicles); on- and off-street parking; and goods movement. The Proposed Action is expected to induce primarily new commercial (office and retail) development—which would generate more vehicular travel in addition to more subway and bus riders and pedestrian traffic. These new trips have the potential to affect the area's transportation systems. Therefore, the transportation analyses will be a critical focus of the EIS.

A Transportation Planning Factors (TPF) technical memorandum has been prepared and is included in Appendix B. The TPF memo summarizes the transportation planning factors to be used for the analyses of traffic, transit, pedestrian and parking conditions for the EIS—including trip generation rates, temporal distributions, modal splits and estimates of the projected travel demand of the Proposed Action for the weekday AM and midday and PM peak hours. As discussed in the TPF memo, the Proposed Action is anticipated to generate a net increase of 13,715, 18,379 and 16,500 person trips in the AM, midday and PM peak hours, respectively, primarily reflecting commuter trips in the AM and PM commuter peak hours and trips to local eateries and other retail establishments in the midday peak hour. In addition to the travel demand forecast, detailed vehicle, pedestrian and transit trip assignments (a Level-2 screening assessment) was prepared to validate the intersections and pedestrian/transit elements selected for quantified analysis.

Traffic

The EIS will provide a detailed traffic analysis focusing on those peak hours and street network intersections where the highest concentrations of action-generated demand would occur. The peak hours for analysis will be selected, and the specific intersections to be included in the traffic study area will be determined based upon the proposed traffic assignment patterns and the *CEQR Technical Manual* analysis threshold of 50 additional vehicle trips per hour.

The RWCDs exceeds the minimum development density screening thresholds specified in Table 16-1 of the *CEQR Technical Manual*. Therefore, a trip generation forecast is required to determine if the Proposed Action would generate 50 or more vehicle trips in any peak hour. As detailed in the TPF technical memorandum included in Appendix B, based on a preliminary travel demand forecast for the RWCDs, the Proposed Action is expected to generate 1,450, 863 and 1,480 vehicular trips in the weekday AM, midday and PM peak hours. These peak hours, therefore, will be selected for the quantitative analysis of traffic conditions (the standard peak hours for this area of Manhattan are 8-9 AM, 12-1 PM and 5-6 PM). The following outlines the anticipated scope of work for conducting a traffic impact analysis for the EIS:

- Define a traffic study area consisting of intersections to be analyzed within the rezoning area and along major routes leading to and from the area. Through coordination with DOT, a traffic study area was selected to include the intersections most likely to be used by concentrations of project-generated vehicles, taking into consideration existing bottleneck locations and prevailing travel patterns in the study area. As shown in Figure 2 of the TPF technical memorandum, a total of 119 intersections were selected for detailed analysis. The traffic study area is generally bounded by 60th Street on the north, 36th Street on the south, First Avenue on the east, and Sixth Avenue on the west.

- Obtain traffic counts at traffic analysis locations. Where applicable, available information from recent studies in the vicinity of the study area will be compiled, including data from such agencies as DOT and DCP. A supplemental count program will be conducted for traffic analysis locations that will include the required mix of automatic traffic recorder (ATR) machine counts, video turning movement counts, manual intersection turning movement counts, vehicle classification counts and travel time studies (speed runs) as support data for air quality and noise analyses. The turning movement counts will be supplemented by seven days of ATR counts, and vehicle classification counts that will be conducted on one weekday. The turning movement, vehicle classification counts and travel time studies will be conducted concurrently with the ATR counts.
- Inventory physical data at each of the analysis intersections, including street widths, number of traffic lanes and lane widths, pavement markings, turn prohibitions, bicycle routes and curbside parking regulations. Signal phasing and timing data for each signalized intersection included in the analysis will be obtained from DOT.
- Determine existing traffic operating characteristics at each analysis intersection including capacities, volume-to-capacity (v/c) ratios, average vehicle delays and levels of service (LOS) per traffic movement and per intersection approach. This analysis will be conducted using the latest approved Synchro analysis software.
- Based on available sources, Census data and standard references including the *CEQR Technical Manual*, estimate the travel demand for Projected Development Sites in the future without the Proposed Action (No-Action Condition) as well as the demand from other significant development sites planned to be completed in the vicinity of the study area by the 2036 analysis year. This will include daily and hourly person trips and a modal distribution to estimate trips by auto, taxi and other modes. A truck trip generation forecast will also be prepared based on data from the *CEQR Technical Manual* and previous studies conducted in this area of Manhattan. Mitigation measures accepted for all No-Action projects and other DOT initiatives will be included in the No-Action network, as applicable.
- Compute the 2036 No-Action traffic volumes based on an approved background traffic growth rate for the study area (annual background growth rates of one-quarter of a percent were assumed for the first five years; one-eighth of a percent for the second five years; and one-sixteenth of one percent for year ten and beyond) and demand from any other significant development projects expected to be completed in the future without the Proposed Action. Incorporate any planned changes to the roadway system anticipated by 2036, and determine the No-Action v/c ratios, delays and LOS at analyzed intersections.
- Based on available sources, Census data and standard references including the *CEQR Technical Manual*, develop a travel demand forecast for Projected Development Sites based on the net change in uses compared to the No-Action Condition as defined in the RWCDs. Determine the net change in vehicle trips expected to be generated by Projected Development Sites under the Proposed Action as described in the TPF technical memorandum and approved by DCP in consultation with DOT; assign that volume of traffic in each analysis period to the approach and departure routes likely to be used; and prepare traffic volume networks for the 2036 Proposed Action Condition for each analyzed peak hour. Determine the resulting v/c ratios, delays and LOS at analyzed intersections for the With-Action Condition and identify significant adverse traffic impacts in accordance with *CEQR Technical Manual* criteria.

- Identify and evaluate traffic improvements needed to mitigate significant traffic impacts, where practicable. Development of these measures will be coordinated with DOT and other agencies as necessary. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

Transit

According to the general thresholds used by the MTA, and specified in the *CEQR Technical Manual*, detailed transit analyses are generally not required if a Proposed Action is projected to result in fewer than 200 peak hour rail or bus transit trips. A detailed bus or subway analysis would be warranted if a proposed action would result in 50 or more bus trips being assigned to a single bus line (in one direction), or if it would result in an increase of 200 or more trips at a single subway station or on a single subway line. As detailed in the TPF technical memorandum included in Appendix B, the Proposed Action's RWCDs is expected to generate a net increase of 8,791, 2,229 and 10,329 subway trips and bus trips in the weekday AM, midday and PM peak hours, and would therefore require detailed transit analyses based on *CEQR Technical Manual* criteria.

Subway

There are approximately eight subway stations or complexes located within close proximity to the Projected Development Sites. Assignments of trips to individual subway stations and selection of analysis locations was prepared in cooperation with MTA-New York City Transit (NYCT). As presented in the TPF technical memorandum, five subway stations/station complexes would have demand exceeding the 200-trip analysis threshold in one or more commuter peak hours and require detailed analysis: Grand Central 42nd Street; 42nd Street Bryant Park-Fifth Avenue; 47th-50th Streets-Rockefeller Center; Lexington Avenue-51st/53rd Streets; and Lexington Avenue-59th Street. The detailed subway analysis for the EIS will include the following subtasks:

- Conduct a detailed analysis of subway station stairways and entrance control areas at the affected stations in the weekday AM and/or PM peak hours.
- Base the analysis on counts conducted at those control areas and/or pedestrian circulation elements that would be traversed by significant concentrations of project-generated trips and/or would be affected by pre-identified transit improvements. Where available, turnstile and pedestrian count information from recent studies in the vicinity of the study area will be compiled, including data from agencies such as DOT, DCP, and MTA-NYCT.
- Determine conditions and volumes in the future without the Proposed Action using background growth rates obtained from the MTA Regional Transit Forecasting Model (RTFM) and accounting for any trips expected to be generated by No-Build developments. The RTFM also accounts for the effects of overall regional growth and MTA capital improvements anticipated to be completed by 2036, which include the Long Island Rail East Side Access and Second Avenue Subway (Phase 1) projects.
- Determine conditions and volumes in the future with the Proposed Action based on the assignment of project-generated subway trips.

- Identify any potential significant adverse impacts at station stairways and entrance control areas using *CEQR Technical Manual* impact criteria. Mitigation measures will be identified in conjunction with the lead agency and MTA-NYCT, as appropriate.

As discussed in the TPF technical memorandum, the Proposed Action would potentially generate 200 or more new subway trips in one direction on one or more of the various subway routes serving the rezoning area, and therefore, an analysis of subway line haul conditions is warranted and will be included in the EIS.

Bus

The proposed rezoning area is served by approximately 15 MTA-NYCT local bus routes that operate exclusively within Manhattan (including Select Bus Service [SBS] on the Second Avenue corridor), one local route that connects Midtown Manhattan to Queens, and a total of 65 express bus routes connecting the area with New York City's outer boroughs, Long Island, Westchester and Rockland Counties.

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 line (in one direction), as this level of new demand is considered unlikely to result in significant adverse impacts. As detailed in the TPF technical memorandum, based on the level of new bus demand and an assessment of 2006-2010 American Community Survey reverse journey-to-work data for commuters using buses to travel to workplaces in the study area, it was determined that the new bus trips (681 and 795 new express bus trips during the AM and PM peak hours, respectively) would be widely distributed among the 65 express bus routes. Therefore, it was determined that no one express bus route would experience 50 or more trips in one direction through the peak load point. Similarly, the TPF technical memorandum determined that no local bus route is expected to experience 50 or more new trips in one direction through their maximum load points. Therefore, no detailed bus analysis is warranted and instead, the EIS will include a qualitative discussion of the bus routes that service the area.

Other Public Transit Systems

The proposed rezoning area is served by the MTA's Metro-North (MNR) service and will, in the future, also be served by the Long Island Rail Road (LIRR) through the MTA East Side Access project. As discussed in the TPF technical memorandum, detailed analysis of the commuter rail services (LIRR, MNR, and NJ TRANSIT) are not warranted. The EIS will include a qualitative discussion of the commuter rail lines that service the area. As appropriate, the EIS will evaluate potential impacts of the Proposed Action to Long Island Rail Road and Metro-North commuter rail service at Grand Central Terminal. Commuter rail trips to Penn Station via NJ TRANSIT would be expected to take secondary modes to access the study area (e.g., subway or walk) and will be accounted for in those respective analyses.

The MTA East Side Access project is currently scheduled for revenue service in 2022 and will be included in the future without the Proposed Action analyses. As Phase 3 of the Second Avenue Subway (63rd Street to Houston Street) and a direct connection of Amtrak between Penn Station and Grand Central Terminal are not anticipated to occur by the 2036 analysis year for the Proposed Action, they will not be considered in the future without the Proposed Action analyses.

Pedestrians

Pedestrian Level of Service Analyses

According to *CEQR Technical Manual* criteria, projected pedestrian volume increases of less than 200 persons per hour at any pedestrian element (sidewalks, corner areas and crosswalks) would not typically be considered a significant impact, since that level of increase would not generally be noticeable and therefore would not require further analysis. As shown in the TPF technical memorandum, based on the level of new pedestrian demand generated by the RWCDs, it was determined that project-generated pedestrian trips would exceed the 200-trip *CEQR Technical Manual* analysis threshold at a number of locations in one or more peak hours.

In the weekday AM and PM peak hours, new pedestrian trips would be most concentrated on sidewalks and crosswalks adjacent to Projected Development Sites as well as along corridors connecting these sites to area subway station entrances, commuter rail station entrances and bus stops. In the midday, pedestrian trips would tend to be more dispersed, as people travel throughout the area for lunch, shopping or errands. Given the relatively large numbers of pedestrian trips that would be generated by the Proposed Action, a quantitative pedestrian analysis will be provided in the EIS. The analysis will focus on sidewalks, corner areas and crosswalks where new pedestrian demand would be most concentrated and most likely to exceed the 200-trip *CEQR Technical Manual* analysis threshold in one or more peak hours. Analysis locations are likely to include pedestrian elements at intersections along Second Avenue (at East 42nd and East 43rd Streets); Third Avenue (from East 42nd to East 45th Streets, at East 48th and East 49th Streets, and from East 51st to East 56th Streets); Lexington Avenue (from East 41st to East 53rd Streets); Park Avenue (from East 40th to East 41st Streets and from East 46th to East 50th Streets); Vanderbilt Avenue (from East 43rd to East 45th Streets); Madison Avenue (from East 39th to East 46th Streets); and Fifth Avenue (from 42nd to 45th Streets).

Pedestrian counts will be obtained at each of these locations, and levels of service determined for the existing, No-Action and With-Action Conditions. Where applicable, available pedestrian count information from recent studies in the vicinity of the study area will be compiled, including data from such agencies as DOT and DCP.

Vehicular and Pedestrian Safety

This assessment, per *CEQR Technical Manual* guidelines, would principally focus on the effect of the Proposed Action's generated demand at existing high-crash locations or at locations that may become unsafe due to the Proposed Action. Traffic accidents involving pedestrians as well as bicyclists at key study area intersections will be researched and documented. The EIS will also describe existing bicycle facilities and bicycle-related regulations plus any potential modifications that may take place to those by the 2036 analysis year. The potential for the Proposed Action to have significant pedestrian and/or bicycle impacts will be identified and possible remedies and/or improvements will be proposed for DOT consideration.

Parking

The parking analyses will document changes in the off-street parking utilization in proximity to Projected Development Sites under the No-Action and With-Action Conditions based on accepted background growth rates, projected demand from No-Action projects in the vicinity of the study area, and projected demand from No-Action and With-Action development on Projected Development Sites.

Off-street parking conditions will be assessed within a quarter-mile of the rezoning area during the weekday midday period (when parking in a business area is frequently at peak occupancy). On-street parking conditions (existing curbside regulations and parking utilization) in the vicinity of Projected Development Sites will also be documented for this period.

Parking demand from office and retail uses will be derived from the forecasts of daily auto trips from these uses. Future parking demand will account for net reductions in demand associated with the Projected Development Sites' No-Action land uses displaced under the Proposed Action. The forecast of new parking supply will be based on the net change in parking spaces on Projected Sites, consistent with the RWCDS.

Based on the above assumptions, an assessment will be provided to determine whether there would be excess parking demand, and whether there are a sufficient number of other parking spaces available in the study area to accommodate that excess demand.

Task 13. Air Quality

The development of the Projected Sites within the proposed Rezoning Area, as compared with the No-Action Condition, would likely exceed the 140 vehicle trip screening threshold for conducting a quantified analysis of carbon monoxide (CO) emissions from mobile sources. The proposed development is also expected to exceed the particulate matter (PM) emission screening threshold discussed in Chapter 17, Sections 210 and 311 of the *CEQR Technical Manual*. Therefore, an analysis will be performed to determine whether the net increase in traffic would have the potential for a significant adverse impact on air quality at the local level. The U.S. Environmental Protection Agency's (EPA) MOVES model will be used to calculate CO and PM emission factors. The EPA CAL3QHC intersection model will be used to predict 1-hour CO concentrations. The 8-hour average CO concentrations will be estimated by multiplying the predicted 1-hour average CO concentrations by a factor of 0.77 to account for persistence of meteorological conditions and fluctuations in traffic volumes. CAL3QHCR, with 5 years of the most recent available meteorological data, will be used for the PM microscale analysis of 24-hour and annual average concentrations. The predicted level will be compared with the national ambient air quality standards and the City's CO and PM_{2.5} *de minimis* criteria. Intersections will be selected for analysis based on the change in traffic due to the project, levels of service, and overall traffic volumes.

There is a district steam system that serves many of the existing buildings in the rezoning area, and for analysis purposes it is assumed that where feasible, proposed development sites would elect to connect to the steam system. An initial screening analysis will be performed using the procedures outlined in the *CEQR Technical Manual*. The procedure involves determining the distance (from the exhaust point) within which potential significant impacts may occur on elevated receptors (such as open windows, air intake vents, etc.) that are of an equal or greater height when compared with the height of the buildings' HVAC stack(s). The distance in which a significant impact may occur is dependent on a number of factors, including the height of the discharge, type(s) of fuel burned and the development size.

If the proposed development's HVAC system(s) fails the screening analysis, a commitment to using steam will be formalized in an (E) designation, or a detailed stationary source analysis may be performed using EPA's AERMOD dispersion model. For the dispersion modeling, five years of meteorological data, surface data from LaGuardia Airport and concurrent upper air data from Brookhaven, New York, will be used for the modeling study. Concentrations of NO₂ and PM (PM_{2.5}

and PM₁₀) will be determined and the predicted values will be compared to national and state ambient air quality standards in addition to other relevant criteria. In the event that a violation of the standards is predicted, design measures will be examined to reduce to acceptable levels of applicable pollutants emissions.

If existing major sources (those located at Title V facilities that require Prevention of Significant Deterioration permits), or large sources (those located at facilities that require a State facility permit), are identified near the proposed rezoning area, a stationary source assessment would be performed to determine whether the emissions from such existing sources would have the potential for a significant adverse impact on the air quality on all or part of the expected RWCDs development.

For industrial source (air toxics) analysis, field survey, federal and state air permits and DEP files will be used to determine if there are permits for any sources of toxic air compounds from industrial/commercial processes. If such facilities are identified, an industrial source air quality analysis will be performed in accordance with the *CEQR Technical Manual*.

The complete detailed protocol for the analyses of mobile-and stationary source air pollution is presented in Appendix C (Air Quality Protocol).

Task 14. Greenhouse Gas Emissions and Climate Change

Increased greenhouse gas (GHG) emissions are changing the global climate, which is predicted to lead to wide-ranging effects on the environment—including rising sea levels, increases in temperature, and changes in precipitation levels. Although this is occurring on a global scale, the environmental effects of climate change are also likely to be felt locally. As the RWCDs associated with the Proposed Action exceeds the 350,000 sf development threshold, GHG emissions generated by the Proposed Action will be quantified, and, as part of the EAS, an assessment of consistency with the City's established GHG reduction goal will be performed in accordance with the *CEQR Technical Manual*. As the EAS states, the rezoning area is not susceptible to storm surge and coastal flooding, and an assessment of climate change is not warranted. The assessment will examine GHG emissions from the Proposed Action's operations, mobile sources and construction, as outlined below:

- Identify sources of GHG emissions from the proposed development. The pollutants for analysis will be discussed, as well as the various city, state, and federal goals, policy, regulations, standards and benchmarks for GHG emissions.
- Estimate fuel consumption for the proposed buildings based on the calculations of estimated energy use due to the Proposed Action.
- Estimate GHG emissions associated with Proposed Action-related traffic for the Proposed Action using data from the project's transportation analysis. A calculation of Vehicle Miles Traveled (VMT) will be prepared.
- Discuss the types of construction materials and equipment proposed along with opportunities for alternative approaches that may serve to reduce GHG emissions associated with construction.
- Provide a qualitative discussion of stationary and mobile sources of GHG emissions in conjunction with a discussion of goals for reducing GHG emissions to determine if the project is consistent with GHG reduction goals, including building efficient buildings, use of clean

power, transit-oriented development and sustainable transportation, reduction of construction operations emissions, and use of building materials with low carbon intensity.

Task 15. Noise

Noise related to the Proposed Action would primarily be generated by mobile (vehicular) sources. Potential noise impacts are likely to be generated from either vehicular noise from project-generated traffic on sensitive receptors (residential, commercial, and institutional facilities) in the community, or ambient noise impacts (from existing local and highway traffic, ventilation equipment, trains, stationary sources, etc.) on the Projected and Potential Development Sites.

Given the high ambient noise levels from existing sources, the trip generation resulting from the incremental development of the Proposed Action would likely result in low levels of additional noise. As fully detailed in Appendix D (Noise Analysis Protocol), it is expected that the greatest project-generated impacts would be related to the impact of existing and future noise generators on future noise sensitive uses. To evaluate this potential, the noise analysis will follow procedures and assumptions contained in the *CEQR Technical Manual*. Specifically, the noise analysis program will include the following subtasks:

- Noise measurement sites will be selected at representative noise locations, and data available from other relevant CEQR documents in or near the study area will be referenced as well. The noise measurement sites will be selected to provide adequate geographic coverage across the rezoning area and to ensure that a sufficient number of locations are selected to determine ambient noise levels over the large and diverse study area.
- Noise measurements will coincide with weekday peak traffic hour AM, Midday, and PM time periods. At each noise measurement site, noise levels will be measured for duration of 20 minutes per time period and include appropriate noise descriptors as per the *CEQR Technical Manual*.
- At each of the noise measurement sites a PCE noise analysis, in accordance with CEQR requirements, will be completed to determine noise levels under future conditions with and without the Proposed Action. All projections will be made with L_{eq} noise descriptor.
- A screening analysis will be conducted to determine whether the Proposed Action could result in exceedances of noise guidelines.

Based on predicted With-Action L_{10} noise levels, the noise analysis will result in a determination of the required wall attenuation values for each of the proposed development sites.

- If appropriate, an assessment for reduction of noise levels based on building heights may be conducted for certain development sites due to high street level noise values (i.e., noise adjustment due to height).

The complete Noise Analysis Protocol is presented in Appendix D.

Task 16. Public Health

According to the *CEQR Technical Manual*, public health is the organized effort of society to protect and improve the health and wellbeing of the population through monitoring; assessment and

surveillance; health promotion; prevention of disease, injury, disorder, disability and premature death; and reducing inequalities in health status. The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur as a result of a proposed project, and if so, to identify measures to mitigate such effects.

According to the guidelines of the *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, hazardous materials, or noise. If unmitigated significant adverse impacts are identified in any of these technical areas and the lead agency determines that a public health assessment is warranted, an analysis will be provided for the specific technical area or areas.

Task 17. Neighborhood Character

The character of a neighborhood is established by numerous factors, including land use patterns, the scale of its development, the design of its buildings, the presence of notable landmarked buildings and a variety of other physical features that include traffic and pedestrian patterns, noise, etc. The area directly affected by the Proposed Action is composed of primarily high-density commercial office buildings. Additionally, the area contains a number of hotels, located primarily along Lexington Avenue, and small pockets of residential buildings on side streets. The area also contains a series of civic buildings and private clubs.

The Proposed Action has the potential to alter certain constituent elements of the area's neighborhood character, including land use patterns, socioeconomic conditions, traffic and noise levels, and therefore an analysis will be provided in the EIS. As suggested by the *CEQR Technical Manual*, the study area for neighborhood character will be coterminous with the quarter-mile land use study area. The chapter will identify the defining features of the neighborhood and determine whether the Proposed Action would have the potential to affect these defining features and result in impacts on neighborhood character. Subtasks will include:

- Based on the other EIS chapters, describe the predominant factors that contribute to defining the character of the neighborhood, including land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; transportation; and noise.
- Summarize changes in the character of the neighborhood that can be expected in the With-Action Condition, based on the RWCDs, and compare to the No-Action Condition. A qualitative assessment will be presented, which will include a description of the potential effects of the Proposed Action on neighborhood character.

Task 18. Construction Impacts

Construction impacts, though temporary, can have a disruptive and noticeable effect on both the adjacent community and people passing through the area. For the purposes of assessing potential construction impacts, a conceptual construction phasing and schedule for the RWCDs will be developed for the EIS to illustrate how development of the rezoning area could occur. It will conservatively assume that construction of all Projected Development Sites would be completed by the end of the 2036.

Construction impacts are usually important when construction activity has the potential to affect transportation conditions, archaeological resources and the integrity of historic resources; associated noise can affect a sensitive community; and disrupt air quality conditions or disturb hazardous materials. According to the *CEQR Technical Manual*, multi-site projects with overall construction periods lasting longer than two years and which are near to sensitive receptors should undergo a preliminary impact assessment. This chapter of the EIS will provide a preliminary impact assessment following the guidelines in the *CEQR Technical Manual*. The preliminary assessment will evaluate the duration and severity of the disruption or inconvenience to nearby sensitive receptors. If the preliminary assessments indicate the potential for a significant impact during construction, a detailed construction impact analysis will be undertaken and reported in the EIS in accordance with guidelines contained in the *CEQR Technical Manual*. Technical areas to be assessed include the following:

- **Transportation Systems** - This assessment will qualitatively consider losses in lanes, sidewalks, and other transportation services on the adjacent streets during the various phases of construction, and identify the increase in vehicle trips from construction workers and equipment. If warranted under CEQR guidelines, a travel demand forecast for the RWCDs' construction period will be prepared and, if the applicable threshold levels are exceeded, a quantitative analysis will be conducted.
- **Air Quality** - The construction air quality impact section will consider and evaluate mobile air source emissions from construction equipment and worker and delivery vehicles, and fugitive dust emissions. If warranted by the results of the preliminary assessment, the effects of particulate matter emissions from the construction site and earthmoving equipment will be analyzed. This analysis will assume emission control measures required by law or regulation and will consider additional measures to reduce emissions if necessary.
- **Noise Impacts** - The construction noise impact section will assess noise from construction activity. If a detailed analysis is warranted, it will look at the specific activities, types of equipment, and duration of activities planned for specific locations and the effects of construction noise on nearby sensitive receptors
- **Hazardous Materials** - In coordination with the work performed for hazardous materials, above, summarize actions to be taken during project construction to limit exposure of construction workers to potential contaminants.
- **Socioeconomic Conditions** - The EIS will consider whether construction conditions as a result of the Proposed Action and associated RWCDs would affect access to existing businesses, the potential consequences concerning their continued viability and the potential effects of their loss, if any, on the character of the area.
- **Historic and Cultural Resources** - In coordination with the work performed for historic and cultural resources above, identify the potential for construction-period impacts and summarize actions to be taken during project construction to protect adjacent historic resources from potential construction impacts.
- **Neighborhood Character** - This assessment will consider potential impacts during the construction period to the character of the surrounding neighborhood.

- **Other Technical Areas** - As appropriate, the assessment will discuss the other areas of environmental concern for potential construction-related impacts, including Land Use, Zoning and Public Policy, Open Space, Community Facilities and Infrastructure.

Task 19. Mitigation

Where significant adverse project impacts have been identified in Tasks 2 through 18, measures to mitigate those impacts will be described. These measures will be developed and coordinated with the responsible City/State agencies as necessary, including LPC, DOT and DEP. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

Task 20. Alternatives

The purpose of an alternatives section in an EIS is to examine development options that would tend to reduce project-related impacts. The alternatives will be defined once the full extent of the Proposed Action's impacts has been identified. Typically for area-wide actions such as the Proposed Action, the alternatives will include a No-Action Alternative, a no impact or no significant adverse impact alternative, and a lesser density alternative. In addition, in response to comments raised during the public review of the Draft Scope of Work, an alternative that examines a modified rezoning boundary will be included. The alternatives analysis will be qualitative, except where significant adverse impacts of the Proposed Action have been identified. The level of analysis provided will depend on an assessment of project impacts, as determined by the analysis resulting from each associated task.

Task 21. Conceptual Analysis

As noted above, the Proposed Action would establish or modify provisions related to several discretionary actions. Since the issuance of the Draft Scope, it was determined that there would be a total of five new discretionary actions created as part of the Proposed Action that may be pursued by applicants in the future:

1. The Public Concourse Special Permit;
2. The Transit Improvement Special Permit;
3. A Special Permit to Modify Subdistrict Regulations;
4. The Hotel Special Permit; and
5. The Authorization for Enlargements.

A special permit would be created to allow on-site, publicly accessible areas to be integrated into a new development site in exchange for an increase of the base maximum permitted base FAR (up to 3.0 FAR). As an example, a Qualifying Site in the Southern Subarea may increase its maximum achievable FAR from 21.6 to 24.6 via this special permit. The existing Subway Station Improvements Special Permit, pursuant to Zoning Sections 74-634 and 81-292, will be modified in order to allow it to be utilized by new developments in the Subdistrict that are within close proximity to transit nodes. This will permit a bonus of up to 20 percent of the maximum permitted base FAR (up to 3.0 FAR). As an example, a site within the Other Transit Improvement Zone Subarea could utilize this special permit to increase its

maximum achievable FAR from 23.0 to 26.0. As new hotel floor area will not be permitted as-of-right within the Subdistrict, a new special permit that would allow for the development, conversion, or enlargement of hotels within the Subdistrict will be created. The Proposed Action will also include a special permit to allow for waivers of various provisions of the East Midtown Subdistrict, including height and setback and the definition of a Qualifying Site. The Proposed Action would also create a CPC authorization to allow enlargements to take advantage of the Qualifying Site provisions.

Because it is not possible to predict whether one or more special permits or an authorization would be pursued on any one site in the future, the RWCDs does not include specific development sites that would include a new or enlargement of hotel use and/or achieve the higher maximum FAR. Therefore, a conceptual analysis will be provided to generically assess the potential environmental impacts that could result from development pursuant to the special permits. The conceptual analysis will consider the potential effects of establishing these new special permits and authorization and the potential environmental effects as compared to those described for the Proposed Action.

Task 22. Summary EIS Chapters

In accordance with CEQR guidelines, the EIS will include with the Proposed Action the following three summary chapters:

- **Unavoidable Adverse Impacts** - which summarizes any significant adverse impacts that are unavoidable if the Proposed Action is implemented, regardless of the mitigation employed (or if mitigation is not feasible).
- **Growth-Inducing Aspects of the Proposed Action** - which summarizes “secondary” impacts of the Proposed Action, which would trigger further development.
- **Irreversible and Irretrievable Commitments of Resources** - which summarizes the Proposed Action and its impacts in terms of the loss of environmental resources (use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term.

Task 23. Executive Summary

The executive summary will utilize relevant material from the body of the EIS to describe the Proposed Action, its environmental impacts, measures to mitigate those impacts and alternatives to the Proposed Action.

Appendix A

Reasonable Worst-Case Development Scenario

Table A1
RWCDS Projected Development Sites

Table A2
RWCDS Potential Development Sites



Appendix A.1

RWCDS Projected Development Sites



Table A.1: RWCDs Projected Development Sites

| Projected Site | Site Data | | | | Existing Condition | | | | | | | | No-Action Condition | | | | | | | | | |
|----------------|----------------------|------|---------------|-------------------|---|----------------------|--------------------------|-----------------|----------------|------------------------|---------------|----------------------------------|---|---|----------------------------|--------------------------------|-----------------------|----------------------|------------------------|--|---------------|----------------|
| | Block | Lot | Lot Area | Building Area gsf | Commercial Area gsf (Office, Retail and Hotel floor area) | Residential Area gsf | Office Area gsf (usable) | Retail Area gsf | Hotel Area gsf | # of Residential Units | Parking sf | Changes | Building Floor Area gsf (Including mechanical)* | Commercial Floor Area gsf (Office, Retail and Hotel floor area) | Residential Floor Area gsf | Office Floor Area gsf (usable) | Retail Floor Area gsf | Hotel Floor Area gsf | # of Residential Units | # of hotel rooms, conversion or new construction | Parking sf | |
| 1 | 266 MADISON AVENUE | 869 | 16 | 14,220 | 217,317 | 217,317 | 205,317 | 12,000 | | | | no change | 217,317 | 217,317 | 205,317 | 12,000 | | | | | | |
| | 274 MADISON AVENUE | 869 | 58 | 5,370 | 91,212 | 91,212 | 85,212 | 6,000 | | | | no change | 91,212 | 91,212 | 85,212 | 6,000 | | | | | | |
| | 278 MADISON AVENUE | 869 | 61 | 6,480 | 74,186 | 74,186 | 68,186 | 6,000 | | | | no change | 74,186 | 74,186 | 68,186 | 6,000 | | | | | | |
| | 16 EAST 40 STREET | 869 | 64 | 7,400 | 89,423 | 89,423 | 83,423 | 7,000 | | | | no change | 89,423 | 89,423 | 83,423 | 7,000 | | | | | | |
| | TOTAL | | | 33,470 | 472,138 | 472,138 | - | 442,138 | 31,000 | | | | 472,138 | 472,138 | - | 442,138 | 31,000 | | | | | |
| 2 | 7 EAST 40 STREET | 1275 | 8 | 7,406 | 79,738 | 79,738 | 73,188 | 6,550 | | | | no change | 79,738 | 79,738 | 73,188 | 6,550 | | | | | | |
| | 13 EAST 40 STREET | 1275 | 11 | 2,450 | 11,951 | 11,951 | 11,951 | - | | | | no change | 11,951 | 11,951 | 11,951 | - | | | | | | |
| | 15 EAST 40 STREET | 1275 | 12 | 5,100 | 57,643 | 57,643 | 51,292 | 6,351 | | | | no change | 57,643 | 57,643 | 51,292 | 6,351 | | | | | | |
| | 284 MADISON AVENUE | 1275 | 14 | 4,735 | 102,079 | 102,079 | 102,079 | - | | | | no change | 102,079 | 102,079 | 102,079 | - | | | | | | |
| | 290 MADISON AVENUE | 1275 | 16 | 4,750 | 36,681 | 36,681 | 30,111 | 6,570 | | | | no change | 36,681 | 36,681 | 30,111 | 6,570 | | | | | | |
| | 292 MADISON AVENUE | 1275 | 59 | 9,250 | 170,230 | 170,230 | 164,420 | 5,810 | | | | no change | 170,230 | 170,230 | 164,420 | 5,810 | | | | | | |
| | 22 EAST 41 STREET | 1275 | 60 | 2,479 | 7,255 | 7,255 | 3,855 | 3,400 | | | | no change | 7,255 | 7,255 | 3,855 | 3,400 | | | | | | |
| | TOTAL | | | 36,170 | 465,577 | 465,577 | - | 436,896 | 28,681 | | | | 465,577 | 465,577 | - | 436,896 | 28,681 | | | | | |
| 3 | 3 EAST 43 STREET | 1278 | 8 | 5,690 | 36,616 | 36,616 | 36,616 | - | | | | no change | 36,616 | 36,616 | 36,616 | - | | | | | | |
| | 340 MADISON AVENUE | 1278 | 14 | 32,500 | 558,124 | 558,124 | 533,524 | 24,600 | | | | no change | 558,124 | 558,124 | 533,524 | 24,600 | | | | | | |
| | 14 EAST 44 STREET | 1278 | 62 | 2,513 | 11,550 | 11,550 | 5,400 | 4,750 | | | | Develops as residential building | 94,991 | 7,539 | 87,452 | | 7,539 | | 44 | | | |
| | 12 EAST 44 STREET | 1278 | 63 | 2,513 | 17,668 | 17,668 | 12,868 | 4,800 | | | | | | | | | | | | | | |
| | 10 EAST 44 STREET | 1278 | 64 | 2,513 | 16,629 | 16,629 | 13,329 | 3,300 | | | | | | | | | | | | | | |
| | 6 EAST 44 STREET | 1278 | 65 | 5,020 | 62,918 | 62,918 | - | - | 62,918 | | | no change | 62,918 | 62,918 | - | - | 62,918 | | | | | |
| | TOTAL | | | 50,749 | 703,505 | 703,505 | - | 601,737 | 37,450 | | | | 752,649 | 665,197 | 87,452 | 570,140 | 32,139 | | 62,918 | | 44 | |
| 4 | 7 EAST 44 STREET | 1279 | 9 | 8,133 | 110,999 | 110,999 | 104,999 | 6,000 | | | | no change | 110,999 | 110,999 | 104,999 | 6,000 | | | | | | |
| | 346 MADISON AVENUE | 1279 | 17 | 13,125 | 122,600 | 122,600 | 50,325 | 72,275 | | | | no change | 122,600 | 122,600 | 50,325 | 72,275 | | | | | | |
| | 352 MADISON AVENUE | 1279 | 57 | 18,800 | 380,766 | 380,766 | 344,482 | 36,284 | | | | no change | 380,766 | 380,766 | 344,482 | 36,284 | | | | | | |
| | 10 EAST 45 STREET | 1279 | 63 | 4,522 | 15,023 | 15,023 | - | 15,023 | | | | no change | 15,023 | 15,023 | - | 15,023 | | | | | | |
| | 6 EAST 45 STREET | 1279 | 65 | 5,020 | 79,280 | 79,280 | 74,280 | 5,000 | | | | no change | 79,280 | 79,280 | 74,280 | 5,000 | | | | | | |
| | TOTAL | | | 49,600 | 708,668 | 708,668 | - | 574,086 | 134,582 | | | | 708,668 | 708,668 | - | 574,086 | 134,582 | | | | | |
| 5 | 9 EAST 45 STREET | 1281 | 9 | 2,513 | 18,933 | 18,933 | 14,833 | 4,100 | | | | no change | 18,933 | 18,933 | 14,833 | 4,100 | | | | | | |
| | 366 MADISON AVENUE | 1281 | 56 | 6,025 | 84,518 | 84,518 | 78,589 | 5,929 | | | | no change | 84,518 | 84,518 | 78,589 | 5,929 | | | | | | |
| | 18 EAST 46 STREET | 1281 | 59 | 6,025 | 87,016 | 87,016 | 77,716 | 9,300 | | | | no change | 87,016 | 87,016 | 77,716 | 9,300 | | | | | | |
| | 360 MADISON AVENUE | 1281 | 7501 | 19,581 | 323,029 | 323,029 | 318,943 | - | 4,086 | | | no change | 323,029 | 323,029 | 318,943 | - | 4,086 | | | | | |
| TOTAL | | | 34,144 | 513,496 | 513,496 | - | 490,081 | 19,329 | | | | 513,496 | 513,496 | - | 490,081 | 19,329 | | 4,086 | | | | |
| 6 | 250 PARK AVENUE | 1282 | 34 | 24,969 | 444,628 | 444,628 | 434,628 | 10,000 | | | | no change | 444,628 | 444,628 | 434,628 | 10,000 | | | | | | |
| | TOTAL | | | 24,969 | 444,628 | 444,628 | - | 434,628 | 10,000 | | | | 444,628 | 444,628 | - | 434,628 | 10,000 | | | | | |
| 7 | 300 PARK AVENUE | 1285 | 36 | 34,050 | 645,483 | 645,483 | 613,397 | 32,086 | | | | no change | 645,483 | 645,483 | 613,397 | 32,086 | | | | | | |
| | TOTAL | | | 34,050 | 645,483 | 645,483 | - | 613,397 | 32,086 | | | | 645,483 | 645,483 | - | 613,397 | 32,086 | | | | | |
| 8 | 363 LEXINGTON AVENUE | 1295 | 20 | 10,419 | 118,587 | 118,587 | 108,587 | 10,000 | | | | no change | 118,587 | 118,587 | 108,587 | 10,000 | | | | | | |
| | 355 LEXINGTON AVENUE | 1295 | 23 | 14,044 | 225,000 | 225,000 | 209,000 | 16,000 | | | | no change | 225,000 | 225,000 | 209,000 | 16,000 | | | | | | |
| | TOTAL | | | 24,463 | 343,587 | 343,587 | - | 317,587 | 26,000 | | | | 343,587 | 343,587 | - | 317,587 | 26,000 | | | | | |
| 9 | 485 LEXINGTON AVENUE | 1301 | 23 | 46,125 | 743,789 | 743,789 | 700,621 | 25,642 | | 43,168 | | no change | 743,789 | 743,789 | 700,621 | 25,642 | | | | | 43,168 | |
| | TOTAL | | | 46,125 | 743,789 | 743,789 | - | 674,979 | 25,642 | | 43,168 | | 743,789 | 743,789 | - | 674,979 | 25,642 | | | | 43,168 | |
| 10 | 111 EAST 48 STREET | 1303 | 14 | 41,170 | 427,611 | 427,611 | - | - | 427,611 | | | no change | 427,611 | 427,611 | - | - | 427,611 | | | | | |
| | TOTAL | | | 41,170 | 427,611 | 427,611 | - | - | 427,611 | | | | 427,611 | 427,611 | - | - | 427,611 | | | | | |
| 11 | 541 LEXINGTON AVENUE | 1304 | 20 | 24,725 | 317,496 | 317,496 | - | 1,940 | 315,556 | | | no change | 317,496 | 317,496 | - | 1,940 | 315,556 | | | | | |
| | TOTAL | | | 24,725 | 317,496 | 317,496 | - | 1,940 | 315,556 | | | | 317,496 | 317,496 | - | 1,940 | 315,556 | | | | | |
| 12 | 575 LEXINGTON AVENUE | 1306 | 23 | 32,625 | 584,429 | 584,429 | 564,429 | 20,000 | | 34,874 | | no change | 584,429 | 584,429 | 564,429 | 20,000 | | | | | 34,874 | |
| | TOTAL | | | 32,625 | 584,429 | 584,429 | - | 564,429 | 20,000 | | 34,874 | | 584,429 | 584,429 | - | 564,429 | 20,000 | | | | 34,874 | |
| 13 | 866 S AVENUE | 1307 | 7501 | 25,100 | 163,466 | 163,466 | 132,909 | 24,953 | | | | no change | 163,466 | 163,466 | 132,909 | 24,953 | | | | | | |
| | 154 EAST 53 STREET | 1307 | 43 | 5,020 | 38,602 | 38,602 | - | - | 38,602 | | | no change | 38,602 | 38,602 | - | - | 38,602 | | | | 38,602 | |
| | TOTAL | | | 30,120 | 202,068 | 202,068 | - | 132,909 | 24,953 | | | | 202,068 | 202,068 | - | 132,909 | 24,953 | | | | 38,602 | |
| 14 | 914 S AVENUE | 1310 | 33 | 1,912 | 8,006 | 8,006 | 6,094 | 1,912 | | 8 | | Develops as residential building | 245,914 | 19,517 | 226,397 | | 19,517 | 113.20 | | | | |
| | 916 S AVENUE | 1310 | 34 | 1,875 | 7,500 | 7,500 | 6,000 | 1,500 | | 8 | | | | | | | | | | | | |
| | 918 S AVENUE | 1310 | 35 | 1,875 | 7,500 | 7,500 | 5,250 | 2,250 | | 7 | | | | | | | | | | | | |
| | 920 S AVENUE | 1310 | 36 | 2,375 | 13,842 | 13,842 | 11,542 | 2,300 | | | | | | | | | | | | | | |
| | 922 S AVENUE | 1310 | 37 | 2,375 | 8,325 | 8,325 | 6,825 | 1,500 | | 8 | | | | | | | | | | | | |
| | 924 S AVENUE | 1310 | 38 | 2,375 | 8,325 | 8,325 | 6,825 | 1,500 | | 8 | | | | | | | | | | | | |
| | 926 S AVENUE | 1310 | 39 | 2,300 | 7,875 | 7,875 | 6,300 | 1,575 | | 6 | | | | | | | | | | | | |
| | 928 S AVENUE | 1310 | 40 | 1,912 | 8,387 | 8,387 | 3,500 | 4,887 | | 6 | | | | | | | | | | | | |
| | 159 EAST 55 STREET | 1310 | 133 | 1,508 | 900 | 900 | 4,140 | 900 | | 8 | | | | | | | | | | | | |
| | 164 EAST 56 STREET | 1310 | 140 | 1,010 | 3,819 | 3,819 | 2,222 | 1,597 | | 3 | | | | | | | | | | | | |
| | TOTAL | | | 19,517 | 78,619 | 78,619 | 48,543 | 11,542 | 18,534 | | 62 | | | | | | | | | | | 245,914 |
| 15 | 235 EAST 42 STREET | 1316 | 23 | 37,657 | 672,462 | 672,462 | 648,702 | 23,760 | | | | no change | 672,462 | 672,462 | 648,702 | 23,760 | | | | | | |
| | 801 2 AVENUE | 1316 | 30 | 7,531 | 134,448 | 134,448 | 141,408 | 6,960 | | | | no change | 134,448 | 134,448 | 141,408 | 6,960 | | | | | | |

Table A.1: RWCDs Projected Development Sites

| Projected Site | Site Data | | | | With-Action Condition | | | | | | | | | | Increment | | | | | | | | |
|----------------|----------------------|------|-----------|-----------|--|---|---|---|----------------------------|--------------------------------|-----------------------|----------------------|------------------------|--|------------|---|---|----------------------------|--------------------------------|-----------------------|----------------------|------------------------|------------|
| | Block | Lot | Lot Area | Changes | Proposed Maximum FAR | Building Floor Area gsf (including mechanical)* | Usable Floor Area (gross square feet, excluding mechanical) | Commercial Floor Area gsf (Office, Retail and Hotel floor area) | Residential Floor Area gsf | Office Floor Area gsf (usable) | Retail Floor Area gsf | Hotel Floor Area gsf | # of Residential Units | # of hotel rooms, conversion or new construction | Parking sf | Building Floor Area gsf (including mechanical)* | Commercial Floor Area gsf (Office, Retail and Hotel floor area) | Residential Floor Area gsf | Office Floor Area gsf (usable) | Retail Floor Area gsf | Hotel Floor Area gsf | # of Residential Units | Parking sf |
| 1 | 266 MADISON AVENUE | 869 | 16 | 14,220 | Develops as Office Building | 21.6 | 831,395 | 759,100 | 759,100 | 725,630 | 33,470 | | | | | | | | | | | | |
| | 274 MADISON AVENUE | 869 | 58 | 5,370 | | | | | | | | | | | | | | | | | | | |
| | 278 MADISON AVENUE | 869 | 61 | 6,480 | | | | | | | | | | | | | | | | | | | |
| | 16 EAST 40 STREET | 869 | 64 | 7,400 | | | | | | | | | | | | | | | | | | | |
| | TOTAL | | | 33,470 | | | | | | | | | | | | | | | | | | | |
| | | | 831,395 | 759,100 | 759,100 | - | 725,630 | 33,470 | - | - | - | - | - | - | 359,257 | 286,962 | - | 283,492 | 2,470 | - | - | - | |
| 2 | 7 EAST 40 STREET | 1275 | 8 | 7,406 | Develops as Mixed Office/ Residential Building | 21.6 | 898,463 | 820,336 | 656,268 | 164,067 | 620,098 | 36,170 | | | | | | | | | | | |
| | 13 EAST 40 STREET | 1275 | 11 | 2,450 | | | | | | | | | | | | | | | | | | | |
| | 15 EAST 40 STREET | 1275 | 12 | 5,100 | | | | | | | | | | | | | | | | | | | |
| | 284 MADISON AVENUE | 1275 | 14 | 4,735 | | | | | | | | | | | | | | | | | | | |
| | 290 MADISON AVENUE | 1275 | 16 | 4,750 | | | | | | | | | | | | | | | | | | | |
| | 292 MADISON AVENUE | 1275 | 59 | 9,250 | | | | | | | | | | | | | | | | | | | |
| | 22 EAST 41 STREET | 1275 | 60 | 2,479 | | | | | | | | | | | | | | | | | | | |
| TOTAL | | | 36,170 | | | | | | | | | | | | | | | | | | | | |
| | | | 898,463 | 820,336 | 656,268 | 164,067 | 620,098 | 36,170 | - | - | - | 82 | - | - | 432,886 | 190,691 | 164,067 | 183,202 | 7,489 | - | 82 | - | |
| 3 | 3 EAST 43 STREET | 1278 | 8 | 5,690 | Develops as Office Building | 23 | 1,342,311 | 1,225,588 | 1,225,588 | 1,174,839 | 50,749 | | | | | | | | | | | | |
| | 340 MADISON AVENUE | 1278 | 14 | 32,500 | | | | | | | | | | | | | | | | | | | |
| | 14 EAST 44 STREET | 1278 | 62 | 2,513 | | | | | | | | | | | | | | | | | | | |
| | 12 EAST 44 STREET | 1278 | 63 | 2,513 | | | | | | | | | | | | | | | | | | | |
| | 10 EAST 44 STREET | 1278 | 64 | 2,513 | | | | | | | | | | | | | | | | | | | |
| | 6 EAST 44 STREET | 1278 | 65 | 5,020 | | | | | | | | | | | | | | | | | | | |
| TOTAL | | | 50,749 | | | | | | | | | | | | | | | | | | | | |
| | | | 1,342,311 | 1,225,588 | 1,225,588 | - | 1,174,839 | 50,749 | - | - | - | - | - | - | 589,662 | 560,391 | (87,452) | 604,699 | 18,610 | (62,918) | (44) | - | |
| 4 | 7 EAST 44 STREET | 1279 | 9 | 8,133 | Develops as Office Building | 23 | 1,311,920 | 1,197,840 | 1,197,840 | 1,148,240 | 49,600 | | | | | | | | | | | | |
| | 346 MADISON AVENUE | 1279 | 17 | 13,125 | | | | | | | | | | | | | | | | | | | |
| | 352 MADISON AVENUE | 1279 | 57 | 18,800 | | | | | | | | | | | | | | | | | | | |
| | 10 EAST 45 STREET | 1279 | 63 | 4,522 | | | | | | | | | | | | | | | | | | | |
| | 6 EAST 45 STREET | 1279 | 65 | 5,020 | | | | | | | | | | | | | | | | | | | |
| TOTAL | | | 49,600 | | | | | | | | | | | | | | | | | | | | |
| | | | 1,311,920 | 1,197,840 | 1,197,840 | - | 1,148,240 | 49,600 | - | - | - | - | - | - | 603,252 | 489,172 | - | 574,154 | (84,982) | - | - | - | |
| 5 | 9 EAST 45 STREET | 1281 | 9 | 2,513 | Develops as Office Building | 23 | 903,109 | 824,578 | 824,578 | 790,434 | 34,144 | | | | | | | | | | | | |
| | 366 MADISON AVENUE | 1281 | 56 | 6,025 | | | | | | | | | | | | | | | | | | | |
| | 18 EAST 46 STREET | 1281 | 59 | 6,025 | | | | | | | | | | | | | | | | | | | |
| | 360 MADISON AVENUE | 1281 | 7501 | 19,581 | | | | | | | | | | | | | | | | | | | |
| TOTAL | | | 34,144 | | | | | | | | | | | | | | | | | | | | |
| | | | 903,109 | 824,578 | 824,578 | - | 790,434 | 34,144 | - | - | - | - | - | - | 389,613 | 311,082 | - | 300,353 | 14,815 | (4,086) | - | - | |
| 6 | 250 PARK AVENUE | 1282 | 34 | 24,969 | Develops as Office Building | 27 | 775,287 | 707,871 | 707,871 | 682,902 | 24,969 | | | | | | | | | | | | |
| | TOTAL | | | 24,969 | | | | | | | | | | | | | | | | | | | |
| | | | 775,287 | 707,871 | 707,871 | - | 682,902 | 24,969 | - | - | - | - | - | - | 330,659 | 263,243 | - | 248,274 | 14,969 | - | - | - | |
| 7 | 300 PARK AVENUE | 1285 | 36 | 34,050 | Develops as Office Building | 25 | 978,937.50 | 893,812.50 | 893,812.50 | 859,762.50 | 34,050 | | | | | | | | | | | | |
| | TOTAL | | | 34,050 | | | | | | | | | | | | | | | | | | | |
| | | | 978,938 | 893,813 | 893,813 | - | 859,763 | 34,050 | - | - | - | - | - | - | 333,455 | 248,330 | - | 246,366 | 1,964 | - | - | - | |
| 8 | 363 LEXINGTON AVENUE | 1295 | 20 | 10,419 | Develops as Office Building | 21.6 | 607,661 | 554,821 | 554,821 | 530,358 | 24,463 | | | | | | | | | | | | |
| | 355 LEXINGTON AVENUE | 1295 | 23 | 14,044 | | | | | | | | | | | | | | | | | | | |
| TOTAL | | | 24,463 | | | | | | | | | | | | | | | | | | | | |
| | | | 607,661 | 554,821 | 554,821 | - | 530,358 | 24,463 | - | - | - | - | - | - | 264,074 | 211,234 | - | 212,771 | (1,537) | - | - | - | |
| 9 | 485 LEXINGTON AVENUE | 1301 | 23 | 46,125 | Develops as Office Building | 23 | 1,220,006 | 1,113,919 | 1,113,919 | 1,067,794 | 46,125 | | | | | | | | | | | | |
| | TOTAL | | | 46,125 | | | | | | | | | | | | | | | | | | | |
| | | | 1,220,006 | 1,113,919 | 1,113,919 | - | 1,067,794 | 46,125 | - | - | - | - | - | - | 476,217 | 413,298 | - | 392,815 | 20,483 | - | - | (43,168) | |
| 10 | 111 EAST 48 STREET | 1303 | 14 | 41,170 | Develops as Office Building | 21.6 | 1,022,663 | 933,736 | 933,736 | 892,566 | 41,170 | | | | | | | | | | | | |
| | TOTAL | | | 41,170 | | | | | | | | | | | | | | | | | | | |
| | | | 1,022,663 | 933,736 | 933,736 | - | 892,566 | 41,170 | - | - | - | - | - | - | 595,052 | 506,125 | - | 892,566 | 41,170 | (427,611) | - | - | |
| 11 | 541 LEXINGTON AVENUE | 1304 | 20 | 24,725 | Develops as Office Building | 23 | 653,976 | 597,109 | 597,109 | 572,384 | 24,725 | | | | | | | | | | | | |
| | TOTAL | | | 24,725 | | | | | | | | | | | | | | | | | | | |
| | | | 653,976 | 597,109 | 597,109 | - | 572,384 | 24,725 | - | - | - | - | - | - | 336,480 | 279,613 | - | 572,384 | 22,785 | (315,556) | - | - | |
| 12 | 575 LEXINGTON AVENUE | 1306 | 23 | 32,625 | Develops as Office Building | 23 | 862,931 | 787,894 | 787,894 | 755,269 | 32,625 | | | | | | | | | | | | |
| | TOTAL | | | 32,625 | | | | | | | | | | | | | | | | | | | |
| | | | 862,931 | 787,894 | 787,894 | - | 755,269 | 32,625 | - | - | - | - | - | - | 278,502 | 203,465 | - | 190,840 | 12,625 | - | - | (34,874) | |
| 13 | 866 3 AVENUE | 1307 | 7501 | 25,100 | Develops as Office Building | 23 | 796,674 | 727,398 | 727,398 | 697,278 | 30,120 | | | | | | | | | | | | |
| | 154 EAST 53 STREET | 1307 | 43 | 5,020 | | | | | | | | | | | | | | | | | | | |
| | TOTAL | | | 30,120 | | | | | | | | | | | | | | | | | | | |
| | | | 796,674 | 727,398 | 727,398 | - | 697,278 | 30,120 | - | - | - | - | - | - | 594,606 | 563,932 | - | 564,369 | 5,167 | - | - | (38,602) | |
| 14 | 914 3 AVENUE | 1310 | 33 | 1,912 | Develops as Mixed Office/ Residential Building | 18 | 404,002 | 368,871 | 295,097 | 73,774 | 275,580 | 19,517 | | | | | | | | | | | |
| | 916 3 AVENUE | 1310 | 34 | 1,875 | | | | | | | | | | | | | | | | | | | |
| | 918 3 AVENUE | 1310 | 35 | 1,875 | | | | | | | | | | | | | | | | | | | |
| | 920 3 AVENUE | 1310 | 36 | 2,375 | | | | | | | | | | | | | | | | | | | |
| | 922 3 AVENUE | 1310 | 37 | 2,375 | | | | | | | | | | | | | | | | | | | |
| | 924 3 AVENUE | 1310 | 38 | 2,375 | | | | | | | | | | | | | | | | | | | |
| | 926 3 AVENUE | 1310 | 39 | 2,300 | | | | | | | | | | | | | | | | | | | |
| | 928 3 AVENUE | 1310 | 40 | 1,912 | | | | | | | | | | | | | | | | | | | |
| | 159 EAST 55 STREET | 1310 | 133 | 1,508 | | | | | | | | | | | | | | | | | | | |
| | 164 EAST 56 STREET | 1310 | 140 | 1,010 | | | | | | | | | | | | | | | | | | | |
| TOTAL | | | 19,517 | | | | | | | | | | | | | | | | | | | | |
| | | | 404,002 | 368,871 | 295,097 | 73,774 | 275,580 | 19,517 | - | - | - | 36.89 | - | - | 158,088 | 275,580 | (152,623) | 275,580 | - | - | (76) | - | |
| 15 | 235 EAST 42 STREET | 1316 | 23 | 37,657 | Develops as Office Building | 21.6 | 1,895,739 | 1,730,892 | 1,730,892 | 1,654,574 | 76,318 | | | | | | | | | | | | |
| | 801 2 AVENUE | 1316 | 30 | 7,531 | | | | | | | | | | | | | | | | | | | |
| | 219 EAST 42 STREET | 1316 | 12 | 31,130 | | | | | | | | | | | | | | | | | | | |
| | TOTAL | | | 76,318 | | | | | | | | | | | | | | | | | | | |
| | | | 1,895,739 | 1,730,892 | 1,730,892 | - | 1,654,574 | 76,318 | - | - | - | - | - | - | 781,869 | 617,022 | - | 571,424 | 45,598 | - | - | - | |
| 16 | 214 EAST 45 STREET | 1318 | 43 | 1,674 | Develops as Office Building | 21.6 | 1,085,111 | 990,753 | 990,753 | 947,069 | 43,684 | | | | | | | | | | | | |
| | 711 3 AVENUE | 1318 | 1 | 38,666 | | | | | | | | | | | | | | | | | | | |
| | 210 EAST 45 STREET | 1318 | 44 | 1,672 | | | | | | | | | | | | | | | | | | | |
| | 212 EAST 45 STREET | 1318 | 143 | 1,672 | | | | | | | | | | | | | | | | | | | |
| | TOTAL | | | 43,684 | | | | | | | | | | | | | | | | | | | |
| | | | 1,085,111 | 990,753 | 990,753 | - | 947,069 | 43,684 | - | - | - | - | - | - | 536,259 | 485,968 | (2,270) | 468,569 | 17,399 | - | (6) | (41,797) | |
| TOTALS | | | 601,899 | | | 15,590,185 | 14,234,517 | 13,996,676 | 237,841 | 13,394,777 | 601,899 | - | - | - | 7,059,930 | 5,906,107 | (78,278) | 6,581,857 | 139,025 | (810,171) | (44) | (158,441) | |

Appendix A.2

RWCDS Potential Development Sites



Table A.2: RWCDs Potential Development Sites

| Potential Site | Site Data | | | | Existing Condition | | | | | | | | No-Action Condition | | | | | | | | | | |
|----------------|----------------------|-------|--------|----------|--------------------|---|----------------------|--------------------------|-----------------|----------------|------------------------|------------|---------------------|---|---|----------------------------|--------------------------------|-----------------------|----------------------|------------------------|--|------------|--------|
| | Address | Block | Lot | Lot Area | Building Area gsf | Commercial Area gsf (Office, Retail and Hotel floor area) | Residential Area gsf | Office Area gsf (usable) | Retail Area gsf | Hotel Area gsf | # of Residential Units | Parking sf | Changes | Building Floor Area gsf (including mechanical)* | Commercial Floor Area gsf (Office, Retail and Hotel floor area) | Residential Floor Area gsf | Office Floor Area gsf (usable) | Retail Floor Area gsf | Hotel Floor Area gsf | # of Residential Units | # of hotel rooms, conversion or new construction | Parking sf | |
| A | 99 PARK AVENUE | 895 | 1 | 25,675 | 530,900 | 515,000 | | 494,475 | 20,525 | | | 15,900 | no change | 530,900 | 515,000 | | 494,475 | 20,525 | | | | | 15,900 |
| | TOTAL | | | 25,675 | 530,900 | 515,000 | - | 494,475 | 20,525 | - | - | 15,900 | | 530,900 | 515,000 | - | 494,475 | 20,525 | - | - | - | - | 15,900 |
| B | 279 MADISON AVENUE | 1275 | 23 | 21,825 | 407,127 | 407,127 | | 386,052 | 21,075 | | | | no change | 407,127 | 407,127 | - | 386,052 | 21,075 | | | | | |
| | TOTAL | | | 21,825 | 407,127 | 407,127 | - | 386,052 | 21,075 | - | - | - | | 407,127 | 407,127 | - | 386,052 | 21,075 | - | - | - | - | - |
| C | 413 MADISON AVENUE | 1284 | 21 | 11,675 | 228,064 | 228,064 | - | 213,924 | 14,140 | | | | no change | 228,064 | 228,064 | - | 213,924 | 14,140 | | | | | |
| | 425 MADISON AVENUE | 1284 | 52 | 6,484 | 102,519 | 102,519 | - | 97,519 | 5,000 | | | | no change | 102,519 | 102,519 | - | 97,519 | 5,000 | | | | | |
| | 423 MADISON AVENUE | 1284 | 152 | 2,180 | 8,740 | 4,165 | 4,575 | - | 4,165 | | 7 | | no change | 8,740 | 4,165 | 4,575 | - | 4,165 | | 7 | | | |
| | TOTAL | | | 20,339 | 339,323 | 334,748 | 4,575 | 311,443 | 23,305 | - | 7 | - | | 339,323 | 334,748 | 4,575 | 311,443 | 23,305 | - | 7 | - | - | - |
| D | 410 MADISON AVENUE | 1284 | 14 | 7,164 | 58,395 | 58,395 | | 51,555 | 6,840 | | | | no change | 58,395 | 58,395 | | 51,555 | 6,840 | | | | | |
| | 418 MADISON AVENUE | 1284 | 17 | 3,275 | 46,167 | 46,167 | | 40,967 | 5,200 | | | | no change | 46,167 | 46,167 | | 40,967 | 5,200 | | | | | |
| | 422 MADISON AVENUE | 1284 | 55 | 1,750 | 8,119 | 8,119 | | 4,869 | 3,250 | | | | no change | 8,119 | 8,119 | | 4,869 | 3,250 | | | | | |
| | 424 MADISON AVENUE | 1284 | 56 | 4,375 | 62,237 | 62,237 | | 60,065 | 2,172 | | | | no change | 62,237 | 62,237 | | 60,065 | 2,172 | | | | | |
| | 22 EAST 49 STREET | 1284 | 59 | 2,553 | 16,224 | 16,224 | | 11,590 | 4,634 | | | | no change | 16,224 | 16,224 | | 11,590 | 4,634 | | | | | |
| | 20 EAST 49 STREET | 1284 | 60 | 2,513 | 14,060 | 14,060 | | 11,717 | 2,343 | | | | no change | 14,060 | 14,060 | | 11,717 | 2,343 | | | | | |
| TOTAL | | | 21,630 | 205,202 | 205,202 | - | 180,763 | 24,439 | - | - | - | | 205,202 | 205,202 | - | 180,763 | 24,439 | - | - | - | - | - | |
| E | 350 PARK AVENUE | 1287 | 33 | 27,925 | 535,700 | 535,700 | | 517,700 | 18,000 | | | | no change | 535,700 | 535,700 | | 517,700 | 18,000 | | | | | |
| | TOTAL | | | 27,925 | 535,700 | 535,700 | - | 517,700 | 18,000 | - | - | - | | 535,700 | 535,700 | - | 517,700 | 18,000 | - | - | - | - | - |
| F | 400 PARK AVENUE | 1290 | 36 | 12,552 | 214,392 | 214,392 | | 147,007 | 67,385 | | | | no change | 214,392 | 214,392 | | 147,007 | 67,385 | | | | | |
| | 410 PARK AVENUE | 1290 | 37 | 11,715 | 236,665 | 236,665 | | 228,665 | 8,000 | | | | no change | 236,665 | 236,665 | | 228,665 | 8,000 | | | | | |
| TOTAL | | | 24,267 | 451,057 | 451,057 | - | 375,672 | 75,385 | - | - | - | | 451,057 | 451,057 | - | 375,672 | 75,385 | - | - | - | - | - | |
| G | 571 MADISON AVENUE | 1292 | 52 | 20,075 | 385,347 | 385,347 | | 371,081 | 14,266 | | 20,025 | | no change | 385,347 | 385,347 | | 371,081 | 14,266 | | | | | 20,025 |
| | TOTAL | | | 20,075 | 385,347 | 385,347 | - | 371,081 | 14,266 | - | - | 20,025 | | 385,347 | 385,347 | - | 371,081 | 14,266 | - | - | - | - | 20,025 |
| H | 354 LEXINGTON AVENUE | 1295 | 17 | 12,359 | 238,294 | 238,294 | - | 228,274 | 10,000 | | | | no change | 238,294 | 238,294 | | 228,274 | 10,000 | | | | | |
| | 364 LEXINGTON AVENUE | 1295 | 58 | 14,812 | 246,605 | 246,605 | | 233,287 | 13,298 | | | | no change | 246,605 | 246,605 | | 233,287 | 13,298 | | | | | |
| | TOTAL | | | 27,171 | 484,899 | 484,899 | - | 461,561 | 23,298 | - | - | - | | 484,899 | 484,899 | - | 461,561 | 23,298 | - | - | - | - | - |
| I | 141 EAST 45 STREET | 1300 | 26 | 2,008 | 5,468 | 5,468 | - | - | 5,468 | - | - | | no change | 5,468 | 5,468 | - | - | 5,468 | - | | | | |
| | 730 3 AVENUE | 1300 | 33 | 38,168 | 665,110 | 665,110 | | 615,379 | 25,904 | 23,827 | | | no change | 665,110 | 665,110 | | 615,379 | 25,904 | 23,827 | | | | |
| | 158 EAST 46 STREET | 1300 | 42 | 3,314 | 6,632 | 6,632 | | - | 6,632 | - | | | no change | 6,632 | 6,632 | | - | 6,632 | - | | | | |
| | 154 EAST 46 STREET | 1300 | 44 | 3,213 | 18,810 | 18,810 | | 18,810 | - | - | | | no change | 18,810 | 18,810 | | 18,810 | - | - | | | | |
| TOTAL | | | 46,703 | 696,020 | 696,020 | - | 634,189 | 38,004 | 23,827 | - | - | | 696,020 | 696,020 | - | 634,189 | 38,004 | 23,827 | - | - | - | - | |
| J | 155 EAST 50 STREET | 1305 | 33 | 10,744 | 159,582 | 159,582 | - | - | - | 159,582 | | | no change | 159,582 | 159,582 | - | - | - | 159,582 | | | | |
| | 830 3 AVENUE | 1305 | 40 | 10,041 | 135,000 | 135,000 | | 128,150 | 6,850 | - | | | no change | 135,000 | 135,000 | | 128,150 | 6,850 | - | | | | |
| | TOTAL | | | 20,785 | 294,582 | 294,582 | - | 128,150 | 6,850 | 159,582 | - | - | | 294,582 | 294,582 | - | 128,150 | 6,850 | 159,582 | - | - | - | - |
| K | 850 3 AVENUE | 1306 | 33 | 31,632 | 574,675 | 574,675 | | 568,217 | 6,458 | | | | no change | 574,675 | 574,675 | | 568,217 | 6,458 | | | | | |
| | TOTAL | | | 31,632 | 574,675 | 574,675 | - | 568,217 | 6,458 | - | - | - | | 574,675 | 574,675 | - | 568,217 | 6,458 | - | - | - | - | - |
| L | 685 3 AVENUE | 1317 | 1 | 31,129 | 559,755 | 559,755 | | 533,565 | 26,190 | | | | no change | 559,755 | 559,755 | | 533,565 | 26,190 | | | | | |
| | TOTAL | | | 31,129 | 559,755 | 559,755 | - | 533,565 | 26,190 | - | - | - | | 559,755 | 559,755 | - | 533,565 | 26,190 | - | - | - | - | - |
| M | 733 3 AVENUE | 1319 | 47 | 25,768 | 405,399 | 405,399 | | 378,170 | 27,229 | | | | no change | 405,399 | 405,399 | | 378,170 | 27,229 | | | | | |
| | TOTAL | | | 25,768 | 405,399 | 405,399 | - | 378,170 | 27,229 | - | - | - | | 405,399 | 405,399 | - | 378,170 | 27,229 | - | - | - | - | - |
| N | 845 3 AVENUE | 1325 | 1 | 21,100 | 321,452 | 321,452 | | 308,397 | 13,055 | | | | no change | 321,452 | 321,452 | | 308,397 | 13,055 | | | | | |
| | TOTAL | | | 21,100 | 321,452 | 321,452 | - | 308,397 | 13,055 | - | - | - | | 321,452 | 321,452 | - | 308,397 | 13,055 | - | - | - | - | - |

Table A.2: RWCDs Potential Development Sites

| Potential Site | Site Data | | | | With-Action Condition | | | | | | | | | | | | Increment | | | | | | | |
|----------------|----------------------|-------|--------|----------|---|----------------------|---|---|---|----------------------------|--------------------------------|-----------------------|----------------------|------------------------|--|------------|---|---|----------------------------|--------------------------------|-----------------------|----------------------|------------------------|------------|
| | Address | Block | Lot | Lot Area | Changes | Proposed Maximum FAR | Building Floor Area gsf (including mechanical)* | Usable Floor Area (gross square feet, excluding mechanical) | Commercial Floor Area gsf (Office, Retail and Hotel floor area) | Residential Floor Area gsf | Office Floor Area gsf (usable) | Retail Floor Area gsf | Hotel Floor Area gsf | # of Residential Units | # of hotel rooms, conversion or new construction | Parking sf | Building Floor Area gsf (including mechanical)* | Commercial Floor Area gsf (Office, Retail and Hotel floor area) | Residential Floor Area gsf | Office Floor Area gsf (usable) | Retail Floor Area gsf | Hotel Floor Area gsf | # of Residential Units | Parking sf |
| A | 99 PARK AVENUE | 895 | 1 | 25,675 | Develops as Office Building | 21.6 | 637,767 | 582,309 | 582,309 | - | 556,634 | 25,675 | | | | | | | | | | | | |
| | TOTAL | | | 25,675 | | | 637,767 | 582,309 | 582,309 | - | 556,634 | 25,675 | - | - | - | - | 106,867 | 67,309 | - | 62,159 | 5,150 | - | - | (15,900) |
| B | 279 MADISON AVENUE | 1275 | 23 | 21,825 | Develops as Mixed Office/Residential Building | 21.6 | 542,133 | 494,991 | 395,993 | 98,998 | 374,168 | 21,825 | | 49.50 | | | | | | | | | | |
| | TOTAL | | | 21,825 | | | 542,133 | 494,991 | 395,993 | 98,998 | 374,168 | 21,825 | - | 49 | - | - | 135,006 | (11,134) | 98,998 | (11,884) | 750 | - | 49 | - |
| C | 413 MADISON AVENUE | 1284 | 21 | 11,675 | Develops as Office Building | 21.6 | 505,221 | 461,289 | 461,289 | | 440,950 | 20,339 | | | | | | | | | | | | |
| | 425 MADISON AVENUE | 1284 | 52 | 6,484 | | | | | | | | | | | | | | | | | | | | |
| | 423 MADISON AVENUE | 1284 | 152 | 2,180 | | | | | | | | | | | | | | | | | | | | |
| | TOTAL | | | 20,339 | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | 505,221 | 461,289 | 461,289 | - | 440,950 | 20,339 | - | - | - | - | 165,898 | 126,541 | (4,575) | 129,507 | (2,966) | - | (7) | - |
| D | 410 MADISON AVENUE | 1284 | 14 | 7,164 | Develops as Office Building | 18 | 447,741 | 408,807 | 408,807 | | 387,177 | 21,630 | | | | | | | | | | | | |
| | 418 MADISON AVENUE | 1284 | 17 | 3,275 | | | | | | | | | | | | | | | | | | | | |
| | 422 MADISON AVENUE | 1284 | 55 | 1,750 | | | | | | | | | | | | | | | | | | | | |
| | 424 MADISON AVENUE | 1284 | 56 | 4,375 | | | | | | | | | | | | | | | | | | | | |
| | 22 EAST 49 STREET | 1284 | 59 | 2,553 | | | | | | | | | | | | | | | | | | | | |
| | 20 EAST 49 STREET | 1284 | 60 | 2,513 | | | | | | | | | | | | | | | | | | | | |
| TOTAL | | | 21,630 | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | 447,741 | 408,807 | 408,807 | - | 387,177 | 21,630 | - | - | - | - | 242,539 | 203,605 | - | 206,414 | (2,809) | - | - | - |
| E | 350 PARK AVENUE | 1287 | 33 | 27,925 | Develops as Office Building | 25 | 802,844 | 733,031 | 733,031 | | 705,106 | 27,925 | | | | | | | | | | | | |
| | TOTAL | | | 27,925 | | | 802,844 | 733,031 | 733,031 | - | 705,106 | 27,925 | - | - | - | - | 267,144 | 197,331 | - | 187,406 | 9,925 | - | - | - |
| F | 400 PARK AVENUE | 1290 | 36 | 12,552 | Develops as Office Building | 25 | 697,676 | 637,009 | 637,009 | | 612,742 | 24,267 | | | | | | | | | | | | |
| | 410 PARK AVENUE | 1290 | 37 | 11,715 | | | | | | | | | | | | | | | | | | | | |
| | TOTAL | | | 24,267 | | | 697,676 | 637,009 | 637,009 | - | 612,742 | 24,267 | - | - | - | - | 246,619 | 185,952 | - | 237,070 | (51,118) | - | - | - |
| G | 571 MADISON AVENUE | 1292 | 52 | 20,075 | Develops as Office Building | 18 | 415,553 | 379,418 | 379,418 | | 359,343 | 20,075 | | | | | | | | | | | | |
| | TOTAL | | | 20,075 | | | 415,553 | 379,418 | 379,418 | - | 359,343 | 20,075 | - | - | - | - | 30,205 | (5,930) | - | (11,739) | 5,809 | - | - | (20,025) |
| H | 354 LEXINGTON AVENUE | 1295 | 17 | 12,359 | Develops as Office Building | 21.6 | 674,928 | 616,238 | 616,238 | | 589,067 | 27,171 | | | | | | | | | | | | |
| | 364 LEXINGTON AVENUE | 1295 | 58 | 14,812 | | | | | | | | | | | | | | | | | | | | |
| | TOTAL | | | 27,171 | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | 674,928 | 616,238 | 616,238 | - | 589,067 | 27,171 | - | - | - | - | 190,029 | 131,339 | - | 127,506 | 3,873 | - | - | - |
| I | 141 EAST 45 STREET | 1300 | 26 | 2,008 | Develops as Office Building | 20.323 | 1,091,517 | 996,602 | 996,602 | | 949,899 | 46,703 | | | | | | | | | | | | |
| | 730 3 AVENUE | 1300 | 33 | 38,168 | | | | | | | | | | | | | | | | | | | | |
| | 158 EAST 46 STREET | 1300 | 42 | 3,314 | | | | | | | | | | | | | | | | | | | | |
| | 154 EAST 46 STREET | 1300 | 44 | 3,213 | | | | | | | | | | | | | | | | | | | | |
| | TOTAL | | | 46,703 | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | 1,091,517 | 996,602 | 996,602 | - | 949,899 | 46,703 | - | - | - | - | 395,497 | 300,582 | - | 315,710 | 8,699 | (23,827) | - | - |
| J | 155 EAST 50 STREET | 1305 | 33 | 10,744 | Develops as Office Building | 18 | 430,250 | 392,837 | 392,837 | | 372,052 | 20,785 | | | | | | | | | | | | |
| | 830 3 AVENUE | 1305 | 40 | 10,041 | | | | | | | | | | | | | | | | | | | | |
| | TOTAL | | | 20,785 | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | 430,250 | 392,837 | 392,837 | - | 372,052 | 20,785 | - | - | - | - | 135,668 | 98,255 | - | 243,902 | 13,935 | (159,582) | - | - |
| K | 850 3 AVENUE | 1306 | 33 | 31,632 | Develops as Office Building | 19.11 | 695,161 | 634,712 | 634,712 | - | 603,080 | 31,632 | | | | | | | | | | | | |
| | TOTAL | | | 31,632 | | | 695,161 | 634,712 | 634,712 | - | 603,080 | 31,632 | - | - | - | - | 120,486 | 60,037 | - | 34,863 | 25,174 | - | - | - |
| L | 685 3 AVENUE | 1317 | 1 | 31,129 | Develops as Office Building | 21.6 | 773,244.36 | 706,005.72 | 706,005.72 | | 674,876.72 | 31,129 | | | | | | | | | | | | |
| | TOTAL | | | 31,129 | | | 773,244.36 | 706,005.72 | 706,005.72 | - | 674,876.72 | 31,129 | - | - | - | - | 213,489 | 146,251 | - | 141,312 | 4,939 | - | - | - |
| M | 733 3 AVENUE | 1319 | 47 | 25,768 | Develops as Mixed Office/Residential Building | 18 | 533,397.60 | 487,015.20 | 389,612.16 | 97,403.04 | 363,844.16 | 25,768 | | 48.70 | | | | | | | | | | |
| | TOTAL | | | 25,768 | | | 533,397.60 | 487,015.20 | 389,612.16 | 97,403.04 | 363,844.16 | 25,768 | - | 48.70 | - | - | 127,999 | (15,787) | 97,403 | (14,326) | (1,461) | - | 49 | - |
| N | 845 3 AVENUE | 1325 | 1 | 21,100 | Develops as Office Building | 18 | 436,770 | 398,790 | 398,790 | | 377,690 | 21,100 | | | | | | | | | | | | |
| | TOTAL | | | 21,100 | | | 436,770 | 398,790 | 398,790 | 0 | 377,690 | 21,100 | - | - | - | - | 115,318 | 77,338 | - | 69,293 | 8,045 | - | - | - |

Appendix B

Transporting Planning Factors (TPF) Technical Memorandum





To: New York City Department of City Planning

Date: November 17, 2016

CC: Nancy Doon, Celeste Evans, Molly
MacQueen and Tammy Petsios – VHB

Project #: 29878.00

Memorandum

From: Erik Metzger

Re: Greater East Midtown Rezoning
EIS – Draft Transportation
Planning Factors

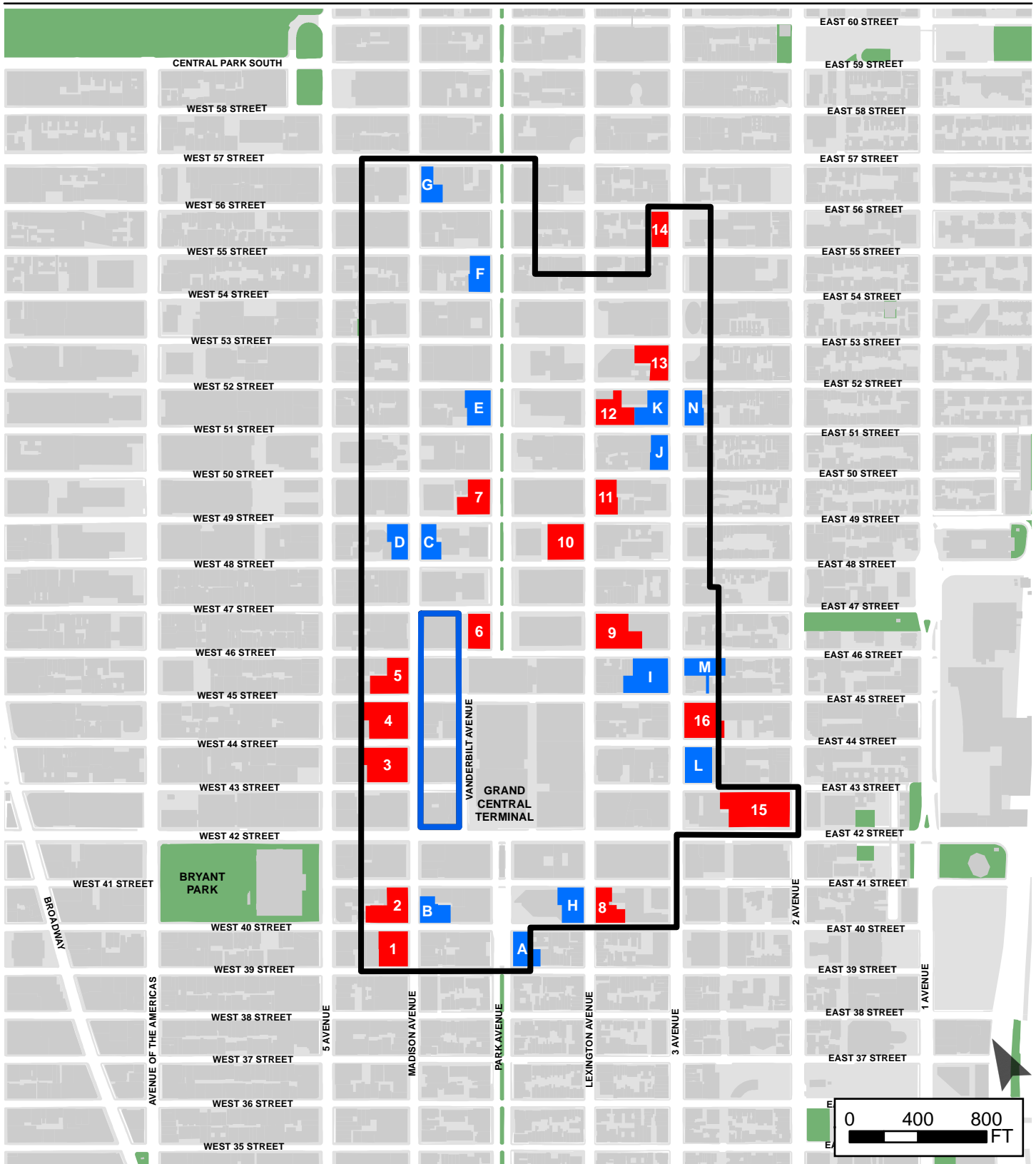
This memorandum summarizes the transportation planning factors to be used for the analysis of transportation (traffic, transit, pedestrians and parking) conditions for the *Greater East Midtown Rezoning EIS*. It provides a description of the Proposed Action and travel demand factors used to determine the number of trips generated by the project in the weekday AM, Midday and PM peak hours.

PROPOSED ACTION

The Proposed Action includes zoning map amendments and zoning text amendments affecting a 78 block area in East Midtown generally bounded by East 57th Street to the north, East 39th Street to the south, a line 200 feet easterly of Third Avenue to the east and a line 250 feet westerly of Madison Avenue to the west (see Figure 1). The general objective of the Proposed Action is to facilitate both the construction of new office space and replacement of outdated office stock within East Midtown by increasing density through an as-of-right framework. This framework would also provide direct funding for transit and above-grade public realm infrastructure improvements and bolster landmarks preservation within the Subdistrict.

In order to assess the possible effects of the Proposed Action, a Reasonable Worst-Case Development Scenario (RWCDS) was established using both the current zoning (future No-Action) and proposed zoning (future With-Action) conditions projected to the build year of 2036 (the year by which the projected development predicted by the proposed zoning would be in place). The RWCDS identifies 16 Projected Development Sites (those sites considered more likely to be developed within the 20-year analysis period) and 14 potential development sites (those sites considered less likely to be developed within the same period); the locations of these development sites are shown in Figure 1. Only Projected Development Sites are considered for the purposes of the transportation analyses.

The incremental difference between the future No-Action and future With-Action conditions are the basis of the transportation impact analyses of the EIS. Table 1 summarizes the No-Action Condition, With-Action Condition, and incremental net change of component sizes by land use for the RWCDS. As shown in the table, under the RWCDS, the Proposed Action would result in a net increase of approximately 6.6 million gross square feet (gsf) of office uses, 57,477 gsf of local retail uses, and 81,548 gsf of destination retail uses. The Proposed Action would also result in a net reduction of 1,246 hotel rooms, 44 residential dwelling units, and 564 parking spaces, compared to the No-Action Condition.



- Proposed Greater East Midtown Rezoning Boundary
- Vanderbilt Corridor (Existing Regulations Apply)
- 1 Projected Development Site (w/ I.D. Label)
- A Potential Development Site (w/ I.D. Label)

Greater East Midtown Rezoning
 Manhattan, New York

Proposed Rezoning Area
 RWCD Sites

Figure
1



Table 1 – RWCDs Summary for Projected Development Sites

| Land Use | No-Action Condition | With-Action Condition | Net Increment |
|--------------------|---------------------|-----------------------|--------------------|
| Office | 6,812,920 gsf | 13,394,777 gsf | +6,581,857 gsf |
| Local Retail | 390,599 gsf | 448,076 gsf | +57,477 gsf |
| Destination Retail | 72,275 gsf | 153,823 gsf | +81,548 gsf |
| Hotel | 1,246 rooms | 0 rooms | -1,246 rooms |
| Residential | 163 dwelling units | 119 dwelling units | -44 dwelling units |
| Parking Spaces | 564 | 0 | -564 |

TRANSPORTATION PLANNING FACTORS

The transportation planning factors used to forecast weekday travel demand for the land uses in the RWCDs are summarized in Table 2 and discussed below. The trip generation rates, temporal distributions and in/out splits, modal splits, vehicle occupancies and truck trip factors were primarily based on rates cited in the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, factors developed for the 2013 *East Midtown Rezoning and Related Actions FEIS* and American Community Survey journey-to-work and reverse journey-to-work data for census tracts in the rezoning area. Factors are provided for the weekday AM and PM peak hours (the typical peak periods for commuter travel demand) and the weekday Midday peak hour (the typical peak period for retail establishments such as local eateries and shops).

Office

Trip generation rates and temporal distributions for offices were based on factors cited in the *CEQR Technical Manual*. In/out splits were obtained from the *East Midtown Rezoning and Related Actions FEIS*. Weekday AM and PM peak hour modal splits were derived from 2006-2010 American Community Survey reverse journey-to-work data for workers arriving between 7:30 am and 9:59 am at workplaces located within census tracts in the rezoning area (Manhattan Census Tracts 80, 82, 88, 90, 92, 94, 98, 100, 102, 108, 112.02 and 112.03). Trips made by taxi were assumed to be evenly distributed between yellow cabs and black cars as per the *East Midtown Rezoning and Related Actions FEIS*. Weekday Midday peak hour modal splits were obtained from the *East Midtown Rezoning and Related Actions FEIS*. Vehicle occupancies for autos were derived from 2006-2010 American Community Survey reverse journey-to-work data and vehicle occupancy rates for taxis were obtained from the *East Midtown Rezoning and Related Actions FEIS*. Truck trip generation assumptions were based on the rates cited in the *CEQR Technical Manual*.

Local Retail

Local retail would primarily attract trips from worker populations at new office development and other land uses in the surrounding area. It is therefore anticipated that the majority of these trips would be via the walk mode and that many would be “linked” trips (e.g., a trip with multiple purposes, such as stopping at a retail store while commuting to or from work or at lunchtime) and would therefore not represent the addition of new discrete trips. The proportion of “linked” trips assumed is 25 percent based on the *CEQR Technical Manual*. Weekday travel demand forecasts for local retail uses were based on the trip generation rates and temporal distributions cited in the *CEQR Technical Manual*. In/out splits, modal splits and vehicle occupancy rates were obtained from the *East Midtown Rezoning and Related Actions FEIS*. Truck trip generation assumptions were based on the rates cited in the *CEQR Technical Manual*.

Table 2 – Transportation Planning Factors

| Land Use: | Office | | Local Retail | | Destination Retail | | Hotel | | Residential | |
|-------------------------------|----------------|------------|-----------------|------------|--------------------|------------|----------------|------------|-------------------|------------|
| Trip Generation: | (1) | | (1) | | (1) | | (1) | | (1) | |
| | Weekday | | Weekday | | Weekday | | Weekday | | Weekday | |
| Daily Person Trips | 18.0 | | 205 | | 78.2 | | 9.4 | | 8.075 | |
| Net Daily Person Trips* | 18.0 | | 154 | | 78.2 | | 9.4 | | 8.075 | |
| | per 1,000 gsf | | per 1,000 gsf | | per 1,000 gsf | | per room | | per dwelling unit | |
| Temporal Distribution: | (1) | | (1) | | (1) | | (1) | | (1) | |
| AM | 12% | | 3% | | 3% | | 8% | | 10% | |
| MD | 15% | | 19% | | 9% | | 14% | | 5% | |
| PM | 14% | | 10% | | 9% | | 13% | | 11% | |
| In/Out Splits: | (2) | | (2) | | (2) | | (2) | | (2) | |
| | In | Out | In | Out | In | Out | In | Out | In | Out |
| AM | 96% | 4% | 50% | 50% | 61% | 39% | 39% | 61% | 15% | 85% |
| MD | 48% | 52% | 50% | 50% | 55% | 45% | 54% | 46% | 50% | 50% |
| PM | 5% | 95% | 50% | 50% | 47% | 53% | 65% | 35% | 70% | 30% |
| Modal Splits: | (3) | (2) | (2) | | (2) | (2) | (2) | (2) | (4) | |
| | AM/PM | MD | AM/MD/PM | | AM/PM | MD | AM/PM | MD | AM/MD/PM | |
| Auto | 7.6% | 2.0% | 2% | | 9.0% | 9% | 9% | 8% | 8.6% | |
| Taxi (Yellow Cab) | 1.1% | 1.5% | 3% | | 4.0% | 4% | 18% | 15% | 4.1% | |
| Taxi (Black Car) | 1.1% | 1.5% | - | | - | - | - | - | - | |
| Bus | 14.8% | 6.0% | 6% | | 8.0% | 8% | 3% | 3% | 7.9% | |
| Subway | 48.2% | 6.0% | 6% | | 26.5% | 20% | 24% | 13% | 29.2% | |
| Railroad | 19.2% | 0.0% | 0% | | 2.0% | 0% | 0% | 0% | 3.1% | |
| Walk | 7.8% | 83.0% | 83% | | 50.5% | 59% | 46% | 61% | 45.6% | |
| Other | 0.2% | 0.0% | 0% | | 0.0% | 0% | 0% | 0% | 1.5% | |
| | 100.0% | 100.0% | 100% | | 100.0% | 100% | 100% | 100% | 100.0% | |
| Vehicle Occupancy: | (2,3) | | (2) | | (2) | | (2) | | (2,4) | |
| Auto | 1.15 | | 1.65 | | 2.00 | | 1.40 | | 1.14 | |
| Taxi (Yellow Cab) | 1.40 | | 1.40 | | 2.00 | | 1.80 | | 1.40 | |
| Taxi (Black Car) | 1.40 | | - | | - | | - | | - | |
| Truck Trip Generation: | (1) | | (1) | | (2) | | (2) | | (1) | |
| | Weekday | | Weekday | | Weekday | | Weekday | | Weekday | |
| | 0.32 | | 0.35 | | 0.35 | | 0.06 | | 0.06 | |
| | per 1,000 gsf | | per 1,000 gsf | | per 1,000 gsf | | per room | | per dwelling unit | |
| | (1) | | (1) | | (2) | | (2) | | (1) | |
| AM | 10% | | 8% | | 8% | | 12% | | 12% | |
| MD | 11% | | 11% | | 11% | | 9% | | 9% | |
| PM | 2% | | 2% | | 2% | | 1% | | 2% | |
| | In | Out | In | Out | In | Out | In | Out | In | Out |
| | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% | 50% |

Note:

* Includes 25% credit for linked trips to local retail

Sources:

- 1 CEQR Technical Manual (2014)
- 2 East Midtown Rezoning and Related Actions FEIS (2013)
- 3 U.S. Census Bureau, American Community Survey 2006-2010 Five-year estimates. Special Tabulation: Census Transportation Planning Reverse Journey-to-Work Data for Tracts 80, 82, 88, 90, 92, 94, 98, 100, 102, 108, 112.02 and 112.03 for workers arriving between 7:30-9:59 am
- 4 U.S. Census Bureau, American Community Survey 2010-2014 5-Year Estimates Journey-to-Work Data for Tracts 80, 82, 88, 90, 92, 94, 98, 100, 102, 108, 112.02 and 112.03

Destination Retail

Destination retail differs from local retail in that it more often represents a primary trip purpose to the study area, as is reflected in the mode split. Weekday travel demand forecasts for destination retail uses were based on the trip generation rates and temporal distributions cited in the *CEQR Technical Manual*. In/out splits, modal splits and vehicle occupancy rates were obtained from the *East Midtown Rezoning and Related Actions FEIS*. Truck trip generation rates were obtained from the *East Midtown Rezoning and Related Actions FEIS*.

Hotel

Travel demand forecasts for hotels were based on the trip generation rates and temporal distributions cited in the *CEQR Technical Manual* and the in/out splits, modal splits and vehicle occupancies presented in the *East Midtown Rezoning and Related Actions FEIS*. Truck trip generation rates were obtained from the *East Midtown Rezoning and Related Actions FEIS*.

Residential

Residential trip generation rates and temporal distributions were based on factors cited in the *CEQR Technical Manual* and in/out splits were obtained from the *East Midtown Rezoning and Related Actions FEIS*. Modal splits were derived from 2010-2014 American Community Survey journey-to-work data for workers residing within census tracts in the rezoning area. Although residential-based trips in the midday would likely be more local in nature than in the peak commuter hours (and therefore have a higher walk share, for example), the residential modal split based on journey-to-work data was conservatively assumed for all time periods. Vehicle occupancies for autos were derived from 2010-2014 American Community Survey journey-to-work data and vehicle occupancy rates for taxis were obtained from the *East Midtown Rezoning and Related Actions FEIS*. Truck trip generation assumptions were based on the rates cited in the *CEQR Technical Manual*.

TRIP GENERATION

The incremental difference in person and vehicle trips expected to result from the Proposed Action by the build year of 2036 were derived based on the net change in land use component sizes in Table 1 and the transportation planning factors in Table 2. Table 3 provides an estimate of the incremental net change of peak hour trips (versus the No-Action condition) that would occur in 2036 with implementation of the Proposed Action.

As shown in Table 3, the Proposed Action would generate an increase of approximately 13,715 total person trips during the weekday AM peak hour, 18,379 total person trips during the weekday Midday peak hour and 16,500 total person trips during the weekday PM peak hour. Person trips by auto and taxi modes would increase by a net total of approximately 1,178, 671 and 1,331 during the AM, Midday and PM peak hours, respectively. Peak hour bus trips would increase by a net total of approximately 2,108, 1,163 and 2,507 during the AM, Midday and PM peak hours, respectively, while peak hour subway trips would increase by a net total of approximately 6,683, 1,066 and 7,822, respectively. Peak hour railroad trips would increase by a net total of approximately 2,736, 2 and 3,199 during the weekday AM, Midday and PM peak hours, respectively. Trips solely made by the walk mode would increase by approximately 983, 15,477 and 1,610 during the AM, Midday and PM peak hours, respectively.

Table 3 – Travel Demand Forecast

| Project Components: | | Office | Local Retail | Destination Retail | Hotel | Residential | | | | | | | | |
|-------------------------|--------------|---------------|---------------|--------------------|------------|----------------|------------|-------------|-------------|------------|------------|-----------------------|---------------|---------------|
| Size: | | 6,581,857 | 57,477 | 81,548 | -1,246 | -44 | | | | | | | | |
| | | gsf | gsf | gsf | rooms | dwelling units | | | | | | | | |
| Peak Hour Trips: | | | | | | | | | | | | | | |
| AM | | 14,222 | 266 | 195 | -935 | -33 | | | | | | | | |
| MD | | 17,766 | 1,694 | 575 | -1,642 | -14 | | | | | | | | |
| PM | | 16,590 | 890 | 576 | -1,520 | -36 | | | | | | | | |
| Person Trips: | | | | | | | | | | | | | | |
| | | In | Out | In | Out | In | Out | In | Out | In | Out | Net | Total | |
| AM | Auto | 1,037 | 45 | 3 | 3 | 11 | 7 | -33 | -51 | 0 | -3 | 1,018 | 1 | 1,019 |
| | Taxi | 301 | 12 | 5 | 5 | 3 | 3 | -66 | -103 | 0 | -1 | 243 | -84 | 159 |
| | Bus | 2,021 | 83 | 8 | 8 | 10 | 8 | -11 | -17 | 0 | -2 | 2,028 | 80 | 2,108 |
| | Subway | 6,577 | 275 | 8 | 8 | 31 | 19 | -87 | -137 | -2 | -9 | 6,527 | 156 | 6,683 |
| | Railroad | 2,623 | 110 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | -1 | 2,627 | 109 | 2,736 |
| | Walk | 1,066 | 45 | 109 | 109 | 60 | 39 | -168 | -262 | -1 | -14 | 1,066 | -83 | 983 |
| | Other | 27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 27 | 0 | 27 |
| | Total | 13,652 | 570 | 133 | 133 | 119 | 76 | -365 | -570 | -3 | -30 | 13,536 | 179 | 13,715 |
| MD | Auto | 171 | 184 | 18 | 18 | 28 | 23 | -71 | -61 | -1 | -1 | 145 | 163 | 308 |
| | Taxi | 256 | 278 | 26 | 26 | 13 | 11 | -133 | -114 | 0 | 0 | 162 | 201 | 363 |
| | Bus | 511 | 553 | 52 | 52 | 25 | 21 | -26 | -23 | -1 | -1 | 561 | 602 | 1,163 |
| | Subway | 511 | 553 | 52 | 52 | 64 | 52 | -116 | -98 | -2 | -2 | 509 | 557 | 1,066 |
| | Railroad | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 2 |
| | Walk | 7,080 | 7,669 | 699 | 699 | 187 | 151 | -540 | -460 | -4 | -4 | 7,422 | 8,055 | 15,477 |
| | Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 8,529 | 9,237 | 847 | 847 | 317 | 258 | -886 | -756 | -7 | -7 | 8,800 | 9,579 | 18,379 |
| PM | Auto | 62 | 1,197 | 8 | 8 | 25 | 28 | -89 | -48 | -2 | -1 | 4 | 1,184 | 1,188 |
| | Taxi | 22 | 348 | 12 | 12 | 11 | 12 | -178 | -95 | -1 | 0 | -134 | 277 | 143 |
| | Bus | 125 | 2,330 | 27 | 27 | 21 | 25 | -30 | -15 | -2 | -1 | 141 | 2,366 | 2,507 |
| | Subway | 400 | 7,594 | 27 | 27 | 70 | 81 | -237 | -129 | -8 | -3 | 252 | 7,570 | 7,822 |
| | Railroad | 161 | 3,025 | 0 | 0 | 6 | 7 | 0 | 0 | 0 | 0 | 167 | 3,032 | 3,199 |
| | Walk | 67 | 1,228 | 371 | 371 | 136 | 154 | -454 | -245 | -13 | -5 | 107 | 1,503 | 1,610 |
| | Other | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 31 | 31 |
| | Total | 837 | 15,753 | 445 | 445 | 269 | 307 | -988 | -532 | -26 | -10 | 537 | 15,963 | 16,500 |
| Vehicle Trips: | | | | | | | | | | | | | | |
| | | In | Out | In | Out | In | Out | In | Out | In | Out | Total Balanced | | |
| AM | Auto | 901 | 36 | 1 | 1 | 4 | 4 | -23 | -36 | 0 | -2 | 883 | 3 | 886 |
| | Taxi | 212 | 2 | 3 | 3 | 4 | 0 | -36 | -56 | 0 | -1 | 183 | 183 | 366 |
| | Truck | 104 | 104 | -1 | -1 | 0 | 0 | -4 | -4 | 0 | 0 | 99 | 99 | 198 |
| | Total | 1,217 | 142 | 3 | 3 | 8 | 4 | -63 | -96 | 0 | -3 | 1,165 | 285 | 1,450 |
| MD | Auto | 150 | 161 | 10 | 10 | 15 | 11 | -51 | -43 | -1 | -1 | 123 | 138 | 261 |
| | Taxi | 182 | 200 | 19 | 19 | 7 | 4 | -74 | -62 | 0 | 0 | 190 | 190 | 380 |
| | Truck | 115 | 115 | -1 | -1 | 0 | 0 | -3 | -3 | 0 | 0 | 111 | 111 | 222 |
| | Total | 447 | 476 | 28 | 28 | 22 | 15 | -128 | -108 | -1 | -1 | 424 | 439 | 863 |
| PM | Auto | 56 | 1,042 | 4 | 4 | 12 | 13 | -64 | -34 | -2 | -1 | 6 | 1,024 | 1,030 |
| | Taxi | 12 | 250 | 8 | 8 | 6 | 7 | -99 | -53 | -1 | 0 | 202 | 202 | 404 |
| | Truck | 23 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 23 | 23 | 46 |
| | Total | 91 | 1,315 | 12 | 12 | 18 | 20 | -163 | -87 | -3 | -1 | 231 | 1,249 | 1,480 |

Note:

Taxi trips were balanced on a site-by-site basis for each of the projected development sites

Table 3 also provides an estimate of the incremental net change in peak hour vehicle trips (auto, taxi and truck) that would occur in 2036 with implementation of the Proposed Action. Inbound and outbound taxi (yellow cab and black car) trips were balanced to reflect that they consist of two trip ends (one in, one out) and that some taxis arrive or depart empty. As the rezoning area is located within the vicinity of Grand Central Terminal, 75 percent of inbound full yellow cabs were assumed to be available for outbound demand given the presence of the intermodal facility (e.g., taxis dropping off passengers at adjacent office buildings in the AM peak period could pick up passengers arriving at the train station); this assumption is based on guidance in the *CEQR Technical Manual*. For black cars, 90 percent of inbound full vehicles were assumed to be available for outbound demand (these vehicles are dispatched and do not pick up passengers via street hails) based on the *East Midtown Rezoning and Related Actions FEIS*. As shown in Table 3, total vehicle trips generated by the Proposed Action would increase by approximately 1,450, 863 and 1,480 during the AM, Midday and PM peak hours, respectively.

ANALYSIS PERIODS

According to the *CEQR Technical Manual*, a quantified traffic analysis is typically required if a proposed action would result in more than 50 peak hour vehicle trip ends. As shown in Table 3, the Proposed Action is expected to result in more than 50 total vehicle trips during the AM, Midday and PM peak hours. These peak hours, therefore, will be selected for the quantitative analysis of traffic conditions. The standard peak hours for this area of Manhattan are 8-9 AM, 12-1 PM and 5-6 PM.

The analysis of transit (bus and subway) conditions typically focuses on the AM and PM commuter peak hours, as these are the time periods when the incremental transit demand from the Proposed Action are highest and there is also the greatest potential for significant impacts. Therefore, quantitative analyses of transit conditions will focus on the AM and PM peak hours.

According to the *CEQR Technical Manual*, a quantified analysis of pedestrian conditions is typically required if a proposed action would result in 200 or more peak hour pedestrian trips. As shown in Table 3, the Proposed Action is expected to result in more than 50 total person trips during the AM, Midday and PM peak hours.¹ For this reason, quantitative analyses of pedestrian conditions will focus on the AM, Midday and PM peak hours.

TRAFFIC

Trip Distribution

A geographical distribution of vehicle trips to and from the Projected Development Sites was developed based upon various sources of New York metropolitan area travel pattern data as the first step in the auto, taxi and truck vehicle assignment process.

For the projected office development, auto trip distributions were based upon 2006-2010 American Community Survey reverse journey-to-work data for commuters driving to workplaces in the rezoning area. Similarly, auto trip distributions for the projected residential development were based on 2010-2014 American Community Survey journey-to-work data for commuters driving from residences in the study

¹ Pedestrian trips refer not only to trips made solely by the walk mode, but also to the pedestrian component associated with walking between Projected Development Sites and other modes of travel, such as subway or rail stations, bus stops and parking facilities.

area. Trip origins and destinations were defined based on the area highway system and included four geographic areas of Manhattan, the other four New York City boroughs, Long Island, Lower Hudson Valley counties east of the Hudson River (i.e., Westchester, Dutchess, and Putnam), Lower Hudson Valley counties west of the Hudson River (i.e., Rockland and Orange), Upstate New York, Connecticut, Bergen County in New Jersey, all of the remaining counties in New Jersey, and Pennsylvania. The distributions of auto trips that would be generated by retail and hotel land uses were obtained from the *East Midtown Rezoning and Related Actions FEIS*.

Table 4 summarizes the projected distribution of auto trips to and from the north, east, south and west for office, residential, retail and hotel land uses. Most of the auto trips for office land uses are expected to approach and depart the study area from the north since the Franklin D. Roosevelt (FDR) Drive and Henry Hudson Parkway (Route 9A) provide access to the Bronx, northern portions of Manhattan, Lower Hudson Valley, Upstate New York, Connecticut, and Bergen County in New Jersey (via the George Washington Bridge). A large percentage of trips would also approach and depart the study area via the east due to the projected amount of vehicles from Queens and Long Island (via the Ed Koch Queensboro Bridge and Queens Midtown Tunnel). Vehicle trips approaching and departing the study area via the west would primarily originate from or be destined to the remaining counties in New Jersey. Table 4 also summarizes the projected distributions of taxis and trucks traveling to and from the study area, which were obtained from the *East Midtown Rezoning and Related Actions FEIS*.

Table 4 – Vehicle Trip Distribution

| Vehicle Type | Land Use | North | South | East | West | Total |
|---|--------------------------|-------|-------|------|------|-------|
| Auto | Office ¹ | 37% | 13% | 28% | 22% | 100% |
| | Retail ² | 40% | 25% | 15% | 20% | 100% |
| | Hotel ² | 40% | 20% | 15% | 25% | 100% |
| | Residential ³ | 34% | 33% | 15% | 18% | 100% |
| Taxi ² | Office | 55% | 24% | 7% | 14% | 100% |
| | Retail | 35% | 25% | 10% | 30% | 100% |
| | Hotel | 40% | 10% | 25% | 25% | 100% |
| | Residential | 9% | 37% | 25% | 29% | 100% |
| Truck ² | All | 48% | 25% | 20% | 7% | 100% |
| Sources: | | | | | | |
| 1. U.S. Census Bureau, American Community Survey 2006-2010 Five-year estimates. Special Tabulation: Census Transportation Planning Reverse Journey-to-Work Data for Tracts 80, 82, 88, 90, 92, 94, 98, 100, 102, 108, 112.02 and 112.03 | | | | | | |
| 2. East Midtown Rezoning and Related Actions FEIS | | | | | | |
| 3. U.S. Census Bureau, American Community Survey 2006-2010 Five-year estimates. Special Tabulation: Census Transportation Planning Journey-to-Work Data for Tracts 80, 82, 88, 90, 92, 94, 98, 100, 102, 108, 112.02 and 112.03 | | | | | | |

Trip Assignment and Study Area

Project-generated auto trips for each Projected Development Site were assigned to the most direct routes to approach and depart off-street parking facilities in the vicinity of the Projected Development Sites from the trip origins and destinations shown in Table 4. Taxi trips were assigned to approach, pass by and depart Projected Development Sites based on the trip origins and destinations shown in Table 4. Truck trips were assigned between Projected Development Sites and the trip origins and destinations shown in Table 4 based on the use of designated truck routes as per NYCDOT truck route regulations. Local truck routes in the vicinity of the proposed rezoning area include First, Second, Third and Lexington Avenues and 34th, 42nd, 57th, 59th, and 60th Streets.

The intersection analysis locations were finalized in consultation with DCP and the New York City Department of Transportation (DOT), taking into consideration existing bottleneck locations and prevailing travel patterns in the study area. Figure 2 shows the locations of the 119 intersections that were determined to require a detailed analysis. The area within which these intersections are located is generally bound by 60th Street on the north, 36th Street on the south, First Avenue on the east, and Sixth Avenue on the west.

TRANSIT

According to the general thresholds used by the Metropolitan Transportation Authority (MTA) and specified in the *CEQR Technical Manual*, detailed transit analyses are generally not required if a proposed action is projected to result in fewer than 200 peak hour rail or bus transit riders. If a proposed action would result in 50 or more bus passengers being assigned to a single bus line (in one direction), or if it would result in an increase of 200 or more passengers at a single subway station or on a single subway line, a detailed bus or subway analysis would be warranted.

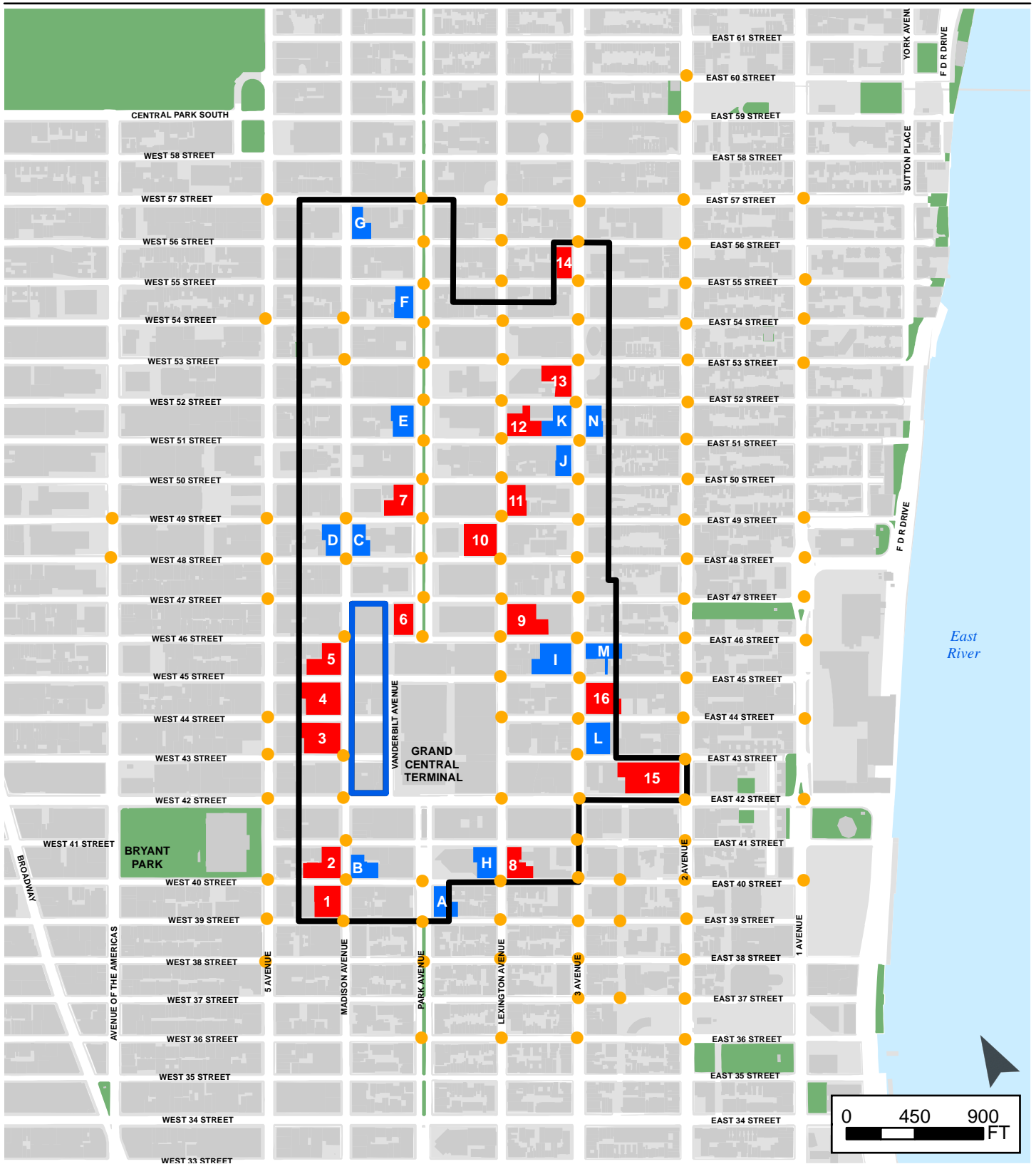
Subway Stations

There are a total of eight MTA-NYCT subway stations or station complexes located in proximity to Projected Development Sites. These stations and station complexes are listed in Table 5 along with the subway routes serving each facility. Notable among these is the Grand Central station complex served by Nos. 4, 5, and 6 trains on the Lexington Avenue Line, No. 7 trains on the Flushing Line and the Times Square Shuttle.

As shown in Table 3, Projected Development Sites are expected to generate a net total of approximately 6,683 and 7,822 new subway trips during the AM and PM peak hours, respectively. Assignments of these trips to individual subway stations, as well as transfer trips to subways from other modes (e.g., bus trips at the Port Authority Bus Terminal and commuter rail trips at Penn Station) were prepared by MTA-NYCT. Table 5 shows the total net incremental subway trips generated by the proposed rezoning during the AM and PM peak hours at each of the subway station and station complexes serving the rezoning area.

Table 5 – Net Incremental Peak Hour Subway Trips by Station/Station Complex

| Subway Station | Route(s) Served | Weekday Peak Hour | |
|--------------------------------------|-----------------|-------------------|--------------|
| | | AM | PM |
| Grand Central 42nd Street | 4/5/6/7/S | 3,578 | 4,247 |
| 42nd Street Bryant Park-Fifth Avenue | B/D/F/M/7 | 596 | 693 |
| 47th-50th Streets-Rockefeller Center | B/D/F/M | 426 | 487 |
| Lexington Avenue-51st/53rd Streets | E/M/6 | 3,087 | 3,579 |
| Fifth Avenue-53rd Street | E/M | 90 | 107 |
| 57th Street | F | 0 | 0 |
| Lexington Avenue-59th Street | 4/5/6/N/R/W | 193 | 238 |
| Fifth Avenue-59th Street | N/R/W | 0 | 0 |
| Totals | | 7,970 | 9,351 |



- Proposed Greater East Midtown Rezoning Boundary
- Vanderbilt Corridor (Existing Regulations Apply)
- 1 Projected Development Site (w/ I.D. Label)
- A Potential Development Site (w/ I.D. Label)
- Traffic Analysis Location

Greater East Midtown Rezoning
Manhattan, New York

Traffic Analysis Locations

Figure
2

As shown in Table 5, the highest number of new peak hour subway trips would occur at the Grand Central 42nd Street station complex, which would experience approximately 3,578 new trips in the AM peak hour and 4,247 in the PM peak hour. The Lexington Avenue-51st/53rd Streets station complex would experience the second highest number of new peak hour subway trips with 3,087 and 3,579 in the AM and PM peak hours, respectively. Although the 57th Street and Fifth Avenue-59th Street stations also serve the rezoning area, no new subway trips are expected at these stations due to the location of Projected Development Sites.

The analysis of subway station conditions will focus on the five subway stations/station complexes at which new subway demand from the Proposed Action would exceed the 200-trip *CEQR Technical Manual* analysis threshold. As shown in Table 5, these include:

- Grand Central 42nd Street;
- 42nd Street Bryant Park-Fifth Avenue;
- 47th-50th Streets-Rockefeller Center;
- Lexington Avenue-51st/53rd Streets; and
- Lexington Avenue-59th Street.

At each of these five facilities, key circulation elements (e.g., street stairs, fare control areas, etc.) expected to be used by concentrations of new demand from the proposed rezoning will be analyzed.

Subway Line Haul

Line haul is the volume of transit riders passing a defined point on a given transit route. Subway line haul is typically measured at the maximum load point on each route (the point where trains carry the highest number of passengers during the peak hour).

The proposed rezoning area is currently served by a total of 13 NYCT subway routes, including Nos. 4 and 5 express and No. 6 local services on the Lexington Avenue Line; No. 7 local and express services on the Flushing Line; the B and D express and M and F local services on the Sixth Avenue Line; the E local service on the Eighth Avenue Line; the N express and R and W local services on the Broadway line; and the 42nd Street Shuttle.

According to the general thresholds used by the MTA and specified in the *CEQR Technical Manual*, a detailed analysis of subway line haul conditions is generally not required if a proposed action is projected to result in fewer than 200 peak-hour trips being assigned to a single subway station or on a subway line, as this level of new demand is considered unlikely to result in significant adverse impacts.

As shown in Table 5, it is estimated that under the RWCDs, all of the Projected Development Sites would generate a combined total of 7,970 and 9,351 new subway trips in the weekday AM and PM peak hours, respectively. Given the number of new subway trips generated by the Proposed Action in each peak hour, one or more of the subway routes serving the proposed rezoning area would potentially experience 200 or more incremental trips in either period. Therefore, subway line haul conditions will be assessed.

Bus Routes

The proposed rezoning area is served by a total of approximately 15 MTA-NYCT local bus routes that operate exclusively within Manhattan, and one local route (Q32) that connects midtown Manhattan to Jackson Heights, Queens via the Ed Koch Queensboro Bridge. In addition, a total of 65 MTA-NYCT, MTA Bus, North Fork Express, Bee-Line Bus, and Monsey Trails express routes connecting Manhattan to New

York City's outer boroughs, Long Island, Westchester and Rockland Counties also operate through the rezoning area, many along Madison and Fifth Avenues which are major north-south bus corridors. As shown in Table 3, Projected Development Sites are expected to generate a net total of approximately 2,108 and 2,507 new bus trips during the weekday AM and PM peak hours, respectively. Based on 2006-2010 American Community Survey reverse journey-to-work data for commuters using buses to travel to workplaces in the study area, it is estimated that approximately 46 percent of these bus trips would be arriving from and departing to points west of the Hudson River and would therefore use the Port Authority Bus Terminal, approximately 33 percent would be arriving from or departing to the outer boroughs, Long Island, or Westchester County and are therefore expected to primarily use express bus routes, and approximately 21 percent of these bus trips would be intra-Manhattan and would therefore occur on local bus routes.

Although the Proposed Action would generate up to 681 and 795 new express bus trips during the AM and PM peak hours, respectively, these trips would be widely distributed among a total of 64 express bus routes. 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 Proposed Action 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. Express bus services operating in proximity to the rezoning area will be discussed qualitatively in the EIS.

Overall, the numbers of new bus trips using the 15 NYCT local bus routes operating within Manhattan are expected to total approximately 439 in the AM peak hour and 609 during the PM peak hour. An additional 20 and 18 trips during these periods, respectively, are also expected to utilize the NYCT Q32 service to/from Queens. Local bus trips generated by the Proposed Action were assigned to each route based on proximity to individual Projected Development Sites and current ridership patterns. Table 6 shows the anticipated numbers of new riders on each local bus route in the AM and PM peak hours. (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.) 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 impacts. As shown in Table 6, no local bus route is expected to experience 50 or more new trips in one direction through their maximum load points in one or both peak hours and therefore no detailed bus analysis is required.

Commuter Rail

The number of passengers using commuter rail services would increase by approximately 2,736 during the AM peak hour and 3,199 during the PM peak hour. Based on projections by MTA, approximately 41 percent of passengers are expected to use Metro-North Railroad (MNR) services, 39 percent of railroad passengers will use Long Island Rail Road (LIRR), and the remaining 20 percent will use NJ Transit. Of the passengers using LIRR, approximately 85 percent are expected to use Grand Central Terminal (revenue service is expected in 2022) and 15 percent are expected to use Penn Station.

LIRR is expected to operate 24 12-car trains at Grand Central Terminal during the AM and PM peak hours in 2036. Consequently, the number of additional passengers per railcar will be fewer than five persons during the peak hour, which does not constitute a significant impact. The result is similar for MNR and NJ Transit based on current service; the additional load resulting from the Proposed Action also would be below five per railcar. Therefore, detailed analysis of commuter rail service is not warranted.

Table 6: 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 | 6 | 2 | 8 | 9 | 48 | 57 |
| | SB | 49 | 8 | 57 | 5 | 10 | 15 |
| M2 | NB | 11 | 4 | 15 | 2 | 20 | 22 |
| | SB | 24 | 2 | 26 | 5 | 9 | 14 |
| M3 | NB | 7 | 3 | 10 | 3 | 22 | 25 |
| | SB | 14 | 1 | 15 | 5 | 10 | 15 |
| M4 | NB | 8 | 3 | 11 | 7 | 41 | 48 |
| | SB | 37 | 5 | 42 | 6 | 11 | 17 |
| 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 | 2 | 1 | 3 | 1 | 7 | 8 |
| | WB | 6 | 0 | 6 | 2 | 3 | 5 |
| M57 | EB | 1 | 0 | 1 | 0 | 5 | 5 |
| | WB | 2 | 0 | 2 | 1 | 2 | 3 |
| M101 | NB | 12 | 5 | 17 | 7 | 45 | 52 |
| | SB | 26 | 2 | 28 | 16 | 21 | 37 |
| M102 | NB | 7 | 3 | 10 | 5 | 30 | 35 |
| | SB | 16 | 1 | 17 | 10 | 14 | 24 |
| M103 | NB | 7 | 3 | 10 | 4 | 24 | 28 |
| | SB | 14 | 1 | 15 | 8 | 12 | 20 |
| Q32 | EB | 5 | 2 | 7 | 1 | 10 | 11 |
| | WB | 12 | 1 | 13 | 3 | 4 | 7 |

PEDESTRIANS

Under *CEQR Technical Manual* criteria, detailed pedestrian analyses are generally warranted if a proposed action is projected to result in 200 or more peak hour pedestrians at any sidewalk, corner reservoir area or crosswalk. As shown in Table 3, the proposed rezoning is expected to generate approximately 983 walk-only trips in the weekday AM peak hour, 15,477 in the Midday peak hour and 1,610 in the PM peak hour.

Persons en route to and from subway and commuter rail station entrances, bus stops and parking facilities would add an additional 12,546 pedestrian trips to rezoning area sidewalks and crosswalks in the AM peak hour, 2,539 in the Midday peak hour and 14,716 in the PM peak hour. In the weekday AM and PM peak hours, new pedestrian trips would be most concentrated on sidewalks and crosswalks adjacent to Projected Development Sites as well as along corridors connecting these sites to area subway and commuter rail station entrances. In the midday, pedestrian trips would tend to be more dispersed, as people travel throughout the area for lunch, shopping or errands.

Given the relatively large numbers of pedestrian trips that would be generated by the Proposed Action, a quantitative pedestrian analysis will be provided in the EIS. The analysis will focus on sidewalks, corner areas and crosswalks where new pedestrian demand would be most concentrated and most likely to exceed the 200-trip *CEQR Technical Manual* analysis threshold in one or more peak hours. Analysis locations are likely to include pedestrian elements at intersections along: Second Avenue (at East 42nd and East 43rd Streets), Third Avenue (from East 42nd to East 45th Streets, at East 48th and East 49th Streets, and from East 51st to East 56th Streets), Lexington Avenue (from East 41st to East 53rd Streets), Park Avenue (from East 40th to East 41st Streets and from East 46th to East 50th Streets), Vanderbilt Avenue (from East 43rd to East 45th Streets), Madison Avenue (from East 39th to East 46th Streets), and Fifth Avenue (from 42nd to 45th Streets).

PARKING

Parking demand associated with the office, retail, hotel, and residential land use components was forecasted using the transportation planning factors summarized in Table 2 and 24-hour temporal distributions and in/out splits; overnight parking demand generated by residential developments was forecasted assuming a rate of 0.20 spaces per dwelling unit based on 2010-2014 American Community Survey vehicle ownership data for census tracts in the rezoning area.

Table 7 shows the net incremental hourly parking demand for each land use under the Proposed Action compared to the No-Action Condition. As shown in the table, parking demand generated by the office and retail uses that would be developed by the Proposed Action would typically peak during the Midday hours, whereas the parking demand generated by hotel and residential uses would typically peak during the overnight hours (the net decreases in hotel and residential parking demand reflect net reductions in these land uses in the rezoning area under the RWCDs). Overall, under the Proposed Action, parking demand would increase by 1,432 spaces in the weekday Midday period (12:00-1:00 p.m.) as a result of development on Projected Development Sites.

Study Area and Analysis Periods

The analysis of parking conditions will account for projected changes in parking utilization (supply and demand) in the vicinity of the proposed rezoning area. Since a quarter-mile walk is generally considered the maximum distance from off-site parking facilities to development sites, the parking study area will include an analysis of on- and off-street parking facilities within a quarter-mile radius of the rezoning area. Off-street parking utilization levels will be quantitatively assessed during the weekday midday period, which is the time of maximum parking demand for the new office and retail components. The weekday overnight period will not be analyzed in the EIS since the proposed rezoning is expected to result in a net decrease in parking demand during this time period (due to the net decrease in hotel and residential space). The weekday supply of legal on-street auto parking spaces in the project area is very limited due to the allocation of curbside lanes for commercial vehicle deliveries or additional traffic capacity. For this reason, the analysis of on street parking conditions will be limited to a qualitative description of general on-street

parking utilization levels and the provision of a map showing existing curbside parking regulations within the study area.

Table 7: With-Action Condition Net Incremental Weekday Hourly Parking Accumulation by Land Use

| Time Period | Office | Local Retail | Destination Retail | Hotel | Residential | Total |
|-------------------|--------|--------------|--------------------|-------|-------------|-------|
| 12 a.m. – 1 a.m. | 0 | 0 | 0 | -80 | -9 | -89 |
| 1 a.m. – 2 a.m. | 0 | 0 | 0 | -83 | -9 | -92 |
| 2 a.m. – 3 a.m. | 0 | 0 | 0 | -83 | -9 | -92 |
| 3 a.m. – 4 a.m. | 0 | 0 | 0 | -83 | -9 | -92 |
| 4 a.m. – 5 a.m. | 0 | 0 | 0 | -83 | -9 | -92 |
| 5 a.m. – 6 a.m. | 0 | 0 | 0 | -83 | -9 | -92 |
| 6 a.m. – 7 a.m. | 0 | 0 | 0 | -83 | -9 | -92 |
| 7 a.m. – 8 a.m. | 69 | 1 | 0 | -82 | -8 | -20 |
| 8 a.m. – 9 a.m. | 933 | 1 | 1 | -69 | -6 | 860 |
| 9 a.m. – 10 a.m. | 1,578 | 2 | 2 | -59 | -5 | 1,518 |
| 10 a.m. – 11 a.m. | 1,518 | 3 | 5 | -53 | -5 | 1,467 |
| 11 a.m. – 12 p.m. | 1,492 | 3 | 8 | -47 | -5 | 1,450 |
| 12 p.m. – 1 p.m. | 1,479 | 3 | 10 | -55 | -5 | 1,432 |
| 1 p.m. – 2 p.m. | 1,488 | 3 | 11 | -48 | -5 | 1,449 |
| 2 p.m. – 3 p.m. | 1,523 | 3 | 10 | -39 | -5 | 1,492 |
| 3 p.m. – 4 p.m. | 1,587 | 3 | 10 | -29 | -5 | 1,565 |
| 4 p.m. – 5 p.m. | 1,132 | 3 | 9 | -22 | -6 | 1,116 |
| 5 p.m. – 6 p.m. | 146 | 3 | 8 | -51 | -7 | 98 |
| 6 p.m. – 7 p.m. | 24 | 3 | 7 | -39 | -8 | -14 |
| 7 p.m. – 8 p.m. | 7 | 1 | 8 | -56 | -9 | -49 |
| 8 p.m. – 9 p.m. | 0 | 0 | 6 | -66 | -9 | -69 |
| 9 p.m. – 10 p.m. | 0 | 0 | 0 | -71 | -9 | -80 |
| 10 p.m. – 11 p.m. | 0 | 0 | 0 | -75 | -9 | -84 |
| 11 p.m. – 12 a.m. | 0 | 0 | 0 | -80 | -9 | -89 |

Notes:

1. Parking demand for residential land use based on 2010-2014 5-year American Community Survey data on average vehicles per household for Census tracts in the rezoning area and forecasts of daily auto trips for this land use.
2. Parking demand for all other land uses derived from forecasts of daily auto trips from these land uses.

Appendix C

Air Quality Protocol





East Midtown Rezoning EIS

Air Quality Analysis Protocol

Introduction

The Proposed Rezoning Action will affect residential and commercial developments in the study area by altering traffic volumes and patterns as well as land uses. Ambient air quality may be affected by air pollutants produced by motor vehicles, referred to as “mobile sources,” by fixed facilities, usually referenced as “stationary sources,” or by a combination of both.

The purpose of this memorandum is to describe the air quality analysis approach for the proposed development sites for the East Midtown Rezoning EIS. Air quality analyses will be conducted following the procedures outlined in the *2014 CEQR Technical Manual* to determine whether the proposed redevelopment of East Midtown Rezoning (“Proposed Project”) would result in exceedances of the National Ambient Air Quality Standards (NAAQS) or the city’s *de minimis* criteria.

This methodology is divided into a section considering operational long-term effects, and construction phase short-term effects.

Proposed Methodology for Operational Phase effects

The key air quality issues that would be addressed are:

- The potential for changes in vehicular travel associated with proposed development activities to result in significant mobile source (vehicular-related) air quality impacts;
- The potential for emissions from the heating, ventilation and air conditioning (HVAC) systems of the proposed development buildings to significantly impact other proposed development buildings (project-on-project impacts);
- The potential for emissions from the HVAC systems of the proposed development buildings to significantly impact existing land uses (project-on-existing impacts);
- The potential combined impacts from clusters of HVAC emissions (i.e., HVAC emissions from proposed development buildings of approximately the same height that are located in close proximity to one another) to significantly impact existing land uses and other proposed development sites;
- The potential for significant air quality impacts on the proposed development sites from air toxic emissions generated by nearby existing industrial/commercial sources; and



- The potential for significant air quality impacts from the HVAC systems of existing “major” emission sources (Title V Facilities) or any “large” emission sources (State Facility Permit) on the proposed developments.

Mobile Source Analysis

Pollutants of Concern

The microscale analysis will evaluate the potential impact that the proposed rezoning will have on localized CO, PM_{2.5} and PM₁₀ levels in the study area as a result of adding project-generated vehicles to currently congested intersections. Selected sites will be analyzed based on the RWCDs. The RWCDs is defined as the full build out of the proposed actions that includes both projected and potential development sites.

Screening Analysis

A screening analysis of mobile source emissions of CO and particulate matter (PM) on ambient pollutant levels in the study area will be conducted per CEQR *Technical Manual* guidance. If the number of project-generated vehicle trips exceeds the *CEQR Technical Manual* screening thresholds, detailed analyses of mobile source emissions of CO and particulate matter (PM) will be performed for up to six intersections. For the project’s study area, the threshold for conducting an analysis of CO emissions corresponds to 140 project-generated vehicles at a given intersection in the peak hour. The need for conducting an analysis of PM emissions is based on the number of project-generated peak hour heavy-duty diesel vehicles (or its equivalency in vehicular PM_{2.5} emissions) as determined using the worksheet provided on page 17-12 of the *CEQR Technical Manual* (Autos will be assumed to be LDGT1 in the worksheet and trucks will be assumed to be HDDU3).

Detailed Analysis

It is assumed that three peak-hour time periods will be modeled at each location – weekday AM [7 to 8 AM], midday [12 to 1 PM], and PM [5 to 6 AM]. Resulting concentrations will be compared to the National Ambient Air Quality Standards (NAAQS) and the city’s *de minimis* criteria to determine the potential for a significant adverse impact. If exceedances are predicted, mitigation measures will be identified and applied.

Emission Factors

Vehicular cruise and idle CO and Particulate Matter (PM_{2.5} and PM₁₀) emission factors to be utilized in the dispersion modeling will be computed using EPA’s mobile source emissions model, the Motor Vehicle Emission Simulator – MOVES¹. The emissions model is capable of calculating engine emission factors for various vehicle types, based on the fuel type (gasoline, diesel, or electricity), meteorological conditions,

¹EPA MOVES2014a User Guide (<https://www3.epa.gov/otag/models/moves/>)



vehicle speeds, vehicle age, roadway types, number of starts per day, engine soak time, and various other factors that influence emissions, such as inspection maintenance programs. Project specific traffic data obtained through field studies and default input files (e.g., fuel data, county-specific hourly temperature and relative humidity data, etc.) obtained from the New York State Department of Environmental Conservation (NYSDEC) will be used in the latest version of the model – MOVES2014a.

In order to account for the suspension of fugitive road dust in the air from vehicular traffic in the local microscale analyses, PM_{2.5} and PM₁₀ emission factors will include fugitive road dust in local microscale analyses. However, fugitive road dust will not be included in the annual PM_{2.5} analyses, since the New York City Department of Environmental Protection (NYCDEP) considers it to have an insignificant contribution on that scale. Road dust emission factors will be calculated according to the latest procedure delineated by EPA² and the CEQR Technical Manual.

Dispersion Modeling

The 1-hr CO mobile source analysis will be conducted using the Tier 1 CAL3QHC model Version 2.0³ at all intersections identified. The CAL3QHC model employs a Gaussian (normal distribution) dispersion assumption and includes an algorithm for estimating vehicular queue lengths at signalized intersections. CAL3QHC calculates emissions and dispersion of CO from idling and moving vehicles. The queuing algorithm includes site-specific traffic parameters, such as signal timing and delay, saturation flow rate, vehicle arrival type, and signal actuation characteristics to project the number of idling vehicles.

Following the Environmental Protection Agency (EPA) guidelines⁴, CAL3QHC computations will be performed using a wind speed of 1 meter per second, and the neutral stability class D. In order to ensure that reasonable worst-case meteorology will be used in estimating impacts, concentrations will be calculated for all wind directions and will use an assumed surface roughness of 3.21 meters. The 8-hour average CO concentrations will be estimated from the predicted 1-hour average CO concentrations using a factor of 0.77 to account for the persistence of meteorological conditions and fluctuations in traffic volumes.

If maximum predicted CO concentrations result in a potential impact, a refined (Tier 2) version of the model, CAL3QHCR, will be used at affected intersections. CAL3QHCR is an extended module of the CAL3QHC model which allows for the incorporation of hourly traffic and meteorological data. Five years of meteorological data from La Guardia Airport and concurrent upper air data from Brookhaven, New York will be used in the refined modeling. Off-peak traffic volumes will be determined by adjusting the peak period volumes by the 24-hour distributions of actual vehicle counts collected at appropriate locations. Off-peak will be determined by adjusting the peak period volumes into the appropriate 24-

² EPA, Compilations of Air Pollutant Emission Factors AP-42, Fifth Edition, Volume I: Stationary Point and Area Sources, Ch. 13.2.1, NC, <http://www.epa.gov/ttn/chief/ap42>, January 2011.

³ EPA, User's Guide to CAL3QHC, A Modeling Methodology for Predicted Pollutant Concentrations Near Roadway Intersections, Office of Air Quality, Planning Standards, Research Triangle Park, North Carolina, EPA-454/R-92-006.

⁴ Guidelines for Modeling Carbon Monoxide from Roadway Intersections, EPA Office of Air Quality Planning and Standards, Publication EPA-454/R-92-005.



hour distributions as applicable. Current EPA guidance⁵ requires the use of CAL3QHCR (Tier 2) for microscale analysis of PM_{2.5}.

Multiple receptors will be modeled at each of the selected sites; receptors will be placed along approach and departure links at spaced intervals at a pedestrian height of 1.8 meters.

For the annual PM_{2.5} modeling, receptors will be placed at a distance of 15 meters from the nearest moving lane at each analysis location.

Stationary Source Analysis

Pollutants of Concern

The United States Environmental Protection Agency (EPA) has identified several pollutants, which are known as criteria pollutants, as being of concern nationwide. It is assumed that the proposed development sites would use No. 2 fuel oil, or natural gas in their HVAC systems. The criteria pollutants associated with No. 2 fuel oil combustion would be SO₂, NO₂ and PM_{2.5}, and the criteria pollutants associated with natural gas combustion would be NO₂ and PM_{2.5}.

Applicable Air Quality Standards and Criteria

National Ambient Air Quality Standards (NAAQS)

As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for the criteria pollutants by EPA. The NAAQS are concentrations set for each of the criteria pollutants in order to protect public health and the nation's welfare. In addition to the NAAQS, the *CEQR Technical Manual* requires that projects subject to CEQR apply a PM_{2.5} interim guidance criteria to determine whether potential adverse PM_{2.5} impacts would be significant. If the estimated impacts of a proposed project are less than the incremental thresholds, the impacts are not considered to be significant.

This analysis will address the compliance of the potential impacts of the Proposed Project with the 1-hour SO₂ NAAQS, the 1-hour and annual NO₂ NAAQS, the 24-hour PM₁₀ NAAQS, and the 24-hour and annual PM_{2.5} *de minimis* criteria thresholds specified in the *CEQR Technical Manual*. The current standards that will be applied to this analysis, together with their health-related averaging periods, are presented in Table 1. New York has adopted the NAAQS as the State ambient air quality standards.

⁵ EPA, Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM_{2.5} and PM₁₀ Nonattainment and Maintenance Areas, EPA-420/B-10-040.

Table 1 - Applicable National Ambient Air Quality Standards

| Pollutant | Averaging Period | National and State Standards |
|-------------------|------------------|---------------------------------------|
| SO ₂ | 1 Hour | 75 ppb (196.5 µg/m ³) |
| NO ₂ | 1 Hour | 0.10 ppm (188 µg/m ³) |
| | Annual | 0.053 ppm (100 µg/m ³) |
| PM _{2.5} | 24 Hour | 35 µg/m ³ |
| | Annual | 12 µg/m ³ |
| PM ₁₀ | 24 Hour | 150 µg/m ³ |

Source: US Environmental Protection Agency, "National Primary and Secondary Ambient Air Quality Standards." (49 CFR 50) (www.epa.gov/air/criteria.html) and New York State Department of Environmental Conservation (<http://www.dec.ny.gov/chemical/8542.html>).

Notes: ppm = parts per million
µg/m³ = micrograms per cubic meter

PM_{2.5} *de minimis* Criteria

CEQR guidance includes the following criteria for evaluating potential 24-hour PM_{2.5} impacts:

1. 24-hour average PM_{2.5} concentration increments that, if predicted to be greater than one half of the difference between the NAAQS and the average of the latest three years of background monitored concentrations from a nearby monitoring location at a discrete receptor location, would be considered a significant adverse impact on air quality under operational conditions (i.e., a permanent condition predicted to exist for many years regardless of the frequency of occurrence); and,
2. Annual average PM_{2.5} concentration increments that are predicted to be greater than 0.3 µg/m³ at a discrete receptor location (elevated or ground level).

Actions under CEQR predicted to increase PM_{2.5} concentrations by more than the above interim guidance criteria are considered to have a potential significant adverse impact.



The above CEQR interim guidance criteria will be used to evaluate the significance of predicted impacts of the Proposed Action on PM_{2.5} concentrations and to determine the need for mitigation measures.

HVAC Analysis

Emission Rate and Stack Parameters

According to the *CEQR Technical Manual* guidance, emission rate of the proposed buildings' HVAC systems will be calculated using general building information to be provided by DCP, the energy consumption data from U.S. Energy Information Administration (EIA), and emission factors from AP-42 (see Table 2). Stack parameters such as stack diameter, stack exhaust temperature and exhaust velocity will be estimated based on calculated boiler size and the DEP boiler database. A few assumptions are listed as follows:

- For residential developments, 0.40 gal/ft²-year and 54.9 ft³/ft²-year would be used for # 2 fuel oil and natural gas, respectively⁶; and for commercial developments, 0.11 gal/ft²-year and 44.0 ft³/ft²-year would be used for # 2 fuel oil and natural gas, respectively⁷;
- Short-term emission rates will be estimated based on an assumption that all fuel will be consumed in 100 days (3 coldest months of the year or 2,400 hours) of winter heating season, with no emissions for the rest of the year;
- Annual emission rates will be obtained by adjusting the short-term emission rates to account for seasonal variation in heat and hot water demand;
- 1-hour NO₂ concentrations will be estimated using AERMOD's Tier 3 Plume Volume Molar Ratio Method (PVMRM) option to account for NO₂/NO_x conversion. An in-stack ratio of 0.1 and the default equilibrium NO₂/NO_x ratio of 0.9 will be assumed;
- Annual NO₂ concentrations from heating and hot water sources will be estimated using a NO₂/NO_x conversion ratio of 0.75, as describe in EPA's Guideline on Air Quality Models at 40 CFR part 51 Appendix W, Section 5.2.4⁸;
- It is assumed that exhaust stacks would be located three feet above roof height.

⁶ U.S. Energy Information Administration (EIA), Table CE1.2
(<https://www.eia.gov/consumption/residential/data/2009/index.cfm?view=consumption>);
AP-42 Table 1.4.1 (<https://www3.epa.gov/ttnchie1/ap42/>)

⁷ U.S. Energy Information Administration (EIA), Table C35 and Table C25
(<https://www.eia.gov/consumption/commercial/data/2012/index.cfm?view=consumption>)

⁸ http://www.epa.gov/scram001/guidance/guide/appw_05.pdf



Table 2 - Emission Factors of Applicable Criteria Pollutants from HVAC Systems

| Parameters | # 2 Fuel oil | Natural Gas |
|-----------------------------------|--------------------------------|--|
| SO ₂ Emission Factor | 0.213 ¹ lb/1000 gal | 0.6 lb/10 ⁶ ft ³ |
| NO _x Emission Factor | 20 lb/1000 gal | 100 lb/10 ⁶ ft ³ |
| PM _{2.5} Emission Factor | 2.13 ² lb/1000 gal | 7.6 lb/10 ⁶ ft ³ |
| PM ₁₀ Emission Factor | 2.38 ² lb/1000 gal | 7.6 lb/10 ⁶ ft ³ |

Source: EPA Compilation of Air Pollutant Emission Factors, AP-42, Fifth Edition, Volume I: Stationary Point and Area Sources. (<https://www3.epa.gov/ttnchie1/ap42/>)

Notes:

¹The emission factor for SO₂ is calculated based on a maximum fuel oil sulfur content of 0.0015 percent (based on use of ultralow sulfur No.2 oil) using the AP-42 formula.

²The emission factors for PM_{2.5} and PM₁₀ are calculated by combining filterable PM and condensable PM together using the AP-42 formula.

Meteorological Data

All analyses will be conducted using the latest five consecutive years of meteorological data (2011-2015). Surface data were obtained from La Guardia Airport and upper air data were obtained from Brookhaven station, New York. Data will be processed using the current EPA AERMET version 15181 and the EPA procedure. These meteorological data provide hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period.

Receptor Locations

Receptors will be identified and placed at operable windows or at air intakes at worst-case locations for sensitive receptors that are at the same height or taller than the proposed building.

Background Concentrations

Appropriate background concentrations values (see Table 3) will be added to modeling results to get the total concentration for 1-hour SO₂, 1-hour and annual NO₂, and 24-hour PM₁₀. Predicted values will be compared with the NAAQS. To develop background levels, concentration measured at the nearest NYSDEC ambient monitoring station over the latest five-year period (2011-2015) will be used for annual average NO₂, the latest available three-year period (2013-2015) will be used for the 1-hour SO₂ and 1-hour NO₂, and the latest 2015 data will be used for 24-hour PM₁₀ background concentration.

The PM_{2.5} 24-hour average background concentration of 26.2 µg/m³ will be used to establish the *de minimis* value, consistent with the guidance provided in the *CEQR Technical Manual*. The PM_{2.5} annual average impacts will be assessed on an incremental basis and compared with the PM_{2.5} *de minimis* criteria threshold of 0.3 µg/m³, without considering the annual background.



Table 3 - Background Concentrations

| Pollutant | Averaging Period | Location | Concentration ($\mu\text{g}/\text{m}^3$) |
|-------------------|------------------|----------------------------|--|
| SO ₂ | 1 Hour | IS 52, Bronx | 36.9 |
| NO ₂ | 1 Hour | IS 52, Bronx | 120.9 |
| | Annual | IS 52, Bronx | 38.3 |
| PM _{2.5} | 24 Hour | PS 19, Manhattan | 26.2 |
| PM ₁₀ | 24 Hour | Division Street, Manhattan | 44 |

Source: NYSDEC Ambient Air Quality Report, 2015, <http://www.dec.ny.gov/chemical/29310.html>

Notes:

- 1) 1-hour SO₂ background concentration is based on the maximum 99th percentile concentration averaged over three years of data from NYSDEC (2013-2015).
- 2) 1-hour NO₂ background concentration is based on three-year average (2013-2015) of the 98th percentile of daily maximum 1-hour concentrations from available monitoring data from NYSDEC.
- 3) Annual NO₂ background concentration is based on the maximum annual average from the latest five years of available monitoring data from NYSDEC (2011-2015).
- 4) 24-hour PM₁₀ is based on the highest second max value from the latest three years of available monitoring data from NYSDEC (2013-2015).
- 5) The 24-hour PM_{2.5} background concentration is based on maximum 98th percentile concentration averaged over three years of data from NYSDEC (2013-2015).

Individual HVAC Analysis

The potential for emissions from the HVAC systems of individual proposed buildings to result in stationary source pollutants that would significantly impact existing land uses (project-on-existing impacts) and other proposed buildings (project-on-project impacts) will be conducted utilizing a stepped analysis procedure following the sequence listed below:

1. Impacts would be initially analyzed using the CEQR nomographic procedures assuming the use of No. 2 fuel oil.
2. If the nomographic screening results fail with the use of No. 2 fuel oil, screening procedures will be utilized assuming a cleaner burning fuel (natural gas).
3. If the nomographic screening results fail with natural gas, a more detailed analysis will be conducted utilizing the EPA AERMOD model.
4. If the HVAC systems of the analyzed development sites still show violation of the NAAQS or the city's *de minimis* criteria after modeling impacts with the AERMOD model, the use of the Con Edison steam would be proposed for the HVAC systems.



5. If the screening analysis fails for No. 2 fuel oil, an air quality E-designation would be proposed for the site, providing the fuel type restriction that would be required to avoid a significant adverse air quality impact.

For individual HVAC analysis, the nearest existing building and/or proposed building of a similar or greater height will be analyzed as the potential receptor. Building downwash will be considered to account for downwash effects on plume dispersion if a refined modeling is required.

HVAC Cluster Analysis

A cumulative HVAC impact analysis will be performed for projected and/or potential sites with buildings at a similar height located in close proximity to one another (i.e., site clusters). The proposed rezoning area will be studied to determine the cluster selection. Development cluster sites will be grouped based on the following criteria:

- Density and scale of development;
- Similarity of building height; and
- Proximity to other nearby buildings of a similar or greater height.

Recommendations for the specific cluster locations to be analyzed will be submitted to DCP for approval, after a review of the selected RWCDs. It is assumed that up to two clusters in total will be analyzed.

The HVAC cluster analysis will be first performed using the most recent version of the AERSCREEN Model. The AERSCREEN model is a screening version of the AERMOD refined model and will be used for determining the maximum concentrations from a single source using predefined meteorological conditions. The AERSCREEN analysis will be performed to identify potential impacts of SO₂, NO₂, PM₁₀, and PM_{2.5} emissions. Clusters will be considered as a point source. The emission rate of each boiler stack will be combined as the total emission rate of the cluster. The total stack area will be combined as the new point source stack area.

The AERSCREEN model will be used to predict impacts based on unitary runs. In order to predict pollutant concentrations over longer periods of time, EPA-referenced persistence factors would be used consisting of 0.6 and 0.1 for 24-hour and annual averaging periods, respectively.

The distance from the source clusters to the nearest buildings will be used in the modeling analysis. The results of the analysis will be added to background concentrations to determine whether impacts are below NAAQS or the city's *de minimis* criteria. In the event that an exceedance of a standard for a specific pollutant is predicted, a refined modeling analysis using the AERMOD model will be performed. Buildings within the cluster will be modeled individually since the AERMOD model is capable of analyzing impacts from multiple pollutant sources by creating source groups. The model will be performed for both downwash and no-downwash options. In the event that violations of standards are predicted, an air quality E-designation would be proposed for the site, describing the fuel type restriction that would be required to avoid a significant adverse air quality impact.



Industrial Source Analysis

In accordance with DCP/DEP guidance, the potential impacts on the proposed developments from existing processing or manufacturing emission sources that have current air permits issued by DEP will be estimated.

A survey of existing land uses within 400 feet of the development sites was conducted using the New York City Open Accessible Space Information System (OASIS) and GIS shape files to identify potential processing/manufacturing sites. A list of existing sites with potential air toxics concerns was recently sent to DCP for DEP's review. Upon receipt of the permit data from DEP, a field survey will be performed to confirm the operational status of the sites identified in the permit search and to identify if any additional sites have sources of emissions that would warrant an analysis. If any such sources are identified, further consultation will be made with DCP/DEP to determine procedures for estimating emissions from these sources.

Cumulative analysis for each toxic pollutant will be conducted from all sources. NYSDEC Annual Guideline Concentration (AGC) and Short-term Guideline Concentration (SGC) will be used as the thresholds to determine impact significance. A refined modeling analysis using the AERMOD model will be performed in association with the latest available five-year meteorological data to determine if significant air quality impacts on proposed sensitive development sites would result from existing toxic emissions sources.

Health Risk Assessment

Potential cumulative impacts will be evaluated based on EPA's Hazard Index Approach for non-carcinogenic compounds and EPA's Unit Risk Factors for carcinogenic compounds. Both methods are based on equations that use EPA's health risk information at referenced concentration for individual compounds to determine the level of health risk posed by an expected ambient concentration of these compounds at a sensitive receptor. For non-carcinogenic compounds, EPA considers a concentration-to-reference dose level ratio of less than 1.0 to be acceptable. For carcinogenic compounds, the EPA unit risk factors represent the concentration at which an excess cancer risk of one-in-one million is predicted. In cases where an EPA reference dose or unit risk factor does not exist, the NYSDEC AGC will be used.

"Large" or "Major" Source Analysis

A review of NYSDEC Title V permits and State Facility permits database will be performed to identify any federal or state-permitted facilities within 1,000 feet of the development sites to determine the potential impacts of emissions from a "large" or "major" sources. An analysis of these sources will be performed to assess their potential effects on projected and potential development sites. Pollutant concentrations will be predicted using the EPA AERMOD and compared with applicable NAAQS and the city's *de minimis* criteria for criteria pollutants, and the NYSDEC AGC and SGC for non-criteria pollutants. The latest five years of meteorology (2011-2015) will be utilized.



Proposed Methodology for Construction Phase effects

According to the *CEQR Technical Manual*, the detailed analysis of potential impacts to air quality levels during construction would be considered if the duration of the construction activities are longer than two years, would involve multiple development sites simultaneously under construction, and would be adjacent (fewer than 1,500 feet) to sensitive receptor locations.

As the Proposed Project's construction schedule is estimated to last almost two decades and involve multiple buildings, the proposed quantitative air quality analysis will determine whether construction activities for the Proposed Project would comply with applicable air quality requirements. Specifically, the analysis will determine whether the projected construction operations would cause or exacerbate violations of applicable NAAQS, or cause impacts greater than the city's *de minimis* criteria threshold values.

Construction activities could affect air quality because of engine emissions from on-site construction equipment and dust-generating activities. In general, much of the heavy equipment used in construction has diesel-powered engines, which produce relatively high levels of nitrogen oxides and particulate matter. Gasoline engines produce relatively high levels of carbon monoxide. Construction activities also generate fugitive dust emissions. As a result, the air pollutants analyzed for construction activities include nitrogen dioxide (NO₂), particulate matter with an aerodynamic diameter of less than or equal to 10 micrometers (PM₁₀), particulate matter with an aerodynamic diameter of less than or equal to 2.5 micrometers (PM_{2.5}), and carbon monoxide (CO).

Since ultra-low-sulfur diesel (ULSD) would be used for all diesel engines in the construction of the proposed project, sulfur oxides (SO_x) emitted from those construction activities would be negligible, and an analysis of SO_x emissions is not warranted.

The proposed evaluation to be performed assumes combination of emissions reduction measures, which are mandated by law, common practice in large-scale NYC construction projects, and follow the requirements included in NYC Law 77 and NYC Air Pollution Control Code. This proposed evaluation will consider the inclusion of the following components:

- **Fugitive dust control plans** –In compliance with NYC Air Pollution Control Code regarding control of fugitive dust; contractors would be required that all trucks carrying loose material would use water as a dust suppression measure, that wheel-washing stations be established for all trucks exiting the construction site; that trucks hauling loose material will be equipped with tight fitting tailgates and their loads securely covered prior to leaving the site, that streets adjacent to the site would be cleaned as frequently as needed by the construction contractor, and that water sprays will be used for all transfer of spoils to ensure that materials are dampened as necessary to avoid the suspension of dust into the air. These common practice measures are anticipated to reduce dust generation by more than 50 percent.



- **Clean Fuel** – Ultra Low Sulfur Diesel (ULSD) would be used exclusively for all diesel engines throughout construction. This is a legal federal requirement since 2010, and enables the use of tailpipe reduction technologies and would directly reduce diesel particulate matter (DPM) and SO_x emissions.
- **Diesel Equipment Reduction** – Small equipment such as lifts, compressors, welders, and pumps would use electric engines that operate on grid power instead of diesel power engines. This is a common practice that achieves wider use as technology improves.
- **Restrictions on Vehicle Idling** - will follow local law restricting unnecessary idling. On-site vehicle idle time will be restricted to three minutes for all equipment and vehicles that are not using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine.
- **Best Available Tailpipe Reduction Technologies for diesel engines** – NYC Local Law 77 (which applies to publically funded City projects), requires Nonroad diesel engines with a power rating of 50 horsepower (hp) or greater, and controlled truck fleets (i.e., truck fleets under long-term contract, such as concrete mixing and pumping trucks) to utilize the best available tailpipe technology for reducing DPM emissions. Diesel particulate filters (DPFs) have been identified as being the tailpipe technology currently proven to have the highest reduction capability for DPM emissions. The use of DPF in Tier 3 (model year 2000 to 2008 or newer) construction diesel equipment achieves the same emission reductions as a Tier 4 engine. Given the timeframe of the construction of the proposed action (year 2021-2036), equipment meeting the more restrictive Tier 4 (model year 2008–2015 or newer) would be common and in wide use, and expected to be part of the contractors fleet. The combination of Tier 4 and Tier 3 engines with DPF (required in all publicly funded projects) will achieve DPM reduction of close to 90% when compared to older uncontrolled engines.

Construction Air Quality Analysis Methodologies

The analysis will include the evaluation of the peak cumulative emissions for each proposed building site during the full multi-year period by quarter. The quarter with the highest PM_{2.5} emissions from all building sites under construction was selected as the period with the highest potential PM_{2.5} effects.

A dispersion analysis—considering the on-site (construction equipment and fugitive dust) and off-site (trucks and other motor vehicles) to determine potential air quality effects during the peak emission construction period for the proposed building sites under simultaneous construction—will be performed for all applicable pollutants.

The analysis will follow the EPA and *CEQR Technical Manual* suggested procedures and analytical tools (as further discussed below) to determine source emission rates. The estimated emission rates will be used as input to an air quality dispersion model to determine potential impacts.



Emission Estimation Process

Construction Data

Because the level of construction activities would vary from month to month, the approach includes a determination of worst-case emission periods based on an estimated quarterly construction work schedule, the number of each equipment type, and rated horsepower of each unit.

Given the lack of a specific developer, and detailed construction data for the proposed building sites; the worst-case short-term emissions (e.g., maximum daily emissions) and the maximum annual emissions (based on a 12-month rolling average) will be determined based on the construction schedule, and equipment used, in a typical large (over 2 million gross square feet) midtown building which has been evaluated in the last few years.

Using a large prototypical building as a benchmark, the magnitude and duration of each phase of construction for each proposed building site will be scaled to this prototypical building by the magnitude of construction, and duration of activities for each phase of each proposed building site. The scaling system will consider three main phases of construction: Demolition/Excavation/Foundations, Superstructure/Exterior, and Interior Fit-out.

For each proposed building site, the magnitude of Demolition/Excavation/Foundations, Superstructure/Exterior, and Interior Fit-out will be applied to the emissions estimates for such building.

The specific construction information to be used to calculate emissions generated from the construction process of the prototypical building includes the following:

- The number of units and fuel-type of construction equipment to be used
- Rated horsepower for each piece of equipment
- Utilization rates for equipment
- Hours of operation on-site
- Excavation and processing rates
- Average distance traveled on-site by dump trucks

Engine Exhaust Emissions

Emission factors for NO_x, PM₁₀, PM_{2.5}, and CO from the combustion of ULSD fuel for on-site construction equipment will be developed using the latest EPA NONROAD Emission Model (Version 2009). The model is based on source inventory data accumulated for specific categories of off-road equipment. The emission factors for each type of equipment were calculated from the output files for the NONROAD model (i.e., calculated from regional emissions estimates).



Emission rates from combustion of fuel for on-site dump trucks, concrete trucks, and other heavy trucks were developed using the EPA MOVES2014a Model. New York City restrictions placed on idling times will be employed for the dump trucks and other heavy trucks. Short-term and annual emission rates will be adjusted from the peak-hour emissions by applying usage factors for each equipment unit. Usage factors will be determined using the construction equipment schedule.

Fugitive Emission Sources

Road dust emissions from vehicle travel will be calculated using equations from EPA's AP-42, Section 13.2.2 for unpaved roads. PM₁₀ emissions will be estimated for dump trucks traveling in and out of the construction area. Average vehicle weights (i.e., unloaded going in and loaded going out) will be used in the analysis and a reasonably conservative round trip distance was estimated for on-site travel. Dust control measures (described previously) would provide at least a 50-percent reduction in PM₁₀ and PM_{2.5} emission. Also, since on-site travel speeds would be restricted to 5 miles per hour, on-site travel for trucks would not be a significant contributor to PM_{2.5} fugitive emissions.

Particulate matter emissions could also be generated by material handling activities (i.e., loading/drop operations for debris). Estimates of PM₁₀ and PM_{2.5} emissions from these activities will be developed using EPA's AP-42 Sections 13.2.4. Excavation rates used for the analysis will be based on information obtained from the prototypical midtown building used as a basis for all others.

Construction Activity Emissions Intensity Assessment

Overall, construction of the proposed rezoning is expected to occur over a period of almost two decades. To determine which construction periods constitute the worst-case periods for the pollutants of concern, construction-related emissions will be calculated throughout the duration of construction on a quarterly basis using peak daily emissions for PM_{2.5}.

PM_{2.5} will be selected as the worst-case pollutant because, as compared to other pollutants, PM_{2.5} has the highest ratio of emissions to affect criteria. Therefore, PM_{2.5} will be used for determining the worst-case periods for analysis of all pollutants. Generally, emission patterns of other pollutants would follow PM_{2.5} emissions, since most pollutant emissions are proportional to diesel engines by horsepower. CO emissions may have a somewhat different pattern, but generally would also be highest during periods when the highest activity would occur. Based on the resulting multiyear profiles by quarter, a worst-case period will be identified for the modeling of annual and short-term (i.e., 24-hour and 8-hour) averaging periods.

Impacts Assessment

The effects of construction emissions on the surrounding environment for the relevant air pollutants will be quantified using dispersion computer models. Due to the proximity of several sites under simultaneous construction, the proposed impact analysis will include clusters of buildings in close proximity with overlapping construction periods.



In order to address the possible cumulative effects from off-site emissions (trucks and general traffic), the intersection with the highest construction traffic increment will be selected for the off-site modeling analysis.

On-site Dispersion Modeling

Potential impacts from on-site construction equipment were evaluated using the EPA AERMOD dispersion model (version 15181). AERMOD is a steady-state plume model that incorporates current concepts about flow and dispersion in complex terrain, including updated treatments of the boundary layer theory, understanding of turbulence and dispersion; it also includes handling of terrain interactions. The AERMOD model calculates pollutant concentrations based on hourly meteorological data.

Source Simulation

During construction, various types of construction equipment would be used at different locations throughout the site. Some of the equipment is mobile and would operate throughout the site, while some would remain stationary on-site at distinct locations during short-term periods (i.e., daily and hourly). Stationary emission sources include (but are not limited to) air compressors, cranes, and concrete pumps. Equipment such as excavators, bobcats, concrete trowels, and dump trucks would operate throughout the site.

Given the lack of a specific developer and specific building design for the proposed rezoning sites, all construction equipment sources will be simulated as area sources for the purpose of the modeling analysis; their emissions will be distributed evenly across each construction site. In the event that violations of the NAAQS or the city's de minimis criteria are predicted for area source simulation, a refined analysis would be conducted assuming that all stationary sources that idle in a single location will be modeled as point sources providing reasonable assumptions for where the equipment would be located based on previous evaluation of similar large buildings..

Receptor Locations

Discrete receptors will be placed along sidewalks and residential/commercial buildings and other general-public uses. Sidewalk receptors were placed in the middle of the sidewalk and spaced 25 feet apart with a height of 1.8 meters (6 feet). For sidewalks in front of the construction areas, where a typical 10-foot wooden fence was erected, the height was adjusted to account for the vertical difference. Receptors will be placed at the nearest residential/commercial building at worst-case locations with operable windows/air intakes facing the construction site. These receptors will be located at ground level (sidewalk) and elevated portions of the building façades representing operable windows and potential air intakes of buildings adjacent to the proposed sites.

Meteorological Data

The meteorological data set consisted of the latest five years of data that are available: surface data collected at LaGuardia Airport (2011–2015) and concurrent upper air data collected at Brookhaven, New York as described in the air quality operational impact methodology.



Off-site Dispersion Modeling

The analysis of off-site mobile source impacts will include the impacts of construction-phase vehicles on the roadway network as well as the effects of anticipated changes in street configurations as a result of lane closures during the peak construction year.

The CAL3QHC dispersion model will be applied for the CO analysis, and the CAL3QHCR version will be applied for both the PM analyses. The modeling procedures and assumptions for this analysis will follow the mobile source air quality analysis methodology, as described in the operational impact section.

In order to evaluate the potential cumulative effect of the on-site and off-site emissions, the off-site analysis will place receptors on the same locations used on the AERMOD on-site dispersion analysis.

Background Concentrations

Where needed to determine potential air quality impacts from the construction of the project, background ambient air quality data for criteria pollutants will be added to the predicted off-site concentrations. The background data representing the latest available five years of data is described in detail in the air quality operational impacts section.

Appendix D

Noise Analysis Protocol



To: NYCDP
From: STV Incorporated
Date: August 15, 2016
Project: Greater East Midtown Rezoning EIS
Reference: Draft Noise Analysis Protocol

A noise analysis will be conducted for the Greater East Midtown Rezoning Environmental Impact Statement (EIS), and will primarily involve the assessment of project-related mobile sources. The purpose of this memorandum is to describe the noise analysis approach for the proposed development sites for the Greater East Midtown Rezoning EIS.

A total of 16 Projected and 14 Potential have been identified within the rezoning area. Under the reasonable worst case development scenario (RWCDS) for the Proposed Actions, when compared to the No-Action condition, the With-Action scenario would consist of a net increase of over 5.9 million sf of total floor area. The analysis year is 2036.

The following outline of procedures and assumptions is based on guidelines contained in the 2014 *CEQR Technical Manual*.

It is assumed that noise impacts could result primarily from one of two sources:

1. Vehicular noise from project-generated traffic on sensitive receptors in the community
2. Ambient noise impacts (from existing local and highway traffic, ventilation equipment, trains, stationary sources, etc.) on proposed uses (projected and potential development sites).

Given the high ambient noise levels from existing sources in the general midtown area, in particular the high vehicular volumes on many of the major north / south streets (e.g., Madison Avenue, Park Avenue, Lexington Avenue and 3rd Avenue), the trip generation resulting from the incremental development of the Proposed Actions would likely result in a low level of additional noise. The exceptions to this may occur on other less traveled east / west streets in the project area. While these areas will be examined, it is assumed that the greatest concern for project-generated impacts would be related to the impact of existing and future noise generators on future commercial uses.

Noise Monitoring

Mobile Sources

To determine baseline noise levels within the study area, noise monitoring is proposed. Noise monitoring locations will be selected based on their proximity to Projected and Potential development sites described in the RWCDs, as well as their potential to experience a doubling in traffic volume, or Passenger Car Equivalents (PCEs), from project-induced traffic. Care will also be taken to select sites that would result in the most representative assessment of the existing noise environment. Monitoring will be conducted during the peak Weekday AM (8-9 AM), Midday (12-1 PM), PM (5-6 PM) for locations near destination commercial and retail uses. For the purposes of the construction analyses, noise monitoring will also be conducted at one early morning weekday period (6-7 AM) location, representative of a worst case construction cluster scenario. All noise monitoring will be conducted for 20-minute intervals. Noise monitoring will include the use of A-weighted sound levels, and the L1, L10, L50, L90, Lmin, Lmax and LEQ noise descriptors. It is also proposed that the aircraft flight noise would not be removed from the noise measurements. As a result, acceptable building interior noise levels to be recommended would take the aircraft noise component into account.

The instruments used for the monitoring will be Type I Sound Level Meters (SLM) according to ANSI Standard S1.4-1983 (R2006). Each SLM will have a valid laboratory calibration certificate when measurements occur. All measurement procedures will be based on the guidelines outlined in ANSI Standard S1.13-2005.

The proposed noise monitoring sites are listed below in Table 1 and shown in Figure N-1. Noise locations were selected based on potential and proposed locations on the RWCDs and existing field conditions. They represent approximate locations where noise monitoring would be conducted.

Table 1
Proposed Street Level Noise Monitoring Locations (DRAFT)*

| Receptor | Location |
|-----------------|--|
| 1 | Corner Vanderbilt Avenue and 47 th Street |
| 2 | East 45 th Street between Madison and Fifth Avenues |
| 3 | Corner of Madison Avenue and East 46 th Streets |
| 4 | Corner of East 44 th Street and Madison Avenue ¹ |
| 5 | Corner of Second Avenue and East 42 nd Street |
| 6 | Corner of Third Avenue and East 45 th Street |
| 7 | Corner of Lexington Avenue and East 49 th Street |
| 8 | Corner of Park Avenue and East 50 th Street |
| 9 | Corner of Third Avenue and East 52 nd Street |
| 10 | Corner of Madison Avenue and East 56 th Street |
| 11 | Corner of Lexington Avenue and East 40 th Street |
| 12 | Corner of Madison Avenue and East 40 th Street |

*Once detailed trip generation is completed, monitoring locations may require updating

¹ Includes monitoring during the 6-7AM peak hour

When required, to represent existing noise levels at elevated locations, existing ground level noise monitoring data will be adjusted according to basic noise attenuation principles, methodology utilized by other comparable noise studies, and guidance on NYC noise drop-off rates contained within the *CEQR Technical Manual*.

Stationary Sources

It is not anticipated that a significant singular source of stationary noise will be identified and, therefore, no monitoring of stationary sources will be conducted. In addition, it is assumed that building mechanical systems (i.e., HVAC systems) for all buildings associated with the project will be designed to meet all applicable noise regulations (i.e., Subchapter 5, Sec. 24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code). However, if stationary source analyses are required for loud existing noise sources, sound levels at nearby sensitive receptors will be predicted using the distance attenuation equation provided in the *CEQR Technical Manual*.

Detailed Analysis Procedures

Vehicular Noise

The selected noise monitoring locations will be used to assess the noise impacts of project-induced vehicles. For traffic-induced noise impacts, projected increases in noise will be based on the *CEQR Technical Manual*, depending on the traffic noise levels projected for the No-Action condition. A screening analysis will be conducted to evaluate the Proposed Action.

Ambient Noise Analysis

Based on predicted With-Action L_{10} noise levels, the noise analysis will result in a determination of the required attenuation values for each of the proposed development sites, as follows:

- Initially, the selected noise monitoring locations will be assessed to determine what their future L_{10} noise levels will be.
- Future noise from traffic will be calculated by converting traffic into PCEs for existing, No-Action and With-Action conditions, using logarithmic calculations and PCE traffic volumes.
- Predicted L_{eq} noise levels will be converted to L_{10} noise levels. The conversion assumes the difference in decibels between the L_{eq} and L_{10} for monitored noise levels will be the same relative to future noise levels. The calculation to determine the decibel difference is conducted between the existing and No Action traffic condition and between No Action and With-Action traffic condition
- For the AM, midday and PM peak traffic periods, each projected and potential development site will then be assigned a future noise level based on their proximity to one of the worst case monitored noise sites.
- Based on this selected future With-Action noise level, the degree to which window/wall attenuation would provide acceptable interior noise levels will be assessed and (e) designations will be proposed as required.

Models for Analysis

The logarithmic proportional modeling procedure will be used to predict future L_{eq} noise levels. No modeling with the FHWA's TNM model is anticipated.

Analysis Periods

The analyses of mobile sources will predict future noise levels for the existing, No-Action condition, and With-Action condition. One build year will be studied, identified as 2036. The peak hours will be weekday AM, Midday, and PM.

Mitigation

If the analysis of future noise results in any of the studied locations exceeding the CEQR thresholds, mitigation measures in the form of window/wall attenuation will be proposed. Mitigation measures will be based on the required level of attenuation.

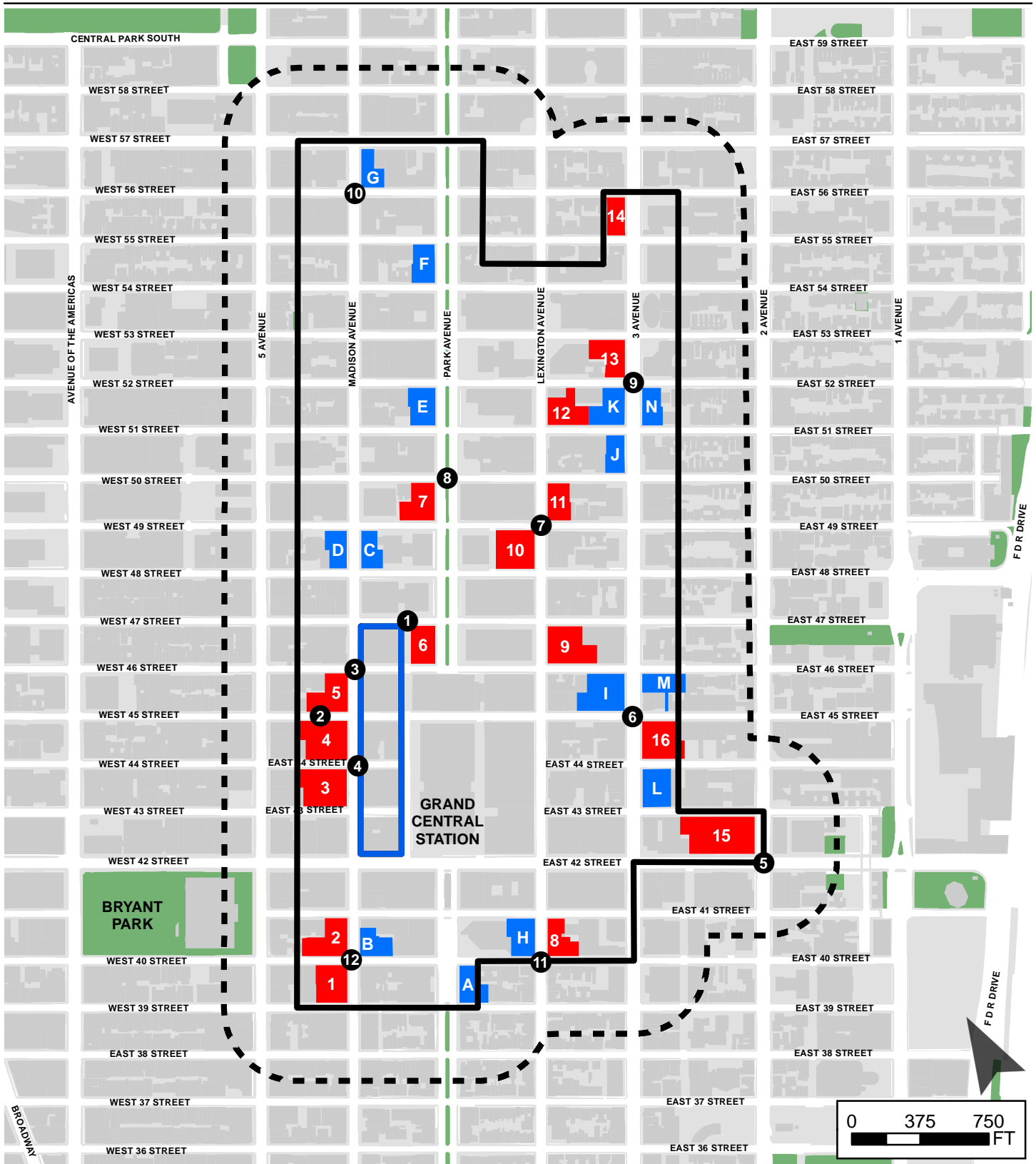
Construction Noise and Vibration

Noise

Construction would last for more than two years. Noise from construction site would result from machinery, equipment vehicles and associated activities. It is assumed that a quantitative construction noise assessment will be conducted for the worst-case period at potentially affected sensitive receptors. Sensitive receptors would be representative of commercial/residential uses and open spaces such as parks and sidewalks. The assessment will look at the specific activities, types of equipment, and duration of activities planned for the worst-case cumulative construction for projected or potential locations in close proximity to one another. The combined effects of mobile and stationary noise on nearby sensitive receptors will be addressed. The worst-case cluster which includes projected sites 4 and 5, will be examined for construction impacts. The cluster identification was based on the proximity of projected and potential sites to one another and information related to construction scheduling and assumed equipment usage. The CadnaA Model will be utilized to determine noise equipment source levels and to assess the potential for noise impact at sensitive ground level, and elevated receptors nearby the project construction site. Noise equipment sound power levels for each of the studied pieces of equipment will be derived within Cadna A utilizing L_{max} reference sound levels and distances (see CEQR TM Table 22-1) as a basis for conversion. Construction noise emissions from trucks will be modeled using the TNM module within the same Cadna A run. The combined mobile and stationary source modeled results will be compared to existing noise levels and the recommended construction noise criteria according to CEQR. If impacts are identified, control measures which would reduce or eliminate the impacts would be recommended.

Vibration

Potential impacts from construction-related vibration will also be assessed with respect to both human annoyance and structural building damage. Of most concern are those buildings located immediately adjacent or across the street from a proposed development site. The Federal Transit Administration (FTA) general assessment methodology and criteria will be used for the analyses. It is assumed that construction schedule, phasing, activity and equipment data will be utilized for the assessment, in particular with respect to activities such as impact pile driving and demolition, if applicable which represent the two of the more severe vibration causing activities.



- Proposed Greater East Midtown Rezoning Boundary
- Vanderbilt Corridor *Area Excluded from the Proposed Action but Included in Study Area*
- 400-Foot Study Area Radius
- 1 Noise Monitoring Location (w/ I.D. Label)

- RWCDS Sites (w/ I.D. Label)**
- 1 Projected Development Sites
 - A Potential Development Sites

Greater East Midtown Rezoning
Manhattan, New York

Noise Monitoring Locations

Figure
N-1



Appendix E

Response to Comments on the Draft Scope



Greater East Midtown Rezoning Draft Scope of Work Response to Comments

1.1 Introduction

This document summarizes and responds to comments on the Draft Scope of Work, issued on August 22, 2016 for the Draft Environmental Impact Statement (DEIS) for the Greater East Midtown Rezoning project.

City Environmental Quality Review (CEQR) requires a public scoping meeting as part of the environmental review process. Oral and written comments were received during the public scoping meetings held by the New York City Department of City Planning on September 22, 2016. Written comments were accepted from issuance of the Draft Scope through the close of the public comment period, which ended at 5:00 PM on October 4, 2016. Appendix B contains the written comments received on the Draft Scope of Work.

Section 1.2 lists the elected officials, organizations, and individuals that provided relevant comments on the Draft Scope of Work. **Section 1.3** contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the Draft Scope of Work. Where more than one commenter expressed similar views, those comments have been grouped and addressed together.

1.2 List of Elected Officials, Organizations, and Individuals who Commented on the Draft Scope of Work

Elected Officials

1. Gale Brewer, Manhattan Borough President (oral statement). (Brewer)
2. Daniel R. Garodnick, Council Member of District 4 (oral statement and written comments dated 9/22/2016). (Garodnick)
3. Brad Hoylman and Liz Krueger, New York State Senators (written comments dated 10/4/2016). (Hoylman and Krueger)
4. Rebecca Kriegman, on behalf of State Senator Brad Hoylman (oral statement). (Hoylman)
5. Dan Quart, New York State Assembly (written comments dated 10/3/2016). (Quart)

Public Agencies

6. Fredericka Cuenca, MTA (oral statement). (Cuenca)
7. Diniece Peters, NYCDOT's Office of Freight Mobility (written comments dated 10/4/2016). (Peters)
8. Michele Samuelson, NYCDOT (written comments dated 10/4/2016). (Samuelson)

Community Board

9. Terrence O'Neal, Land Use & Waterfront Committee of Community Board 6 (oral statement and written comments dated 9/22/2016). (O'Neal)
10. Wally Rubin, District Manager of Manhattan Community Board 5 (written comments dated 10/4/2016). (Rubin)
11. Stefano Trevisan, on behalf of Eric Stern, Chair of Land Use Committee, Manhattan Community Board 5 (oral statement and written comments dated 9/22/2016). (Stern)

Organizations and Interested Public

12. 342 Lexington Avenue (written comments dated 8/15/2016). (342 Lexington)
13. Shaun Ajodan, representing 341 Lexington Avenue (written comments dated 8/4/2016). (Ajodan)
14. Zachary Bernstein, representing Saint Patrick's Cathedral and the Archdiocese of New York (oral statement and written comments dated 9/22/2016). (Archdiocese)
15. Bryant Brown, SEIU 32BJ (oral statement and written comments dated 9/22/2016). (Brown)
16. Michael Cheng, representing 347 Lexington Avenue (oral statement and written comments dated 8/15/2016). (Cheng)
17. Daniel Dermer, representing 336 Lexington Avenue (written comments dated 9/6/2016). (Dermer)
18. David Silvershore Properties, representing 344 Lexington Avenue (written comments dated 8/4/2016). (344 Lexington)
19. Tom Devaney, The Municipal Art Society of New York (written comments dated 10/4/2016). (MAS)
20. Paul Fernandes, New York City and Vicinity Carpenters Labor Management Corporation (written comments dated 10/4/2016). (CLMC)
21. Leonard Fox, representing 335 Lexington Avenue (written comments dated 8/4/2016). (Fox)
22. Judith Gallent, representing The Yale Club of New York City (written comments dated 9/30/2016). (Yale Club)
23. Andrea Goldwyn, New York Landmarks Conservancy (oral statement and written comments dated 9/22/2016). (Landmarks Conservancy)

24. Michael J. Greeley, member of the public (written comments dated 9/30/2016). (Greeley)
25. George Haikalis, Institute for Rational Urban Mobility (oral testimony and written comments dated 9/22/2016). (IRUM)
26. Historic Districts Council (written comments dated 10/4/2016). (HDC)
27. Ellen R. Imbimbo, member of the public (written comments dated 9/22/2016). (Imbimbo)
28. Robert Kandel, representing 110 East 55th Street and 661 Lexington Avenue (written comments dated 9/29/2016). (110/661)
29. Kathleen Kelly, member of the public (written comments dated 10/4/2016). (Kelly)
30. Jonathan Kooperstein, member of the public (oral statement). (Kooperstein)
31. Mitch Korbey, representing 250 Park Avenue Partnership (oral statement). (250 Park)
32. Leo Korein, Omniperspective (oral statement) (Korein)
33. Caroline Kretz, Con Edison (written comments dated 10/4/2016). (Con Edison)
34. Michael Kwartler, Michael Kwartler and Associates (written comments dated 9/28/2016). (Kwartler)
35. John Lam, Lam Group/340 Lexington Avenue (written comments dated 8/10/2016). (Lam)
36. Peter Lempin, Grand Central Partnership (oral statement). (GCP)
37. Sam Levy, Real Estate Board of New York (oral statement). (REBNY-Levy)
38. Paimaan Lodhi, Real Estate Board of New York (oral statement). (REBNY-Lodhi)
39. Jon McMillan, TF Cornerstone and MSD Capital (written comments dated 10/4/2016). (McMillan)
40. Wendy Mosler, Global Holdings Management Group (US) Inc. (written comments dated 10/4/2016). (Mosler)
41. Carlos Pedro, Carvi Hotels (written comments dated 10/4/2016). (Pedro)
42. Sheila M. Pozon, representing Central Synagogue (oral statement and written comments dated 9/22/2016). (Central Synagogue)
43. Real Estate Board of New York (written comments dated 9/22/2016). (REBNY)
44. Pierina Ana Sanchez, Regional Plan Association (oral statement and written comments dated 9/22/2016). (RPA)
45. James E Schwalbe, Hilson Management Corporation/353 Lexington Avenue (written comments dated 8/10/2016). (Schwalbe)
46. Paul Selver, representing the owners of the property located at 3 East 54th Street (written comments dated 10/4/2016). (3 East 54th Street)
47. Nancy Idaka Sheran, member of the public (oral statement and written comments dated 9/22/2016 and 10/11/2016). (Sheran)
48. Bruce A. Silberblatt, Turtle Bay Association (written comments dated 9/22/2016). (Silberblatt)
49. Brian Strout, City Center (written comments dated 10/4/2016). (Strout)

50. Michelle Sulahian, Real Estate Board of New York (oral statement). (REBNY-Sulahian)
51. Gary Tarnoff, Kramer Levin Naftalis & Frankel LLP (written comments dated 10/4/2016). (Tarnoff)
52. Cameron Tudhope, SL Green Realty Corp. (oral statement and written comments dated 9/22/2016). (Tudhope)
53. John Pettit West III, both as a member of the public and as part of The City Club of New York (oral statement and written comments dated 9/22/2016 and 9/28/2016). (City Club, West)
54. Amanda Yaggy, member of the public (written comments dated 10/4/2016). (Yaggy)
55. Max Yeston, member of the public (written comments dated 9/29/2016). (Yeston)

1.3 Comments and Responses on the Draft Scope of Work

1. Purpose and Need

Comment 1.1: Why does the “existing zoning framework limit new office development” (Draft Scope of Work page 3)? The EIS should expand on what hasn’t worked and why: Mandatory plan requirements of the Special Midtown District; Overbuilt buildings and ZR 54-41; Height and Setback (both methods); FAR; TDRs from Landmarks; Separate Avenue and Midblock Zoning Districts and split lots and the lower midblock FAR. (Kwartler)

Response: Please refer to Final Scope of Work with particular emphasis on section titled “Challenges of Current Zoning”.

Comment 1.2: The statement of purpose and need should expand more on the needs of the office market. The assumption that modern offices need to have large, column-free, high-ceilinged space needs to be examined. Wireless communications reduce the need for raised floors. The EIS needs to examine the proposal’s assumption as to the appropriate requirements for office space in East Midtown and to do so in the context of the kinds of office space being developed elsewhere in New York City, particularly Lower Manhattan and Hudson Yards, and the degree to which space in East Midtown should be complementary or competitive with space in these other areas. (City Club, Kelly, Kwartler, West)

Response: The statement that modern offices need to have large, column-free, high-ceilinged space is descriptive of a number of recent Class A office developments in New York City. While the characteristics of office space built in the future may evolve, the purpose and need statement is appropriate to the current needs expressed in the marketplace.

Comment 1.3: Residential uses at receiving sites should be allowed up to 33 percent of a building’s FAR. This will help Midtown develop as more of a mixed-use neighborhood, which will enhance retail and evening activity—qualities the neighborhood lacks relative to other desirable office areas in the City. The 33 percent cap will prevent any TRDs from actually being used as residential FAR. (McMillan) Increasing the 20 percent limit on residential use should be considered. (City Club, MAS, REBNY-Lodhi, Central Synagogue, REBNY, West) Current zoning allows for 12 FAR of residential use, but the new proposal restricts residential use in new buildings to 20 percent of total FAR. Our members are concerned that the 20 percent

cap is insufficient to support new commercial development. (REBNY-Lodhi, REBNY) The residential restriction is unnecessary and diminishes the potential value of the development rights and the contribution to the improvement fund. Residential development may be appropriate in many locations throughout the district, including the mid-blocks. Allowing for a greater amount of residential development would serve as a catalyst for commercial development. (REBNY) The scope of work should analyze ways to provide options of mixed-use as-of-right development. (GCP)

Response: The proposed residential limit for Qualifying Sites is consistent with the purpose of the proposed action, which seeks to reinforce East Midtown's status as one of the city's premier office districts. Any proposal for increasing residential development limits for Qualifying Sites would be inconsistent with the goals and objectives of the proposal, and therefore need not be analyzed.

Comment 1.4: The proposed plan would increase the permitted FAR on the Pfizer site from C5-2 (10 FAR) to C5-3 (15 FAR). This increase of 5 FAR on a large site is wholly inconsistent with the policy underlying the rest of this proposed action. The Zoning District must not be changed to permit a higher as-of-right FAR absent any public benefit. (Hoylman and Krueger, O'Neal, Rubin, Stern) Upzoning the Pfizer building will simply provide a cash bonus to Pfizer when they sell the building. Is this exceptional treatment needed? (Sheran)

Response: The block subject to the proposed rezoning is consistent with other blocks in the Project Area, and Midtown as a whole, particularly those with wide street frontage. The proposed rezoning would permit a maximum FAR of 15.0 for the four affected sites (Block 1316, Lots 12, 23, 34). They are currently built, on average, to 15.22 FAR.

Comment 1.5: There are other methods to fund infrastructure and street level improvements. Among them is Tax Increment Financing, a method which would permit the tax increment from the land component of the tax be used to fund the infrastructure and street level improvement discussed in the Scope of Work. This alternative (and other non-zoning mechanisms) to the dramatic increase in FAR to fund public improvements in East Midtown should be examined as part of the environmental review. (Kwartler)

Response: Zoning is not the only tool available to raise monies from development in East Midtown for transit and street improvements. A tax Increment financing district could capture a portion of the increase in land value resulting from the completion of East Side Access. This would not be a surcharge on real estate taxes, like a BID, but a segregation of part of the natural increase in real estate value from East Side Access and it would be spent benefitting the area paying it.

Comment 1.6: An appropriate model for a tax increment district would allocate the increase in the building portion of the assessment to the municipal treasury to pay for increased services required by the new buildings but would allocate the increase in the land portion of the assessment to pay for some of the public realm improvements, especially East Side Access, which increase the value of the land. The EIS should explore this alternative.

Response: The City lacks legislative authority to enact tax increment financing and does not use this financing tool. The DEIS need not consider non-zoning approaches, such as tax increment financing, that would rely on state legislative enactments wholly outside the City Planning Commission's purview.

Comment 1.7: Zoning is intended to regulate what is built so as to protect the public welfare; it is not intended to generate funds to supplement the municipal budget. If zoning, as proposed for East Midtown is used to raise funds to improve the MTA's transit facilities or the DoT's streets, is it likely to favor those objectives to the detriment of others such as daylighting of the streets, maintaining density appropriate to the capacity of public circulation and open spaces, and protection of the existing built fabric, including urban design and contextual structures? Is there a conflict between the raising of funds and the purposes of zoning?

Response: The proposed zoning is a valid use of the city's zoning powers. The proposed as-of-right floor area mechanisms have none of the features that characterize what is sometimes called 'zoning for sale' and are fully consistent with the legal framework of "incentive zoning" pioneered in the 1961 Zoning Resolution. Participation in incentive zoning is voluntary. The framework improves on the special permit and other incentive bonus provisions currently available in the Special Midtown District to produce area wide improvements as part of an integrated land use plan that couples development with improvements to the public realm.

Comment 1.8: Using the City's capital budget to allocate some of the real estate and other tax revenues generated by East Midtown to the improvement of East Midtown is another alternative. (West/City Club) This EIS should consider the public policy of using zoning to raise funds and examine alternative ways of paying for at least some of the public realm improvements, for example, the capital budget and tax increment financing. (Kelly) The scope should study making tenant inducement tax benefits available in the district in order to offset the numerous economic burdens in trying to encourage new office construction in a mature, fully built commercial district. (REBNY-Lodhi, REBNY). Additional tax revenue generated from the allowable incremental floor area in new buildings generated from the transfers should be part of the City's analysis. This incremental revenue would be recurring and could be leveraged and allocated for transit improvements. (Strout) The creation and utilization of possible tax incentive benefits should be studied to determine the economic impacts to the City and potential projects. (REBNY-Levy, REBNY)

Response: Funding allocations for the Expense Budget and Capital Budget are determined by the Mayor and City Council through the City's budget process. This process has not allocated funds for the proposed East Midtown improvements. Budget decisions and the creation and utilization of tax benefits are not within the purview of the City Planning Commission, and therefore does not need to be addressed in the Scope of Work. In addition, see response to Comment 1.6.

2. Proposed Action: General Requests for the Text

Comment 2.1: The vitality of the neighborhood and the quality of the pedestrian experience depend on the variety of store sizes and formats in the retail environment; the zoning regulations must promote such variety and ensure economic diversity. (Garodnick, Hoylman and Krueger, Yeston) The zoning regulations should promote locally owned businesses of different sizes. (Hoylman and Krueger) The new development must be required to address the preservation of retail, restaurants and services- these are typical of NYC and contribute to vitality on the street and also to safety. (Sheran)

Response: The regulation of store sizes and formats does not address any of the objectives of the proposed Greater East Midtown Rezoning and is outside of the scope of the proposed action.

Comment 2.2: A mechanism should be established and analyzed which ensures that transit improvements not currently envisioned as part of the Transit Improvement Zone proposals can be expeditiously approved. (REBNY-Levy, REBNY) We strongly recommend flexibility be built into the concept plan, such that as needs change at Greater East Midtown district transit stations, pre-approved projects can be amended. (RPA) Consideration should be given to figuring out how future critical transit improvements not envisioned under the current transit zone improvements list be added. (GCP, REBNY-Levy) Potential development sites considered in the East Side access project, which have uncertain subsurface infrastructure issues, may need ways to facilitate development and to support the proposal's transit objectives. (GCP)

Response: As stated in the Final Scope of Work, the proposed zoning text will include provisions allowing the Commission, in consultation with the MTA, to establish new transit improvements through a rule-making process. The Governing Group has the latitude to amend, add and remove projects on the Concept Plan.

Comment 2.3: The EIS should address what environmental performance standards will be used for new buildings. (Yeston) Since one of the primary goals of the proposed action is to facilitate modern and sustainable buildings, the EIS needs to identify which high performance buildings standard (i.e., LEED or equivalent) will be adopted for the redevelopment of the 16 Project Development Sites and Potential Development Sites. (MAS) The scoping document does not indicate what environmental performance standards the buildings built under this framework will be required to meet, although it notes that environmental standards will be part of the prerequisites for taking advantage of the proposed framework. The Steering Committee had recommended that new East Midtown buildings do their part to meet the Mayoral goal of 80 percent reduction in carbon emissions by 2050, and I look forward to seeing the text that will put that recommendation in effect. (Garodnick) I applaud DCP for intending to include environmental performance standards in their ultimate framework, however, the nuts and bolts of those standards will be relevant. LEED standards should be seen as a floor, not a ceiling. The Steering Committee's recommendation that buildings should contribute to Mayor de Blasio's goal of reducing citywide carbon emissions by 80% by 2050 is a valuable parameter; however, this benchmark is time limited, and these zoning regulations may not be revisited for many decades, if ever. The environmental performance standards ultimately proposed in this rezoning should certainly aggressively address today's problems, but must also be flexible enough to tackle the problems of tomorrow. DCP must account for this reality in both the environmental review and the final zoning text. (Quart)

Response: As stated in the Final Scope of Work, the proposed zoning text will include environmental standards for Qualifying Sites that will further the City's stated sustainability and greenhouse gas reduction objectives.

Comment 2.4: The bar has been set too low. This is an opportunity to address some of the values we want to see in the City and in Midtown East. Can the new development be required to address the various forms of infrastructure needed to support the expected higher density, including all forms of transportation (not only subways, trains and pedestrian, but also

taxis, uber, bicycles) and other infrastructure (post office and other pick-ups and deliveries, garbage pick-up, public safety in the form of police and fire department support). (Sheran)

Response: Please refer to the Final Scope of Work. The Proposed Action requires a series of transportation and public realm improvements from new development in Greater East Midtown. As stated in the Final Scope, the Project description in the DEIS will include a thorough and exhaustive description of the proposal.

Comment 2.5: Projected developments within the proposed rezoning framework should be required to prepare delivery service & freight management plans to better manage freight deliveries. In coordination with Department Buildings, ensure that loading docks are redesigned to fully accommodate trucks without obstructing sidewalk flow. Building operation hours and building service hours need to be coordinated to accommodate later deliveries. Buildings should also be required to develop a waste management plan and waste products should be consolidated by the development. There should be a central location (for retail goods to be dropped off and then can be taken to the stores via vehicles with a smaller carbon footprint), if the stores need the products during high pedestrian use times. Provisions in the zoning framework to incentivize off hour deliveries for trucks bringing goods to food and retail stores. (Peters)

Response: New developments in East Midtown will be required to provide loading facilities consistent with the requirements of the Zoning Resolution. Other suggestions are beyond the scope of the Proposed Action and of the Zoning Resolution.

3. Proposed Action: Density and Allowable Uses

Comment 3.1: Can the 30 FAR maximum be exceeded in any case? (Kwartler, O'Neal) Can the existing plaza bonus and the bonus for public concourses be combined in a single project? (REBNY-Levy, REBNY) As it is currently written, it appears that a developer can use up to two special permits. (O'Neal) Can the 20 percent subway bonus and the public concourse bonus be combined, and what would the maximum FAR become? (O'Neal) Can the public concourse special permit be combined with the transit improvement special permit? (Kwartler)

Response: No development can exceed 30 FAR under the proposed action. An FAR of 30 can only be achieved by a small number of Qualifying Sites via special permit. The respective special permits for public concourses and for transit improvements cannot be used in combination to achieve an FAR greater than 30.0. The special permit for a public concourse cannot be combined with a public plaza bonus.

Comment 3.2: Given the cost of land, buildings with substantial occupancy on long-term leases require higher floor areas on the avenue and the midblock if the goals of the rezoning are to be achieved in a reasonable time period. The EIS should study an increase by 10 percent to the new proposed as-of-right FARs throughout the district (with the retention of the 3 FAR bonus) in order to offset that cost. (REBNY-Lodhi, REBNY, REBNY-Sulahian) The EIS should establish higher maximums on the mid-blocks. (REBNY-Lodhi, REBNY, REBNY-Sulahian)

Increased density should be considered along Madison Avenue between 47th and 48th Streets: on the east side, densities should be 25 or 27 FAR and on the west side, densities should be 21.6 FAR. (REBNY)

We are unsure the proposed density is enough to spur development, especially with regards to the blocks between Lexington and Third Avenues in the 18 and 23 FAR zones. Much of the pre-zoning stock is built to between 18 and 21 FAR. We recommend an open-book session with owners and developers, to ensure sufficient density. The topics should include increasing maximum density in the 18 and 23 FAR zones, ensuring that split zone lots carry the higher FAR, and eliminating the contribution for utilizing overbuilt floor area. (Tudhope)

Response: The Proposed Action intends to balance increased density in specific locations with improved pedestrian circulation, historic preservation, access to light, air, and open space and other public amenities. A higher density alternative would likely increase rather than reduce significant adverse impacts and therefore will not be not studied in the EIS.

Comment 3.3: The EIS should analyze development of mid-block sites, even when they do not have wide street frontage, since in many cases these sites are improved with underutilized and/or functionally obsolete buildings. Buildings such as these would be less expensive to acquire than avenue-fronting buildings. This change in economics would make development more likely here with the type of floor area increases proposed in other parts of the district. Mid-block sites without wide street frontage should have access to the same tools to increase floor area that other sites with wide street frontage do under the proposed framework, including through the transfer of development rights and transit infrastructure improvements. (REBNY-Lodhi, REBNY) The requirement for an eligible receiving site to have cleared avenue frontage should be eliminated so that these midblock sites can go forward in the near term as new office projects. (McMillan) We recommend that the EIS study the inclusion of mid-block development without wide street frontage. (REBNY-Lodhi, REBNY) The project scope should allow for the growth of mid-block sites even when they cannot have wide street frontage. (GCP) The rezoning as proposed misses a number of important opportunities to bring East Midtown's inventory of office space into the 21st century, to foster landmark preservation, and to upgrade the area's public realm. These objectives can be advanced by permitting redevelopment of sites with no cleared wide street frontage and by providing for an FAR of 21.6 on the block on which the 3 East 54th Street Site is located. (3 East 54th Street) The scope should include studies that the proposed densities will be sufficient. In the alternative, we suggest that higher densities than what are currently proposed, both for sites without avenue frontage and for sites located within the Park Avenue corridor, be studied. (Central Synagogue)

Response: As addressed in the Final Scope of Work, the Qualifying Site requirements may be modified by special permit to enable sites with no avenue frontage, among others, to participate in the proposal's various mechanisms to achieve higher FARs. Please refer to Response to Comment 3.2. As stated in the Final Scope of Work, the conceptual analysis will consider and analyze the future use of the proposed discretionary actions. Please note that Final Scope of Work has been updated to provide greater detail on the discretionary actions associated with the proposed action.

Comment 3.4: Zoning lots with more than 50% of their total lot area within the Subdistrict should be treated as being entirely within the Subdistrict and the Subdistrict regulations should

apply to the entirety of the zoning lot. The EIS should analyze all zoning lots with more than 50 percent of their lot area within the Subdistrict as being entirely within the Subdistrict, and FAR and other regulations of the Subdistrict as applying to the zoning lot as a whole. (REBNY-Sulahian, REBNY) Split lots should carry the higher FAR. (Tudhope) Figure 5 of the Draft Scope of Work illustrates the proposed maximum FARs. Assuming the underlying FARs are the same as the current Special Midtown District, how will the avenues and midblocks be dealt with given the different base FAR? (Kwartler)

Response: The rules governing split lots are addressed elsewhere in the Zoning Resolution and are not modified by the proposed action.

Comment 3.5: The proposed maximum FARs appear not to discriminate between avenues and wide streets and narrow street midblocks. The midblocks would go from a base 12.5 FAR to 18 outside the Transit Improvement Zones and up to 23 FAR in the Transit Improvement Zones. This will affect the smaller, more intimate scale of the midblock by increasing the maximum FAR. (Kwartler) I do not support extension of the upzoning to the side streets. (Sheran)

Response: As stated in the Draft Scope of Work, only sites with cleared frontage along a wide street may increase their FAR above the existing base maximums of either 12.0 or 15.0.

Comment 3.6: Given how scarcely the transportation special permit has been used in the past 30 years (10 times since 1982), RPA is not confident the transit improvement special permit mechanism will yield many benefits. Per the Steering Committee's recommendations, the transit bonus in the Greater East Midtown special district should be reconstructed so as to maximize the opportunity for approvals through Certification by DCP and MTA, as opposed to through ULURP. (RPA)

Response: Please refer to the Draft Scope of Work. Most transit improvements will occur via Certification and will be mandatory for developments on Qualifying Sites within the Transit Improvement Zones. Qualifying Sites can achieve higher FARs through a separate Transit Improvement Special Permit, which will be available only after those sites have utilized both the Certification for transit improvements and landmark transfers for Qualifying Sites.

Comment 3.7: There is a lack of clarity about the proposed cap on residential use and the TDRs from landmarks. Materials produced by DCP indicate that the proposal would both limit the amount of residential development on a site and prohibit landmark TDRs from being used for residential development (with no mention of such restriction on development rights earned from transit improvements). It is unclear what public purpose is served by prohibiting landmark development rights to be used for residential use. Additionally, how will the City accurately determine whether the transferred development rights were explicitly used for the residential portion of a mixed-use project? (REBNY) Any proposed residential limitation raises the question of whether it will be measured on the basis of the zoning lot as a whole or on the basis of the new building only. The City should provide greater clarity. (REBNY)

Response: The proposed residential limit for Qualifying Sites is consistent with the purpose of the proposed action, which seeks to reinforce East Midtown's status as one of the city's premier office districts. It is not possible for landmark TDRs or other mechanisms to

increase the amount of residential floor area permitted on a Qualifying Site under the as-of-right floor area regulations. Residential floor area is measured on the basis of the zoning lot, as per all relevant sections of the Zoning Resolution.

Comment 3.8: All new residential space should be subject to Mandatory Inclusionary Housing, and should include a percentage of permanent affordable apartments. (Sheran) RPA recommends that if this rezoning will encourage additional residential capacity, either by design or as a side-effect, the housing must be mixed-income. (RPA)

Response: MIH would not be applicable to the proposed action because the action does not significantly increase permitted residential density within the Project Area. The proposed limits on residential development for Qualifying Sites is consistent with the purpose of the proposed action, which seeks to reinforce East Midtown's status as one of the city's premier office districts.

Comment 3.9: The Steering Committee recommended that no development rights from landmarks or transit improvements be used to incentivize residential development. It is not clear from the scoping document whether such a restriction will exist in the final zoning text. There is a 20 percent restriction on residential use within a building that makes use of this proposed framework, but it is not clear how landmark air rights could be used to enable the residential portion of a development. (Garodnick) The text should follow the Steering Committee's recommendation that no development rights from landmarks or transit improvements are used to encourage residential development. (Yeston) Caps should be placed on residential conversions to sustain East Midtown as a strong commercial center. (Brewer, Stern, Yeston) East Midtown is first and foremost a business district and to that end, RPA recommends residential uses be discouraged. RPA applauds the provision that residential floor area be no more than 20 percent of the development. (RPA) I support the 20 percent limit on residential space in the rezoning district. The intent is to modernize the commercial spaces. It is correct to limit residential space. (Sheran) The zoning text amendment and environmental review must reflect the widely agreed upon policy prohibiting conversions of commercial buildings to residential use of more than 12 FAR. (Rubin)

Response: Please refer to the Draft Scope of Work for limits on residential uses on Qualifying Sites. Regarding residential conversion of pre-1961 buildings, the proposal is focused on creating new office space, not requiring that property owners maintain older buildings as office space when such use no longer make sense.

Comment 3.10: The EIS should examine an alternative that would allow floor area in overbuilt buildings constructed after December 15, 1961 to be used in a new development without retaining the minimum 25 percent of the existing building prescribed in ZR Section 54-41 (Permitted Reconstruction). (Tarnoff) This could be achieved through a new special permit that would allow for the replacement of all overbuilt, post-1961 buildings including but not limited to those buildings that were built pursuant to a BSA variance. The findings for the Special Permit could include a demonstration that the overbuilt, post-1961 building no longer accommodates the needs of current office space demands due to certain physical limitations, including narrow column spacing, inadequate floor plate size, etc. We believe the BSA would be the appropriate agency to administer the Special Permit, since the agency has experience reviewing applications for variances that involve building obsolescence. The Special Permit could also allow waivers to the building envelope

regulations in order to allow a building that accommodates modern office needs. Like the proposed as-of-right mechanism for other overbuilt buildings, the Special Permit would require either a contribution to a public realm improvement fund or construction of improvements to a transit node that is proximate to the site, or both. Since it is a discretionary action, we propose allowing the Special Permit to apply to zoning lots both within the East Midtown boundaries, and within a defined radius of the three stations noted above that are proximate to and serve routes that pass through East Midtown, since it is particularly important that obsolete buildings near these transit nodes be redeveloped for commercial, rather than residential uses. (Tarnoff) The proposed rezoning limits the universe of qualified overbuilt buildings to those constructed before 1961. However, buildings constructed after 1961 and before downzoning in 1982 would be overbuilt. In the case of these buildings, there should be no contribution into an improvement fund for rebuilding the overbuilt portion of these structures since these conditions were created under FAR controls and caused by government action. Likewise, whether overbuilt or underbuilt, it should be made clear that enlargements of existing structures up to the maximum FARs in the proposal are permitted. (REBNY-Lodhi, REBNY).

Response: This would not advance the objectives of the proposed action and would appear to increase the potential for impacts. Problems with, for example, floor to floor heights and column spacing have been identified for pre-1961 commercial office buildings in the area, but no issues have been identified for the buildings constructed between 1961 and 1982.

Comment 3.11: Office buildings meeting certain requirements should be allowed by a Chair Certification to use TDRs for enlargements. Adding floor area to existing office buildings is another way of promoting or incentivizing new office development in Midtown in a more realistic and immediate way. This could add very desirable and very valuable office space catering to companies looking for new and unique work environments in prominent locations. The Certification would require that the base building make key improvements. (McMillan)

Response: Please refer to the Final Scope of Work. The Qualifying Site requirements may be modified by discretionary action; see response to Comment 3.5.

Comment 3.12: Some existing buildings are located such that they could provide important improvements in public open space or transit access but because of their size, age, occupancy, or quality are more likely to be renovated than redeveloped. In such cases they are unlikely to provide new improvements to the public realm without an inducement. To increase opportunities to improve the public realm, the following should be considered: allow bonus floor area to be earned at existing buildings for improvements to the public realm. This additional floor area, to the extent it is not needed to enlarge an existing building, would be allowed to be transferred to another site. (City Club, West)

Response: Please refer to the Final Scope of Work. Existing buildings can be enlarged pursuant to the Qualifying Site framework through a discretionary action. Permitting additional floor area to transfer to other sites is beyond the scope of the Proposed Action.

Comment 3.13: The current proposal allows only a limited range of landmarked properties to transfer development rights into the Vanderbilt Corridor. The potential development parcels located in this district could be the site of very large commercial structures capable of receiving significant amounts of transferred development rights. To be excluded from this opportunity would unfairly penalize many of the district's landmarks, and not be

consistent with the recommendations of the Steering Committee. (Archdiocese) The impact of not permitting transfers into the Vanderbilt Corridor from landmarks located outside of the Vanderbilt Corridor should be studied. (Central Synagogue)

Response: The transfer of development rights in the Vanderbilt Corridor is governed by the Vanderbilt Corridor zoning text, enacted in 2015, which relates exclusively to the 5 block area due east of Grand Central Terminal, between 42nd and 47th Streets, Vanderbilt Avenue, and Madison Avenue. The current proposal does not modify the Vanderbilt Corridor transfer development rights mechanism. Permitting landmark transfers into the Vanderbilt Corridor from landmarks located outside of the Vanderbilt Corridor is inconsistent with the Vanderbilt Corridor zoning text's goals and objectives, and is outside the scope of the Proposed Action.

4. Proposed Action: Rezoning Area Boundary

Comment 4.1: As a Manhattan property owner, I strongly believe that the initial plan should have included my property and hope that the revisions are drawn to include the buildings located on Lexington Ave between East 40th and East 39th Street. (Ajodan, Cheng, 342 Lexington Ave, 344 Lexington, Dermer, Fox, Lam, Schwalbe [353 Lexington Ave]) Extending the boundaries would create even more jobs and revenue for New York City. (Cheng) The more air rights, the more potential opportunities that developers will have to give back to the City by buying more air rights. (Cheng) Creating new office towers at our location could be even more attractive to the end user since this block is only two blocks from Grand Central Terminal. (Cheng) Excluding this area is contrary to the proposed rezoning. (Cheng)

The rezoning boundary should be expanded to include both 110 East 55th Street and 661 Lexington Avenue. (110/661) The rezoning boundary should be expanded to include the entirety of the south side of 55th Street between Third and Lexington Avenues. (Pedro) The subdistrict boundary south of 42nd Street should, like the boundary north of 42nd Street, be located 200 feet east of Third Avenue rather than down the middle of Third Avenue. (REBNY-Sulahian, REBNY) The boundary at the northeast corner of the Subdistrict should be squared off so that it extends to 56th Street east of Park Avenue. (REBNY-Sulahian, REBNY)

Why draw the rezoning boundaries with Central Synagogue outside of the district? Why exclude two lots on the southern side of East 55th Street between Lexington and Park Avenues? Why exclude additional landmark TDRs from the pool to produce needed transit improvements? Would DCP's current proposed boundaries at East 55th Street introduce competition within Central Synagogue's current exclusive TDR landing site zone and thus compound its current land-locked status? Would DCP's proposed boundaries create grounds for a lawsuit? A study should be conducted of the boundaries with Central Synagogue in the proposed subdistrict versus it outside the proposed subdistrict. (Greeley)

Consideration should be given to modifying the district boundaries so that certain section of the area be included for redevelopment possibilities. (GCP)

Response: The Proposal's boundaries were established to encompass high density zoning districts in East Midtown. Expanding the boundaries to districts that don't meet this standard in terms of land use and density offer the possibility of greater impacts and would not advance the proposal's goals and objectives insofar as creating new, state-of-the-art office space. As per the Proposed Action, landmarks that directly abut the Project Area's boundary line (such as Central Synagogue) may transfer their unused rights to Qualifying Sites within the proposed Subdistrict. If an alternative as described were found to eliminate an unmitigated adverse impact then it could be considered for the EIS.

Comment 4.2: The Third Avenue portion of the district should be modified as follows:

- The east side of Third Avenue should be excluded from this rezoning plan. (Garodnick) The east side of Third Avenue should be removed from the District. (O'Neal) Excluding the east side of Third Avenue should be considered. (Garodnick, Holyman and Krueger) The blocks east of Third Avenue should not be rezoned. (Silberblatt)
- The east side of Third Avenue (especially adjacent to districts zoned R8B and R10) should provide a smoother transition from the relatively lower-scale residential areas to the high-density commercial Subdistrict. This buffer could be achieved through a combination of height caps and bulk and setback regulations. (Yeston)
- Mixed-use buildings should be encouraged in the eastern portion of the district (east of the midblock between Lexington and Third Avenues. (Kelly) Variations within this corridor should be studied, such as increasing the 20 percent residential ceiling or putting in height restrictions so that this corridor can serve as the transition zone to the residential area to the east. (Brewer)

Response: The Final Scope of Work explores a new alternative in which the Subdistrict's boundary is changed in response to this comment. The alternative will consider the potential effects of removing portions of the east side of Third Avenue from the Proposal Area.

Comment 4.3: The EAS lists three subway stations outside of the rezoning area that will benefit from direct MTA improvements or the improvement fund, because those stations serve people in the subdistrict. No one can deny that our transportation infrastructure system is in dire need of funding, but if the sending and receiving sites for landmark TDRs are only within the boundaries of the rezoning district, the assessment on those transactions should be only for transit and public realm improvements within the district. If codified here, the rationale for including sites outside the district could be extended to a wider area or wider set of needs. This could potentially dilute benefits to Midtown East landmarks or set a precedent for future rezonings. No other provisions of the plan apply to sites outside of the rezoning district. The same boundaries should apply to the fund. (Landmarks Conservancy)

Response: Please refer to the Draft Scope of Work. The proposal includes provisions for transit improvements and concept plan improvements within the Greater East Midtown Subdistrict as well as select areas outside the Subdistrict, such as nearby rail mass transit facilities, that have a significant nexus to the Subdistrict. Transit improvements are prioritized by proximity and nexus to the associated development. In no case will transit

improvements or Concept Plan improvements occur on sites that lack significant nexus to the Greater East Midtown Subdistrict and the buildings within it.

Comment 4.4: Part of the proposal's planning rationale for allowing density in certain areas is related to an area's proximity to transit nodes. These areas are the blocks or portions of blocks directly above GCT's below-grade network, and the blocks or portions of blocks directly below Fifth Avenue-53rd Street, Lexington Avenue-51st/53rd Street. We recommend the GCT TIZ be extended two-blocks north to 49th Street, from 47th Street. This would enable more of the developments with holdings directly over transit stations to "earn" FAR through implementation of pre-identified transit improvements. This is especially important since only developments within TIZs will be eligible to earn FAR through direct transit improvements. (RPA)

Response: Comment noted.

Comment 4.5: I do not support extending the upzoning to 38th Street on Lexington Avenue. If the upzoning district is extended to 38th Street on Lexington Avenue, please note that the building on the northwest corner of 38th and Lexington (The Permanent Mission of Benin to the UN) is in the Murray Hill Historic District and is protected from demolition and all changes must go through the Landmarks Preservation Commission. (Sheran)

I do support extending the ability of buildings in the Murray Hill Historic District to sell their air rights into the proposed upzoning area. (Sheran)

Response: Please refer to the Draft Scope of Work. The Project Area's proposed boundaries do not extend to the properties in question.

5. Proposed Action: Public Improvement Fund

Comment 5.1: A percentage of landmark transfer of development rights transfers will go to an improvement fund managed by a governing group consisting of appointees from the Mayor's office, local elected officials, and community boards. RPA recommends the governing body also include membership from the independent civic organizations that comprised the Steering Committee. (RPA)

Response: Comment noted.

Comment 5.2: How long will the Governing Group of the Public Improvement Fund exist. Right now, there is 3.6 million square feet of available landmark TDRs in the proposed district. There is also a certain number (a very large number) of overbuilt buildings in the district. Therefore, after all the overbuilt buildings have contributed to the Public Improvement Fund, will that be the end of the PIF? Or, will successive re-developments of the same overbuilt sites require additional PIF contributions even after a first redevelopment? Is it a "one & done thing" or will these contributions continue to happen again when a developer wants to build back past the prescribed base FAR for the site? Alternatively, will the PIF's life span end when landmark TDRs are no longer available for purchase? (Greeley)

Will there be legislation requiring the Public Improvement Fund governing group to spend contributions by a certain time frame? Will there be no requirements at all on the governing

group? How will the differing philosophies of different mayors and their commissioners of DCP, DOT, and EDC be reconciled? (Greeley)

Response: Please refer to the Final Scope of Work. The proposed zoning text does not specify a lifespan for the Governing Group, which will administer the Public Realm Improvement Fund. Only non-complying floor area constructed prior to December 15, 1961 may be reconstructed, so the provision does not enable successive redevelopment of overbuilt sites. Requirements for the Governing Group are discussed in the Final Scope of Work.

Comment 5.3: Will contributions into the Public Improvement Fund come fast enough, large enough, and/or consistently enough to fund a large, expensive improvement, like the 7 train transfer at Grand Central? (Greeley)

Response: The RWCDs with-action condition anticipates that the Public Realm Improvement Fund will be sufficient to complete all transit improvements by 2036, the end of the analysis period.

Comment 5.4: Transportation infrastructure must be capable of supporting the continual influx of more workers into East Midtown. The One Vanderbilt project provides the blueprint for ensuring that transportation infrastructure is in place before density increases. This needs to become a working model. To this end, we propose that a substantial portion of transferred TDR proceeds—perhaps 50 percent—should be directed into the public realm improvement fund and that rate should escalate over time so issues of density can be appropriately mitigated. (Tudhope) RPA recommends greater preference be given to transit improvements over landmark transfers. (RPA)

Response: As proposed, the contribution rate balances public realm needs with the rights of landmark owners, is supported by a market study (available on the DCP website) carried out by professionals utilizing industry standards, and is in keeping with relevant precedents in the Zoning Resolution. FAR increases via TDR and transit improvements do not compete with each other under the proposed framework.

6. Proposed Action:

Transfers of Development Rights

Comment 6.1: More details are needed to understand how the landmark air rights transfers will work, what percentage of each sale for public improvements will be set aside, and at what rates. (Garodnick) Under DCP's proposal, the city will set aside a percentage of all landmark air rights transfer sales to be put toward public improvements. What processes will both developers and landmark owners be subject to during these transfers? How will a percentage point be determined for the portion of a sale that goes to a public improvement fund? How will that percentage point change over time to reflect current economic conditions for developers, landmark owners, and city needs?" (Hoylman and Krueger) Is the contribution to the Transit Improvement Zones on a sliding scale of 10 – 20 percent? How would the contribution be determined for a development? (Kwartler)

Response: Landmark transfers will be subject to a Certification outlined in the proposed Zoning Text. The contribution rate for landmark transfer sales was informed by an appraisal of development rights, a consideration of agency precedent, and a balancing of public realm

needs and the rights of landmark owners. As described in the Final Scope of Work, the proposal fixes the contribution rate at 20 percent of the sales price of transferred floor area or 20 percent of the floor price, whichever is greater.

Comment 6.2: What provisions will be made to ensure that all contributions to the transportation and public realm improvement funds cannot be diverted for other purposes in the future? (Hoylman and Krueger)

Response: Please refer to the Final Scope of Work for details on the Governing Group. Expenditures from the Public Realm Improvement Fund will be subject to requirements outlined in the proposed zoning text.

Comment 6.3: In light of recent proposed changes to improve transparency and distribution of information to the public related to City actions (such as Intro 1132, Intro 1219, and Intro 1182), it is expected that details regarding the allocation of funds generated through the transfer of landmark development rights to redevelopment of overbuilt floor area for proposed improvements through the Public Realm Improvement Fund will be made publicly available through a website and this information will be included in the EIS. This applies to capital improvements identified by DOT and MTA as well. (MAS) The public should receive fair benefits for the additional development rights, and this information should be made publicly available for each transaction. (RPA)

Response: Comment noted. The Governing Group is a publicly controlled entity and will comply with all pertinent regulations regarding public information and transparency. The City Council adopted Intro 1132-A in mid-December, and the Department of City Planning will comply with its reporting provisions.

Comment 6.4: TDRs from a landmark appears to have a contradiction or is minimally confusing. Are TDRs from landmarks only to Transit Improvement Zones or to any site in East Midtown? (Kwartler)

Response: Please refer to the Draft Scope of Work. All Qualifying Sites are eligible to receive landmark TDRs in accordance with the provisions of the proposed zoning text.

Comment 6.5: There is no structure in place to prevent TDRs from becoming a game of speculation. An individual or institution could conceivably purchase all of a single landmark's air rights and warehouse the TDRs for use in future developments, or they may ask for an unreasonable, non-market price. TDR values cannot become distorted in this way, and the new zoning must have a mechanism to ensure that East Midtown TDR owners, who benefit from the re-zoning, do not sell to speculators. (Tudhope) Will there be a mechanism to prevent a private entity from capturing the market by buying and holding rights? (Landmarks Conservancy)

A factor that could compromise pricing integrity is the disinclination of TDR holders to sell. With limitation on pre-identified transit improvements of 20 percent of maximum permitted FAR, we run the risk that TDR holders will bank them, waiting for the opportune time to sell. Because the hoarding of TDRs will significantly undermine price efficiency, the new zoning must also have a mechanism that will compel Landmark owners to sell their TDRs. We suggest that the expansion of transferability of Landmark TDRs should sunset after a fixed period of time, either 15 or 20 years. (Tudhope)

To prevent TDRs from being a game of speculation, we recommend to limit TDRs from landmarks to transfers pursuant to the zoning provisions already in place (i.e., 74-79, 81-635, etc.), or transfers to an expanded area – but subject to the above allocation – in instances where the purchaser will actually utilize the TDRs for construction and/or will utilize them within a specified period of time. (Tudhope)

Response: Comment noted. The requirements for transfer are consistent with other areas in the city where such transfers are permitted, including the Theater Subdistrict in Midtown and the Special West Chelsea District. The proposed action is a long-term plan for East Midtown. Given the time that development contemplated in the proposal takes to complete, the proposed zoning framework needs to be in place for the foreseeable future.

Comment 6.6: Landmark property owners are carrying the burdens of simultaneously advancing three different public interests: (i) the landmarking of their building for historic preservation; (ii) the promotion the City's desire for more office square footage by the TDR effective exclusion of residential uses; and (iii) the imposition of the transit improvement transfer fee. The compounding effect of these three items could open the issue up for litigation versus if the landmark property owners were only carrying the burden of advancing one public interest. Removing the transit improvement transfer fee eliminates one of these burdens. (Strout)

Landmarks should not be burdened with both a public realm contribution and a tax devoted to restoration. The public realm contribution imposed by the new zoning should be reduced by restoration costs and obligations. (McMillan) To charge a transit improvement transfer fee on top of the net present value in taxes generated for the City for each square foot is an unjust additional burden on the landmark owners. (Strout)

Regarding the landmark TDR program, we join with stewards of landmarked institutions in requesting that any assessment be minimized so that it does not undermine the intent of the transfer provision as originally envisioned: to provide significant relief from the cost of maintaining landmark buildings and to assist in their preservation. (Landmarks Conservancy) The percentage of the purchase price of transfer development rights used to fund infrastructure and public realm improvements should be kept as low as possible to facilitate the sale and to generate fund revenue as early as possible in the process. (GCP, REBNY-Sulahian)

The draft scope indicates that an unspecified percentage from each sale of landmark development rights will be required to be deposited into a fund for public realm improvements unrelated to the landmark site. This proposal is very troubling, particularly for non-profit owners of landmark properties, and its effect should be studied. (Archdiocese, Central Synagogue) The purpose of allowing wider transfer opportunities to landmark owners was to compensate for the economic burden on development of having a site constrained by landmark status. Taxing the sale of development rights for infrastructure improvements undercuts this purpose. Religious and other not-for-profit landmark owners who do not generate any revenue from their structures would be particularly disadvantaged by this policy. The impact of diverting funds from sales of landmark development rights on the ability of religious and not-for-profit owners to maintain their properties as required under the Landmarks Law should be studied. (Archdiocese, Central Synagogue)

Doing away with the transit improvement transfer fee helps eliminate the additional consideration of having a minimum pricing level set by the City. Having the minimum pricing level is in contrast to letting individual buyers and sellers negotiate their own terms over the various ups and downs of economic cycles. The minimum TDR pricing level is only needed to facilitate the minimum pricing level of the transit improvement transfer fee. So by capturing the increased taxes to fund transit improvements instead of the transfer fee, this removes the minimum pricing level and the transit improvement transfer fee issues that various stakeholders would have opposing views on. (Strout)

Response: DCP has sought to balance the various public interests being advanced in this proposal, including incentivizing office development, preserving landmarks, and promoting public realm improvements. Please refer to the Final Scope of Work for more information on the proposed contribution rate associated with the transfer of development rights, along with a minimum floor price, and the procedures for determining the minimum floor price.

In addition, a contribution to the Public Realm Improvement Fund is appropriate in the context of a greatly liberalized landmark transfer mechanism that is projected to result in considerably more development than existing landmark transfer mechanisms which require the Commission to assess the need for public improvements as part of a transfer. The contribution rate for landmark transfer sales was informed by an appraisal of development rights, a consideration of agency precedent, and a balancing of public realm needs and the rights of landmark owners. Please refer to the purpose and needs section of the Draft Scope of Work.

Comment 6.7: How will the price floor be set? How often will the floor be re-evaluated, and how nimble will the process be, to work with landmark owners and developers as real-life factors change? Will the floor be the same for fully commercial development and mixed-use commercial and residential? Will it be the same across the entire district? (Landmarks Conservancy)

The proposed minimum sales price for the transfer of landmark development rights, irrespective of the actual value of the sale, is a very troubling proposition. This minimum contribution will unduly limit the resources available for the preservation of landmarks by potentially inhibiting transactions at the lower end of the price spectrum. In addition to potentially limiting the resources available for landmark maintenance, we expect the proposed floor price to have the effect of decreasing funding available for public realm improvements and stifling the very re-development that the city is seeking to facilitate. It would be best to permit the market to establish fair value, rather than to impose price controls as proposed. We therefore urge study of the impact of diverting sale proceeds from the needed preservation of landmarks by imposing a floor price on transactions. We also urge study of the impact on development that these impediments to transactions will have. (Archdiocese, Central Synagogue, REBNY-Sulahian) We are concerned about the contribution minimum of all transfers of landmarked development rights to the public improvement fund and are concerned that the price could be set so high it would severely disrupt the marketplace for the development rights. (Korein) A floor price could impede sales, especially in a down market where the floor price could exceed even the range that has been discussed. (REBNY-Sulahian)

Response: The floor price and minimum contribution were derived from a market study conducted by qualified professionals using industry best practices. The proposal provides for periodic

adjustment of the floor price and minimum contribution rate to account for changing market conditions and other factors. Additionally, because landmarks will be obligated to commit to a continuing maintenance plan to ensure preservation of the landmark in conjunction with any TDR sales, no study of the impact of diverting sales proceeds from preservation needs is required.

Comment 6.8: The language crafted for landmarks' air rights transfers must guarantee that developers do not have any loopholes with which they can avoid providing a long-term maintenance plan for a landmark. (Yeston) We remain concerned with the potential for a property owner to benefit from an air rights sale without investing the proceeds into the maintenance of their historic building. For example, in the case of Lever House at 390 Park Avenue, the owner of the land does not operate the landmark building. Under the previous rezoning text, the owner could pocket up to \$75 million in proceeds from the sale of the development rights without any obligation to maintain the building or to invest the proceeds from an air rights sale into the building's preservation. As such, we thank DCP for including a requirement for landmarks to work with the LPC to develop a restoration and continuing maintenance plan that any funding must be devoted to. However, can DCP clarify whether this mechanism requires property owners to invest the proceeds into the maintenance of their buildings? (Hoylman and Krueger) Landmarks should be given a credit against the contribution equal to the total of the amount they are required to expend on the initial scope of work in the required program for continued maintenance and the amount that they're required to set aside as security for the performance of their ongoing maintenance obligations. (REBNY-Sulahian)

Response: Comment noted. Consistent with the standards for other landmark transfer mechanisms in the Zoning Resolution, the proposal requires a report from the Landmarks Preservation Commission and recordation of a legally enforceable continuing maintenance plan for the landmark.

Comment 6.9: It is necessary to examine the allocation of TDRs to ensure that all of the district will benefit. Within the borders of East Midtown, there is a disparity of office rents and property values. The disparity breaks down block-by-block and by use (commercial versus residential). As a result, landmark TDRs will naturally migrate to the highest value sets, which are more likely to be at the northern edge of the district. We are already seeing signs that this happening, including as-of-right residential development and conversion within the current zoning parameters. The allocation of TDRs within the new parameters, including the 20 percent residential allowance, could increase the TDR price by as much as 50 percent, thereby aggravating the problem. To prevent this from happening, two or three geographic sub-districts should be created, each with a maximum TDR allocation to ensure district-wide distribution. There should be further limits on residential use of TDRs within each sub-district. (Tudhope) Steps should be taken to provide an equitable sale of air rights so some owners' landmarked properties do not benefit disproportionately more than others. (Yeston)

Response: The objective of the proposed action is to maintain East Midtown's status as one of the city's premier office district and improve real estate market conditions throughout the proposed subdistrict. The further division of the subdistrict is not consistent with the objectives of the proposed action. As stated in the Draft Scope of work, the proposal

enables all landmark TDR holders to transfer TDRs to any qualifying site throughout the subdistrict on equal terms.

Comment 6.10: The valuation of floor area should also be able to change over time. The public should receive fair benefits for the additional development rights, and this information should be made publicly available for each transaction. (RPA)

Response: The value of floor area will be set by the market, subject to a floor price. The City Planning Commission (CPC) must review and adjust the floor price every three to five years. In accordance with the proposed text, the CPC will commission an appraisal to guide this adjustment performed by qualified professionals using industry best practices. Such appraisals will be made public.

Comment 6.11: It is traditionally considered important that the benefits of a landmark that transfers its development rights be proximate to the disbenefits of the larger building that incorporates those development rights. The Theater Subdistrict approximates this condition over time because the granting theaters and the receiving developments are scattered throughout the area. East Midtown is different in that the granting sites are concentrated in the western portion of the area, with the bulk of the development rights coming from Grand Central Terminal and St Patrick’s Cathedral.

The EIS should consider alternatives that reduce this imbalance and that maintain a nexus between the granting and receiving sites. One such alternative would be to reduce the amount of development rights that are received to less than those granted based on the distance between the granting and receiving sites. For example, the development rights being moved might decrease by 10% for each street and 20% for each avenue that they cross. Another approach would be to establish smaller receiving areas extending no more than, say, two blocks from the granting site. (City Club, Kelly, West)

The EIS should study an alternative that does not violate the nexus and proportionality test stipulated by the US Supreme Court to distinguish between exactions and takings. (City Club, Kelly, West) Traditionally bonus floor area is granted for density ameliorating amenities. The original amenities – plazas and arcades – were located on the zoning lot receiving the bonus thereby placing the amenity close to the density it was intended to mitigate. East Midtown proposes to allow bonus floor area from transit improvements that are remote from the site receiving the bonus and even from improvements that are outside of the East Midtown Subdistrict. The EIS should examine whether this diminishes the nexus necessary to protect the provision from being seen as a taking. (West/City Club)

Response: Comment noted. The proposed landmark transfer mechanism has nexus throughout the proposed Greater East Midtown Subdistrict, similar to other such district-wide mechanisms included in the Zoning Resolution and consistent with the objectives of the proposed action. The DEIS will consider alternatives that are found to reduce or eliminate the identified environmental impacts of the Proposed Action.

7. Proposed Action: Public Realm Improvements

Comment 7.1: We need a more tangible idea of what is the Administration’s vision for transit improvements in East Midtown. This will allow everyone to see how the proposed Public

Improvement Fund and Pre-Identified Projects will bring the Administration's vision to reality and whether it is a fair trade for the greater density and added strain on the current transit system. By providing a list of transit/circulation projects for the Public Improvement Fund, it also would provide guidance to the future Governing Group of the PIF. (Greeley) Transportation improvements specific to the proposal should be described in detail with itemized plans and the associated budget for each component. This includes, but is not limited to, improvements to the bus network, cross-town circulation on 42nd Street, and the E/M/6 stations in the Project Area. (MAS) Because the project is expected to result in a substantial increase in person trips during the AM, midday, and PM peak hours, the proposed transit improvements under the project (i.e., widening of stairs and escalators, new entrances and stairways, ADA elevators) need to be disclosed and described in detail, including but not limited to, drawings of proposed improvements, disclosure of areas to be affected, anticipated construction durations, and completion dates. (MAS) The EIS should identify and evaluate a robust pedestrian plan for Lexington Avenue that includes curbside drop-offs and pickups at hotels. (MAS) The proposal needs to include a comprehensive transportation strategy plan that incorporates plans/strategies specific to the proposed action that does not simply state re-state commitments that will be completed for prior projects. The requirements of the strategy plan need to be clearly described in the zoning text so that the public has a well-defined understanding of the amenities proposed for new buildings under the proposal. (MAS) The EIS must include a plan of the infrastructure and street level improvements. (City Club, Kwartler, West)

An attempt was made to engage the public about circulation issues in the first East Midtown zoning plan; to my knowledge there has been no equivalent attempt with the current proposals with all due respect to the City agencies. The Plan incorporates urban planning visions, but there remain many cost calculations to be developed: air rights, contributions to the TIZ, design of the TIZ locations, public realm proposals and their location, public open space...In my view, more work needs to be done on the Plan which will provide the public realm elements warranted by the grandeur of the urban vision goals. (Imbimbo)

The interagency group did provide more specific open space proposals lately, but we would like to see more in the text to encourage developers to creatively find open space in East Midtown to enhance the public realm. (O'Neal)

Response: The proposed Zoning Text will list specific transit improvements, which are described in the Final Scope of Work. The Commission, in consultation with the MTA, may amend the transit improvement list through a rule-making process. The proposed Zoning Text will describe the process and criteria by which the Governing Group will establish, maintain, and amend a Concept Plan for above- and below-grade Public Realm Improvements.

Comment 7.2: A developer can use both special permits and not provide any public realm improvements. The public realm is very important to Community Board 6. We believe the Steering Committee report had an emphasis on the public realm that does not exist in the plan so far. (O'Neal)

Response: This assertion is incorrect. Please refer to Draft Scope of Work. Special permits for additional floor area will be available only after those sites have utilized both the Certification for transit improvements and landmark transfers for Qualifying Sites.

Comment 7.3: The MTA has not yet released its list of proposed transit improvements, and therefore, it is not possible to adequately evaluate the transit improvement mechanism laid forth in the rezoning plan. Without the list, we cannot evaluate whether these transit improvements will justify the additional square feet gained by developers. With direct transit improvements only accounting for 10-20% of additional FAR for new developments in transit improvements zones, will the predicted funds adequately cover the necessary transit work? We ask that DCP compare the estimated value of additional floor area gained by developers to the estimated value of the respective transit benefits. (Hoylman and Krueger) There needs to be more scrutiny over the MTA's proposed transit improvements and their square footage value. (Garodnick, Yeston) We are concerned about relying upon a local rezoning and subsequent development to fund transit infrastructure improvements that benefit the entire region. For this reason, we ask that DCP and the MTA provide a timeline for when transit improvements will take place and how projects will be prioritized. How does the City plan to divorce the funds for transit improvements from a developer's schedule? Urgently needed improvements must be made and funds must be secured before we put more pressure on Grand Central Terminal and local subway stations that cannot safely sustain existing ridership let alone that which would result from new development. While the proposed development incentives will raise much needed revenue for necessary transit improvements, the amount of necessary MTA work in the district is already significant, even without any increases in building density. What is the estimated amount of funds the city believes it will raise through developers purchasing additional FAR for transit benefits? (Hoylman and Krueger) As part of the as-of-right framework, pre-identified improvements will be assigned a specific amount of floor area based on their scope and benefit to the public. Developments taking advantage of this zoning framework should contribute to the transit network improvements, above and beyond the State of Good Repair (SOGR), Normal Replacement (NR), System Improvement (SI), and Network Expansion (NE) work usually carried out through the MTA's capital program. Upon cursory review of MTA's preliminary improvements list, RPA recommends MTA provide more information on how they made their selections. (RPA) In my view, the proposals being reviewed today, like those earlier ones, are not sufficient in returning to the City gains equivalent to those being granted. (Imbimbo) The EIS should compare the public benefit of on-site and off-site improvements to the public realm in terms of mitigation of the increased density of the development using the bonus floor area. (City Club, West)

Response: Providing floor area bonuses for transit improvements is a mechanism with decades of precedent that ensures that additional density is supported by appropriate upgrades to transportation infrastructure. The ratio embedded in such bonuses is based on the historical precedent of earlier Subway Improvement bonus applications in the Midtown area, as well as a comparison of the needs generated by additional density to the benefit to the public of the associated transit improvements. Under the Proposed Actions, developers seeking the floor area bonus will be required to construct the transit improvements, and they must be completed before any bonus floor area can be occupied. The timeline and prioritization of improvements depends on the Governing Group's decision making process, as stated in the Final Scope of Work. Please refer to the Final Scope of Work for further information about below grade public realm improvements.

Comment 7.4: It appears that the pre-identified transit improvements will be mostly within MTA facilities rather than on development sites. This may be a missed opportunity in that zoning is an opportunity to incorporate public space and transit access within a development. (One Vanderbilt includes a connection between the subway shuttle station and the concourse of the LIRR that could not have been accomplished so directly outside of the zoning lot; it also includes improvements to the Lexington Avenue subway station that could be funded in other ways.) The EIS should compare opportunities to create open space and transit access on development sites with paying for subway station improvements remote from a development site. The comparison should include a measure of the amelioration of the impacts of the increased density of the development that includes the additional floor area. (City Club, West)

Response: Please refer to the Final Scope of Work. The mechanism for transit improvements provides opportunity for both on-site improvements and improvements within publicly controlled areas. The EIS will provide information on the impacts to open space and transit.

Comment 7.5: With increased building density and an anticipated increase in daily commuters to East Midtown, how will the proposal address existing and exacerbated platform overcrowding at Grand Central and other stations? What efforts will be made to improve connectivity between transit options and the circulation of commuters through sidewalks and subway stations? How does the proposal help facilitate a future Second Avenue subway station entrance at 42nd Street and Second Avenue? The prioritization of local improvements, followed by improvements on the same route and then district-wide improvements, makes sense given the need for more robust transit infrastructure directly surrounding any new development. However, we assume that most of these pre-determined improvements will be located within existing MTA or DOT properties. What other sites, both on development sites and in the public realm, have been evaluated for transit improvements such as additional subway entrances or new bus stops? (Hoylman and Krueger)

Response: Please refer to the Final Scope of Work for further details about prioritization of transit improvements and establishment of a Concept Plan for public realm improvements that will further support circulation and transit connectivity. The Draft EIS will evaluate the effects of the Proposed Action on transit facilities in the area.

Comment 7.6: The proposed improvements to the 4, 5, and 6 lines will not be sufficient to handle the extra expected population. The way I read it, only one more subway train per hour would be able to go through the station. This won't do much to improve the congestion on those platforms. (Sheran)

Response: The improvements cited by the commenter refer to transit upgrades associated with the One Vanderbilt project, not the Proposed Action. As indicated in the Final Scope of Work, the MTA has identified and prioritized specific improvements that would most benefit the East Midtown area's office workers, visitors, and residents at six subway stations serving Greater East Midtown, including stations for the 4, 5, and 6 lines. The Proposed Action includes requirements for sites in close proximity to the area's transit nodes to construct transit improvements at these six subway stations, which will be further described in the Transportation chapter of the DEIS.

Comment 7.7: The Institute for the Rational Urban Mobility (IRUM) urges the Commission to halt all efforts associated with its East Midtown Rezoning Proposal until it prepares:

1. *A comprehensive street use plan* for the Manhattan Central Business District
2. *A comprehensive regional rail plan*, focusing on Midtown Manhattan

Adding more than six million square feet of new office space in the heart of the nation's most congested business district, without any significant improvement to its impassible sidewalks and its already overcrowded transit system, is a recipe for catastrophic failure. The Commission should first develop comprehensive plans for the enhancement and expansion of its transportation facilities and services before this rezoning is proposed. IRUM has long proposed a river-to-river auto-free light rail boulevard on 42nd Street, to improve crosstown surface transit, and greatly increase pedestrian space particularly in East Midtown. This could serve as a model for an extensive grid of auto-free light rail streets in the core of Manhattan. IRUM continues to urge transit agencies to advance plans for remaking the three commuter rail lines that serve the Manhattan CBD into a coordinated regional rail system, with frequent service, integrated fares, and thru-running first at Penn Station and then connecting to Grand Central. This would ease access for West of Hudson commuters to East Midtown, diverting them from crowded subways. With thru-running and the connection, there would be no need to expand Penn Station to the south, with its disruptive demolition of dozens of buildings that house thousands of workers. (IRUM)

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

Comment 7.8: A Transit Zone for the Second Avenue line and stations should be considered and included. The Pfizer site will be adjacent to the Second Avenue line at 42nd Street and a transit zone should be included at this location. The Public Improvement Fund's domain should also include the Second Avenue station at 42nd Street and stations at 50th Street and 59th Street. (Greeley) Because of the immense amount of public resources new rail transit represents, RPA recommends the zoning framework include language about future Second Avenue subway stations that will serve the district. (RPA)

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

Comment 7.9: The Steering Committee determined that two east/west corridors should receive special attention—42nd and 53 Streets—since they are East Midtown's most important pedestrian routes and connect multiple subway stations. We strongly urge DCP to fully analyze what improvements can be made to these corridors in the environmental analysis. (Hoylman and Krueger)

Response: Comment noted. Please also refer to the Final Scope of Work. The Governing Group is granted the latitude to amend the list of projects in the Concept Plan that guides public realm improvements.

Comment 7.10: At the top of the priority list for transit improvements, and overhaul and redesign of the passageways between the 7 train platform at Grand Central to both the 4/5/6 and the Mezzanine/street level should be identified for the Governing Group or as a series of Pre-Identified projects. This project was previously cited as a needed mitigation in the Hudson Yards rezoning's EIS. If East Midtown is to remain a world-class business district, we cannot exacerbate the current problems we have with getting to/from the 7 train at Grand Central with the addition of the proposed 6 million square feet of commercial office space and the corresponding increase in workers/commuters. Currently, because of previous

rezonings in Hudson Yards and Long Island City, there are growing residential areas of modern buildings in these two areas connected by the 7 train. Both areas are less than two miles away from East Midtown and both would have views of the skyline of this proposed redeveloped East Midtown. It would complete the experience of a modern office district with nearby modern residential buildings if an efficient modern transit system could connect the two. Also everyone from Flushing, East Elmhurst, Jackson Heights, Sunnyside, Westchester County, and Connecticut could share in feeling this difference of coming into East Midtown the moment they step out of the subway car or try to get down to the 7 train platform from Grand Central Terminal... Additionally, we have seen five finalist concepts for a new Port Authority Bus Terminal. Four of the five concepts rely on greater access to the 7 train than the current PABT. This means that there is a very high probability that more commuters from New Jersey will be using the 7 train than do so currently. Again, there must be a more effective way of getting commuters to and from the 7 platform at Grand Central to street level. (Greeley)

Response: Please refer to the Final Scope of Work. Improvements to the Flushing line and to the Lexington line, beyond those undertaken by the One Vanderbilt Avenue Development, have been included as pre-identified transit improvements.

Comment 7.11: I am not a big fan of closing off streets to make pedestrian plazas in a busy commercial area. This is very disruptive for traffic. We already have many streets that are not through streets: Park Avenue south of 42nd with the Pershing Square renovation, 41st Street due to the NY Public Library which blocks it on Fifth Avenue, streets that are access points for the Park Avenue tunnel, etc. (Sheran)

Response: Comment noted.

Comment 7.12: DOT's open space plan should be subject to public discussion. (Yeston)

DOT's open space plan has not yet been subject to public discussion and needs to be so that the overall rezoning plan can be intelligently evaluated. (Garodnick)

DCP should craft the mechanisms for producing new open space so it will be creative, aspirational, and will provide reprieve from the increased concentration of workers the proposal will bring. (Yeston) The bar has been set too low. This is an opportunity to address some of the values we want to see in the City and in Midtown East. Can the new development be required to address the need for green space and open space in Midtown East. (Sheran) The City should be creative and aspirational in the way it approaches the public realm improvements and should consider the full range of options. (Brewer)

With respect to place-making opportunities, RPA is concerned that the concept plan will not include improvements aspirational enough to meet the district's changes. The concept plan that may be pre-approved through ULURP should use the Steering Committee's recommendations as a foundation, and borrow more ideas from four foundational reports, including the Grand Central Partnership's 1987 revival plan, Jonathan Rose Companies' 'Places for People: Society's 2013 Vision,' and the multi-board task force's 2013 statement. Ideas contained in these documents date back 40 years and have support from key stakeholders. In particular, the RPA strongly recommends the advancement of DOT public plaza and shared streets recommendations, including plazas at Pershing Square West, the

northern section of Vanderbilt Avenue, a shared street along Library Way, and additional pedestrian space along Vanderbilt Avenue. (RPA)

Response: Please refer to the Final Scope of Work for details on the above and below-grade transit improvements. The Draft EIS will analyze and consider the above-grade public realm improvements formally recommended by the East Midtown Steering Committee, as well as more 'aspirational' improvements.

Comment 7.13: The POPS program should be studied in more detail, including the possibility of developing a special set of East Midtown POPS regulations to best accommodate the public space needs of the area because this is equivalent to Bryant Park, which is what we really need. (Brewer) The EIS needs to disclose, to the extent practicable, details on the proposed redesign of more than 25 POPS, and an evaluation of guidelines for the redesign of the POPS. (MAS)

Response: These proposals are outside of the scope of the Proposed Action.

Comment 7.14: Sidewalk widening and usable plazas and green spaces that are open at least most of the day to the public should be required as much as possible to offset the expected height of the new buildings. (Sheran) Relying on a discontinuous pattern of sidewalk widening for new development, while clearly desirable, does not appear to meet the demand along the lengths of Madison and Lexington Avenues. If the sidewalks along Madison and Lexington Avenues are "extremely narrow – both are less than 12 feet wide" (p.5 Scope), investigate increasing the sidewalk width beyond the zoning lot's street line and into the roadbed as an alternative or complement to the proposed mandated sidewalk widening for blockfront sites. (Kwartler)

Response: If it is found that widening the sidewalk would mitigate any unmitigated adverse impact, and if such mitigation were found to be practical and feasible, it would be explored as part of the EIS.

Comment 7.15: The Steering Committee argues that a 2 FAR as-of-right bonus for covered pedestrian spaces could be an effective way of creating more public space in an area desperately in need of it. We believe that such a bonus should be studied as an added option so that this provision may be further discussed and incorporated into the zoning text throughout the ULURP discussions. (Garodnick, Rubin, Stern)

The proposed text amendment deviates from the Steering Committee's recommended 2 FAR incentive for developers to create privately owned public spaces. The proposal retains the existing 1 FAR as-of-right bonus and creates a 3 FAR plaza bonus obtained through a special permit. Can DCP anticipate the extent to which developers will contribute improvements to the public realm or privately owned public spaces into the rezoning district with a 1 FAR bonus? How does that differ from a scenario where developers are offered a 2 FAR bonus? (Hoylman and Krueger)

Response: Please refer to the Final Scope of Work. The Proposed Action includes multiple opportunities to improve the above-grade public realm through the Public Realm Improvement Fund, and includes a special permit for a Public Concourse. This level of discretionary review is consistent with other covered pedestrian spaces.

Comment 7.16: In order to enhance and further the public realm goals of the East Midtown proposal, the text should include and the EIS should consider a Certification mechanism allowing for owners that have publicly accessible spaces that are underutilized or not optimal because of physical or other constraints to exchange all or a portion of the publicly accessible space for an equivalent or superior public realm improvement. There are examples of publicly accessible spaces throughout Midtown that do not function in an optimal way for the public because of limitations that can't be readily addressed through design improvements. Some spaces have specific use requirements that are no longer viable; other spaces have oddly configured plaza areas or include multiple levels that don't attract the public beyond the main space. By allowing owners to replace these underperforming spaces with a public realm contribution, the City's goals in enhancing the public sphere in Midtown will be achieved. (REBNY-Levy, REBNY) The EIS should disclose if the redesign of existing privately-owned public space (POPS) facilitated by the proposed action would be subject to additional zoning action. (MAS) The EIS should include guidelines that are evaluated for improving POPS in the Project Area and creating a streamlined process for incentives to upgrade and improve POPS that would be incorporated into the Zoning Resolution. (MAS) The EIS should evaluate increasing bonuses for POPS and allowing options for improvements to POPS outside the Project Area. (MAS)

Response: This proposal is outside of the scope of the Proposed Action. Removing existing public space is not consistent with the goals and objectives of the proposal. The Zoning Resolution currently includes actions to improve existing POPS, and these actions apply in the area. They would not be modified as part of the proposed action and would not be considered as part of the environmental review.

8. Light and Air

Comment 8.1: We have yet to see the results of DCP's study of height and setback modifications that could apply to new buildings. Preserving access to light and air is absolutely essential in this neighborhood, and those bulk regulations must reflect that fact. Since interference with the height and setback rules will be the trigger for a developer to go through the formal land use (ULURP) process, the way those rules are defined is doubly important. (Garodnick) The increased FARs being proposed are likely to require substantial modification of height and setback (One Vanderbilt, at 30.0 FAR results in a failing daylight evaluation score of minus 62, compared to a minimum passing score of plus 75.) (West/City Club) What would be the effect of the special permits on the Height and Setback regulations? (Kwartler)

Response: Please refer to the Final Scope of Work for information on the proposed modifications to the Special Midtown District height and setback regulations applicable to Qualifying Sites.

Comment 8.2: The EIS should fully analyze the ability to use all the proposed as-of-right floor area, including allowed bonuses, within the envelopes of the height and setback rules to be proposed for the district. In particular, the study should consider how height and setback requirements on side streets should be appropriately modified to allow for the full use of FAR. The analysis should recognize the mandated safety requirements such as third stairwell, which has made buildings wider while trying to retain economically feasible floor plates. (REBNY-Sulahian, REBNY) The scope should study how height and setback

requirements on side streets will be appropriately moved to allow for full use of the FAR. (GCP)

Response: See Response to Comment 8.1. As stated in DSOW, the analysis framework has accounted for, and will be analyzed in the EIS.

Comment 8.3: Any bulk and setback modifications for new buildings must maintain the district's access to light and air. (Garodnick, Yeston) We are concerned about what the proposed action could mean for light and air. In particular, we want to make sure the experience of walking throughout East Midtown does not simulate the experience of walking through a canyon. (Rubin) Please clarify and illustrate the 16 identified development sites using the Daylight Evaluation method as per the proposed East Midtown modifications to better understand the potential impacts. (Kwartler) The Special Midtown District uses 'daylight evaluations' to measure the degree of 'sky exposure' left by a building and how much daylight can reach the street. How will increased FAR be balanced with existing daylight evaluations? (Hoylman and Krueger) There is a need to be judicious and careful in modifying height and setback rules; the Steering Committee is clear in recommending that existing regulations that will preserve light and air should generally remain in place and that any proposed modifications should focus on commercial buildings on smaller lots. (Brewer)

Response: See Response to Comment 8.1

Comment 8.4: The EIS should use daylight evaluation to confirm the 1982 analysis of street sky exposure and to quantify the impact of the proposed zoning changes on the area streets and public spaces. (City Club, Kelly, West) Please clarify and illustrate the 16 identified development sites using the Daylight Evaluation method as per the proposed East Midtown modifications to better understand the potential impacts. (Kwartler)

Response: The EIS will undertake a shadows analysis consistent with the methodologies of the *CEQR Technical Manual* to determine the potential for the Proposed Actions to result in significant adverse shadows impacts on sunlight sensitive resources of concern.

Comment 8.5: As the author of the Daylight Evaluation Method and the daylight approach to Height and Setback in the Special Midtown District, I may say with confidence that the regulations were not "crafted with larger, regularly shaped development sites in mind," (p.7 Scope) but rather crafted to conserve daylight in the public realm. Site size and regularity was not a concern. In fact, the regulations were tested on a range of sites, small, medium, and large (Citicorp), and location on the block (corner, interior, through and blockfront), and there are illustrative examples in the Special Midtown District zoning text. The current regulations are not more restrictive on smaller irregular sites and if that is the case please demonstrate on East Midtown sites using the current Daylight Evaluation method and the one proposed in the Scope.

The Height and Setback regulations -- daylight standards of an overall passing score of 75% of the sky left open above a typical building street wall and a minimum of 66% of the sky left open along any frontage for Midtown--were based on an extensive street by street analysis of the entirety of Midtown as well as selected special permit buildings (AT&T) of their daylight performance. The standards in the Daylight Evaluation methodology are a result of over 70 years of an expectation of daylight performance that was found to be virtually the same for the pre-1961 "wedding cake" and post-1961 towers.

What “limited modifications” are proposed, how will the modification be done and what is the standard if not the current one, for “qualifying” and other sites? This should be analyzed by comparing as-of-right buildings, using the Daylight Evaluation method as per the current Special Midtown District text with buildings complying with the proposed as-of-right modified Daylight Evaluation method.

In addition, clarify the conditions under which the modified Daylight Evaluation method is applicable – only qualifying sites or any site in East Midtown or would it also be applicable to receiving lots in a TDR from a designated landmark?” (Kwartler)

Response: See Response to Comment 8.1

Comment 8.6: Why aren’t changes contemplated for the Vanderbilt Corridor? One Vanderbilt scored a negative 65% on Daylight Evaluation diminishing the existing environmental quality of East Midtown (See p.11 Scope) description of proposed action to “maintain and enhance the characteristics of the area’s built environment such as access to light and air.” Why in light of Vanderbilt’s negative score, is this not a contradiction? And shouldn’t the Vanderbilt Corridor be reconsidered in light of its being at the epicenter of East Midtown and be consistent with the Daylight Evaluation methodology and standards used throughout East Midtown. (Kwartler)

Response: The Vanderbilt Corridor is excluded from the modifications proposed in the Proposed Action, because the recent adoption of the zoning framework there was carefully considered, through a full public review process, and continues to be deemed appropriate for that zoning district’s area, in light of its unique characteristics, which are well detailed in the City Planning Commission Report adopting that zoning text.

Comment 8.7: While we applaud the plan’s intention to gather funds for MTA and DOT transit and pedestrian improvements, how will these improvements weigh against impacts to light and air, open spaces, and contextual design? (Hoylman and Krueger)

Response: The Draft EIS will analyze the effects of the Proposed Action on shadows, open space and urban design consistent with the CEQR Technical Manual. Please refer to Draft EIS, specifically Chapter 5: *Shadows* and Chapter 7: *Urban Design*.

Comment 8.8: With a significant expected net height increase of a number of structures in the proposed rezoning area, how will the city mitigate increases in large shadows cast by buildings onto already sunlight-sensitive resources? (Hoylman and Krueger) The new buildings might top 1,000 feet in height, overwhelming residential Turtle Bay with shadows. (Silberblatt)

Response: See Response to Comment 8.7.

9. RWCDs

Comment 9.1: Sixteen new predominantly office buildings are cited as a result of the proposed East Midtown zoning amendments. How were these sites determined/methodology? Given the proposed dramatic increase in FAR for the 78 blocks in East Midtown, it seems odd that only 16 sites would be redeveloped in the next 20 years. If this is based on market demand it is highly likely that additional sites will be redeveloped beyond the 20 years. The EIS should address the potential building out of East Midtown. (City Club, Kwartler, West)

This EIS should explain what will prevent more than 16 sites from being redeveloped during the next 20 years. The EIS should study an alternative worst case scenario in which substantially more sites are developed either within twenty years or over a longer period. (City Club, Kelly, West) If the constraint is based on the market's demand for space during twenty years and more of these newly soft sites will be redeveloped over some longer period of time the EIS should analyze impacts over a longer period of time. Perhaps there should be an interim build year and a longer term build year to more fully understand the consequences of the proposed rezoning. (City Club, West)

Response: The Scope of Work and the DEIS describe how the reasonable worst-case development scenario (RWCDS) was determined (see "Analysis Framework" section). The RWCDS identifies both projected sites (those sites that are more likely to be developed) and potential sites (those sites that could be developed but are determined to have less development potential than the projected sites). As discussed in the *CEQR Technical Manual*, based on the estimated likely reasonable maximum amount of development that may be expected by the build year, it is further assumed that if that development does not occur on all the projected development sites to the degree projected, the same overall amount of development would nonetheless occur, but with some of it occurring on a number of potential development sites instead. Under the proposed framework, development is driven largely by the transfer of unused landmark development rights, which are finite. The RWCDS assumes a scenario in which all of these air rights are exhausted (along with all pre-identified below-grade transit improvements), which provides a natural limit to the increment of development that could be realized. The RWCDS presents a conservative estimate of the total amount of anticipated development in the foreseeable future.

Comment 9.2: We question some of the criteria used in the Draft Scoping of Work to exclude sites from the RWCDS. The scoping document excludes all condominium, co-op, and rental buildings with more than six rent regulated units from the list of projected and potential development sites. In recent years, we have seen developers in our districts manage to buy out all the owners and/or rent regulated tenants in buildings in order to redevelop the sites. In order to assess the possible effects of the proposed action, the EIS must assume that some condominium, co-op, and rental buildings may be redeveloped. (Hoylman and Krueger)

Response: The RWCDS's methodology regarding the exclusion of sites with residential condominiums, co-ops or more than six rent regulated dwelling units is appropriate and consistent with previous RWCDSs and CEQR standards. Considering the potential for residential buyouts in specific buildings is speculative. Overall the RWCDS presents a conservative estimate of the total amount of anticipated development in the foreseeable future. It also takes into account those sites that can reasonably be expected to be redeveloped as a result of the Proposed Action.

Comment 9.3: The EIS should study a broader redevelopment framework that incorporates several different elements: raising the proposed floor area densities; higher densities through landmark transfers, particularly in the Park Avenue corridor to ensure sufficient development incentives; extending applicability of the proposed controls to sites without avenue frontage; permitting a greater percentage of residential development than

currently suggested, particularly along Third Avenue and the side streets; and/or the enlargement of existing buildings. (Archdiocese, REBNY)

Response: The maximum densities and maximum residential floor area allowance intends to incentivize new development, both along Park Avenue and throughout the proposed Subdistrict. Midblock developments and enlargements do not meet the definition of a Qualifying Site because they lack cleared frontage on a wide street. However, they are permitted pursuant to the proposed discretionary actions to modify subdistrict regulations. The Conceptual Analysis chapter of the Draft EIS will analyze the effects of allowing sites to use these actions to modify the cleared frontage requirement of the Qualifying Site regulations.

Comment 9.4: The environmental analysis must assume that the Grand Hyatt Hotel site at 42nd Street redevelops under the RWCDs. (Hoylman and Krueger, Stern) A 27 FAR as-of-right development opportunity is unprecedented and there is zero evidence that the Hyatt Hotel site is unlikely to be redeveloped. It is one of the prime locations in the city. (Rubin) The EIS should assume that the Hyatt Hotel site at 42nd Street redevelops under the RWCDs. While there are clearly hurdles to redeveloping this site, it is one of the most valuable locations in the city and a 27 FAR as-of-right development opportunity is unprecedented. (Hoylman and Krueger)

Response: The RWCDs' soft site methodology considers buildings that contain over one million square feet of floor area to be too large and complex to demolish, and, therefore, excludes them. The Hyatt site, besides being improved with over one million square feet is above the 42nd Street Grand Central Subway Station and next to Grand Central Terminal. Both of these conditions complicate demolition and redevelopment. Therefore it is not anticipated that the Hyatt site will be redeveloped in the foreseeable future.

Comment 9.5: To understand the impact on the midblocks it would be helpful to do a soft site analysis of midblocks as currently mapped, and using the same midblock map, the proposed zoning. The soft site analysis should include the methodology and be done on a lot by lot basis for all blocks in East Midtown. (Kwartler) In identifying soft sites, the EIS should consider the proportionally greater potential increases to midblock sites that have a base FAR of 12.5 compared to avenue sites with a base FAR of 15.0. It should also consider the inducement provided by an additional 3.0 to 6.0 FAR that may be available through the special permits for a Transit Improvement and for a Public Concourse. (City Club, West)

Response: Please refer to Comment 9.3.

Comment 9.6: While the 250 Park Avenue site is listed as a development site with a potential FAR of 27, redevelopment of the property cannot be achieved with today's height and setback regulations; these would limit the floor plan in the subplan to around 17 on an as-of-right basis. Redevelopment of the site is expensive because of the infrastructure underneath the building with transit lines and related infrastructure. Therefore, we strongly urge the scope to be broadened to include the ability and mechanisms to permit the as-of-right development of this site. (250 Park)

Response: Please refer to the Final Scope of Work for information on the modification of the height and setback regulations. The proposed action contains height and setback provisions specific to Qualifying Sites with frontage on Vanderbilt Avenue.

Comment 9.7: The EIS should examine the potential future redevelopment of the 3 East 54th Street site as proposed. This site would be excluded under the rezoning proposal as written because it does not include cleared frontage on a wide street. (3 East 54th Street)

Response: Sites that do not include cleared frontage on a wide street are excluded from the as-of-right use of the Qualifying Site framework. However, such sites can utilize a discretionary action to do so. The Conceptual Analysis chapter of the Draft EIS will analyze the potential impacts of the future use of this action.

Comment 9.8: To understand the extent of overbuilt buildings in East Midtown please map all overbuilt buildings under current and proposed zoning including their as-built FARs, SF of office space in the building, and how much additional floor area beyond the current and proposed FARs is in the building. (Kwartler) Under current zoning, how many properties are currently considered underbuilt? Under the proposed zoning text, how many properties would be considered underbuilt? (Hoylman and Krueger)

Response: The environmental review will assess the Project Area's as-of-right density increases, particularly as they relate to existing and proposed office floor area and legally non-complying floor area, consistent with the CEQR Technical Manual.

Comment 9.9: The scope should analyze the potential for the proposal to result in the enlargement of existing buildings, rather than new buildings. Based on discussion with our members, there appears to be situations where an enlargement of an existing site, while retaining the existing building operations, is the most practical way to add more modern office space. (REBNY-Lodhi, REBNY)

Response: Under the proposed action, enlargements are permitted to use the Qualifying Site regulations via authorization discretionary action. The environmental review will assess this consistent with the CEQR Technical Manual.

Comment 9.10: This EIS should consider both as-of-right and special permit increases in density in identifying sites likely to be redeveloped. (City Club, Kelly, West) The large increases in potential FAR that are being proposed are likely to have unanticipated consequences in terms of where development occurs. Sites that are logically perceived as unlikely to be redeveloped because of their size, condition, or occupancy may turn out to be soft. The greater FARs may justify assemblages or zoning lot mergers that might not otherwise occur. (City Club, West) The issue of lot mergers should be studied carefully to protect the District from unintended consequences of FARs far over the 30 or 33 maximum. Right now in the plan, MTA improvements are limited to proscribed projects only at a given number of stations. What about a site that has access to transit that no one thought of, or an owner with a creative idea for underground access on their site? Provision should be provided in the text for projects none of us may be thinking of now. (O'Neal) This EIS should devise a means of exploring unanticipated consequences of the proposed rezoning. (City Club, Kelly, West) Does DCP anticipate any assemblages or zoning lot mergers as a result of greater allowable FAR? (Hoylman and Krueger)

Response: The environmental review will assess the impact of increased as-of-right densities and the use of special permits consistent with the CEQR Technical Manual. Only a limited number of sites would have the ability to reach 30 FAR and no site would have the ability to exceed that density. The East Midtown Public Realm Improvement Fund's governing group may

request, by rule, that the list of improvements be modified the list of pre-identified below-grade improvements by rule, in response to the future identification of new projects. Furthermore, sites within the Grand Central Improvement Zone Subarea and Other Transit Improvement Zones may use the special permit for transit improvements to undertake below-grade improvements not currently identified as pre-identified transit improvements.

Comment 9.11: I am a bit skeptical about the 26,000 additional people expected with the upzoning. The trend that I've seen recently is that people are expected to work from home more. Those large open spaces that the companies want at this time are filled with "hotel" desks. Employees are not even assigned permanent desks. I can only hope that this impersonal way of treating employees like expendable commodities will not last long. (Sheran)

Response: The employment estimates were determined by assuming 1 employee per 250 sf of office; 3 employees per 1,000 sf of retail; 1 employee per 2.67 hotel rooms; 1 employee per 25 dwelling units, and 1 employee per 10,000 sf of parking. The population assumptions in the DEIS will use multipliers that are commonly used in EIS analyses, and have been accepted as reasonable in numerous environmental reviews. For example, the EISs for the Goldman Sachs building within Battery Park City and the proposed development at 15 Penn Plaza assumed 1 worker per 250 sf of office space.

Comment 9.12: How will DCP ensure the rezoning text accounts for other significant public infrastructure projects that will either occur directly in or close to the subdistrict? These include the East Side Access project, the Second Avenue Subway, and Citywide Ferry Service. (Hoylman and Krueger)

Response: As discussed in the section on Purpose and Need, DCP is proposing the rezoning to maintain and reinforce the area's importance as a premier Class A office district and to ensure that the large investments in transit infrastructure, including the East Side Access and Second Avenue subway projects, are able to generate their full potential of jobs and tax revenue for the city and region. The modifications to the transit and pedestrian networks that will result from the expected 2022 opening of the East Side Access project and the 2016 opening of the Second Avenue Subway are considered as Future No-Action projects in the Transportation chapter. With respect to Citywide Ferry Service, it is noted that East 34th Street is the ferry stop closest to the Project Area. As this ferry stop is relatively distant to the Project Area, no direct travel assignments will be assumed in the analysis, but any incremental trip assignment to crosstown buses at East 34th Street will be evaluated in the DEIS.

10. Socioeconomic Conditions

Comment 10.1: The EIS should analyze the economic impact on the City and the hotel industry by requiring that hotels that could be developed under the current as-of-right rules must seek special permit approval. It has been the experience of our members that the requirement of a special permit has been a deterrent to new hotel development, even with increased floor area. REBNY raised this objection when the special permit requirement was applied to the transfer of more than 1 FAR in the Grand Central Subdistrict. In the decades since

its adoption, only one hotel project has gone through the special permit process under those rules. (REBNY-Sulahian, REBNY)

Response: The EIS will undertake analysis of this provision consistent with the methodologies of the *CEQR Technical Manual* to determine the potential of this provision of the proposed action to have significant impacts.

Comment 10.2: The rezoning should be evaluated re its impact on the area's existing businesses and specifically as to whether it would increase vacant commercial space at the street level. The city is suffering from a high rate of commercial vacancy, which is blighting formally vibrant areas and negatively affecting remaining businesses, quality of life and may affect tourism. (Yaggy) The proposed rezoning anticipates a new increase of nearly six million square feet of commercial space. What is the current vacancy rate in the Greater Midtown East Area? What is the expected drop in vacancies following the rezoning and the development of new building stock? What conditions are anticipated if the aging building stock remains? Have efforts at renovation been evaluated? Additionally, what are the expected increases in rent following development under the proposed rezoning? (Hoylman and Krueger)

Response: The analysis will consider potential impacts on existing businesses consistent with the methodologies of the *CEQR Technical Manual*. It is noted that the Proposed Action contemplates a 20-year build-out and absorption of new office space, which is believed by the Department of City Planning to be a reasonably conservative projection. The consideration of building vacancy and occupancy varies with market conditions, building type and amenity and rental rates.

Comment 10.3: While this proposal carries enormous promise for bringing new business tenants to the Greater East Midtown area, we also believe that there is a great unaddressed need for so-called Class 'B' office space in New York City. In our Senate districts, startup companies and technology firms are increasingly choosing spaces in neighborhoods like Chelsea and Flatiron. Many of these companies are the future of our city's economy and they need affordable Class 'B' office space. More established companies like Google aren't seeking Park Avenue addresses either. Google's decision to establish its New York headquarters in the old Port Authority building in Chelsea suggests that the idea of modern glass-enclosed towers housing corporate world headquarters may be an outmoded way of thinking. How will the modernization of building stock in East Midtown diversify the existing commercial tenants in the area? (Hoylman and Krueger)

Response: The objective of the proposed action is to maintain East Midtown's status as one of the city's premier office districts. To meet that objective, the proposed action encourages the construction of modern, state-of-the art office buildings on a small number of projected development sites. The vast majority of sites in the East Midtown area will not be redeveloped. Many of these sites are Class B office space today. Other buildings that are Class A office space will filter down to Class B as they age, although this is unpredictable and depends on future investment levels. The diversity of the tenancy will be determined in the marketplace but is facilitated by having the full range of office environments available in this area, as projected with the proposed action.

Comment 10.4: The DEIS should include an analysis of the potential for residential displacement. Although the residential population in East Midtown is relatively small, what actions will

be taken to minimize any direct or indirect displacement of tenants? (Hoylman and Krueger)

Response: The *CEQR Technical Manual* sets forth the conditions for which either direct residential displacement or indirect residential displacement could occur; these conditions and the analysis are presented in the DEIS. However, according to the Draft Scope of Work there would be an incremental displacement of 72 residents which is below the threshold for triggering a direct residential displacement analysis. Similarly, the proposed action would not introduce a trend that could potentially result in changing socioeconomic conditions for the residents within the rezoning area. Therefore, an assessment of indirect residential displacement would not be warranted for the Proposed Action.

Comment 10.5: The EIS should look closely at how the proposed rezoning and expected development will impact commercial building service workers and the local building service industry. How many new commercial building service jobs are projected? How many commercial service jobs are projected to be displaced during a building demolition or construction? (Hoylman and Krueger) The EIS should include an examination of the potentially adverse effects the rezoning might have on the local building service industry; the prevailing wage standard must be preserved. (Brown, Kelly)

Response: The DEIS will provide an analysis of the potential effects on all workers who may be subject to displacement, and will provide a projection of all new commercial employment, including building service workers. Preservation of prevailing wage standards is not a land use issue within the CPC's discretionary power and would not be considered under CEQR. The specific analysis requested is outside the scope of CEQR review.

Comment 10.6: The Draft Scope of Work implicitly assumes that the proposed densities will provide sufficient incentive for development of "world class" office buildings within the proposed subdistrict (and thus facilitate transfer of development rights from landmarks). Studies should be provided that demonstrate the feasibility of this new construction, particularly where an operational building is to be taken out of service for speculative development. (Archdiocese)

Response: The proposed action is intended to establish appropriate zoning for the East Midtown subdistrict, based on land use considerations. Since economic circumstances vary over time and from site to site, it is impossible to make general statements about the economic feasibility of the proposed zoning. The rationale for the proposed action is explained thoroughly in the Draft Scope of Work.

11. Open Space

Comment 11.1: With an anticipated increase in commercial square footage and commercial tenants, how will this increased population impact existing open space resources? (Hoylman and Krueger) According to the Draft Scope of Work, the proposed action would add more than 26,000 workers to the Project Area. This number far exceeds the CEQR threshold of 500 for indicating a potential significant impact for a project in an area that is neither underserved nor well-served by open space, as is the case for the proposal. Given the limited open space resources in the Project Area, we expect the EIS to include a robust analysis of the open space impacts of the proposed action. (MAS)

Response: The Draft EIS will contain a detailed open space analysis that will inventory existing open spaces (both active and passive) within the area, and assess the effects on the open space supply and demand from the increased worker population.

Comment 11.2: The EIS evaluation should address whether the planned pedestrian plazas at Pershing Square Plaza and One Vanderbilt Plaza (13,500 and 20,000 sf respectively) and the potential permanent improvements to Pershing Square East and the Park Avenue Mall would be considered as open space in the Future with the Proposed Action. To that end, we believe the Park Avenue Mall improvements should not be included as open space because it is not publicly accessible area. (MAS)

Response: The Draft EIS will address the planned pedestrian plazas at Pershing Square Plaza and One Vanderbilt Plaza as new passive open spaces that will be built and available in the Future Without the Proposed Action; effects on these new open spaces in the Future With the Proposed Action will be assessed in the Open Space analysis. For other at-grade public realm improvements that may be undertaken, the DEIS will not include such improvements in the quantitative analyses, and instead these will be discussed qualitatively only. If the specifics of the public realm improvements are known in time for the FEIS, these will be factored into the Open Space analysis quantitatively as well.

Comment 11.3: The EIS should evaluate the DOT public plaza and shared streets recommendations, including plazas at Pershing Square West, the northern section of Vanderbilt Avenue, a shared street along Library Way, and additional pedestrian space along Vanderbilt Avenue; this evaluation should detail the potential safety, public health and cultural benefits of additional public space in this overcrowded district. (RPA)

Response: Comment noted. To ensure a conservative analysis, as noted above, the DEIS will not include such improvements in open space or other calculations. If the specifics of the improvements are known between the Draft and Final EIS, however, the improvements will be analyzed quantitatively in the FEIS.

12. Shadows

Comment 12.1: In an area as densely developed as East Midtown the traditional shadow analysis is inadequate because most new shadows land on existing shadows. Therefore, a current daylight evaluation of East Midtown would provide a basis for discussing any revision of as-of-right passing scores and would provide a context for considering any future modifications by special permit. (West/City Club) Because of the density of the Project Area and existing shadows, the EIS should include a daylighting evaluation for design modifications to minimize shadow impacts on the surrounding public realm resulting from new construction on the identified Projected Development and Potential Development sites. (MAS) We encourage vigorous analysis of the effects of larger buildings on daylight to the street. (O'Neal) The EIS should use daylight evaluation to confirm the 1982 analysis of street sky exposure and to quantify the impact of the proposed zoning changes on the area's streets and public spaces. (City Club, Kelly, West)

Response: The Draft EIS will undertake a shadows analysis consistent with the methodologies of the *CEQR Technical Manual* to determine the potential for the Proposed Actions to result in significant adverse shadows impacts on sunlight sensitive resources of concern. The

daylight evaluation is set forth in the New York City Zoning Resolution and is intended to provide maximum design flexibility while setting reasonable but firm standards to protect access of light and air to public streets and adjacent buildings. The regulations measure and evaluate portions of sky blocked by a building as viewed from specified vantage points in the street. Also, see Response to Comment 8.1

13. Historic Resources

Comment 13.1: All potential landmarks identified in the DEIS should be considered by LPC in an expeditious fashion, to better understand the ramifications of this plan. The designation of these properties, some of which lie within projected or potential development sites, have ramifications for future development within the district, not only because of the possible reduction of buildable sites but through the possible increase on available TDR. Swift action to preserve meritorious buildings is imperative for the comprehensive planning of the Greater East Midtown area. (HDC) Overall, a comprehensive survey of all buildings eligible for listing on the State and National Registers or designation by LPC should be conducted with the consideration that additional buildings may meet the respective criteria for listing and designation and should be protected. (MAS) DCP should be in communication with LPC to ensure that all 12 East Midtown properties calendared for landmarking are designated before the zoning amendment completes the ULURP process. (Yeston)

Response: In accordance with the guidance of the *CEQR Technical Manual*, designated, listed and eligible properties in the Project Area and the Project Study Area will be identified and assessed in the DEIS. It is noted that at its scheduled meeting of November 22, 2016, LPC designated The Minnie E. Young Residence (19 East 54th Street), the Martin Erdmann Residence (57 East 57th Street), 18 East 41st Street Building, The Hampton Shops Building (18-20 East 50th Street), The Yale Club (50 Vanderbilt), the Pershing Square Building (125 Park Avenue), The Graybar Building (420 Lexington Avenue), 400 Madison Avenue, The Shelton Hotel, The Beverly Hotel, and the Hotel Lexington. Additionally, the Bergdorf Goodman (754 Fifth Avenue) and Citicorp (601 Lexington Avenue) buildings were designated by LPC on December 13, 2016.

Comment 13.2: Additional properties should be considered in the EIS in the analysis of historic and cultural resources and in coordination with LPC, especially as some of these resources are identified as projected development sites:

- Sixty-six resources in the following three general categories of structures – remaining 19th and early 20th century buildings which recall the residential, pre-Grand Central days of the area; hotels and office buildings which rose around Grand Central as part of Terminal City; and post-World War II, modernist office buildings which helped make this district one of the world’s premier business addresses. (These 66 resources are listed at the end of this Response to Comments document in Section 1.4.) (HDC)
- Three landmark-worthy skyscrapers:
 - The Lincoln Building, 56 East 42nd Street (J.E.R. Carpenter, 1929-30),
 - The Mercantile Building, 10 East 40th Street (Ludlow & Peabody, 1929)

- The Lefcourt Colonial Building, 295 Madison Avenue (Charles F. Moyer, Co., Bark & Djourup, 1928-30).” (Yeston)
- Four buildings (of 16) that were recommended for landmark designation by the Historic Districts Council, the New York Landmarks Conservancy, and the Municipal Arts Society but that remain unprotected and should be calendared for designation by LPC:
 - 250 Park Ave- formerly the Postum Building
 - Union Carbide- 270 Park Avenue
 - Girls Scouts of America Building- 830 Third Avenue
 - Barclay Hotel Building at 111 East 48th Street (the Intercontinental) (MAS, Landmarks Conservancy, Kooperstein)
- All sites identified by the Landmarks Conservancy and the Historic Districts Council that have not yet been calendared. (Hoylman and Krueger)

Response: As noted in the Draft Scope of Work, the Draft EIS will include a thorough evaluation of the listed resources as needed and will also consider identified and potentially eligible historic resources that may not have been considered previously, due to their location outside the Proposed Action area or the study area. Resources that were previously determined to be eligible by LPC will be evaluated, and those eligible resources that have been calendared for public hearing by LPC but for which LPC has not yet made a decision will be evaluated as either listed resources or, depending on their status, for potential impact where the Department of Building’s TPPN 10/88 may not apply, where construction activities are not otherwise subject to control and the eligible resource could potentially be damaged. This will be done in accordance with the direction of LPC.

Comment 13.3: Publicly-accessible spaces such as office lobbies and plazas are an important aspect of the design and planning of many of these historic buildings, especially (but not limited to) those buildings built in the post-World War II era; therefore, an assessment and analysis of those significant spaces should be included in the consideration of potential landmark consideration. (HDC)

Response: Comment noted. Publicly accessible private open spaces and office lobbies would be considered where they have been included as part of the resource designation by LPC or by the New York State SHPO. It is noted that consideration of potential landmark designation is outside the scope of the proposed Greater East Midtown rezoning, and not within the discretion of the City Planning Commission.

14. Urban Design

Comment 14.1: The EIS needs to include design guidelines for the types of new buildings that would be facilitated by the proposed action, including setbacks, air and light considerations, and design measures to avoid impacts on important view corridors to open space and historic resources. (MAS)With the possibility that new construction will obstruct publicly accessible views to visual resources, can DCP anticipate which sites and views will be impacted? (Hoylman and Krueger) The EIS should evaluate a Comprehensive Public Realm Plan that identifies all the proposed above and below grade public realm

improvements under the proposal including, but not limited to, open space improvements, streetscape improvements, sidewalk re-widenings, traffic calming measures, redesign of POPS, and planting plans, along with their respective impacts on urban design. (MAS)

Response: The Draft EIS will include an analysis of urban design and visual resources that will account for all aspects of the proposed project, consistent with the methodologies outlined in the *CEQR Technical Manual*. Please refer to the Final Scope of Work for details on the variety of above and below grade public realm improvements that will be analyzed in the EIS, and are eligible for funding through the East Midtown Subdistrict Public Realm Improvement Fund.

Comment 14.2: If any modifications are proposed related to the Daylight Evaluation Method and the daylight approach to height and setback, it is critical for the EIS to visually demonstrate how the experience for pedestrians would be altered. The public must be able to visualize what the experience is today and what the experience might be under the RWCDs if the proposed action is adopted. (Rubin)

Response: See Response to Comment 14.1.

Comment 14.3: The urban design discussion of views and neighborhood character is often subjective rather than rigorous and quantitative. Therefore, a current daylight evaluation of East Midtown would provide a basis for discussing any revision of as-of-right passing scores and would provide a context for considering any future modifications by special permit. (West/City Club)

Response: See Response to Comment 14.1

15. Water and Sewer

Comment 15.1: The EIS must analyze the degree to which climate change will decrease the ability of City sewer infrastructure, including and especially the Newtown Creek Wastewater Treatment Plant (WWTP), to process increased wastewater produced by the proposed rezoning. At present, nothing in the Draft Scope of Work appears to specifically address this question. Therefore, the EIS must analyze the city's capacity to process additional wastewater created as a result of the proposed action within the context of the following climate change effects: (i) ever-rising sea levels, (ii) increasingly frequent and intense storms like Hurricane Sandy, (iii) any other ancillary impacts that may occur thanks to these primary effects. Because the rezoning is intended to produce long-term fixed assets that may not be easily reconfigured, this analysis should take into account the estimated useful life of any buildings produced. (Rubin)

Response: The Draft EIS will include an analysis of the project's potential to affect water and sewer infrastructure, consistent with the methodologies outlined in the *CEQR Technical Manual*. As noted in the Draft Scope of Work, the rezoning area is not susceptible to storm surge and coastal flooding.

16. Energy

Comment 16.1: The EIS energy section needs to go further than merely disclosing the anticipated energy usage under the proposed action. Because sustainability is one of the principle goals of the proposal, we expect the EIS to evaluate the energy efficiency of the anticipated new construction in the RWCDS under both sustainable and conventional operational scenarios in addition to the No Action scenario. (MAS) The evaluation should include the energy conservation codes likely to be in place before the project build year. (MAS) Please describe how increases in energy efficiency in the East Midtown building stock might impact New York City's overall energy usage. (Hoylman and Krueger)

Response: The Draft EIS will include an analysis of the project's impact on energy usage in New York City, consistent with the methodologies outlined in the *CEQR Technical Manual*. For conservative impact analysis purposes, the EIS will not factor in LEED or other high standards for environmental performance, to which the type of buildings anticipated as a result of the project commonly adhere. The EIS will include a discussion of recent energy conservation directives.

17. Transportation

Comment 17.1: The environmental review must address the public realm improvements that are to be formally proposed by DOT. Some of the improvements that DOT is considering—street closures for pedestrian plazas, shared streets initiatives, and so on—will have ramifications for pedestrian and vehicular traffic in the area. We must ensure that these potential effects are studied in the environmental review so that, when the time comes, there are no unnecessary barriers to their implementation. In presentations, DOT has indicated that some improvements may actually speed vehicular traffic, as well as providing much needed open space for the East Midtown area, and I am excited to see the data on those ideas. (Garodnick) In anticipation of various public realm projects, can DCP evaluate the impacts of these projects on vehicular and pedestrian traffic? (Hoylman and Krueger) With the added numbers of pedestrians due to job growth, East Side Access, One Vanderbilt, and other buildings that may be constructed, it is essential to study public space needs and pedestrian circulation in a comprehensive way. (Imbimbo)

Response: While the exact type and locations of above-grade public realm improvements have not been finalized, a Public Realm Improvement Concept Plan including these improvements will be provided and qualitatively assessed in the Draft EIS. Between the DEIS and FEIS, detailed quantitative traffic and pedestrian analyses of the Proposed Action with above-grade public realm improvements will be performed. These analyses will account for the effects of other development projects and transportation projects likely to occur in the No-Action condition, including One Vanderbilt and the East Side Access project.

Comment 17.2: Part of the proposed action is allowing as-of-right transfer of landmark development rights throughout the entire subdistrict. All of the transportation analyses will be predicated on the development of the 16 identified projected development sites. How will transportation related mitigation be implemented if sites other than those identified are developed? (Samuelsen)

Response: The Proposed Action identifies 16 sites that meet the criteria for the contemplated as-of-right development; these are referred to as the Projected Development Sites, and DCP has determined that they are the sites that are most likely to be developed. In addition, DCP has identified 14 development sites that could also meet the site criteria, but they are regarded as somewhat less likely to be developed and are therefore referred to as Potential Development Sites. The maximum floor-area ratios that are expected for any Projected or Potential Development Site can only be achieved through the transfer of development rights from landmark sites, which will carry with it a contribution to a fund which will be used for transit improvements defined and specified in the Proposed Action, as well as public realm improvements. These improvements are all considered as part of the Proposed Action.

If development does not occur on all of the projected sites, it is assumed that same amount of overall development could occur, but with some of it occurring on potential sites. Additionally, the *CEQR Manual* notes that typical CEQR practice is to analyze projected sites for density-related impact categories such as transportation. As noted in the draft scope of work, the RWCDs represents a reasonable conservative estimate of the total amount of projected development. If development were to occur on potential sites instead of projected sites, the mitigation would be equivalent. The EIS will consider mitigation implementation strategies as necessary.

Comment 17.3: East Midtown is extremely crowded as is. Nothing in the proposed rezoning appears to adequately mitigate for the adverse impacts related to increased pedestrian congestion brought by new development. Environmental review must fully explore mitigations and the City must legally commit itself to fully mitigating any adverse impacts on pedestrian congestion. In particular Madison Avenue and Lexington Avenue must be carefully studied, and the City must commit to improving conditions for pedestrians on those avenues. Sidewalk widening throughout the avenues (i.e., not just at the time of a development) must be carefully considered. (Rubin) What mitigations will be put in place to accommodate the additional pedestrian traffic that will come with increased density? What conditions are anticipated for pedestrians if no zoning changes are undertaken? If sidewalk extensions are installed, what is the estimated increased capacity for additional pedestrians? Will the proposal evaluate potential intersection improvements at existing dangerous intersections? Can the city provide a list of sidewalks where improvements are most needed to accommodate pedestrians walking to their destination or transferring to various transit options? (Hoylman and Krueger) All new buildings should have chamfered ground floors on corners (15 feet from the intersecting building lines). (Samuelson)

Response: As outlined in the Draft Scope of Work, the Draft EIS will include pedestrian analyses performed in accordance with the procedures outlined in the *CEQR Technical Manual*. The analyses will focus on sidewalks, corner areas and crosswalks where new pedestrian demand would be most concentrated and will be prepared for future conditions both with and without the Proposed Action. In all the DEIS will analyze 67 sidewalks, 48 crosswalks, and 121 corner areas. If potential significant adverse impacts are identified, feasible mitigation measures will be determined in accordance with *CEQR Technical Manual* guidelines. As per the guidelines of the *CEQR Technical Manual*, the EIS will identify high-accident locations, and provide recommendations to improve vehicular and pedestrian safety, where appropriate. The zoning regulations for the proposed East Midtown

Subdistrict would mandate that new buildings with full-block frontages along Madison and Lexington Avenues be set back to provide 20-foot-wide sidewalks.

Comment 17.4: Depending on the nature of the public realm improvement restrictions, these proposals could essentially landlock the Yale Club by severely limiting or precluding vehicular access to its only public entrance, which is located on Vanderbilt Avenue between 44th and 45th Streets. This would pose a hardship to many of the Club’s members and visitors, requiring Club members arriving or departing by private car and taxi to be dropped off or picked-up on 45th Street west of Vanderbilt Avenue or 44th Street at Madison Avenue. The Club’s business model relies on revenue from its rooms, food and beverage sales, and member dues, all of which would be adversely affected by any restriction on vehicular access. In addition to the Club, restaurants, office buildings, and Grand Central Terminal, all of which front on Vanderbilt Avenue, would also be severely impacted by these proposals. The Club has been in continuous operation—with its entrance on Vanderbilt Avenue—for more than 100 years, and the services the Club provides are uniquely dependent on maintaining unimpeded access to that entrance. Accordingly, the EIS should include a robust analysis of the potential socio-economic, traffic, public transportation, urban design, and other impacts of any and all plans to restrict vehicular access to Vanderbilt Avenue and the intersecting streets, including but not limited to, East 44th and East 45th Streets. (Yale Club)

We recommend that any plan to totally or partially close streets be carefully scrutinized for maximum input with adjoining property and business owners. Stakeholders familiar with this concept have voiced concerns about traffic congestion, noise pollution, lack of entry to businesses, limited access to freight elevators and loading docks, illegal vending, and most critically, first responder and emergency vehicle access to these streets. It is critical that any planner of plans in the area fully evaluate the potential negative impacts that may occur. (GCP, REBNY-Sulahian)

Response: Comment noted. See Response to Comment 17.1

Comment 17.5: The EIS must explore the impact of all identified improvements (in particular the above grade ones), so that we have the opportunity through ULURP to write any such improvements into the zoning text, signifying them in a transparent and predictable fashion as the public realm improvements that will be carried out when funds become available. (Rubin, Stern)

Response: Comment noted, and as stated in the Draft Scope of Work evaluation will be performed as noted in each relevant chapter, to the extent the improvements are identified.

Comment 17.6: MTA and City should consider how to upgrade relevant East Midtown bus routes as redesigned roadways, involving greater preference for transit and more space for people. (RPA)

Response: Comment noted. As indicated in the Draft Scope of Work, DOT has examined the East Midtown Steering Committee’s recommendations regarding sidewalks and roadways. Above-grade public realm improvements that could be applied across the study area include bus bulbs and bus lanes.

Comment 17.7: The City should consider improvements to add safety and convenience to the bike and pedestrian network. Right now, there are no bike network improvements included in this plan. (RPA)

Response: As indicated in the Draft Scope of Work, one of the goals of the Proposed Action is to upgrade the area's public realm through improvements that create pedestrian friendly public spaces and that facilitate safer, more pleasant pedestrian circulation within the street network. Above-grade public realm improvements to the pedestrian network could include pedestrian plazas, shared streets, bus bulbs, crosswalk widenings, curb extensions, sidewalk widenings, and pedestrian refuge islands. While no improvements specific to the bike network have been included in the Proposal, DOT has recently implemented crosstown bicycle routes in East Midtown on 39th, 40th, 43rd, 44th, 48th, 51st, 54th, and 55th Streets, and also plans to implement curbside bike lanes on portions of Second Avenue.

Comment 17.8: The MTA, City, and Port Authority of New York and New Jersey should explore airport access from East Midtown to the area's airports. (RPA)

Response: Airport access is beyond the scope of the Greater East Midtown Rezoning project. As discussed in the Draft Scope of Work's "Purpose and Need" section, DCP has identified a number of long-term challenges to address to reinforce the position of Greater East Midtown as one of the region's premier job centers and one of the most attractive business districts in the world. The primary challenge identified is the area's office building stock. The proposed rezoning seeks to address this challenge in order to maintain and reinforce the area's importance as a premiere Class A office district and generate the full potential of jobs and tax revenue for the city and region.

18. Air Quality

Comment 18.1: In the air quality section (p. 40 under Task 13) of the Draft Scope of Work, the first sentence in the second paragraph states, 'In the event that steam heat sources are not available to serve all or part of the proposed rezoning area...' This suggests that district steam may not be available within the rezoning area. The Con Edison district steam system has adequate infrastructure in the area to serve existing customers and incremental growth from the additional development. We recommend that the paragraph state: "There is a district steam system that serves many of the existing buildings in the rezoning area. For purposes of the analysis only, if district steam services is not available..." (Con Edison)

Response: The Final Scope has been edited to reflect this comment.

Comment 18.2: The paragraph states, "Screening analyses will be performed to determine whether emissions from on-site fuel-fired HVAC system equipment (e.g. boilers/hot water heaters) are significant." For the sites that currently use district steam, their emissions in the area are at zero. Any replacement of steam will cause an increase of emissions that will be significant and should warrant detailed analysis. (Con Edison). For the air quality analysis under Appendix C, we understand that the analysis must evaluate all options and that it goes from worst to least impact. We recommend that the analysis address what would have the least impact, not just what would be acceptable, to help minimize the overall cumulative impact. (Con Edison)

Response: The DEIS will consider air quality impacts consistent with the methodologies outlined in the *CEQR Technical Manual*. The methodology proposed goes beyond what is required in the CEQR Technical Manual, and would not result in a more conservative analysis than what is proposed.

Comment 18.3: What are the projected daily air emissions that would be caused by both mobile and stationary sources during anticipated development and construction? How do those projected emissions levels compare with the emissions levels currently present in the East Midtown area? How do these emission figures and any increase compare to overall figures for emissions in other major business districts? (Hoylman and Krueger)

Response: The DEIS will include an analysis of the project's potential effects from both mobile and stationary sources. Emissions levels will be compared to National Ambient Air Quality Standards (NAAQS), consistent with the methodologies outlined in the *CEQR Technical Manual*. As noted in the Draft Scope of Work, many of the items requested above will be included in the analysis.

Comment 18.4: The EIS air quality analysis should specifically study the impact of on-demand car services like Uber and Lyft as they are likely to be popular transportation options for firms moving in as a result of the proposed rezoning. Services like Uber and Lyft may behave differently than passenger automobiles and medallion taxis as they may be more likely to spend time waiting by the curb for passengers while idling. Since demand for those services could be significantly increased after the rezoning, the EIS should study the local air quality impact of increased idling behavior by private for-hire vehicles and the additional traffic that would produce. (Rubin)

Response: The Office of the Mayor's *For-Hire Vehicle Transportation Study*, released in January 2016, concluded that changes in the for-hire vehicle sector are not likely to affect New York City air quality in a significant manner and that increases in e-dispatch trips are largely substituting for medallion taxi trips in the Central Business District.

19. Greenhouse Gas

Comment 19.1: Given that this rezoning looks to improve commercial building stock in an effort to attract companies hunting for modern offices, the EIS should assume that new tenants would include a number of high-technology firms whose demand for electricity may significantly exceed that of traditional tenants. Many technology firms find it convenient to house data centers in Manhattan. East Midtown, most of which is not included in Zone 6 of the NYC flood map, would be a particularly attractive location as it is rather resilient to rising sea levels and storm surges from climate change. Therefore, the EIS should account for significant high technology activity in the rezoned area in its assessment of GHG emissions. (Rubin)

Response: The DEIS will consider greenhouse gas impacts consistent with the methodologies outlined in the *CEQR Technical Manual*.

Comment 19.2: The EIS Public Policy section needs to provide details on how the proposal would contribute to the stated goal from *One New York* of reducing greenhouse gases by 80 percent by 2050. (MAS) The EIS needs to identify the measures by which the sustainable

benchmarks for reducing greenhouse gas emissions will be achieved. This includes, but is not limited to, the sustainable development or high performance building design standard that will be implemented and guidelines that will be followed (i.e., LEED or equivalent), detailed evaluation of the energy and the water and HVAC systems and other practices that will be utilized to achieve the stated sustainability goals. (MAS)

Response: The DEIS will consider greenhouse gas impacts consistent with the methodologies outlined in the *CEQR Technical Manual*. As noted in the Draft Scope of Work, the EIS will consider various public policies, including the City's goal of reducing greenhouse gasses, in the public policy chapter as well as the greenhouse gas emissions chapter.

Comment 19.3: The EIS should include an analysis comparing the reduction of GHG emissions under the proposed action with those resulting from conventional operational practices. (MAS)

Response: The DEIS will consider greenhouse gas impacts consistent with the methodologies outlined in the *CEQR Technical Manual*. The requested analysis goes beyond established methodologies for measuring greenhouse gasses.

20. Construction

Comment 20.1: The extent to which this rezoning will generate additional development and construction activity will have an effect on the ability of the Department of Buildings to direct adequate resources to enforcement responsibilities that affect the safety of workers and the public. The analysis of this rezoning should therefore consider the potential impacts on the ability of the Department of Buildings to assume this additional responsibility for enforcement. (CLMC)

Response: This proposal is outside of the scope of CEQR.

Comment 20.2: The analysis of this rezoning should consider the potential impacts on the safety and health of construction employees and the public if the construction employees and contractors that are utilized are unionized vs. not unionized, and do vs. do not participate in jointly sponsored or employer sponsored apprenticeship training and continuing education programs. (CLMC) The extent to which additional development and construction activity resulting from this rezoning may be performed with economic opportunity accruing to employees performing the construction work may depend on whether these employees are represented by labor unions and employed by contractors having collective bargaining agreements with these labor unions. The analysis of this rezoning should therefore consider the potential impacts of wages to be paid to construction employees if they are represented by labor unions vs. not being so represented, the provision of health insurance and retirement plans if construction employees are represented by labor unions vs. not being so represented, direct and indirect economic effects, including multipliers, attributable to wage differentials if construction employees are represented by labor unions vs. not being so represented, and any income, sales and other tax collections attributable to wage differentials if construction employees are represented by labor unions vs. not be so represented. (CLMC)

Response: Construction wages are not an issue that is considered under CEQR, and are also not an issue where the CPC and the ULURP process can develop an assessment of impact, or develop and enforce mitigation through the rezoning process.

Comment 20.3: During construction periods, what steps will be taken to protect historic and cultural resources from unintentional damage? (Hoylman and Krueger)

Response: The EIS will include an analysis of the potential for construction-period impacts. As part of this assessment, the EIS will describe measures that may protect historic resources in the areas near construction activities and the feasibility of such measures. If significant adverse impacts are found, potential mitigation measures will be explored, where feasible, as part of the EIS.

Comment 20.4: The EIS needs to include a detailed analysis of the construction impacts for the proposed above and below grade public realm and the transit improvements. This should include an itemized schedule of proposed construction activity for each component, and a detailed summary of the results of construction air quality and noise evaluations and identification of mitigation measures, if applicable. This is particularly important for below grade improvements as they have the potential to significantly disrupt pedestrian circulation during peak hour AM and PM transit commute times. This condition will be exacerbated by the anticipated net total increase in subway trips during peak AM and PM hours (6,738 and 7,898 respectively), as identified in the Draft Scope Appendix B: Draft Transportation Planning Factors (TPF) Technical Memorandum. (MAS)

Response: As discussed in the Draft Scope of Work, the DEIS construction analysis will begin with a preliminary assessment to evaluate the duration and severity of the disruption or inconvenience to nearby sensitive receptors. If the preliminary assessments indicate the potential for a significant impact during construction, a detailed construction impact analysis will be undertaken and reported in the EIS in accordance with guidelines contained in the *CEQR Technical Manual*. A detailed construction analysis will be provided as needed or warranted. Many of the items requested would be addressed in this analysis.

Comment 20.5: What measures can DCP take to ensure that developers use the cleanest possible technology throughout the construction process? (Hoylman and Krueger) The EIS construction analysis should identify the particular sustainable measures by which the demolition of existing structures and construction of new structures will be conducted. (MAS)

Response: The DEIS will include an analysis of the potential for construction-period impacts consistent with the methodologies outlined in the *CEQR Technical Manual*. As part of this assessment, the DEIS will describe the measures to reduce air pollutant emissions that will be employed during construction.

Comment 20.6: Given the proposed rezoning map's inclusion of actively used office space in a central business district, how would noise resulting from construction be minimized during the work day? (Hoylman and Krueger)

Response: The DEIS will include an analysis of the potential for construction-period impacts. As part of this assessment, noise reduction measures to be employed during construction will be described consistent with the methodologies outlined in the *CEQR Technical Manual*.

21. Mitigation

Comment 21.1: The EIS needs to identify the mitigation measures and associated timelines that the City is committed to make in East Midtown for projects that are already underway (i.e., East Side Access and the Second Avenue Subway) that were promised by the City of New York and MTA during the respective public review for those projects. (MAS)

Response: The first phase of the Second Avenue Subway (with service connecting at the Lexington Avenue-63rd Street Station) is currently scheduled for completion in January 2017 and the East Side Access project is currently scheduled for completion in 2022. Both are considered to be projects that will occur in the Future Without the Proposed Action, or “No-Build” condition and will be considered as such in all relevant sections of the DEIS, consistent with the methodologies outlined in the *CEQR Technical Manual*. As indicated in the Draft Scope of Work, the transportation analyses will include mitigation measures for all No-Action projects, as applicable.

Comment 21.2: The EIS should measure the impacts of denser development against improvements to the public realm in the context of a plan for East Midtown’s public realm. (Kelly)

Response: See Response to Comment 17.1.

Comment 21.3: The EIS should compare the public benefit of on-site and off-site improvements to the public realm in terms of mitigation of the increased density of the development using the bonus floor area. (Kelly) The proposal discusses the need for infrastructure and street level improvements, the creation of a Transit Improvement Fund, but not a plan for the public improvements. Without a plan, how can the EIS determine whether the improvements will mitigate the proposed increase in density? The EIS must include a plan of the improvements. (City Club, Kwartler, West)

Response: See Response to Comment 17.1.

Comment 21.4: The EIS should propose feasible mitigation measures, i.e. additional open space areas and the redesign of POPS within and outside the Project Area, to address the demand resulting from the substantial worker population influx that would result from the proposed action. (MAS)

Response: The DEIS will present the effects to public open space and to privately-owned public spaces consistent with the methodologies of the *CEQR Technical Manual*.

Comment 21.5: The EIS must fully explore mitigations of, and the City must legally commit itself to fully mitigating any adverse impacts on pedestrian congestion. (Stern)

Response: The DEIS will present the effects to pedestrian conditions and potential mitigation of significant adverse impacts to pedestrian circulation consistent with the methodologies of the *CEQR Technical Manual*.

22. Alternatives

Comment 22.1: The EIS should include an evaluation of an alternative that includes increasing the 20 percent limit on residential development on the Proposed and Potential Development

Sites. (MAS) Due to the challenging economics, the EIS should study the allowance of the highest as-of-right residential floor area permitted under the zoning resolution for those projects that use the higher floor area allowed under the new program. Allowing for a greater amount of residential development would serve as a catalyst for commercial development. (REBNY) Residential development may be appropriate in many locations throughout the district, including the mid-blocks. The EIS should consider allowing for the transfer of development rights to the mid-blocks not located on wide streets and allowing higher FARs there to accommodate them. (REBNY-Lodhi, REBNY)

The EIS should study a broader redevelopment framework that includes permitting a greater percentage of residential development than currently suggested, particularly along Third Avenue and the side streets. (Archdiocese)

The scope should include studies that the amount of residential use will be sufficient. In the alternative, we suggest that a greater percentage of residential development, both along Third Avenue and on side streets, be studied. (Central Synagogue)

The EIS should consider an alternative that encourages mixed-use buildings in the eastern portion of the district, east of the midblock between Lexington and Third Avenues, by omitting the 20 percent residential limit there since this area provides a transition between the office district and the residential neighborhoods to the east. (City Club, West)

Response: See response to Comment 1.4. The requested alternatives are generally inconsistent with the goals and objectives of the proposal. The proposed actions allow for up to 20 percent of the floor area on a new development on a Qualifying Site to be residential, which is consistent with the City's objective of ensuring East Midtown's role as a premier office district. Residential development limits for Qualifying Sites would be inconsistent with the goals and objectives of the proposal, and therefore need not be analyzed.

Comment 22.2: The EIS should consider a system for transferring bonus floor area for new improvements to the public realm created in existing buildings. Some existing buildings are located such that they could provide important improvements in public open space or transit access but because of their size, age, occupancy, or quality are more likely to be renovated than redeveloped. In such cases they are unlikely to provide new improvements to the public realm without an inducement. An alternative that would increase the opportunities to improve the public realm would be to allow bonus floor area to be earned for such improvements and for the additional floor area, to the extent it was not needed to enlarge the existing building, to be transferred to another site. This is not now part of the City's proposal but should be included as an alternative in the EIS so as to not be out of scope if added later. (West/City Club)

Response: Comment noted. Please refer to the Final Scope of Work for further details on eligible granting sites. An enlargement may utilize the Qualifying Site regulations via authorization.

Comment 22.3: The EIS should analyze the potential for the proposal to result in the enlargement of existing buildings, rather than new buildings. Based on discussion with our members, there appears to be situations where an enlargement of an existing site, while retaining the existing building operations, is the most practical way to add more modern office space. (REBNY-Lodhi, REBNY)

Response: See Response to Comment 22.2.

Comment 22.4: The EIS should include two scenarios: one in which the east side of Third Avenue is included and the second in which it is excluded from the rezoning boundary. (Brewer, Holyman and Krueger) The EIS should include a study of the impacts of excluding the east side of Third Avenue from this rezoning plan. (Garodnick). There should be a buffer zone on the east side of Third Avenue (especially adjacent to districts zoned R8B and R10) to provide a smoother transition from the relatively lower-scale residential areas to the high-density commercial Subdistrict. This could be done through a combination of height caps and bulk and setback regulations. (Yeston) The EIS should consider an alternative that encourages mixed use buildings in the eastern portion of the district (east of the midblock between Lexington and Third Avenues. (Kelly)

Response: In response to comments received during the public scoping process concerning the exclusion of the east side of Third Avenue from the proposal area, the Final Scope of Work includes an alternative in which the impacts of removing Third Avenue will be explored in the EIS.

1.4 Detailed List of 66 Resources (see Comment 13.2)

HDC: List of Historic Resources

| Project/ Potential Site | Street Number | Street | Block/Lot | Notes |
|----------------------------|------------------|------------------|------------|---|
| | 10 | East 40th Street | 869/66 | Ludlow & Peabody, 1927-8 |
| 2 | 22-24 | East 41st Street | 1275/60 | George & Edward Blum, 1912-4 |
| | 50-52 | East 41st Street | 1275/44 | Chemist Club, (now Dylan Hotel) York & Sawyer, 1910 |
| | 51 | East 42nd Street | 1277/27 | office building, 1913 |
| | 60 | East 42nd Street | | Lincoln Building, J.E.R. Carpenter and Dwight P. Robinson, 1928 |
| | 100 | East 42nd Street | 1296/1 | Pershing Square Building, York & Sawyer, 1923 |
| 15 | 235 | East 42nd Street | 1316/23 | Pfizer headquarters, Emery Roth & Sons, 1961 |
| | 48 | East 43rd Street | 1277/ 46 | office building, 1923 |
| | 6 | East 45th Street | | Title Guarantee Building, John Mead Howells, 1932 |
| | 45 | East 45th Street | 1281/21 | Roosevelt Hotel, George B. Post, 1924 |
| | 150 | East 45th Street | 1299/41 | Lord Memorial Building, Children's Aid Society, Gibbons Heidtmann & Salvador, 1950 (four floors added 1967) |
| | 140 | East 46th Street | 1300/50 | mixed residential/commercial building, 1924 |
| | 123-147 | East 47th Street | 1302/22-30 | rowhouses with commercial ground floors, c.1900 with later alterations |

HDC: List of Historic Resources (Continued)

| Project/ Potential Site | Street Number | Street | Block/Lot | Notes |
|----------------------------|--------------------|------------------|-------------------------|--|
| | 17 | East 47th Street | 1283/13 | Mercantile Library, Henry Otis Chapman, 1932 |
| | 5 | East 48th Street | 1284/6 | Church of Sweden/former New York Bible Society Building, 1871, altered by Wilfred E. Anthony, 1921 |
| | 111 | East 48th Street | | Barclay Hotel, Cross & Cross, 1926 |
| | 142, 146, & 150 | East 49th Street | 1303/46, 45, & 31 | apartment buildings, 1924, 1920, & 1923 |
| | 135 | East 50th Street | 1305/23 | apartment building, 1924 |
| | 39 | East 51st Street | 1287/27 | Jennie S. Parker Residence, York & Sawyer, 1902- 3 |
| | 10 and 12 | East 52nd Street | 1287/63 and 62 | store and loft buildings, 1930 |
| | 3 | East 53rd Street | 1289/6 | Paley Park, Zion and Breene Associates, 1967 |
| | 111-113 | East 54th Street | 1309/5 | Brook Club, Delano & Aldrich, 1925 |
| | 115-117 | East 54th Street | 1309/6 | Bayard Dominick Residence, William F. Dominick, 1921 |
| | 57 | East 54th Street | 1290/127 | former Bill's Gay Nineties, late 19th century, altered 1924 |
| | 59 | East 54th Street | 1290/28 | mixed residential/commercial building, 1923 |
| | 60 | East 54th Street | 1289/45 | Hotel Elysee/Monkey Bar, 1926 |
| | 119 | East 54th Street | 1309/7 | Alonzo and Elsie Potter House, Grosvenor Atterbury and Julian L. Peabody, 1909 |
| | 121 | East 54th Street | 1309/107 | probably John M. Hatton and Diego de Suarez, 1919 |
| | 14 & 16 | East 55th Street | 1290/62 & 61 | town houses, 1915 |
| | 521 | Fifth Avenue | | Lefcourt National Building, 1929 |
| 8 | 355 | Lexington Avenue | Block 1295/Lot 23 | office building, Emery Roth & Sons, 1955 |
| | 501 | Lexington Avenue | 1302/21 | Roger Smith Hotel, Denby & Nute, 1925 |
| | 509 | Lexington Avenue | 1302/51 | Lexington Hotel, Schultze & Weaver, 1929 |
| 11 | 541 | Lexington Avenue | 1304/20 | Hotel Montclair, Emery Roth, 1928 |
| | 541 | Lexington Avenue | | Montclair Hotel, now W Hotel, Emery Roth, 1927-28 |
| | 270 | Madison Avenue | 869/16 | office building, 1923 |
| 1 | 274 | Madison Avenue | 869/58 | office building, 1927 |
| 2 | 292 | Madison Avenue | 1275/59 | Johns-Manville Building, Ludlow & Peabody, 1923 |
| | 295 | Madison Avenue | 1275/50 | Bark & Djorup, 1928-30 |
| | 299 | Madison Avenue | 1276/23 | Hill & Stout, 1912-3 |
| | 331 | Madison Avenue | 1277/52 | Severance & Van Alen, 1924 |

HDC: List of Historic Resources (Continued)

| Project/ Potential Site | Street Number | Street | Block/Lot | Notes |
|----------------------------|------------------|-------------------|-----------|---|
| 4 | 346 | Madison Avenue | 1279/17 | Brooks Brothers, LaFrage & Morris, 1917 |
| 5 | 366 | Madison Avenue | 1281/56 | office building, 1921 |
| | 437 | Madison Avenue | | ITT-American Building, Emery Roth & Sons, 1967 |
| | 444 | Madison Avenue | 1285/15 | Kohn, Vitola & Knight, 1929-1931 |
| | 503 | Madison Avenue | | Robert D. Kohn, 1929 |
| | 515 | Madison Avenue | 1291/21 | office building, 1931 |
| | 532 | Madison Avenue | 1290/15 | Horace Ginsbern & Associates, 1957-58 |
| | 411/417 | Park Avenue | | Emery Roth, 1917 |
| | 99 | Park Avenue | 895/1 | National Distillers Building, Emery Roth & Sons, 1954 |
| | 118 | Park Avenue | | Philip Morris Headquarters, Ulrich Franzen, 1981 |
| | 200 | Park Avenue | | Pan Am/Met Life Building, Emery Roth & Sons, 1963 |
| 6 | 250 | Park Avenue | 1284/33 | Postum Building, Cross & Cross, 1925 |
| | 270 | Park Avenue | 1282/21 | Skidmore Union Carbide Corporation Headquarters, , Owings & Merrill, Gordon Bunshaft, Design Partner, Natalie de Blois, Senior Designer, Designed 1955, Built 1957-60 |
| | 280 | Park Avenue | 1284/33 | Bankers Trust Building, Emery Roth & Sons, 1963 (addition to the west, Emery Roth & Sons, 1971) |
| F | 400 | Park Avenue | 1290/36 | Emery Roth & Sons, 1955-8 |
| F | 410 | Park Avenue | 1290/37 | Chase Manhattan Bank, SOM (bank and curtain wall) and Emery Roth & Sons (building), 1957-9 |
| | 417 | Park Avenue | 1309/69 | Emery Roth, 1917 |
| | 445 | Park Avenue | 1311/1 | Paramount Building, Universal Pictures Building, Kahn & Jacobs, 1947 |
| | 450 | Park Avenue | 1292/37 | Emery Roth & Sons, 1972 |
| 16 | 711 | Third Avenue | 1318/1 | William Lescaze, 1956 |
| | 708 | Third Avenue | 1299/33 | The Commerce Building, Ely Jacques Kahn, 1931 |
| | 710 | Third Avenue | 1299/37 | Tenement building, c.1900 |
| | 830 | Third Avenue | | Former Girl Scouts of America Headquarters, Skidmore, Owings and Merrill with Roy O. Allen and William T. Meyer, 1957 |
| K | 850 | Third Avenue | 1306/33 | Western Publishing Building, Emery Roth and Sons, 1963 |
| | 52 | Vanderbilt Avenue | 1279/45 | office building, 1916 |

Appendix F

Comments on the Draft Scope



DANIEL R. GARODNICK
COUNCIL MEMBER, DISTRICT 4

DISTRICT OFFICE:
211 E. 43RD ST., SUITE 1205
NEW YORK, NY 10017
TEL: (212) 818-0580
FAX: (212) 818-0706

CITY HALL OFFICE:
250 BROADWAY, ROOM 1762
NEW YORK, NY 10007
TEL: (212) 788-7393
FAX: (212) 442-1457



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ZONING & FRANCHISES

**Testimony of
Council Member Daniel R. Garodnick
on the Draft Scoping Document for the proposed
East Midtown Rezoning
September 22, 2016**

Good afternoon, and thank you for the opportunity to testify today. My name is Dan Garodnick and I represent the Fourth District in the New York City Council.

Introduction

I want to begin by thanking the Department of City Planning (DCP), the Department of Transportation (DOT), the Metropolitan Transit Authority (MTA), and the Landmarks Preservation Commission (LPC) for their work on this proposal.

The big picture here is that East Midtown needs a rezoning, it needs a jolt, it needs the things that this rezoning seeks to create – more Class A office space, more open space, improved transit infrastructure. I believe that this proposal is on a path to achieving those goals, though a number of important details remain to be worked out.

Differences Between 2013 and 2016 Proposals

This proposal is the product of significant community consultation. The City's proposal is based on the work done by East Midtown Steering Committee, a group that was led by myself and Borough President Gale Brewer, and included representatives from all major stakeholders in the area -- the community boards, the business improvement districts, REBNY, city agencies, as well as advocacy groups such as the Municipal Arts Society and the Landmarks Conservancy. The Report issued by this committee was the result of months of consideration, and represents the consensus position of these local stakeholders. I am pleased to see that the City's proposal largely tracks our Report.

And the influence of local stakeholders has been carried through to its implementation. The Governing Group that will control the public realm Improvement Fund and will include, as the East Midtown Steering Committee recommended,

representatives from the Borough President, the local Council Member, and Community Boards 5 and 6, resulting in a strong voice for the community.

The City, in this process, has acknowledged the need to step forward and to protect potential historic landmarks. In advance of the current proposal, the Landmarks Preservation Commission has done an extensive analysis of the buildings in the district, and is in the process of landmarking 12 buildings, which will bring the total number of landmarked buildings in the district to 50. I want to commend the LPC's work on that initiative.

Finally, the public gets much more certainty about the improvements to be delivered in this plan because the list of planned transit enhancements will actually be written into the zoning resolution. This is a first of its kind, and will allow a high level of predictability both for commuters and for developers.

Outstanding Items

That said, a number of important elements of this proposal are still under development. We are opening the door to landmark air rights transfers, and the City is to participate in such transfers by setting aside a percentage of each sale for public improvements. We have not yet heard, however, how the Department of City Planning intends to accomplish that, and at what rates. There has been no public scrutiny of the MTA's proposed transit improvements, or the proposed square footage value of those improvements. DOT's open space plan has also not yet been subject to public discussion. All those elements will be critical to the success and acceptance of this rezoning effort, and we cannot intelligently evaluate it until those elements are in place.

And, very importantly, we have yet to see the results of DCP's study of height and setback modifications that could apply to new buildings. Preserving access to light and air is absolutely essential in this neighborhood, and those bulk regulations must reflect that fact. Since interference with the height and setback rules will be our trigger for a developer to go through the formal land use (ULURP) process, the way those rules are defined is doubly important.

The scoping document also does not indicate what environmental performance standards the buildings built under this framework will be required to meet, although it notes that environmental standards will be part of the prerequisites for taking advantage of the proposed framework. The Steering Committee had recommended that new East Midtown buildings do their part to meet the Mayoral goal of 80% reduction in carbon emissions by 2050, and I look forward to seeing the text that will put that recommendation in effect.

In addition, there are a few recommendations that are not at all addressed in the draft scope. I hope that the final zoning text, when issued, will include the following items -- and the Department should ensure that each is within the scope of the environmental review.

First, the Steering Committee recommended that the DCP explore ways to promote a variety of store sizes and formats in this area. The vitality of the neighborhood as a pedestrian experience depends on variety in the retail environment, and I would like to see zoning regulations that promote such variety.

Second, the Steering Committee recommended that no development rights from landmarks or transit improvements be used to incentivize residential development. It is not clear from the scoping document whether such a restriction will exist in the final zoning text. There is, of course, a 20% restriction on residential use within a building that makes use of this proposed framework, but it is not clear how landmark air rights could be used to enable the residential portion of a development.

Requests For Changes to Scope

On the technical uses present today, I encourage you to study the following issues as part of the scoping for the environmental review.

First, this proposal deviates from the Steering Committee's Report on the prioritization of open space. The Steering Committee recommended that the as-of-right framework include a 2 FAR bonus for privately owned public space. The current proposal did not incorporate that recommendation, and opted to retain the already existing 1 FAR bonus, as well as creating a 3 FAR plaza bonus that would be available by special permit. The Steering Committee carefully weighed the various goals that this rezoning seeks to accomplish, and felt that POPS need an as-of-right 2 FAR bonus. The City did not follow that recommendation, and I would therefore like to ensure that the environmental review study the impact of an as-of-right 2 FAR bonus to allow further discussion and modification.

Second, the environmental review must address the public realm improvements that are to be formally proposed by DOT. Some of the improvements that DOT is considering – street closures for pedestrian plazas, shared streets initiatives, and so on – will have ramifications for pedestrian and vehicular traffic in the area. We must ensure that these potential effects are studied in the environmental review so that, when the time comes, there are no unnecessary barriers to their implementation. In presentations, DOT has indicated that some improvements may actually speed vehicular traffic, as well as providing much-needed open space for the East Midtown area, and I am excited to see the data on those ideas.

Finally, the Steering Committee asked that the Department of City Planning study the merits of including the East Side of Third Avenue in this rezoning plan. We took no substantive position on whether it would be appropriate to include that area. The environmental review should include a complete study of the impacts of the scenario in which this area is omitted from the zone.

Conclusion

I believe -- in sum -- that this proposal presents a strong, effective plan to revitalize East Midtown as a premiere business district and an economic engine for our city. It is better than previous proposals in every way, and it holds the potential for visionary changes to this commercial district and our public realm. I am proud of the East Midtown community for creating the template for this proposal, and so pleased that city agencies engaged with the community's plan and are turning it into action. I also am very interested in the feedback from the public, and I and my staff are here to listen to everyone's concerns and suggestions.

I am looking forward to seeing the city's recommendations for the outstanding items noted earlier, and to the public discussion that will make this proposal even stronger.

**STATE SENATOR
BRAD HOYLMAN**
322 Eighth Avenue, Suite 1700
New York, NY 10001
212-633-8052



**STATE SENATOR
LIZ KRUEGER**
1850 Second Avenue
New York, NY 10128
212-490-9535

**TESTIMONY OF
NEW YORK STATE SENATORS BRAD HOYLMAN AND LIZ KRUEGER
ON THE DRAFT SCOPE OF WORK
FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT
FOR THE GREATER EAST MIDTOWN REZONING**

October 4, 2016

Thank you for the opportunity to comment on the Department of City Planning's Draft Scope of Work for the preparation of a Draft Environmental Impact Study (DEIS) for a rezoning of the Greater East Midtown area. We applaud Mayor Bill de Blasio and the Department of City Planning, in close conjunction with Manhattan Borough President Gale Brewer, Council Member Dan Garodnick, and Community Boards 5 and 6, for their diligent efforts to make serious improvements to the plan to rezone East Midtown that was originally introduced under the Bloomberg administration.

While office facilities are expanded and modernized through new development in other parts of our city, East Midtown remains outdated and poorly equipped to handle the demands of modern-day business. East Midtown, once New York City's premier business district, has fallen behind and urgently needs better building stock, as well as transit and public realm improvements. However pressing the need, a zoning change of this magnitude requires thoughtful planning, enormous outreach, and the ability to adapt to community needs. This rezoning is a once-in-a-generation opportunity. The stakes for public benefits, infrastructure improvements, historic preservation and economic development are too high not to take the appropriate amount of time to get this proposal right. That is why we are grateful that the DCP scrapped the original rezoning plan which was deeply flawed and rushed, and took the time to appropriately engage with the community and facilitate the Steering Committee group. Although the zoning text and map amendments were set back by a few years, we believe that a few years' delay is worthwhile to achieve a zoning plan that will serve the business district in a rational, comprehensive, and community-minded way.

The importance of community input on a project of this scale cannot be understated. Steering Committee members met for countless meetings where detailed and

meticulous evaluation was undertaken and smart recommendations were made, and we are grateful that many of those recommendations were incorporated into the proposed rezoning. We commend the Steering Committee, as well as Council Member Dan Garodnick and Manhattan Borough President Gale Brewer, for taking on the tough questions our colleagues in government, the community, and advocates have been asking.

We strongly support the goals of the proposed rezoning plan but have a number of remaining questions that need to be addressed during the environmental review process. We ask DCP to closely consider the following in their preparation of an Environmental Impact Statement:

Transit Improvements

The successful rezoning of East Midtown rests on a concrete plan to finance the much-needed improvements to the area's transportation infrastructure. Such infrastructure is fundamental to our city's economy, culture and global stature, and ensuring its long-term viability must be a top priority.

However, we are concerned about relying upon a local rezoning and subsequent development to fund transit infrastructure improvements that benefit the entire region. For this reason, we ask that DCP and the MTA provide a timeline for when transit improvements will take place and how projects will be prioritized. How does the City plan to divorce the funds for transit improvements from a developer's schedule? Urgently needed improvements must be made and funds must be secured before we put more pressure on Grand Central Terminal and local subway stations that cannot safely sustain existing ridership let alone that which would result from new development. While the proposed development incentives will raise much needed revenue for necessary transit improvements, the amount of necessary MTA work in the district is already significant, even without any increases in building density. What is the estimated amount of funds the city believes it will raise through developers purchasing additional FAR for transit benefits?

The MTA has not yet released its list of proposed transit improvements. Until we have this list, we will not be able to adequately evaluate the transit improvement mechanism laid forth in the rezoning plan. Moreover, we will not be able to evaluate whether these transit improvements will justify the additional square feet gained by developers. With direct transit improvements only accounting for 10-20% of additional FAR for new developments in transit improvement zones, will the predicted funds adequately cover the necessary transit work? We ask that DCP compare the estimated value of additional floor area gained by developers to the estimated value of the respective transit benefits.

Although we still await a clear list of improvements from the DOT and MTA, we would like to pose a few questions here regarding the contents of a pre-identified transit

improvement list. With increased building density and an anticipated increase in daily commuters to East Midtown, how will the proposal address existing and exacerbated platform overcrowding at Grand Central and other stations? What efforts will be made to improve connectivity between transit options and the circulation of commuters through sidewalks and subway stations? How does the proposal help facilitate a future Second Avenue subway station entrance at 42nd Street and Second Avenue? The prioritization of local improvements, followed by improvements on the same route and then district-wide improvements, makes sense given the need for more robust transit infrastructure directly surrounding any new development. However, we assume that most of these pre-determined improvements will be located within existing MTA or DOT properties. What other sites, both on development sites and in the public realm, have been evaluated for transit improvements such as additional subway entrances or new bus stops?

The Steering Committee determined that two east/west corridors should receive special attention--42nd and 53rd Streets---since they are East Midtown's most important pedestrian routes and connect multiple subway stations. The committee recommended a full-scale analysis of ways to improve transit and the pedestrian experience along 42nd Street, and numerous pedestrian improvements to 53rd Street. We strongly urge the DCP to fully analyze what improvements can be made to these corridors in the environmental analysis.

Landmarks

We are grateful that this zoning proposal accounts for the needs of our districts' historic and cultural resources through a mechanism that allows landmarks to transfer their air rights to any location in the district. Given the potential benefit available for landmarked sites and the development pressure that any underbuilt site will face, we urge the Landmarks Preservation Commission to formally consider all sites identified by the Landmarks Conservancy and the Historic Districts Council that have not yet been calendared.

Under DCP's proposal, the city will set aside a percentage of all landmark air rights transfer sales to be put toward public improvements. What processes will both developers and landmark owners be subject to during these transfers? How will a percentage point be determined for the portion of a sale that goes to a public improvement fund? How will that percentage point change over time to reflect current economic conditions for developers, landmark owners, and city needs?

We remain concerned with the potential for a property owner to benefit from an air rights sale without investing the proceeds into the maintenance of their historic building. For example, in the case of Lever House at 390 Park Avenue, the owner of the land does not operate the landmark building. Under the previous rezoning text, the owner could pocket up to \$75 million in proceeds from the sale of the development

rights without any obligation to maintain the building or to invest the proceeds from an air rights sale into the building's preservation. As such, we thank the DCP for including a requirement for landmarks to work with the LPC to develop a restoration and continuing maintenance plan that any funding must be devoted to. However, can the DCP clarify whether this mechanism requires property owners to invest the proceeds into the maintenance of their buildings? And finally, during construction periods, what steps will be taken to protect historic and cultural resources from unintentional damage?

Socioeconomic Conditions

The proposed rezoning anticipates a net increase of nearly six million square feet of commercial space. What is the current vacancy rate in the Greater Midtown East Area? What is the expected drop in vacancies following the rezoning and the development of new building stock? What conditions are anticipated if the aging building stock remains? Have efforts at renovation been evaluated? Additionally, what are the expected increases in rent following development under the proposed rezoning?

While this proposal carries enormous promise for bringing new business tenants to the Greater East Midtown area, we also believe that there is a great unaddressed need for so-called Class "B" office space in New York City. In our Senate districts, startup companies and technology firms are increasingly choosing spaces in neighborhoods like Chelsea and Flatiron. Many of these companies are the future of our city's economy and they need affordable Class "B" office space. More established companies like Google aren't seeking Park Avenue addresses either. Google's decision to establish its New York headquarters in the old Port Authority building in Chelsea suggests that the idea of modern glass-enclosed towers housing corporate world headquarters may be an outmoded way of thinking. How will the modernization of building stock in East Midtown diversify the existing commercial tenants in the area? Additionally, how will the rezoning promote a diversity of street level retail and store formats?

While DCP notes that the DEIS will include analysis of direct or indirect business displacement, we hope that the DEIS will also analyze any potential for residential displacement. Although the residential population in East Midtown is relatively small, what actions will be taken to minimize any direct or indirect displacement of tenants?

The Steering Committee recommended that the DCP explore ways to promote a variety of store sizes and formats in East Midtown. The vitality of this mixed use neighborhood and the quality of the pedestrian experience depends on variety in the street-level environment. This recommendation appears to have been left out of the scoping document and we would like to see zoning regulations that promote locally owned businesses of different sizes.

Any investigation into socioeconomic impacts should also look closely at how the proposed rezoning and expected development will impact commercial building service workers and the local building service industry. How many new commercial building service jobs are projected? How many commercial service jobs are projected to be displaced during a building demolition or construction?

Open Space

The proposed text amendment deviates from the Steering Committee's recommended 2 FAR incentive for developers to create privately owned public spaces. The proposal retains the existing 1 FAR as-of-right bonus and creates a 3 FAR plaza bonus obtained through a special permit. Can DCP anticipate the extent to which developers will contribute improvements to the public realm or privately owned public spaces into the rezoning district with a 1 FAR bonus? How does that differ from a scenario where developers are offered a 2 FAR bonus? With an anticipated increase in commercial square footage and commercial tenants, how will this increased population impact existing open space resources?

Public Realm Improvements

Until we receive a list of proposed public realm improvements from DOT, we are unable to fully evaluate the rezoning text's public realm improvement mechanism. East Midtown already has some of the most congested sidewalks in the city. During rush hour, pedestrians on Lexington and Madison Avenues are frequently forced into the streets. In anticipation of various public realm projects, can DCP evaluate the impacts of these projects on vehicular and pedestrian traffic?

What mitigations will be put in place to accommodate the additional pedestrian traffic that will come with increased density? What conditions are anticipated for pedestrians if no zoning changes are undertaken? If sidewalk extensions are installed, what is the estimated increased capacity for additional pedestrians? Will the proposal evaluate potential intersection improvements at existing dangerous intersections? Can the city provide a list of sidewalks where improvements are most needed to accommodate pedestrians walking to their destination or transferring to various transit options?

Shadows, Light and Air

While we applaud the plan's intention to gather funds for MTA and DOT transit and pedestrian improvements, how will these improvements weigh against impacts to light and air, open spaces, and contextual design? The Special Midtown District uses "daylight evaluations" to measure the degree of "sky exposure" left by a building and how much daylight can reach the street. How will increased FAR be balanced with existing daylight evaluations?

With the possibility that new construction will obstruct publicly accessible views to visual resources, can the DCP anticipate which sites and views will be impacted? With a

significant expected net height increase of a number of structures in the proposed rezoning area, how will the city mitigate increases in large shadows cast by buildings onto already sunlight-sensitive resources? Does DCP anticipate any assemblages or zoning lot mergers as a result of greater allowable FAR?

Public Health, Air Quality, and the Environment

What are the projected daily emissions that would be caused by both mobile and stationary sources during anticipated development and construction? How do those projected emissions levels compare with the emissions levels currently present in the East Midtown area? How do these emission figures and any increase compare to overall figures for emissions in other major business districts?

What measures can DCP take to ensure that developers use the cleanest possible technology throughout the construction process? Given the proposed rezoning map's inclusion of actively used office space in a central business district, how would noise resulting from construction be minimized during the work day? Please also describe how increases in energy efficiency in the East Midtown building stock might impact New York City's overall energy usage.

Reasonable Worst- Case Development Scenario

We question some of the criteria used in the draft scoping document to exclude sites from the Reasonable Worst-Case Development Scenario. The scoping document excludes all condominium, co-op, and rental buildings with more than six rent regulated units from the list of projected and potential development sites. In recent years, we have seen developers in our districts manage to buy out all the owners and/or rent regulated tenants in buildings in order to redevelop the sites. In order to assess the possible effects of the proposed action, the environmental analysis must assume that some condominium, co-op, and rental buildings may be redeveloped.

The environmental analysis should also assume that the Hyatt Hotel site at 42nd Street also redevelops under the Reasonable Worst-Case Development Scenario. While there are clearly hurdles to redeveloping this site, it is one of the most valuable locations in the city and a 27 FAR as-of-right development opportunity is unprecedented.

Additional Questions

Under the proposed zoning text, how many properties would be considered underbuilt? Under current zoning, how many properties are currently considered underbuilt?

Why is the as-of-right FAR on the Pfizer site being increased absent any public benefit? This is inconsistent with the rest of the proposal which only permits other sites to grow above currently permitted levels if development rights are purchased from a landmark and funds are provided to improve the public realm or transportation infrastructure.

What provisions will be made to ensure that all contributions to the transportation and public realm improvement funds cannot be diverted for other purposes in the future?

We ask that scenarios where the East side of Third Avenue is both included and excluded within the proposed subdistrict be studied as part of the scope of work.

How will DCP ensure the rezoning text accounts for other significant public infrastructure projects that will either occur directly in or close to the subdistrict? These include the East Side Access project, the 2nd Avenue Subway, and Citywide Ferry Service.

We look forward to responses to the above questions. Thank you for your attention to our concerns on this important matter.



Dan Quart
Member of Assembly
73RD District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Subcommittee on Museums and Cultural
Institutions

COMMITTEES
Alcoholism & Drug Abuse
Corporations, Authorities & Commissions
Consumer Affairs
Judiciary
Tourism, Parks, Arts & Sports Development

**Testimony of State Assemblymember Dan Quart
On the Draft Scoping Document for the proposed East Midtown Rezoning
October 3, 2016**

Thank you for the opportunity to submit testimony regarding the most recent proposal to rezone East Midtown Manhattan. I represent the entirety of the area projected to be rezoned in the New York State Assembly. I appreciate the opportunity to testify on the current plan, and I'm grateful to all of the agencies and elected officials who served on the East Midtown Steering Committee, improving the original 2013 proposal.

The question of whether to rezone East Midtown is settled. We know that much of the office space available in East Midtown is not up to modern standards. We also know that current zoning laws have encouraged stagnation by disincentivizing developers from updating their buildings. Despite the introduction of new business districts across the city, East Midtown remains a globally important neighborhood deserving of high quality building stock.

As the building stock improves, so should the rest of the neighborhood. Subway stations in East Midtown are already serving more people than they were designed for; they need a variety of improvements to serve both the residents and the workforce of East Midtown. In many places, sidewalks are far too narrow to accommodate the number of pedestrians who need to get around. East Midtown is also desperately in need of open space. Using the zoning code to incentivize developers to deliver these improvements is not only smart, it's necessary.

While the idea of rezoning East Midtown has been an obviously good one since the first iteration, the execution has significantly improved since 2013. In the intervening three years, city agencies and elected officials have conducted exhaustive outreach to the local communities, solving many of the problems that stakeholders raised. I'm particularly pleased to see that this scoping document largely follows the recommendations issued by the East Midtown Steering Committee. However, I believe there are still some outstanding concerns to be addressed.

Energy efficiency is a critical question for East Midtown. The sheer quantity of buildings and vehicles in the neighborhood will always frustrate environmental performance goals. Falling behind is simply not an option, though. I applaud the Department of City Planning for intending to include environmental performance standards in their ultimate framework, however, the nuts and bolts of those standards will be relevant. LEED standards should certainly be considered in developing a set of expectations for new construction in East Midtown, but since LEED certification has become so prevalent, those standards should be seen as a floor, not a ceiling. The East Midtown Steering Committee offers a useful starting place: buildings built using these incentives should contribute to Mayor de Blasio's goal of

reducing citywide carbon emissions by 80% by 2050. This, too, is a valuable parameter; each new building constructed should use far less energy than the building it replaces. However, this benchmark is time limited, and these zoning regulations may not be revisited for many decades, if ever. The environmental performance standards ultimately proposed in this rezoning should certainly aggressively address today's problems, but must also be flexible enough to tackle the problems of tomorrow. I urge the Department of City Planning to account for this reality in both the environmental review and the final zoning text.

Rezoning East Midtown is a big job, one that should be used as a model for other neighborhoods. It is critical that we get this right. Overwhelmingly, this new proposal is an improvement over what was offered in 2013, and this process has been a shining example of how to activate and engage a community in zoning matters. I look forward to both the response to my testimony and the ongoing public conversation about how to preserve East Midtown's position as the preeminent business district in New York City.

Thank you for the opportunity to testify.

From: Peters, Diniece
Sent: Tuesday, October 04, 2016 4:42 PM
To: Rasheed, Naim
Cc: Ukegbu, Charles; Hodge, Stacey; Mammes, Nicola
Subject: GEM Greater East Midtown Scoping Comments

Hi Naim,

Please see the list of comments from the Office of Freight Mobility regarding the Greater East Midtown Rezoning:

1. Please note that the Office of Freight Mobility (OFM) has initiated a study on Smart Truck Management in NYC and will be developing Citywide and Borough Freight Strategies scheduled to be released in December 2017. OFM advocates for the following:
 - a. Projected developments within the proposed rezoning framework should be required to prepare delivery service & freight management plans to better manage freight deliveries.
 - b. In coordination with Department Buildings, ensure that loading docks are redesigned to fully accommodate trucks without obstructing sidewalk flow. Building operation hours and building service hours need to be coordinated to accommodate later deliveries.
 - c. Buildings should also be required to develop a waste management plan and waste products should be consolidated by the development.
 - d. There should be a central location (for retail goods to be dropped off and then then can be taken to the stores via vehicles with a smaller carbon footprint), if the stores need the products during high pedestrian use times.
 - e. Provisions in the zoning framework to incentivize off hour deliveries for trucks bringing goods to food and retail stores.

Thanks,

Diniece Peters, EIT

Program Manager | Freight Planning

Office of Freight Mobility
Transportation Planning & Management Division
New York City Department of Transportation
55 Water Street | 6th Floor | New York, NY 10041
(212) 839-7704

Connect with NYCDOT



From: [Samuelsen, Michele](#)
To: [Diane Mccarthy \(DCP\)](#)
Cc: [Mehdi Amjadi \(DCP\)](#); [Ahmed, Shakil](#); [Rasheed, Naim](#)
Subject: FW: Comments on GEM DSOW
Date: Tuesday, October 04, 2016 4:22:05 PM

Diane,

We have reviewed the Greater East Midtown Rezoning Draft Scope of Work and submit the following comments:

1. All new buildings should have chamfered ground floors on corners (15 feet from the intersecting building lines).
2. Part of the proposed action is allowing as of right transfer of landmark development rights throughout the entire subdistrict. All of the transportation analyses will be predicated on the development of the 16 identified projected development sites. How will transportation related mitigation be implemented if sites other than those identified are developed?

DOT's Freight Mobility group is still reviewing the document and will be issuing comments. We will provide those separately.

Thank you,
Michele

I am Terrence O'Neal, chair of the Land Use & Waterfront Committee of Community Board 6. I also represented Community Board 6 on the East Midtown Steering Committee, which produced the report upon which the proposed zoning text amendments will be based. Thank you for allowing me to share this testimony, based on 2 resolutions passed by Community Board 6 recently.

East Side of Third Avenue

First, the eastern border of the proposed District extends 165-200 feet east of Third Avenue. Yes, the east side of Third Avenue is primarily commercial. However, it is directly adjacent to a residential district. Further, the majority of neighborhoods east of Third Avenue are mixed use. Second, there is an increase in transit capacity west of Lexington Avenue, and that, of course, is the completion of East Side Access at Grand Central. A similar increase in transit capacity for sites east of Lexington Avenue would be the Second Avenue subway, which may not be completed any time soon. Our Land Use Committee walked Third Avenue and discussed this. It appears that there is quite sufficient development occurring in the area, meaning that current zoning continues to encourage robust development, which is a good thing. Further, the mid-blocks of Turtle Bay, a residential neighborhood, would be subject to buildings even more out of context than exist there today. The east side of Third Avenue should be removed from the District.

General Comments on the Greater East Midtown Proposal

We understand the need to raise funds for public realm improvements, but we also want to keep the need for funding in perspective while maintaining adequate capacity for public circulation and open space. We also encourage vigorous analysis of the effects of larger buildings on daylight to the street, something that cannot be forgotten. The issue of lot mergers should be studied carefully to protect the District from unintended consequences of FAR's far over the 30 or 33 maximum. Right now in the plan, MTA improvements are limited to prescribed projects only at a given number of stations. What about a site that has access to transit that no one thought of, or an owner with a creative idea for underground access on their site? Provision should be provided in the text for projects none of us may be thinking of now. The Steering Committee recommended that no FAR should exceed 30. As written now, it appears that a developer can exceed this maximum. For example, a developer can use up to 2 special permits? The 20% subway bonus, and the Public Concourse, similar to the previous Covered Pedestrian Space. Should both special permits be applied, what would the maximum FAR become? The steering committee spent a lot of time deciding on the maximum FAR and decided on 30. Why change that number? We also note that a developer can use both special permits and not provide any public realm improvements. The public realm is very important to Community Board 6. We believe the Steering

Committee report had an emphasis on the public realm that does not exist in the plan so far. The inter-agency group did provide more specific open space proposals lately, but we would like to see more in the text to encourage developers to creatively find open space in East Midtown to enhance the public realm. Finally, the Pfizer site at Second Avenue and 42nd Street, is proposed to be upzoned. There is no justification for this, unless the building owner is required to contribute to the fund for public realm improvements. Thank you again for the opportunity to speak.

MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

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

Wally Rubin, District Manager

STATEMENT OF COMMUNITY BOARD FIVE, REGARDING SCOPING FOR EAST MIDTOWN REZONING PROPOSAL

Thank you for giving us the opportunity today to make comments regarding the scoping for the proposed rezoning of East Midtown.

Issue 1: Assumptions

The environmental analysis MUST assume that the Grand Hyatt Hotel site at 42nd Street redevelops under the Reasonable Worst Case Development Scenario (RWCDs). A 27 FAR as-of-right development opportunity is unprecedented and there is ZERO evidence that the Hyatt Hotel site is unlikely to be redeveloped. It is one of the most prime locations in the city.

Issue 2: Modifying the Proposed Action

The East Midtown Steering Committee report is explicit in seeking to ensure that East Midtown remains primarily a commercial district. A 20 FAR commercial building converting to 20 FAR residential does not further this goal. The Committee agreed that conversions of existing commercial buildings to residential, where the residential portion of the converted building would exceed 12 FAR, should be prohibited as an as-of-right option. The zoning text amendment and environmental review must reflect this widely agreed upon policy of the stakeholders prohibiting such conversions. Planning can't be simply giving developers what they want. It's about furthering objectives by both incentivizing certain actions and limiting undesirable ones.

Issue 3: Public Realm Improvements Written into Zoning Text

Any public realm improvements committed to as part of this East Midtown planning effort must have the potential to be included in the zoning text. If not, the decisions of how, when, and whether to implement these improvements become precarious. Therefore, environmental review must explore the impact of all identified improvements (in particular the above grade ones), so that we have the opportunity through ULURP to write any such improvements into the zoning text, signifying them in a transparent and predictable fashion as the public realm improvements that will be carried out when funds become available.

Issue 4: Mitigation of Pedestrian Congestion—in particular Sidewalk Widening on Madison and Lexington Avenues

East Midtown is extremely crowded as is. Nothing in the proposed rezoning appears to adequately mitigate for the adverse impacts related to increased pedestrian congestion brought by new development. Environmental review must fully explore mitigations and the City must legally commit itself to fully mitigating any adverse impacts on pedestrian congestion. In particular Madison Avenue and Lexington Avenue must be carefully studied and the City must commit to improving conditions for pedestrians on those avenues. Sidewalk widening throughout the avenues (i.e. not just at the time of a development) must be carefully considered.

Issue 5: Light and Air

We are concerned about what the proposed action could mean for light and air. In particular, we want to make sure the experience of walking throughout East Midtown does not simulate the experience of walking through a canyon. If any modifications are proposed related to the Daylight Evaluation Method and the daylight approach to height and setback, it is critical for the EIS to visually demonstrate how the experience for pedestrians would be altered. The public must be able to visualize what the experience is today and what the experience might be under the RWCDs if the proposed action is adopted.

Issue 6: The Pfizer Site

One core principal of the planning effort is "earned as of right." A zoning lot can grow above currently permitted levels if it purchases development rights from a landmark and helps improve the public realm or transportation infrastructure. However, there is one glaring

exception. The proposed plan would increase the permitted FAR on the Pfizer site from C5-2 (10 FAR) to C5-3 (15 FAR). This increase of 5 FAR on a large site is wholly inconsistent with the policy underlying the rest of this proposed action. The Zoning District must NOT be changed to permit a higher as-of-right FAR absent any public benefit.

Issue 7: Water and Sewer Infrastructure

The EIS scope must analyze the degree to which climate change will decrease the ability of City sewer infrastructure, including and especially Newtown Creek Wastewater Treatment Plant (WWTP), to process increased wastewater produced by the proposed rezoning. At present, nothing in the Draft EIS Scope appears to specifically address this question. Therefore, the EIS scope must analyze the city's capacity to process additional wastewater created as a result of the proposed action within the context of the following climate change effects: (i) ever-rising sea levels, (ii) increasingly frequent and intense storms like Hurricane Sandy, (iii) any other ancillary impacts that may occur thanks to these primary effects. Because the rezoning is intended to produce long-term fixed assets that may not be easily reconfigured, this analysis should take into account the estimated useful life of any buildings produced.

Issue 8: Greenhouse Gas Emissions and Climate Change

Given that this rezoning looks to improve commercial building stock in an effort to attract companies hunting for modern offices, the EIS scope should assume that new tenants would include a number of high-technology firms whose demand for electricity may significantly exceed that of traditional tenants. Many technology firms find it convenient to house data centers in Manhattan. East Midtown, most of which is not included in Zone 6 of the NYC flood map, would be a particularly attractive location as it is rather resilient to rising sea levels and storm surges from climate change. Therefore, the EIS scope should account for significant high technology activity in the rezoned area in its assessment of GHG emissions.

Issue 9: Air quality

The EIS air quality analysis should specifically study the impact of on-demand car services like Uber and Lyft as they are likely to be popular transportation options for firms moving in as a result of the proposed rezoning. Services like Uber and Lyft may behave differently than passenger automobiles and medallion taxis as they may be more likely to spend time waiting by the curb for passengers while idling. Since demand for those services could be significantly

increased after the rezoning, the EIS should study the local air quality impact of both increased idling behavior by private for-hire vehicles and the additional traffic that would produce.

Issue 10: Key Added Option to Study

The Steering Committee Report argues that a 2 FAR as-of-right bonus for covered pedestrian spaces could be an effective way of creating more public space in an area desperately in need of it. We believe that such a bonus should be studied as an added option so that we may be able to incorporate this into the zoning text throughout the ULURP discussions.

Thank you for this opportunity.

Manhattan Community Board Five

Vikki Barbero, Chair

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

Wally Rubin, District Manager

STATEMENT BY ERIC STERN, LAND USE COMMITTEE CHAIR, COMMUNITY BOARD FIVE, REGARDING SCOPING FOR EAST MIDTOWN REZONING PROPOSAL, 9/22/16

Thank you for giving us the opportunity today to make comments regarding the scoping for the proposed rezoning of East Midtown.

My name is Stefano Trevisan and I'm a member of Community Board Five's Land Use Committee. I am speaking on behalf of CB5's land use committee chair, Eric Stern.

Let me emphasize that the issues I site today are just a preview of the issues of concern to Community Board Five. We will be submitting more extensive comments on scope before the deadline.

Issue 1: Assumptions

The environmental analysis MUST assume that the Hyatt Hotel site at 42nd Street redevelops under the Reasonable Worst Case Development Scenario. A 27 FAR as-of-right development opportunity is unprecedented and there is ZERO evidence that the Hyatt Hotel site is unlikely to be redeveloped. It is one of the most prime locations in the city.

Issue 2: Modifying the Proposed Action

The East Midtown Steering Committee report is explicit in seeking to ensure that East Midtown remains primarily a commercial district. A 20 FAR commercial building converting to 20 FAR residential doesn't further this goal. The Committee agreed that conversions of existing commercial buildings to residential, where the residential FAR on the converted building would be in excess of 12 FAR, should be prohibited as an as-of-right option. The zoning text amendment and environmental review must reflect this widely agreed upon policy of the stakeholders prohibiting such conversions. Planning can't be simply giving developers what

they want. It's about furthering objectives by both incentivizing certain actions and limiting undesirable ones.

Issue 3: Public Realm Improvements Written into Zoning Text

Any public realm improvements committed to as part of this East Midtown planning effort must have the potential to be included in the zoning text. Therefore, environmental review must explore the impact of all identified improvements, so that we have the opportunity through ULURP to write any such improvements into the zoning text, signifying them as the public realm improvements that will be carried out when funds become available.

Issue 4: Mitigation of Pedestrian Congestion

East Midtown is extremely crowded as is. Nothing in the proposed rezoning appears to mitigate for the adverse impacts associated with new development. Environmental review must fully explore mitigations and the City must legally commit itself to fully mitigating any adverse impacts on pedestrian congestion.

Issue 5: The Pfizer Site

One core principal of the planning effort is "earned as of right." A zoning lot can grow above currently permitted levels if it purchases development rights from a landmark and helps improve the public realm or transportation infrastructure. However, there is one glaring exception. The proposed plan would increase the permitted FAR on the Pfizer site from C5-2 (10 FAR) to C5-3 (15 FAR). This increase of 5 FAR on a large site is wholly inconsistent with the policy underlying the rest of this proposed action. The Zoning District must NOT be changed to permit a higher as-of-right FAR absent any public benefit.

Issue 6: Key Alternative to Study

The Steering Committee Report argues that a 2 FAR as-of-right bonus for covered pedestrian spaces could be an effective way of creating more public space in an area desperately lacking in public space. We believe that a 2 FAR as-of-right bonus for covered pedestrian spaces should be studied as an alternative so that we may be able to incorporate this into the zoning text throughout the ULURP discussions.

Thank you for this opportunity.

CB5 looks forward to submitting more extensive written comments before the deadline.

August 15, 2016

Manhattan Borough President Gale Brewer &
City Council Member Dan Garodnick &
City Planning Commission

Subject: Midtown East Rezoning boundaries

Dear City Planning Officials:

As a property owner of 342 Lexington Ave, I would like to add my name and property in support of the City's plan for the re-zoning of the master plan for Midtown East.

I join my neighboring property owners in our request to have our locations added in a revised plan prior to the City Planning Commission sign-off.

As a Manhattan property owner, I strongly believe that the initial plan should have included my property and hope that the revisions are drawn to include the buildings located on Lexington Ave between E 40th and E 39th St.

I welcome the opportunity to have my representative meet with you and have further discussions to ensure that my voice will be heard and considered prior to any final decision.

Thank you.

Best,



Owner, 342 Lexington Ave

Phone: 917 207 0939

Email: bgm@columbia.edu

August 4, 2016

Manhattan Borough President Gale Brewer &
City Council Member Dan Garodnick &
City Planning Commission

Subject: Midtown East Rezoning boundaries

Dear City Planning Officials:

As a property owner of X 341 Lexington Ave, I would like to add my name and property in support of the City's plan for the re-zoning of the master plan for Midtown East.

I join my neighboring property owners in our request to have our locations added in a revised plan prior to the City Planning Commission sign-off.

As a Manhattan property owner, I strongly believe that the initial plan should have included my property and hope that the revisions are drawn to include the buildings located on Lexington Ave between E 40th and E 39th St.

I welcome the opportunity to have my representative meet with you and have further discussions to ensure that my voice will be heard and considered prior to any final decision.

Thank you.

Best,

X 
SHAWN AJODAN

Owner, 341 Lexington Ave

Phone: X 646-456-5466

Email: X Shawn@shawnjems.com



REAL ESTATE DIVISION
ARCHDIOCESE OF NEW YORK

September 22, 2016

**Testimony regarding Draft Scope of Work for Greater East Midtown Rezoning
(CEQR No. 17DCP001M)**

This testimony is submitted on behalf of the Trustees of Saint Patrick's Cathedral and the Archdiocese of New York.

We applaud and endorse the work of the Department of City Planning in building on the civic leadership of the East Midtown Steering Committee, and crafting an ambitious proposal that seeks to accomplish a range of laudable goals for East Midtown. As the guardian of a full-block landmark with significant ongoing maintenance costs, we especially appreciate the elements of the proposal that would allow landmarks to transfer long-held development rights across a broader area than under current regulations.

Funds generated from the sale of development rights by Saint Patrick's Cathedral are essential to its ability to maintain the landmark in perpetuity, as required by the Landmarks Law. In the absence of transfer opportunities, the cost of this preservation diverts resources from the ever-growing needs of the Church's mission, including operation of our school system, production of low-income housing, and providing support services for the City's most vulnerable residents.

As the scope of the environmental review of this proposal is developed and finalized, we urge consideration of the following:

1. Percentage contribution from landmark transfers: The draft scope of work indicates that a percentage of the proceeds from each sale of development rights from landmarked properties will be required to be deposited into a fund for public realm improvements unrelated to the landmark site. We have serious concerns about this policy. Our obligation to both maintain the landmarked Cathedral as well as provide services for New York City's neediest citizens, profoundly emphasizes the importance of maximizing the revenues from development rights sales. For the City to tax this critically important source of funds erodes the very purpose of allowing flexible transfers. Moreover, the burden falls most heavily on religious and other not-for-profit owners who do not generate any revenue from their historic structures and are generally (as a long-established matter of public policy) exempt from taxation.

We therefore recommend that the Scope of Work study the impact of diverting funds from sales of landmark development rights on the ability of religious and not-for-profit owners to maintain their properties as required under the Landmarks Law.

2. Floor Price: The draft scope of work indicates that the zoning proposal requires a minimum “contribution” from every transfer of development rights from a landmark, regardless of the actual value of the transaction. This minimum contribution will unduly limit the resources available for the preservation of landmarks, by potentially inhibiting transactions at the lower end of the price spectrum. In addition to potentially limiting the resources available for landmark maintenance, we expect the proposed floor price to have the effect of decreasing funding available for public realm improvements and stifling the very re-development that the city is seeking to facilitate. It would be best to permit the market to establish fair value, rather than to impose price controls as proposed.

We therefore urge study of the impact of diverting sale proceeds from the needed preservation of landmarks by imposing a floor price on transactions. We also urge study of the impact on development that these impediments to transactions will have.

3. Broader Development Framework: The draft scope of work implicitly assumes that the proposed densities will provide sufficient incentive for development of “world class” office buildings within the proposed subdistrict (and thus facilitate transfer of development rights from landmarks). We would like to see the studies which demonstrate the feasibility of this new construction, particularly where an operational building is to be taken out of service for speculative development. Pending consideration of feasibility studies, we urge that the environmental review study a broader redevelopment framework as follows:

- Higher densities through landmark transfers, particularly in the Park Avenue corridor, to ensure sufficient development incentives;
- Extending applicability of the proposed controls to sites without avenue frontage;
- Permitting a greater percentage of residential development than currently suggested, particularly along Third Avenue and the side streets.

4. Vanderbilt Corridor: The current proposal allows only a limited range of landmarked properties to transfer development rights into the Vanderbilt Corridor. The potential development parcels located in this district could be the site of very large commercial structures, capable of receiving significant amounts of transferred development rights. To be excluded from this opportunity would unfairly penalize many of the district’s landmarks, and not be consistent with the recommendations of the Steering Committee.

Given the stated goals of facilitating transfer of all excess development rights from landmarked properties in the rezoning area, we recommend study of the district-wide implications for the preservation of landmarks of not permitting transfers into the Vanderbilt Corridor.

Thank you for the opportunity to provide input and for your continuing hard work on this worthy initiative.



Testimony of Bryant Brown
SEIU 32BJ
Midtown East Public Scoping Meeting
September 22, 2016

Good evening,

My name is Bryant Brown, and I am here today testifying on behalf of SEIU 32BJ. 32BJ is the largest private sector property service union in the United States. We represent 70,000 building service workers in New York City, including workers in buildings that will be impacted by this rezoning.

The Draft Scope of Work for this rezoning identifies East Midtown as one of the largest job centers in New York City and one of the highest-profile business addresses in the world. One factor that has contributed to East Midtown being what it is today is the prevalence of good building service jobs that allow workers as well as high-level executives to call New York City home.

The Draft Scope of Work predicts that this rezoning will generate more than 6 million ground square feet of office space and more than 25,000 new jobs. Building service jobs – which include the cleaners and security officers who maintain and secure commercial office buildings – will be among these new jobs. It is therefore essential that any investigation of the socioeconomic impact of this rezoning consider how the rezoning will impact jobs in this industry.

There is already a prevailing wage standard for good quality building service jobs in large commercial office buildings in the rezoning area. SEIU 32BJ represents over 4,700 commercial building service workers in the overwhelming majority of large office buildings in Midtown East. Where we represent workers, they are earning wages and benefits that allow them and their families to live, work, and succeed in this city. This is the recognized industry standard in Midtown East's commercial buildings and throughout New York City. We want to ensure this standard is preserved through the rezoning as smaller sites are assembled to create large commercial office buildings.

For these reasons, I encourage the Environmental Impact Study to include an examination of the potentially adverse effects the rezoning might have on the local building service industry.

Thank you.

August 15, 2016

Manhattan Borough President Gale Brewer &
City Council Member Dan Garodnick &
City Planning Commission

Subject: Midtown East Rezoning boundaries

Dear City Planning Officials:

As a property owner of 347 Lexington Ave, I would like to add my name and property in support of the City's plan for the re-zoning of the master plan for Midtown East.

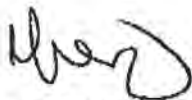
I join my neighboring property owners in our request to have our locations added in a revised plan prior to the City Planning Commission sign-off.

As a Manhattan property owner, I strongly believe that the initial plan should have included my property and hope that the revisions are drawn to include the buildings located on Lexington Ave between E 40th and E 39th St.

I welcome the opportunity to have my representative meet with you and have further discussions to ensure that my voice will be heard and considered prior to any final decision.

Thank you.

Best,



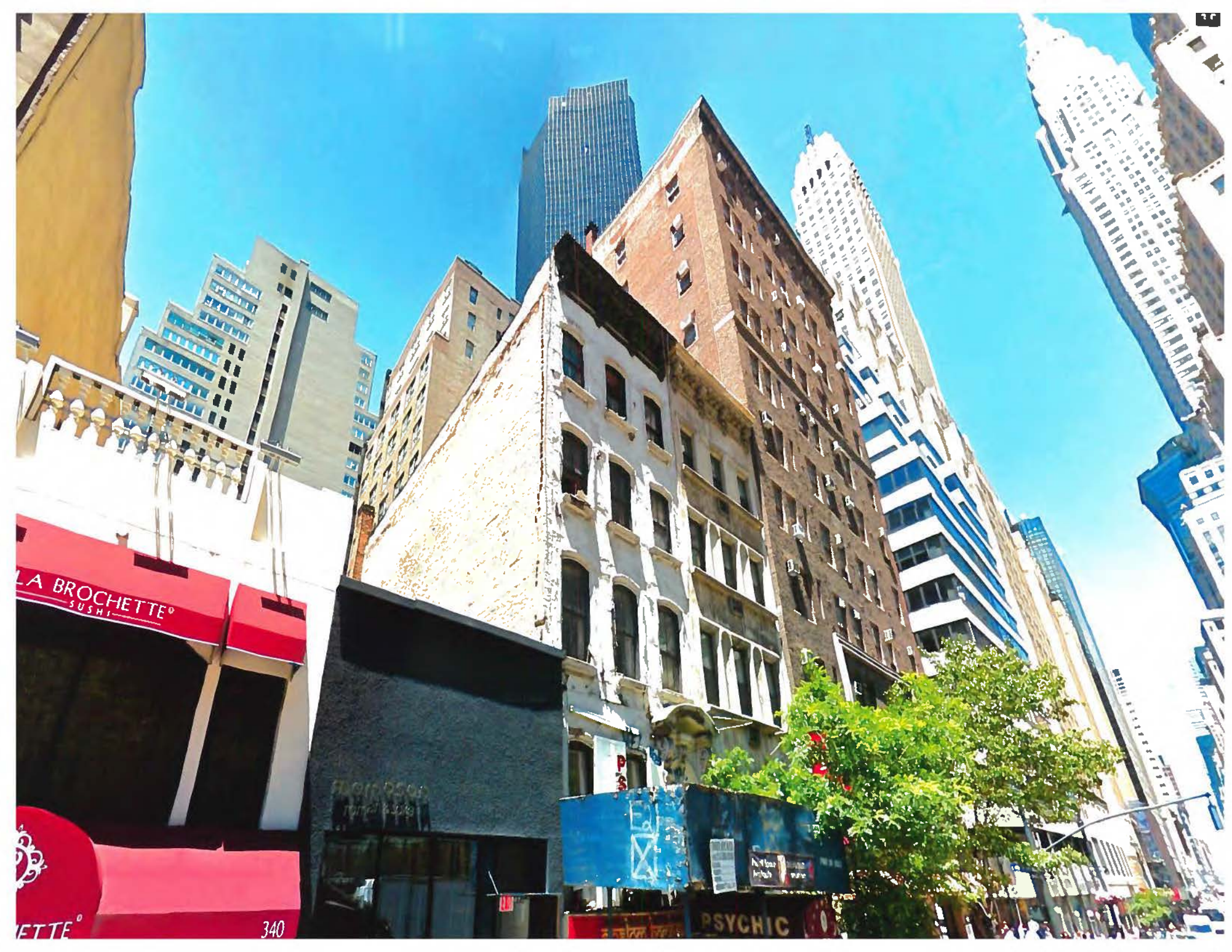
MICHAEL CHENG

Owner, 347 Lexington Ave

Phone: 347-374-1006

Email: MIKE.CHENG@EPOSGLOBAL.COM





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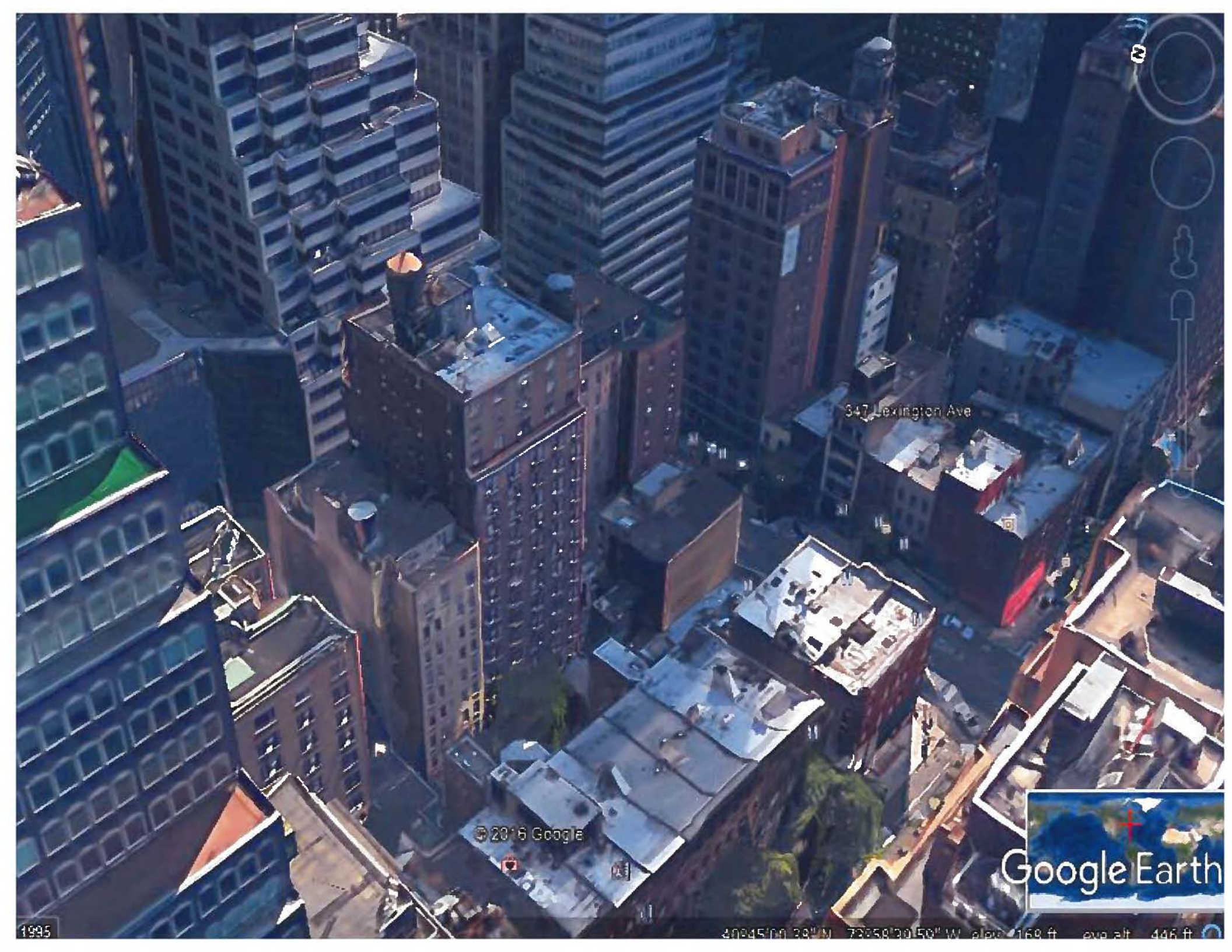
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347 Lexington Ave

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40°45'00.00" N 73°58'20.61" W, elev. 222 ft, zoom 1071 ft



2

347 Lexington Ave

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1995

40°45'00.20" N 73°59'30.50" W elev. 169 ft eye alt. 446 ft



DERMER MANAGEMENT

112 East 40th Street, Suite 1111, New York, NY 10017

Phone: 212-683-6655

Fax: 212-683-6654

email: info@dermerrealty.com

www.dermerrealestate.com

September 6, 2016

Manhattan Borough President Gale Brewer &
City Council Member Dan Garodnick &
City Planning Commission

Subject: Midtown East Rezoning boundaries

Dear City Planning Officials:

As the property owner of 336 Lexington Ave, I would like to add my name and property in support of the City's plan for the re-zoning of the master plan for Midtown East.

I join my neighboring property owners in our request to have our locations added in a revised plan prior to the City Planning Commission sign-off.

As a Manhattan property owner, I strongly believe that the initial plan should have included my property and hope that the revisions are drawn to include the buildings located on Lexington Ave between E 40th and E 39th St.

I welcome the opportunity to have my representative meet with you and have further discussions to ensure that my voice will be heard and considered prior to any final decision.

Thank you.

Best,

A handwritten signature in black ink, appearing to be "Daniel", written over a horizontal line.

Owner, 336 Lexington Ave

Phone: 212-683-6655x2

Email: Daniel@dermermgt.com

August 4, 2016

Manhattan Borough President Gale Brewer &
City Council Member Dan Garodnick &
City Planning Commission

Subject: Midtown East Rezoning boundaries

Dear City Planning Officials:

As a property owner of X 344 Lexington Ave, I would like to add my name and property in support of the City's plan for the re-zoning of the master plan for Midtown East.

I join my neighboring property owners in our request to have our locations added in a revised plan prior to the City Planning Commission sign-off.

As a Manhattan property owner, I strongly believe that the initial plan should have included my property and hope that the revisions are drawn to include the buildings located on Lexington Ave between E 40th and E 39th St.

I welcome the opportunity to have my representative meet with you and have further discussions to ensure that my voice will be heard and considered prior to any final decision.

Thank you.

Best,



X Silver Shore Properties 23 LLC

Owner, 344 Lexington Ave

Phone: X 212 239 7197

Email: X david@silvershoreny.com

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LISA SMITH CASHIN, *SECRETARY*

VIN CIPOLLA, *TREASURER*

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MAS Comments for the Greater East Midtown Rezoning Draft Scope of Work for an Environmental Impact Statement, CEQR No. 17DCP001M

October 4, 2016

The Municipal Art Society of New York (MAS) provides the following comments with regard to the Draft Scope of Work (“Draft Scope”) for the Environmental Impact Statement (EIS) for the Greater Midtown Rezoning (“Rezoning”). We understand that the City proposes zoning map and zoning text amendments, together “the Proposed Action”, that would affect an approximately 78-block area within the East Midtown Area of Manhattan Community Districts 5 and 6. The New York City Planning Commission (CPC) has determined that an EIS will be prepared in conformance with City Environmental Quality Review (CEQR) guidelines. The Department of City Planning (DCP) will serve as the lead agency that will facilitate the CEQR process on behalf of the CPC.

MAS believes this to be an important proposal, one that will significantly affect development, the public realm, and transit infrastructure in the East Midtown area for years to come. The proposed mechanisms to achieve the goals of the plan, i.e., allowing the transfer of landmark development rights districtwide and rebuilding overbuilt commercial buildings, have broader implications. With this in mind, we request that the following items and issues be included in the Final Scope of Work to be evaluated in the Environmental Impact Statement (EIS):

General Project Comments

- In recent months, many changes have been proposed to improve transparency and distribution of information to the public related to City actions:
 - Intro 1132 would require the City to maintain a publically accessible online database tracking all written commitments made by the Mayor or any mayoral agency to the Council, a Community Board, or a Borough President, as part of any City-sponsored applications subject to ULURP.
 - Intro 1219 would require DCP to provide compliance reports to the City Council for POPS, and an online map displaying the location of every POPS along with the status of the compliance reports.
 - Intro 1182 is designed to increase transparency and provide public information regarding City-owned properties subject to deed restriction modifications or removals.
- In light of these changes, MAS expects that details regarding the allocation of funds generated through the transfer of landmark development rights and redevelopment of overbuilt floor area for proposed improvements through the Public Realm Improvement Fund will be made publicly available through a website and this information will be included in the EIS. This applies to capital improvements identified by DOT and MTA as well.

Zoning, Land Use, Public Policy

- The EIS should disclose if the redesign of existing privately-owned public space (POPS) facilitated by the proposed action would be subject to additional zoning action.
- The EIS should include guidelines that are evaluated for improving POPS in the project area and creating a streamlined process for incentives to upgrade and improve POPS that would be incorporated into the Zoning Resolution.

- The EIS should also evaluate increasing bonuses for POPS and allowing options for improvements to POPS outside the project area.
- The EIS Public Policy section needs to provide details on how the proposal would contribute to the stated goal from *One New York* of reducing greenhouse gases by 80 percent by 2050.

Open Space

- According to the Draft Scope, the proposed action would add more than 26,000 workers to the project area. This number far exceeds the CEQR threshold of 500 for indicating a potential significant impact for a project in an area that is neither underserved nor well-served by open space, as is the case for the proposal. Given the limited open space resources in the project area, we expect the EIS to include a robust analysis of the open space impacts of the proposed action.
- The EIS needs to disclose, to the extent practicable, details on the proposed redesign of more than 25 POPS, and as mentioned in our comments for the Zoning section, an evaluation of guidelines for the redesign of the POPS.
- The EIS should also propose feasible mitigation measures, i.e., additional open space areas and the redesign of POPS within and outside the project area, to address the demand resulting from the substantial worker population influx that would result from the proposed action.
- The EIS evaluation should address whether the planned pedestrian plazas at Pershing Square Plaza and One Vanderbilt Plaza (13,500 sf and 20,000 sf respectively) and the potential permanent improvements to Pershing Square East and the Park Avenue Mall would be considered as open space in the Future With the Proposed Action Scenario. To that end, we believe the Park Avenue Mall improvements should not be included as open space because it is not a publicly accessible area.

Shadows

- Because of the density of the project area and existing shadows, the EIS should include a daylighting evaluation for design modifications to minimize shadow impacts on the surrounding public realm resulting from new construction on the identified Projected Development and Potential Development sites.

Historic and Cultural Resources

- MAS expects the evaluation of Historic and Cultural Resources to include a comprehensive survey of all buildings eligible for listing on the State and National Registers or designation by the New York City Landmark Preservation Commission (LPC). The analysis should be conducted with the consideration that additional buildings may meet the respective criteria for listing and designation and should be protected.
- When the Department of City Planning first released their plans to rezone a large portion of East Midtown Manhattan in 2012, MAS worked with area stakeholders and a variety of planning experts to help ensure the future vitality of this important neighborhood. Much of this effort culminated in a report, *East Midtown: A Bold Vision for the Future*, which laid out recommendations for an improved planning framework for the City. In 2013, the Historic Districts Council, the New York Landmarks Conservancy, and MAS identified 16 buildings worthy of landmark designation and presented this list to the Landmarks Preservation Commission (LPC). As of this date, the LPC has begun the designation process of 12 buildings. Although we were pleased that LPC protected these

important historic resources, several of the buildings in the project area that we recommended for designation, and were identified as eligible by LPC, remain unprotected. Some are identified as Projected or Potential Development Sites in the Draft Scope for the Greater East Midtown Rezoning EIS (denoted by an asterisk), virtually guaranteeing that these remarkable buildings would be demolished. MAS recommends that the following buildings in the project area be calendared for designation by LPC:

- 250 Park Ave – formerly the Postum Building*
 - Union Carbide – 270 Park Avenue
 - Girls Scouts of America Building – 830 Third Avenue*
- We would also urge that the EIS evaluate the Barclay Hotel Building at 111 East 48th Street, which is a Projected Development site, as eligible for landmark status.

Urban Design and Visual Resources

The new construction facilitated by the proposed action, particularly the rebuilding of overbuilt commercial buildings, has the potential to greatly affect urban design within the project area from a pedestrian's perspective. We suggest the following:

- The EIS needs to include design guidelines for the types of new buildings that would be facilitated by the proposed action including setbacks, air and light considerations, and design measures to avoid impacts on important view corridors to open space and historic resources.
- The EIS should also evaluate a Comprehensive Public Realm Plan that identifies all the proposed above and below grade public realm improvements under the proposal including, but not limited to, open space improvements, streetscape improvements, sidewalk widenings, traffic calming measures, redesign of POPS, and planting plans, along with their respective impacts on urban design.

Energy

- Since one of the primary goals of the proposed action is to facilitate modern and sustainable buildings, the EIS needs to identify which high performance building standard (i.e., LEED or equivalent) will be adopted for the redevelopment of the 16 Project Development Sites and Potential Development Sites.
- The EIS energy section needs to go further than merely disclosing the anticipated energy usage under the proposed action. Because sustainability is one of the principle goals of the proposal, we expect the EIS to evaluate the energy efficiency of the anticipated new construction in the Reasonable Worst Case Development Scenario under both sustainable and conventional operational scenarios in addition to the No Action scenario.
- The evaluation should also include the energy conservation codes likely to be in place before the project build year. According to the New York City Energy Conservation Code, buildings over 50,000 gross square feet (gsf) or larger will be required to upgrade lighting systems by 2025. However, the City Council has recently introduced a bill (Intro. 1165) that would expand the upgrade requirements to buildings 25,000 gsf or larger. This bill will likely have a significant impact on the electric network serving the project area.

Transportation

- Transportation improvements specific to the proposal should be described in detail with itemized plans and the associated budget for each component. This includes, but is not limited to, improvements to the bus network, cross-town circulation on 42nd Street, and the E/M/6 stations in the project area.
- The proposal also needs to include a comprehensive transportation strategy plan that incorporates plans/strategies specific to the proposed action that does not simply re-state commitments that will be completed for prior projects.
- The requirements of the strategy plan need to be clearly described in the zoning text so that the public has a well-defined understanding the amenities proposed for new buildings under the proposal. The subway entrances should be appropriately sized with clear visibility from the street and appropriate materials and signage. The existing zoning requires “a major improvement of the pedestrian circulation network” at Grand Central as part of the special zoning permit that allows increased density. The proposed zoning allows substantial increases in density without an on-site circulation improvement. This should continue to be a requirement for those sites which afford opportunities to connect to transit – which include LIRR-East Side Access in addition to the New York City Transit network.
- The EIS should also identify and evaluate a robust pedestrian plan for Lexington Avenue that includes curbside drop-offs and pickups at hotels.
- Because the project is expected to result in a substantial increase in person trips during the AM, midday, and PM peak hours, the proposed transit improvements under the project (i.e., widening of stairs and escalators, new entrances and stairways, ADA elevators) need to be disclosed and described in detail, including but not limited to, drawings of proposed improvements, disclosure of areas to be affected, anticipated construction durations, and completion dates.

Greenhouse Gas Emissions and Climate Change

- As mentioned in our comments on Energy, one of the stated goals of the proposal is to strengthen East Midtown through the creation of “new modern and sustainable office buildings.” At the September 22 public scoping hearing it was stated that the proposed action would result in an 80 percent reduction in carbon emissions. Given that the development facilitated by the proposed action would far exceed the 350,000-sf CEQR threshold that determines potential adverse impacts, the EIS needs to identify the measures by which the sustainable benchmarks for reducing greenhouse gas emissions will be achieved. This includes, but is not limited to, the sustainable development or high performance building design standard that will be implemented and guidelines that will be followed (i.e., LEED or equivalent), detailed evaluation of the energy and the water and HVAC systems and other practices that will be utilized to achieve the stated sustainability goals.
- We also expect the EIS to include an analysis comparing the reduction of GHG emissions under the proposed action with those resulting from conventional operational practices.

Construction

- The EIS needs to include a detailed analysis of the construction impacts for the proposed above and below grade public realm and the transit improvements. This should include an itemized schedule of proposed construction activity for each component, and a detailed summary of the results of construction air quality and noise evaluations and

identification of mitigation measures, if applicable. This is particularly important for below grade improvements as they have the potential to significantly disrupt pedestrian circulation during peak hour AM and PM transit commute times. This condition will be exacerbated by the anticipated net total increase in subway trips during peak AM and PM hours (6,738 and 7,898 respectively) as identified in the Draft Scope Appendix B: Draft Transportation Planning Factors (TPF) Technical Memorandum.

- The EIS construction analysis should identify the particular sustainable measures by which the demolition of existing structures and construction of new structures will be conducted.

Mitigation

- The EIS needs to identify the mitigation measures and associated timelines that the City is committed to make in East Midtown for projects that are already underway (i.e., East Side Access and the Second Avenue Subway) that were promised by the City of New York and MTA during the respective public review for those projects.

Alternatives

- The EIS should include an evaluation of an alternative to the proposed action that includes increasing the 20 percent limit on residential development on the Proposed and Potential Development Sites.

From: [Robert Dobruskin \(DCP\)](#)
To: [Diane Mccarthy \(DCP\)](#)
Cc: [Bob Tuttle \(DCP\)](#); [Ezra Moser \(DCP\)](#); [Edith Hsu-Chen \(DCP\)](#)
Subject: FW: East Midtown Rezoning EIS Scope
Date: Tuesday, October 04, 2016 4:38:50 PM

ROBERT DOBRUSKIN, AICP

DIRECTOR • ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

NYC DEPT. OF CITY PLANNING

120 BROADWAY, 31ST FLOOR • NEW YORK, NY 10271
212-720-3423 | rdobrus@planning.nyc.gov

Follow us on Twitter [@NYCPlanning](#)
www.nyc.gov/planning

From: Paul Fernandes [mailto:pfernandes@nyccarpenterslm.org]
Sent: Tuesday, October 04, 2016 3:16 PM
To: Robert Dobruskin (DCP) <RDOBRUS@planning.nyc.gov>
Subject: East Midtown Rezoning EIS Scope

Mr. Robert Dobruskin, AICP, Director
22 Reade Street, Room 4E
New York, NY 10007-1216

Dear Mr. Dobruskin:

We request that the following items be included in the environmental impact statement (EIS) for this rezoning.

The extent to which this rezoning will generate additional development and construction activity will have an effect on the ability of the Department of Buildings to direct adequate resources to enforcement responsibilities that affect the safety of workers and the public. The analysis of this rezoning should therefore consider the potential impacts on the ability of the Department of Buildings to assume this additional responsibility for enforcement.

The extent to which additional development and construction activity resulting from this rezoning may be performed safely will be affected by the training, skill and experience of the construction employees and contractors performing this work. The analysis of this rezoning should consider the potential impacts on the safety and health of construction employees and the public if the construction employees and contractors that are utilized are unionized vs. not unionized, and do vs. do not participate in jointly sponsored or employer sponsored apprenticeship training and continuing education programs.

The extent to which additional development and construction activity resulting from this rezoning

may be performed with economic opportunity accruing to employees performing the construction work may depend on whether these employees are represented by labor unions and employed by contractors having collective bargaining agreements with these labor unions. The analysis of this rezoning should therefore consider the potential impacts of wages to be paid to construction employees if they are represented by labor unions vs. not being so represented, the provision of health insurance and retirement plans if construction employees are represented by labor unions vs. not being so represented, direct and indirect economic effects, including multipliers, attributable to wage differentials if construction employees are represented by labor unions vs. not being so represented, and any income, sales and other tax collections attributable to wage differentials if construction employees are represented by labor unions vs. not being so represented.

Thank you for your consideration.

Sincerely,

Paul Fernandes
Executive Director
New York City and Vicinity Carpenters Labor Management Corporation
245 5th Avenue, Suite 901
New York, NY 10016
(212) 907-7121

August 4, 2016

Manhattan Borough President Gale Brewer &
City Council Member Dan Garodnick &
City Planning Commission

Subject: Midtown East Rezoning boundaries

Dear City Planning Officials:

As a property owner of X 335 Lexington Ave, I would like to add my name and property in support of the City's plan for the re-zoning of the master plan for Midtown East.

I join my neighboring property owners in our request to have our locations added in a revised plan prior to the City Planning Commission sign-off.

As a Manhattan property owner, I strongly believe that the initial plan should have included my property and hope that the revisions are drawn to include the buildings located on Lexington Ave between E 40th and E 39th St.

I welcome the opportunity to have my representative meet with you and have further discussions to ensure that my voice will be heard and considered prior to any final decision.

Thank you.

Best,

X 
LEONARD FOX

Owner: 335 Lexington Ave

Phone: X 212-661-1150

Email: X LFOX@CORNERSTONE-NY.COM

September 30, 2016

Judith M. Gallant
Direct: 212 541-2389
Fax: 212 541-1389
jmgallant@bryancave.com

Robert Dobruskin, AICP
Director
New York City Department of City Planning
Environmental Assessment and Review
Division
120 Broadway, 31st Floor
New York, NY 10271-3100

Edith Hsu-Chen
Director, Manhattan Office
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271-3100

DEPT OF CITY PLANNING
120 BROADWAY
2016 SEP 30 AM 11:20
ENVIRONMENTAL REVIEW DIV

Dear Mr. Dobruskin and Ms. Hsu-Chen:

We represent The Yale Club of New York City (the “Club”), a not-for-profit membership club that owns and occupies the land and building located at 50 Vanderbilt Avenue (Block 1279, Lot 28), between East 44th and 45th Streets in Manhattan (the “Site”). On behalf of the Club, we respectfully submit this comment letter on the Draft Scope of Work For An Environmental Impact Statement for the Greater East Midtown Rezoning (the “Draft Scope”), dated August 22, 2106.

The Club is the largest university club in the world. It is a thriving and bustling home for its members in Midtown. The 22-story Clubhouse includes 138 guest rooms, three restaurants, athletic facilities, and meeting and banquet rooms that can accommodate up to 350 guests. It employs more than 200 people and on any given day, over 1,000 people come in and out of the Club, including many elderly people and people with disabilities. The Club was the subject of a September 13, 2016 designation hearing before the New York City Landmarks Preservation Commission, and is expected to become a New York City landmark by the end of this year.

While the Site is not included in the proposed Greater East Midtown Rezoning (the “Rezoning”) boundary (*see* Draft Scope, Figure 1), it is located within the boundaries of the proposed East Midtown rezoning area as defined in the East Midtown Steering Committee Final Report, dated October, 2015 (the “Steering Committee Report”). One of the proposals contained in the Report would restrict vehicular access to the streets on which the Club fronts (Vanderbilt Avenue, East 44th

Robert Dobruskin, AICP

Edith Hsu-Chen

September 30, 2016

Page 2

and 45th Streets). This proposal, which was also addressed by a representative of the New York City Department of Transportation at a September 12, 2016 briefing on the proposed Rezoning at the Real Estate Board of New York (the “REBNY Briefing”), would have a very significant adverse impact on the Club by impeding access by Club guests, including many seniors and people with disabilities.

Although the restriction on vehicular access to Vanderbilt Avenue and 44th and 45th Streets is not specifically addressed in the Draft Scope, the concept of improving the above-grade public realm through the creation of pedestrian friendly public spaces is referenced several times. *See* Draft Scope at 10-11. This statement must be read in the context of the Steering Committee Report and DOT’s presentation at the REBNY Briefing on public realm improvements that are being considered in connection with the Rezoning. Specifically, the Steering Committee Report contains a Traffic and Pedestrian Study Draft Scope, which includes the creation of “[p]edestrian priority zones on Vanderbilt Avenue between East 43rd and 45th Streets and 43rd and 44th Streets between Madison and Vanderbilt Avenues, including such techniques as (a) access restrictions (taxi drop-offs and delivery vehicles) . . .” (Report at page 88; *see also* Street Improvements Concept Map”, Report at page 61). More recently, the DOT representative at the REBNY Briefing stated that DOT is considering extending its Shared Streets program to Vanderbilt Avenue, which would make pedestrians the primary users of the street, with vehicles allowed as “invited guests” subject to a speed limit of no more than 5 miles per hour.

Depending on the nature of the restrictions, these proposals could essentially landlock the Club by severely limiting or precluding vehicular access to its only public entrance, which is located on Vanderbilt Avenue between 44th and 45th Streets, requiring Club members arriving or departing by private car and taxi to be dropped off or picked-up on 45th Street west of Vanderbilt Avenue or 44th Street at Madison Avenue.¹ This would pose a hardship to many of the Club’s guests, including those arriving with luggage to stay in one of the Club’s 138 rooms, and those arriving in inclement weather or attending one of the many large events the Club frequently hosts. Furthermore, the Club’s sizable elderly and disabled population would be unreasonably burdened, as the accessible elevator is located adjacent to the Club’s main entrance on Vanderbilt Avenue. Limiting traffic on Vanderbilt as contemplated by the Shared Streets program could make it very difficult for members and guests to leave the Club if taxis and other vehicles are discouraged from driving on the street by the proposed 5 mph speed limit. The Club’s business model relies on revenue from its rooms, food and beverage sales, and member dues, all of which would be adversely affected by any restriction on vehicular access. In addition to the Club, restaurants, office buildings, and Grand Central Terminal, all of which front on Vanderbilt Avenue, would also be severely impacted by these proposals.

¹ The Club has a service entrance on East 44th Street, but it provides direct access to the basement only, rather than the lobby. In any event, it could not be used as an alternative entrance to the Club in the scenario contemplated by the Report in which East 44th Street between Madison and Vanderbilt Avenues would also become a pedestrian zone.

Robert Dobruskin, AICP
Edith Hsu-Chen
September 30, 2016
Page 3

The Club has been in continuous operation – with its entrance on Vanderbilt Avenue – for more than 100 years, and the services the Club provides are uniquely dependent on maintaining unimpeded access to that entrance.

Accordingly, the Draft Environmental Impact Statement should include a robust analysis of the potential socio-economic, traffic, public transportation, urban design and other impacts of any and all plans to restrict vehicular access to Vanderbilt Avenue and the intersecting streets, including but not limited to, East 44th and East 45th Streets.

Sincerely,



Handwritten signature of Judith M. Gallent in blue ink.

Judith M. Gallent

JMG

cc: Hon. Daniel Garodnick, Council Member
Hon. Gale Brewer, Manhattan Borough President
Hon. Vikki Barbero, Chair, Manhattan Community Board 5

September 22, 2016

**THE NEW YORK
LANDMARKS
CONSERVANCY**

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

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

Nearly four years ago we spoke at the scoping session for the previous Midtown East rezoning. That plan almost entirely ignored the significant historic architecture in this section of the City. We're pleased that in the time since that plan was withdrawn, landmarks have taken a more central role in the crafting of a new proposal. The Landmarks Commission has conducted its survey and is moving forward with designating 12 individual landmarks. The current proposal significantly expands the ability of landmarks to transfer their unused development rights.

On the first issue, we applaud the LPC for its work, but do not feel that it is complete. In 2013, the Conservancy, along with the Municipal Art Society and Historic Districts Council, released a joint list of 16 priority sites for landmark designation. Ongoing LPC hearings include half of those buildings, but the Commission has indicated that it does not plan to hear the rest. We urge the agency to bring the remainder to a public hearing. Otherwise, Midtown East is likely to lose them. Of the remaining eight, the Hotel Intercontinental and Postum Building, which are eligible for listing on the National Register of Historic Places, are now labeled as projected development sites.

Regarding the landmark TDR program, we join with stewards of landmarked institutions in requesting that any assessment be minimized so that it does not undermine the intent of the transfer provision as originally envisioned: to provide significant relief from the cost of maintaining landmark buildings and to assist in their overall preservation.

We have concerns about the specifics of the program. How will the price floor be set? How often will the floor be re-evaluated, and how nimble will the process be, to work with landmark owners and developers as real-life factors change? Will the floor be the same for fully commercial development and mixed-use commercial and residential? Will it be the same across the entire district? Will there be a mechanism to prevent a private entity from capturing the market by buying and holding rights?

Finally, the EAS lists three subway stations outside of the rezoning area that will benefit from direct MTA improvements or the improvement fund, because those stations serve people in the subdistrict. No one can deny that our transportation infrastructure system is in dire need of funding, but if the sending and receiving sites for landmark TDRs are only within the boundaries of the rezoning district, the assessment on those transactions should be only for transit and public realm improvements within the district. If codified here, the rationale for including sites outside the district could be extended to a wider area or wider set of needs. This could potentially dilute benefits to Midtown East landmarks or set a precedent for future rezonings. No other provisions of the plan apply to sites outside of the rezoning district. The same boundaries should apply to the fund.

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

J. Michael Greeley
60 Thayer Street
#3H
New York, NY 10040
jmichaelgreeley@msn.com

Testimony
Scoping Hearing for
2016 East Midtown Rezoning

September 30, 2016

My name is J. Michael Greeley. I live at 60 Thayer Street, Inwood, Manhattan. I cook at the Waldorf=Astoria Hotel, 301 Park Avenue. And, I am a member of Manhattan Community Board 5 and the Tri-Board East Midtown Task Force.

My primary concern is making real consequential improvements to the transit system and my uncertainty that this proposal will actually bring this stated goal to fruition.

Yes, the buildings' architecture and design should be iconic, but the City should also take into account how it feels to enter East Midtown by the vast majority of the neighborhood's "residents" - the millions of workers that commute to & through East Midtown every day.

The scope of both the top 5 PIF Projects & the top 25 As-of-Right Pre-Identified projects

We need a more tangible idea of what is the Administration's vision for transit improvements in East Midtown. This will allow everyone to see how the proposed Public Improvement Fund and Pre-Identified Projects will bring the Administration's vision to reality and whether it is a fair trade for the greater density and added strain on the current transit system. The buildings that will be erected under these new zoning changes will be there for at least 50 years. The transit improvements need to also last at least that long.

Transit improvement projects in particular are an important subset of the Public Improvement Fund because this mechanism will likely be how bigger projects would be accomplished. And, it seems that transit improvements would dominate the menu of As-of-Right Pre-Identified projects that developers would choose from, under the proposed rules of the new Transit Zone, without any public review.

This zoning change has the potential to either:

- dramatically improve certain aspects of our transportation system;
- do marginal projects that will be out of date by 30 years from now; or,
- compound an already burdened transit/circulation system while providing smaller negligible improvements that will be overwhelmed within a decade.

Also by providing a list of transit/circulation projects for the Public Improvement Fund, it also would provide guidance to the future Governing Group of the PIF.

Improved Access to/from 7 train at Grand Central Station must be in scope for this rezoning proposal

At the top of the priority list for transit improvements, an overhaul & redesign of the passageways between the 7 train platform at Grand Central to both the 4/5/6 and the Mezzanine/street level should be identified for the Governing Group or as a series of Pre-Identified projects. This project was previously cited as a needed mitigation in the Hudson Yards rezoning's Environment Impact Statement. If East Midtown is to remain a world-class business district, we cannot exacerbate the current problems we have with getting to/from the 7 train at Grand Central with the addition of the proposed 6 million square feet of commercial office space and the corresponding increase in workers/commuters.

Currently, because of previous rezonings in Hudson Yards & Long Island City, there are growing residential areas of modern buildings in these two areas connected by the 7 train. Both areas are less than two miles away from East Midtown and both would have views of the skyline of this proposed redeveloped East Midtown. It would complete the experience of a modern office district with nearby modern residential buildings if an efficient modern transit system could connect the two. Also everyone from Flushing, East Elmhurst, Jackson Heights, Sunnyside, Westchester County, and Connecticut could share in feeling this difference of coming into East Midtown the moment they step out of the subway car or try to get down to the 7 train platform from Grand Central Terminal.

Additionally, we have seen five finalist concepts for a new Port Authority Bus Terminal. Four of the five concepts rely on greater access to the 7 train than the current PABT. This means that there is a very high probability that more commuters from New Jersey will be using the 7 train than do so currently. Again, there must be a more effective way of getting commuters to and from the 7 platform at Grand Central to street level.

The rezoning proposal's vision for managing the Public Improvement Fund to improve transit infrastructure

Will this needed project for the 7 train at Grand Central be accomplished through this rezoning?

Will contributions into the Public Improvement Fund come fast enough, large enough, and/or consistently enough to fund a large, expensive improvement, like the 7 train transfer at Grand Central?

Will this rezoning produce legislation requiring the PIF Governing Group to sit on contributions until enough has accumulated to do large projects?

Will there be legislation requiring the Governing Group to spend contributions by a certain time frame?

Will there be no requirements at all on the Governing Group and different philosophies will come & go with different mayors & their commissioners of DCP, DoT, & EDC?

Overbuilt FAR, Landmark TDRs, & the rezoning proposal's boundaries

Another concern is how long the Governing Group of the Public Improvement Fund will exist. Right now, there is 3.6 million square feet of available landmark Transferable Development Rights in the proposed district. There is also a certain number (a very large number) of overbuilt buildings in the district that this proposal is also aimed at. Therefore, after all the overbuilt buildings have contributed to the Public Improvement Fund, will that be the end of the PIF? Or, will successive re-developments of the same overbuilt sites require additional PIF contributions even after a first redevelopment? In other words- is it a "one & done thing" or will these contributions continue to happen again when a developer wants to build back past the prescribed base FAR for the site?

Alternatively, will the PIF's life span end when landmark TDRs are no longer available for purchase? If it is that is the scenario, why draw the rezoning boundaries with Central Synagogue outside of the district? Why exclude 2 lots on the southern side of East 55th Street between Lexington & Park Avenues? Why exclude additional landmark TDRs from the pool to produce needed transit improvements? Would DCP's current proposed boundaries at East 55th Street introduce competition within Central Synagogue's current exclusive TDR landing site zone and thus compound its current land-locked status? Would DCP's proposed boundaries create grounds for a lawsuit? I am asking for a study of the boundaries with Central Synagogue in the proposed subdistrict versus it outside the proposed subdistrict.

The scope of what are the rezoning proposal's Transit Zones & Pre-Identified Projects

Finally, DCP is including the 6th Ave subway stations at 57th Street, Rockefeller Center, & Bryant Park for improvements from funding from the PIF and Pre-Identified Projects in the Transit Improvement Zones, along with the possibility to improvements to the whole 6th Ave subway line (because the M stops at both 53rd Street stops within the new subdistrict). I question if it is a mistake to leave out the 2nd Ave subway line & stations. I believe the Pfizer site will be adjacent to the 2nd Ave line station at 42nd Street. Also, the overwhelming reason to build the 2nd Ave line is to relieve congestion on the Lexington Avenue lines. So, why not include a Transit Zone for 2nd Ave at 42nd Street and to include in PIF's domain the 2nd Ave station at 42nd Street (plus stations at 50th & 59th) in a "comprehensive plan" for East Midtown? East 50th St and 2nd Ave will be a just half a block from the boundary of the proposed subdistrict.

We need more information from DCP, MTA, and DoT to fairly evaluate this proposal.

I look forward to hearing answers to these questions, as well as a response to the many concerns raised by my fellow CB5 and CB6 members, especially Eric Stern, CB5's Land Use, Housing, & Zoning Committee Chair.

Thank you for your time.

INSTITUTE FOR RATIONAL URBAN MOBILITY, INC.

George Haikalis
President

One Washington Square Village, Suite 5D
New York, NY 10012 212-475-3394
geo@irum.org www.irum.org

Statement at September 22, 2015 NYCDOP Hearing on Scoping for EIS for East Midtown Rezoning

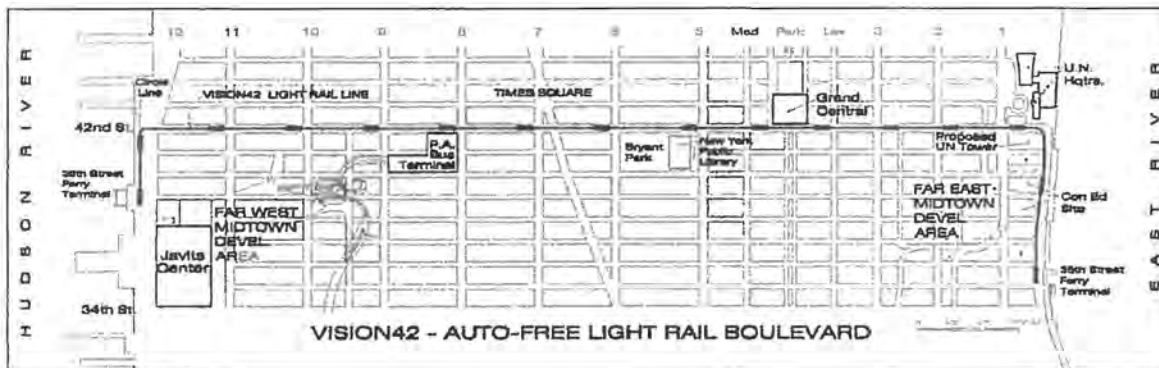
The Institute for Rational Urban Mobility, Inc. (IRUM) is a NYC-based non-profit concerned with reducing motor vehicular congestion and improving the livability of dense urban places.

IRUM urges the Commission to halt all efforts associated with its East Midtown Rezoning Proposal until it prepares:

1. a *comprehensive street use plan* for the Manhattan Central Business District
2. a *comprehensive regional rail plan*, focusing on Midtown Manhattan

Adding more than six million square feet of new office space in the heart of the nation's most congested business district, without any significant improvement to its impassible sidewalks and its already overcrowded transit system, is a recipe for catastrophic failure. The Commission should first develop comprehensive plans for the enhancement and expansion of its transportation facilities and services before this rezoning is proposed.

IRUM has long proposed a river-to-river auto-free light rail boulevard on 42nd Street, to improve crosstown surface transit, and greatly increase pedestrian space particularly in East Midtown. This could serve as a model for an extensive grid of auto-free light rail streets in the core of Manhattan.



IRUM continues to urge transit agencies to advance plans for remaking the three commuter rail lines that serve the Manhattan CBD into a *coordinated regional rail system*, with frequent service, integrated fares, and thru-running first at Penn Station and then connecting to Grand Central. This would ease access for West of Hudson commuters to East Midtown, diverting them from crowded subways. With thru-running and the connection, there would be no need to expand Penn Station to the south, with its disruptive demolition of dozens of buildings that house thousands of workers.





THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11th Street New York NY 10003
tel (212) 614-9107 fax (212) 614-9127 email hdc@hdc.org

October 4, 2016

**Greater East Midtown Zoning Plan
Comments on the Draft Scope of Work**

The Historic Districts Council is the advocate for New York City's designated historic districts and neighborhoods meriting preservation. In this role of protecting the special character of the city's neighborhoods, HDC would like to comment on the proposed draft scope for the Greater East Midtown Zoning Proposal. This area is home to many New York's most iconic buildings and there is certainly room for new ones in the future. It is important to consider for the continued health and well-being of the area and New York City in general to properly identify those structures and buildings which are of quality design and construction, not to mention character and history, that are presently not designated as landmarks and are at great risk of demolition due to the proposed planning action. Through several on-site surveys and research, HDC has identified a number of properties which we feel should be included in the environmental impact statement under Task 6, Historic and Cultural Resources. Our survey followed the Landmarks Preservation Commission's methodology for its recent East Midtown Initiative in that it looked at three general categories of structures - the remaining 19th and early 20th century buildings which recall the residential, pre-Grand Central days of the area; hotels and office buildings which rose around Grand Central as part of Terminal City; and post-World War II, modernist office buildings which helped make this district one of the world's premier business addresses. The list of 66 properties is appended at the end of this document.

Additionally, traditionally publically-accessible spaces such as office lobbies and plazas are an important aspect of the design and planning of many of these buildings, especially (but not limited to) those built in the post-World War II era, HDC requests that an assessment and analysis of those significant spaces be included in the consideration of potential landmark consideration.

As the Transference of Development Rights is a critical element of this plan, HDC strongly recommends that all potential landmarks identified by the Draft Environment Impact Statement be considered by the Landmarks Preservation Commission in an expeditious fashion, to better understand the ramifications of this plan. The designation of these properties, some of which lie within projected or potential development sites, have ramifications for future development within the district, not only because of the possible reduction of buildable sites but through the possible increase on available TDR. Swift action to preserve meritorious buildings is imperative for the comprehensive planning of the Greater East Midtown area.



HISTORIC DISTRICTS COUNCIL

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11th Street New York NY 10003
 tel (212) 614-9107 fax (212) 614-9127 email hdc@hdc.org

List of Properties to be considered for preservation action in the Greater East Midtown Planning Area.

| Project/Potential Site | Street Number | Street | Block/Lot | Notes |
|------------------------|-----------------|------------------|-------------------|---|
| | 10 | East 40th Street | 869/66 | Ludlow & Peabody, 1927-8 |
| 2 | 22-24 | East 41st Street | 1275/60 | George & Edward Blum, 1912-4 |
| | 50-52 | East 41st Street | 1275/44 | Chemist Club, (now Dylan Hotel) York & Sawyer, 1910 |
| | 51 | East 42nd Street | 1277/27 | office building, 1913 |
| | 60 | East 42nd Street | | Lincoln Building, J.E.R. Carpenter and Dwight P. Robinson, 1928 |
| | 100 | East 42nd Street | 1296/1 | Pershing Square Building, York & Sawyer, 1923 |
| 15 | 235 | East 42nd Street | 1316/23 | Pfizer headquarters, Emery Roth & Sons, 1961 |
| | 48 | East 43rd Street | 1277/ 46 | office building, 1923 |
| | 6 | East 45th Street | | Title Guarantee Building, John Mead Howells, 1932 |
| | 45 | East 45th Street | 1281/21 | Roosevelt Hotel, George B. Post, 1924 |
| | 150 | East 45th Street | 1299/41 | Lord Memorial Building, Children's Aid Society, Gibbons Heidtmann & Salvador, 1950 (four floors added 1967) |
| | 140 | East 46th Street | 1300/50 | mixed residential/commercial building, 1924 |
| | 123-147 | East 47th Street | 1302/22-30 | rowhouses with commercial ground floors, c.1900 with later alterations |
| | 17 | East 47th Street | 1283/13 | Mercantile Library, Henry Otis Chapman, 1932 |
| | 5 | East 48th Street | 1284/6 | Church of Sweden/former New York Bible Society Building, 1871, altered by Wilfred E. Anthony, 1921 |
| | 111 | East 48th Street | | Barclay Hotel, Cross & Cross, 1926 |
| | 142, 146, & 150 | East 49th Street | 1303/46, 45, & 31 | apartment buildings, 1924, 1920, & 1923 |
| | 135 | East 50th Street | 1305/23 | apartment building, 1924 |



HISTORIC DISTRICTS COUNCIL

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232 East 11th Street New York NY 10003
 tel (212) 614-9107 fax (212) 614-9127 email hdc@hdc.org

| Project/Potential Site | Street Number | Street | Block/Lot | Notes |
|------------------------|---------------|------------------|-------------------|--|
| | 39 | East 51st Street | 1287/27 | Jennie S. Parker Residence, York & Sawyer, 1902-3 |
| | 10 and 12 | East 52nd Street | 1287/63 and 62 | store and loft buildings, 1930 |
| | 3 | East 53rd Street | 1289/6 | Paley Park, Zion and Breene Associates, 1967 |
| | 111-113 | East 54th Street | 1309/5 | Brook Club, Delano & Aldrich, 1925 |
| | 115-117 | East 54th Street | 1309/6 | Bayard Dominick Residence, William F. Dominick, 1921 |
| | 57 | East 54th Street | 1290/127 | former Bill's Gay Nineties, late 19th century, altered 1924 |
| | 59 | East 54th Street | 1290/28 | mixed residential/commercial building, 1923 |
| | 60 | East 54th Street | 1289/45 | Hotel Elysee/Monkey Bar, 1926 |
| | 119 | East 54th Street | 1309/7 | Alonzo and Elsie Potter House, Grosvenor Atterbury and Julian L. Peabody, 1909 |
| | 121 | East 54th Street | 1309/107 | probably John M. Hatton and Diego de Suarez, 1919 |
| | 14 & 16 | East 55th Street | 1290/62 & 61 | town houses, 1915 |
| | 521 | Fifth Avenue | | Lefcourt National Building, 1929 |
| 8 | 355 | Lexington Avenue | Block 1295/Lot 23 | office building, Emery Roth & Sons, 1955 |
| | 501 | Lexington Avenue | 1302/21 | Roger Smith Hotel, Denby & Nute, 1925 |
| | 509 | Lexington Avenue | 1302/51 | Lexington Hotel, Schultze & Weaver, 1929 |
| 11 | 541 | Lexington Avenue | 1304/20 | Hotel Montclair, Emery Roth, 1928 |
| | 541 | Lexington Avenue | | Montclair Hotel, now W Hotel, Emery Roth, 1927-28 |
| | 270 | Madison Avenue | 869/16 | office building, 1923 |
| I | 274 | Madison Avenue | 869/58 | office building, 1927 |
| 2 | 292 | Madison Avenue | 1275/59 | Johns-Manville Building, Ludlow & Peabody, 1923 |



HISTORIC DISTRICTS COUNCIL

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11th Street New York NY 10003
 tel (212) 614-9107 fax (212) 614-9127 email hdc@hdc.org

| Project/Potential Site | Street Number | Street | Block/Lot | Notes |
|------------------------|---------------|----------------|-----------|---|
| | 295 | Madison Avenue | 1275/50 | Bark & Djorup, 1928-30 |
| | 299 | Madison Avenue | 1276/23 | Hill & Stout, 1912-3 |
| | 331 | Madison Avenue | 1277/52 | Severance & Van Alen, 1924 |
| 4 | 346 | Madison Avenue | 1279/17 | Brooks Brothers, LaFrage & Morris, 1917 |
| 5 | 366 | Madison Avenue | 1281/56 | office building, 1921 |
| | 437 | Madison Avenue | | ITT-American Building, Emery Roth & Sons, 1967 |
| | 444 | Madison Avenue | 1285/15 | Kohn, Vitola & Knight, 1929-1931 |
| | 503 | Madison Avenue | | Robert D. Kohn, 1929 |
| | 515 | Madison Avenue | 1291/21 | office building, 1931 |
| | 532 | Madison Avenue | 1290/15 | Horace Ginsbern & Associates, 1957-58 |
| | 411/417 | Park Avenue | | Emery Roth, 1917 |
| | 99 | Park Avenue | 895/1 | National Distillers Building, Emery Roth & Sons, 1954 |
| | 118 | Park Avenue | | Philip Morris Headquarters, Ulrich Franzen, 1981 |
| | 200 | Park Avenue | | Pan Am/Met Life Building, Emery Roth & Sons, 1963 |
| 6 | 250 | Park Avenue | 1284/33 | Postum Building, Cross & Cross, 1925 |
| | 270 | Park Avenue | 1282/21 | Skidmore Union Carbide Corporation Headquarters, , Owings & Merrill, Gordon Bunshaft, Design Partner, Natalie de Blois, Senior Designer, Designed 1955, Built 1957-60 |
| | 280 | Park Avenue | 1284/33 | Bankers Trust Building, Emery Roth & Sons, 1963 (addition to the west, Emery Roth & Sons, 1971) |
| F | 400 | Park Avenue | 1290/36 | Emery Roth & Sons, 1955-8 |
| F | 410 | Park Avenue | 1290/37 | Chase Manhattan Bank, SOM (bank and curtain wall) and Emery Roth & Sons (building), 1957-9 |
| | 417 | Park Avenue | 1309/69 | Emery Roth, 1917 |



HISTORIC DISTRICTS COUNCIL

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11th Street New York NY 10003
 tel (212) 614-9107 fax (212) 614-9127 email hdc@hdc.org

| Project/Potential Site | Street Number | Street | Block/Lot | Notes |
|------------------------|---------------|-------------------|-----------|---|
| | 445 | Park Avenue | 1311/1 | Paramount Building, Universal Pictures Building, Kahn & Jacobs, 1947 |
| | 450 | Park Avenue | 1292/37 | Emery Roth & Sons, 1972 |
| I6 | 711 | Third Avenue | 1318/1 | William Lescaze, 1956 |
| | 708 | Third Avenue | 1299/33 | The Commerce Building, Ely Jacques Kahn, 1931 |
| | 710 | Third Avenue | 1299/37 | tenement building, c.1900 |
| | 830 | Third Avenue | | Former Girl Scouts of America Headquarters, Skidmore, Owings and Merrill with Roy O. Allen and William T. Meyer, 1957 |
| K | 850 | Third Avenue | 1306/33 | Western Publishing Building, Emery Roth and Sons, 1963 |
| | 52 | Vanderbilt Avenue | 1279/45 | office building, 1916 |

Ellen R. Imbimbo
40 Park Avenue
New York, NY 10016
September 22, 2016

Testimony-Scoping Session-East Midtown Zoning Proposal

Good afternoon Ladies and Gentlemen-My Name is Ellen Imbimbo and I am Vice-Chair of the Land Use Committee of Community Board 6. However, today I address you as a private citizen.

The last time I had the privilege of addressing a group so august as this was April 13, 2015 when the One Vanderbilt proposal and the Vanderbilt Corridor were being discussed.

In my view, the proposals being reviewed today, like those earlier ones are not sufficient in returning to the City gains equivalent to those being granted.

More discussion and study is needed about the problems to be faced. The resolution of the Multi-Board task Force stated "whatever agreements are established between S L Green and the City at One Vanderbilt will set a precedent for all future agreements in the Corridor and East Midtown, a comprehensive plan identifying all the infrastructure and public space needs in the area is essential prior to the completion of ULURP".

And so it is with the current City Planning proposal for East Midtown. With added numbers of pedestrians due to job growth (City Planning estimates 26,000 presumably over a 20-year period) East Side Access, One Vanderbilt, and other buildings that may be constructed, it is essential to study public space needs and pedestrian circulation in a comprehensive way.

An attempt was made to engage the public about circulation issues in the first East Midtown zoning plan; to my knowledge there has been no equivalent attempt with the current proposals with all due respect to the City agencies. The Plan incorporates urban planning visions, but there remain many cost calculations to be developed: air rights, contributions to the TIZ, design of the TIZ locations, public realm proposals and their location, public open space.

In my view more work needs to be done on the Plan which will provide the public realm elements warranted by the grandeur of the urban vision goals.

Thank you for the opportunity to speak today.

GOLDBERG WEPRIN FINKEL GOLDSTEIN LLP

ATTORNEYS AT LAW

ANDREW W. ALBSTEIN*
ARNOLD I. MAZEL
STEVEN R. UFFNER
HARVEY L. GOLDSTEIN
NEAL M. ROSENBLOOM
KEVIN J. NASH
IRIS A. ALBSTEIN
BARRY E. ZWEIGBAUM
DOUGLAS TAUS
ROBERT W. LO SCHIAVO*
ELIZABETH SMITH* +
MATTHEW E. HEARLE
AUBREY E. RICCARDI*
STEPHEN BORDANARO
ANTHONY J. SCHLUR

J. TED DONOVAN
DORAN I. GOLUBTCHIK
ARTHUR A. HIRSCHLER
DANIEL J. SLATZ
JEFFREY S. BERKOWITZ
ELI RAIDER
SERGIO J. TUERO*
CHRISTOPHER R. CLARKE
MICHELLE MCLEOD
NEIL I. ALBSTEIN
MICHAEL B. PODOLSKY
JACQUELYN F. SCHWALB*
ERIK ZARATIN +

22ND FLOOR
1501 BROADWAY
NEW YORK, N. Y. 10036
(212) 221-5700
TELECOPIER (212) 730-4518

ROBERT A. KANDEL
BENJAMIN C. KIRSCHENBAUM
(OF COUNSEL)

EMANUEL GOLDBERG (1904 - 1988)
JACK WEPRIN (1930 - 1996)
BENJAMIN FINKEL (1905 - 1986)

* ALSO MEMBER OF NEW JERSEY BAR
+ ALSO MEMBER OF TEXAS BAR
■ ALSO MEMBER OF MASSACHUSETTS BAR
° ALSO ADMITTED IN CALIFORNIA
+ ALSO ADMITTED IN CONNECTICUT

WRITERS DIRECT DIAL (212) 301-6964

September 29, 2016

Via Federal Express & E-Mail

Hon. Robert Dobruskin, Director
Environmental Assessment & Review Division
NYC Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Greater East Midtown Rezoning Project
CEQR No. 17DCP001M

Dear Bob:

I represent the respective owners of 110 East 55th Street (M/Block 1309, Lot 66) and 661 Lexington Avenue (a/k/a 135 East 55th Street) (M/Block 1310, Lot 22). Both properties lie just outside of the revised boundary of the proposed East Midtown Subdistrict (the "Subdistrict") which will be created upon adoption of the Greater East Midtown Rezoning Project.

I respectfully request, based on the arguments presented below, that the scope of the draft environmental impact statement (the "Scope") include full consideration of the inclusion of these sites within the final boundary of the Subdistrict. Given the stated purpose of the Subdistrict, the inclusion of these properties will strengthen and make both a material and positive contribution to the realization of the stated goals and objectives of the rezoning.

As you know, if these properties are not included within the Scope, neither the public, nor the City Planning Commission nor the City Council will have the opportunity to weigh the many benefits to the City that would result from their inclusion. Given that these properties were within a prior iteration of the Subdistrict, a full evaluation of the merits of including them is both warranted. The scoping process is the appropriate place for this public examination.

The argument for the proposed rezoning and the creation of the Subdistrict is well stated in the draft scoping document and I will not restate it here. Rather, I will present the rationale for including these sites as part of the overall environmental analysis the City is about to undertake. Further, I suggest that inclusion of these sites within the Subdistrict can readily be achieved by relocating the boundary line which currently runs midblock between East 54th and East 55th Street (from 100 feet east of Park Avenue at 55th Street to 100 feet east of Third Avenue) one block north to the midblock between East 55th Street and East 56th Street. The additional frontage along Lexington Avenue is 75% retail/commercial or institutional. (Although the property that fronts on the southeast corner of East 55th Street and Lexington is a residential rental property, it presents retail uses along Lexington Avenue and is adjacent to a commercial office building.)

The argument for including 110 East 55th Street within the Subdistrict and the Scope is compelling. First, the existing improvement rapidly is becoming obsolete. It is a 19-story 73,000 square foot commercial building sitting on a modest 5,650 square foot lot. The small size of the individual floors, particularly as the building rises, has resulted in a loss of commercial office tenants over the years. They have been relocating out of the building to be replaced by medical offices, which can accommodate their operations in small suites. As important as medical facilities are, the rezoning project has larger ambitions. As the building was built in 1985, well before current innovations in building and office technologies, it is also becoming functionally obsolete. It is unsuited for firms that generate the high electrical loads inherent in modern office systems and it lacks its own energy efficient systems and construction. Certainly the property will be ripe for redevelopment within a decade.

To replace 110 East 55th Street with another building of like size and shape would be a missed opportunity, both for the City and for the business community it wishes to attract to the Subdistrict. The potential of the immediate area for a state of the art redevelopment for office use is demonstrated by what is occurring right now at 425 Park, just to the north.

An examination of the land use map confirms that the inclusion of 110 East 55th within the Subdistrict will, at a minimum, permit the future creation of a commercial development site of at least 200 feet by 163 feet or 32,600 square feet, a footprint that will support the office space of the future. This hypothetical configuration, of course, could be expanded further creating an even more significant site that reaches all the way to Central Synagogue at Lexington Avenue. (The residential building at the corner of East 54th and Lexington already is in the Subdistrict.) In either case, the future site has the potential to bring significant opportunities and benefits to

the City and the business community which, in the end, is the very purpose of the proposed rezoning.¹

The argument for including 661 Lexington Avenue within the Subdistrict and the Scope is different but no less compelling. 661 Lexington actually is two buildings, now about 8 stories, constructed more than one hundred years ago. On a lot measuring 60 feet by 80 feet the foot print of 4,800 square feet is tiny even for boutique office or medical office space after allowing for egress, elevators and restrooms. At this location, by redrawing the Subdistrict boundary as proposed herein a development site of about 8,000 square feet could be created. Such a site, 66% larger than the current 661 Lexington site, would permit development of a modern “boutique” office building, that would be attractive to the smaller professional firms such as consultants, lawyers, designers or tech that are essential to support the larger office operations envisioned for the heart of the Subdistrict.²

I have emphasized the “pluses” of including these sites within the Subdistrict and making them part of the Scope exercise. The Scope exercise itself will identify whether there are compelling reasons not to redraw the Subdistrict as proposed. Better to have these issues carefully studied and evaluated as part of the environmental review process than to have the opportunities inherent in their inclusion lost to the City.

For the foregoing reasons I respectfully request that the Scope currently being developed for the Greater East Midtown Rezoning Project be expanded to include both 110 East 55th Street and 661 Lexington Avenue. Please advise if I can provide any additional information. All the best.

Very truly yours,



Robert A. Kandel

cc:

Carl Weisbrod, Director, Department of City Planning
Hon. Daniel R. Garodnick, Member of Council, 4th District, Manhattan

¹ The fact that 417 Park, immediately to the east of 110 East 55th Street, is a residential cooperative does not preclude the redevelopment of that property as envisioned here. As the Subdistrict takes hold, and its benefits to the City are realized, the likelihood is that the residents of 417 Park will depart to more welcoming residential environs north of 57th Street.

² By not going beyond the midblock point between East 55th Street and East 56th Street it is unlikely that market forces, at least for the foreseeable future, would seek to turn the residential cooperative to the east of 661 Lexington into part of a commercial redevelopment project.

My name is Kathleen Kelly. I am a Licensed Clinical Social Worker. Though I am a member of both Manhattan Community Board 6 and its Land Use Committee, I write this as a private citizen that resides in Manhattan.

I Thank the Steering Committee for all their thoughtful work on the East Midtown Rezoning Project. I am also very fortunate to have been able to hear Urban Planner John West's presentation and read the points written by the various Historical Preservation, Social Work Organizations and Architectural and Planning Organizations in New York. I would like to highlight and list the points they covered because, I too, as a New York resident think they should be carefully examined in the EIS. I list points covered by The City Club below because they are a great summary of possible concerns:

The EIS should:

- Consider the public policy of using zoning to raise funds and examine alternative ways of paying for at least some of the public realm improvements, for example, the capital budget and tax increment financing.
- The use of daylight evaluation to confirm the analysis of street sky exposure and its impact on the proposed zoning changes and on the area streets and public spaces.
- Study alternatives for the transfer of development rights from landmarks that would maintain a nexus between the granting and receiving sites.
- Consider an alternative that encourages mixed use buildings in the eastern portion of the district, (east of the midblock between Lexington and Third Avenues
- Explain what will prevent more than 16 sites from being redeveloped during the next 20 years. Study an alternative worst case scenario in which substantially more sites are developed either within twenty years or over a longer period.
- Consider both as-of-right and special permit increases in density in identifying sites likely to be redeveloped.
- Devise a means of exploring unanticipated consequences of the proposed rezoning.

- Study an alternative that does not violate the nexus and proportionality test stipulated by the US Supreme Court to distinguish between exactions and takings.
- Compare the public benefit of on-site and off-site improvements to the public realm in terms of mitigation of the increased density of the development using the bonus floor area.
- Study the demand for large, column-free, high-ceilinged space, in the context of office space being developed in Lower Manhattan and Hudson Yards.
- Measure the impacts of denser development against improvements to the public realm in the context of a plan for East Midtown's public realm.
- Consider a system for transferring bonus floor area for new improvements to the public realm created in existing buildings.

Along with all the very important areas for examination that have been cited above, there is a serious point which I hope the East Midtown Steering committee will include in their plan. The topic of: Prevailing Wage Rate Jobs in the construction, redevelopment and servicing and maintenance of East Midtown is also a very key point.

Sadly, as I write this, the homeless census in New York City as of August 2016, has reached an all time high of 61,464 people.

I quote below from Mayor De Blasio's report: "Our Current Affordable Housing Crisis"

The continued mismatch between the demand for affordable housing and its supply also exacerbates the rising income inequality that threatens the City's progress. When more than 50,000 New Yorkers sleep in homeless shelters and hundreds of thousands more struggle to pay high rents with meager earnings, the City fails to live up to its promise of opportunity.

As we examine what all the important details in this zoning plan mean, please do not exclude what Prevailing Wage Rate Jobs mean to New Yorkers who help rebuild our city and what it means to their families. Though the Mayor's affordable housing plan is described as ambitious, prevention can help many more people. Please take this time to examine the reality that Prevailing Wage Rate jobs are a creative and necessary solution to preventing homelessness and focusing on growth and opportunity instead of crisis.

Thank you for this opportunity to my comments.

From: [Kretz, Caroline](#)
To: [Robert Dobruskin \(DCP\)](#)
Cc: [Gmach, David](#); [Diane Mccarthy \(DCP\)](#)
Subject: GEM Rezoning: Draft Scope of Work Comments
Date: Tuesday, October 04, 2016 2:52:50 PM

Robert

Below are Con Edison's comments relating to the Draft Scope of Work for the GEM rezoning:

- In the air quality section (p. 40 under Task 13) of the Draft Scope of Work for an environmental impact statement for Greater East Midtown (GEM) re-zoning, the first sentence in the second paragraph states, "In the event that steam heat sources are not available to serve all or part of the proposed rezoning area...." This suggests that district steam may not be available within the rezoning area. The Con Edison district steam system has adequate infrastructure in the area to serve existing customers and incremental growth from the additional development. We recommend that the paragraph state that there is district steam system that serves many of the existing buildings in the rezoning area. For purposes of the analysis only, if district steam services are not available....
- The paragraph also states that, "Screening analyses will be performed to determine whether emissions from on-site fuel-fired HVAC system equipment (e.g., boilers/hot water heaters) are **significant.**" For the sites that currently use district steam, their emissions in the area are at zero. Any replacement of steam will cause an increase of emissions that will be significant and should warrant the detailed analysis.
- For the air quality analysis under Appendix C, we understand that the analysis must evaluate all options and that it goes from worst to least impact. We recommend that the analysis address what would have the least impact, not just what would be acceptable, to help minimize the overall cumulative impacts.

Thank you.

Caroline

Caroline R. Kretz
Director, Manhattan Regional & Community Affairs
Consolidated Edison Company of New York, Inc.
4 Irving Place, Rm 1428, New York, NY 10003
Tel: 212.460.4987 | Mobile: 646.874.2360 | Fax: 212.614.1453
kretzc@conEd.com

Architecture
Planning
Urban Design
Development Services

116 West 29th Street
New York, New York 10001
Tel: 212 564.9601
Fax: 212 465.2081
kwartler@simcenter.org

Michael Kwartler, FAIA
Principal

28 September 2016

East Midtown Rezoning/Draft Scope of Work for Environmental Review of the proposed changes to East Midtown (CEQR No. 17 DC001M)

My name is Michael Kwartler, FAIA. I am the principal of Michael Kwartler and Associates and President of the Environmental Simulation Center.

I am a member of the AIA, Municipal Arts Society, City Club, and APA, as well as a public member of Community Board 5. While a member of these organizations I am writing as a citizen of New York City to suggest matters which should be included in the environmental review of the proposed East Midtown zoning amendments.

Questions/Issues to be Addressed in the DEIS

- **Existing Zoning Framework Impedes New Office Development:**
Why does the “existing zoning framework limit new office development” (p.3 Scope). Expand on what hasn’t worked and why:
 - Mandatory plan requirements of the Special Midtown District
 - Overbuilt buildings and ZR 54-41
 - Height and Setback (both methods)
 - FAR
 - TDRs from Landmarks
 - Separate Avenue and Midblock Zoning Districts and split lots and the lower midblock FAR

- **Needs of the Office Market:**
Without the need for large column-free trading floors, tech firms preferring exposed structural slab visually increasing floor to floor heights, wireless communications which do not need raised floors, and the example of many renovations of older Midtown office buildings to class A office buildings (e.g., SLGreen’s Graybar Building) why is there a need for large column-free floors with tall floor to floor heights? Further, if the issue is the need for new state of the art office buildings, why are the 425 Park Ave. and 380 Madison Ave. redevelopment of existing office buildings not meeting DCP goals of new office space, since almost all new development sites in Midtown will probably be replacement sites?

- **Pedestrian Circulation:**
Relying on a discontinuous pattern of sidewalk widening for new development, while clearly desirable, does not appear to meet the demand along the lengths of Madison and Lexington Avenues. If the sidewalks along Madison and Lexington

Avenues are “extremely narrow – both are less than 12 ft.wide” (p.5 Scope) investigate increasing the sidewalk width beyond the zoning lot’s street line and into the roadbed as an alternative or compliment to the proposed mandated sidewalk widening for blockfront sites.

- **Height and Setback:**

Point of information: As the author of the Daylight Evaluation Method and the daylight approach to Height and Setback in the Special Midtown District, I may say with confidence that the regulations were **not** “crafted with larger, regularly shaped development sites in mind,” (p.7 Scope) but rather crafted to conserve daylight in the public realm. Site size and regularity was not a concern. In fact, the regulations were tested on a range of sites, small, medium, and large (Citicorp), and location on the block (corner, interior, through and blockfront), and there are illustrative examples in the Special Midtown District zoning text. The current regulations are not more restrictive on smaller irregular sites and if that is the case please demonstrate on East Midtown sites using the current Daylight Evaluation method and the one proposed in the Scope.

The Height and Setback regulations -- daylight standards of an overall passing score of 75% of the sky left open above a typical building street wall and a minimum of 66% of the sky left open along any frontage for Midtown --were based on an extensive street by street analysis of the entirety of Midtown as well as selected special permit buildings (AT&T) of their daylight performance. The standards in the Daylight Evaluation methodology are a result of over 70 years of an expectation of daylight performance that was found to be virtually the same for the pre-1961 “wedding cake” and post-1961 towers.

What “limited modifications” are proposed, how will the modification be done and what is the standard if not the current one, for “qualifying” and other sites? This should be analyzed by comparing as-of-right buildings, using the Daylight Evaluation method as per the current Special Midtown District text with buildings complying with the proposed as-of-right modified Daylight Evaluation method.

In addition, clarify the conditions under which the modified Daylight Evaluation method is applicable – only qualifying sites or any site in East Midtown or would it also be applicable to receiving lots in a TDR from a designated landmark?

Why aren’t changes contemplated for the Vanderbilt Corridor? One Vanderbilt scored a negative 65% on Daylight Evaluation diminishing the existing environmental quality of East Midtown (See p.11 Scope) description of proposed action to “**maintain and enhance** the characteristics of the area’s built environment such as access to light and air.” Why in light of Vanderbilt’s negative score, is this not a contradiction? And shouldn’t the Vanderbilt Corridor be reconsidered in light of its being at the epicenter of East Midtown and be

consistent with the Daylight Evaluation methodology and standards used throughout East Midtown

- **Development Sites:**

16 new predominantly office buildings are cited as a result of the proposed East Midtown zoning amendments. How were these sites determined/methodology? Given the proposed dramatic increase in FAR for the 78 blocks in East Midtown, it seems odd that only 16 sites would be redeveloped in the next 20 years. If this is based on market demand it is highly likely that additional sites will be redeveloped beyond the 20 years. The EIS should address the potential building out of East Midtown.

Fig. 5 of the Scope illustrates the proposed maximum FARs. Assuming the underlying FARs are the same as the current Special Midtown District, how will the avenues and midblocks be dealt with given the different base FAR?

The proposed maximum FARs appear not to discriminate between avenues and wide streets and narrow street midblocks. The midblocks would go from a base 12.5 FAR to 18 outside the Transit Improvement Zones and up to 23 FAR in the Transit Improvement Zones. This will affect the smaller more intimate scale of the midblock by increasing the max. FAR.

To understand the impact on the midblocks it would be helpful to do a soft site analysis of midblocks as currently mapped, and using the same midblock map, the proposed zoning. The soft site analysis should include the methodology and be done on a lot by lot basis for all blocks in East Midtown.

- **TDRs:**

TDR from a landmark appears to have a contradiction or is minimally confusing. Are TDRs from landmarks only to Transit Improvement Areas or to any site in East Midtown? Please clarify and illustrate the 16 identified development sites using the Daylight Evaluation method as per the proposed East Midtown modifications to better understand the potential impacts.

- **Overbuilt Buildings:**

To understand the extent of overbuilt buildings in East Midtown please map all overbuilt buildings under current and proposed zoning including their as-built FARs, SF of office space in the building, and how much additional floor area beyond the current and proposed FARs is in the building.

- **Maximum FARs:**

Please explain the contribution to Transit Improvement Zones. Is it on a sliding scale of 10 – 20%. How would the contribution be determined for a development? And what would be the effect of the special permits on the Height and Setback regulations?

It is possible to increase a site's FAR beyond the max. FARs on Fig 5 in the Scope, e.g., public concourse special permit and transit improvement special permits.

- **Mechanism Other than Zoning:**

There are other methods to fund infrastructure and street level improvements. Among them is Tax Increment Financing, a method which would permit the tax increment from the land component of the tax be used to fund the infrastructure and street level improvement discussed in the Scope of Work. This alternative

(and other non-zoning mechanisms) to the dramatic increase in FAR to fund public improvements in East Midtown should be examined as part of the environmental review.

- **Public Improvements:**

The proposal discusses the need for infrastructure and street level improvements, the creation of a Transit Improvement Fund, but not a plan for the public improvements. Without a plan how can the EIS determine whether the improvements will mitigate the proposed increase in density? Therefore, the environmental review should include a plan of the improvements.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Kwartler". The signature is fluid and cursive, with a long horizontal flourish at the end.

Michael Kwartler, FAIA



August 10, 2016

Manhattan Borough President Gale Brewer &
City Council Member Dan Garodnick &
City Planning Commission

Subject: Midtown East Rezoning boundaries

Dear City Planning Officials:

As a property owner of 340 Lexington Ave, I would like to add my name and property in support of the City's plan for the re-zoning of the master plan for Midtown East.

I join my neighboring property owners in our request to have our locations added in a revised plan prior to the City Planning Commission sign-off.

As a Manhattan property owner, I strongly believe that the initial plan should have included my property and hope that the revisions are drawn to include the buildings located on Lexington Ave between E 40th and E 39th St.

I welcome the opportunity to have my representative meet with you and have further discussions to ensure that my voice will be heard and considered prior to any final decision.

Thank you.

Best,

A handwritten signature in black ink, appearing to be 'John Lam'.

Owner, 340 Lexington Ave
Phone: (212) 334-3338
Email: John.Lam@LamGroupNYC.com

October 4, 2016

TF Cornerstone and MSD Capital submit the following testimony in connection with City Planning's proposal for Greater East Midtown Rezoning. We are the owners of the Grand Central Terminal air rights.

1. After considerable analysis of the East Midtown office market we are concerned that there are very limited realistic opportunities for major avenue office redevelopment in the near or medium term. We believe that the cost of assembling and taking out of service avenue properties will prohibit redevelopment of these sites, even with the transfer of landmark air rights. These sites are unlikely to be redeveloped until further obsolescence brings about a greater difference between rents in older buildings and rents in new buildings. We do not see that happening yet.

In the meantime, the best way to help Midtown maintain its competitive position with all the other emerging office markets in the City is to promote new office development where it can realistically occur. These opportunities exist primarily on midblock sites. New office product on these sites will cater to smaller and newer companies—ones that represent growing industries in the City and that complement the larger businesses in the avenue office buildings. East Midtown thrives on catering to a diverse array of firms. Smaller firms will benefit from new office product and should not be forgotten in this rezoning. Moreover, existing soft midblock sites are likely to be developed with either luxury condominium towers or hotels unless the proposed rezoning incentivizes office development.

The requirement for an eligible receiving site to have cleared avenue frontage should be eliminated so that these midblock sites can go forward in the near term as new office projects.

2. Office buildings meeting certain requirements should be allowed by a Chair Certification to use TDRs for enlargements. Adding floor area to existing office buildings is another way of promoting or incentivizing new office development in Midtown in a more realistic and immediate way. This could add very desirable and very valuable office space catering to companies looking for new and unique work environments in prominent locations. The Certification would require that the base building make key improvements.
3. Residential uses at receiving sites should be allowed up to 33% of a building's FAR. This will help Midtown develop as more of a mixed use neighborhood, which will enhance retail and evening activity—qualities the neighborhood lacks relative to other desirable office areas in the City. The 33% cap will prevent any TRDs from actually being used as residential FAR.
4. Landmarks should not be burdened with both a Public Realm Contribution and a tax devoted to restoration. The Public Realm Contribution imposed by the new zoning should be reduced by restoration costs and obligations.

GLOBAL HOLDINGS MANAGEMENT GROUP (US) INC.

410 PARK AVENUE -20TH FLOOR
NEW YORK, NY 10022

TELEPHONE: 212-355-1500
FACSIMILE: 212-355-6004

October 4, 2016

New York Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271
Attn: Mr. Robert Dobruskin, Director,
Environmental Assessment and Review Division

**Re: Comments on Scope of Work for EIS for the East Midtown
Zoning Proposal**

Dear Mr. Dobruskin:

Thank you for the opportunity to comment on the Draft Scope of Work for the Draft Environmental Impact Statement for the East Midtown Zoning Proposal. The East Midtown proposal represents an ambitious re-envisioning of the core of New York City's business center, one that will very likely be the only chance for several decades to establish a broad framework for redeveloping the Midtown Core into a 21st Century central office district. It is important to get it right, and to that end we offer two comments on the Draft Scope we would ask City Planning to consider incorporating into the Final Scope of Work and into the Draft EIS for the East Midtown proposal.

First, the Scope must look carefully at the serious consequences of the proposed street closures on safety, traffic congestion and economic impact to the buildings fronting on the streets proposed for closure or limited use. Of particular concern to our group is the proposal to restrict access to streets on two sides of our

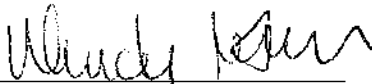
group's property at 120 Park Avenue, namely East 41st Street and Park Avenue between 41st and 42nd Street. If both street closures are implemented, access to 120 Park Avenue will be severely compromised, with deliveries and visitor arrivals limited to East 42nd Street, an already congested street that will be made significantly worse by the multiple street closures. East 41st Street in particular provides an essential connection point to the 120 Park building for building services, for emergency vehicles, and for employees and visitors, and the consequences of its closure must be thoroughly analyzed.

In addition, it is important that the scope consider a broad range of development opportunities to make sure that the final text furthers the City's goals of encouraging the construction of 21st Century, state of the art office space. We support REBNY's comment that higher FARs be studied in the EIS than those presented in the draft Scope and included in City Planning's proposal to allow for the possibility of further refinements of the proposal. As an example, our group owns four buildings that are at least 50% within the proposed East Midtown boundaries (99 Park Avenue, 120 Park Avenue, 410 Park Avenue and 875 Third Avenue) and all of these are overbuilt under current zoning; In the case of 99 Park Avenue, the property is built almost to the maximum density being proposed, limiting any incentive for redeveloping the property. Studying higher FARs in the Draft EIS would not mandate that higher densities be adopted, but it would allow the East Midtown proposal to be adjusted if and where appropriate as the proposal moves forward.

Thank you for the opportunity to comment on the Draft Scope.

Sincerely,

Global Holdings Management Group (US) Inc.

By 

Wendy Mosler,
Executive Vice President

From: Carlos Pedro [mailto:cpedro@carvihotel.com]
Sent: Tuesday, October 04, 2016 4:18 PM
To: Robert Dobruskin (DCP) <RDOBRUS@planning.nyc.gov>
Cc: Marianna Vaidman Stone <marianna.vaidmanstone@gmail.com>
Subject: Midtown East Rezoning

I am writing to respectfully submit my comments regarding the Midtown East Rezoning. My family owns the Carvi Hotel, located at 152 E 55th Street (between Lexington & 3rd Ave). Mairanna Vaidman Stone from Daniel Garodnick's office advised me to contact your office today since it is the final day for comments. My building is part of a stretch of commercial buildings with roughly 100 ft of frontage on the southern portion of 55th street that has been excluded from the rezoning map.

I feel as though this collection of buildings would perfectly suit the stated goals of the rezoning's steering committee. Each building is currently 100% occupied by commercial tenants (with the exception of the mosque to our left) and through conversations with other building owners, I have a strong belief there is assemblage potential. A lot that size would allow for a modern mid-sized office building. Interestingly enough, the only buildings on our street that have been included in the rezoning map are residential buildings.

As I previously stated, the only building currently not being used for commercial purposes in the excluded area is the mosque. I have spoken to many people familiar with the Imam's thinking and there is an overcrowding issue that may be alleviated if the mosque were to be sold and relocated to a larger location nearby. I have yet to meet with the Imam personally, although I have arraigned a meeting with him upon his return to New York. I hope to act as an intermediary on this particular issue as some individuals have expressed concerns to me regarding the motivations behind excluding a Muslim institution from the rezoning map.

I would greatly appreciate the opportunity to discuss these issues in greater detail with the

appropriate audience before the proposal moves onto the environmental review phase.

Thank you,
Carlos

Carlos Pedro, Esq. | Owner

914-473-5222 (M)

152 E 55th Street

New York, NY 10022

www.carvihotel.com



From: Carlos Pedro [mailto:cpedro@carvihotel.com]
Sent: Tuesday, October 04, 2016 4:55 PM
To: Robert Dobruskin (DCP) <RDOBRUS@planning.nyc.gov>
Cc: Marianna Vaidman Stone <marianna.vaidmanstone@gmail.com>
Subject: Carvi Hotel

I would like to supplement my prior email by making clear that I believe the boundaries of the district should be expanded to include the entirety of the south side of 55th Street between Third and Lexington Avenues, and that the environmental review should include that expansion.

Best,

Carlos Pedro, Esq. | Owner

914-473-5222 (M)
152 E 55th Street
New York, NY 10022
www.carvihotel.com



09/22/2016

**STATEMENT OF SHEILA M. POZON ON BEHALF OF CENTRAL SYNAGOGUE
REGARDING THE DRAFT SCOPE OF WORK FOR THE GREATER EAST MIDTOWN
REZONING**

CEQR NO: 17DCP001M, ULURP NOS: PENDING

Good afternoon. I am Sheila M. Pozon of Kramer Levin, counsel to Central Synagogue (a/k/a Congregation Ahawath Chesed Shaar Hashoyim).

Central Synagogue is the oldest Jewish House of Worship in continuous worship in the State of New York. Central Synagogue has been part of the East Midtown community since 1870. Our congregation comprises over 2,000 households and more than 6,000 individuals.

We treasure the landmark status of our Sanctuary, which is located at the corner of East 55th Street and Lexington Avenue. Our Sanctuary was one of the earliest designated New York City Landmarks in 1966. While our religious and educational missions will forever be our first priorities, we are immensely proud of our landmarked Sanctuary building; but the cost of maintaining it is high.

Our Sanctuary has approximately 150,000 square feet of unused development rights. Current zoning provisions for the transfer of development rights from landmarks, however, do not provide adequate opportunities for us to transfer and sell these development rights to advance our mission. In particular, our Community House, which is located directly north of our Sanctuary across East 55th Street, sits on a merged zoning lot that is overbuilt by more than 20 percent, the limit for a receiving site in our zoning district. As a result, even our own Community House is ineligible to receive a transfer of our unused floor area.

We welcomed and testified in support of the original East Midtown Rezoning proposal that would have allowed us and all owners of landmarks located in the “Northern Subarea” of East Midtown – whether religious, non-profit or private – a broader opportunity to transfer their unused floor area to development sites in East Midtown. We appreciate the efforts that the Department has made in developing a proposal that tackles many of the challenges facing East Midtown. We especially appreciate that the proposal attempts to address the limitations in current regulations, which, because of a dearth of receiving sites that satisfy current requirements, effectively preclude landmarks transfers in East Midtown.

While we are broadly supportive of the proposal, we offer the following comments with respect to the scope of environmental review:

1. **FIRST.** Is the **increased density and mid-block development** and the **proposed allowance for residential development** sufficient? We believe that the scope should include studies that the proposed densities and amount of residential use will be sufficient. In the alternative, we suggest that (i) higher densities than what are currently proposed, both for sites without avenue frontage and for sites located within the Park Avenue Corridor, and (ii) a greater percentage of residential development, both along Third Avenue and on side streets, be studied.

2. **SECOND.** The impact of not permitting transfers into the **Vanderbilt Corridor** from landmarks located outside of the Vanderbilt Corridor should be studied.

3. **THIRD,** the impact of the **percentage contribution** from landmarks transfers. The draft scope indicates that an unspecified percentage from each sale of landmark development rights will be required to be deposited into a fund for public realm improvements. This proposal is very troubling, particularly for non-profit owners of landmark properties, and its effect should

be studied. The purpose of allowing wider transfer opportunities to landmark owners was to compensate for the economic burden on development of having a site constrained by landmark status. Taxing the sale of Development Rights for infrastructure improvements undercuts this purpose. Religious and other not-for-profit landmark owners who do not generate any revenue from their structures would be particularly disadvantaged by this policy and its effect should be studied.

4. **FOURTH, Minimum Floor Price.** The proposed minimum sales price for the transfer of landmark development rights, irrespective of the actual value of the sale, is a very troubling proposition. It could dramatically impede landmark properties' ability to sell their development rights and diminish significantly the amount the City receives for critical infrastructure improvements. The scope should study the potential impact of diverting sale proceeds from landmarks maintenance by imposing a minimum floor price and the impact of impeding landmark development rights sales.

We appreciate your attention to hearing the views of affected stakeholders. As we did in our prior testimony, on behalf of the congregation, we wish you the wisdom of Solomon in completing this exercise.

Thank you for allowing us to be heard on this important issue.



**Real Estate Board of New York
Testimony before the New York City Planning Commission
Public Scoping Meeting for the Greater East Midtown Rezoning
CEQR No. 17DCP001M
September 22, 2016**

The Real Estate Board of New York (REBNY) is a trade association with over 17,000 members comprised of owners, brokers, managers, lenders, and other real estate professionals active in New York City.

The East Midtown business district is a tremendous economic driver and is critical to the City's employment and tax base and its overall economy. REBNY welcomes the City's rezoning proposal to invigorate development in East Midtown.

After several forums to discuss the proposal, our members raised a number of issues related to the viability of the plan. As a result of these concerns, we think the scope of the EIS should examine a number of development alternatives as well as modifications to where increased floor area should be permitted. These specific suggestions are enumerated below.

Since East Midtown is a mature market area with virtually no vacant sites, new development opportunities will occur slowly over time, if at all, without the rezoning. Leasing circumstances in individual buildings and market conditions in the area will make new development economically feasible only if the allowed FARs in the district are significantly increased above where they are proposed in this rezoning. Therefore, our comments focus on providing as much development certainty, incentive, and flexibility as possible in order to achieve the City's stated goal of promoting modern, sustainable office development.

In defining the scope of the Environmental Impact Statement, we ask the Department of City Planning to analyze the following possible additions and modifications to the plan:

As-of-Right Development

As the details of the proposal are more widely circulated, our members are identifying alternate ways to revitalize East Midtown in ways not anticipated by the Department or the Steering Committee. We recommend that the scope of work study raising the proposed floor area densities in the proposal, the inclusion of mid-block development without wide street frontage, the enlargement of existing buildings, greater allowance for residential development, and certain tax incentives.

The cost of new construction, especially the cost of buying an income producing property at market value, the lost revenue in making the building ready for demolition, and the carrying cost during demolition, construction and rent up, makes the addition of these proposals necessary to ensure that development occurs in a timely manner and more broadly throughout the district, instead of only on a few selected sites whose economic conditions are unique and favorable to new ground up development.

Given the cost of land, buildings with substantial occupancy on long-term leases require higher floor areas on the avenue and the midblock if the goals of the rezoning are to be achieved in a reasonable time period. The scope should study an increase by ten percent to the new proposed as-of-right FARs throughout the district (with the retention of the 3 FAR bonus) in order to offset that cost.

The scope should also analyze development of mid-block sites, even when they do not have wide street frontage, since in many cases these sites are improved with underutilized and/or functionally obsolete buildings. Buildings such as these would be less expensive to acquire than avenue-fronting buildings. This change in economics would make development more likely here with the type of floor area increases proposed in other parts of the district. Mid-block sites without wide street frontage should have access to the same tools to increase floor area that other sites with wide street frontage do under the proposed framework including through the transfer of development rights and transit infrastructure improvements.

To the extent there is concern over how mid-block development will affect the character of East Midtown, we note that the LPC has surveyed, studied, and designated mid-blocks sites throughout the district that provide visual and architectural variety in this urban setting. In addition, LPC is presently considering other low-rise, mid-block buildings which will further preserve the varied scale of the urban setting.

The scope should also analyze the potential for the proposal to result in the enlargement of existing buildings, rather than new buildings. Based on discussion with our members, there appear to be situations where an enlargement of an existing site, while retaining the existing building operations, is the most practical way to add more modern office space.

In addition to these issues, the scope should study making tenant inducement tax benefits available in the district in order to offset the numerous economic burdens in trying to encourage new office construction in a mature, fully built commercial district.

Overbuilt Buildings

The scope, as presently proposed, limits the universe of qualified overbuilt buildings to those constructed before 1961. However, buildings constructed after 1961 and before the downzoning in 1982 would be overbuilt. In the case of these buildings, there should be no contribution into an improvement fund for rebuilding the overbuilt portion of these structures since these conditions were created under FAR controls and caused by government action. Likewise, whether overbuilt or underbuilt, it should be made clear that enlargements of existing structures up to the maximum FARs in the proposal are permitted.

Residential Development

Mixed-use projects are becoming more common in New York and around the country. The growing presence of such projects reflects the continuing diversity of uses we are seeing throughout Manhattan, whether it is Hudson Yards or Lower Manhattan. Residential use can help to address the economic burdens noted above and would not alter the primary character of the district. Current zoning allows for 12 FAR of residential use, but the new proposal restricts residential use in new buildings to 20% of total FAR. Our members are concerned that the twenty percent cap is insufficient to support new commercial development. Due to the challenging economics, the scope of work should study the allowance of the highest as-of-right residential floor area permitted under the zoning resolution for those projects that use the higher floor area allowed under the new program. Allowing for a greater amount of residential development would serve as a catalyst for commercial development.

There is also a lack of clarity about the proposed cap on residential use and the TDRs from landmarks. Materials produced by the Department of City Planning indicate that the proposal would both limit the amount of residential development on a site and prohibit landmark TDRs from being used for residential development (with no mention of such restriction on development rights earned from transit improvements). It is unclear what public purpose is served by prohibiting landmark development rights to be used for residential use. Additionally, how will the City accurately determine whether the transferred development rights were explicitly used for the residential portion of a mixed-use project?

The residential restriction is unnecessary and diminishes the potential value of the development rights and the contribution to the improvement fund. Residential development may be appropriate in many locations throughout the district, including the mid-blocks. Again we urge that the EIS consider allowing for the transfer of development rights to the mid-blocks not located on wide streets and allowing higher FARs there to accommodate them.

Any proposed residential limitation raises the question of whether it will be measured on the basis of the zoning lot as a whole or on the basis of the new building only. The City should provide greater clarity.

Hotels

The scope of work should analyze the economic impact on the City and the hotel industry by requiring that hotels that could be developed under the current as-of-right rules must seek special permit approval. It has been the experience of our members that the requirement of a special permit has been a deterrent to new hotel development, even with increased floor area. REBNY raised this objection when the special permit requirement was applied to the transfer of more than 1 FAR in the Grand Central Subdistrict. In the decades since its adoption, only one hotel project has gone through the special permit process under those rules.

Split Lots

Zoning lots with more than 50% of their lot area within the Subdistrict should be treated as being entirely within the Subdistrict and the Subdistrict regulations should apply to the entirety of the zoning lot. The EIS should analyze all zoning lots with more than 50% of their lot area within the Subdistrict as being entirely within the Subdistrict, and FAR and other regulations of the Subdistrict as applying to the zoning lot as a whole.

Height and Setback Requirements

The scope of work should fully analyze the ability to use all the proposed as-of-right floor area, including allowed bonuses, within the envelopes of the height and setback rules to be proposed for the district. In particular, the study should consider how height and setback requirements on side streets should be appropriately modified to allow for the full use of FAR. The analysis should recognize the mandated safety requirement such as a third stairwell which has made buildings wider while trying to retain economically feasible floor plates.

Boundaries

The scope of work should include study of possible extensions/changes to the district boundaries. The boundaries of the district should be modified to incorporate sites that have a genuine opportunity to benefit from the rezoning and whose redevelopment would achieve the goals of the proposal.

- The subdistrict boundary south of 42nd Street should, like the boundary north of 42nd Street, be located 200 feet east of Third Avenue rather than down the middle of Third Avenue.
- The boundary at the northeast corner of the Subdistrict should be squared off so that it extends to 56th Street east of Park Avenue.

In addition to the above boundary changes, the scope of work should analyze increased densities by at least 10 percent in the areas throughout the district and establish higher maximums on the mid-blocks. Among the specific locations and density increases suggested by our members are: (i) the east side of Madison Avenue between 47th and 48th Streets to 25 or 27 FAR and the opposite side of Madison Avenue to 21.6 FAR; (ii) the

block between Fifth and Madison Avenues, 54th and 55th Streets to 21.6 FAR; (iii) the east side of Lexington Avenue between 45th and 46th

Infrastructure/Public Realm Contribution

The percentage of the purchase price of the transferred development rights used to fund infrastructure/public realm improvements should be kept as low as possible to facilitate their sale and to generate revenue for the fund sooner rather than later. We think a floor price would impede sales especially in a down market where the floor price could exceed even the range that has been discussed. Also, landmarks should be given a credit against the contribution equal to the total of (i) the amount that they are required to expend on the initial scope of work in the required program of continuing maintenance and (ii) the amount that they are required to set aside as security for the performance of their ongoing maintenance obligations. To require them to pay for both restoration work and infrastructure effectively reduces the net proceeds from the development rights sale and makes it more difficult for an owner to maintain the landmark over the long term.

The scope of work should study an alternative scenario under which the floor price would be removed and the contribution rate to the District Improvement Fund lowered as a means to maximize development opportunities. This would help determine whether the City would be better served from collecting DIF funds sooner rather than over a longer period of time. The scope of work should also study the impact that the required set-aside of transfer funds will have on the ability of landmarks to meet their perpetual maintenance obligations.

Additionally, there are many sites that are encumbered by challenging subsurface conditions and may be required to accommodate entrances for East Side Access, which has not been mentioned in the proposal. Since a key goal of the City's proposal includes upgrading the area's transit infrastructure, the scope should study the additional measures necessary to induce development on these sites. As part of this, the height and setback study should take into account and the EIS and scope should allow for the more flexible height and setback controls being developed to be used on buildings incorporating significant pieces of transit infrastructure, such as elements of East Side Access, even if the building is not utilizing the additional floor area mechanisms. This new infrastructure is a vital element of the overall transportation network for East Midtown, but has a significant and adverse impact on the buildings in which it housed by occupying a substantial portion of a buildings base and forcing floor area that would have been located in the base into small, inefficient floor plates on the upper floors that are not conducive to first class, state of the art, office space. Allowing these buildings to use the same height and setback controls being developed for higher FAR buildings would provide a uniform development envelope for all buildings and would promote the East Midtown goals of incentivizing the construction of first class office space and enhancing East Midtown's transit networks.

Other Critical Issues

- Street use limitations and closures are more a deterrent to the plan's success than they are a boon to the public realm. Any proposal to restrict existing streets must go through a comprehensive review process with property owners and any permanent street closures or shared streets should have the approval of impacted property owners which have loading docks or building entrances on the proposed closed or shared streets. The EIS must consider the consequences of the proposed closures and partial closures on traffic, emergency vehicle response time, and the economic impact on the businesses whose doors are located on these streets. In addition, the scope should clarify how, if it all, potential street use limitations and closures will be analyzed as part of the EIS and what processes would be followed to implement them.
- The criteria for the grant of a bonus for a public concourse should be realistic and achievable. These floor area bonuses should be assumed doable on as many sites as possible both to enhance the public

realm and promote the neighborhood's revitalization. Further, clarification is needed as to whether the existing plaza bonus and the bonus for public concourses can be combined in a single project.

- A mechanism should be established and analyzed which ensures that transit improvements not currently envisioned as part of the Transit Improvement Zone proposals can be expeditiously approved.
- The creation and utilization of possible tax incentive benefits should be studied to determine the economic impacts to the City and potential projects.
- In order to enhance and further the public realm goals of the East Midtown proposal, the text should include and the EIS should consider a certification mechanism allowing for owners that have publicly accessible spaces that are underutilized or not optimal because of physical or other constraints to exchange all or a portion of the publicly accessible space for an equivalent or superior public realm improvement. There are examples of publicly accessible spaces throughout Midtown that do not function in an optimal way for the public because of limitations that can't be readily addressed through design improvements. Some spaces have specific use requirements that are no longer viable; other spaces have oddly configured plaza areas or include multiple levels that don't attract the public beyond the main space. By allowing owners to replace these underperforming spaces with a public realm contribution, the City's goals in enhancing the public sphere in Midtown will be achieved.

Conclusion

East Midtown is a key job center in NYC. Its building stock, however, is aging and many buildings are outmoded and lack the floor plate size, slab-to-slab clearances, and design efficiency that tenants require. This rezoning proposal is needed to create opportunities for updated workspaces that will continue to attract companies and employers. It is our hope that the City will study and put forward the strongest plan possible to ensure that East Midtown retains its pre-eminence as a world class office district.

[REBNY is considering submitting additional written comments prior to the close of the comment period.]

Regional Plan Association Testimony before the New York City Department of City Planning, Public Scoping Meeting on the Greater East Midtown Rezoning (CEQR NO. 17DCP001M)

Pierina Ana Sanchez, New York Director

September 19, 2016

Good afternoon, my name is Pierina Ana Sanchez and I am the New York Director at Regional Plan Association, which aims to improve the New York metropolitan region's economic health, environmental sustainability and quality of life through research, planning and advocacy.

By almost any measure – jobs, office space, salaries, and rents – East Midtown has few rivals around the globe. As the city's premier central business district, it fuels the economy of the city and region and is one of the greatest generators of prosperity in the country. But the district is facing a number of challenges -- an aging and increasingly outdated office building stock, limited new construction, and a need for improvements to the public spaces, pedestrian networks and transit amenities that allow for a positive experience in the district.

The East Midtown Steering Committee recommended an innovative rezoning framework that would allow as-of-right, higher density and thus incentivize modern office development in locations with proximity to transit, and/or extra air and light as a result of a number of factors, including frontage on wide street or avenue. The as-of-right density should be earned however, through upgrades to the transportation network and public realm, or through contribution to the preservation of important local historic resources. These recommendations reflect an intensive consensus building process.

As a member of the Steering Committee, RPA helped to shape the recommendations that set the foundation for the City's draft scope of work for the Greater East Midtown Rezoning. We believe the hard work of the Steering Committee, the hard work of Manhattan Borough President Gale Brewer and Council Member Dan Garodnick, should serve as the guide for the rezoning. We commend the hard work the City has put into the future of East Midtown and we have the following concerns and recommendations:

Transit Bonuses

More aspirational pre-approved transit improvements: As part of the as-of-right framework, pre-identified improvements will be assigned a specific amount of floor area based on their scope and benefit to the public. Developments taking advantage of this zoning framework should contribute to transit network improvements, above and beyond the State of Good Repair (SOGR), Normal Replacement (NR), System Improvement (SI) and Network Expansion (NE) work usually carried out through the MTA's capital program. Upon cursory review of MTA's preliminary improvements list, RPA recommends MTA provide more information on how they made their selections.

Additionally, the City and MTA should consider how the district can achieve more aspirational improvements including:

- MTA and City should consider how to upgrade relevant East Midtown bus routes as redesigned roadways, involving greater preference for transit and more space for people.
- The City should consider improvements to add safety and convenience to the bike and pedestrian network. Right now, there are no bike network improvements included in this plan.

- MTA, City, Port Authority of New York and New Jersey should explore airport access from East Midtown to the area's airports

Build flexibility into the pre-approved transit improvements list: We also strongly recommend flexibility be built into the concept plan, such that as needs change at GEM district transit stations, pre-approved projects can be amended.

The valuation of floor area should also be able to change over time. The public should receive fair benefits for the additional development rights, and this information should be made publicly available for each transaction.

Special permit through certification not ULURP: Given how scarcely the transportation special permit has been used in the past 30 years, 10 times since 1982, RPA is not confident the transit improvement special permit mechanism will yield many benefits. Per the steering committee's recommendations, the transit bonus in the GEM special district should be restructured so as to maximize the opportunity for approvals through certification by DCP and MTA, as opposed to through the Uniform Land Use Review procedure (ULURP). Otherwise, RPA recommends greater preference be given to transit improvements over landmark transfers.

Boundaries

Expand Grand Central Terminal (GCT) Transit Improvement Zone (TIZ) to 49th Street: Part of the proposal's planning rationale for allowing additional density in certain areas is related to an area's proximity to transit nodes. These areas are the blocks or portions of blocks directly above GCT's below-grade network, and the blocks or portions of blocks directly below Fifth Avenue-53 Street, Lexington Avenue-51st/53rd Street. We recommend the GCT TIZ be extended two-blocks north to 49th Street, from 47th Street. This would enable more of the developments with holdings directly over transit stations to "earn" FAR through implementation of pre-identified transit improvements. This is especially important since only developments within TIZ's will be eligible to earn FAR through direct transit improvements.

Leave room for improvements and density considerations near future stations: After almost a century of stops and starts, the first segment of the Second Avenue subway – between 63rd to 96th Street – is nearing completion. The first phase alone will divert 200,000 riders from the Lexington Avenue subway lines. In all, the public will invest upwards of \$20 billion on the second avenue subway and its stations. Because of the immense amount of public resources new rail transit represents, RPA recommends the zoning framework include language about future stations that will serve the district.

Place-making Bonuses

More aspirational pre-approved place-making opportunities: With respect to place-making opportunities, RPA is concerned that the concept plan will not include improvements aspirational enough to meet the district's challenges. The concept plan that may be pre-approved through ULURP should use the Steering Committee's recommendations as a foundation, and borrow more ideas from four foundational reports including the Grand Central Partnership's 1987 revival plan, Jonathan Rose Companies' "Places for People: A Public Realm Vision Plan for East Midtown," commissioned by DCP and EDC in 2013, the Municipal Art Society's 2013 Vision, and the multi-board task force's 2013 statement. Ideas contained in these documents date back 40 years and have support from key stakeholders. In particular, RPA strongly recommends:

- The advancement of NYC DOT public plaza and shared streets recommendations, including plazas at Pershing Square West, the northern section of Vanderbilt Ave, a shared street along Library Way, and additional pedestrian space along Vanderbilt Ave.
- The EIS should evaluate these options and more, and detail the potential safety, public health and cultural benefits of additional public space in this overcrowded district.

Finally, RPA is dubious about the success of the NYC Planning's new privately owned public space bonuses.. With ULURP requirement, will it really be successful?

Residential conversions & Affordable Housing

Limit residential conversions, and require affordable housing in any residential development enabled: East Midtown is first and foremost a business district and to that end, RPA recommends residential uses be discouraged. In order to utilize the zoning framework proposed in this rezoning, the City has required that development have clear frontage along a wide street, exceed environmental performance standards, and that residential floor area be no more than 20 percent of the development. RPA applauds this last provision, and furthermore recommends that if this rezoning will encourage additional residential capacity, either by design or as a side-effect, the housing must be mixed-income. RPA also supports more preference for plazas and POPS.

Governing Body

Expand governing body membership: A percentage of landmark transfer of development rights transfers will go to an improvement fund managed by a governing group consisting of appointees from the Mayor's office, local elected officials, and community boards. RPA recommends the governing body also include membership from the independent civic organizations that comprised the steering committee.

Conclusion

At RPA, we pay special attention to the infrastructure systems that make this concentration of activity possible, including the housing that is home to our labor force, the movement of goods to support those workers, and of course the transit system which is the lifeblood of our city. The transit system of our region is a modern wonder, providing over ten million daily trips in, out and around the city and region efficiently, sustainably and sometimes even comfortably. The maintenance and expansion of this system is among our highest priorities.

With an estimated 2 million new jobs destined for the region over the next twenty-five years, we will need to rethink space for commerce throughout. The rezoning of Greater East Midtown and redevelopment it will come together with new capacity in the Far West Side, Lower Manhattan, downtown Brooklyn and Queens secure and safeguard the future of this district. It is our responsibility to future generations, who will benefit from the decisions we make today.

HMC

Hilson Management Corporation

Sales, Leasing, Management

185 Madison Avenue, New York, NY 10016

212/751-5884 Phone, 212/684-0600 Fax

www.HilsonManagement.com

August 10, 2016

Manhattan Borough President Gale Brewer
& City Council Member Dan Garodnick &
City Planning Commission

Re: Midtown East Rezoning Boundaries

Dear City Planning Officials:

As the owner of 353 Lexington Ave, we would like to add our name and property in support of the City's plan for the re-zoning of the master plan for Midtown East.

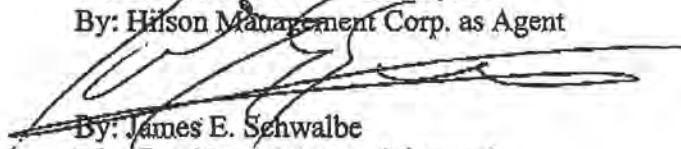
We join our neighboring property owners in our request to have our locations added in a revised plan prior to the City Planning Commission sign-off.

As a Manhattan property owner, we strongly believe that the initial plan should have included our property located at 353 Lexington Avenue, and hope that the revisions are drawn to include the buildings located on Lexington Ave between E 40th and E 39th St.

We welcome the opportunity to have our representative meet with you and have further discussions to ensure that our voice will be heard and considered prior to any final decision.

Thank you for your consideration,

Very truly yours,
353 LEXINGTON AVENUE, LLC
By: Hilson Management Corp. as Agent


By: James E. Schwalbe
Vice President & General Counsel

**Statement of 3 East 54th New York LLC
To the New York City Department of City Planning
Regarding the Draft Scope of the Environmental Impact Statement
for the Greater East Midtown Rezoning
CEQR No. 17DCP001M**

We are the owner of property located at 3 East 54th Street (Block 1290, Lot 6) (“Site”) and plan within the next five to ten years to redevelop the Site with a mixed use building. The Site has a lot area of 18,409 square feet and about 183 feet of frontage on East 54th Street. It is within the area affected by the proposed Greater East Midtown Rezoning (“Rezoning”).

The Site is a prime example of a midblock site that can (and, in this case, will) be redeveloped in a way that furthers the goals of the Rezoning if it is eligible for inclusion in its framework. It currently contains an obsolete midcentury office building and a public parking garage – a dramatic underuse of a site located just one block from the subway station at Fifth Avenue/ 53rd Street. In addition, the Site’s adjacency to the St. Regis Hotel would allow it to be redeveloped with additional and improved facilities for this iconic landmark. A mixed-use development containing commercial, residential, and possibly hotel uses would realize the site’s potential by providing high quality office space for smaller firms that like full-floor offices and, potentially, by strengthening the East Midtown hospitality market.

We strongly support the City’s effort to encourage new development, preserve landmarked buildings, and improve the public realm in one of New York City’s most important business districts. However, we believe that the Rezoning as proposed misses a number of important opportunities to bring East Midtown’s inventory of office space into the 21st Century, to foster landmark preservation and to upgrade the area’s public realm. These objectives can be advanced by permitting redevelopment of sites with no cleared wide street frontage and by providing for a floor area ratio (“FAR”) of 21.6 on the block on which the Site is located. These issues are of moment here because they can be addressed only if the draft scope of the Rezoning’s environmental impact statement (“EIS”) is modified to include both the potential for mid-block redevelopment and the possibility of increased floor area on the Site.

We therefore urge you to amend the draft scope of the EIS to include the potential future redevelopment of the Site as proposed. The current Rezoning proposal would limit the availability of additional FAR to development sites that include cleared frontage on a wide street – a limit that could substantially frustrate the goals of the Rezoning by excluding sites (such as the Site) that are ripe for redevelopment. It also does not include an intermediate-FAR zone that provides a transition from the 23 FAR napped along the East 53rd Street transit corridor (and the south side of East 54th Street) to the 18 FAR area on the blocks to the north – an omission that is inconsistent with the proposal’s intent to center context-appropriate density near transit nodes. The discussion below explains these policy points in more detail and highlights how the redevelopment of the Site pursuant to both potential modifications would advance the City’s policy goals.

Narrow Street Eligibility

The proposed Rezoning will be successful only if it offers the widest range of options for commercial redevelopment and creates a robust market for landmark development rights. Excluding midblock sites from eligibility for its benefits unnecessarily limits the pool of sites available for redevelopment pursuant to its program -- sites that would otherwise be able to provide high quality office space, purchase landmark development rights and fund public realm improvements throughout East Midtown. Many midblock sites are particularly good candidates for redevelopment.

One of the principal goals of the rezoning is to encourage the replacement of outdated office space with state-of-the-art commercial buildings that can contribute to a vibrant business district. Limiting the as-of-right transfer mechanism to the avenues will hinder this effort. Midblock sites generally are less costly to acquire, more likely to be improved with significantly undersized and obsolete buildings, and easier to vacate than sites with avenue frontage. They are, in short, more attractive candidates for redevelopment, and they are particularly likely to contain the types of buildings that the rezoning seeks to replace. Their redevelopment can offer a true (and highly valuable) alternative, in terms of both size and pricing, to new buildings with Avenue frontage.

The corollary of expanding the universe of potential receiving sites is, at any given time, to better balance in the market between the supply of landmark development rights and the demand for them. East Midtown's iconic historic buildings will not be protected unless their owners can monetize excess development rights, funding programs of continuing maintenance for the costly upkeep of landmarks. A districtwide transfer mechanism neither serves preservation goals nor provides funding for public realm improvements if there is not a vibrant market in landmark development rights. Providing for additional receiving sites should increase the value of landmarks' development rights for the benefit of both preservation and public infrastructure.

Transition Zone

The Rezoning proposal seeks to concentrate density near transit by mapping the highest maximum as-of-right FARs near subway stations and around Grand Central Terminal. In the southern half of the proposed district, maximum FARs gradually decrease away from transit nodes: the area one block away from the 27 FAR zone is zoned 23 FAR, and the area one block outside the 23 FAR zone is 21.6 FAR. This approach keeps density centered around transit but also ensures that maximum FAR changes gradually. It would be reasonable to apply the same logic to the block between East 54th Street and East 55th Street. Because this area is just one block away from a subway station and immediately across the street from a 23 FAR zone, 21.6 is a more appropriate maximum FAR than 18. The impact of the additional density would be insignificant because of the block's proximity to mass transit.

Height and Setback

The rezoning should consider the impact of redeveloping midblock sites in preparing the modifications of height and setback regulations that will accompany it. We recognize that this is not a matter being considered by the EIS (at least at this time); however, we believe that appropriate as-of-right height and setback controls on midblock redevelopment need to

accommodate the projected densities if the Rezoning is to be successful. Such controls are also consistent with the rezoning's commitment to a rich, varied built environment – one in which LPC-designated historic buildings on midblock sites are complemented by state-of-the-art new construction.

Conclusion

For the foregoing reasons, the City should modify the draft scope of the Rezoning's EIS to include redevelopment of midblock sites, a higher density for the block on which the Site is located, and the potential redevelopment of the Site itself. Thank you for your consideration.

NANCY IDAKA SHERAN
137 E. 36TH STREET #2B
NEW YORK, NY 10016
nancysheran@gmail.com

September 22, 2016

New York City Planning Commission
1 Centre Street
New York, NY

RE: Proposed Midtown East Rezoning

TESTIMONY

I am not an expert in zoning, architecture or city planning. I am speaking as a "user". I am a concerned New York City resident who has lived and worked in many different neighborhoods in New York City for nearly 50 years. I love this city, its neighborhoods, its architecture, its history, its energy and its opportunities!

I am not an enemy of the new. I have enjoyed working in many modern office buildings and appreciate their benefits. I have also worked in historic buildings, including The Woolworth Building and the First National City Bank Building at 20 Exchange Place, and have been uplifted by the feeling of connection to the past. Both modern and old buildings contribute to our working lives.

The Draft Midtown East Rezoning Scoping document, notes that having the older buildings in Midtown East has resulted in a greater diversity of office tenants, from high-tech startups to non-profit organizations drawn by the convenient location, lower rents and perhaps also by an appreciation of their history and architectural merit. Other types of businesses including banks, accounting firms, and large corporations prefer more modern buildings. This diversity is a very positive outcome of the mixture of old and new. We should seek to preserve diversity. It brings more excitement to the life of the city.

The proposed new development will bring taller buildings and more density to the area. I feel that the bar has been set too low. This is an opportunity to address some of the values we want to see in the City and in Midtown East. Can the new development be required to address:

- The need for green space and open space in Midtown East
- Preservation of retail, restaurants and services—these are typical of NYC and contribute to vitality on the street and also to safety
- New buildings of high architectural merit
- Infrastructure to support the expected higher density. All forms of transportation should be considered—not only subways, trains and pedestrian, but also taxis, uber, bicycles..., as well as post office and other pick-ups and deliveries, garbage pick-up, public safety in the form of police and fire department support, etc.

Sincerely,



Nancy Idaka Sheran

NANCY IDAKA SHERAN
137 E. 36TH STREET #2B
NEW YORK, NY 10016
nancyidaka@mindspring.com

October 11, 2016

To: New York City Planning Commission

RE: Greater East Midtown Rezoning Comments

This comment is a follow-up to my previous comments. I urge the City to require significant public goods for Midtown in exchange for greater height in order to make East Midtown better.

I support the 20% limit on residential space in the rezoning district. The intent is to modernize the commercial spaces. It is correct to limit residential space. All new residential spaces should be subject to Mandatory Inclusionary Housing, and should include a percentage of permanent affordable apartments.

Sidewalk widening and usable plazas and green spaces that are open at least most of the day to the public should be required as much as possible to offset the expected height of the new buildings. This includes the Pfizer building, if it will be upzoned. Now it appears that Pfizer has no intention of staying in their old building, according to a recent Crain's article, so upzoning will simply provide a cash bonus to Pfizer when they sell the building. Is this exceptional treatment needed?

I do **not** support extending the upzoning to 38th Street on Lexington Avenue. If the upzoning district is extended to 38th Street on Lexington Avenue, please note that the building on the NW corner of 38th & Lexington (The Permanent Mission of Benin to the UN) is in the Murray Hill Historic district and is protected from demolition and all changes must go through the Landmarks Preservation Commission. I do support extending the ability of buildings in the Murray Hill Historic District to sell their air rights into the proposed upzoning area.

I do **not** support extension of the upzoning to the side streets. I do support keeping the upzoning to wide streets, and feel that the 19 or so building sites projected for build-out in the NYCPC document are sufficient to achieve the goals of the rezoning.

I am not a big fan of closing off streets to make pedestrian plazas in a busy commercial area. This is very disruptive for traffic. We already have many streets that are not through streets: Park Avenue south of 42nd with the Pershing Square renovation, 41st Street due to the NY Public Library which blocks it on 5th Avenue, streets that are access points for the Park Avenue tunnel, etc.

I am skeptical about the proposed improvements to the 4, 5, and 6 lines, and think that they will not be sufficient to handle the extra expected population. The way I

read it, only one more subway train per hour would be able to go through the station. This won't do much to improve the congestion on those platforms.

However, I am also a bit skeptical about the 26,000 additional people expected with the upzoning. The trend that I've seen recently is that people are expected to work from home more. Those large open spaces that the companies want at this time are filled with "hotel" desks. Employees are not even assigned permanent desks. I can only hope that this impersonal way of treating employees like expendable commodities will not last long.

Best regards,

Nancy Idaka Sheran

From: BRUCE A SILBERBLATT [mailto:maribru3@msn.com]
Sent: Thursday, September 22, 2016 11:49 AM
To: Robert Dobruskin (DCP) <RDOBRUS@planning.nyc.gov>
Cc: Bill Curtis <curtis928@aol.com>; Carol Rinzler <carl160@aol.com>
Subject: TURTLE BAY ASSOCIATION - SCOPING

Dear Robert Dobruskin, AICP, Director

Below is our reply regarding the eastern boundaries of the East Midtown Rezoning proposal.

We respectfully submit that super tall office towers do not belong close to low rise residential communities such as ours

It was unanimously approved by Manhattan Community Board 6 on September 14, 2016.

Bruce Silberblatt

Turtle Bay Association Vice President and Zoning/Land Use Chairman

TURTLE BAY ASSOCIATION

224 East 47th Street, New York, NY 10017

East Midtown Rezoning

On Wednesday, September 7, 2016, the Land Use Committee of Community Board 6 adopted a resolution concerning the East Midtown Re-Zoning proposal and the revisions drafted by City Planning, as required by the ULURP regulations.

The City Planning draft currently includes the east side of side of 3rd avenue from 42nd to 55th streets and

permits new buildings an increase in floor area from 20% to as much as 53%. Avenue. In doing this, City Planning would enable towers with greater floor area combined with higher floor-to floor heights than in older office buildings. These new building might top 1,000 feet in height, overwhelming residential Turtle Bay with shadows, more people, and more pollution, utterly dwarfing our unique midblock houses. **The Turtle Bay Association therefore opposes this rezoning of blocks east of 3rd avenue.**

Recognizing our concern, the Land Use Committee passed a specific resolution by a 12-0-0-1 vote returning the east boundary of the City Planning proposal back to the middle of 3rd Avenue. A second, more complex resolution, proposes further review of some twenty odd items that require clarification and/or change).

The Turtle Bay Association respectfully requests that the full Community Board 6 adopt tonight the aforesaid resolutions of its Land Use Committee.

Bruce Silberblatt
Vice President/Land Use chairman of Turtle Bay Association
September 14, 2016

October 4, 2016

Robert Dobruskin, Director
Environmental Assessment and Review Division
Department of City Planning
New York City
120 Broadway, 30th Floor
New York, NY 10271

Re: Comments for Greater East Midtown Rezoning

Dear Mr. Dobruskin:

The East Midtown Rezoning entails numerous considerations, which different stakeholders have different views on. While each consideration, in varying degrees is independent of one another, they do interrelate since the layering effect of all these considerations will influence how effective or ineffective the overall rezoning ends up being. The last thing all sides want is a well intended rezoning like the landmarks transfer mechanism (as outlined in section 74-79 of the Zoning Resolution), which ended up being underutilized and not a viable mechanism.

Additional Tax Revenue vs Transit Improvement Transfer Fee

Additional tax revenue generated from the allowable incremental floor area in new buildings generated from the transfers should be part of the City's analysis. This incremental revenue would be recurring and could be leveraged and allocated for transit improvements.

Two example buildings (the Lipstick Building with 554,180 sf currently pays \$11,332,542 in taxes or \$20.45 psf; and 875 3rd Avenue with 634,175 sf currently pays \$12,153,729 in taxes or \$19.16 psf) show the approximate tax base per sf is \$20 annually in East Midtown. While other more obsolete office buildings may have a lower tax base psf, these examples of avenue fronting office buildings would be more indicative of the tax base generated by any new building built under the proposed rezoning. The net present value (NPV) of this recurring tax payment of \$20 psf at a discount rate of 3.0% is \$667 psf. To charge a transit improvement transfer fee on top of the NPV in taxes generated for the City for each sf is an unjust additional burden on the landmark owners.

Doing away with the transit improvement transfer fee also helps eliminate the additional

consideration of having a minimum pricing level set by the City. Having the minimum pricing level is in contrast to letting individual buyers and sellers negotiate their own terms over the various ups and downs of economic cycles. The minimum TDR pricing level is only needed to facilitate the minimum pricing level of the transit improvement transfer fee. So by capturing the increased taxes to fund transit improvements instead of the transfer fee, this removes the minimum pricing level and the transit improvement transfer fee issues that various stakeholders would have opposing views on.

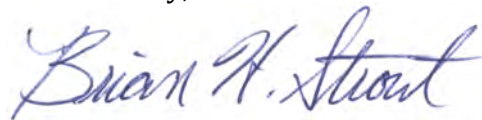
Multiple Burdens

The landmark property owners are carrying the burdens of simultaneously advancing three different public interests: (i) the landmarking of their building for historic preservation; (ii) the promotion the City's desire for more office square footage by the TDR effective exclusion of residential uses; and (iii) the imposition of the transit improvement transfer fee. The compounding effect of these three items could open the issue up for litigation versus if the landmark property owners were only carrying the burden of advancing one public interest. Removing the transit improvement transfer fee eliminates one of these burdens.

Conclusion

The City should study the economic impact of the additional taxes generated by the incremental larger building floor area transferred and built under the proposed rezoning. Carving out some or all of the financial economics of these additional taxes would generate funding for transit improvements without placing the transfer fee on the already burdened landmark owners.

Sincerely,



Brian Strout
SVP

GARY R. TARNOFF
PARTNER
PHONE 212-715-7833
FAX 212-715-7850
GTARNOFF@KRAMERLEVIN.COM

October 4, 2016

Robert Dobruskin
Director, Environmental Review and Assessment Division
NYC Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Dear Mr. Dobruskin:

We are submitting this letter on behalf of our client to request that the draft scope of work (“Draft Scope”) for an environmental impact statement for the Greater East Midtown Rezoning (the “Proposed Rezoning”) be expanded to analyze an alternative that would allow floor area in overbuilt buildings constructed after December 15, 1961 to be used in a new development without retaining the minimum 25 percent of the existing building prescribed in ZR Section 54-41 (Permitted Reconstruction).

The Draft Scope specifically identifies aging building stock as one of the main long-term challenges that must be addressed in order for Greater East Midtown to remain one of the region’s premier job centers and one of the most attractive business districts in the world. The Draft Scope notes that 300 of the approximately 475 buildings in East Midtown are more than 50 years old, and that many of these buildings are characterized by low floor-to-floor heights and narrow interior column spacing. Such characteristics are not conducive to tenants looking for office space in Midtown today, who typically seek large expanses of column-free space in order to have flexibility in creating office layouts. The risk is that these outdated buildings will continue to deteriorate or convert to other uses, including residential use, which is contrary to the city’s long-term economic goals of: i) meeting a need for new commercial space that the New York City Economic Development Corporation estimates at 60 million square feet in the next ten years alone; and ii) locating much of this commercial space proximate to Midtown’s excellent and expanding public transit infrastructure. While renovations to older buildings can achieve limited technological and amenity upgrades, inherent problems relating to concrete frames, low floor to ceiling height, and narrow column spacing cannot generally be addressed without *entirely* replacing the outdated buildings, or undertaking upgrades that require the capture of extraordinarily high rents.

To enable the creation of modern office space, the Proposed Rezoning includes an as-of-right mechanism to allow floor area of pre-1961 buildings that exceeds the maximum permitted

1177 AVENUE OF THE AMERICAS NEW YORK NY 10036-2714 PHONE 212.715.9100 FAX 212.715.8000

990 MARSH ROAD MENLO PARK CA 94025-1949 PHONE 650.752.1700 FAX 650.752.1800

47 AVENUE HOCHET 75008 PARIS FRANCE PHONE (33-1) 44 09 46 00 FAX (33-1) 44 09 46 01

WWW.KRAMERLEVIN.COM

Robert Dobruskin
October 4, 2016
Page 2

base FAR to be used in a new development without retaining 25 percent of the current building as prescribed in ZR Section 54-41. In order to use the overbuilt floor area in a new development, a contribution to a public realm improvement fund will be required. Certain buildings will be able to develop additional floor area through construction of pre-identified improvements to a transit node. Eligible transit nodes include those stations within the East Midtown subdistrict boundaries, and the three stations that are located outside the boundaries but serve routes that pass through East Midtown (Lexington Avenue/59th Street, 47th-40th Streets/Rockefeller Center, and 42nd Street/Bryant Park).

Depending on the amount of the required contribution, this proposal may provide a reasonable incentive to both replace outdated buildings and create needed, suitably sized development sites for new office buildings. However, we do not believe it should be limited to overbuilt buildings constructed before December 15, 1961. The Draft Scope notes that many of the buildings constructed prior to 1961 are overbuilt since they were constructed prior to the current zoning resolution, which first instituted floor area ratios. However, many office buildings constructed in East Midtown between 1961 and 1982 are also overbuilt today, since the maximum base FAR was reduced from 15 FAR to 12 FAR (midblocks) with the adoption of the Special Midtown District in 1982. Other buildings are overbuilt because of additional floor area allowed by a variance granted by the Board of Standards and Appeals (“BSA”). As is the case of pre-1961 buildings, many of the post-1961 overbuilt buildings exhibit characteristics that render them obsolete for modern office space. Many of these buildings constructed in the 1960s and 1970s also feature tight column spacing, typically 20 by 20 foot bays versus the 40 to 45 foot bays used today and, in order to squeeze as many floors as possible into then regulated height and setback limitations, low floor to finished ceiling heights of eight feet or less. Many of the Midtown office buildings constructed in the 1960s and 1970s were also the first generation of glass curtain wall buildings. Because the curtain walls were intended to be as thin as possible, many used a non-load-bearing system, which is ill suited for retrofitting for more energy-efficient double- or triple-glazed curtain walls.

Without the ability to retain the overbuilt floor area, many of these 40- and 50-year-old obsolete buildings will remain or convert to residential use, in either case depriving East Midtown of additional opportunities for much needed, new Class A office space. As such, we echo the recommendation contained in testimony by the Real Estate Board of New York (“REBNY”) on September 22, 2016, which recommends expanding the provisions for overbuilt buildings to those built prior to 1982.

As an alternative, the Department could create a new special permit (“Special Permit”) that would allow for the replacement of all overbuilt, post-1961 buildings including but not limited to those buildings that were built pursuant to a BSA variance. The findings for the Special Permit could include a demonstration that the overbuilt, post-1961 building no longer accommodates the needs of current office space demands due to certain physical limitations,

Robert Dobruskin
October 4, 2016
Page 3

including narrow column spacing, inadequate floor plate size, etc. We believe the BSA would be the appropriate agency to administer the Special Permit, since the agency has experience reviewing applications for variances that involve building obsolescence. The Special Permit could also allow waivers to the building envelope regulations in order to allow a building that accommodates modern office needs. Like the proposed as-of-right mechanism for other overbuilt buildings, the Special Permit would require either a contribution to a public realm improvement fund or construction of improvements to a transit node that is proximate to the site, or both. Since it is a discretionary action, we propose allowing the Special Permit to apply to zoning lots both within the East Midtown boundaries, and within a defined radius of the three stations noted above that are proximate to and serve routes that pass through East Midtown, since it is particularly important that obsolete buildings near these transit nodes be redeveloped for commercial, rather than residential uses.

We would be happy to arrange a meeting with the Department of City Planning, our client, and other property owners who would be affected by this proposal.

Very truly yours,



Gary R. Tarnoff

cc: Purnima Kapur, Executive Director
Edith Hsu-Chen, Director, Manhattan Office
Beth Lebowitz, Director, Zoning Division

Thank you for the opportunity to testify today. My name is Cameron Tudhope, and I am representing SL Green Realty Corp., the largest commercial landlord in New York City and in Greater East Midtown.

Thank you Council Member Dan Garodnick and Borough President Gale Brewer for your leadership. Thank you City Planning Commission Chair Carl Weisbrod and City Planning Manhattan Director Edith Hsu Chen for your thoughtful proposal.

SL Green is committed to the future of East Midtown and we are 1000% in favor of the re-zoning. With that said, we want to ensure the zoning is utilized for its intended purpose: To spur new office development throughout the district efficiently, with equal opportunity for buyers and sellers of air rights, property owners and the East Midtown community at large.

To this end, we have a number of recommendations.

First, it is critical that the rezoning provide for sufficient density to spur development. We are unsure the proposed density is enough – especially with regards to the blocks between Lexington and Third Avenues in the 18x and 23x FAR zones. Much of the pre-zoning stock is built to between 18x and 21x FAR. We recommend an open-book session with owners and developers, to ensure sufficient density. The topics should include increasing maximum density in the 18x and 23X FAR zones, ensuring that split zone lots carry the higher FAR, and eliminating the contribution for utilizing overbuilt floor area.

In addition to concerns over density, we believe it is necessary to examine the allocation of TDRs to ensure that all of the district will benefit. Within the borders of East Midtown, there is a disparity of office rents and property values. The disparity breaks down block-by-block and commercial versus residential uses. As a result, landmark TDRs will naturally migrate to the highest value sets, which are more likely to be at the northern edge of the district. We are already seeing signs that this happening, including as-of-right residential development and conversion within the current zoning parameters. The allocation of TDRs within the new parameters, including the 20% residential allowance, could increase the TDR price by as much as 50%, thereby aggravating the problem.

To prevent this from happening, SL Green recommends creating two or three geographic sub-districts, each with a maximum TDR allocation in order to ensure district-wide distribution. We also propose further limits on residential use of TDRs within each sub-district.

Allocation is not the only concern we have with regards to TDRs. Right now, there is no structure in place to prevent TDRs from becoming a game of speculation. An individual or institution could conceivably purchase all of a single landmark's air rights and warehouse the TDRs for use in future developments, or they may ask for an unreasonable, non-market price.

Because we cannot allow TDR values to become distorted in this way, the new zoning must have a mechanism to ensure that East Midtown TDR owners, who benefit from the re-zoning, do not sell to speculators. Our recommendation is to limit TDRs from Landmarks to transfers pursuant to the zoning provisions already in place (i.e., 74-79, 81-635, etc.), or transfers to an expanded area -- but subject to the above allocation -- in instances where the purchaser will actually utilize the TDRs for construction and/or will utilize them within a specified period of time.

Another factor that could compromise pricing integrity is the disinclination of TDR holders to sell. With limitation on pre-identified transit improvements of 20% of maximum permitted FAR, we run the risk that TDR holders will bank them, waiting for the opportune time to sell. Because the hoarding of TDRs will significantly undermine price efficiency, the new zoning must also have a mechanism that will compel Landmark owners to sell their TDRs. We suggest that the expansion of transferability of Landmark TDRs should sunset after a fixed period of time, either 15 or 20 years.

Finally, we all need transportation infrastructure capable of supporting the continual influx of more workers into East Midtown. Our One Vanderbilt project provides the blueprint for ensuring that transportation infrastructure is in place before density increases. This needs to become a working model. To this end, SL Green proposes that a substantial portion of transferred TDR proceeds – perhaps 50 percent – should be directed into the public realm improvement fund and that rate should escalate over time so issues of density can be appropriately mitigated.

In closing, I would like to reiterate SL Green's support for the re-zoning and excitement about the future of East Midtown. We very much look forward to participating in this process and hope you will give serious consideration to our recommendations.

Board & Officers

Kent L. Barwick
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Ross Sandler
Bruce H. Simon
E. Gail Suchman
John Pettit West, III
J. Mike Zee

28 September 2016

Testimony concerning the Draft Scope of Work for the Environmental Review of the Proposed Changes to East Midtown (CEQR NO. 17DCP001M) following Thursday 22 September 2016:

Whereas, the City has issued a Draft Scope of Work for an Environmental Impact Statement on the East Midtown Rezoning (CEQR NO. 17DCP001M), held a public meeting on Thursday 22 September to hear comments on the scope, and will accept written comments through Tuesday 4 October.

Whereas, the City Club wishes to raise a number of matters that should be included in the environmental review of the proposed changes to East Midtown so that it may be as useful as possible in informing agencies and the public of the consequences – good and bad.

Therefore, be it resolved that the City Club recommends that the following twelve matters be incorporated into the environmental review of the zoning and other changes being proposed for East Midtown:

- **The EIS should consider the public policy of using zoning to raise funds and examine alternative ways of paying for at least some of the public realm improvements, for example, the capital budget and tax increment financing.**

Zoning is intended to regulate what is built so as to protect the public welfare; it is not intended to generate funds to supplement the municipal budget. If zoning, as proposed for East Midtown is used to raise funds to improve the MTA's transit facilities or the DoT's streets, is it likely to favor those objectives to the detriment of others such as daylighting of the streets, maintaining density appropriate to the capacity of public circulation and open spaces, and protection of the existing built fabric, including urban design and contextual structures? Is there a conflict between the raising of funds and the purposes of zoning?

Zoning is not the only tool available to raise monies from development in East Midtown for transit and street improvements. A tax Increment financing district could capture a portion of the increase in land value resulting from the completion of East Side Access. This would not be a surcharge on real estate taxes, like a BID, but a segregation of part of the natural increase in real estate value from East Side Access and it would be spent benefitting the area paying it.

An appropriate model for a tax increment district would allocate the increase in the building portion of the assessment to the municipal treasury to pay for increased services required by the new buildings but would allocate the increase in the land portion of the assessment to pay for some of the public realm improvements, especially East Side Access, which increase the value of the land. The EIS should explore this alternative.

Using the City's capital budget to allocate some of the real estate and other tax revenues generated by East Midtown to the improvement of East Midtown is another alternative.

- **The EIS should use daylight evaluation to confirm the 1982 analysis of street sky exposure and to quantify the impact of the proposed zoning changes on the area's streets and public spaces.**

The Special Midtown District includes a quantitative system, known as daylight evaluation, for measuring the sky exposure that a building leaves to provide daylight to the street. Before its adoption in 1982 an analysis examined the sky exposure of Midtown's streets to determine the appropriate scores.

The increased FARs being proposed are likely to require substantial modification of height and setback (One Vanderbilt, at 30.0 FAR results in a failing daylight evaluation score of **minus** 62, compared to a minimum passing score of **plus** 75.) In an area as densely developed as East Midtown the traditional shadow analysis is inadequate because most new shadows land on existing shadows. The urban design discussion of views and neighborhood character is often subjective rather than rigorous and quantitative.

A current daylight evaluation of East Midtown would provide a basis for discussing any revision of as-of-right passing scores and would provide a context for considering any future modifications by special permit.

- **The EIS should study alternatives for the transfer of development rights from landmarks that would maintain a nexus between the granting and receiving sites.**

It is traditionally considered important that the benefits of a landmark that transfers its development rights be proximate to the disbenefits of the larger building that incorporates those development rights. The Theater Subdistrict approximates this condition over time because the granting theaters and the receiving developments are scattered throughout the area. East Midtown is different in that the granting sites are concentrated in the western portion of the area, with the bulk of the development rights coming from Grand Central Terminal and St Patrick's Cathedral.

The EIS should consider alternatives that reduce this imbalance. One approach might be to reduce the amount of development rights that are received to less than those granted based on the distance between the granting and receiving sites. For example, the development rights being moved might decrease by 10% for each street and 20% for each avenue that they cross.

Another approach would be to establish smaller receiving areas extending no more than, say, two blocks from the granting site.

- **The EIS should consider an alternative that encourages mixed use buildings in the eastern portion of the district, say east of the midblock between Lexington and Third Avenues, by omitting the 20 percent limit there.**

The eastern portion of East Midtown is more mixed use than the western portion and provides a transition between the office district and the residential neighborhoods to the east. It may be an appropriate plan to encourage mixed use development in this area. Therefore, the 20 percent limit on residential use may not be appropriate in the eastern portion of East Midtown.

- **The EIS should explain what will prevent more than 16 sites from being redeveloped during the next 20 years. The EIS should also study an alternative worst case scenario in which substantially more sites are developed either within twenty years or over a longer period.**

The large proposed increases in FAR would seem to make a great many sites in the 78 blocks of East Midtown soft and yet the Scope proposes

that only 16 sites will be redeveloped during the next 20 years. The EIS should explain how such a constraint might exist.

The EIS should also examine an alternative worst case in which a substantially larger number of sites are redeveloped. If the constraint is based on the market's demand for space during twenty years and more of these newly soft sites will be redeveloped over some longer period of time the EIS should analyze impacts over a longer period of time. Perhaps there should be an interim build year and a longer term build year to more fully understand the consequences of the proposed rezoning.

- **The EIS should consider both as-of-right and special permit increases in density in identifying sites likely to be redeveloped.**

The large increases in potential FAR that are being proposed are likely to have unanticipated consequences in terms of where development occurs. Sites that are logically perceived as unlikely to be redeveloped because of their size, condition, or occupancy may turn out to be soft. The greater FARs may justify assemblages or zoning lot mergers that might not otherwise occur.

In identifying soft sites the EIS should consider the proportionally greater potential increases to midblock sites that have a base FAR of 12.5 compared to avenue sites with a base FAR of 15.0. It should also consider the inducement provided by an additional 3.0 to 6.0 FAR that may be available through the special permits for a Transit Improvement and for a Public Concourse.

- **The EIS should devise a means of exploring unanticipated consequences of the proposed rezoning.**

Unanticipated consequences are by definition not expected, particularly by those who know the desired outcome. Perhaps the City might offer an award to whomever discloses the most outrageous example of an unintended result of the proposed rezoning. This may not be practical to do until the zoning text has been released but the results might be included in the Final EIS.

- **The EIS should study an alternative that does not violate the nexus and proportionality test stipulated by the US Supreme Court to distinguish between exactions and takings.**

Traditionally bonus floor area is granted for density ameliorating amenities. The original amenities – plazas and arcades – were located on the zoning lot receiving the bonus thereby placing the amenity close to the density it was intended to mitigate. East Midtown proposes to allow bonus floor area from transit improvements that are remote from the site receiving the bonus and even from improvements that are outside of the East Midtown Subdistrict. The EIS should examine whether this diminishes the nexus necessary to protect the provision from being seen as a taking.

- **The EIS should compare the public benefit of on-site and off-site improvements to the public realm in terms of mitigation of the increased density of the development using the bonus floor area.**

It appears that the pre-identified transit improvements will be mostly within MTA facilities rather than on development sites. This may be a missed opportunity in that zoning is an opportunity to incorporate public space and transit access within a development. (One Vanderbilt includes a connection between the subway shuttle station and the concourse of the LIRR that could not have been accomplished so directly outside of the zoning lot; it also includes improvements to the Lexington Avenue subway station that could be funded in other ways.)

The EIS should compare opportunities to create open space and transit access on development sites with paying for subway station improvements remote from a development site. The comparison should include a measure of the amelioration of the impacts of the increased density of the development that includes the additional floor area.

- **The EIS should study the demand for large, column-free, high-ceilinged space, in the context of office space being developed in Lower Manhattan and Hudson Yards.**

The proposal assumes that modern offices need to have large, column-free, high-ceilinged space. This assumption needs to be examined. Wireless communications reduce the need for raised floors, older buildings with narrower floors provide better access to light and air from windows.

A rich ecosystem of uses requires a variety of types and prices of office space. The EIS needs to examine the proposal's assumption as to the appropriate requirements for office space in East Midtown and to do so in

the context of the kinds of office space being developed elsewhere in New York City, particularly Lower Manhattan and Hudson Yards, and the degree to which space in East Midtown should be complementary or competitive with space in these other areas.

- **The EIS should measure the impacts of denser development against improvements to the public realm in the context of a plan for East Midtown’s public realm.**

The proposal supposes there will be various improvements to the streets and the transit system and perhaps even on development sites; however, it does not present a comprehensive plan for the improvement of the public realm. Absent such a plan for the public realm how is the environmental review to determine whether the improvements will mitigate the increased density of the proposed development. The proposal needs to include a comprehensive plan for improvements to the public realm of East Midtown so that the EIS can measure the impacts of denser development against the benefits to the public realm.

- **The EIS should consider a system for transferring bonus floor area for new improvements to the public realm created in existing buildings.**

Some existing buildings are located such that they could provide important improvements in public open space or transit access but because of their size, age, occupancy, or quality are more likely to be renovated than redeveloped. In such cases they are unlikely to provide new improvements to the public realm without an inducement.

An alternative that would increase the opportunities to improve the public realm would be to allow bonus floor area to be earned for such improvements and for the additional floor area, to the extent it was not needed to enlarge the existing building, to be transferred to another site. This is not now part of the City’s proposal but should be included as an alternative in the EIS so as to not be out of scope if added later.

The City Club appreciates the opportunity to comment on the Draft Scope of Work for the Environmental Review of the Proposed Changes to East Midtown.

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-----Original Message-----

From: Amanda Yaggy [<mailto:ayaggy@gmail.com>]

Sent: Tuesday, October 04, 2016 4:19 PM

To: Robert Dobruskin (DCP) <RDOBRUS@planning.nyc.gov>

Subject: Midtown East

As a resident of New York City it is my request that the rezoning be evaluated re its impact on the area's existing businesses and specifically as to whether it would increase vacant commercial space at the street level.

The city is suffering from a high rate of commercial vacancy which is blighting formerly vibrant areas and negatively affecting remaining businesses, quality of life and may affect tourism. Data, including mapping, on the city's current rate of commercial vacancy is readily available online.

Thank you,
Amanda Yaggy

From: Max Yeston [mailto:max.yeston@gmail.com]
Sent: Thursday, September 29, 2016 4:57 PM
To: Robert Dobruskin (DCP) <RDOBRUS@planning.nyc.gov>
Subject: Greater East Midtown Testimony

Dear Mr. Dobruskin and Ms. Abinader,

My name is Max Yeston and I am a graduate of Columbia University's dual master's degree program in Historic Preservation and Urban Planning.

I am very satisfied with current Draft Scope for the Greater East Midtown Rezoning. It is a vast improvement over the 2013 plan, which placed too great an emphasis on growth without sufficiently addressing its effects on existing infrastructure, public realm improvements, and the loss of landmark-worthy buildings. Public benefits were not commensurate with the proposed scale of redevelopment.

Thank you for studying and incorporating the principles put forward in the report by the East Midtown Steering Committee. The current proposal provides stronger steps to ensure that major air rights transfers will be predicated on restoring and having a long-term maintenance plan for landmarked buildings. It is superior for requiring a percentage of these transfers to go into an improvement fund for much-needed work on transit, infrastructure, pedestrian circulation and welcoming public spaces.

That said, the following improvements need to be made to make sure the business district will retain its urban vitality while accommodating new office development.

First, the Department of City Planning should be in communication with the Landmarks Preservation Commission to ensure that all twelve East Midtown properties calendared for landmarking are designated before the zoning amendment completes the ULURP process.

Second, I urge DCP to coordinate with LPC to immediately calendar three landmark-worthy skyscrapers within the proposed East Midtown Subdistrict not currently on the LPC's list – the Lincoln Building, 56 East 42nd Street (J.E.R. Carpenter, 1929-30), the Mercantile Building, 10 East 40th Street (Ludlow & Peabody, 1929) and the Lefcourt Colonial Building, 295 Madison Avenue (Charles F. Moyer Co., Bark & Djourup, 1928-30). They provide unique combinations of the Gothic Revival, Romanesque Revival and the "setback style" produced by the 1916 Zoning Resolution – vertiginous styles fused together to produce buildings that soar. They are stunning examples of the surge of Jazz Age skyscrapers in the Grand

Central area during the last heady years before the onset of the Great Depression. All three buildings are remarkably intact.

Though they will still be over-built in terms of FAR under the current proposal, they will remain vulnerable to insensitive façade alterations that could fundamentally destroy their character and diminish the Grand Central corridor's architectural richness. Safeguarding these distinguished historic masonry buildings for posterity will retain the architectural variety of old and new that is East Midtown's brand, which will help the city stay competitive from an economic development and urban design perspective. Each building contributes to a lively and variegated skyline, and deserves to be safeguarded as prominent living artifacts of a giddy age of skyscraper building, whose optimism is etched into the stones, arches and finials of these reputable works of art.

Third, the language crafted for landmarks' air rights transfers must guarantee that developers do not have any loopholes with which they can avoid providing a long-term maintenance plan for a landmark. Steps should be taken to provide an equitable sale of air rights so some owners of landmarked properties do not benefit disproportionately more than others.

Fourth, I urge you incorporate Manhattan Borough President Gale Brewer's recommendations enumerated at the scoping session into the final scope of work. Caps should be placed on residential conversions to sustain East Midtown as a strong commercial center. There should be a buffer zone on the east side of Third Avenue (especially adjacent to districts zoned R8B and R10) to provide a smoother transition from the relatively lower-scale residential areas to the high-density commercial Subdistrict. This could be done through a combination of height caps and bulk and setback regulations. Finally, DCP should craft the mechanisms for producing new open space so it will be creative, aspirational, and will provide reprieve from the increased concentration of workers the proposal will bring.

Fifth, I urge you also to incorporate Council Member Garodnick's recommendations in his testimony dated September 22, 2016, which include the following. There needs to be more scrutiny over the MTA's proposed transit improvements and their square footage value, and the DOT's open space plan should be subject to public discussion. Any bulk and setback modifications for new buildings must maintain the district's access to light and air. The EIS should address what environmental performance standards will be used for new buildings. New zoning text should promote a variety of retail store sizes to retain the district's economic diversity and "vitality...as a pedestrian experience." The text should follow the Steering Committee's recommendation that no development rights from landmarks or transit improvements are used to encourage residential development.

Please honor the time and effort expended by the East Midtown Steering Committee and community stakeholders by ensuring their proposals are not severely compromised by the development community.

Yours sincerely,

Max Yeston

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Max Yeston

M.S. in Historic Preservation and Urban Planning
Columbia University

917.817.5442

max.yeston@gmail.com