# 3

# Open Space

This chapter assesses the potential impacts to open space that could result from the Proposed Actions. The *2020 City Environmental Quality Review (CEQR) Technical Manual* defines open space as publicly- or privately-owned land that is publicly accessible and available for leisure, play, or sport, or is set aside for the protection and/or enhancement of the natural environment. According to the *2020 CEQR Technical Manual*, an analysis of open space is conducted to determine whether a proposed action would have a direct impact resulting from the elimination or alteration of open space and/or an indirect impact resulting from overtaxing available open space.

## Introduction

The Applicant, Commodore Owner LLC, is seeking several zoning certifications and discretionary approvals (the Proposed Actions)—including City Planning Commission (CPC) special permits and zoning text amendments—to facilitate the development of a 2,~~991,781~~992,161 gross square-foot (gsf) building.

Compared to the No-Action condition, the reasonable worst case development scenario (RWCDS) would result in a net increase in the number of employees. Therefore, in accordance with CEQR guidelines, the open space analysis of the Proposed Actions evaluated the change in non-residential population relative to the total amount of passive

open space in the study area; while active open spaces were identified, these open spaces were not included in the analysis because non-residents, specifically workers, tend to use passive open spaces. Open space that is used for sports, exercise, or active play is classified as active, while open space that is used for relaxation, such as sitting or strolling, is classified as passive. Since the study area's existing conditions are characterized by a low open space ratio (i.e., below the citywide average of 0.15 acres of passive open space per 1,000 non-residential users), the anticipated decrease in the open space ratio resulting from the Proposed Actions warranted a detailed analysis.

# Principal Conclusions

The Proposed Project would not result in the physical loss or direct displacement of publicly accessible open space or shadows that would temporarily or permanently affect the usefulness of a public open space, and thus no direct effects analysis is warranted. Based on detailed analysis of indirect effects on open space, the Proposed Actions would not result in a significant adverse impact on open space. The Proposed Actions would introduce additional open space as part of its public realm improvements as described in **Chapter 1, Project Description**.

## Indirect Effects

The Proposed Actions would increase utilization of study area resources due to the introduction of a new non-residential (worker) population. Since the Proposed Actions would introduce additional workers to the area, which would place new demands on passive open space resources, the indirect effects analysis focuses on passive open space resources. In both the future with and without the Proposed Actions, the total and passive open space ratio in the non-residential study area is well below the City's open space planning goals.

According to the *CEQR Technical Manual*, projects that reduce the open space ratio by more than five percent may result in a significant adverse impact. For areas that are currently underserved, a smaller reduction may be considered significant. Based on maps in the Open Space Appendix of the *CEQR Technical Manual*, the open space study area is neither well served nor underserved by open space resources. Although the study area's existing conditions are characterized by a low open space ratio (i.e., below the citywide average of 0.15 acres of passive open space per 1,000 non-residential users), CEQR guidelines recognize that the goals for open space ratios are not feasible for areas such as Midtown Manhattan, where there are few public open spaces and limited space to provide new public open spaces, and therefore do not constitute an impact threshold.

The indirect effects analysis demonstrated that the Proposed Action would increase passive open space ratios by 6.57 percent for the non-residential population and 6.66 percent for the combined residential and non-residential population.

The Proposed Actions would therefore result in open space ratios in the study area that reflect minor increases relative to the No-Action condition. Accordingly, with regard to the *CEQR Technical Manual*, the Proposed Actions are not considered to have a significant adverse impact. However, since the open space ratios in the study area are so low, a qualitative analysis was provided for conservative purposes. It found that the condition and

utilization of existing resources in the study area were such that the new non-residential population would be absorbed without adverse effects to the quality of open space.

# Methodology

Per guidance in the *CEQR Technical Manual*, an open space analysis is generally conducted if a proposed project would generate more than 200 new residents or 500 new employees. However, the need for an analysis varies in certain areas of the City that have been identified as either well-served or under-served by open space.[1] If a project is located in an underserved area, the threshold for an open space analysis is 50 new residents or 125 new employees. If a project is located in a well-served area, the threshold for an open space analysis is 350 new residents or 750 new employees. Maps in the Open Space Appendix of the *CEQR Technical Manual* indicate that the Development Site is neither well served nor underserved. Thus, the threshold used in this analysis was 200 residents or 500 employees.

As shown in **Table 3-1**, the RWCDS would not introduce a new residential population, and thus a residential open space analysis is not warranted. However, the With-Action condition would result in a net increase of 3,593 employees compared with the No-Action condition, and this exceeds the *CEQR Technical Manual* 500-employee threshold for requiring a non-residential open space analysis.

**Table 3-1 RWCDS and Population/Employment Summaries Compared to No-Action Conditions**

| Use | Existing Conditions (gsf) | Future No-Action Condition (gsf) | Future With-Action Condition (gsf) | Increment |
|---|---|---|---|---|
| **Commercial Office** | | 1,682,336 | 2,561,770 | 879,434 |
| **Retail** | 36,353 | 18,300 | 43,370 | 25,070 |
| **Hotel and Conference Space** | 991,767 | | | |
| ***Hotel Rooms*** | 1,300 | | | |
| **POPS** | | 5,896 | 25,421 | 19,525 |
| **Population/Employment** | | | | |
| **Workers**[1] | 487 | 6,784 | 10,377 | 3,593 |
| **Visitors**[2] | 2,262 | 0 | 0 | 0 |

Notes:
[1] 1 employee per 333.3 gsf of retail space, 1 employee per 250 gsf of office space, 1 employee per 2.67 hotel rooms
[2] Hotel assumptions based on average occupancy of 2 guests per room and 87% occupancy rate.

The open space analysis was conducted in accordance with the methodology outlined in the *CEQR Technical Manual*. The purpose of the analysis is to provide an evaluation of the study area's existing open space conditions relative to the open space needs of the study area's users, and to predict and compare conditions relative to open space needs in the future without and with the Proposed Actions. Since the Proposed Actions would introduce

[1] The *CEQR Technical Manual* defines underserved areas as areas of high population density in the city that are generally the greatest distance from parkland, where the amount of open space per 1,000 residents is currently less than 2.5 acres. Well-served areas are defined as having an open space ratio above 2.5 accounting for existing parks that contain developed recreational resources, or are located within quarter-mile (i.e., approximately a 10-minute walk) from developed and publicly accessible portions of regional parks.

additional workers to the area, which would place demands on the study area's passive open space resources, the analysis examines the amount of passive open space available in the future with and without the Proposed Actions in order to quantify the potential impact from the Proposed Actions.

## Open Space Study Area

According to the *CEQR Technical Manual*, the first step in in an open space analysis is to define and map a study area. The open space study area is defined to allow analysis of both the open spaces and the population using those open spaces within a specified distance of a proposed action. The size of the study area is based on the distance a person may be reasonably assumed to walk to reach a local open space. Workers typically use passive open spaces within a quarter mile of their workplace, while residents use both passive and active open spaces and are more likely to travel farther—up to a half-mile from their places of residence—to reach open spaces. Since the Proposed Actions would not generate a net increase in residents compared to the future No-Action condition, only a non-residential study area was defined, which comprises the area within a quarter-mile distance from the Project Area. Nevertheless, the open space analysis accounted for both existing non-residents and residents within this study area.

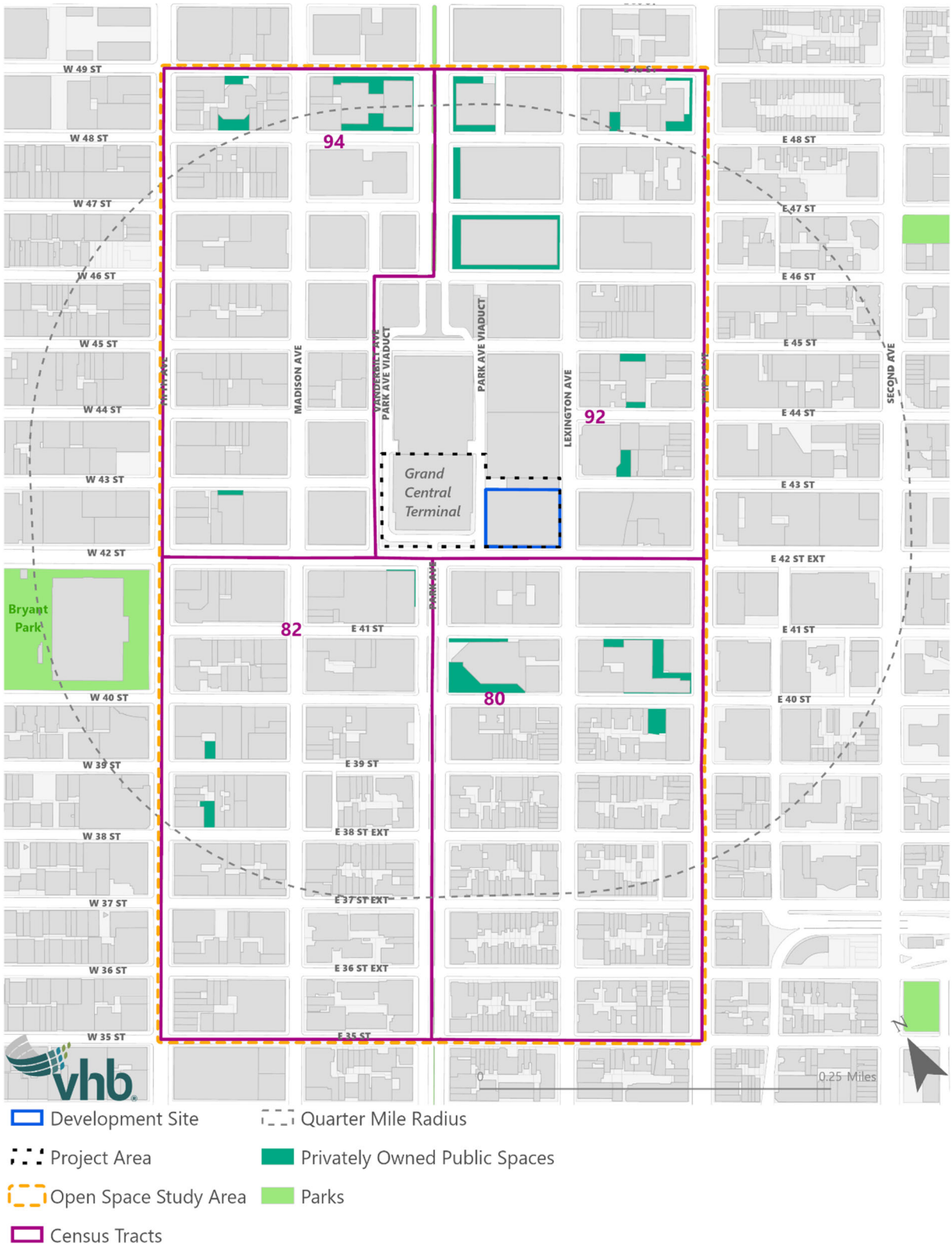
Pursuant to *CEQR Technical Manual* guidance, the study area comprises all census tracts that have at least 50 percent of their area located within a quarter-mile radius of the Project Area. The study area, therefore, consists of four census tracts in New York County: Tracts 80, 82, 92 and 94. The area is bounded by East 35th Street to the south, Third Avenue to the east, East 49th Street to the north and Fifth Avenue to the west (see **Figure 3-1**).

## Preliminary Assessment

According to the *CEQR Technical Manual*, a preliminary assessment may be useful when the open space assessment can be targeted to a particular user group, or if it is not clear whether a detailed open space analysis is necessary. However, if a study area is characterized by a low ratio of open space acreage to user population in the existing conditions, which indicates a current quantitative shortfall of open space, a detailed analysis is warranted. As discussed in this chapter, the study area for the Proposed Actions exhibits a low open space ratio in the existing conditions (i.e., below the citywide average of 0.15 acres of passive open space per 1,000 non-residential users), and thus a detailed analysis was undertaken. The detailed analysis examined passive open space resources available to non-residents within the study area and also examined the combined open space ratio for non-residents and residents.

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)~~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 All Office Scenario because office space generates more employees than hotel use and, therefore, this scenario would create a greater demand for open space resources in the area compared to the RWCDS with hotel.

## Figure 3-1 Open Space Study Area Map



# Framework for Detailed Analysis

## Direct Effects Analysis

Consistent with the *CEQR Technical Manual*, a direct effects analysis should be performed if a proposed project would directly affect open space conditions by causing the loss of public open space; changing the use of an open space so that it no longer serves the same user population; limiting public access to an open space; or increasing noise or air pollutant emissions, odor, or shadows that would temporarily or permanently affect the usefulness of a public open space. A proposed project can also directly affect an open space by enhancing its design or increasing its accessibility to the public. The Proposed Project would not result in the physical loss or direct displacement of publicly accessible open space or shadows that would temporarily or permanently affect the usefulness of a public open space, and thus no direct effects analysis is warranted.

## Indirect Effects Analysis

The *CEQR Technical Manual* states that indirect effects may occur when the population generated by a proposed project would overtax the capacity of open spaces so that their service to the future population of the affected area would be substantially or noticeably diminished. The conservative all-office program would result in 10,377 employees, a net increase of 3,593 employees, and no change in residents compared to the future No-Action condition. Therefore, only a non-residential analysis of indirect effects was prepared, with a study area encompassing an approximately quarter-mile distance around the Project Area, while defining the open space user population conservatively to comprise both non-residents and residents. The purpose of the indirect effects analysis is to quantitatively assess the adequacy of open space in the study area for existing and potential future users based on an inventory of open space resources and the effect of the non-residential population increase anticipated with the Proposed Actions.

Specifically, the indirect effects analysis included:

- Identification of the two open space user groups: residents and non-residents. To determine the number of residents to be included in the analysis, population data from the 2014-2018 5-year American Community Survey (ACS) were compiled for census tracts comprising the study area. The number of workers in the study area was calculated based on reverse journey-to-work data from the Census Transportation Planning Package (CTPP) 2012-2016 estimates. In addition to workers, the non-residential population also includes the daytime student population of colleges and other post-secondary educational institutions in the study area, as well as visitors to the study area, which were estimated as part of the detailed analysis.
- An inventory of all publicly accessible open spaces in the study area, using secondary sources.
- A quantitative assessment of the open space ratio in the study area—calculated as the ratio of open space acreage to user population—compared to benchmarks established in the *CEQR Technical Manual*. These include the optimal ratio for worker populations, which is 0.15 acres of passive open space per 1,000 non-residents. For the combined

residential and non-residential populations, the benchmark is determined by creating a weighted average of 0.50 acres of passive open space per 1,000 residents and 0.15 acres of passive open space per 1,000 non-residents. This blended ratio changes depending on the proportion of residents and non-residents in the study area.

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. Since the open space study area is not underserved, and the quantitative assessment concluded that there would be no significant adverse impacts on open space resources, a qualitative assessment was not warranted.

## Impact Assessment

CEQR guidelines recognize that the goals for open space ratios are not feasible for areas such as Midtown Manhattan, and therefore do not constitute an impact threshold. Rather, the ratios serve as benchmarks that represent how well an area is served by its open space. According to the *CEQR Technical Manual*, projects that directly displace existing open space, or reduce the open space ratio by more than 5 percent, may result in a significant adverse impact. For areas that are currently underserved, a smaller reduction in open space ratios may be considered significant.

# Detailed Assessment

## Existing Conditions

### Development Site Population

The non-residential population on site consists of workers currently working in the existing hotel and retail, as well as visitors that stay at the hotel. There are an estimated 596 employees currently on the site, and 2,270 visitors to the hotel[2]. This population is accounted for in the calculations for the study area overall.

### Study Area Population

#### *Non-Residential Population*

As shown in **Table 3-2**, based on the 2012-2016 CTPP, the four census tracts in the open space study area contain a total worker population of 149,505. In addition to workers, the non-residential population includes the daytime student population of colleges and other post-secondary educational institutions in the study area, as well as visitors to the study area.

[2] Based on estimates of 1 worker per 333.3 gsf of retail space, 1 worker per 2.67 hotel rooms, and an average hotel occupancy rate of 87.3 (STR, 2018) with two guests per occupied hotel room.

**Table 3-2 Existing Non-Residential Population within the Study Area**

| Census Tract | Worker Population | College/Post-Secondary Student Population | Visitor Population | Total Non-Residential Population |
|---|---|---|---|---|
| 80 | 21,000 | 40 | 2,554 | 23,594 |
| 82 | 37,150 | 739 | 2,310 | 40,199 |
| 92 | 46,880 | 0 | 7,808 | 54,688 |
| 94 | 44,475 | 5,700 | 1,907 | 52,082 |
| **Total** | **149,505** | **6,479** | **14,579** | **170,563** |

Source: 2012-2016 CTPP; M1 Hotel FEIS, Greater East Midtown FEIS, Administrative Offices

The number of existing college/post-secondary students in the study area was compiled from information obtained online or from the administrative offices of the educational institutions identified in the area. All students (100 percent of enrollment) at all of the schools were included in the analysis, even though they do not comprise a year-round population and only a portion of the entire student population visits the campuses in the study area on any given day. The study area contains five educational facilities with a total enrollment of 6,479 (see **Table 3-3**).

An estimate of hotel occupancy was used as a proxy measure for the study area's average daily visitor population. There are 30 hotels in the study area, including the one on the Development Site, which collectively have 8,350 rooms. According to research performed by STR, a research organization owned by CoStar Group, in 2018, the hotel occupancy rate was 87.3. Using the assumption of two people per occupied hotel room, hotel occupancy in the study area was estimated at 14,579 persons, which was used in the open space analysis as a surrogate for the study area's visitor population. Therefore, as shown in **Table 3-2**, the total adjusted non-residential population in the quarter-mile study area—including workers, college/post-secondary students, and visitors—is estimated at 170,563 persons.

**Table 3-3 Existing College/Post-Secondary Student Population within the Study Area**

| Census Tract | College/Post-Secondary Educational Institution | Student Population |
|---|---|---|
| 80 | New York Business Institute | 40 |
| 82 | Gemological Institute of America | 140 |
| | Shillington School of Graphic Design | 300 |
| | Wood Tobe-Coburn School | 299 |
| 92 | N/A | 0 |
| 94 | Berkeley College | 5,700 |
| **Total College/Post-Secondary Student Population** | | **6,479** |

Source: Greater East Midtown FEIS, Administrative Offices

### *Residential Population*

**Table 3-4** shows the existing residential population in the study area, based on population data at the census tract level from the 2014-2018 ACS 5-Year Estimates. The total residential population of the census tracts that comprise the study area is 9,933.

**Table 3-4 Existing Residential Population within the Open Space Study Area**

| Census Tract | Residential Population |
|---|---|
| 80 | 5,013 |
| 82 | 3,264 |
| 92 | 1,602 |
| 94 | 54 |
| **Total Population** | **9,933** |

Source: 2014-2018 5-year ACS

### *Total User Population*

As shown in **Table 3-5**, the total user population (i.e., residents plus non-residents) within the study area is estimated at 180,496. The analysis conservatively assumes that residents and non-residents are separate populations, although it is possible that some of the employees and students counted among the non-residential population also reside in the study area. Consequently, there is likely some double counting of the daily user population in the study area, resulting in a more conservative analysis.

**Table 3-5 Summary of Open Space User Groups within Study Area**

| User Group | Study Area Population |
|---|---|
| Non-residents | 170,563 |
| Residents | 9,933 |
| **Total** | **180,496** |

## Study Area Open Space Resources

Open space that is accessible to the public on a constant and regular basis, including for designated daily periods, is defined as publicly accessible and is analyzed as such per *CEQR Technical Manual* guidelines. Publicly accessible open space may be under government or private jurisdiction and includes open space designated through regulatory approvals, such as public plazas. Private open space—that which is not publicly accessible or is available only to limited users and is not available to the public on a constant and regular basis—is not included in CEQR-compliant quantitative open space analyses.

In addition to the distinction between public and private open spaces, individual spaces may also be classified as either active or passive, according to the types of activities for which the space is primarily used. Open space that is used for sports, exercise, or active play is classified as active and consists mainly of recreational facilities, while open space that is used for relaxation, such as a plaza, is classified as passive. Some types of open space facilities, such as esplanades, may be devoted to both active and passive uses.

In conducting the open space analysis of the Proposed Actions, an inventory of all publicly accessible open spaces within the study area was compiled. The open space resources were identified by their location, owner, features, hours of access, total acreage, percentage and acreage of passive and active areas, condition, and utilization. The secondary sources for this analysis included land use and geographic PLUTO data at the tax lot level and additional data provided by the New York City Department of Parks and Recreation (DPR). Field surveys

were not conducted due to the COVID-19 pandemic, and instead, information from previous Environmental Assessments was used to define open space utilization levels.

The utilization level of each open space resource is categorized as low, moderate, or heavy, based on *CEQR Technical Manual* guidance. The condition of each open space resource was categorized as excellent, good, fair, or poor; these determinations would typically be made based on visual assessment during the field surveys. However, visual assessments were not able to be conducted due to the COVID-19 pandemic. Instead, past surveys were used to inform the categorization of condition, and the ratios of passive and active open space. According to the *CEQR Technical Manual*, public open space does not include Greenstreets, malls without seating, or sidewalks.

All of the publicly accessible open space resources that include passive open space within the study area are shown on **Figure 3-2** and listed in **Table 3-6**. The study area contains 19 open space resources. These 19 resources comprise 4.38 total acres of open space, of which all 4.38 acres are passive open space. These open space resources are all privately owned public spaces (POPS) and one plaza located along the street frontage of high-density commercial and residential buildings. These spaces are described below.

Of the 19 open space resources in the study area, 18 are POPS that include a variety of indoor and outdoor public plazas, arcades, through-block connections, and seating areas. Most of the POPS are small outdoor plazas located between the associated building and sidewalk, and only two of the POPS are larger than 0.5 acres. The POPS in the study area collectively comprise 4.24 acres of open space, are 100 percent passive open space, and provide a range of amenities for the user populations. Many of the POPS offer limited amenities, although there are often steps or plantings with ledges that can be used informally as seats. Other POPS include some combination of seating, tables, garbage cans, drinking fountains, artwork, vendors, and water features. Most of the POPS were created by developers in exchange for the right to construct additional floor area, in keeping with the concept of incentive zoning, which was introduced in the 1961 New York City Zoning Resolution.

There is one ~~NYC~~New York City Department of Transportation (~~DOT~~NYCDOT) plaza in the study area, known as Pershing Square West, located on the west side of the Park Avenue viaduct, just south of East 42nd Street. It contains seating and trees. On the opposite side of the viaduct is the Pershing Square East plaza, another ~~DOT~~NYCDOT plaza, which has a CitiBike station and room for pedestrian circulation. Since Pershing Square East does not contain any seating, it was not included as part of the open space analysis.

It is important to note that one large park, Bryant Park, is within a quarter-mile of the Development Site, but is located just outside of the open space study area (see **Figure 3-2**). Bryant Park is a 4.58-acre park that extends from West 40th Street to West 42nd Street, between Fifth and Sixth Avenues, and is located immediately west of the iconic New York Public Library main branch (Stephen A. Schwarzman Building). In 1974, the New York City Landmarks Preservation Commission designated Bryant Park as a Scenic Landmark. Today, more than 6 million people visit the park annually to enjoy its amenities, which include two restaurant pavilions and four concession kiosks, as well as seasonal attractions such as the ice-skating rink that is constructed for use in the winter.

## Figure 3-2 Existing Open Space Inventory

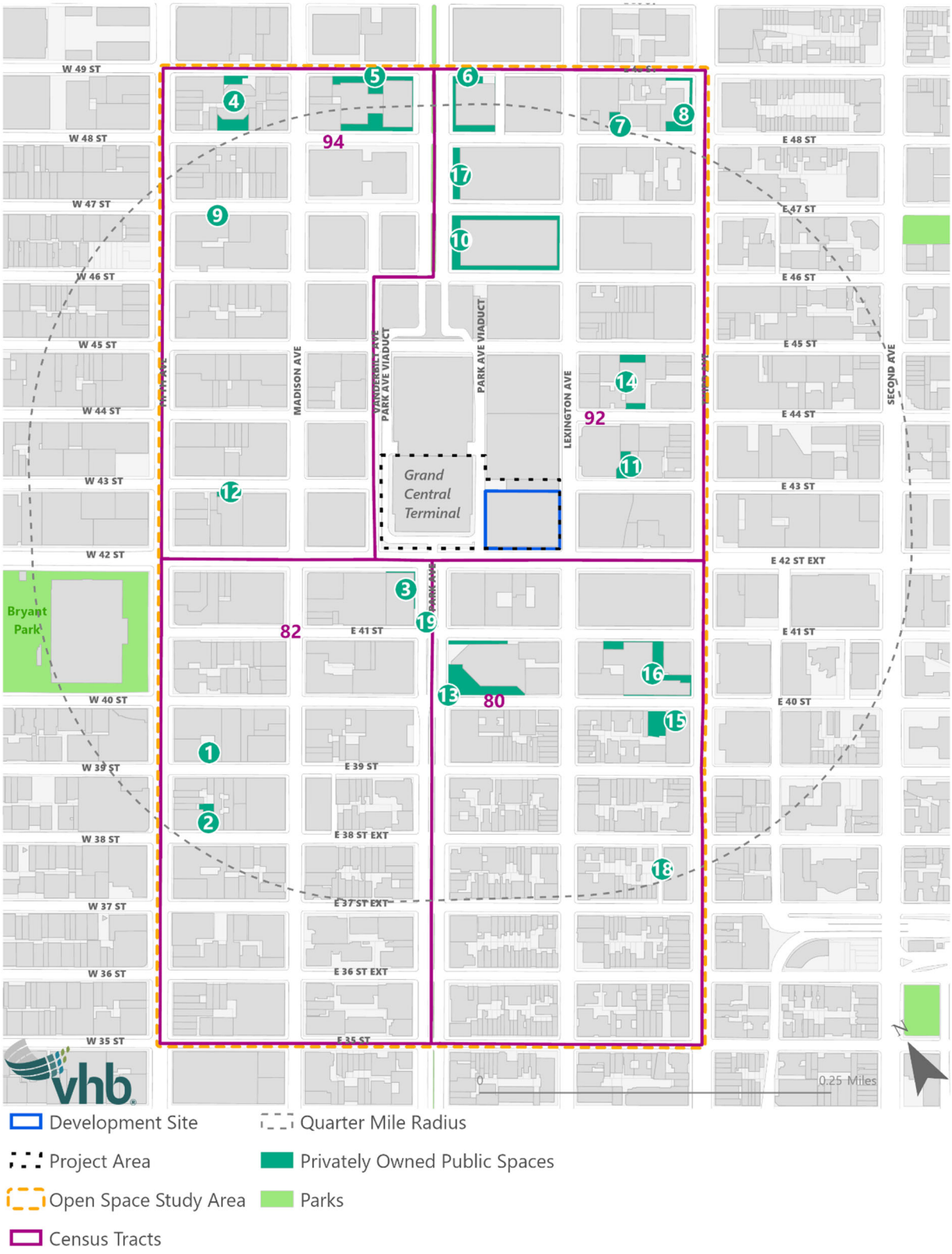


**Table 3-6 Existing Publicly Accessible Open Space Inventory**

| Map No. | Name | Owner/Agency | Features & Amenities | Acres of Active Open Space | Acres of Passive Open Space | Total Acres | Condition /Utilization[1] |
|---|---|---|---|---|---|---|---|
| 1 | Fifth Avenue Tower | Fifth Ave Condo—B.H. | Plaza, trees and planters, seating wall/ledges | - | 0.05 | 0.05 | Excellent/ Moderate |
| 2 | 425 Fifth Avenue | 425 Fifth Avenue Condominium/AK AM Associates | Plaza, seating wall/ledges, planters and trees | - | 0.10 | 0.10 | Excellent/ Moderate |
| 3 | Sculpture Court at Phillip Morris International | 120 Park Avenue Associates, LLC | Indoor arcade with tables and chairs, plantings, seating wall/ledges; outdoor arcade with seating wall/ledges | - | 0.21 | 0.21 | Good/High |
| 4 | Tower 49 | Kato Kagaku Co., LTC | Plaza/arcade, trees, planters, marble benches, seating wall/ledges, tables and movable chairs | - | 0.27 | 0.27 | Excellent/Low |
| 5 | 280 Park Avenue | Broadway 280 Park Fee | Plaza, trees, planters with seating ledges, tables and movable chairs | - | 0.40 | 0.40 | Good/Low |
| 6 | Westvaco, 299 Park Avenue | Fisher-Park Lane Owner LLC | Plaza/arcade, trees, planters, benches | - | 0.36 | 0.36 | Good/Low |
| 7 | Cosmopolitan Condominiums, 141 East 48th Street | Cosmopolitan Condominiums | Plaza, trees, planters with seating ledges, seating wall/ledges | - | 0.06 | 0.06 | Good/Low |
| 8 | 780 Third Avenue | Teachers Insurance and Annuity Association of America | Plaza, seating wall/ledges, food trucks, restaurant tables and chairs | - | 0.09 | 0.09 | Good/Moderate |
| 9 | 575 Fifth Avenue | 575 Fifth Avenue Condominium | Indoor plaza with tables and movable chairs, garbage cans | - | 0.23 | 0.23 | Excellent/ Moderate |
| 10 | 245 Park Avenue | Brookfield Financial | Plaza/arcade, planters, seating ledges | - | 0.79 | 0.79 | Good/Low |
| 11 | 425 Lexington Avenue | Hines 425 Lexington Avenue, LLC | Plaza, seating wall/ledges, planters with seating ledges, garbage cans | - | 0.10 | 0.10 | Good/Low |
| 12 | Emigrant Savings Bank, 6 East 43rd Street | 6 East 43rd Street Corp. | Plaza, planters with seating ledges, statue | - | 0.03 | 0.03 | Excellent/Low |
| 13 | 101 Park Avenue Plaza | 101 Park Avenue Associates, LLC | Plaza/arcade, plantings, seating wall/ledges, seating steps, water feature | - | 0.34 | 0.34 | Excellent/Low |

**Table 3-6 Existing Publicly Accessible Open Space Inventory**

| Map No. | Name | Owner/Agency | Features & Amenities | Acres of Active Open Space | Acres of Passive Open Space | Total Acres | Condition /Utilization[1] |
|---|---|---|---|---|---|---|---|
| 14 | Two Grand Central Tower, 140 East 45th Street | 2 GCT Partners, LLC | Plaza/arcade, planters, seating ledge garbage cans | - | 0.11 | 0.11 | Good/Low |
| 15 | 600 Third Avenue | Third Avenue Tower Owner, LLC | Plaza/arcade, trees, planters with seating, ledges, lighting | - | 0.20 | 0.20 | Good/Low |
| 16 | Grand Central Plaza, 622 Third Avenue | 622 Third Ave Company, LLC | Outdoor plaza with trees, planters with seating ledges, benches, seating wall/ledges, garbage cans; indoor arcade with benches, seating wall/ledges, lighting, heating; landscaped terrace with trees, planters, benches, tables and movable chairs, lattice, garbage cans | - | 0.62 | 0.62 | Excellent/ Moderate |
| 17 | 275 Park Avenue Plaza | 277 Park Avenue LLC | Plaza/arcade, seating ledges, planters | - | 0.13 | 0.13 | Good/Low |
| 18 | Murray Hill Mews, 160 East 38th Street | Murray Hill Mews Owners, CP | Plaza, trees, planters, benches | - | 0.15 | 0.15 | Excellent/Low |
| 19 | Pershing Square West Plaza | ~~NYC DOT~~NYCDOT | Plaza, trees, café tables and chairs | - | 0.14 | 0.14 | Excellent/ Moderate |
| | | | **Total** | **0** | **4.38** | **4.38** | |

Source: NYC Department of Parks and Recreation, ~~NYC DOT~~NYCDOT, NYC DCP Capital Planning Platform

[1] Due to the Covid-19 Pandemic, surveys to determine current condition and utilization could not be undertaken as condition and utilization of area open spaces within the study area would not represent pre-Covid conditions. Therefore, previous environmental review documents were referenced to account for condition and utilization characteristics within the study area.

### Adequacy of Open Spaces

The open space analysis focuses on passive open space that may be used by non-residential populations of workers and other daytime users. Using *CEQR Technical Manual* guidelines, the adequacy of open space was first analyzed quantitatively by comparing the ratio of existing passive open space acreage in the study area per 1,000 non-residents with the CEQR benchmark of 0.15 acres of passive open space per 1,000 non-residents. Additionally, the quantitative analysis compares the open space ratio for the combined non-residential and residential population in the study area to the CEQR benchmarks, based on the recommended weighted average of 0.15 acres per 1,000 non-residents and 0.50 acres per 1,000 residents.

The study area includes 4.38 acres of open space, all of which are for passive use. The existing non-residential population in the study area was estimated at 170,563 (see **Table 3-2**), and the combined residential and non-residential population was estimated at 180,496 (see **Table 3-4**). As shown in **Table 3-7**, the study area has an existing open space ratio of 0.026 acres of passive open space per 1,000 non-residents, less than a quarter of the recommended weighted average of 0.15 acres of passive open space per 1,000 non-residents. The combined open space ratio is 0.024 acres of passive open space per 1,000 non-residents and residents, which is lower than the weighted average benchmark of 0.169. Thus, based on the quantitative analysis, there is an existing deficiency in passive open space to serve the non-residential population, as well as the combined nonresidential and residential population.

**Table 3-7 Existing Conditions – Adequacy of Open Space Resources for Quarter-Mile Non-Residential Study Area**

| | Non-Residential Population | Open Space Acreage | | Ratios[1] | DCP Guidelines |
|---|---|---|---|---|---|
| Non-Residents | 170,563 | Active | N/A | N/A | N/A |
| | | Passive | 4.37 | 0.026 | 0.15 |
| | | **Total** | **N/A** | **N/A** | **N/A** |
| Combined Non-Residents and Residents | 180,496 | Active | N/A | N/A | N/A |
| | | Passive | 4.37 | 0.024 | 0.169[2] |
| | | **Total** | **N/A** | **N/A** | **N/A** |

Notes:

[1] Acres per 1,000 people.

[2] Based on a target open space ratio established by creating a weighted average of the amount of open space necessary to meet the CEQR benchmark of 0.5 acres of passive open space per 1,000 residents and 0.15 acres of passive open space per 1,000 non-residents.

## No-Action Condition

### Study Area Population

In the future without the Proposed Actions, it is anticipated that the current development patterns in the open space study area would continue, including a combination of new construction and repurposing of existing buildings. Given existing zoning and land use trends, it is expected that over the analysis period, the study area would experience growth, much of it being in commercial office and hotel space.

### *Development Site*

As described in **Chapter 1, Project Description**, absent the Proposed Actions the Development Site would be redeveloped with a commercial building that complies with zoning and built to the maximum allowed commercial FAR of 27.0. The No-Action building would total approximately 1,883,743 gsf of space, including 1,682,336 gsf of office space, 18,300 gsf of retail space, and 166,991 gsf of mechanical space. It would also have 5,896 gsf of publicly accessible open space and 10,220 gsf of transit circulation space. The No-Action development is expected to generate 6,784 workers. Furthermore, with the removal of the existing hotel use from the site under the No-Action condition, approximately 2,270 hotel guests and 596 workers would be eliminated from the study area. Therefore as shown in **Table 3-8**, The No-Action building is expected to result in an incremental increase of 6,188 new workers and incremental decrease of 2,270 visitors to the study area.

**Table 3-8 No-Action Condition: Development Site Population**

| Use | Floor Area | Workers[1] | Visitors |
|---|---|---|---|
| **Existing Conditions** | | | |
| Hotel | (991,998) | (487) | (2,270) |
| Retail | (36,353) | (109) | |
| **No Action Development** | | | |
| Commercial Office | 1,682,336 | 6,729 | - |
| Retail (including MTA Retail) | 18,300 | 55 | - |
| **Total** | | **6,188** | **(2,270)** |

Notes:

[1] Based on estimates of 1 worker per 250 gsf of office space, 1 worker per 333.3 gsf of retail space, and 1 worker per 2.67 hotel rooms

### *Study Area*

In addition to the No-Action development that would be constructed on the Development Site, several developments within the open space study area are either planned or currently under construction, all of which are anticipated to be completed by the 2030 build year (see **Table 3-9** and **Figure 3-3**).

**Table 3-10** lists the locations of these development projects and the corresponding estimates of residential and non-residential populations generated by these projects.

**Table 3-9 No-Action Condition: No Build Development Programs**

| Map No. | Development Name /Location | Total GSF[2] | Office GSF | Retail GSF | Hotel Rooms | Residential Units |
|---|---|---|---|---|---|---|
| 1 | One Vanderbilt | 1,800,000 | 1,325,000 | 80,000 | - | - |
| 2 | 343 Madison Avenue | 939,412 | 914,361 | 25,051 | - | - |
| 3 | 363 Lexington Avenue[1] | 607,661 | 530,358 | 24,463 | - | - |
| 4 | 12 East 48th Street | 64,400 | - | - | 161 | |
| 5 | 415 Madison Avenue | 343,100 | 342,750 | 350 | | |
| 6 | 270 Park Avenue | 1,069,069 | 1,069,069 | - | - | - |
| 7 | 111 East 48th Street[1] | 1,022,663 | 892,566 | 41,170 | - | - |
| 8 | 250 Park Avenue[1] | 775,287 | 682,902 | 24,969 | - | - |
| 9 | 131-141 East 47th Street | 151,013 | - | - | - | 122 |
| 10 | 485 Lexington Avenue[1] | 1,113,919 | 1,067,794 | 46,125 | - | - |
| 11 | 686-700 Third Avenue | 151,900 | - | 7,500 | 361 | - |
| 12 | 266 Madison Avenue[1] | 759,100 | 725,630 | 33,470 | - | - |
| 13 | 23 East 39th Street | 38,000 | - | - | 95 | - |
| | **Total** | **9,814,461** | **8,410,192** | **317,148** | **617** | **122** |

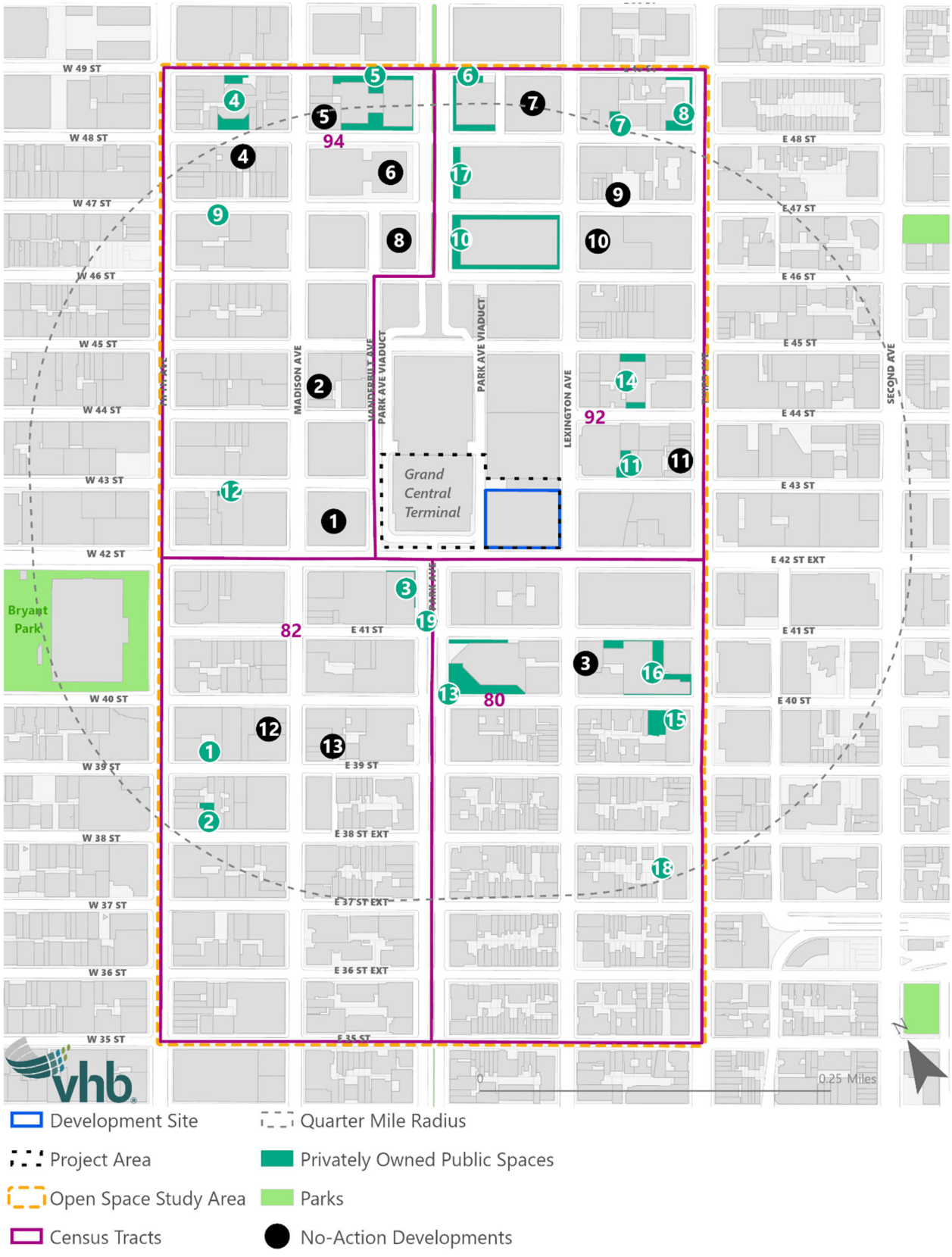
Source: New York City Department of Buildings, New York City Department of City Planning, Greater East Midtown FEIS, One Vanderbilt FEIS
Notes:
[1] This represents the expected development program at the time of the build year, however workers, residents, and visitors were estimated based on the incremental development over the existing condition on these sites.
[2] When information on total GSF not available, it was estimated based on 1,000 sf per dwelling unit, 400 gsf per hotel room.

**Table 3-10 No-Action Condition: Population from Additional Projects in the Study Area**

| | | | Estimated Non-Residents | |
|---|---|---|---|---|
| Map No. | Development Name/Location | Estimated Residents[1] | Workers[2] | Visitors[3] |
| 1 | One Vanderbilt | - | 7,291 | 3,588 |
| 2 | 343 Madison Avenue | - | 3,733 | - |
| 3 | 363 Lexington Avenue[4] | - | 846 | - |
| 4 | 12 East 48th Street | - | 60 | 281 |
| 5 | 415 Madison Avenue | - | 460 | - |
| 6 | 270 Park Avenue | - | 4,276 | - |
| 7 | 111 East 48 Street[4] | - | 3,430 | (1,229) |
| 8 | 250 Park Avenue[4] | - | 1,038 | - |
| 9 | 131-141 East 47th Street | 193 | 5 | - |
| 10 | 485 Lexington Avenue[4] | - | 1,633 | - |
| 11 | 686-700 Third Avenue | - | 158 | 630 |
| 12 | 266 Madison Avenue[4] | - | 1,141 | - |
| 13 | 23 East 39th Street | - | 36 | 166 |
| | **Total** | **193** | **24,107** | **3,463** |

Source: New York City Department of Buildings, New York City Department of City Planning, Greater East Midtown FEIS, One Vanderbilt FEIS
Notes:
[1] Assumers 1.58 persons per DU (2018 5-year ACS average household size for the study area)
[2] Assumes 1 employee per 250 sf of office, 1 employee per 333.33 sf of retail, 1 hotel employee per 2.67 hotel rooms (400 gsf per hotel room), 1 residential building employee per 25 DUs (1,000 sf per DU unless specified)
[3] Visitor population represents an estimate of the number of hotel guests based on information from M1 Hotel FEIS (CEQR NO 18DCO042Y, 10/05/2018), multiplied by an 87.3 percent occupancy rate (STV, 2018), multiplied by 2 people per occupied hotel room
[4] Workers, residents, and visitors estimated based on the incremental development of these sites

## Figure 3-3 No-Action Projects within Quarter-Mile Study Area



Overall, these developments would generate an estimated 193 additional residents and 27,543 additional non-residents, comprising 24,107 workers and 3,436 visitors. As a result, in the future without the Proposed Actions, the total study area population would be an estimated 202,024 non-residents and 212,150 combined non-residents and residents.

## Study Area Open Space

In the future without the Proposed Actions, five new publicly accessible passive open space resources—collectively comprising 0.79 acres—would be added within the study area by the 2030 analysis year as part of No-Action Developments (**Table 3-11** and **Figure 3-4**). For the sites identified as Projected Development Sites in the Greater East Midtown Rezoning FEIS (No-Action Site numbers 7, 10, and 12), details about the new POPS and their programming are unknown at this time. The new ~~DOT~~NYCDOT plaza on Vanderbilt Avenue, between East 42nd and East 43rd Streets, will comprise a 60-foot-wide by 200-foot-long area along Vanderbilt Avenue that will be closed to vehicular traffic and dedicated to pedestrian use. The POPS at 270 Park Avenue is expected to be a 10,000 sf (or 0.23 acres), open air public space.

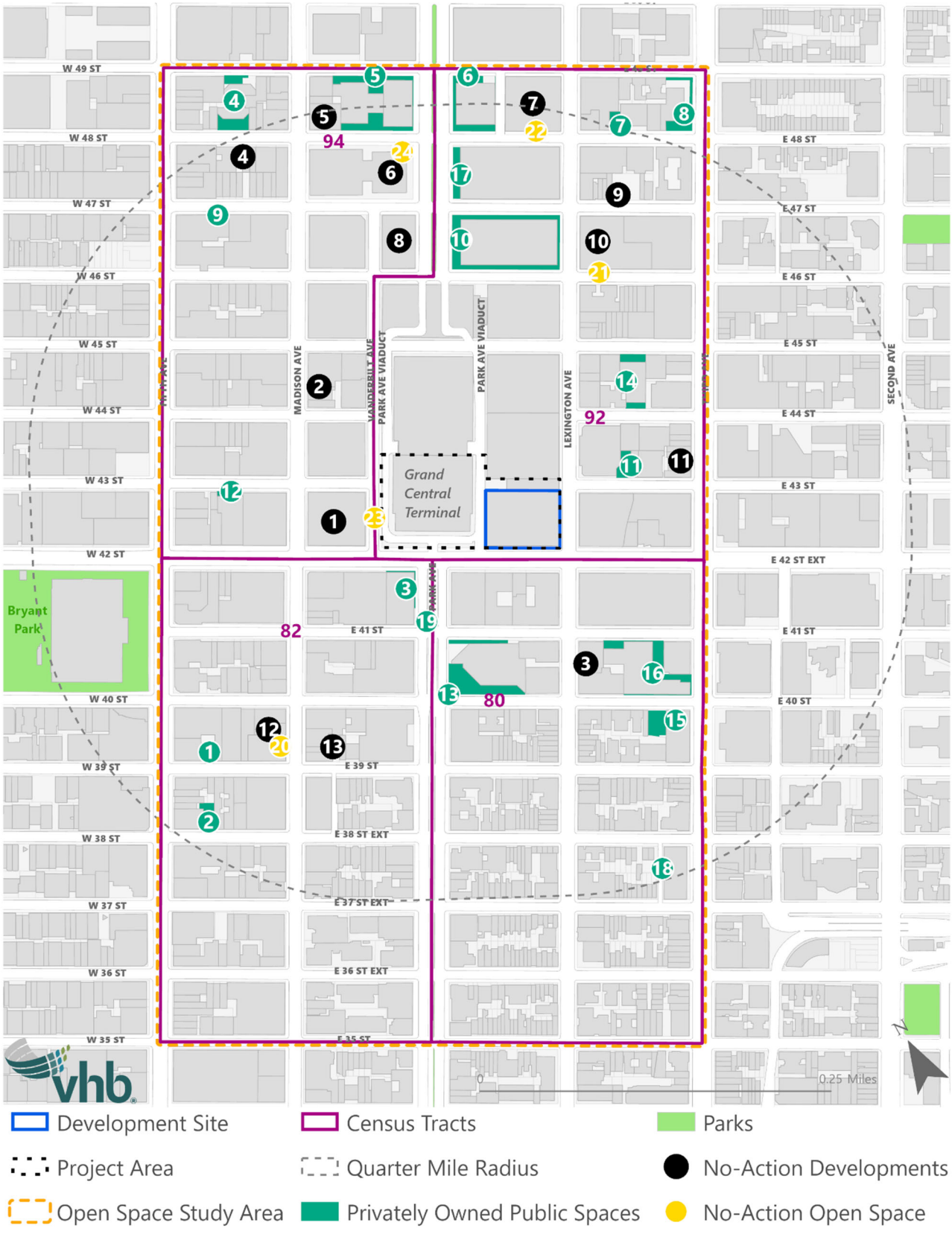
**Table 3-11 New Open Space Resources in the Future without the Proposed Action**

| Map No. | Name | Owner/Agency | Description | Acres of Active Open Space | Acres of Passive Open Space | Total Acres |
|---|---|---|---|---|---|---|
| 20 | 266 Madison Avenue (No-Action Site #12) | Unknown | New POPS | - | 0.08 | 0.08 |
| 21 | 485 Lexington Avenue (No-Action Site #10) | Unknown | New POPS | - | 0.11 | 0.11 |
| 22 | 111 East 48th Street (No-Action Site #7) | Unknown | New POPS | - | 0.09 | 0.09 |
| 23 | Vanderbilt Avenue, between East 42nd and East 43rd Streets | ~~NYC DOT~~NYCDOT | New Plaza | - | 0.28 | 0.28 |
| 24 | 270 Park Avenue (No-Action Site #6) | JP Morgan Chase | New POPS | - | 0.23 | 0.23 |
| | | | **Total** | **0** | **0.92** | **0.92** |

Source: Greater East Midtown FEIS

Additionally, 5,896 sf (0.13 acres) of enclosed publicly accessible space would be added on the Development Site in conjunction with the No-Action development. It would be located on the ground floor of the Development Site and would include landscaping and passive open spaces amenities that are typical of POPS in the area. Therefore, the Development Site publicly accessible open space, together with the anticipated resources in the table above, would create an additional 0.92 acres of open space over six locations under the With-Action condition. Under the With-Action condition the total open space acreage for the study area would be 5.30 acres.

**Figure 3-4 Open Space Resources in the No-Action Condition**



## Adequacy of Open Spaces

In the No-Action condition, it is anticipated that new development in the study area and on the Development Site would result in a population increase of 31,461 non-residents and 31,654 combined residents and non-residents, compared to existing conditions. Additionally, the supply of publicly accessible passive open space in the study area is expected to increase by 0.92 acres from Existing Conditions, accounting for the five new opens spaces resources described in **Table 3-11** and the anticipated open space under the No-Action development program on the Development Site. Therefore, as shown in **Table 3-12~~Table 3-12~~**, the ratio of passive open space in the With-Action condition would be 0.026 per 1,000 non-residents, which remains significantly lower than the DCP guideline of 0.15, but the same as the ratios under existing conditions. The combined open space ratio would be 0.025 acres of passive open space per 1,000 non-residents and residents, which is lower than the weighted average benchmark of 0.167, but a slight improvement over existing conditions. Thus, in the No-Action condition, the amount of passive open space available to serve the non-residential population, as well as the combined non-residential and residential population, would continue to be less than the benchmarks established in the *CEQR Technical Manual,* but relatively similar to that of existing conditions.

**Table 3-12 No-Action Condition – Adequacy of Open Space Resources for Quarter-Mile Non-Residential Study Area**

| | Non-Residential Population | Open Space Acreage | | Ratios[1] | DCP Guidelines |
|---|---|---|---|---|---|
| Non-Residents | 202,024 | Active | N/A | N/A | N/A |
| | | Passive | 5.30 | 0.026 | 0.15 |
| | | **Total** | **N/A** | **N/A** | **N/A** |
| Combined Non-Residents and Residents | 212,150 | Active | N/A | N/A | N/A |
| | | Passive | 5.30 | 0.025 | 0.167[2] |
| | | **Total** | **N/A** | **N/A** | **N/A** |

Notes:
[1] Acres per 1,000 people
[2] Based on a target open space ratio established by creating a weighted average of the amount of open space necessary to meet the CEQR benchmark of 0.5 acres of passive open space per 1,000 residents and 0.15 acres of passive open space per 1,000 non-residents

# With-Action Condition

## Study Area Population

### *Development Site*

The Proposed Actions would facilitate the development of a new commercial development on the Development Site of a greater bulk that the No-Action building described above. In the With-Action condition, the all-office program assumed for conservative analysis purposes would result in the development of 2,~~991,781~~992,161 gsf of mixed-use commercial space, including 2,561,770 gsf of office[3] and 43,370 gsf of retail space. It would also include 16,245 gsf of transit circulation space, 345,355 gsf of mechanical space, and 25,421 gsf of

[3] Development may also occur under an ~~All~~ Office ~~Scenario~~and Hotel 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~~108,820 gsf of office space, retail, and ~~no~~452,950 gsf of hotel~~.~~ (500 hotel rooms).

open space. This is estimated to introduce approximately 10,377 workers, an increment of 3,593 over the No-Action condition for a total non-residential population of 205,617 and 215,743 combined residents and non-residents in the study area (see **Table 3-13**).

**Table 3-13 With-Action Condition: Development Site Population**

| Use | Floor Area | Workers[1] | Visitors[2] |
|---|---|---|---|
| Office | 2,561,770 | 10,247 | - |
| Retail | 43,370 | 130 | - |
| Total | | 10,377 | - |

Notes:
[1] Based on estimates of 1 worker per 250 gsf of office space; 1 worker per 333.3 gsf of retail space.
[2] Based on average hotel occupancy of 2 guests per room and 87 percent occupancy rate.

## Study Area Open Space

As part of the Proposed Project, 25,421 gsf of publicly accessible open space would be created, an increment of 19,525 gsf or 0.45 acres over the No-Action condition. The open space would be located on the second floor of the Proposed Project and take the form of a space that wraps around the eastern, northern and western facades of the building with two terraces that run the length of the site from north to south and a connecting terrace that runs the entire width of the site from east to west along the northern property line. The elevated open space would be accessed by two grand staircases located on East 42nd Street or elevators. Each of the north-south terraces would be elevated at a height of approximately 30 feet to align with the datum of the Park Avenue Viaduct while the east-west terrace would be elevated at a height of approximately 45 feet.

The "Chrysler Terrace" would provide an overlook onto Lexington Avenue and East 42nd Street, and a unique vantage point for viewing the Chrysler Building and other surrounding landmarks. It would be reachable by one of the two grand staircases along East 42nd Street, by a staircase along Lexington Avenue, and by elevator. The Chrysler Terrace would feature trees, plantings, multiple types of seating, and a larger clearing.

The "Grand Central Terrace," would provide new visibility for the currently obstructed southeast corner of Grand Central. It would be reached by one of the two grand staircases along East 42nd Street, as well as by elevator. The grand staircase would be a key architectural feature of the building. The plaza would provide trees, planting, seating, and skylights that would bring light to the transit hall below. It would provide a destination for commuters and visitors alike and would open up views of many landmarks along East 42nd Street in addition to Grand Central Terminal itself, such as the Bowery Savings Bank and Pershing Square.

The open space proposed on the north side of the building, the "Graybar Terrace," would provide a critical connection between the Grand Central Terrace and Chrysler Terrace. This terrace would feature retail use, fixed and movable seating, and flexible use space. The proposed terrace would be approximately 274 feet long by 25 feet wide. This terrace would be accessed by stairs and ADA elevators to provide additional ADA access for inter-terrace travel.

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.

With the addition of the 0.45 acres of public space, the total open space within the study area would increase to 5.75 acres, all of which would be passive space.

## Adequacy of Open Spaces

### *Quantitative Assessment*

In the future with the Proposed Actions, the supply of publicly accessible passive open space in the study area would be slightly more than in the With-Action condition given the larger amount of publicly accessible space proposed on the Development Site. The non-residential and combined passive open space ratio would be slightly higher in the future With-Action condition than in the future No-Action condition. While still below the CEQR guidelines of 0.15 acres per 1,000 non-residents, the resulting ratio of passive open space in the With-Action condition would be 0.028 per 1,000 non-residents (see **Table 3-14**), which is 0.002 acres per 1,000 non-residents higher (or 6.57 percent higher) than the ratio under the No-Action condition (0.026 acres per 1,000 non-residents). While still below the recommended weighted average of 0.166 acres per 1,000 combined residents and non-residents, the combined passive open space ratio would be 0.027 acres per 1,000 non-residents and residents, which is 0.002 acres per 1,000 combined non-residents and residents (or 6.66 percent) higher than the ratio under the With-Action condition (0.025).

Thus, based on the calculated open space ratios and the DCP guidelines, the With-Action open space deficiency would be less than the open space deficiency in the No-Action condition and under Existing Conditions. The open space provided by the proposed project would improve the amount of open space available to residents and non-residents in the study area.

**Table 3-14 With-Action Condition – Adequacy of Open Space Resources for Quarter-Mile Non-Residential Study Area**

| | Non-Residential Population | Open Space Acreage | | Ratios[1] | DCP Guidelines |
|---|---|---|---|---|---|
| **Non-Residents** | **205,617** | Active | N/A | N/A | N/A |
| | | Passive | 5.75 | 0.028 | 0.15 |
| | | **Total** | **N/A** | **N/A** | **N/A** |
| **Combine Non-Residents and Residents** | **215,743** | Active | N/A | N/A | N/A |
| | | Passive | 5.75 | 0.027 | 0.166[2] |
| | | **Total** | **N/A** | **N/A** | **N/A** |

Notes

[1] Acres per 1,000 people.

[2] Based on a target open space ratio established by creating a weighted average of the amount of open space necessary to meet the CEQR benchmark of 0.5 acres of passive open space per 1,000 residents and 0.15 acres of passive open space per 1,000 non-residents.

### *Qualitative Assessment*

As shown in **Table 3-6** above, all of the open spaces within the study area are in good or excellent condition. Furthermore, only one open space has high utilization, while the rest are moderate or low. This suggests that the existing open spaces in the study area should be able to absorb the anticipated worker and visitor population from the Proposed Project while still remaining in good condition. Furthermore, five new open spaces will be

introduced to the study area under the No-Action condition, and one new open space is proposed on the Development Site itself.

The conditions of public space access in the study area are reflective of those of East Midtown as a whole. The Greater East Midtown Rezoning identified insufficient pedestrian circulation space and lack of significant, publicly controlled open spaces and both mandated the creation of new publicly accessible spaces on large sites and established the Grand Central Public Realm Improvement Bonus special permit, in order to help address these issues. The special permit allows density increases through the provision of improvements in the Grand Central Subdistrict that support public circulation. As described above, 25,421 gsf of publicly accessible open space would be created on the Development Site.

The proposed public realm improvements provided by the Proposed Development include the above-mentioned open space, a ground floor transit hall, additional ground floor and below grade circulation space connecting to Grand Central Terminal, and sidewalk and subway entrance improvements. The expanded sidewalks, open space, and transit hall would provide for improved views to Grand Central Terminal and the Chrysler building among other historic landmarks and provide new public space in East Midtown. Therefore, in addition to providing a new open space resource, the Proposed Project would introduce significant improvements to the public realm that support workers' and visitors' enjoyment of the area's resources.

## Determining Impact Significance

According to the *CEQR Technical Manual*, a proposed action may result in a significant adverse open space impact if there would be direct displacement/alteration of existing open space without a comparable replacement within the study area, or if the proposed action would reduce the open space ratio, which could indicate that open space facilities may become overburdened or that a deficiency in open space may become exacerbated. As discussed previously, the Proposed Actions would not have a direct impact on any open space resource in the study area.

As shown in **Table 3-15**, in the No-Action condition, there would be a quantitative deficiency in passive open space—in comparison to the CEQR benchmark—to serve the non-residential population, as well as the combined non-residential and residential population. The Proposed Actions would slightly improve this quantitative deficiency, and slightly improve upon the open space ratios within the study area under existing conditions. In the With-Action condition, the non-residential passive open space ratio would be 0.028 acres per 1,000 non-residents, representing a small increase of approximately 6.57 percent (approximately 0.002 acres per 1,000 non-residents) from the With-Action condition. The combined passive open space ratio would be 0.027 acres per 1,000 non-residents and residents, representing a small increase of approximately 6.66 percent (approximately 0.002 acres per 1,000 combined non-residents and residents) from the With-Action condition. Overall, the open space ratios would remain largely constant, with slight improvement over existing conditions.

**Table 3-15 Future with the Proposed Actions: Passive Open Space Ratios Summary**

| Ratio | CEQR Open Space Ratio Benchmark | Ratios | | | Change from No-Action to With-Action | |
|---|---|---|---|---|---|---|
| | | Existing | No-Action | With-Action | Absolute Change | Percentage Change |
| **Non-Residents** | 0.15 | 0.026 | 0.026 | 0.028 | 0.002 | 6.57% |
| **Combined Non-Residents and Residents** | Weighted 0.169/ 0.167/ 0.166 (Existing/ No-Action/ With-Action)[1] | 0.024 | 0.025 | 0.027 | 0.002 | 6.66% |

Notes:

[1] Based on a target open space ratio established by creating a weighted average of the amount of open space necessary to meet the CEQR benchmark of 0.5 acres of passive open space per 1,000 residents and 0.15 acres of passive open space per 1,000 non-residents. Since this benchmark depends on the proportion of non-residents and residents in the Study Area's population, it is different for Existing, No-Action, and With-Action conditions.

According to the *CEQR Technical Manual*, projects that reduce the open space ratio by more than 5 percent or result in the direct displacement of open space, may result in a significant adverse impact. For areas that are currently underserved, a smaller reduction may be considered significant. Based on maps in the Open Space Appendix of the *CEQR Technical Manual*, the open space study area is neither well served nor underserved by open space resources. Although the study area is characterized by a low open space ratio (i.e., below the citywide average of 0.15 acres of passive open space per 1,000 nonresidential users), CEQR guidelines recognize that the goals for open space ratios are not feasible for areas such as Midtown Manhattan where there are few public open spaces and little opportunity to create additional public open spaces, and therefore do not constitute an impact threshold. As described above, the Proposed Project would introduce 25,421 sf of new publicly accessible passive open space uses. This new open space would help to offset some of the new demand that would be generated by the Proposed Project and would also be a new open space resource for the study area population. Furthermore, the condition and utilization of the existing open spaces suggests that they will be able to absorb the expected new worker and visitor population from the Proposed Project. Since the open space ratios resulting from the Proposed Actions would reflect minor increases relative to existing conditions, the Proposed Actions would not result in significant adverse open space impacts.