



# 2

## Land Use, Zoning, and Public Policy

This chapter considers the potential for the Proposed Project to result in significant adverse impacts to land use, zoning, and public policy. Under the guidelines of the *2020 City Environmental Quality Review (CEQR) Technical Manual*, this analysis evaluates the uses in the area that may be affected by the Proposed Project and determines whether the Proposed Project is compatible with land use, zoning, and public policy considerations, or may otherwise affect them. The analysis also considers the Proposed Project's compatibility with zoning regulations and other public policies applicable to the area.

### Introduction

The Applicant, Commodore Owner LLC, is seeking several discretionary approvals from the City Planning Commission (CPC)—including special permits and zoning text amendments (the Proposed Actions)—to facilitate approximately 2,992,161 gsf (2,246,515 zsf) of mixed-use development space, including a hotel, office, and public space (the Proposed Project).

The Development Site would contain approximately 2,108,820 gross square feet (gsf)<sup>1</sup> of office space; an approximately 452,950-gsf, 500-room hotel; public space; and retail space on the cellar, ground, and second floors of the proposed building. The Proposed Project would also include significant public realm improvements, as well as subway and mass transit improvements to enhance circulation and reduce congestion at Grand Central Terminal (GCT) and the Grand Central – 42nd Street subway station.

The Proposed Project would utilize floor area generated from the Development Site, as well as unused floor area at GCT and bonuses generated pursuant to special permits, as described in **Chapter 1, Project Description**. This chapter provides an assessment of existing and future conditions with and without the Proposed Actions for the Development Site, Project Area, and Study Area, which are described in detail below.

## Principal Conclusions

The analysis presented in this chapter concludes that the Proposed Actions would not result in significant adverse impacts on land use, zoning, or public policy.

As to land use, the Proposed Actions would not directly displace any land use, nor would they introduce new land uses that would be incompatible with surrounding land uses. Compared to the No-Action condition, the Proposed Actions would result in an increase in office and commercial space. The Proposed Actions would also allow for hotel use to remain on the Development Site. As described below, the Proposed Actions would be consistent with the existing zoning framework for the East Midtown Subdistrict and would not adversely affect surrounding land uses, nor would the Proposed Actions generate land uses that would be incompatible with land uses within the 400-foot study area.

As to zoning and public policy, with the Proposed Actions, zoning regulations within the study area would change in a manner that is aligned with the recent Greater East Midtown Rezoning, which had the stated goal of protecting and strengthening Greater East Midtown's status as one of the world's premier business districts, while preserving and improving the area's existing iconic pedestrian and built environments. The Proposed Actions would increase the density of the Proposed Project through special permits available to "qualifying sites" pursuant to East Midtown Subdistrict regulations. The requested discretionary actions would not conflict with the zoning and would reinforce the goals of the existing zoning for the area.

The Proposed Actions would facilitate the construction of a new, mixed-use non-residential building on the Development Site in a central business district well served by mass transit. Additionally, the Proposed Project would result in a number of transit, pedestrian, and open space improvements. The proposed retail and commercial office space would be comparable to existing and planned developments in the surrounding Midtown neighborhood and would directly support relevant city policies.

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<sup>1</sup> Development may also occur under an All Office Scenario. Under this scenario, the overall building square footage and building massing would be the same as under the Proposed Project but would be comprised of approximately 2,561,770 gsf of office space, retail, and no hotel.

Overall, the Proposed Actions would not result in significant adverse impacts to land use, zoning, or public policy.

## Methodology

The purpose of this chapter is to examine the effects of the Proposed Actions and determine whether they would result in any significant adverse impacts on land use, zoning, or public policy. As described in **Chapter 1, Project Description**, in order to assess the possible effects of the Proposed Actions, a Reasonable Worst-Case Development Scenario (RWCDs) was established for both the current zoning (No-Action) and proposed zoning (With-Action) conditions for the 2030 analysis year. The incremental difference between the No-Action and With-Action conditions on the Development Site is the basis of the impact category analyses in this chapter.

Under CEQR guidelines, an assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. This analysis of land use, zoning, and public policy follows the guidelines set forth in the *CEQR Technical Manual* for an assessment (Section 320). According to the *CEQR Technical Manual*, a land use and zoning assessment:

- › Describes existing and future land uses and zoning information, and describes any changes in zoning that could cause changes in land use;
- › Characterizes the land use development trends in the area surrounding the Development Site that might be affected by the Proposed Actions; and
- › Determines whether the Proposed Project is compatible with those trends or may alter them.

Existing land uses were identified through review of a combination of sources, including the New York City Department of Buildings and the City's Primary Land Use Tax Lot Output (PLUTO™) data files for 2016 Geographic Information Systems (GIS) databases utilized include the New York City Open Accessible Space Information System ([www.oasisnyc.net](http://www.oasisnyc.net)) and NYCityMap<sup>2</sup>. New York City zoning maps and the Zoning Resolution of the City of New York were consulted to describe existing zoning districts within the study areas and provided the basis for the zoning evaluation of the No-Action and With-Action Conditions. Applicable public policies were identified. The Proposed Actions' consistency with those policies and with OneNYC, the City's long-term growth and sustainability plan, was evaluated.

The following assessment method was used to evaluate the potential for the Proposed Actions to result in significant adverse impacts on Land Use, Zoning, and Public Policy:

1. Establish a "study area," a geographic area surrounding the Project Area to determine how the Proposed Actions may affect the immediate surrounding area. For this assessment, a study area of 400 feet surrounding the Project Area was used (see **Figure 2-1**).

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<sup>2</sup> <http://gis.nyc.gov/doitt/nycitymap>

2. Identify data sources, including any public policies (formal plans, published reports) to be used to describe the existing and No-Action conditions related to land use, zoning, and/or public policy.
3. Assess the Proposed Project's potential effects on land use, zoning and public policy to determine whether the Proposed Project is consistent with or conflicts with area land uses, zoning, or the identified policies.
  - If a Proposed Project could conflict with the identified policies, a detailed assessment is conducted; or
  - If the Proposed Project is found to not conflict with the identified policies, no further assessment is needed.

As discussed in **Chapter 1, Project Description**, for conservative analysis purposes the EIS considers the two building program options to determine the With-Action reasonable worst case development scenario (RWCDs) for each density-based technical area: the Proposed Project with a mix of hotel, commercial office, local retail, and publicly accessible space; and the All Office Scenario, based on the same overall building square footage and building massing as the Proposed Project but comprised of approximately 2,561,770 gsf of office space, retail, and no hotel. In each chapter, where applicable, the EIS analyzes the scenario with the greater potential for impacts. This chapter evaluates the With-Action condition including the hotel space, as described above, because it represents the Proposed Project, and for the purposes of this analysis is not any less conservative than the All Office Scenario.

## Study Area Definition

According to the *CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of the Proposed Project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 200 feet for a small project to 0.5 miles for a very large project. While a large development project, the Proposed Project is a site-specific development in the very densely developed East Midtown area. Therefore, a study area of 400 feet of the Project Area is used in this assessment. In accordance with CEQR guidelines, land use, zoning, and public policy are addressed and analyzed within the study area of 400 feet from the Project Area. For the purpose of this assessment, the study area is measured from the Project Area, which consists of the Development Site (Manhattan Block 1280, Lot 30) and Lots 1, 54, and 154 of Block 1280. The Project Area has a combined area of 203,872 sf and approximately 669 feet of frontage on East 42nd Street; 340 feet of frontage on Vanderbilt Avenue; and 253 feet of frontage on Lexington Avenue. The study area for this analysis is generally bounded by East 45th Street to the north, the midblock between Lexington Avenue and Third Avenue to the east, East 41st Street to the south, and Madison Avenue to the west.

## Assessment

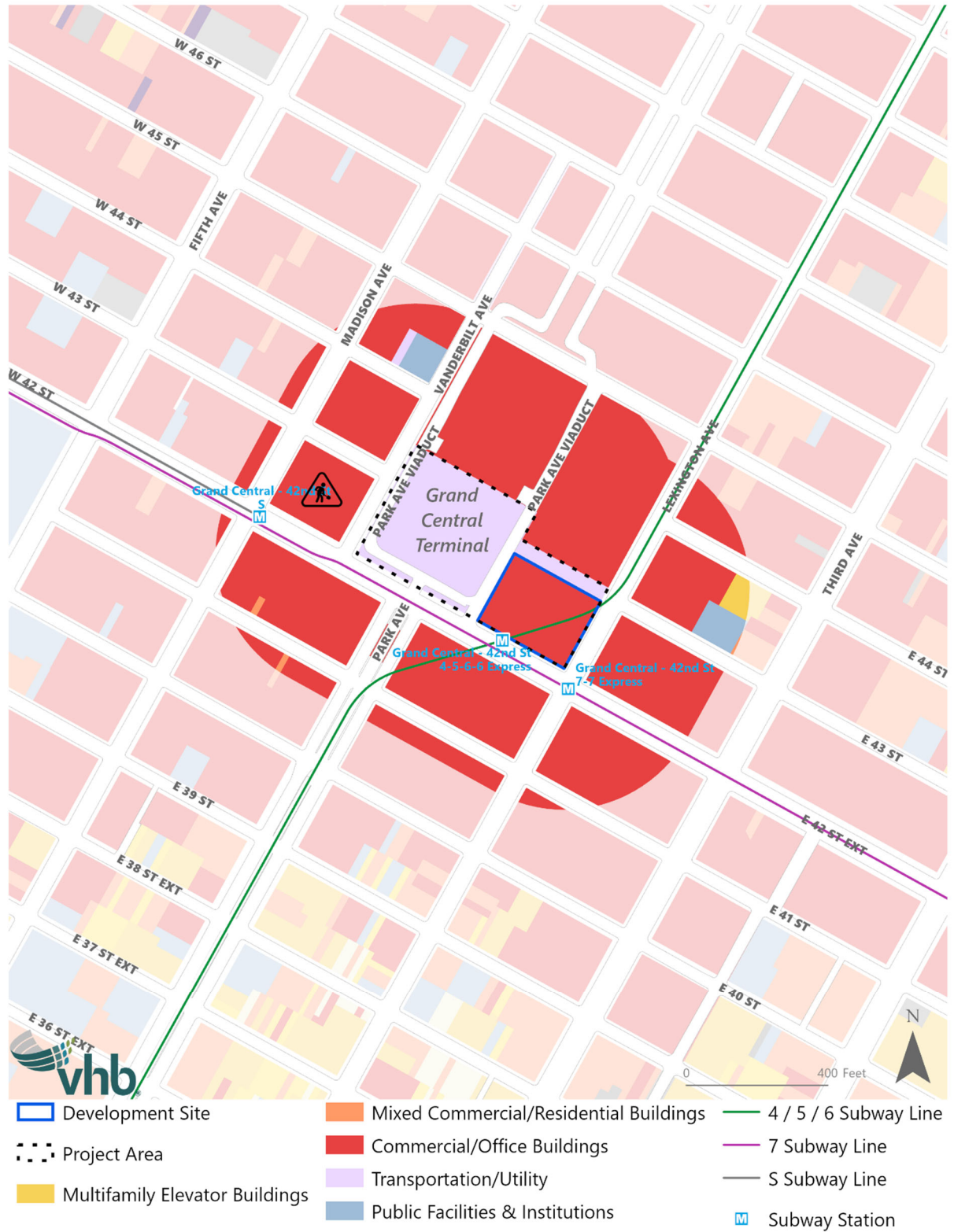
### Existing Conditions

#### Land Use

##### ***Development Site and Project Area***

The Development Site consists of Manhattan Block 1280, Lot 30 in the East Midtown neighborhood of Manhattan Community District 5. The Development Site is located immediately to the east of Grand Central Terminal (the “Terminal” and “Grand Central”) and has approximately 275 feet of frontage on East 42nd Street and 208 feet of frontage on Lexington Avenue. The Development Site is currently improved with the Grand Hyatt Hotel, a 26-story, 295-foot-tall steel and glass building with approximately 1,300 guest rooms and approximately 60,000 square feet of conference room/event space. The building sits above the Grand Central/42nd Street subway station and Metropolitan Transportation Authority (MTA) Metro-North railroad tracks below grade and MTA circulation space at the ground floor level.

**Figure 2-1 Land Use Map**



The Project Area consists of the Development Site and Lots 1, 54, and 154 of Block 1280. The Project Area has a combined area of 203,872 sf and approximately 669 feet of frontage on East 42nd Street; 340 feet of frontage on Vanderbilt Avenue; and 253 feet of frontage on Lexington Avenue. Lots 1, 54, and 154 are on an existing merged zoning lot and contain approximately 322,644 sf of floor area comprising the Beaux-Arts style Grand Central Terminal and Grand Central Market. The MTA controls these lots.

Grand Central is the New York City terminus for the Metro-North Railroad, a commuter rail system. The Metro-North Railroad and the adjoining NYCT subway station make Grand Central one of the City's primary transportation hubs. This landmark building was completed in 1913 and occupies a portion of the superblock between East 42nd and East 45th Streets, and Vanderbilt and Lexington Avenues. Grand Central is a major tourist attraction. Retail and office uses are also located within the historic structure.

### Study Area

As indicated in **Table 2-1** and **Figure 2-1**, land uses in the study area are predominantly commercial with some of the largest office towers in the East Midtown area and a dense ground-floor retail sector. Much of the study area is built directly over the rail shed serving the Terminal. This below-grade track network extends approximately between Madison and Lexington Avenue around the Terminal and narrows to the width of the Park Avenue roadbed traveling north.

**Table 2-1 Study Area Generalized Land Uses**

Land Use	Number of Tax Lots	Percentage of Total Lots (%)	Lot Area (sf)	Percentage of Total Lot Area (%)
Multi-Family Elevator Buildings	1	1.9%	11,207	0.8%
Mixed Commercial/Residential	5	9.3%	17,756	1.3%
Commercial and Office	39	72.2%	968,706	73.4%
Transportation/Utility	6	11.1%	299,789	22.7%
Public Facilities and Institutions	3	5.6%	21,657	1.6%
<b>Total</b>	<b>54</b>	<b>100%<sup>1</sup></b>	<b>1,319,115</b>	<b>100%<sup>1</sup></b>

Source: Map PLUTO 19v1

<sup>1</sup> Due to rounding, numbers may not add up to 100%

Within the study area, 42nd Street is a major office tower corridor, with large commercial buildings that include the 77-story Chrysler Building to the east of the Development Site across Lexington Avenue, the 52-story Chanin Building located directly south of the Development Site, the 55-story One Grand Central Place (otherwise known as the Lincoln Building) located southwest of the Development Site, and the soon to be completed 60-story One Vanderbilt Building to the west of Grand Central. These buildings have ground floor retail uses along most frontages that mainly consist of a mix of local and national retail stores. Directly south of the Project Area along 42nd Street is Pershing Square, which includes a restaurant below the Park Avenue Viaduct (an LPC-designated historic landmark),



as well as a pedestrian plaza on either side of the Viaduct that the New York City Department of Transportation (DOT) has developed to replace the roadway between East 41st and East 42nd Streets. Also, along 42nd Street to the south of the Project Area are three mixed-use commercial buildings that have landmark status; the Socony-Mobil Building, the former Bowery Savings Bank Building, and 125 Park Avenue (known originally as the Pershing Square Building).

To the west of the Project Area adjacent to Grand Central is the southern portion of the Vanderbilt Corridor, a subarea of the East Midtown Subdistrict bounded by East 47th Street to the north, Vanderbilt Avenue to the east, East 42nd Street to the south, and Madison Avenue to the west that was established in March 2015. Within the Vanderbilt corridor, One Vanderbilt (mentioned above), a 1.8 million-square-foot commercial office building, is nearing completion. Upon completion it will contain office, trading, retail, restaurant, and amenity space. The blocks to the north of this site between East 43rd and East 45th Streets contain multiple office buildings ranging between 12 and 28 stories, including 335 Madison Avenue and the former headquarters of the MTA. There is also the 22-story Yale Club, a community facility use with clubhouse facilities. Adjacent to the Yale Club is a site owned by the MTA that contains a transportation utility use (a ventilation structure) for the Long Island Railroad East Side Access project. Destination shopping facilities are located along Madison Avenue and local retail such as restaurants and neighborhood services are located along the east-west street frontages in this portion of the study area.

To the north of the Project Area, within the same block, there are three large-scale mixed-use commercial buildings. The MetLife Building, a 59-story commercial and office and retail tower built in 1960 as the Pan Am Building, is located directly north of the Terminal and has ground floor restaurant uses. Directly north of the Development Site is the Graybar Building, a landmarked 30-story commercial office and retail building. The Graybar Building's ground floor includes the Graybar Passage, a passageway between Lexington Avenue and Grand Central, and retail uses. To the north of the Graybar Building is 450 Lexington Avenue, a 38-story office building built in 1992 on top of the preexisting Grand Central Post Office, which was constructed in 1906.

To the east of the Project Area across Lexington Avenue is the previously mentioned Chrysler Building, a New York City and National Historic Landmark built in 1930. The Chrysler Building is a commercial office building with retail on the ground floor. Also sharing the block is Chrysler Building East, a 32-story office tower with ground floor retail, and the Chrysler Trylons building, a multi-story retail pavilion built between the skyscraper and Chrysler Building East.

The block located on the east side of Lexington Avenue and north of East 43rd Street contains a mix of commercial and residential uses as well as the Church of St. Agnes. A 31-story commercial office building with ground floor retail uses occupies the entire Lexington Avenue blockfront between East 43rd and East 44th Streets. A seven-story commercial office building with ground floor retail is located midblock on East 44th Street. A 48-story residential elevator building with ground-floor retail is located midblock on East 44th Street. The Third Avenue blockfront is comprised of a mix of commercial and mixed commercial/residential uses in buildings that range from one to six stories.

The block on the east side of Lexington Avenue between East 44th and East 45th Streets is predominantly commercial, with one 12-story residential building with ground floor retail



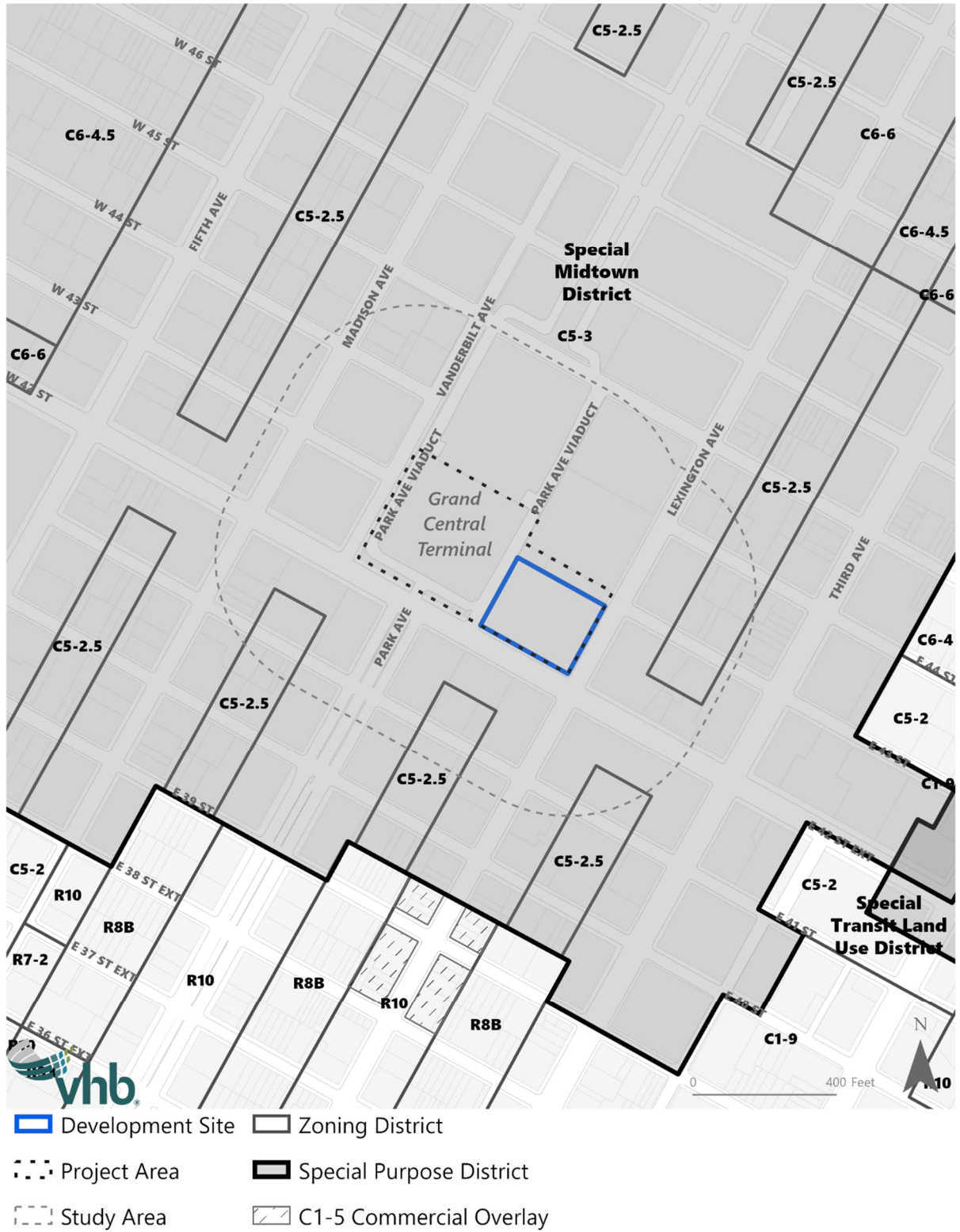
located midblock on East 45th Street. Two commercial office buildings are located along the Lexington Avenue blockfront: an 18-story mixed commercial office building with ground floor retail is located at the southwest corner of the block; a 27-story mixed commercial office building with ground floor retail is located immediately to the north and the northwest corner of the block. A 43-story block-through commercial office with ground-floor retail is located mid-block. The mid-block portion of this block also includes two other commercial office buildings with ground-floor retail, including a 10-story building along East 44th Street and a seven-story building along East 45th Street. The Third Avenue blockfront includes all commercial uses, with a 35-story commercial office building with ground floor retail located at the southeast corner of the block.

## Zoning

### *Development Site and Project Area*

The Project Area is in the East Midtown Central Business District in Community District 5 of Manhattan (See **Figure 2-2**). It is mapped within a C5-3 zoning district within the East Midtown Subdistrict of the Special Midtown District. The Project Area is in the Grand Central Core Area and the Grand Central Transit Improvement Zone Subarea of the East Midtown Subdistrict.

**Figure 2-2 Zoning Map**



### Study Area

Much of the study area is mapped within a C5-3 zoning district. In addition to the C5-3 zoning district, some of the midblock areas of the study area are mapped with C5-2.5 zoning districts as shown in **Figure 2-2**. The entirety of the study area is also located within the Special Midtown District (described below). **Table 2-2** provides a summary of existing zoning regulations for each of the existing zoning districts within the study area.

**Table 2-2 Study Area Existing Zoning Designations**

District	Definition/General Use	Maximum FAR
<b>Commercial Zoning Districts</b>		
C5-3	C5-3 districts are high-density central commercial districts with continuous retail frontage intended for office, hotel, and retail establishments that serve the entire metropolitan region. Residential uses are also permitted. Use Groups 1-6 and 9-11 are permitted. <sup>2</sup>	R: 10.0 <sup>1</sup> C: 15.0 CF: 15.0
C5-2.5	C5-2.5 districts are central commercial districts located only in the Special Midtown District with a lower base FAR for non-residential uses than C5-3 districts. Use Groups 1-6 and 9-11 are permitted. <sup>2</sup>	R: 10.0 <sup>1</sup> C: 12.0 CF: 12.0
<b>Special Districts</b>		
MiD	Special Midtown District	

Source: New York City Zoning Resolution

Notes:

R= Residential; C= Commercial; CF= Community Facility

<sup>1</sup> Max residential FAR may be increased to 12 FAR through the provision of tenant recreation space

<sup>2</sup> In the East Midtown Subdistrict, transient hotels listed in Use Group 5 require a CPC special permit

C5-3 zoning districts are high-density commercial districts that permit a wide range of uses, including Use Groups 1-6 and 9-11. While residential uses are permitted, C5 districts are primarily mapped in Central Business Districts with large-scale office and retail establishments. These districts primarily contain corporate headquarters, department stores, and large hotels. They allow for commercial development and community facility uses up to 15.0 Floor Area Ratio (FAR). Residential development is allowed up to a maximum FAR of 10.0, which can be increased to 12.0 through existing as-of-right zoning mechanisms.

C5-2.5 districts are only mapped within the Special Midtown District, described below. As shown in **Figure 2-2**, this zoning district is mapped in some mid-block portions of the study area. C5-2.5 districts have lower maximum FARs than the surrounding C5-3 district. The same uses permitted in other C5 districts are permitted in C5-2.5 districts.

The Special Midtown District was established in 1982 with a principal goal of promoting commercial development to the west and south of the established commercial district in East Midtown. Until the 2015 addition of the Vanderbilt Corridor, it contained five subdistricts: the Fifth Avenue, Grand Central, Penn Center, Preservation, and Theater Subdistricts. The district has flexible height and setback regulations, and mandates certain urban design features, such as street wall continuity and the provision of on-site pedestrian circulation space. Floor area bonuses for the provision of a public plaza or subway station improvements were available in all areas except for the Preservation Subdistrict.

In 2017, the CPC approved the Greater East Midtown Rezoning applications (N 170186(A) ZRM and C 170187 ZMM) to reinforce that area's standing as a premier central business district within the Special Midtown District, support the preservation of its landmarked buildings, and provide for public realm improvements.

More specifically, the stated goals from the 2017 *East Midtown Rezoning and Related Actions FEIS* were to:

- › 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;
- › Upgrade the area's public realm through improvements that create pedestrian friendly public spaces and that facilitate 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.

To achieve these goals, the Greater East Midtown Rezoning established the East Midtown Subdistrict and various subareas within it, including a Grand Central Transit Improvement Zone Subarea, which permits development of up to 27 FAR as-of-right and up to 30 FAR by special permit. Within the Grand Central Transit Improvement Zone Subarea, developments can achieve as-of-right maximum FARs through a combination of three mechanisms: the transfer of unused landmark development rights from landmark buildings located within the Subdistrict, a payment to a district improvement fund to reconstruct overbuilt floor area, and the construction of pre-identified transit infrastructure projects. Two special permits—the Public Concourse Special Permit and the Transit Improvement Special Permit—provide FAR bonuses of up to 3.0 FAR for the provision of a public concourse or additional subway improvements. These bonuses are in addition to as-of-right maximum FARs.

In order to ensure that hotels in the East Midtown Subdistrict provide the types of services and amenities appropriate for hotels in a premier central business district, the Greater East Midtown Rezoning requires developments and enlargements of buildings containing hotel uses, and conversions of existing buildings to hotel uses, to obtain a CPC special permit.

## Public Policy

Officially adopted and promulgated public policies also describe the intended use applicable to an area or site(s) in the City. Some of these policies have the force of law, while others describe general goals. They can help define the existing and future context of the land use and zoning of an area. The public policies relevant to the Proposed Actions include PlaNYC, OneNYC, the New York City Landmarks Law, and Business Improvement Districts. An assessment of the Proposed Actions' consistency with the City's Waterfront Revitalization

Program (WRP) is not warranted, as the Development Site, Project Area, and study area fall outside of the New York City Coastal Zone.

### ***PlaNYC/OneNYC 2050***

In 2011, the Mayor's Office of Long-Term Planning and Sustainability released an update to PlaNYC: A Greener, Greater New York. PlaNYC represents a comprehensive and integrated approach to planning for New York City's future. It includes policies to address three key challenges that the City faces over the next twenty years: population growth; aging infrastructure; and global climate change. In the 2011 update, elements of the plan were organized into ten categories—housing and neighborhoods, parks and public space, brownfields, waterways, water supply, transportation, energy, air quality, solid waste, and climate change—with corresponding goals and initiatives for each category.

In April 2015, the Mayor's Office of Sustainability and the Mayor's Office of Recovery and Resiliency released OneNYC. OneNYC, a comprehensive plan for a sustainable and resilient city. OneNYC represents a reworking of the sustainability plan for the City, known as PlaNYC: A Greener, Greater New York, discussed above. Like PlaNYC, growth, sustainability, and resiliency remain at the core of OneNYC, but promoting economic equity is a guiding principle throughout the plan. OneNYC has since been updated to OneNYC 2050, which was released in 2019 and consists of eight goals and thirty initiatives.

The goals of the plan are:

- › A Vibrant Democracy through empowering participation, welcoming immigrants, promoting justice and equal rights, and promoting democracy and civic innovation
- › An Inclusive Economy through good paying jobs and job training, economic security through fair wages and benefits, expanded decision making power of workers and communities,
- › Thriving Neighborhoods through affordable housing, access to neighborhood open spaces and cultural resources, community safety, and place-based community planning.
- › Healthy Lives through high quality, accessible health care, addressing health and mental health needs of communities, making healthy lifestyles easier, and designing a healthy physical environment.
- › Equity and Excellence in Education through early childhood education, equity in K-12 opportunity, and increasing integration, diversity, and inclusion in NYC schools.
- › A Livable Climate through carbon neutrality and clean electricity, resilience, economic opportunities through climate action, and climate accountability and justice.
- › Efficient Mobility through modern mass transit, safe and accessible streets, reduced congestion and emissions, and regional and global connections
- › Modern Infrastructure through investments in core physical infrastructure and hazard mitigation, digital infrastructure improvement, and best practices for asset maintenance and capital project delivery.

### ***Historic Districts and Landmarks***

The New York City Landmarks Law of 1965 established the New York City Landmarks Preservation Commission (LPC) and authorized the Commission to designate individual buildings, historic districts, interior landmarks, and scenic landmarks of historical, cultural, and architectural significance. The Landmarks law defines a Historic District as an area that has a “special character or special historic or aesthetic interest,” represents “one or more periods of styles of architecture typical of one or more eras in the history of the city,” and constitutes “a distinct section of the city.” Historic district designation by LPC protects buildings from demolition and development that is out of context or insensitive to the historic nature of the area. The study area does not contain any LPC-designated historic districts but does contain several LPC-designated individual and interior landmarks (See **Chapter 5, Historic and Cultural Resources**).

### ***Business Improvement Districts***

The entirety of the study area falls within the Grand Central Partnership Business Improvement District (BID). This BID was established to stimulate economic activity by improving the area’s physical appearance through enhanced safety and sanitation services, capital improvement, and maintenance, tourism, and visitor services, and special events and promotion. BIDs are funded by assessments on the properties and businesses that lie within their service area. The Grand Central Partnership serves an area generally bounded by East 35th and East 54th Streets and Second and Fifth Avenues and was established in July 1988.

### **No-Action Condition**

Absent the Proposed Actions, the Development Site would be developed with a 27-FAR development of approximately 1,883,743 gsf, comprised of 1,682,336 gsf of office space, 18,300 gsf of retail, and a 5,896-sf enclosed publicly accessible space on the ground floor. In addition, approximately 10,220 gsf of MTA circulation space would be provided on the ground floor and there would be a total of 166,991 gsf of mechanical space. The No-Action development would be 69 stories and 1,118 feet tall. This represents the maximum floor area developable on the Development Site through non-discretionary actions.

In the No-Action condition, the Applicant would provide transit improvements from the Priority Improvement List set forth in ZR Section 81-682 to improve circulation and reduce congestion. Specifically, at the 42nd Street – Bryant Park/Fifth Avenue station, the Applicant would provide the following Type 1 improvements, which each generate 40,000 square feet of floor area (a combined total of 160,000 sf of floor area):

- › ADA elevator between Flushing platform and mezzanine level;
- › A new street entrance from the north side of West 42nd Street;
- › ADA elevator between Sixth Avenue northbound platform and mezzanine level;
- › ADA elevator between Sixth Avenue southbound platform and mezzanine level.

The non-discretionary approvals required for the No-Action condition would only apply to the Development Site; the rest of the Project Area would remain unaffected.

## Land Use

### *Development Site and Project Area*

Under the No-Action condition, an as-of-right mixed-use commercial retail and office building with an enclosed publicly accessible space would be constructed on the Development Site pursuant to existing zoning. This as-of-right development, as described above, would result in approximately 1,883,743 gsf of development on the Development Site. The Development Site would no longer contain a hotel and would instead contain a mix of office and retail uses, along with ground floor circulation space and enclosed publicly accessible space. The Project Area outside of the Development Site would remain in its existing condition.

### *Study Area*

Based on consultation with the Department of City Planning (DCP) and a review of recent building permits issued by the NYC Department of Buildings, there are several planned developments that would potentially be fully occupied by the 2030 analysis year within the 400-foot study area (see **Table 2-3** and **Figure 2-3**). Of the three No-Action projects, all are mixed-use commercial developments. Overall, by 2030, these No-Action projects are expected to create approximately 3.3 million square feet of commercial space the study area.

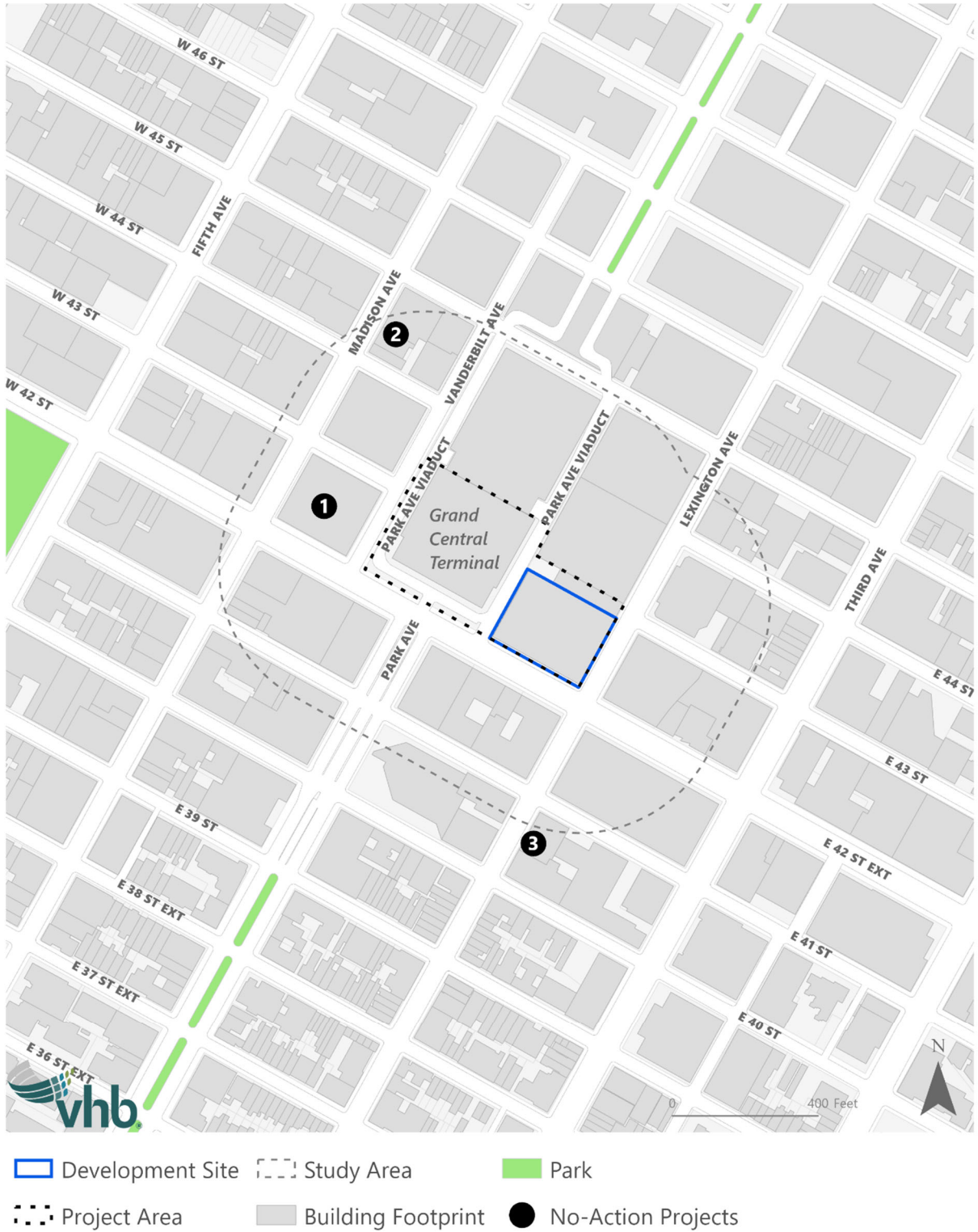
**Table 2-3 No-Action Projects Within 400-Foot Study Area**

Map No.	Location	Description	Commercial gross floor area (SF)	Build Year
1	One Vanderbilt	Commercial building with office, retail, and restaurant components	1,800,000	2020
2	343 Madison	Mixed-use building with commercial office and retail space	939,412	2026
3	363 Lexington Avenue	Mixed-use office and retail building	607,661	2025
<b>Total</b>			<b>3,347,073</b>	

Source: Greater East Midtown FEIS, One Vanderbilt FEIS



**Figure 2-3 No-Action Projects Within 400-Foot Study Area**



## Zoning

Absent the Proposed Actions, there are no planned changes in zoning applicable to the Project Area and 400-foot study area by 2030.

## Public Policy

There are no planned changes in public policy applicable to the Project Area and 400-foot study area under future No-Action conditions.

## With-Action Condition

### Land Use

#### *Project Area*

The Proposed Actions would facilitate the development of a new, up to approximately 1,646-foot-tall commercial building of greater bulk than the No-Action building described above; the building would contain the same uses as in the No-Action condition with the addition of hotel use. The Proposed Actions would permit a maximum commercial development of 11.02 FAR, as measured over the qualifying site consisting of Lots 1, 54, and 154 in addition to Lot 30, including: floor area generated by the Development Site; unused development rights from Grand Central Terminal; 3.0 FAR of bonuses generated by transit improvements; and, ~~additional 1.27 FAR of~~ bonuses generated by public realm improvements.<sup>3</sup>

The Proposed Project would contain approximately 2,992,161 gsf of space, including:

- › 2,108,820 gsf of commercial office space;
- › 452,950 gsf of hotel space with 500 rooms;
- › 16,245 gsf of transit circulation;
- › 25,421 sf of open-air publicly accessible space;
- › 43,370 gsf of retail space;
- › 345,355 gsf for circulation, mechanical, core, back-of-house, and loading uses

In addition to the Proposed Project, development may also occur under an All Office Scenario. Under this scenario, the overall building square footage and building massing would be the same as under the proposed project but would be comprised of approximately 2,561,770 gsf of office space, retail, and no hotel. In each chapter, where applicable, the EIS analyzes the scenario with the greater potential for impacts. Analyses of density-related technical areas have accounted for the program that would represent the worst-case development scenario for each particular technical area.

The Proposed Project would integrate with at-grade and below-grade circulation spaces at Grand Central. The below-grade lower level and mezzanine level would continue to contain the subway station and rail station areas, but large girders would be removed from the mezzanine level to improve circulation. Further, a "Short Loop Connection" would also be

<sup>3</sup> The exact amount of additional FAR related to public realm improvements is currently under discussion with City Planning at this time.

constructed to provide direct access from the lower-level Metro North trains and East Side Access to the subway mezzanine.

The ground floor would include a hotel lobby with entrances off Lexington Avenue and an office lobby with entrances from the Lexington Passage and 42nd Street. The Lexington Passage, which runs along the northern portion of the ground floor of the building, would be improved with greater ceiling height (allowing for more natural light) and new finishes. MTA retail would be located along the passage, which would lead to a new, generously proportioned Transit Hall with entrances from the Lexington Passage and the 42nd Street Passage in Grand Central. The architectural elements of the western façade of Grand Central Terminal would be visible from the new Transit Hall, which would contain retail and information screens and booths. The Transit Hall's connections to public space would work in tandem with the existing 42nd Street passage to increase pedestrian throughput. The improvements would also include an additional subway entry from 42nd Street with connections to the below grade mezzanine level, to help ease crowding and backups at existing entrances. The subway entrance on Lexington Avenue would also be improved, and the stairs down to the mezzanine level redesigned for better access.

The second floor would contain office lobby space and a public open space that wraps around the eastern, northern, and western facades of the building, with three main Terraces. The "Chrysler Terrace" would open to Lexington Avenue. The "Grand Central Terrace" would open to the eastern façade of Grand Central at the level of the Park Avenue Viaduct. The "Graybar Terrace" would face the southern façade of the Graybar Building. The proposed open space would be reachable by two grand staircases along East 42nd Street and by a third staircase along Lexington Avenue. One ADA elevator located adjacent to the grand stairs on East 42nd Street and one ADA elevator located adjacent to the stairs on Lexington Avenue would be provided to facilitate ADA-compliant access and use of the space by commuters, employees, and visitors to the study area. Additional ADA elevators would be located between terraces to provide additional ADA access for inter-terrace travel as the Graybar Terrace would be 45 feet above sidewalk level, while the Grand Central and Chrysler Terraces would be 30 feet above the sidewalk elevation. Though the hours of operation are not known at this time, the proposed terraces would be programed to maximize the utility and functionality of the space.

The Proposed Project is expected to be completed and occupied by 2030.

### ***Study Area***

The Proposed Actions would apply only to the Development Site and Project Area and would not facilitate any other new development in any other part of the study area. The study area would remain a predominantly commercial area in East Midtown.

The Proposed Project would be compatible with the high-density commercial uses that are supported by a strong regional public transit network in the East Midtown neighborhood of Manhattan. It would further the City's goal of maximizing modern commercial development in areas that are well-served by public transit and promoting Midtown Manhattan as a Class A commercial office district.

The Proposed Project would be fully consistent with the strategy for the Greater East Midtown Rezoning, which seeks to maximize bulk around Grand Central Terminal. Although it would include approximately 900,000 square feet more commercial space than the 27 FAR No-Action building, it would provide for more publicly accessible space, and transit improvements than in the No-Action condition. The Proposed Project would also incorporate new hotel space, whereas no hotel space would be provided under the No-Action condition. This hotel use would be compatible with the surrounding land uses and regional transportation center that characterizes the study area. Under the second With-Action option discussed above, there would be no hotel space provided on site. This option would lead to more office space on site, and it would also be compatible with the land uses in the area, which as discussed include dense commercial development.

Unlike the No-Action building, the Proposed Project would include design features that would require waivers to create new publicly accessible space in the heart of midtown, unlock views of adjacent landmarks, alleviate pedestrian congestion along Lexington Avenue, and fulfill a prime objective in Greater East Midtown by developing new quality commercial space. The special permits are necessary to allow for approximately 25,421 sf of open-air publicly accessible spaces on the second floor and provide space on the ground floor for enhanced transit circulation spaces and connections to rail and subway, that would support Grand Central Terminal as a transportation hub and tourist destination.

At a total height of up to approximately 1,646 feet, the Proposed Project would be taller than the nearby One Vanderbilt building, which is 1,301 feet tall to the top of the building and 1,401 feet tall to the top of its spire. While the building would be taller than other buildings in the area, the Development Site is located in an area with very tall buildings, such as One Vanderbilt. This reflects the purpose of the Greater East Midtown rezoning, which was to create a high-density zoning district to facilitate the development of new office buildings and strengthen economic activity in the area.

Land use changes as a result of the With-Action condition under either development option (including or not including hotel use) would be consistent with both existing land uses and those being developed in the area under future No-Action conditions. Therefore, the Proposed Actions would not result in significant adverse impacts to land use.

## Zoning

The Proposed Actions require discretionary approvals from the CPC, including zoning text amendments and four special permits to increase floor area as well as modify use, bulk, and open space regulations as described in detail in **Chapter 1, Project Description**. The Proposed Actions would not alter the underlying zoning of the Project Area, which would remain a C5-3 zoning district. The Proposed Actions would also not alter zoning districts within the study area, which would remain high-density commercial districts.

The Proposed Actions include several text amendments. The first text amendment would allow the Project Area to be considered a “qualifying site” under the East Midtown Subdistrict regulations, which would facilitate significantly more transit improvements than could be constructed under the existing floor area mechanisms available within the district. A related text amendment would modify the floor area regulations applicable to this qualifying site to allow floor area increases to be earned exclusively through transit improvements and

public realm improvements pursuant to special permits, enabling the Proposed Project to improve significantly the surrounding East Midtown neighborhood.

The other text amendments would modify existing special permits to expand the types of projects that are eligible to generate floor area bonuses and facilitate the development of the Chrysler Terrace, the Grand Central Terrace, and the Graybar Terrace. Currently, the special permit for transit improvements limits floor area bonuses to projects within subway stations and does not address granting floor area bonuses for improvements to a rail mass transit facility such as the Metro North Short Loop. Likewise, the special permit for a public concourse does not provide a mechanism for modifications of zoning regulations to facilitate a public concourse, such as reducing loading berth requirements as proposed for the Proposed Project to allow the publicly accessible terraces to be connected continuously. Finally, the existing special permit to modify qualifying site provisions gives the CPC discretion to modify various regulations applicable to a qualifying site, but does not provide for modifications such as permitting the use of special permit bonuses prior to exceeding the base FAR, utilizing transit and public concourse special permits in combination each for up to a maximum of 3.0 FAR, and extending the time to complete substantial construction prior to the lapse of a special permit as set forth in the Zoning Resolution. The proposed amendments to this special permit would enable the CPC to approve a package of improvements to the Project Area's above- and below-grade transit and pedestrian networks that is commensurate with the needs of the whole Project Area. Accordingly, the proposed text amendments are consistent with the Greater East Midtown Rezoning framework but would facilitate a broader range of improvements on a unique site. These changes would only be applicable to qualifying sites that include the zoning lot occupied by Grand Central Terminal and meet other criteria, therefore these changes would have no application to future development in the study area.

The Proposed Project would utilize existing special permits, as amended, to obtain floor area bonuses for major transit and public realm improvements on the qualifying site, resulting in a development with an FAR of up to 11.02, as measured over the qualifying site consisting of Lots 1, 54, and 154 in addition to Lot 30.

In addition to the uses permitted as of right in the existing C5-3 zoning district, a CPC special permit would allow for hotel use on the site, which is consistent with the existing conditions on the site. The proposed hotel would have amenities typically found in and appropriate for hotels in central business districts.

The final CPC special permit would modify qualifying site, floor area, height and setback, street wall, district plan elements, and publicly accessible space regulations to facilitate a better site plan and building design. Additionally, this special permit would establish a ten-year term for each of the special permits granted for the Proposed Project in recognition of the complexity of the construction process for this project.

The Proposed Actions would use the floor area mechanisms from the Greater East Midtown Rezoning, with certain modifications, to achieve the proposed FAR. The text amendments would enable floor area bonuses for more public realm and transit improvements than could be provided under existing zoning regulations and permit a wider scope of improvements than originally contemplated in the East Midtown Subdistrict regulations.

The Proposed Project would be consistent with the goals of the Greater East Midtown Rezoning outlined above. The introduction of the Proposed Project to the study area would add Class A office space adjacent to Grand Central Terminal, strengthening the Greater East Midtown neighborhood as a regional job center and premier central business district. As discussed above, the Proposed Project would incorporate development rights transferred from the Grand Central Terminal zoning lot to the Development Site zoning lot and help preserve and maintain a landmarked building within the district. Furthermore, the Proposed Project would create pedestrian friendly spaces and transit circulation space through a series of transit and public realm improvements. Finally, the Proposed Project would enhance views to Grand Central Terminal and further activate the street frontage as well as provide improved internal pedestrian pathways through improved transit circulation and upgraded retail spaces. Therefore, the Proposed Actions would not result in significant adverse zoning impacts.

## Public Policy

The Proposed Actions would not result in any changes to public policies affecting the study area. As discussed further below, the Proposed Actions would be consistent with, and supportive of, public policies aimed at improving the Grand Central core area.

### *PlaNYC/OneNYC 2050*

#### *Initiative 2: Thriving Neighborhoods*

*Goal 10: Ensure all New Yorkers have access to neighborhood open spaces and cultural resources*

This goal is focused around ensuring that all New Yorkers can benefit from accessible open spaces to support health and well-being. Midtown Manhattan has low open space ratios for workers that do not meet DCP guidelines (see **Chapter 3, Open Space**). The Proposed Project would introduce approximately 25,421 sf of open-air publicly and ADA-accessible space with views of some of the most prominent landmarks in Midtown, including Grand Central Terminal, enriching open space availability for the workers, visitors, and residents of the area.

#### *Initiative 6: A Livable Climate*

*Goal 20: Achieve carbon neutrality and 100 percent clean electricity*

This goal is focused around reducing emissions and creating gains in efficiency across all buildings and infrastructure. Under Local Law 32 of 2017, all new buildings must be built to the latest energy efficiency standards. The Proposed Project would comply with Local Law 32.



## ***Initiative 7: Efficient Mobility***

### *Goal 24: Modernize New York City's mass transit networks*

This goal is concerned with sustaining growth and advancing health equity through the prioritization and expansion of sustainable transit modes.

A series of transit improvements across 42nd Street, along Lexington Avenue, and underground would create a healthier, safer, and quicker commuting experience for hundreds of thousands of commuters each day. This work would include new and upgraded entrances, expanded circulation zones and ADA accessibility, enhanced amenities, intermodal connections between the railroads and subway, improved safety and security measures, more light and air, and additional vertical access points between the street and subway.

### ***Historic Districts and Landmarks***

The Proposed Actions would not affect the regulations of the New York City Landmarks Law. As described above, the Development Site would utilize unused development rights from Grand Central Terminal. At the Public Hearing and Public Meeting of February 23, 2021, a majority of the LPC Commissioners determined that the proposed design of the project ~~Proposed Project~~ had a harmonious relationship with Grand Central Terminal ~~GCT~~ and voted to issue a positive advisory report regarding the interior alterations to the 42nd Street Passageway. At the Public Meeting on September 28, 2021, the LPC voted to approve a resolution authorizing the issuance of a Certificate of Appropriateness for the proposed sidewalk improvements. Additionally, in a letter dated October 29, 2020, the New York State Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) stated that they had reviewed submitted materials in accordance with the New York State Historic Preservation Action of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law) and has ~~had~~ issued a finding of No Adverse Impact.

### ***Business Improvement Districts***

The Proposed Actions would not affect the operations or policies of the Grand Central Partnership.

The Proposed Actions would not result in any changes to public policies affecting the Project Area or the study area. The Proposed Project would be consistent with the applicable public policies. Overall, the Proposed Actions would not result in any significant adverse impacts to public policies governing the Development Site, Project Area, or study area.