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## Response to Comments on the DEIS

### Introduction

This document summarizes and responds to comments on the Draft Environmental Impact Statement (DEIS) for 175 Park Avenue,<sup>1</sup> published on May 17, 2021.

City Environmental Quality Review (CEQR) requires a public hearing as part of the environmental review process. Oral and written comments were received during the public hearing held by the New York City Planning Commission on September 1, 2021. Written comments were accepted from issuance of the DEIS through the close of the public comment period, which ended on September 13, 2021. **Appendix A** contains the written comments received on the DEIS. Where relevant and appropriate, the Final Environmental Impact Statement (FEIS) has been modified to incorporate and address substantive public comment on the DEIS.

**Section 1** of this document lists the elected officials, organizations, and individuals that provided relevant comments on the DEIS. **Section 2** contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together.

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<sup>1</sup> Formerly "Project Commodore"

## 1. List of Elected Officials, Organizations, and Individuals who Commented on the DEIS

### Elected Officials

1. Manhattan Borough President Gale A. Brewer, written statement dated August 19, 2021 (Brewer)

### Community Boards

2. Manhattan Community Board 5, Board Chair Vikki Barbero, written statement dated July 9, 2021 (CB 5)

### Organizations and Interested Public

3. 332BJ, member Jorge Ortiz, spoken testimony (32BJ)
4. Association for a Better New York, Chief Executive Office Melva Miller, written statement dated September 1, 2021 (ABNY)
5. Building & Construction Trades Council of Greater New York, President Gary LaBarbera, written statement dated September 1, 2021 (Building & Construction Trades Council)
6. East Midtown Partnership, President Rob Burns, spoken testimony (East Midtown Partnership)
7. Grand Central Partnership, Senior Project Manager Ryan Pukos, spoken testimony (Grand Central Partnership)
8. Helmets to Hardhats, Anne Trenkle, spoken testimony and written statement dated September 1, 2021 (Helmets to Hardhats)
9. The Municipal Art Society of New York, Thomas Delvaney, written statement dated August 31, 2021 (MASNY)
10. Metropolitan Transit Authority, Helen Cinque, spoken testimony (MTA)
11. New York Building Congress, President & CEO Carlo A. Scissura, written statement dated September 1, 2021 (Building Congress)
12. Partnership for New York City, Adira Siman, written statement dated September 1, 2021 (Partnership for New York City)
13. Pathways to Apprenticeship, Executive Director Shi Greene, written statement dated September 1, 2021 (Pathways to Apprenticeship)
14. Real Estate Board of New York, Senior Policy and Planning Analyst Madeline McGrory, spoken testimony and written statement dated September 1, 2021 (REBNY)
15. Riders Alliance, Executive Director Betsy Plum, written statement dated September 1, 2021 (Riders Alliance)
16. SHoP Architects, founding Principal Gregg Pasquarelli, spoken testimony (SHoP Architects)
17. Ken Smith, written statement dated September 1, 2021 (Smith)
18. Tri-State Transportation Campaign, Director of Regional Infrastructure Projects Felicia Park-Rogers, spoken testimony and written statement dated September 1, 2021 (Tri-State Transportation)

## 2. Comments and Responses on the DEIS

### Comments Received in Support of the Proposed Action

The following organizations and members of the interested public submitted testimony in support of the Proposed Action: 32BJ; Association for a Better New York; Building & Construction Trades Council of Greater New York; East Midtown Partnership; Grand Central Partnership; Helmets to Hardhats; MTA; New York Building Congress; Partnership for New York City; Pathways to Apprenticeship; Real Estate board of New York; Riders Alliance; SHoP Architects; Tri-State Transportation Campaign; and Ken Smith.

### Comments on the Proposed Action

- c.1 All text amendments should be restrictive to allow for the proposed conditions at this particular site and not exceed them: A. Two contiguous zoning lots may be evaluated as a Qualifying Site (not the proposed “two or more zoning lots”), as long as one of the two zoning lots includes Grand Central Terminal; B. The maximum bonuses for the Transit Improvement Special Permit and the Public Concourse Special Permit are limited to a combined 4.27 FAR (not the proposed “6 FAR”). (Brewer, CB-5)**

*Response:* Under the Greater East Midtown Rezoning, sites with characteristics that make them appropriate for new office development – such as having frontage on a wide street and having at least 75 feet of cleared frontage on a wide street (except in certain circumstances) – and are developed in accordance with other requirements set forth in ZR Section 81-613 are eligible to exceed the base FAR by performing transit improvements, purchasing development rights from landmarks, and – for zoning lots with pre-1961 non-complying commercial buildings – reconstructing overbuilt floor area following payment of a contribution to the Public Realm Improvement Fund at a rate of \$61.49 per square foot of reconstructed non-complying floor area.

The Qualifying Site would consist of two zoning lots only. These encompass Manhattan Block 1280, Lots 1, 30, 54, 154, 8154, 8254, 9001, and 9154, and have an aggregate area of approximately 203,872 square feet. The Qualifying Site has approximately 253 feet, four inches of frontage on Lexington Avenue; 669 feet, four inches of frontage on East 42nd Street; and 340 feet, four inches of frontage on Vanderbilt Avenue. The Qualifying Site is mapped within a C5-3 underlying zoning district within the East Midtown Subdistrict (Grand Central Core Area and Grand Central Transit Improvement Zone Subarea) of the Special Midtown District.

The floor area bonuses under the Transit Improvement Special Permit and the Public Concourse Special Permit would together result in an FAR increase of 4.27 FAR, not 6 FAR.

Comment noted with respect to related provisions of the proposed zoning text amendment.

- c.2 Depew Place square footage within a Qualifying Site should not be included in FAR calculations, because it is an actively used roadway by multiple zoning lots and the 175 Park Avenue proposal demands access to that roadway. (CB-5)**

*Response:* Depew Place is not a mapped street. As such, it generates floor area which is appropriately included in the calculation of floor area for the Qualifying Site.

- c.3 The terms of the Restrictive Declaration regarding the public outdoor spaces (the terraces and staircases that are a part of the Public Concourses and Publicly Accessible Space) should be negotiated with the Community Board and written before the City Planning Commission and Public Design Commission approves any Special Permits, waivers, and designs for the Publicly Accessible Space. The terms in question include: 1. Hours the public can access the space, hopefully as much as 18 hours a day, 7 days a week; 2. Signage, especially elevator access from the street-level of the grand staircases; 3. Lighting design; 4. Number of seats; 5. Number of trees; 6. Public art installations and rotation; 7. Security, maintenance, and sanitation; 8. Restrictions on private use and media events; 9. Community, cultural, and educational uses. (Brewer, CB-5)**

*Response:* Comment noted. The Applicant plans to continue to collaborate with community stakeholders on the design and operation of the public terraces.

## Comments Relating to EIS Analyses

### Land Use, Zoning, and Public Policy

- c.4 More retail should be on East 42nd Street, possibly located under the grand staircases. (CB-5)**

*Response:* As shown in **Chapter 1, Project Description** of the DEIS and FEIS, the ground floor of the proposed building is designed to maximize space for pedestrian circulation to the subways and Grand Central while also providing needed lobbies for the building's uses. Space below the grand staircases is currently designed for transit circulation and office lobby. While retail is not being provided on East 42nd Street, retail space is being provided in the Transit Hall and in the Lexington Passage on the ground floor.

### Open Space

- c.5 The additional 5,000 square feet of open space added to the proposal since the release of the DEIS will result in over 25,000 square feet of privately owned public space—much, if not all of it distributed among three elevated terraces on the east, west, and north sides of the building. However, it is unclear what the impetus was for the addition and how and where the added 5,000 square feet would be allocated. Moreover, MAS is concerned that Graybar Terrace in particular will be heavily shadowed, windswept, and rendered unappealing due to its walled-in location between 175 Park Avenue and the Graybar Building. While we acknowledge engineering obstacles make ground-floor plazas difficult for this project, we are not convinced that the casual passerby will even be aware that the second floor terraces are publicly accessible. To address these issues, MAS requests that the FEIS include 1. Specific details on where the 5,000 square feet of additional open space will be allocated; 2. Shadow and wind evaluations for project-generated open spaces as well as a daylight evaluation (as is required per Special Midtown District zoning); and 3. A detailed signage plan that clearly indicates that the terraces are a part of the public realm. (MASNY)**

*Response:* As designs for the proposed project evolved, the size of the publicly accessible open space was increased to approximately 25,421 square feet across three terraces. All publicly accessible open space across the three building terraces is shown in the Illustrative diagrams in **Chapter 1, Project Description**, of the DEIS and FEIS.

Wind evaluations are not required for project-generated open spaces per the *CEQR Technical Manual*. A Daylight Evaluation analysis was performed for the project in accordance with zoning regulations; please refer to the land use application for more information. While a shadows analysis was conducted for the project pursuant to *CEQR Technical Manual* guidance, an assessment of project-generated shading is not required for an open space that is being created as a consequence of a Proposed Action. These proposed publicly accessible open spaces would provide a unique experience for visitors to Greater East Midtown by providing vantage points to Grand Central Terminal and other surrounding landmarks that were not previously available. Any new open space amenity in this area of Midtown would be shaded at different parts of the day due to the nature of the built environment in this part of Manhattan.

Wayfinding signage would be provided to direct and orient visitors to all three terraces. Furthermore, as shown in **Chapter 6, Urban Design**, the terraces would be visible from the street level.

## Shadows

### **c.6 The massing of the proposed tower should be shifted to allow more Daylight on Lexington Avenue. (CB-5)**

*Response:* A shift in the building away from Lexington Avenue would bring the tower closer to Grand Central Terminal and would also result in a narrowing of the open space along the building's western frontage. While the proposed development's Daylight Evaluation score is lower on Lexington Avenue, the overall development would have a passing Daylight Evaluation score. The Daylight Evaluation score also does not account for various design elements that would improve the pedestrian visual experience, such as the building's setbacks that allow for elevated publicly accessible open spaces and the preservation of sky exposure above the Graybar Terrace.

## Historic and Cultural Resources

### **c.7 While we view the building's street level setbacks on 42nd Street and Lexington Avenue as an improvement from current conditions, the building's imposing bulk would overwhelm the area and obscure nearby historic and visual resources, of which there are many. Twenty-one historically significant resources are clustered within 400 feet of the development's project area—including Grand Central, the Chrysler Building, the Graybar Building, the MetLife Building, and the Chanin Building, to name but a few. The project DEIS depicts a significant difference between the No-Action and With-Action development view east on 42nd Street from the New York Public Library. The former view shows a portion of the Chrysler Building still visible; in the latter, it is entirely obscured by the proposed building's bulk. The DEIS also depicts the dramatic impact the building would have on the iconic NYC skyline from Long Island City, wherein it would completely dominate surrounding buildings. Despite these impacts, the DEIS concludes that the development would have no significant adverse impact on surrounding historic and visual resources. (MASNY)**

*Response:* **Chapter 5, Historic and Cultural Resources**, and **Chapter 6, Urban Design and Visual Resources** of the DEIS and FEIS, discuss the effects of the Proposed Project on views and historic resources surrounding the Project Area. The FEIS discusses in detail how some views of the Chrysler Building would be obstructed by the With-Action condition but notes that it would still be visible from many vantage points. Further, the public terraces would

create new opportunities to view the surrounding resources, including the Chrysler Building, away from busy sidewalks. Furthermore, as detailed in the FEIS, the proposed design would enhance views of other resources in the area, including Grand Central Terminal, by providing setbacks that open views at pedestrian sight lines, and the cladding and materials selected would be compatible with the range of materials exhibited in surrounding historic resources.

With regard to the New York City skyline, while the building would be taller than the buildings surrounding it, it would be located in close proximity to other tall towers in East Midtown, which has historically been a center for urban density. Moreover, the goal of the Greater East Midtown Rezoning is to continue to facilitate new, high-quality commercial towers. As a result, the Proposed Project would be constructed as part of a newly revitalized East Midtown skyline, including towers such as One Vanderbilt and 270 Park Avenue.

Overall, as detailed in the FEIS, the Proposed Project would not adversely change the scale, visual prominence, or visual context of other architectural resources located in the study area, as it, like the No-Action building, would be one of many tall buildings located along East 42nd Street and Lexington Avenue, within the context of a densely developed commercial district that contains many historic buildings that exhibit a range of heights and a variety of styles, massings, and materials.

## Urban Design and Visual Resources

- c.8 The renderings in the DEIS are woefully simplistic and inadequate for a project of this scale, as they lack sufficient detail and fail to give a sense of the building's visual presence from vantage points around the New York City area other than Long Island City. MAS requests that the FEIS include 1. More detailed drawings so that the public might better assess the tower's design; 2. Additional views of the building from afar (including from Brooklyn, the Bronx, and New Jersey); and 3. A proposal for a scaled-down alternative that, like One Vanderbilt, tapers much more dramatically through the middle and the top of the structure. (MASNY)**

*Response:* In accordance with CEQR guidelines, the FEIS provides detailed renderings, massings, and illustrations of the Proposed Project to support its conclusion that the Proposed Project would not result in significant adverse impacts to historic resources, urban design, and visual resources. **Chapter 5, Historic Resources** of the DEIS and FEIS, contains renderings of the proposed transit improvements and massings of the No-Action and With-Action condition from publicly accessible locations within the study area streetscape. **Chapter 6, Urban Design and Visual Resources** of the DEIS and FEIS, contains comparative section diagrams, massings of the No-Action and With-Action condition from publicly accessible locations within the study area streetscape, an illustrative elevation of the Proposed Project, and illustrative renderings of the proposed open-air terraces. The design of the Proposed Project is also described in detail and analyzed in **Chapter 6, Urban Design and Visual Resources**.

The illustrative views of the Proposed Project as provided in **Chapter 6, Urban Design and Visual Resources**, were chosen in accordance with *CEQR Technical Manual* guidelines and in coordination with the Lead Agency. A view is provided from Gantry Plaza State Park in order to depict a clear and representative view of the East Midtown skyline and assess the potential effects of the Proposed Project on iconic buildings within the skyline. Additional views from further distances or from outside of New York City are outside the scope of CEQR.

It is the Applicant's belief that the building massing is designed appropriately, with urban design elements that reflect its location amidst a group of iconic buildings in the study area and larger East Midtown skyline. As described in **Chapter 6, Urban Design and Visual Resources**, the intricate crown of the building appropriately addresses the Proposed

Project's prominence within the skyline and complements the crown on the neighboring Chanin Building across the street to the south. The massing of the building would step back in a tiered fashion to honor the historic building form of the Manhattan skyscraper. The No-Action condition is presented as an alternative to the Proposed Project, and as described above, illustrations of it can be found in the FEIS.