Project Commodore 175 Park Avenue¹

Draft<u>Final</u> Scope of Work for Preparation of a Draft Environmental Impact Statement



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Draft Final Scope of Work

Section 1: Introduction

This DraftFinal Scope of Work (FSOW) outlines the technical areas to be analyzed in the preparation of an Environmental Impact Statement (EIS) for the redevelopment of a Manhattan site located on Block 1280, Lot 30, a 57,292-square-foot (sf) lot that currently contains the Grand Hyatt Hotel, a 26-story, approximately 1,028,120-sf, 295-foot-tall steel and glass building with approximately 1,300 guest rooms and approximately 60,000 sf of conference/event space. The Development Site is notable for its integration with one of the City's primary transportation hubs. The building sits directly above the Grand Central – 42nd Street subway station and Metropolitan Transportation Authority (MTA) Metro-North railroad tracks below grade and is located immediately to the east of the Beaux Arts-style Grand Central Terminal (GCT) on Block 1280, Lot 1. The building is immediately to the south of the Grand Central Market (the Market) on Block 1280, Lots 54 and 154. The GCT and Market are located on an existing merged zoning lot (Lots 1, 54, and 154) and contain approximately 322,664 sf of floor area. The MTA controls Lots 1, 54, and 154 as well as ground-floor and mezzanine-level circulation areas located on the Development Site.

The Applicant, Commodore Owner LLC, is seeking several discretionary approvals from the City Planning Commission (CPC)—including special permits, and zoning text amendments, an authorization, and approval for _(the disposition of City-owned real property (the "Proposed Actions")—)—to facilitate a approximately 2,992,161 gsf (2,246,515 zsf) of mixed-use development containing up tospace, including a hotel, office, and public space (the Proposed Project). The Development Site would contain approximately 2,108,820 gross square feet (gsf)² of office space; an up-to-approximately 452,950-gsf, 500-room hotel; approximately 10,000 sf of open-air publicly accessible space; and up to approximately public space on the cellar, ground, and second floors of the proposed building (the "Proposed Project"). 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, or the Terminal) and the Grand Central – 42nd Street subway station.

Section 2: City Environmental Quality Review (CEQR) and Scoping

The Proposed Project and the related discretionary actions are considered a Type I Action under the State Environmental Quality Review Act (SEQR). Based on **Part II: Technical Analysis** of the Environmental Assessment Statement (EAS) prepared for the project, the Proposed Project would not exceed the CEQR thresholds for analysis of the following technical areas, and no significant adverse impacts would result from the Proposed Actions and resulting development: community facilities; socioeconomic conditions; natural resources; energy; and solid waste and sanitation. Therefore, no further analysis of these

² 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

technical areas is warranted. However, for certain technical areas, the Proposed Actions would exceed the CEQR threshold for analysis, and the potential for impact cannot be ruled out. As such, the Department of City Planning (DCP), as lead agency, has issued a Positive Declaration, which establishes that the Proposed Project may have a significant adverse impact on the environment, thus warranting the preparation of an EIS.

The CEQR scoping process is intended to focus the EIS on those issues that are most pertinent to the Proposed Project. The process allows other agencies and the public a voice in framing the scope of work for the EIS. The scoping document sets forth the analyses and methodologies that will be utilized to prepare the EIS. During the period for scoping, those interested in reviewing the Draft Scope of Work (Draft Scope) may do so and give their comments to the lead agency.

In accordance with SEQRA and CEQR, thisthe Draft Scope has been was distributed for public review. A public scoping meeting has been scheduled for was held on Monday, December 21, 2020 at 2:00 PM, and the period for submitting written comments will remain remained open for ten days, or until Thursday, December 31, 2020. In support of the City's efforts to contain the spread of COVID-19, DCP will hold held the public scoping meeting remotely. Instructions on how to view and participate, as well as materials relating to the meeting, will be were available at the DCP Scoping Documents webpage

(https://www1.nyc.gov/site/planning/applicants/scoping-documents.page) and NYC Engage website (https://www1.nyc.gov/site/nycengage/index.page) in advance of the meeting. Comments received during the Draft Scope's public meeting and written comments received until 5:00 PM on Thursday, December 31, 2020, will bewere considered and incorporated as appropriate into the Final Scope of Work (Final Scope).this FSOW.

The Final Scope will incorporate This FSOW incorporates all relevant comments made on the Draft Scope and revise revises the extent or methodologies of the studies, as appropriate, in response to comments made during scoping. A summary of the comments received during the public comment period and responses to those comments are provided in **Appendix A**. The written comments received are included in **Appendix B**. The Draft EIS (DEIS) will be prepared in accordance with the this Final Scope.

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

Section 3: Project Area and Project Area History

Project Area

The Project Area—comprising the existing hotel, GCT, and the Market on Block 1280, Lots 1, 30, 54, and 154—has a combined area of 203,872 sf (See **Figure 1**), with approximately 340 feet of frontage on Vanderbilt Avenue; 669 feet of frontage on East 42nd Street; and 253 feet

of frontage on Lexington Avenue. Pursuant to a CPC special permit, the Project Area would be treated as a qualifying site³ under the East Midtown Subdistrict requirements of the Zoning Resolution.

³ In order to be considered a qualifying site, sites must have cleared frontage along a wide street, dedicate no more than 20 percent of the building's floor area for residential use, and comply with environmental standards.





The Project Area is located in the East Midtown central business district in Community District 5 of Manhattan. Located within the Grand Central Core Area and the Grand Central Transit Improvement Zone Subarea of the East Midtown Subdistrict, the underlying zoning district of the Project Area is C5-3. In 2017, the CPC approved the Greater East Midtown Rezoning (N 170186(A) ZRM and C 170187 ZMM) to reinforce the area's standing as a premier central business district, support the preservation of landmarked buildings, and provide for public realm improvements. The Greater East Midtown Rezoning included creation of the Grand Central Transit Improvement Zone Subarea, which permits development of up to 27 FAR asof-right and up to 30 FAR by special permit. Developments can achieve as-of-right maximum FARs through three mechanisms: the district-wide transfer of unused landmark development rights, a payment to a district improvement fund to reconstruct overbuilt floor area, and the construction of pre-identified transit infrastructure projects.

Project Area History

The Greater East Midtown business district is one of the largest job centers in New York City and one of the highest-profile business addresses in the world. The area between Second and Fifth Avenues and East 39th and East 57th Streets contains more than 60 million sf of office space, more than a quarter million jobs, and numerous Fortune 500 companies.

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

The Commodore Hotel opened on the Development Site itself in 1919. It was developed as part of Terminal City, a complex of hotels and offices connected to GCT. It was later renovated and reopened as the Grand Hyatt.

At ground floor level, the Development Site is fronted by Lexington Avenue to the east, 42nd Street to the south, Grand Central and the Park Avenue viaduct to the west and the Graybar Building to the north. The surrounding roadway network generally consists of a grid of north-south avenues and east-west streets with the notable exception of Park Avenue, which consists of a two-way viaduct running between East 40th and East 46th Streets. This allows through traffic to bypass intersections in the Grand Central area. The northbound Park Avenue viaduct also provides vehicular access to the Grand Hyatt on the second-floor level.

The Development Site is located above a New York City Transit (NYCT) subway station; the Grand Central – 42nd Street subway station serves the Nos. 4, 5, 6, 7 Lines and Shuttle service. It is also located immediately east of GCT, which is the southern terminus of the Metro-North Railroad's Harlem, Hudson, and New Haven Line commuter rail service, which serves the northern parts of the New York metropolitan area and Connecticut.

Additionally, the East Side Access project that is currently under construction will, for the first time, permit Long Island commuters one-seat access to East Midtown through a new below-grade Long Island Railroad station at Grand Central. Construction for the East Side Access project is expected to be completed in 2022.

There are numerous bus routes with stops adjacent to or near the Development Site, including the M1, M2, M3, M4, M5, M15, M15 SBS, M42, M101, M102, M103, and Q32 local bus routes, as well as express bus routes from the Bronx, Brooklyn, Queens, and Staten Island, and Port Authority Bus Terminal buses.

Section 4: Required Approvals

The following actions would be required from the CPC-in accordance with the Uniform Land Use Review Procedure (ULURP)...) and Section 200 of the New York City Charter.

- A CPC special permit pursuant to ZR Section 81-621 to allow hotel use;
- > A CPC special permit pursuant to ZR Section 81-644 for transit improvements;
- A CPC special permit pursuant to ZR Section 81-645 for public concourse improvements and to modify loading regulations in connection therewith;
- A CPC special permit pursuant to ZR Section 81-685 to modify qualifying site, floor area, height and setback, street wall, district plan elements, loading, and publicly accessible space, and special permit term regulations;
- Zoning text amendments to amend existing special permitsprovisions in ZR Sections 81-644 and 81-685, and update a section reference in ZR Section 81-613; and
- A CPC authorization pursuant to ZR Section 36-72 to reduce the number of required bicycle parking spaces; and
- Approval for the disposition of City-owned-real property pursuant to Section 197-c of the New York City Charter with respect to the Development Site.

Additionally, the following non-discretionary actions would be required:

- A joint certification from the CPC Chairperson and the MTA pursuant to ZR Section 81-673(a) as to the size and location of transit easement volumes on the zoning lot;
- A joint certification from the CPC Chairperson and the MTA pursuant to ZR Section 81-673(b) as to whether a transit easement volume is required on the zoning lot.

Approval by The Proposed Project is also subject to New York City Landmarks Preservation Commission (LPC) review for a harmonious relationship determination. At the Public Hearing and Public Meeting of February 23, 2021, the LPC determined that the proposed design had a harmonious relationship with GCT. 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 had issued a finding of No Adverse Impact.

<u>On March 25, 2021, Empire State Development Corporation or its subsidiary would also be</u> required for authorized the conveyance of the <u>possessory fee interest in the</u> Development Site <u>from UDC/Commodore Redevelopment Corporation</u> to the City of New York, subject to the existing ground lease between UDC/Commodore Redevelopment Corporation and with Hyatt Equities L.L.C. (or its successor/assign). A lease extension would be approved pursuant to actions to be determined. DispositionThe amendment and restatement of the Development Site fromground lease as between the City of New York to development corporation affiliated with the Applicant would require be subject to approval by the <u>Mayor and Manhattan</u> Borough Board <u>and the Mayor pursuant to Section 384(b)(4)</u> of the New York City Charter.

Section 5: Proposed Project and With-Action Condition

The Applicant proposes to redevelop the Development Site with up to approximately 2,976,740992,161 gsf (2,246,515 zsf) of mixed-use development, including a hotel, office, and public space.⁴ The Development Site would contain up to approximately 2,108,820 gsf of office space; an up-to-approximately 452,950-gsf, 500-room hotel; approximately 10,00025,421 sf of open-air publicly accessible space; and up to approximately 43,370 gsf of retail (including MTA-controlled retail) on the cellar, ground, and second floors (see **Figure 2** for the illustrative ground floor and second floor plans). It would also contain approximately 16,245 gsf of space for transit circulation. $\frac{5}{2}$

The Development Site's exceptional connectivity to public transportation provides opportunities for major upgrades to the transit system as part of a new development. The atgrade and below-grade portions of the Development Site would continue to contain the subway station and rail station areas, with significant improvements that are discussed further below. The ground floor would include a hotel lobby and an office lobby, a reconstructed Lexington Passage and MTA retail located along the passage, an approximately 6,350-sf Transit Hall, and approximately 1,300 sf of additional area for a subway entrance off Lexington Avenue. The hotel lobby would be located on the eastern frontage on Lexington Avenue, while the office lobby would be accessed from East 42nd Street.

The second floor would contain <u>an</u> office lobby and <u>three</u> open-air publicly accessible space frontingspaces. One would front on Lexington Avenue, <u>a second would face the eastern</u> façade of Grand Central at the level of the Park Avenue Viaduct, and a third would face the Graybar building to the north. Office space is planned to be located on floors 7-63, and the hotel on floors 65-83.

The building would be a tower rising uprise to approximately 1,646 feet tall (see Figure 3). The design would require relief from various-zoning requirements, such as for street wall regulations, in order to regarding streetwall location that would enhance views of adjacent landmarks as well as the public realm pedestrian experience. Additionally, the proposed design would require waivers for encroachments beyond the setback lines.

⁴-As noted above, Block 1280, Lots 1, 30, 54, and 154, would be treated as a qualifying site, or a single zoning lot, for purposes of applying East Midtown bulk regulations. The floor area located on the Development Site would be equivalent to approximately 39.2 FAR if calculated on the basis of the area of the Development Site alone.

⁵ 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.



Figure 2 Illustrative Ground Floor and Second Floor Plans

Illustrative Ground Floor Plan



Illustrative Second Floor Plan

Figure 3 Illustrative Massing of With-Action Maximum Zoning Envelope





Illustrative Massing view from southeast

In connection with the proposed development, the Proposed Project would provide the following transit and <u>transit-related</u> public realm improvements to improve the pedestrian experience and reduce congestion at GCT and the Grand Central – 42nd Street subway station<u>and create a healthier</u>, safer, and improved commuting experience for hundreds of thousands of commuters each day:

- The subway entrance at East 42nd Street (R-238) would be redesigned and expanded. Natural light would be introduced into the newly enlarged entrance. Turnstiles would be relocated to street level, and arrangeda new diagonal staircase leading to increase the subway entrance space at-grade.would ease the flow of foot traffic. A new elevator adjacent to the stair would redistribute passengersprovide a more evenly throughoutdirect ADA connection to the subway mezzanine level and platform stairs. The ADA elevator currently-located within one bay ofat the historic entrance bays to the 42nd Street Passage would be relocated elevator<u>A</u> new designated subway entrance would be constructed to provide a more direct ADA-connection to 42nd Street from the subway mezzanine.⁶ and help ease crowding and backups at the entrances.
- A new transit hall containing retail, information screens and booths, and connections to the GCT would be constructed at the ground floor level on the western side of the Development Site. The eastern side of the transit hall will consist of retail stores with appropriately designed storefronts as well as smaller stores built between existing building structures. The transit hall would work in tandem with the existing 42nd Street Passage and expanded subway entrance to increase pedestrian throughput. The transit hall would have skylights providing natural light and offering views of the eastern facade of GCT. While the transit hall would be located on the Development Site, the transit hall would be subject to an easement for public access.reduce congestion and increase pedestrian throughput.
- Improvements to the subway entrance on Lexington Avenue and below-grade mezzanine would be constructed to bring light and air into the subway mezzanine and provide a larger, covered at-grade subway entrance. These improvements would also help to ease crowding and backups at the entrances.
- The proposed building would be set back from Lexington Avenue to allow for <u>minimum</u> <u>five-foot</u> increased sidewalk widths <u>on Lexington Avenue and 42nd Street</u> and enhanced views to adjacent landmarks. In concert with this change, the stairs located near the northwest corner of Lexington Avenue and East 42nd Street that provide access from Lexington Avenue down to the mezzanine level of the subway station would be realigned and relocated further north as part of a reconstructed subway entrance with an ADA elevator that would bring light and air into the subway mezzanine and provide a larger, covered at-grade subway entrance.
- The Lexington Passage entrance would be redesigned to make it <u>more legible and</u> inviting to pedestrians, and; the Passage would be refinished and its ceiling height would

⁶ The Applicant would replace any artwork in the R-238 circulation area that is affected by construction of the transit and public realm improvements. The removal and replacement of artwork by the Applicant would be performed under the direction and supervision of the MTA and the artist.

be increased to improve the pedestrian experience. The rebuilt Passage would include retail on both sides of the corridor as well as access to the Grand Central Market.

- Girders and structure associated with the existing Hyatt Hotel<u>Girders</u> would be removed from the subway mezzanine level to improve circulation and enhance sightlines and the surrounding area would be renovated to match subway mezzanine finishes.
- A new <u>"</u>Short Loop Connection<u>"</u> would be constructed to provide direct access <u>through</u> <u>Grand Central</u> from <u>Metro-North'sthe</u> lower <u>platform</u>_level <u>to NYCT's Lexington Avenue</u> 4, <u>5 and 6 Metro North trains and East Side Access to the</u> Subway mezzanine level. There would also be a similar connection from the southernmost portion of the new East Side Access/Long Island Rail Road concourse level to the newly created access point into the NYCT Lexington Avenue 4, <u>5 and 6 subway mezzanine level.</u> The connection would include stairs and an ADA elevator.

Table 1 summarizes the Proposed DevelopmentProject, as well as the All Office Scenario.

	Proposed Development	All Office Scenario
Proposed Use	(GSF)	<u>(GSF)</u>
Commercial Office	2,108,820	<u>2,561,770</u>
Retail	43,370	<u>43,370</u>
Hotel	452,950	<u>0</u>
Publicly Accessible Space	<u>25,421</u>	<u>25,421</u>
MTA Circulation	16 <u>,245</u>	<u>16,245</u>
Mechanical	345,355	<u>345,355</u>
Total Development	2 <u>,992,161</u>	<u>2,992,161</u>

Table 1 Development Program for Proposed Project

Note: All floor areas are approximate

Section 6: Project Purpose and Need

As noted above, the East Midtown Central Business District is one of the largest job centers in New York City and one of the most attractive business districts in the world. The district is anchored by GCT and the Grand Central – 42nd Street subway station and is adjacent to two recent major public infrastructure projects: East Side Access and the Second Avenue Subway. While the area benefits from a robust and improving transportation system, the office building stock is lagging behind. The average age of office buildings in the area is approximately 75 years, and many of these buildings are, or may soon become, outdated for today's office tenants.

The Proposed Actions would facilitate the development of a new, mixed-use Class A office and hotel building on a site that is well-served by a variety of transit modes, including subway, bus, and regional train service. The Proposed Project would also provide significant improvements to the public realm, including major improvements to access and circulation within the Grand Central transportation network and new publicly accessible open space.

The Proposed Project would therefore significantly further the following stated goals from the *Greater East Midtown Rezoning FEIS*:

- Protect and strengthen East Midtown as one of the world's premier business addresses and key job center for the City and region;
- Seed the area with new modern and sustainable office buildings to maintain its preeminence as a premier office district;
- Improve the area's pedestrian and built environments to make East Midtown a better place to work and visit; and
- > Complement ongoing office development in Hudson Yards and Lower Manhattan to facilitate the long-term expansion of the City's overall stock of office space.

Section 7: Analysis Framework

The <u>20142020</u> *City Environmental Quality Review (CEQR) Technical Manual* will serve as guidance on the methodologies and impact criteria for evaluating the potential environmental effects of <u>thea</u> proposed development that would result from the proposed discretionary actions. To the extent that the Proposed Actions allow for a range of possible scenarios that are considered reasonable and likely, the scenario with the worst environmental consequences will be chosen for CEQR analysis. This is considered to be the reasonable worst-case development scenario (RWCDS), the use of which ensures that, regardless of which scenario actually occurs, its impacts would be no worse than those considered in the environmental review. The CEQR assessment examines the incremental differences between the RWCDS of the future without the Proposed Actions in place (No-Action condition) and the future with the Proposed Actions.

For the purpose of the environmental analyses, the No-Action condition represents the future absent the Proposed Actions and serves as the baseline by which the proposed project (or With-Action condition) is compared to determine the potential for significant environment impacts. The difference between the No-Action and With-Action conditions represents the increment to be analyzed in the CEQR process.

The Proposed Actions would facilitate development on the Development Site only and would also result in improvements to MTA facilities both on the Development Site and on the larger qualifying site, as described above. The amount and size of development on the Development Site would be governed by the regulations of East Midtown Subdistrict, as proposed to be amended pursuant to the Proposed Actions, as well as the controls of the Special Permits granted for the new building. The Proposed Project, therefore, defines the RWCDS for purposes of the With-Action condition.

Section 8: Future No-Action Condition

Absent the Proposed Project, the Development Site would be developed with a 27-FAR development of approximately-1,845,033883,743 gsf (1,546,884 zsf), comprised of 1,682,630336 gsf of office space (1,539,370 zsf), 18,300 gsf (7,514 zsf) of retail, and a 5,729896-sf enclosed publicly accessible space on the ground floor. In addition, 7,80010,220 gsf of MTA circulation space would be provided on the ground floor. The No-Action development would be 69 stories and 1,118 feet tall (see **Figure 4**). This represents the maximum floor area developable on the Development Site through non-discretionary actions.

Figure 4 No-Action Massing



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 sf 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; and
- > ADA elevator between Sixth Avenue southbound platform and mezzanine level.

The following non-discretionary approvals would be required for the No-Action condition:

- > A joint Zoning Certification from the CPC Chairperson and the MTA as to the size and location of transit easement volumes on the zoning lot (ZR 81-673(a));
- A joint Zoning Certification from the CPC Chairperson and the MTA as to whether a transit easement volume is required on the zoning lot (ZR 81-673(b));
- A Zoning Certification from the CPC Chairperson pursuant to ZR Section 81-643 as to the amount of non-complying floor area on the Development Site and to reconstruct non-complying floor area on the Development Site;
- > A Zoning Certification from the CPC Chairperson pursuant to ZR Section 81-641 to increase the permitted floor area on a qualifying site though the construction of transit improvements from the Priority Improvement List set forth in ZR Section 81-682;
- A Zoning Certification from the CPC Chairperson pursuant to ZR Section 81-642 for the transfer of unused landmark development rights and to verify payment of the contribution to the public realm improvement fund; and
- A Zoning Certification from the CPC Chairperson to certify compliance of the design for an enclosed publicly accessible space with all applicable requirements of ZR Section 81-681(b).

Section 9: Future With-Action Condition

As stated previously, in the future With-Action condition, the Applicant proposes to redevelop the Development Site with up to approximately 2,976,740992,161 gsf (2,246,515 zsf) of mixed-use development, including office, local retail, hotel, and public space. The Development Site would contain up to approximately 2,108,820 gsf of office space; an up-to-approximately 452,950-gsf hotel with 500 rooms; approximately 10,00025,421 sf of openair publicly accessible space; and up to approximately 43,370 gsf of retail (including MTA-controlled retail) on the cellar, ground, and second floors. <u>Redevelopment under the All</u> <u>Office Scenario would be based on the same overall building square footage and building</u> <u>massing, and consist of office space, retail, and no hotel.</u> The Development Site would also contain approximately 16,245 gsf of space for transit circulation. The Proposed Project, as described above, reflects the With-Action condition.

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.

The proposed tower would be <u>flankedsurrounded</u> by <u>the Chrysler Terrace</u>, an<u>three public</u> open-air <u>publicly accessible space</u> spaces running the length of the site in the north/south direction on the east side of the Development Siteand east/west. The Grand Central and <u>Chrysler Terraces would be elevated</u> at a height of approximately 30 feet, providing above street level, while the Graybar Terrace would be elevated to a height of approximately 45 feet above street level.

The open space proposed on the west side of the site, the Grand Central Terrace, would provide new visibility of the currently obstructed southeast corner of GCT. This proposed open space would be approximately 142 feet long by 27 feet wide. In addition, there would be a sidewalk expansion along the Grand Central Terrace adjacent to the Park Avenue Viaduct measuring 142 feet long by 8.5 feet wide. The terrace would be reached by a grand staircase along East 42nd Street, as well as by elevator. The grand staircase would be a key architectural feature of the building. The terrace 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 GCT itself, such as the Bowery Savings Bank and Pershing Square.

The open space proposed on the east side of the building, 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. The proposed open spaceterrace would be approximately 208 feet long by 34 feet wide. It would be reachable by athe grand staircasestaircases along East 42nd Street, or by a second third staircase located along Lexington Avenue, and by elevator. The Chrysler Terrace would feature trees, plantings, and multiple types of seating, and a larger clearing that can be used for small events or gatherings.

While the above program represents the Proposed Project, for conservative purposes, some technical areas of the EIS will evaluate a With-Action option that does not include a hotel component. This With-Action option is based on the same total building square footage and building massing as the Proposed Project but would be comprised of a different mix of uses: up to approximately 2,481,770 gsf of office space and no hotel. All other elements of the Proposed Project would remain the same.

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 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. Further additional ADA elevators would be located between terraces 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.

Increment for Analysis

In total, the With-Action condition would result in a net increase of up to approximately 1,131,707<u>108,038</u> gsf over the No-Action condition, with approximately 426,190<u>484</u></u> gsf dedicated to commercial office space, approximately 452,950 gsf for hotel space, <u>a reduction of approximately</u> 25,070 gsf for local-retail space, approximately 8,445<u>4456,025</u> gsf of additional MTA circulation space, and an increase in the amount of publicly accessible space by approximately <u>19,145 sf (see **Table 24**,271 sf (see).). The All Office Scenario, which is based on the same overall building square footage and building massing as the Proposed Project, would result in an increase of approximately 879,434 sf of office space over the No-Action condition and no hotel.</u>

Table 2 Increment for Analysis

				All Office	All Office
	No-Action	With-Action	Increment	<u>Scenario</u>	Increment
Commercial Office	1,682 <u>,336</u>	2,108,820	426, <u>484</u>	<u>2,561,770</u>	<u>879,434</u>
Hotel	0	452,950	452,950	<u>0</u>	<u>0</u>
Retail	18,300	43,370	25,070	<u>43,370</u>	<u>25,070</u>
MTA Circulation	<u>10,220</u>	16,245	<u>6,025</u>	<u>16,245</u>	<u>6,025</u>
Mechanical	<u>166,991</u>	345,355	<u>178,364</u>	<u>345,355</u>	<u>178,364</u>
Publicly Accessible Space	5, <u>896</u>	<u>25,421</u>	<u>19,525</u>	<u>25,421</u>	<u>19,525</u>
Total	1 <u>,886,743</u>	2 <u>,992,161</u>	1 <u>,108,418</u>	<u>2,992,161</u>	<u>1,108,418</u>
Total Commercial	1,700, <u>636</u>	2,605,140	904, <u>504</u>	<u>2,605,140</u>	<u>904,504</u>
Stories	69 Stories	83 Stories	14 Stories	83 Stories	14 Stories
Height	1,118 Feet	up to 1,646 Feet	528 Feet	up to 1,646 Feet	<u>528 Feet</u>

Note: All floor areas are in approximate GSF

Future development will be in accordance with the requested special permits. Therefore, the Proposed Project would be limited to the project and development described above, and the summary in **Table 2** represents the reasonable worst-case development scenario.

Section 10: Analysis (Build) Year

The build year for the Proposed Project is 2030.

Section 11: Proposed Scope of Work for the DEIS

The New York City Department of City Planning, as lead agency for the environmental review, determined that the Proposed Project has the potential to result in significant environmental impacts and, therefore, pursuant to CEQR procedures, issued a Positive Declaration requiring that a Draft EISDEIS be prepared for the Proposed Project that analyzes all technical areas of concern. The Draft EISDEIS will be prepared in conformance with all applicable laws and regulations, including SEQRA (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules and Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York.

As described previously, the environmental review provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify, and mitigate where practicable, any significant adverse environmental impacts.

The EIS, following the guidance of the 20142020 CEQR Technical Manual, will contain:

- > A description of the Proposed Actions, the Proposed Project, and their environmental setting;
- A statement of the potential significant adverse environmental impacts of the Proposed Project, including their short- and long-term effects, typical associated environmental effects, and cumulative effects when considered with other planned developments in the area;
- > A description of mitigation measures proposed to eliminate or minimize adverse environmental impacts;
- > An identification of any adverse environmental effects that cannot be avoided if the Proposed Project is implemented;
- > A discussion of reasonable alternatives to the Proposed Project; and
- > A discussion of any irreversible and irretrievable commitments of resources to develop the project.

As noted above, the EIS will analyze the Proposed Project for all technical areas of concern. The specific technical areas to be included in the EIS, as well as their respective tasks and methodologies, are described below.

The first step in preparing the EIS is the public scoping process. Scoping is the process of focusing the environmental impact analysis on the key issues that are to be studied in the EIS. The proposed scope of work for each technical area to be analyzed in the EIS follows. The scope of work and the proposed impact assessment criteria below are based on the methodologies and guidance set forth in the 20142020 CEQR Technical Manual.

Task 1: Project Description

As the first chapter of the EIS, the Project Description introduces the reader to the Proposed Project and sets the context in which to assess impacts. This chapter will contain a description of the Proposed Project: its location; the background and/or history of the project; a statement of the purpose and need; key planning considerations that have shaped the current proposal; a description of the Proposed Actions; and a discussion of the approvals required, procedures to be followed, and the role of the EIS in the process. This chapter is the key to understanding the Proposed Project and gives the public and decision makers a base from which to evaluate the Proposed Project.

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

Task 2: Land Use, Zoning, and Public Policy

A land use analysis characterizes the uses and development trends in the area that may be affected by the Proposed Project, describes the public policies that guide development, and determines whether a proposed project is either compatible with those conditions and policies or whether it may affect them. Similarly, the analysis considers compliance of the Proposed Actions with, and their effect on, the area's zoning and other applicable public policies. This chapter will analyze the potential impacts of the Proposed Project on land use, zoning, and public policy, pursuant to the methodologies presented in the *20142020 CEQR Technical Manual*. Additionally, this chapter will also provide a baseline for other analyses.

The land use study area will consist of the area within 400 feet of the Project Area (see **Figure 5**, **Figure 6**, and **Figure 7**). The analysis will:

- > Provide a description of land use, zoning, and public policy in the study area. Recent trends in the study areas will be noted. Other public policies that apply to the study areas will also be described.
- Based on field surveys and prior studies, identify, describe, and graphically portray predominant land use patterns in the study area. Describe recent land use trends, such as the development of One Vanderbilt and adoption of the East Midtown Rezoning, in the study area and identify major factors influencing land use trends.
- > Describe and map existing zoning and recent zoning actions in the study area.
- Prepare a list of future development projects in the study area that are expected to be constructed by the 2030 analysis year and may influence future land use trends. Also, identify pending zoning actions or other public policy actions that could affect land use patterns and trends in the study area. Based on these planned projects and initiatives, assess future land use and zoning conditions without the Proposed Actions (No-Action condition).
- > Describe proposed zoning changes and land use changes based on the With-Action condition.
- > Discuss the potential effects of the Proposed Project related to issues of compatibility with surrounding land use, the consistency with zoning and other public policies, and the effect of the Proposed Project on ongoing development trends and conditions in the study area.

- Assess the Proposed Project's conformity to city goals, including consistency with the City's sustainability goals (PlaNYC/OneNYC) and goals related to the East Midtown Subdistrict as well as the Special Midtown District as a whole.
- > If necessary, identify mitigation measures to avoid or reduce potential significant adverse land use, zoning, and/or public policy impacts.













Task 3: Socioeconomic Conditions

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Although socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area.

According to the 20142020 CEQR Technical Manual, the six principal issues of concern with respect to socioeconomic conditions are whether a proposed project would result in significant impacts due to: (1) direct residential displacement; (2) direct business displacement; (3) indirect residential displacement; (4) indirect business displacement due to increased rents; (5) indirect business displacement due to retail market saturation; and (6) adverse effects on a specific industry.

No residential uses are currently located or proposed on the Development Site; therefore, the Proposed Actions would not result in direct or indirect residential displacement. Indirect business displacement due to retail market saturation would not occur because limited retail uses are included in the Proposed Actions. And, because the Proposed Actions are not expected to affect conditions within a specific industry, an analysis of adverse effects on specific industries is not warranted.

The Proposed Actions would result in a smaller hotel than what currently exists, which would ultimately result in fewer staff. There may also be a slight reduction in MTA retail uses, which could result in a loss of workers. The hotel and some MTA retail uses would continue to operate, albeit in a reduced capacity, in the With Action condition. Therefore, analysis of direct business displacement is not warranted.

The With-Action condition includes the development of up to 426,190484 gsf of office use compared to the No-Action condition. This exceeds the increment set forth in the CEQR Technical Manual for indirect business displacement. However, the CEQR Technical Manual also states that a different threshold may apply in certain circumstances. The Development Site is located in the East Midtown central business district and mapped within a C5-3 district within the East Midtown Subdistrict of the Special Midtown District. The Development Site was not identified in the Greater East Midtown Rezoning EIS as a projected or potential development site. However, the Greater East Midtown Rezoning EIS extensively studied the area for potential socioeconomic impacts and concluded that the primary and secondary study areas examined in the EIS already have well-established commercial markets and that rezoning to allow greater density and additional office space would not alter existing office and retail economic patterns. The Proposed Actions further the goals envisioned in the Greater East Midtown Rezoning and reinforces East Midtown as one of the most soughtafter dynamic office markets and central business districts in the New York region. It is therefore expected that adverse impacts would not occur, and analysis of indirect business displacement is not warranted.

These impact categories are discussed further in the EAS Technical Screening.

Task 4: Open Space

Open space is defined as publicly- or privately-owned land that is publicly accessible and operates, functions, or is available for leisure, play, or sport, or set aside for the protection and/or enhancement of the natural environment. An analysis of open space is conducted to determine whether a proposed action would have direct effects resulting from the elimination or alteration of open space, and/or an indirect effect resulting from overtaxing available open space.

A direct effect on open space can occur from increased noise or air pollutant emissions, odors, or shadows on public open space. The results from the Shadows, Air Quality, and Noise chapters will be referenced to determine if a direct effects analysis is warranted.

The Proposed Actions' directly affected area is not located within an underserved or wellserved area and, as such, the threshold for when an open space assessment is required is when an action would generate more than 200 residents or 500 employees. The Proposed Actions would generate more than 500 employees (8,753 total employees, with an incremental increase of approximately 1,967 employees); therefore, a non-residential open space assessment is warranted. The proposed project will both create new non-residential demand for open spaces in the form of new workers and visitors in the study area, as well as create new open space. As no new residents would be generated by the Proposed Actions, a residential open space assessment is not warranted for the Proposed Actions.

As the Proposed Actions would introduce workers in excess of the CEQR threshold, the open space analysis will assess open space resources and calculate open space ratios within a non-residential (1/4-mile radius) study area. As recommended in the *CEQR Technical Manual*, the study area comprises all census tracts that have 50 percent of their area located within a 1/4-mile radius of the Project Area (**Figure 8**). The detailed open space analysis in the EIS will include the following sub-tasks.

- > Determine characteristics of the open space user group. The number of workers and other daytime users in the study area will be calculated based on reverse journey-to-work census data and other appropriate data sources. If warranted for the analysis, the number of residents in the study area will be based on 2010 census data compiled for census tracts comprising the open space study area.
- Inventory existing open spaces within the open space study area. The condition and usage of existing facilities will be described based on the inventory and field visits. Jurisdiction, features, user groups, quality/condition, factors affecting usage, hours of operation, and access will be included in the description of facilities. Acreage of these facilities will be determined and total study area acreage calculated. The percentage of active and passive open space will also be calculated. A map will be provided that shows the locations of open spaces keyed to the inventory.
- > Based on the inventory of facilities and study area population, open space ratios will be calculated for the daytime populations and compared to City guidelines to assess adequacy. As per the *CEQR Technical Manual*, open space ratios are expressed as the amount of open space acreage per 1,000 user population.
- Assess expected changes in future levels of open space supply and demand in the 2030 analysis year, based on other planned development projects within the open space study area. Any new open space or recreational facilities that are anticipated to be operational

by the analysis year will also be accounted for. Open space ratios will be calculated for future No-Action conditions and compared with existing ratios to determine changes in future levels of adequacy.

Assess the effects on open space supply and demand resulting from increased worker populations and new publicly accessible space added by the With-Action condition. The assessment of the Proposed Actions' impacts will be based on a comparison of open space ratios for the future No-Action versus future With-Action conditions. In addition to the quantitative analysis, qualitative analysis will be performed to determine if the changes resulting from the Proposed Actions constitute a substantial change (positive or negative) or an adverse effect to open space conditions. The qualitative analysis will assess whether the study area is sufficiently served by open spaces, given the type, capacity, condition, and distribution of open space and the profile of the study-area population.



Figure 8 Open Space Study Area Map

Task 5: Shadows

A shadows analysis assesses whether new building mass resulting from the Proposed Actions would cast shadows on sunlight-sensitive publicly accessible resources or other resources of concern, such as natural resources, and the significance of these shadows. This chapter will examine the potential for significant and adverse shadow impacts because of the Proposed Project. Generally, the potential for shadow impacts exists if a project would result in new structures or additions to buildings resulting in structures over 50 feet in height that could cast shadows on important natural features, publicly accessible open space, or on historic features that are dependent on sunlight. New construction or building additions resulting in incremental height changes of less than 50 feet can also potentially result in shadow impacts if they are located adjacent to, or across the street from, a sunlight-sensitive resource.

The Proposed Project would result in a structure greater than 50 feet in height (approximately 1,646 feet) and therefore a shadow analysis is warranted. To analyze the potential for significant adverse shadows impacts, the EIS will analyze the With-Action condition massing to analyze the projected shadowing effects of the Proposed Project on sunlight-sensitive uses, which may include designated and eligible architectural resources as well as publicly accessible open spaces. The EIS will disclose the range of shadow impacts, if any, which are likely to result from the Proposed Project. The shadows analysis will include a Tier 1 through Tier 3 screening assessment to identify whether shadows cast by the Proposed Project could reach sunlight-sensitive resources.

- A Tier 1 Screening Assessment will be conducted to determine the With-Action condition's longest shadow study area, which is defined as the area within 4.3 times the height of the Proposed Project (the longest shadow that would occur on December 21, the winter solstice). A base map that illustrates the location of the Development Site in relation to the sunlight-sensitive resources within the longest shadow study area will be developed.
- A Tier 2 Screening Assessment will be conducted to determine the areas that cannot be shaded by the Proposed Project, which in New York City is the area that lies beyond 108 degrees either side of true north from the southern-most portion of the Development Site. A base map that illustrates the location of the Development Site in relation to the sunlight-sensitive resources, within the longest shadow study area, that can be shaded by the Proposed Project will be developed.
- A Tier 3 Screening Assessment will be conducted to determine if shadows from the With-Action condition would, in absence of intervening buildings, reach a sunlight-sensitive resource on representative analysis days: December 21 (the winter solstice), March 21/AugustSeptember 21 (the spring/fall equinox), May 6 (half-way between the equinoxes and the summer solstice), or June 21 (the summer solstice). The projected shadow will be modeled with a three-dimensional computer modeling software to calculate sun angles and shadows that could be cast by the Proposed Project to determine the extent and duration of new shadows that would be cast on sunlight-sensitive resources as a result of the Proposed Project. A summary table will list the shadow entry and exit times for each sunlight sensitive resource on each representative analysis day that would occur in the absence of intervening buildings.

If the Preliminary Assessment indicates that a detailed shadows analysis is warranted, the detailed analysis would include the following:

- > The detailed shadow analysis will establish a baseline condition (No-Action condition) within a three-dimensional modeling program that accounts for the No-Action shadows condition. The No-Action shadows condition will be compared to the future shadows conditions that would result from the Proposed Project (With-Action condition). The analysis will illustrate the shadows cast by existing or future buildings and distinguish the additional (incremental) shadow projected to be cast by the With-Action condition.
- The detailed analysis will be documented with graphics comparing No-Action and With-Action shadows on sunlight sensitive resources that warrant detailed analysis. Graphics will illustrate the shadows that result in the No-Action condition and the shadows projected to result in the With-Action condition, with incremental shadow outlined in a contrasting color. A summary table listing the entry and exit times and total duration of incremental shadow on each applicable representative day for each affected resource will be provided.
- The significance of any shadow impacts on sunlight-sensitive resources will be assessed. If any significant adverse shadow impacts are identified, mitigation strategies will be identified and assessed.

Task 6: Historic and Cultural Resources

This chapter will assess the potential for the Proposed Actions to result in significant adverse impacts on historic and cultural resources, including both archaeological and architectural resources. Archaeological resources are physical remains, usually subsurface, of the prehistoric, Native American, and historic periods—such as burials, foundations, artifacts, wells, and privies. Architectural resources generally include historically important buildings, structures, objects, sites, and districts. Historic and cultural resources include designated New York City Landmarks (NYCLs) and Historic Districts; properties calendared for consideration as NYCLs by the New York City Landmarks Preservation Commission (LPC) or determined eligible for NYCL designation (NYCL-eligible); properties listed on the State and/or National Register of Historic Places (S/NR) or formally determined eligible for S/NR listing (S/NR-eligible), or properties contained within a S/NR listed or eligible district; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHLs); and potential historic resources (i.e., properties not identified by one of the programs listed above, but that appear to meet their eligibility requirements).

Archaeological Resources

Archaeological resources are considered only in those areas where new in-ground disturbance is likely to occur. As described above, the Development Site contains the existing 1-million-gsf, 1,300-room Hyatt hotel. The area below the hotel has previously been disturbed and contains an extensive network of MTA circulation areas. Therefore, as no new in-ground disturbance is anticipated, an assessment of archaeological resources would not be warranted.

Architectural Resources

For the analysis of architectural resources, the EIS will identify and map known and potential architectural resources within a 400-foot study area. The EIS will consider the potential for

the Proposed Project to result in any direct, physical effects and/or visual or contextual impacts on any identified architectural resources.

Federal regulations, which have become a widely recognized standard, define an adverse effect as the introduction of tangible and intangible elements that compromise or diminish the characteristics for which an historic or cultural resource has been determined significant. Per CEQR, the project's effects on resources should be compared with the future No-Action conditions to assess impacts. Thus, impact assessment is directly related to the Proposed Project and how it would affect the distinguishing characteristics of any resources identified. The assessment asks three major questions: (1) would there be a physical change to the property?; (2) would there be a physical change to its setting, such as context or visual prominence (also known as indirect impacts)?; and (3) if there would be a physical change to the property or setting, is the change likely to alter or eliminate the significant characteristics of the resource that make it important? Impacts may result from both temporary (e.g., related to the construction process) and permanent (e.g., related to the long-term or permanent result of the proposed project or construction project) activities.

Within the 400-foot study area, there are 11 designated architectural resources located within the Study Area, two of which are also in the Project Area. There are also 2021 individual structures previously determined as eligible for NYCL and/or the S/NR within the study area, including: GCT at 77 East 42nd Street, the Park Avenue Viaduct which extends from Park Avenue from East 40th Street to East 46th45th Street, the Graybar Building at 420 Lexington Avenue, Grand Central Terminal Post Office at 450 Lexington Avenue, the Chrysler Building at 395 Lexington Avenue, the Pershing Square Building at 125 Park Avenue, the Bowery Savings Bank Building at 120 East 42nd Street, the Chanin Building at 374 Lexington Avenue, the Socony-MobileMobil Building at 150 East 42nd Street, the Pershing Square Viaduct (portion of Park Avenue Viaduct) that extends from Park Avenue from East 40th Street to GCT, the Yale Club at 50 Vanderbilt Avenue, the Chemist Club at 55050-52 East 41st Street, the Lincoln Building at 60 East 42nd Street, the St. Agnes Rectory at 141 East 43rd Street, East 45th Street Bridges (portion of Park Avenue Viaduct), the Loft Building at 299 Madison Avenue, Phillip Morris Headquarters at 118-120 Park Avenue, the Pan Am/Met Life Building at 200 Park Avenue, the Lefcourt Colonial Building at 295 Madison Avenue, and 52the Vanderbilt/Manhattan Savings Bank Concourse Building at 52/5654 Vanderbilt Avenue, and the Brooks Brothers Store at 346 Madison Avenue.

Task 7: Urban Design and Visual Resources

Urban design is the totality of components that may affect a pedestrian's experience of public space. An assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. The Proposed Project would result in a physical change to the streetscape that will change the pedestrian experience, and therefore a preliminary assessment of urban design and visual resources will be provided in the EIS.

The urban design study area will be the area within 400 feet of the Development Site, the same as that used for the land use analysis. For visual resources, the view corridors within the study area from which such resources are publicly viewable will be identified. The preliminary assessment will consist of the following:

- Based on field visits, the urban design and visual resources of the directly affected area and adjacent study area will be described using text, photographs, and other graphic material, as necessary, to identify critical features, use, bulk, form, and scale.
- In coordination with the Land Use analysis, the changes expected in the urban design and visual character of the study area due to known development projects in the future No-Action condition will be described.
- Potential changes that could occur in the urban design character of the study area due to the Proposed Project will be described. The analysis will focus on the Proposed Project's elements such as street wall height, setback, and building envelope. Photographs and/or other graphic material will be utilized, where applicable, to assess the potential effects on urban design and visual resources, including views of/to resources of visual or historic significance.

The preliminary assessment will determine whether the Proposed Project, in comparison to the No-Action condition, would create a change to the pedestrian experience that is sufficiently significant to require greater explanation and further study. A detailed analysis would be warranted if the Proposed Project would make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings, potentially obstructing view corridors, or competing with icons in the skyline.

A detailed analysis will be prepared if warranted based on the preliminary assessment. Examples of projects that may require a detailed analysis are those that would make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings, potentially obstruct view corridors, or compete with icons in the skyline, as described in the *CEQR Technical Manual*. The detailed analysis would describe the Development Site and the urban design and visual resources of the surrounding area. The analysis would describe the potential changes that could occur to urban design and visual resources in the future with the Proposed Project condition, in comparison to the future without the Proposed Project condition, focusing on the changes that could negatively affect a pedestrian's experience of the area.

If necessary, mitigation measures to avoid or reduce potential significant adverse impacts will be identified.

Task 8: Hazardous Materials

A hazardous materials assessment determines whether a proposed action may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. The potential for significant impacts related to hazardous materials can occur when: (a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposures; (b) a project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or (c) the project would introduce a population to potential human or environmental exposure from off-site sources.

The hazardous materials assessment discloses if the Development Site may have been adversely affected by present or historical uses at or adjacent to the site. A Phase I Environmental Site Assessment (ESA) would be prepared for the site, in accordance with the American Society for Testing and Materials (ASTM) standards. The results of the Phase I ESA would determine if any conditions are present at the Development Site that may warrant further investigations (a Phase II ESA). However, if, due to potential physical constraints on the Development Site, it is not feasible to conduct the required Phase II ESA analysis at the present time, accordingly, it is anticipated that an (E) Designation, In accordance with the CEQR Technical Manual, Section 11-15 (Environmental Requirements) of the Zoning Resolution of the City of New York and Chapter 24 of Title 15 of the Rules of the City of New York governing the placement of (E) designations would be placed as part of the environmental review for development of the site, requiringif a Phase II ESA is required, a Phase II ESA and subsequentWork Plan and Health and Safety Plan (HASP) will be developed and submitted to the lead agency and the New York City Department of Environmental Protection (NYCDEP) for review and approval. Upon completion of the Phase II ESA subsurface investigation, a Phase II ESA report will be prepared that presents the results of the investigation and any contamination that may be present within the areas proposed for disturbance at the Development Site. If subsurface contamination is identified that may be encountered as a result of the Proposed Actions, a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) be prepared priorwill be developed and submitted to the lead agency and NYCDEP for review and approval. The RAP and CHASP would also include procedures relating to any construction in association with the characterization and mitigation of potential contamination at the proposed Project. off-site public realm improvement areas.

Accordingly, the site-specific information related to hazardous materials will be reviewed and summarized in the hazardous materials chapter of the EIS. Any documentation of hazardous waste and other recognized environmental conditions (RECs), along with recommendations for mitigation or, further investigation, and approved remedial plans will also be included in the hazardous materials assessment.

Task 9: Water and Sewer Infrastructure

The water and sewer infrastructure assessment determines whether a proposed action may adversely affect the City's water distribution or sewer system and, if so, assesses the effects of such actions to determine whether their impact is significant. The *CEQR Technical Manual* outlines thresholds for analysis of an action's water demand and its generation of wastewater and stormwater. As described in the EAS for the Proposed Actions, an analysis of the City's water supply is not warranted as the Proposed Project would not result in a demand of more than one million gallons per day (gpd) and the Project Area is not located in an area that experiences low water pressure. However, water demand estimates will be provided in the EIS to inform the wastewater and stormwater conveyance and treatment analysis.

The threshold of preliminary wastewater and stormwater analysis for projects in Manhattan with combined sewers is 1,000 residential units or 250,000 sf or more of commercial, public facility, and institution and/or community facility space. As the Proposed Project would include an increment of up to 904,210 gsf of commercial space, an assessment of wastewater and stormwater conveyance systems is required. The water and sewer infrastructure analysis will consider the potential for significant adverse impacts resulting from the Proposed Project, with deference to whether the Proposed Project or the no hotel scenario being evaluated for conservative analysis purposes would have a higher overall

demand. The New York City Department of Environmental Protection (DEP) will be consulted in the preparation of this assessment.

Water Supply

- > The existing water distribution system serving the Project Area will be described based on information obtained from DEP's Bureau of Water Supply and Wastewater Collection.
- > Water demand generated on the Project Area under existing conditions will be estimated, and No-Action and With-Action conditions will be projected.

Wastewater and Stormwater Infrastructure

- > The appropriate study area for the assessment will be established in accordance with the guidance of the CEQR Technical Manual and in consultation with DEP. The Proposed Project's directly affected area is entirely located within the service area of the Newtown Creek Wastewater Treatment Plant (WWTP).
- > The existing stormwater drainage system and surfaces (pervious or impervious) on the Project Area will be described, and the amount of stormwater generated on the site will be estimated using DEP's volume calculation worksheet.
- > The existing sewer system serving the Project Area will be described based on records obtained from DEP. The existing flows to the Newtown Creek WWTP, which serves the directly affected area, will be obtained for the latest twelve-month period, and the average dry weather monthly flow will be presented. Information on existing sewer infrastructure in the area, including sanitary, storm, and combined sewer mains, regulators, interceptor sewers, outfalls, and other principal components of the local system will be provided based on available records.
- Any changes to the stormwater drainage plan, sewer system, and surface area expected in the future without the Proposed Actions (i.e., the No-Action condition) will be described, as warranted.
- Future stormwater generation from the Proposed Project compared to the No-Action condition will be assessed to determine the Proposed Project's potential to result in impacts. The stormwater assessment will discuss any planned sustainability elements and best management practices (BMPs) that are intended to reduce stormwater runoff from the site. Changes to the Project Area's surface area (pervious or impervious) will be described, runoff coefficients and runoff for each surface type/area will be presented. Volume and peak discharge rates of stormwater from the site will be determined based on the DEP volume calculation worksheet.
- Sanitary sewage generation for the Project Area will also be estimated. The effects of the incremental demand on the system will be assessed to determine if there will be any impact on operations of the Newtown Creek WWTP.

Task 10: Transportation

This section of the EIS will evaluate whether the Proposed Project would create significant impacts on vehicular traffic, parking, transit services, pedestrian circulation, or traffic safety. Should significant impacts be identified per *CEQR Technical Manual* criteria, the EIS will evaluate improvements to mitigate those impacts. The transportation analysis will include the subtasks outlined below.

Travel Demand Analysis

Trip generation projections will be developed by travel mode for each of the land uses comprising the Proposed Project, using trip generation rates, temporal distributions, modal splits, average vehicle occupancies, and in/out splits that are published in the *CEQR Technical Manual*, US Census data, New York City Department of Transportation (DOT) survey data, EISs for other similar development uses and locations, databases available from the Institute of Transportation Engineers (ITE) or other professional reference materials. This will be done for the weekday AM, midday, and PM peak hours.

This process begins with a Level 1 screening analysis to determine whether vehicle, transit, and/or pedestrian trip thresholds outlined in the *CEQR Technical Manual* are exceeded, thus indicating the need for additional analyses. The Level 1 screening analysis will produce peak hour person trip projections and vehicle trip projections for the three transportation analysis hours and determine if additional (Level 2) screening analyses are needed.

The second part of the travel demand analysis, if needed, is a Level 2 screening analysis for vehicular, transit, and pedestrian trips—the distribution and assignment of trips through the study area's roadway network, subway and bus services, and pedestrian network as well as the determination of whether specific intersections, subway and/or bus lines, or pedestrian locations exceed CEQR screening thresholds. If Level 2 screening thresholds are exceeded, specific traffic and transportation locations are identified which require counts and detailed quantitative analyses.

A Travel Demand Analysis (TDA) Technical Memorandum has been prepared that documents the assumptions and analysis findings- and is included as **Appendix C**. The TDA Technical Memorandum provides the framework of assumptions for the analyses undertaken in the EIS. Level 2 screening thresholds are exceeded for vehicle, subway transit, and pedestrian trips but not for bus transit trips. The scope for detailed analyses for these travel modes are detailed below.

Traffic Analysis

- Based on the TDA Technical memorandum, it is expected that a traffic study area consisting of approximately 15 intersections will be utilized for detailed traffic counts and analyses. The analysis locations are primarily located along key roadways surrounding the site such as 42nd Street and Lexington Avenue.
- > Obtain traffic count data at traffic analysis locations. Where applicable, available information from recent studies in the vicinity of the study area will be complied, including data from agencies such as DOT and DCP.
- > Identify the weekday AM, midday, and PM peak hours and prepare traffic volume maps for each of the three traffic peak hours.
- > Inventory streets and intersections for street and lane widths, lane use designations, posted parking regulations and parking maneuvers, signal phasing and timing, and other factors needed to calculate intersection capacities.
- > Determine existing traffic conditions for intersections being analyzed, including existing volume-to-capacity (v/c) ratios, average vehicle delays, and levels of service for individual traffic movements and lane groups, and for the intersection approaches, using the latest approved Synchro analysis software.
- > Develop future No-Action traffic volumes using the annual background traffic growth rate cited in the *CEQR Technical Manual* plus traffic expected to be generated by significant development projects expected to be operational near the Development Site by its analysis year.
- Identify-any proposed changes to the street network expected to occur by the analysis year and incorporate changed intersection capacity or operational conditions attributable to those changes.
- > Determine future No-Action traffic conditions for the intersections being analyzed.
- > Develop future With-Action traffic volumes by adding project-generated traffic assignments to the future No-Action traffic volumes.
- > Determine future With-Action traffic conditions for the intersections being analyzed and identify significant traffic impacts, based on changes to traffic levels of service, using criteria stipulated in the *CEQR Technical Manual*.

Parking Analysis

- > Inventory the amount of existing off-street parking at public parking lots and garages within a five-minute (one-quarter mile) walk of the Development Site. This will include the location, capacity, and midday utilization of such facilities on a typical weekday midday period (when parking in a business area is frequently at peak occupancy).
- Determine the parking demand expected to be generated by the Proposed Project on a typical weekday based on hour-by-hour forecasts of daily auto trips for the Development Site. Based on these forecasts and any changes to on-site accessory parking capacity, determine whether available off-street parking spaces in the area would be sufficient to accommodate the projected demand.

Transit Analysis

Subways

Based on the Proposed Project's proximity to the 42nd Street – Grand Central subway station, a detailed analysis will be conducted at this station. The 42nd Street – Grand Central subway station is serviced by the 4, 5, 6, 7, and S (shuttle) subway lines.

- > Identify the volume of subway riders using the analysis station using ridership data obtained from MTA/New York City Transit at each station's critical stairways, escalators, and fare-control areas during the weekday AM and PM commuter peak hours.
- > Evaluate future ridership increases for the EIS analysis year, including annual background ridership growth plus ridership from other significant development projects that would be completed near the project site by the analysis year, and evaluate future No-Action conditions for critical subway stairwells, escalators, and fare control areas.
- Assign project-generated trips to the analysis station and develop With-Action volumes for the stations' critical elements, evaluate those critical station elements and fare control areas, and identify the potential for significant impacts. The Proposed Project transit improvements will be incorporated in the With-Action conditions analysis.
- Identify the maximum load point along the subway lines using line-haul ridership data obtained from MTA/New York City Transit and identify the potential for significant impacts.

Buses

- Identify and describe the local bus routes and bus stops serving the Development Site the M1, M2, M3, M4, M42, M101, M102, and M103—and their hours of operation and frequency of service. If the CEQR thresholds for analysis are exceeded on any individual bus route (i.e., an increase of 50 or more bus passengers on a single bus line in one direction), further analysis of that route will be undertaken consistent with CEQR methodologies to determine the potential for significant adverse impacts.
- > Assign project-generated bus trips to study area bus routes and bus stops and determine whether there would be significant impacts on bus load levels.

Pedestrian Analysis

- Obtain pedestrian count data at intersections along key walking routes between the Development Site and subway stations, bus stops, and other key destinations in the traffic study area. Based on the TDA Technical Memorandum, it is expected that the pedestrian study area would consist of approximately 15 key intersection elements (crosswalks, sidewalks, and corner reservoir areas). Where applicable, available pedestrian count data from recent studies in the study area vicinity will be complied, including data from agencies such as DOT and DCP.
- > Establish the specific peak pedestrian hours to be analyzed for weekday AM, midday, and PM conditions. Determine existing pedestrian conditions using Highway Capacity Manual (HCM) procedures and in accordance with *CEQR Technical Manual* protocols.
- > Develop future No-Action pedestrian volumes using the annual background traffic growth rate cited in the *CEQR Technical Manual* plus pedestrian traffic expected to be generated by significant development projects expected to be operational near the Development Site by its analysis year.
- Identify-any proposed changes to the street network expected to occur under No-Action conditions by the analysis year and incorporate changed capacity or operational conditions attributable to those changes on pedestrian conditions.
- > Develop future With-Action pedestrian volumes by adding project-generated pedestrian assignments to the future No-Action pedestrian volumes.
- > Identify significant pedestrian impacts, if any, using criteria stipulated in the CEQR Technical Manual.

Safety

This section of the EIS will include a review of vehicular and pedestrian crash data for the most recent three-year period for which such data are available, and a summary of the number and severity of crashes by year for each of the traffic study area intersections. The analysis will determine whether any of the analysis intersections are considered high accident<u>crash</u> locations according to *CEQR Technical Manual* criteria and will also assess whether traffic generated by the Proposed Project would contribute materially to safety risks at such locations. The EIS will identify potential safety improvements at the high accident<u>crash</u> locations, if warranted.

Task 11: Air Quality

Consistent with the <u>2020</u> *CEQR Technical Manual*, air quality analyses for a Proposed Project focus on the following areas of potential concern:

- > Potential impacts from mobile sources introduced by a project;
- <u>Potential impact of emissions from a project's parking facilitiestraffic on an atypical</u> source to affect public open space;
- > Potential impacts from stationary sources introduced by a project, such as emissions from a project's heating, ventilation, and air conditioning (HVAC) system; and
- > Potential impacts on a proposed project from either manufacturing/processing facilities or large/major sources that are located near the project site.

Further details on the air quality analysis approach for the Proposed Project is also provided in **Appendix D**, **Air Quality Analysis Protocol Memorandum**.

The number of incremental vehicular trips introduced by the project will likely be below the <u>2020</u> *CEQR Technical Manual* CO-based screening threshold of 140 vehicles per hour and the PM_{2.5}-based screening threshold of <u>19 or</u> 23 heavy duty trucks (or equivalent<u>) on</u> <u>collector roads or arterials (Manhattan streets and avenues</u>) per hour would not be exceeded. Therefore, the EIS is not expected to include a detailed analysis of mobile sources; however, if these thresholds are exceeded based on the results of the traffic analysis, a detailed analysis will be provided.

The Proposed Project would not introduce any parking, and therefore, an assessment of emissions from such a facility is not warranted.

The HVAC systemand hot water systems in the Proposed Building plansare planned to use Con Edison steam. Therefore, no local emissions are expected from the HVAC system and no HVAC air quality analysis is anticipated. This commitment would be included in an (E) designation, Restrictive Declaration, or other mechanism for the Proposed Project.

The elevated Park Avenue Viaduct would be located within a few feet of the proposed outdoor public open space that would surround the proposed building. The analysis will assess impacts of this atypical source on the air quality at the open space.

The EIS stationary source air quality analysis will include an assessment of the potential for manufacturing/processing facilities and large/major sources that are located near the Development Site to affect the project. This analysis will include a field survey of the area within 400 feet of the Development Site to identify any processing or manufacturing facilities. Permit information will be reviewed. If any sources are identified, an industrial source screening analysis consistent with CEQR guidance will be performed. A similar search will be conducted for a major or large facility located within a 1,000-foot radius of the Development Site, and if identified, these sources will be modeled to estimate the impact of such sources on the proposed development.

Task 12: Greenhouse Gas Emissions and Climate Change

Increased greenhouse gas (GHG) emissions are changing the global climate and predicted to lead to wide-ranging effects on the environment—including rising sea levels, increases in temperature, and changes in precipitation levels. Although this is occurring on a global scale,

the environmental effects of climate change are also likely to be felt at the local level. Since the Proposed Project exceeds the 350,000 sf development threshold in accordance with the *CEQR Technical Manual*, GHG emissions generated by the Proposed Project will be quantified, and an assessment of the project's energy consumption (using Table 15-1 of the <u>2020 CEQR Technical Manual methodology</u>) and consistency with the City's established GHG reduction goalgoals will be performed as part of the EIS. To that end, the proposed development will be designed following the 2020 Energy Conservation Construction Code of NYS (20 ECCCNYS) and Local Law 97. The project is expected to use Con Edison steam for its HVAC. Electric heating and cooling are considered as an alternative.hot water systems. The evaluation will be made to assess GHG reductions<u>emissions</u> based on these<u>the</u> project choices. Approximately 11 percent of additional energy savings, if needed, could be obtained if the project design uses volunteer guidance from NYSEDRA NYStretch Energy Code 2020.

Task 13: Noise

Per the 20142020 CEQR Technical Manual, a noise analysis is required if an action would generate substantial mobile or stationary sources of noise that could affect existing receptors or would introduce new noise-sensitive receptors that would be located in an area with high ambient noise levels. Mobile sources include vehicular traffic; stationary sources include rooftop equipment, such as emergency generators, cooling towers, and other mechanical equipment. Further details on the noise analysis approach for the Proposed Actions is provided in **Appendix E, Noise Analysis Protocol Memorandum.**

The proposed building is not anticipated to include any substantial stationary source noise generators, such as unenclosed cooling or ventilation equipment, loudspeaker systems, stationary diesel engines, or other similar types of uses. The design and specifications for mechanical equipment—such as heating, ventilation, and air conditioning—would incorporate sufficient noise reduction to comply with applicable noise regulations and standards, including the standards contained in the revised New York City Noise Control Code. This will ensure that mechanical equipment does not result in any significant increases in noise levels, either by itself or cumulatively with other project noise sources.

A new approximately 10,00025,041-gsf open-air publicly accessible space would be created on the second floor of the Proposed Project. As the No-Action development on the site would be required to include an enclosed, 5,729896-gsf, ground-floor publicly accessible space, the Proposed Project would result in an incremental increase of 4,27119,145 gsf of such space. The With-Action condition would create a larger unenclosed passive open space than the No-Action condition and would accommodate additional users. Per *CEQR Technical Manual* guidance, only outdoor areas dedicated or recognized by local appropriate officials for activities requiring special qualities of serenity and quiet are considered sensitive to noise. The proposed publicly accessible space would not be considered sensitive to ambient noise as a noise receptor, and since the proposed publicly accessible space would not be an active open space resource such as a playground, it would not be considered a noise source.

The proposed building would introduce new noise-sensitive land uses (i.e., hotel and commercial office). The noise analysis will evaluate whether these land uses would be in an acceptable ambient noise environment. To characterize existing conditions, noise measurements would typically be conducted at the Development Site at ground-level for 20-minutes in duration during the weekday AM, midday, and PM time periods when schools are in session including simultaneous traffic counts. Due to COVID-19, the New York City Department of Transportation paused data collection on March 11, 2020, including noise measurements, due to potential changes in traffic patterns. Existing ambient noise conditions will be characterized based on previous noise measurements conducted in the area as part of other recent Environmental Assessment Statements (EASs) or EISs. Existing noise measurements in the area have been conducted as part of the Greater East Midtown Rezoning EIS (CEQR No. 17DCP001M) and the Vanderbilt Corridor and One Vanderbilt EIS (CEQR No. 14DCP188M). Since The predominant source of noise during these measurements was traffic, they would not be substantially different than normal. Since traffic conditions today. As noise relates to traffic volumes, a doubling of traffic relates to a three decibel increase in noise. Small changes in traffic between the date of these 2016 and 2019 were evaluated and determined to have decreased slightly, the noise measurements in 2014 and 2016 would result in negligible differences in noiseconducted in 2016 will be conservatively assumed to be similar to 2019 existing condition and not adjusted for decreases in traffic. The noise analysis will include an evaluation of these previous noise measurements and how the conditions (i.e. measurement location and traffic conditions) correspond to the noise exposure at the Development Site. The existing noise exposure on each façade of the proposed Development Site will be determined based on these prior measurements.

As described in the Transportation Section above, a detailed traffic analysis will be conducted to determine No-Action and With-Action traffic conditions. Based on the transportation analysis, the number of incremental passenger car equivalents (PCEs) between the No-Action and With-Action conditions will be analyzed to determine if the project has the potential to significantly increase (i.e., double) the number of PCEs thereby potentially increasing noise by 3 dB or more at nearby receptors and resulting in significant noise impact. If PCEs would double with the With-Action condition, a detailed traffic noise analysis will be undertaken as part of the EIS.

> A screening analysis will be conducted to determine whether the Proposed Actions could result in exceedances of noise guidelines.

Based on the results of the prior noise monitoring and the mobile and stationary source analyses, With-Action L₁₀ noise levels at the new noise-sensitive land uses at the Development Site will be evaluated and sufficient window/wall sound attenuation requirements will be identified, as needed, to achieve acceptable interior noise conditions. <u>These attenuation commitments would be included in an (E) designation, Restrictive</u> <u>Declaration, or other mechanism for the Proposed Project.</u>

Task 14: Public Health

According to the *CEQR Technical Manual*, public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability, and premature death; and reducing inequalities in health status. The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur as a result of a Proposed Project, and if so, to identify measures to mitigate such effects. According to the guidelines of the *CEQR Technical Manual*, a public health

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

Task 15: Neighborhood Character

The character of a neighborhood is the result of a combination of various contributing elements, including land use patterns, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include traffic and pedestrian patterns and noise. This chapter of the EIS will use information from other EIS chapters to assess whether any identified significant adverse impacts or combination of moderate effects in the areas of land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise would have the potential to affect neighborhood character. If warranted, based on an evaluation of the Proposed Project's effects, an assessment of neighborhood character will be prepared following *CEQR Technical Manual* methodologies. This analysis would consist of describing the predominant factors that contribute to the defining character of the neighborhood within a 400-foot study area, summarizing changes in the character of the neighborhood that can be expected in the future No-Action condition, and evaluating the Proposed Project's potential to affect the defining features of the neighborhood.

Task 16: Construction

Construction impacts, though temporary, can have a disruptive and noticeable effect on the adjacent community and people passing through the area. Construction impacts are usually important when construction activity could affect traffic conditions, community noise patterns, air quality conditions, and mitigation of hazardous materials. The construction schedule and an estimate of activity on-site for both the No-Action building and the proposed With-Action development will be described. Based on this information, an assessment of the potential impacts of construction activities will be prepared comparing the two construction scenarios. If necessary or warranted, quantitative analyses may be conducted. Technical areas to be analyzed include:

- Transportation Systems: This assessment will consider losses in lanes and sidewalks, around the Development Site, and effects on other transportation services, if any, during the construction periods, and identify the increase in vehicle trips from construction workers and deliveries. Based on the trip projections of activities associated with peak construction, an assessment of potential impacts during construction will be provided by comparing the project generated conducted:
 - <u>Assign</u> construction <u>worker auto</u> trips <u>betweento</u> the roadway network and to nearby parking facilities, and construction-related trucks and delivery vehicles to the proposed and No-Action building onroadway network en route to the Development Site (Level 1 screening assessment). <u>construction site.</u>

- Evaluate potential traffic impacts at five intersections to be identified in consultation with the lead agency and NYCDOT for the weekday AM and PM construction peak hours.
- Evaluate potential pedestrian impacts at pedestrian elements affected by construction activities, as identified in consultation with the lead agency and NYCDOT, for the weekday AM and PM peak hours.

Where appropriate, the relevant mitigation measures will be discussed. Due to the Development Site's proximity to GCT and the Grand Central subway station and the inclusion of transit improvements in the proposed development, construction coordination that will be undertaken with MTA/NYCT will be discussed.

- Air Quality: The construction air quality impact section will include emission > profile intensity estimates for the entire construction period by phase on a monthly basis based on a conceptual construction schedule and logistics. Emission estimates will be made for each piece of diesel equipment taking into account details such as engine size, emission tier, load and utilization factors, etc. Emission from construction trucks and from dust generating activities will also be included. The resultant emission profile will be compared with the similar profiles of Greater East Midtown (GEM) construction and GO Broome construction. Should Proposed Development construction emissions be smaller than those of the comparison projects, the conclusion of no significant air quality impacts will be drawn. If construction emissions are higher, a detailed construction analysis for the Proposed Development will be conducted used to determine the peak short-term and annual periods of construction in terms of emissions for the on-site impacts modeling. Dispersion modeling of the on-site construction impacts will consider modeling of on-site activities, construction equipment, fugitive dust and trucks idling, loading and unloading next to the site and the effects of truck emissions approaching and departing the site along Lexington Avenue, 42nd Street and Depew Place.
- The construction chapter will also contain a discussionan assessment of both mobile sourcethe off-site impacts of emissions from peak construction-related traffic of construction trucks, worker and delivery vehicles, and on-road fugitive dust emissions.
- > It will<u>also</u> discuss measures to reduce impacts and may include components such as: diesel emission reduction; clean fuel; best available tailpipe reduction technologies; utilization of equipment that meets specified emission standards; and fugitive dust control measures, among others.
- Noise: The construction noise impact section will contain a discussion of analyze noise from each phase of construction activity for the Proposed Development. <u>Construction</u> noise from mobile and stationary sources will be modeled for first shift and second shift construction activities for the No-Action and With-Action conditions. Appropriate recommendations will be made to comply with DEP Rules for Citywide Construction Noise Mitigation and the New York City Noise Control Code.
- Other Technical Areas: As appropriate, other areas of environmental assessment—such as historic resources, hazardous materials, and neighborhood character—will be analyzed for potential construction-related impacts.

Task 17: Mitigation

Where significant adverse project impacts have been identified, feasible measures to mitigate those impacts will be identified. These measures will be developed and coordinated with the responsible City/State agencies as necessary. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

Task 18: Alternatives

CEQR requires that alternatives to the Proposed Project be identified and evaluated in an EIS so that the decision-maker may consider whether alternatives exist that would minimize or avoid adverse environmental effects. The selection of alternatives to a proposed project is determined by taking into account the nature of the specific project, its stated purpose and need, potential impacts, and the feasibility of potential alternatives. Consistent with CEQR, a No-Action Alternative will be considered. In addition, if any significant adverse impacts are identified, a No Unmitigated Significant Adverse Impact Alternative will be considered, which includes an assessment of a project that would result in no unmitigated impacts. Additional alternatives to the Proposed Actions will also be considered once the full extent of the Proposed Actions' impacts has been identified. The alternatives analysis will be qualitative, except where significant adverse impacts of the Proposed Actions have been identified.

Task 19: EIS Summary Chapters

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

- > **Unavoidable Adverse Impacts:** This chapter will summarize any significant adverse impacts that are unavoidable if the Proposed Actions are implemented regardless of the mitigation employed (or if mitigation is not feasible).
- > **Growth-Inducing Aspects of the Proposed Actions:** This chapter will summarize the "secondary" impacts of Proposed Actions that trigger further development.
- Irreversible and Irretrievable Commitments of Resources: This chapter will summarize the Proposed Actions and its impacts in terms of the loss of environmental resources (use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term.
- Executive Summary: The executive summary will use relevant material from the body of the EIS to describe the Proposed Actions, its environmental impacts, measures to mitigate those impacts, and alternatives to the Proposed Actions.

Appendix A: Response to Comments



Introduction

This document summarizes and responds to comments on the Draft Scope of Work (DSOW) for 175 Park Avenue¹, published on November 20, 2020.

City Environmental Quality Review (CEQR) requires a public scoping meeting as part of the environmental review process. Oral and written comments were received during the remote public scoping meeting held by the New York City Department of City Planning on December 21, 2020. Written comments were accepted from issuance of the DSOW through the close of the public comment period, which ended at 5:00 PM on January 12, 2021. **Appendix A** contains the written comments received on the DSOW. The Final Scope of Work (FSOW) issued on May 17, 2021, has been modified to incorporate and address substantive public comment on the DSOW where relevant and appropriate.

Section 1 lists the elected officials, organizations, and individuals that provided relevant comments on the DSOW. 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 DSOW. Where more than one commenter expressed similar views, those comments have been grouped and addressed together.

¹ Formerly "Project Commodore"

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

Elected Officials

- 1. Manhattan Borough President Gale A. Brewer, written statement dated January 12, 2021 (Brewer)
- 2. District 4 Council Member Keith Powers, written statement dated January 12, 2021 (Powers)

Community Board

- 3. Vikki Barbero, Chair for Community Board 5, written testimony dated December 28, 2020 (CB5)
- 4. E.J. Kalafarski, Chair of Transportation/Environment Committee for Community Board 5, written testimony dated December 28, 2020 (CB5)
- 5. Layla Law-Gisiko, Chair of Land Use and Housing Committee for Community Board 5, spoken testimony dated December 21, 2020 (CB5)

Organizations and Interested Public

- 6. S.L. Brown, member of the public, written statement dated January 12, 2021 (Brown)
- 7. Rob Byrnes, East Midtown Partnership, written statement dated December 21, 2020 (East Midtown Partnership)
- 8. Maria Free, New York Building Congress, written statement dated December 21, 2020 (NY Building Congress)
- 9. Gary LaBarbera, Building and Construction Trades Council of Greater New York, spoken testimony dated December 21, 2020 (Building and Construction Trades Council)
- 10. Melva Miller, Association for a Better New York, written statement dated December 21, 2020 (ABNY)
- 11. Municipal Arts Society, written statement dated January 12, 2021 (MAS)
- 12. Felicia Park Rogers, Director of Regional Infrastructure Projects for the Tri-State Transportation Campaign, spoken testimony dated December 21, 2020 (Tri-State Transportation)
- 13. Betsy Plum, Executive Director of Riders Alliance, written statement dated December 21, 2020 (Riders Alliance)
- 14. Lilibeth Popovits, New York City Transit, written statement dated January 11, 2021 (NYCT)
- 15. Ryan Pukos, Grand Central Commission/Grand Central Partnership, spoken testimony dated December 21, 2020 (Grand Central Partnership).

2. Comments and Responses on the DSOW

Comments on the Proposed Action

The following organizations and members of the interested public submitted testimony in general support of the Proposed Actions: Manhattan Borough President Gale A. Brewer; S.L. Brown; East Midtown Partnership (represented by Rob Byrnes); Building and Construction Trades Council of Greater New York (represented by Gary LaBarbera); New York Building Congress (represented by Maria Free); Association for a Better New York (represented by Melva Miller); Tri-State Transportation Campaign (represented by Felicia Park Rogers); Riders Alliance (represented by Betsy Plum); and Grand Central Commission/Grand Central Partnership (represented by Ryan Pukos).

c.1 Redevelopment of the site will provide a huge opportunity to meet the goals of East Midtown rezoning by creating new open space, transportation improvements and modern office space, with none of the expense incurred by the City. This development also holds the potential to help New York City begin its long, slow recovery following the COVID-19 crisis. And it will have an economic ripple effect across all five boroughs. Not only will this planned development create an outdoor park open to the public and people who work in the building, that park will provide new views of some of our greatest landmarks, including Grand Central Terminal and the Chrysler Building. In addition, improvements to the MTA, including new entrances and exits, enhanced accessibility, ADA compliant elevators and new escalators will greatly improve the experience for commuters and also fix bottlenecks caused by the foundation of the existing building. The plan now will also include new access to the East Side Access project, which will remove thousands of daily rush hour commuters from already crowded Grand Central Terminal. Finally, modern Class A office space is greatly needed in East Midtown Manhattan and will be in even greater demand as we recover from the economic slowdown caused by the pandemic. This project will deliver on that as well. (Brown, East Midtown Partnership, Grand Central Partnership, ABNY, Brewer, NY Building Congress)

Response: Comment noted.

c.2 We are in support of 175 Park Avenue because it is anticipated to create thousands of union construction jobs. It is that simple. Our City, our neighbors have been devastated by the impact of COVID-19 pandemic. Many have lost their lives, more have lost their loved ones and nearly one million have lost their jobs. It is unfortunate, and an unfortunate truth that we can't do much for those that have passed but we can take action that will benefit the living. The proposed redevelopment of the Grand Hyatt will create family-sustaining jobs with good pay and benefits. This will include temporary construction jobs, as well as permanent positions, both of which should be considered in this forthcoming EIS. The project will also provide opportunities for our City's residents to access careers in the construction industry and will spur our economic growth that will benefit the City as a whole. (Building and Construction Trades Council)

Response: Comment noted.

c.3 As most of you will know, complicated transit connections at the Grand Central Complex, along with serious congestion at the 42nd Street subway entrance have been persistent issues at this important transit hub. This scoping document shows the thoughtful approach that RXR and TF Cornerstone have developed in partnership with the MTA to maximize the window that this project can provide for addressing these shortage issues, which have previously prevented major upgrades to Grand Central. In the coming years as ridership returns to pre-COVID level and east side access brings Long Island Railroad service to Grand Central, it will be more critical than ever that we ensure transit infrastructure is prepared to handle higher passenger volumes while promoting health and safety. Grand Central and the 42nd Street subway station currently suffer from significant overcrowding. This project includes a number of investments that will improve the situation. (Tri-State Transportation, Riders Alliance)

Response: Comment Noted

Comments Relating to EIS Analyses

Analysis Framework

c.4 The scope should include a With-Action scenario in which FAR calculations are based on the development site surface and not on the qualifying site; the scope should also address that it is unusual for a public thoroughfare such as Depew Place to generate FAR. (CB5)

Response: As set forth in the DSOW and pursuant to *CEQR Technical Manual* guidelines, the development scenario that is considered reasonable and likely, with the worst environmental consequences, will be chosen for CEQR analysis. This is considered to be the reasonable worst-case development scenario (RWCDS), the use of which ensures that, regardless of which scenario actually occurs, its impacts would be no worse than those considered in the environmental review. The Proposed Actions to be analyzed in the DEIS would permit FAR calculations based on the Project Area, which would be treated as a qualifying site under the East Midtown Subdistrict provisions of the Zoning Resolution, as modified pursuant to the Proposed Actions. The DSOW sets forth a With-Action condition that is considered the RWCDS, pursuant to the Proposed Actions, and therefore is the appropriate scenario for CEQR analysis purposes.

Former Depew Place is not a public thoroughfare but rather is a private service road with an outlet on East 45th Street that provides access to loading areas for 175 Park Avenue, 200 Park Avenue, among others; it is part of a zoning lot and may generate floor area.

Land Use

c.5 The FAR calculation is based on a lot that encompasses Development Site, Grand Central Terminal, Grand Central Market, and Depew Place. This lot aggregation substantially increases the numerator for the FAR base density calculation, thus increasing the allowed density (either as-of-right or by special permit) in a way not anticipated. Any increase in FAR granted under the provisions of the East Midtown Subdistrict needs to ensure that public realm improvements, and improvements to the transit network surrounding the site, do more than mitigate existing system deficiencies, but rather look forward to the public needs in the decades to come. Valuation of transit upgrades should be captured as part of the scope, measured in dollar amounts, with those amounts associated with each proposed upgrade and that formula should be part of the scope. Finally, the formula itself for calculating bonus density should be part of the scope. A formula calculating bonus based on FAR (a ratio), may not be appropriate in this particular instance. Instead, the formula for bonus density should be a dollar for square feet formula, where the dollar value for a specific transit upgrade translates into a set number of square feet of bonus density. (CB5, Powers)

Response: As detailed in the DSOW, all proposed transit and public realm improvements incorporated into the Proposed Project are being discussed and finalized in close coordination with the MTA and DCP to ensure improvements meet the needs of the transit network and provide high quality public spaces for use by commuters, employees, and visitors. Determinations concerning the bonus value of transit upgrades are outside the scope of CEQR and will not be analyzed as part of the EIS.

The amount and size of development on the Development Site would be governed by the regulations of the East Midtown Subdistrict and Grand Central Transit Improvement Zone Subarea (established by the Greater East Midtown Rezoning), as proposed to be amended

pursuant to the Proposed Actions. The Proposed Project would also be subject to the controls and requirements of the Special Permits granted for the new building and for transit and public realm improvements, including with respect to any FAR bonuses.

Socioeconomic Conditions

c.6 The Proposed Development is expected to introduce new employees to the East Midtown Subarea. For analysis purposes, the Build Year for the project is 2030. Although that may seem like a distant date, the City will recover from the COVID-19 pandemic. Economists have projected that New York City's recovery may take years to fully materialize. The job growth that the City began to see in the spring has recently slowed, and there will be many difficult months ahead as we try to recover. A recent report from the Independent Budget Office forecast that Manhattan office rents will continue to decline through 2023. The Applicant's analysis should include innovative ideas about how to ensure that the office, hotel, and commercial spaces that are proposed as part of the development are, in fact, leased to users. (Brewer)

Response: Based on the timelines for public review and construction, it is anticipated that the Proposed Project will be complete and operational by 2030. While it is possible that ongoing public health concerns or market conditions relating to the COVID-19 pandemic could affect construction and market conditions, it is reasonable to anticipate that as the pandemic subsides and region reopens, the Development Site will remain an appropriate and desirable location for a major modern office building due to its central location and integration with the Grand Central Terminal transit hub, and that the East Midtown subarea will remain one of the most sought-after dynamic office markets and central business districts in the New York region. However, generalized economic effects related to the supply and demand of Midtown commercial spaces and individual strategies related to the leasing of space are not environmental impacts that are studied within the scope of CEQR.

c.7 The new building will generate 2,108,820 sf of commercial office space. The COVID-19 pandemic has profoundly changed the office market. The new building impact must be evaluated in the context of the COVID-19 pandemic. It must also be evaluated in the context of other large scale developments, including One Vanderbilt, the MTA site redevelopment (347 Madison Avenue), the JP Morgan Chase Headquarters redevelopment (270 Park Avenue), the Rudin Management redevelopment (415 Madison Avenue), the Penn Station redevelopment, aka Empire Station Complex Redevelopment, and Macy's upzoning (151 West 34th Street). The scope should be revised to increase the study area radius to one mile to properly capture the large influx of additional office space in a depressed office market. (CB5)

Response: The study areas for impact assessments will follow *CEQR Technical Manual* guidelines. The assessments will consider and take into account other known near-term developments within the study area expected to be completed by the Proposed Project's 2030 build year. In accordance with the *CEQR Technical Manual*, these No-Action projects are known projects that are under construction, planned, or proposed. The determination of whether a project should be consider a No-Action project is based on, among other factors, whether the project requires discretionary approvals and the status of that approval process should be considered in determining the appropriateness of including the project in the No-Action condition. See also response to Comment C.6 regarding the context of the COVID-19 pandemic.

c.8 With respect to the EIS, we believe that in light of the COVID-19 pandemic and its impact on the City's economy, this assessment should examine the economic impact 175 Park Avenue will have on both the East Midtown subdistrict and the City as a

whole. In our view, 175 Park Avenue represents a critical investment in the long-term economic health of New York City, and it will help ensure that Midtown East remains a premiere central business district and vibrant destination for New Yorkers and visitors alike. The EIS assessment should include research on how many construction jobs and permanent jobs will be created. (Grand Central Partnership, East Midtown Partnership, ABNY)

Response: The EIS will describe potential project benefits. As described in the DSOW, Section 6: Project Purpose and Need on page 11, the Proposed Actions would significantly further the stated goals envisioned in the Greater East Midtown Rezoning to strengthen East Midtown as one of the world's premier business addresses and key job center for the City and region, as well as to seed the area with new modern and sustainable office buildings to maintain its preeminence as a premier office district.

While the Proposed Project is expected to grow economic activity as well as the number and types of job opportunities available, *CEQR Technical Manual* methodology does not include an analysis of generalized economic effects. Several technical areas of the EIS will assess the potential for indirect impacts resulting from the increase in worker population from the operation of the Proposed Project.

Open Space and Shadows

c.9 MAS appreciates the applicants' effort to provide outdoor public space that allows users to view surrounding landmarks and take in the activity of 42nd Street and Lexington Avenue. Yet we believe at least some of this space will neither feel truly public nor provide a welcoming experience for visitors. Public spaces above ground level face challenges that are difficult to overcome, even with a great commitment to do so. Specifically, elevating Chrysler Terrace poses a missed opportunity for a streetlevel plaza that would be more publicly accessible and serve to alleviate pedestrian crowding. MAS is also concerned that Graybar Terrace will be heavily shadowed, windswept, and unappealing due to its walled-in location between 175 Park Avenue and the Graybar Building. MAS requests that the Draft Environmental Impact Statement (DEIS) study an alternative in which at least some of the Graybar Terrace space is shifted to Chrysler Terrace, exploring possibilities for either an expanded elevated terrace or a large ground level Chrysler Plaza. We also request an examination of the potential for an indoor Privately Owned Public Space (POPS) running parallel to Lexington Avenue or if the Chrysler Terrace remains elevated, across 175 Park Avenue's lobby to Grand Central Terrace along the Park Avenue viaduct. If an alternative is deemed infeasible, MAS believes that the functionality of Graybar Terrace would at least be improved if it served as a pedestrian connection between 175 Park Avenue and the Graybar Building. (MAS)

Response: Since publication of the DSOW, the design of the Proposed Project has been revised to increase the amount of publicly-accessible open space to be approximately 25,000 square feet, and will take the form of open space terraces on the second floor of the Proposed Project. The Final Scope of Work has been revised to reflect this increased amount of open space. The proposed open spaces would be reachable by two grand staircases and ADA elevator along East 42nd Street, by a third staircase along Lexington Avenue, and by elevator, to facilitate access and use of the space by commuters, employees, and visitors to the study area. The proposed terraces would also be programed to maximize the utility and functionality of the space and provide elevators between terraces to provide increased access for all terrace users. The Final Scope of Work has been revised to reflect this. The design and planned programming for the proposed open spaces will be discussed in greater

detail in the DEIS. The land use application will discuss the significant site constraints that limit the ability to provide open space at grade.

Further, and as described in the DSOW, the DEIS will include an analysis of direct and indirect effects of the Proposed Project on open space, which will be conducted in accordance with the *CEQR Technical Manual*. If the results of the impact analysis identify a potential for significant adverse impacts to open space, potential practicable mitigation measures to avoid or reduce those significant adverse impacts will be identified. Additional alternatives to the Proposed Actions (other than those already outlined in Task 18: Alternatives in the DSOW) will be considered once the full extent of the Proposed Actions' impacts has been identified.

C.10 The project requires the creation of at least 10,000 sf of publicly accessible open space. While creating open space is a creative way to fulfill this requirement, it is imperative that the proposed elevated publicly accessible open space's use should not be limited by lack of accessibility, or other challenges. The open space anticipated usage should be carefully evaluated, as an elevated open space may be perceived as less accessible. The space must be fully accessible and must be perceived as accessible. Security and safety issues must be strongly assessed and addressed during the design process. Overall programming and activation should rely on the public's organic desire to patronize the spaces and should be planned with very little commercial activation. The space should not rely on commercial activity to activate the space. (CB5)

Response: Comment noted. See response to Comment C.9.

C.11 Although the Applicant has stated that the development will not cause any channelized wind pressure, anyone who spends time in East Midtown knows that the existing wind forces affect enjoyment of open spaces. I therefore urge the Applicant to give careful consideration to how wind may affect public usage of their proposed open space and adjust design elements to ensure that users are able to get the most from the space. In addition, the Park Avenue South viaduct presents a unique opportunity to incorporate existing public space into the proposed building's design. The Applicant should present options for increasing access and therefore the usability of its open space and lobby area through the viaduct. The Applicant should also look very closely at achieving the right balance between affixed and moveable furniture within the open space. Finally, I request that the Applicant consider implementing a wide range of programming and public art to bring even more success to their proposed open space (Brewer).

Response: Per *CEQR Technical Manual* guidelines, pedestrian wind conditions are evaluated for projects involving multiple, tall buildings at or in close proximity to the waterfront site. As such, a detailed assessment of pedestrian wind conditions is not warranted for the Proposed Project. The design and planned programming for the proposed open spaces will be discussed in greater detail in the DEIS.

c.12 I believe any open space developed under this project should be easily ADA-accessible and should be open during a reasonable period of time so as to be widely used by members of the public. While there may be legitimate safety and maintenance issues to consider, I hope that the development team will continue to assess any and all mechanisms to not only maximize the amount of usable open space, but also the hours, accessibility, and amenities attached to such space. (Powers)

Response: As detailed in the DSOW, 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. Further additional ADA elevators would be located between terraces 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. The Final Scope of Work has been revised to reflect this. The proposed open spaces will be discussed in greater detail in the DEIS.

c.13 We would like the EIS to assess how east midtown compares to the rest of the city in terms of publicly available open space. (ABNY)

Response: As detailed in the DSOW, Task 4: Open Space on page 23, per *CEQR Technical Manual* guidelines, East Midtown is neither underserved nor well-served by publicly accessible open spaces, and, as such, the threshold for when an open space assessment is required is when an action would generate more than 200 residents or 500 employees. It is estimated that the Proposed Project would introduce more than 500 employees, and therefore a non-residential open space analysis is warranted and will be provided in the DEIS. In accordance with the methodology in the *CEQR Technical Manual*, the non-residential open space analysis will assess open space resources and calculate open space ratios within a non-residential (1/4-mile radius) study area. The open space analysis will assess use groups, accessibility to open spaces, and any projected impacts on existing open spaces due to the increase in the number of daytime workers. It will also disclose the study area open space ratios as they relate to city-wide average and target ratios.

c.14 During the East Midtown rezoning, it was discussed that Depew Place could become pedestrianized to mirror Vanderbilt Avenue on the west side of Grand Central Terminal; the effects and feasibility of the pedestrianization of Depew Place should be evaluated. (CB5)

Response: See Response to Comment C.4 that Former Depew Place is not a public thoroughfare but rather is a private service road that provides access to loading areas for 175 Park Avenue, 200 Park Avenue, among others, with an outlet on East 45th Street. As detailed in the DSOW, all proposed public realm improvements incorporated into the Proposed Project are being discussed and finalized in close coordination with the MTA and DCP. Additional public realm improvements are outside the scope of this EIS. It should also be noted that the existence of Grand Central blocks any potential extension of Depew Place to 42nd Street to mirror Vanderbilt Avenue.

c.15 MAS requests that the following be included in the DEIS: An inventory and disclosure of all existing and proposed vegetation within sunlight-sensitive resources, noting species, caliper, height, age, and specific sunlight requirements, as well as the shadow impacts on each; Discussion of the shadow impacts on project-generated open space; A detailed site plan and other supporting documentation showing proposed public space programming, maintenance requirements and responsibilities, and hours of operation; Disclosure and explanation of the formal classification of public space that is being provided (e.g. park, POPS) and how this impacts calculations of private and public open space in the study area; Clarification on financial contributions to be made to the East Midtown Public Realm Improvement Fund. (MAS)

Response: The DEIS will include a detailed open space analysis of the ¼-mile non-residential study area pursuant to *CEQR Technical Manual* guidelines. The detailed open space analysis will include an inventory of existing open spaces within the study area; the condition and usage of existing facilities based on the inventory and field visits; and a description of study area open space jurisdiction, features, user groups, quality/condition, factors affecting usage,

hours of operation, and access. The Proposed Project open spaces and how they factor into the analysis calculations will be fully disclosed in the DEIS. The DEIS will include descriptions of open space programming, and operation.

In addition, as set forth in the DSOW, Task 5: Shadows on page 26, a preliminary assessment of shadows will be undertaken to determine if the Proposed Project would cast shadows on sunlight-sensitive publicly-accessible resources or other resources of concern, such as natural resources. If the preliminary assessment indicates that a detailed shadows analysis is warranted, the significance of any shadow impacts on sunlight-sensitive resources will be assessed. The detailed shadows assessment would include an assessment of potential shadow impacts on vegetation within the identified sunlight-sensitive resources. If any significant adverse shadow impacts are identified, mitigation strategies will be identified and assessed. Shadow impacts on project-generated open space are not considered as part of the shadows assessment, pursuant to CEQR Technical Manual guidelines.

Information regarding financial contributions to the East Midtown Public Realm Improvement Fund is outside the scope of this EIS.

c.16 The proposed density of almost three million gross square feet will have an impact on access to air, sunlight and will cause shadows on the surrounding areas reaching far out. The building's penetration into the sky exposure plane will be very substantial. Shadow impact must be evaluated not only in terms of areas where these shadows will sit but, also, in terms of the amount of time that these shadows will linger in specific light sensitive areas. In particular, in open space, including the open space being created through this process. (CB5)

Response: As described in the DSOW, because the Proposed Project would result in a structure greater than 50 feet in height, a shadows analysis is warranted and will be provided in the DEIS pursuant to *CEQR Technical Manual* guidelines. The DEIS will disclose the range of shadow impacts, if any, which are likely to result from the Proposed Project to identify whether shadows cast by the Proposed Project could reach sunlight-sensitive resources, including publicly-accessible open spaces. The projected shadows will be modeled with a three-dimensional computer modeling software to determine the extent and duration of new shadows that would be cast on sunlight-sensitive resources as a result of the Proposed Project. Where appropriate, a summary table will list the shadow entry and exit times for sunlight sensitive resources on each representative analysis day. If necessary, potential practicable mitigation measures to avoid or reduce significant adverse impacts will be identified. Shadow impacts on project-generated open space are not considered as part of the shadows assessment, pursuant to *CEQR Technical Manual* guidelines.

c.17 Because of East Midtown's density, most neighborhood streets are never sufficiently daylit and suffer from intense wind and urban heat island effect. This means that considering human thermal comfort and the unique growing conditions for plants is especially critical at this location. MAS requests that the DEIS evaluate the microclimate conditions created by the proposed project and their implication for each element of the public realm. For example, determining which programmatic elements are most sunlight-dependent and situating those on the brightest sides of the building. Similarly, examining how climate conditions would change over the course of the day and year, and implementing design strategies that would allow for extended use of the public realm during colder months (such as flexible seating arrangements, use of warm materials, creation of sun traps and wind screens, and strategic placement of deciduous vegetation). MAS urges the applicants to go beyond the minimum Special Midtown District daylight evaluation requirement and conduct more comprehensive evaluations of lux and thermal comfort. (MAS, CB5)

Response: Comment noted. The Applicant would implement strategies and programming to maximize the utility and functionality of the space. A detailed evaluation of lux and thermal comfort is beyond the scope of this EIS per CEQR methodology.

Historic and Cultural Resources

c.18 While the applicants have included outdoor publicly accessible space and expanded sidewalks, MAS is concerned about the loss of visual connections to area landmarks from the site and within the study area. The DEIS should show alternative massing scenarios that better complement existing landmarks and improve views to landmarks in the study area. MAS also requests additional human-scale views to landmarks from within the broader study area (rather than just from the immediately adjacent streets) and views of the tower looking up from the publicly accessible open space and sidewalks below. (MAS, CB5)

Response: As detailed in the DSOW, the DEIS will follow *CEQR Technical Manual* guidelines in assessing the potential for significant adverse impacts to urban design and visual resources as well as historic and cultural resources. The impact assessment will address whether the Proposed Project would cause a physical change to the setting of historic resources within the study area that would alter or eliminate their significant characteristics. This assessment of context and visual prominence will include an assessment of views to these resources within the study area and may include views outside the study area as necessary. Additional alternatives to the Proposed Actions (other than those already outlined in Task 18: Alternatives in the DSOW) will be considered once the full extent of the Proposed Actions' impacts has been identified.

Urban Design

c.19 MAS is also concerned about the project's potential to obstruct views of designated landmark buildings, particularly the Chrysler Building, from areas outside Midtown Manhattan. The *CEQR Technical Manual* requires detailed analysis of changes to building scale and the city skyline. Changes to the skyline should be studied from existing vantage points, including, but not limited to, locations in Brooklyn and Queens. The DEIS must include a detailed assessment of Urban Design and Visual Resources impacts from both within and outside of the study area, including alternatives or mitigation measures. (MAS)

Response: See Response to Comment C.18.

c.20 Given the significance of the visual resources, the EIS analysis framework must be based on the absolute impact, rather than on the impact relative to the no-action scenario. The design and massing of the proposed building must be as minimally impactful to the existing urban context and the visual resources. The building should defer to Grand Central Terminal and to the Chrysler Building. The design must also be evaluated in the context of newly constructed or newly designed buildings so as to create a harmonious streetscape that retains the spirit of Terminal City. (CB5)

Response: The DEIS will follow *CEQR Technical Manual* guidelines in assessing the potential for significant adverse impacts to urban design and visual resources as well as the potential effects on historic and cultural resources. Pursuant to CEQR methodology, these impact assessments will factor in the incremental difference between the future No-Action and future With-Action conditions, and will account for any newly-constructed or designed

buildings within the study area that are anticipated to be completed by the analysis build year.

As detailed in the DSOW, the design of the Proposed Project would enhance views of adjacent landmarks and visual resources. For example, the proposed transit hall would have skylights providing natural light and offering views of the eastern façade of Grand Central Terminal. The proposed building would also be set back from Lexington Avenue to allow for increased sidewalk widths and enhanced views to the adjacent landmarks. Further, the second level terraces would provide unique views of Grand Central Terminal, the Chrysler Building, and other area landmarks. These design features will be analyzed fully as part of the assessment of urban design and visual resources in the DEIS.

Water and Sewer Infrastructure

c.21 The building is anticipated to use more than 1 million gallons of water per day. Water usages should be addressed with the most stringent environmental norms in mind. (CB5)

Response: The DEIS will follow *CEQR Technical Manual* guidelines in assessing the potential for significant adverse impacts related to water and sewer infrastructure. Specifically, as set forth in the DSOW, Task 9: Water and Sewer Infrastructure on page 30, the *CEQR Technical Manual* outlines thresholds for analysis of an action's water demand and its generation of wastewater and stormwater. As detailed, an analysis of the City's water supply is not warranted as the Proposed Project would not result in a demand of more than one million gallons per day (gpd) and the Project Area is not located in an area that experiences low water pressure. However, water demand estimates will be provided in the EIS to inform the wastewater and stormwater conveyance and treatment analysis.

Transportation

c.22 The EIS should very carefully evaluate vehicular and pedestrian congestion; transit need and challenges; public realm improvements, impacts to historic and visual resources. This large-scale development is a unique opportunity to address some of the district's systemic challenges and should aspire to create a strong and resilient 21st-century midtown. (CB5)

Response: Comment noted. As detailed in the DSOW, the DEIS will evaluate whether the Proposed Project would cause significant impacts on vehicular traffic, parking, transit services, pedestrian circulation, or traffic safety under Task 10: Transportation. It will also include detailed assessments of the Proposed Project's potential to impact nearby historic and visual resources under Task 6: Historic and Cultural Resources. Should significant impacts be identified per *CEQR Technical Manual* criteria, the DEIS will evaluate whether there are practicable measures available to mitigate those impacts.

c.23 In preparing the environmental analysis, one area that we believe should be studied is the impact these improvements will have on congestion and circulation at the subway entrances and other areas of Grand Central that currently experience overcrowding. (Tri-State Transportation, CB5)

Response: The Proposed Project would incorporate various transit improvements to improve the pedestrian experience and reduce congestion at Grand Central Terminal and the Grand Central – 42nd Street subway station. As described in the DSOW, these improvements would include a redesigned and expanded subway entrance at East 42nd Street (R-238), a proposed new transit hall, which would expanded the pedestrian circulation area in the Grand Central Terminal 42nd Street Passageway, a reconstructed subway entrance along Lexington Avenue with more space and an ADA elevator, removal of girders from the subway mezzanine level to improve circulation and enhance sightlines, and a "Short Loop connection" to provide direct access for Metro-North Railroad and Long Island Rail Road riders to the subway. Additionally, as detailed in the DSOW, Task 10: Transportation, the DEIS will include a transit analysis that will assess whether the Proposed Project would cause significant impacts on the subway station and subway lines that use this station. Specifically, as set forth in the DSOW, the subway station analysis will assess potential impacts on Grand Central-42nd Street subway stations' critical elements (stairways, escalators, and fare-control area), evaluate those critical station elements, identify the potential for significant impacts, and evaluate improvements to mitigate those impacts. The Proposed Project's transit improvements will be incorporated in the With-Action conditions analysis.

c.24 The transit and below grade improvement must be evaluated with the full breadth of the potential development, including East Side Access and increased connectivity to other transportation hubs (ARC, etc.). (CB5)

Response: As detailed in the DSOW, Task 10: Transportation on page 31, the transportation analysis to be undertaken as part of the DEIS will account for the East Side Access project and connectivity to the larger New York City transportation network.

c.25 The project impact to travel demand should be evaluated in absolute terms rather than in comparison with the no-action scenario. The development requires transit upgrades. They should not only mitigate the new development impacts but also address the transportation challenges of the next 20 years. (CB5)

Response: The transportation analysis included in the DEIS will be conducted in accordance with *CEQR Technical Manual* guidelines, which factors in the incremental difference between the future No-Action and future With-Action conditions. All proposed transit improvements incorporated into the Proposed Project will be finalized in close coordination with the MTA and DCP to ensure improvements meet the needs of the transit network.

c.26 The transit analysis should evaluate impact on subways and buses. But it should also evaluate impact on train and commuter rail transit. Theses analysis should be based on projected rail and public transportation plans. This should be assessed and measured with objective data around throughput, such as train/hour capacity, pedestrian capacity, and whether a measurable increase in these metrics will be achieved. (CB5)

Response: As detailed in the DSOW, the Travel Demand Analysis determined that the increase in bus and rail trips resulting from the Proposed Project would not exceed the *CEQR Technical Manual* criteria for detailed analyses. The increase in project-generated subway trips is expected to exceed the *CEQR Technical Manual* criteria and detailed analysis of the Grand Central-42nd Street subway station will be conducted for the DEIS.

c.27 The project impact to pedestrian traffic should be evaluated in absolute terms rather than in comparison with the no-action scenario. The area is already severely congested. The proposed development will bring greatly increased density, combined to multiple high-density office towers currently in development. Mitigation measures must be significant and aggressive, so that the existing systemic deficiencies are addressed. This should include an assessment of whether stairs are preferrable to ramps to get to the open space, given many people who travel have large bags with wheels. (CB5)

Response: As detailed in the DSOW, the proposed building footprint would be set back along the Lexington Avenue and East 42nd Street frontages, which would widen the sidewalks and provide more circulation space for pedestrians. The proposed open space would be

reachable by two grand staircases along East 42nd Street, by a third staircase along Lexington Avenue, and by elevator, to facilitate ADA-compliant access and use of the space by commuters, employees, and visitors to the study area. This would also provide access for visitors with large bags with wheels. See also Response to Comment C.25.

c.28 Evaluation should study the effects of either reduction of bicycle parking spots on premises or need for more in the surrounding area, relative to traffic created by the building as well as growth in projected use by 2030 and 2040. (CB5)

Response: When the DSOW was published, the Proposed Actions included a CPC authorization pursuant to ZR Section 36-72 to reduce the number of required bicycle parking spaces. The authorization is no longer being pursued. The Final Scope has been revised to reflect this.

The DEIS will follow *CEQR Technical Manual* guidelines in assessing the potential for significant adverse impacts to transportation. This assessment will include the effect of trips generated by the Proposed Project on the local roadway network for the project's anticipated build year. The need for bicycle parking in the surrounding area is outside the scope of CEQR and will not be analyzed as part of the DEIS.

c.29 MAS believes that the Park Avenue viaduct will ultimately be most beneficial as a dedicated cyclist and pedestrian space (a function it already serves during the annual Summer Streets event). This concept was envisioned for the west side of the viaduct in *Places for People: A Public Realm Vision Plan for East Midtown* (2013). Given the rapid transformation of the city's streets during the COVID-19 pandemic, the DEIS should study the potential for a direct pedestrian connection between Grand Central Terrace and the East Balcony of Grand Central, including a contingency plan that preserves the lower level service road for vehicular access to the building. In general, the applicants should approach their public space as a centerpiece of a larger pedestrian and cyclist network that includes the East 43rd Street Shared Street, Vanderbilt Plaza, Pershing Square, the Park Avenue Malls, and other nearby public spaces. To this end, the DEIS should clarify the rationale for reducing the number of required bicycle spaces. (MAS)

Response: As noted above in the response to comment C.28, the Proposed Actions included a CPC authorization pursuant to ZR Section 36-72 to reduce the number of required bicycle parking spaces. The authorization is no longer being pursued. The Final Scope has been revised to reflect this.

Pursuant to *CEQR Technical Manual* guidelines, the DEIS will evaluate anticipated future conditions for the build year of 2030. As there are no current plans to convert the Park Avenue viaduct into a dedicated cyclist and pedestrian space, this scenario is not contemplated in the DSOW and will not be analyzed as part of the DEIS.

C.30 MAS is pleased that the proposal includes widened sidewalks along Lexington Avenue. According to *Places for People*, weekday pedestrian crowding exceeds comfortable levels on both Lexington Avenue and 42nd Street. The report notes that on Lexington Avenue, pedestrians account for 56 percent of traffic volume but are only granted 38 percent of the street right-of-way. Meanwhile, cars and buses comprise just 42 percent of traffic volume but are allocated 62 percent of the street right-of-way. With the densification of East Midtown, it is critical that Lexington Avenue and 42nd Street better serve the type and volume of users. The DEIS should study an alternative in which sidewalk widths are increased further by shifting building massing away from Lexington Avenue and 42nd Street. (MAS) *Response:* As set forth in the DSOW, Task 10: Transportation, a detailed assessment of the pedestrian network is warranted and will be included in the DEIS. This assessment will identify the potential for significant pedestrian impacts, if any, using criteria stipulated in the *CEQR Technical Manual*, and will evaluate improvements to mitigate those impacts.

As detailed in the DSOW, the Proposed Project will further the goals of the Greater East Midtown Rezoning to improve the area's pedestrian circulation through the provision of widened sidewalks along both East 42nd Street and Lexington Avenue, as well as significant transit and public realm improvements, which are outlined in detail in the DSOW in Section 5: Proposed Project and With-Action Condition on page 10. Specifically, the Lexington Avenue sidewalk fronting the Development Site is currently approximately 12 feet wide and the Proposed Project widening of five feet would provide approximately 40 percent of additional sidewalk space. The Final Scope of Work has been revised to reflect this. Additional alternatives to the Proposed Actions (other than those already outlined in Task 18: Alternatives in the DSOW) will be considered once the full extent of the Proposed Actions' impacts has been identified.

c.31 I'm concerned given the increase in the size of the development and a potential drop off on the viaduct at Grand Central that this development will increase and exacerbate congestion in the area. I urge DCP and DOT to work together to study the street grid here and explore what can be done to minimize auto share to this new development. If we have more people coming to this building by car than what we have today it will not be a tenable situation for Midtown. DOT and DCP and the applicant should be looking at any and all options for traffic demand management including limiting any drop offs on the viaduct, installing additional bike share nearby, and frankly making it as inconvenient as possible to pick up and drop off via automobile around this development. The better use of the limited public space on the viaduct should be explored so it doesn't serve cars purely and instead serves as a modest public space benefit as well. (Powers)

Response: As detailed in the DSOW, the Travel Demand Analysis approximately eight percent of project-generated trips would be expected to be made via personal automobile and the vast majority of trips would be on foot or via transit. As set forth in the DSOW, Task 10: Transportation, a detailed assessment of vehicular traffic impacts is warranted and will be included in the DEIS. This assessment will identify significant traffic impacts, based on changes to traffic levels of service, using criteria stipulated in the *CEQR Technical Manual*, and will evaluate whether there are practicable measures available to mitigate impacts. As described in the DSOW, the Proposed Project would include a number of transit and public realm improvements, which would provide additional circulation space for non-auto travelers. Also, as noted above in the response to comment C.28, the Proposed Project is no longer pursuing a CPC authorization, detailed in the DSOW, to reduce the number of required bicycle parking spaces and will provide the required number of bicycle parking spaces on-site. The Final Scope of Work has been revised to reflect this.

c.32 Potentially add express bus routes to the transit analysis, depending on the expected number of commuter work trips generated by the development. (NYCT)

Response: See Response to Comment C.26. As detailed in the DSOW, the Travel Demand Analysis determined that the increase in bus trips resulting from the Proposed Project would not exceed the CEQR Level 1 screening thresholds of 200 bus trips during the commuting peak hours. As project-generated bus trips would not exceed the screening thresholds, the Proposed Project is not expected to result in bus transit impacts and further bus transit analysis is not warranted. c.33 We note that the proposed elevated open space has the potential to cause streetscape disruption at 42nd Street. The 42nd Street will be occupied by a grand staircase leading to this open space. While we appreciate that this open space is greater than our minimum, we are concerned that pedestrian traffic is going to be impacted and that the necessary activation at 42nd Street will be disrupted. This area requires very careful activation at the street level to be successful. Currently the required publicly accessible open space would be located at the second and third levels of the building. An alternate proposal must also assess the feasibility of an at grade level open space. (CB5)

Response: See response to Comments C. 27 and 30.

GHG

c.34 The building would use 195,580 mBTU per week and would consume more than 1 million gallons of water per pay. The building's environmental impacts must be evaluated using the most stringent codes and requirements. The building impact should not only consider energy consumption, but also energy sources. (CB5)

Response: The DEIS will follow *CEQR Technical Manual* guidelines in assessing the potential for significant adverse impacts related to Greenhouse Gas (GHG) emissions and climate change. Specifically, as set forth in the DSOW, Task 12: Greenhouse Gas Emissions and Climate Change on page 35, the impact assessment will quantify GHG emissions and energy consumption generated by the Proposed Project. Consistency with the City's established GHG reduction goal will be performed as part of the EIS. To that end, the proposed development will be designed following the 2020 Energy Conservation Construction Code of NYS (20 ECCCNYS) and Local Law 97. The project is expected to use Con Edison steam for its HVAC and hot water. Electric heating and cooling are considered as an alternative. The evaluation will be made to assess GHG reductions based on these project choices.

c.35 It is important that any new developments in my district maintain a dedicated focus to building sustainability and energy efficiency. I understand that the applicant team is committed to meeting or exceeding the energy efficiency standards adopted by the City and codified under Local Law 97. I hope that a concentrated effort is made to comply with LEED Platinum standards, as outlined by the U.S. Green Building Council, the preeminent vanguard in the building sustainability space. I ask that the project applicant maintain a steadfast commitment to comply with LEED standards while designing and constructing this development. I ask that DCP explore mechanisms for ensuring the highest level of energy performance in the context of a building of this size which will become a symbol for NYC on the skyline. (Powers)

Response: Comment noted.

Neighborhood Character

c.36 The building impact to the neighborhood character must be evaluated in the context of its historic neighbors, in the context of the historic Terminal City and in the context of the new Terminal City, a Terminal City 2.0, made up of new developments rendered feasible by the East Midtown Subdistrict as well as the Vanderbilt Corridor Subdistrict. It is paramount that a sense of space and a cohesive streetscape be developed during this fluid phase of development. (CB5)

Response: As described in the DSOW, the DEIS will follow *CEQR Technical Manual* guidelines in assessing the potential for significant adverse impacts to urban design and visual

resources as well as the potential effects on historic and cultural resources and neighborhood character within the study area.

In addition, the Proposed Project is also subject to New York City Landmarks Preservation Commission (LPC) review for a harmonious relationship determination. At the Public Hearing and Public Meeting on February 23, 2021, LPC determined that the proposed design had a harmonious relationship with Grand Central Terminal. 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) issued a finding of No Adverse Impact. The requirement for these approvals has been noted in the Final Scope.

Construction

C.37 Construction of the new building will present challenges that include demolition of an existing historic 1916 building on site, and the anchoring of the new building above a mostly hollow site. Construction nuisance must be carefully mitigated. A Construction Task Force must be created and should be evaluated as part of the scope of work. (CB5)

Response: Pursuant to *CEQR Technical Manual* guidelines, the DEIS will include an assessment of potential construction impacts resulting from the Proposed Project, including in the technical areas of transportation systems, air quality, noise, and as appropriate, other areas of environmental assessment—such as historic resources, hazardous materials, and neighborhood character. If the results of the impact analysis identify a potential for significant adverse impacts, potential practicable mitigation measures to avoid or reduce those significant adverse impacts will be identified. Formation of a construction task force is beyond the scope of CEQR.

Community Facilities

c.38 The proposed development provides the opportunity to increase community facilities in an area that has very few such facilities. A large homeless population lives and congregates in and near Grand Central Terminal. While the project will not result in the direct impact to existing community facilities, the scope should evaluate its ability to contribute to an existing need of our district. Such community space may be educational space, performance and rehearsal space, and community facility for homeless and vulnerable individuals. (CB5, Powers)

Response: Per *CEQR Technical Manual* guidelines, the Proposed Actions would not have direct or indirect impacts on nearby community facilities. Therefore, an evaluation of community facilities is outside of the scope of CEQR and will not be analyzed as part of the DEIS.

Appendix B: Comment Letters on the Draft Scope of Work



Office of the President Borough of Manhattan The City of New York 1 Centre Street, 19th floor, New York, NY 10007 (212) 669-8300 p (212) 669-4306 f 431 West 125th Street, New York, NY 10027 (212) 531-1609 p (212) 531-4615 f www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

January 12, 2021

Manhattan Borough President Gale Brewer Comments on Draft Scope of Work for Project Commodore – Grand Hyatt (CEQR No. 21DCP057M)

I am writing to submit comments in response to the Project Commodore – Grand Hyatt Draft Scope of Work (DSOW) for an Environmental Impact Statement (EIS). The DSOW was released by the Department of City Planning (DCP) on November 20, 2020.

Commodore Owner LLC (The "Applicant") is seeking several special permits to allow for the development of an 83 story commercial building that will contain approximately 2,605,140 gross square feet¹ and measure approximately 1,646 feet in height (the "Proposed Project"). The Proposed Project is located within the Special East Midtown Subdistrict and will provide open space and transit improvements. In addition, the Applicant has stated that they will make a contribution to the Public Realm Improvement Fund pursuant to the requirements of the Subdistrict.

Task 1: Land Use, Zoning and Public Policy

The Proposed Development is expected to introduce new employees to the East Midtown Subarea. For analysis purposes, the Build Year for the project is 2030. Although that may seem like a distant date, the City will recover from the COVID-19 pandemic. Economists have projected that New York City's recovery may take years to fully materialize. The job growth that the City began to see in the spring has recently slowed, and there will be many difficult months ahead as we try to recover. A recent report from the Independent Budget Office forecast that Manhattan office rents will continue to decline through 2023.² The Applicant's analysis should include innovative ideas about how to ensure that the office, hotel, and commercial spaces that are proposed as part of the development are, in fact, leased to users.

¹ This total includes 2,108,820 gross square feet of office space; 452,950 gross square feet of hotel space; and 43,370 gross square feet of retail space.

² New York City Independent Budget Office. Hard Times Ahead: While Projected Budget Gaps Are Modest, the Economic and Fiscal Risks NYC Faces Are Not. January 2021.

Task 3: Open Space

I am pleased that this Proposed Project will include some much-needed open space for the East Midtown area. The creation of such spaces was one of the major tenets of the 2017 rezoning, and the commitment on behalf of the Applicant to contribute to the Public Realm Improvement Fund will further ensure that the area receives high quality places of respite alongside new office employees and visitors.

Although the Applicant has stated that the development will not cause any channelized wind pressure, anyone who spends time in East Midtown knows that the existing wind forces affect enjoyment of open spaces. I therefore urge the Applicant to give careful consideration to how wind may affect public usage of their proposed open space and adjust design elements to ensure that users are able to get the most from the space. In addition, the Park Avenue South viaduct presents a unique opportunity to incorporate existing public space into the proposed building's design. The Applicant should present options for increasing access and therefore the usability of its open space and lobby area through the viaduct. The Applicant should also look very closely at achieving the right balance between affixed and moveable furniture within the open space. Finally, I request that the Applicant consider implementing a wide range of programming and public art to bring even more success to their proposed open space.

Tasks 10: Transportation

I am pleased to learn about the transit improvements that this Proposed Project will bring to Grand Central Station. The reconstruction of this site provides a unique opportunity to reconfigure the structural columns that currently inhibit pedestrian circulation within the station. While the proposed office space, along with the 500 hotel rooms, will introduce more pedestrian traffic in the area, the Applicant will include a sidewalk expansion along Lexington Avenue, which will greatly improve pedestrian circulation outside of Grand Central Terminal.

While all of these transit improvements are excellent, I have exhorted the Applicant to also include a public restroom as part of its plans—no transit hall is complete without one.

Conclusion

This Application comes at a moment when our City faces a long financial recovery from a global pandemic. It presents questions about what the future may hold as well as challenges that we have to plan for. On the other end of the spectrum, this proposal brings hope for the vitality that our City—and in particular our central business districts—will soon experience. I look forward to seeing this project proceed through the public review process, and bring improvements to the East Midtown area.

KEITH POWERS

Council Member, 4TH District

211 East 43rd Street, Suite 1205 New York, NY 10017 Tel: (212)818-0580

250 Broadway, Room 1815 New York, NY 10007 Tel: (212)788-7393



THE COUNCIL OF THE CITY OF NEW YORK **CHAIR** Criminal Justice

COMMITTEES

Economic Development Finance Government Operations Health Oversight & Investigations Public Safety Rules, Privileges and Elections

Olga Abinader Director, Department of City Planning, City of New York Environmental Assessment and Review Division 120 Broadway, 31st Floor, New York, New York 10271

January 12, 2021

Re: Proposed Draft Scope of Work for "Project Commodore-Grand Hyatt" Environmental Impact Statement

Director Abinader:

I am writing in regard to the Draft Scope of Work for an Environmental Impact Statement (EIS) for the proposed Project Commodore-Grand Hyatt (21DCP057M). For the consideration of the Department of City Planning, I submit the following comments to consider while analyzing any potential environmental impacts of the project. This project occupies one of the most important development sites in Midtown, so it is imperative to get this project right. I have many questions I have submitted to the applicant that I'm still awaiting a response on and I look forward to being heavily involved in the on-going discussions on this project.

Community Facility Space

Many of the great buildings in New York City that appear to be private provide some opportunity for New Yorkers to participate with and in them. I strongly urge the applicant to explore a community facing use in the building in addition to the needed open space. East Midtown in general is bereft of cultural life, and so whether it's a space for art or live performance or a public library, we need to find a way to make these buildings civic facing in addition to serving the needs of the hotel guests and office tenants. I look forward to exploring with the applicant ways in which we might do this.

Improvements to the public realm

The proposed development's scale, and the amount of bonus FAR requested (according to the project EAS, should the proposed actions be approved, the size and scale of the development will increase by approximately 1,131,707 gross square feet, including an incremental increase of up to approximately 904,210 gross square feet of commercial uses, in 14 additional stories), is quite substantial. Because of this, it is imperative to me that any included public realm improvements (including the publicly-accessible open space proposed for the building's second floor, the nearly 9,000 gross square feet of improved MTA circulation space, a newly proposed transit hall containing retail, information screens and booths, and connections to Grand Central Terminal, improvements to and expansion of the MTA entrance on East 42nd Street, increased sidewalk widths along Lexington Avenue, and any ADA improvements made to the entrances to the MTA stations) be correspondingly meaningful and significant in scope.

Specifically, it is important that the special permit and DEIS allow for the flexibility on the ground floor to allow for the creation of more public space where the main hall of the terminal and the NYCT subway station converge instead of adding retail kiosks.

I ask that any and all public improvements be taken under great consideration during the environmental review process, and that the impact of these improvements be carefully considered against the valuable floor area that will be gained by the developer of this project. It is important to me that this development enhance and support the public realm, and that the public realm additions proposed under this project correlate to any enriched benefits anticipated under this project proposal.

Quality of open space developed

Of paramount concern to myself and my constituents is ensuring that the district has access to safe and accessible open space. The need for such spaces has been especially urgent throughout the ongoing COVID-19 pandemic. The EAS indicates the developer will include 10,000 square feet of publicly-accessible open space as a part of this project. This open space is proposed to be located on the second-floor level of the proposed development along the Lexington Avenue frontage, and accessible by a grand staircase. I believe any open space developed under this project should be easily ADA-accessible and should be open during a reasonable period of time so as to be widely used by members of the public. While there may be legitimate safety and maintenance issues to consider, I hope that the development team will continue to assess any and all mechanisms to not only maximize the amount of usable open space, but also the hours, accessibility, and amenities attached to such space.

Transportation & Traffic

I'm concerned given the increase in the size of the development and a potential drop off on the viaduct at Grand Central that this development will increase and exacerbate congestion in the area. I urge DCP and DOT to work together to study the street grid here and explore what can be done to minimize auto share to this new development. If we have more people coming to this building by car than what we have today it will not be a tenable situation for Midtown. DOT and DCP and the applicant should be looking at any and all options for traffic demand management including limiting any drop offs on the viaduct, installing additional bike share nearby, and

frankly making it as inconvenient as possible to pick up and drop off via automobile around this development.

The better use of the limited public space on the viaduct should be explored so it doesn't serve cars purely and instead serves as a modest public space benefit as well.

Greenhouse Gas/Sustainability standards of proposed development

It is important that any new developments in my district maintain a dedicated focus to building sustainability and energy efficiency. I understand that the applicant team is committed to meeting or exceeding the energy efficiency standards adopted by the City and codified under Local Law 97. I hope that a concentrated effort is made to comply with LEED Platinum standards, as outlined by the U.S. Green Building Council, the preeminent vanguard in the building sustainability space. I ask that the project applicant maintain a steadfast commitment to comply with LEED standards while designing and constructing this development. I ask that DCP explore mechanisms for ensuring the highest level of energy performance in the context of a building of this size which will become a symbol for NYC on the skyline.

Please feel free to contact my office if you have any questions on any of the comments outlined above. Thank you for your consideration.

Cc: Edith Hsu-Chen, Department of City Planning Gale Brewer, Manhattan Borough President Sarah Carroll, Chair, Landmarks Preservation Commission Commodore Owner LLC, Applicant

Sincerely,

Keite Parman

Keith Powers New York City Council District 4

MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109 New York, NY 10123-2199 212.465.0907 f-212.465.1628 Marisa Maack, District Manager

December 28, 2020

Marisa Lago Chair of the City Planning Commission 22 Reade Street New York, NY 10007

Re: 109 East 42nd Street, Grand Hyatt Commodore Project Draft Scope of Work

Dear Chair Lago:

The Community Board Five Executive Committee unanimously passed the following resolution with a vote of 10 in favor; 0 opposed; 0 abstaining; 0 present not entitled to vote:

WHEREAS, The Grand Hyatt Commodore tower is being proposed for redevelopment and is the subject of review by the Department of City Planning and the City Planning Commission; and

WHEREAS, Community Board Five has reviewed the Draft Scope of Work for the development and believes that the following areas should be addressed; and

PROJECT DESCRIPTION

The development site is currently occupied by the The Grand Hyatt Hotel, formerly known as Hotel Commodore, a 294.00 ft tower originally designed by Warren and Wetmore and built in 1919, subsequently altered by architects Der Scutt in association with Gruzen & Partners for Trump Organization in 1980. The Applicant proposes to demolish the existing building and redevelop the Development Site with up to approximately 2,982,740 gross square feet (gsf) (2,246,515 zsf) of mixed non-residential development, including up to 2,108,820 gsf of office space, up to a 500-room hotel, approximately 10,000 gsf of open-air publicly accessible space, and up to 43,370 gsf of retail (including MTA-controlled retail) on the cellar, ground, and second floors. In connection with the Proposed Development, the Applicant would provide a variety of transit and public realm improvements to improve circulation and reduce congestion at Grand Central Terminal and the Grand Central/42nd Street subway station and provide connections between the subway and mass rail transit systems.



The below-grade mezzanine level would continue to contain the existing subway station and rail station areas, with circulation improvements. The ground floor would contain the hotel lobby and office lobby, a reconstructed Lexington Passage and MTA retail located along the passage, an approximately 6,350 sf Transit Hall, and approximately 2,400-sf of additional area for subway entries off 42nd Street and Lexington Avenue. The hotel lobby would be located on the eastern frontage on Lexington Avenue, while the office lobby would be accessed from East 42nd Street. The second floor would contain office lobby and open-air publicly accessible space fronting on Lexington Avenue. Office space is planned to be located on floors 7-63, and the hotel on floors 65-83. The building envelope would be a tower rising to approximately 1,646 feet tall.

The Development Site is located in a C5-3 Zoning District, in the Special Midtown District; in the East Midtown Subdistrict, in the Grand Central Core Area, and the Grand Central Transit Improvement Zone Sub-area.

The base commercial FAR for the site is 15. The maximum amount of as-of-right floor area that can be developed is 27 FAR. An additional 3 FAR can be granted by Special Permit. The maximum FAR can be reached using three mechanisms: the district-wide transfer of unused landmark development rights, a payment to a district improvement fund to reconstruct overbuilt floor area, and the construction of pre-identified transit infrastructure projects.

The Qualifying Site would encompass the perimeter of the development site, the Lexington Passageway, Grand Central Terminal, Grand Central Market, and Depew Alley. The Project Area includes Block 1280, Lots 1, 30, 54, and 154, and consists of **203,872 square feet** (sf). Specifically, the Project Area consists of Lot 30 (Development Site). The 57,292-sf Development Site contains a 26-story, approximately 1,028,120 sf hotel (the existing Grand Hyatt Hotel). And Lots 1, 54, and 154 are on an existing merged zoning lot and contain approximately 322,664 sf of floor area comprising the Beaux-Arts-style Grand Central Terminal, Grand Central Market and Depew Alley. Depew Alley, a public thoroughfare, has been demapped and has been incorporated into the Qualifying Development Site. The FAR would be calculated using the entire surface of the Qualifying site

The following actions would be required from the CPC in accordance with the Uniform Land Use Review Procedure (ULURP).

> A CPC special permit pursuant to ZR Section 81-621 to allow hotel use;

> A CPC special permit pursuant to ZR Section 81-644 for transit improvements;

A CPC special permit pursuant to ZR Section 81-645 for public concourse improvements;
A CPC special permit pursuant to ZR Section 81-685 to modify qualifying site, floor area, height and setback, street wall, district plan elements, loading, and publicly accessible space regulations;

> Zoning text amendments to amend existing special permits in ZR Sections 81-644 and 81-685, and update a section reference in ZR Section 81-613;

> A CPC authorization pursuant to ZR Section 36-72 to reduce the number of required bicycle parking spaces; and

> Approval for the disposition of City-owned real property pursuant to Section 197-c of the New York City Charter with respect to the Development Site.



Additionally, the following non-discretionary actions would be required: > A joint certification from the CPC Chairperson and the MTA pursuant to ZR Section 81-673(a) as to the size and location of transit easement volumes on the zoning lot; > A joint certification from the CPC Chairperson and the MTA pursuant to ZR Section 81-673(b) as to whether a transit easement volume is required on the zoning lot.

Approval by the Empire State Development Corporation or its subsidiary would also be required for the conveyance of the Development Site to the City of New York, subject to the existing ground lease between UDC/Commodore Redevelopment Corporation and Hyatt Equities L.L.C. (or its successor/assign). A lease extension would be approved pursuant to actions to be determined. Disposition of the Development Site from the City of New York to a local development corporation would require approval by the Mayor and Borough Board pursuant to Section 384(b)(4) of the New York City Charter.

The Development Site sits above a transit rich network of subway and train infrastructure. MTA would also be a stakeholder in the redevelopment.

OVERALL CONCERNS

The Development Site is located in one of the densest parts of the country, an area that has not yet reached its full permissible density, as other development sites in the immediate vicinity are being developed with high-density commercial office towers. While the East Midtown Rezoning goal was to increase density in the area, the new zoning is still untested and has already revealed flaws by not properly assessing potential development sites (JP. Morgan Chase Headquarters), or undervaluing redevelopment density (the Grand Hyatt, subject of this application Development Site was evaluated for a 27 FAR with a qualifying site matching the development site).

Pedestrian Traffic

The area around the project site is heavily congested. It will require careful impact evaluation as the new building will bring an additional 1705 office workers, 187 hotel workers and 75 retail workers. The 5ft sidewalk widening may not be significant enough to provide relief to pedestrian congestion on sidewalks.

Transit

The transit and below grade improvement must be evaluated with the full breadth of the potential development, including East Side Access and increased connectivity to other transportation hubs (ARC, etc.)

Open Space

The proposed elevated publicly accessible open space's use should not be limited by lack of accessibility, or other challenges. The open space anticipated usage should be carefully evaluated, as an elevated open space may be perceived as less accessible. It is paramount that the space is designed in a way that does not rely on heavy commercial presence to activate the area.

Depew Place:



During the East Midtown rezoning, it was discussed that Depew Place could become pedestrianized to mirror Vanderbilt Avenue on the west side of Grand Central Terminal; the effects and feasibility of the pedestrianization of Depew Place should be evaluated.

Shadows Air Light

The building will be 1605 ft high. Its penetration into the sky exposure plane will be very substantial. Shadows cast by the building will be long, possibly reaching open spaces such as Bryant Park. It will also significantly reduce the amount of air and light reaching the streets, negatively impacting the pedestrian experience.

While shadows are a standard environmental impact in a study, it is paramount that thermic comfort also be evaluated. The proposed design and massing bears the risk of wind tunnels, especially at the north and east sides of the elevated open space. It could also have a heat trapping effect that would render the open space unusable in the summer months.

Sustainability

The building would use 195,580 mBTU per week and would consume more than 1 million gallons of water per pay. The building's environmental impacts must be evaluated using the most stringent codes and requirements. The building impact should not only consider energy consumption, but also energy sources. The building's water consumption and sewer usage should be scrutinized.

FAR Bonus Size & Valuation

The FAR calculation is based on a lot that encompasses Development Site, Grand Central Terminal, Grand Central Market, and Depew Place. This lot aggregation substantially increases the numerator for the FAR base density calculation, thus increasing the allowed density (either as-of-right or by special permit) in a way not anticipated. Any increase in FAR granted under the provisions of the East Midtown Subdistrict needs to ensure that public realm improvements, and improvements to the transit network surrounding the site, do more than mitigate existing system deficiencies, but rather look forward to the public needs in the decades to come.

Valuation of transit upgrades should be captured as part of the scope, measured in dollar amounts, with those amounts associated with each proposed upgrade and that formula should be part of the scope.

Finally, the formula itself for calculating bonus density should be part of the scope. A formula calculating bonus based on FAR (a ratio), may not be appropriate in this particular instance. Instead, the formula for bonus density should be a dollar for square feet formula, where the dollar value for a specific transit upgrade translates into a set number of square feet of bonus density.

SPECIFIC TASKS TO BE REVISED

Task 2: Land Use, Zoning and Public Policy
The Development site is located in the East Midtown subdistrict, an area recently rezoned to provide a framework for high-density development. The data used for the rezoning may have to be corrected to match the way developers are creatively using the text.

The scope should include:

- A with-action scenario in which FAR calculations are based on the development site surface and not on the qualifying site.
- The scope should also address that it is unusual for a public thoroughfare such as Depew Alley to generate FAR.

Task 3: Socioeconomic Conditions

The new building will generate 2,108,820 sf of commercial office space. The Covid-19 pandemic has profoundly changed the office market. The new building impact must be evaluated in the context of the Covid-19 pandemic. It must also be evaluated in the context of other large scale developments, including One Vanderbilt, the MTA site redevelopment (347 Madison Avenue), the JP Morgan Chase Headquarters redevelopment (270 Park Avenue), the Rudin Management redevelopment (415 Madison Avenue), the Penn Station redevelopment, aka Empire Station Complex Redevelopment, and Macy's upzoning (151 West 34th Street). The scope should be revised to increase the study area radius to one mile to properly capture the large influx of additional office space in a depressed office market.

Task 4: Open Space

The project requires the creation of at least 10,000 sf of publicly accessible open space. While creating open space is a creative way to fulfill this requirement, it is imperative that the space's projected usage be adequately evaluated. The space must be fully accessible, and must be perceived as accessible. Security and safety issues must be strongly assessed and addressed during the design process. Overall programming and activation should rely on the public's organic desire to patronize the spaces and should be planned with very little commercial activation. The space should not rely on commercial activity to activate the space. Public bathrooms should be part of the scope.

Task 5: Shadows

The building will be 1601 ft tall. Its shadow will reach parks and open space. Shadows must be quantified using not only the shadow length but also the duration that the shadow lingers in any specific open space, including parks, POPS and other open public spaces. A shadow heat-map should be part of the scope for proper review and consideration of negative impacts. If shadow lingers in a specific public space for more than 45 minutes between September 21st and March 21st, the building massing should be altered to reduce shadow duration.

Task 6: Historic and Cultural Resources

Within the 400-foot study area, there are 11 designated architectural resources located within the Study Area, two of which are also in the Project Area. There are also 20 individual structures



previously determined as eligible for NYCL and/or the S/NR within the study area, The building is surrounded by some of the most significant historic resources of the City, including Grand Central Terminal, The Chrysler Building, The Bowery Savings Bank, to name a few. Obstructing vista corridors is tantamount to privatizing views on the skyline. The building design and massing must be evaluated so that it minimally obstructs views on historic resources, especially on Grand Central Terminal and the Chrysler Building.

Task 7: Urban Design and Visual Resources

Given the significance of the visual resources, the EIS analysis framework must be based on the absolute impact, rather than on the impact relative to the no-action scenario. The design and massing of the proposed building must be as minimally impactful to the existing urban context and the visual resources. The building should defer to Grand Central Terminal and to the Chrysler Building. The design must also be evaluated in the context of newly constructed or newly designed buildings so as to create a harmonious streetscape that retains the spirit of Terminal City.

Task 9: Water and Sewer Infrastructure

The building is anticipated to use more than 1 million gallons of water per day. Water usage should be addressed with the most stringent environmental norms in mind.

Task 10: Transportation

Travel Demand Analysis

The project impact to travel demand should be evaluated in absolute terms rather than in comparison with the no-action scenario. The development requires transit upgrades. They should not only mitigate the new development impacts but also address the transportation challenges of the next 20 years.

Transit Analysis

The transit analysis should evaluate impact on subways and busses. But it should also evaluate impact on train and commuter rail transit. These analyses should be based on projected rail and public transportations plans.

This should be assessed and measured with objective data including data around throughput such as train/hour capacity, pedestrian capacity, and whether a measurable increase in these metrics will be achieved

Pedestrian Traffic Analysis

The project impact to pedestrian traffic should be evaluated in absolute terms rather than in comparison with the no-action scenario. The area is already severely congested. The proposed development will bring greatly increased density, combined to multiple high-density office towers currently in development. Mitigation measures must be significant and aggressive, so that the existing systemic deficiencies are addressed.



This should include an assessment of whether stairs are preferable to ramps to get to the open space given many people who travel have large bags with wheels.

Pedestrian Connection Analysis

Evaluation should include the broad impact not only to pedestrian traffic but also to new potential pedestrian connections via the Viaduct. New pedestrian space could create new through-corridors of pedestrian access across the entire block.

Bicycle Space Analysis

Evaluation should study the effects of either reduction of bicycle parking spots on premises or need for more in the surrounding area relative to traffic created by the building as well as growth in projected use by 2030 and 2040.

Task 11: Air Quality & Task 12: Greenhouse Gas Emissions and Climate Change

The building energy efficiency and its contribution to CO2 emissions must be evaluated based on the most stringent norms. The energy consumption must be properly evaluated and mitigated. The energy sources must also be scrutinized and must incorporate renewable and self-created sources of energy.

Task 15: Neighborhood Character

The building impact to the neighborhood character must be evaluated in the context of its historic neighbors, in the context of the historic Terminal City and in the context of the new Terminal City, a Terminal City 2.0, made up of new developments rendered feasible by the East Midtown Subdistrict as well as the Vanderbilt Corridor Subdistrict. It is paramount that a sense of space and a cohesive streetscape be developed during this fluid phase of development.

Task 16: Construction

Construction of the new building will present challenges that include demolition of an existing historic 1916 building on site, and the anchoring of the new building above a mostly hollow site. Construction nuisance must be carefully mitigated. A Construction Task Force must be created and should be evaluated as part of the scope of work.

Additional Task: Community Facilities

The proposed development provides the opportunity to increase community facilities in an area that has very few such facilities. A large homeless population lives and congregates in and near Grand Central Terminal. While the project will not result in the direct impact to existing community facilities, the scope should evaluate its ability to contribute to an existing need of our district. Such community space may be educational space, performance and rehearsal space, and community facility for homeless and vulnerable individuals.

CONCLUSION



Community Board Five urges city agencies and the developer to carefully assess and properly mitigate the proposed building impacts. While we support a strong business core, the framework of the new East Midtown Subdistrict must be very carefully used and adapted to accomplish a vision of strength and resilience, indispensable criteria to sustainable growth.

The Environmental Impact Statement should very carefully evaluate vehicular and pedestrian congestion; transit needs and challenges, public realm improvements, impacts to historic and visual resources.

This large-scale development is a unique opportunity to address some of the district's systemic challenges and should aspire to create a strong and resilient 21st century midtown; therefore be it

RESOLVED, that Community Board Five recommends that the above mentioned recommendations be incorporated into the Final Scope of Work and be thoroughly evaluated in the Draft Environmental Impact Statement.

Thank you for the opportunity to comment on this matter.

Sincerely,

This Barburg

Vikki Barbero Chair

Layla Law-Gisiko Chair, Land Use, Housing and Zoning Committee

En M. 22f

E.J. Kalafarski Chair, Transportation/Environment Committee

Cc: Hon. Corey Johnson, Council Speaker
Hon. Brad Hoylman, State Senate, District 27
Hon. Liz Krueger, State Senator, District 28
Hon. Keith Powers, Councilmember, District 4
Manhattan Borough President, Gale Brewer
Spencer Williams, Municipal Art Society
Sarah Carroll, Chair, Landmarks Preservation Commission
Edward Pincar Jr., Department of Transportation
Alfred C. Cerullo, III, President/CEO Grand Central Partnership
Sarah Feinberg, MTA New York City Transit

WWW.CB5.ORG

Project Commodore 109 E. 42nd Street

slbgo7@aol.com <slbgo7@aol.com>

Tue 1/12/2021 8:56 AM

To: 21DCP057M_DL <21DCP057M_DL@planning.nyc.gov> January 12, 2021

To: Olga Abinader RE: Project Commodore (109 E. 42nd st)

Good morning/afternoon.

I am writing to provide commentary on the development at 109 E. 2nd Street, otherwise known as Project Commodore.

As you know, east Midtown was rezoned to accommodate new office towers to replace some of the older office stock in the area, as well as provide improvements to the "public realm", such as transit and public spaces. I think this process exceeds all expectations in both areas.

With the recent opening of the Moynihan Train Hall, we get a glimpse of what planning can do to revitalize the aging infrastructure of Midtown. This project will expand upon that with the work planned through and around Grand Central Station. That includes not only the improvements and expansion of the concourses, but the subway as well. This development also provides a generous outdoor public space, in a creative way that will enhance its location, and allow the public to truly appreciate the landmarks around the site.

At the core of the development is the 2 million square feet of office space the development also will provide. As we look back at the east midtown rezoning, we realize that there are not many development sites capable of providing such generous amounts of office space. Unlike the Hudson Yards, there are no large, continuous sites that are candidates for large scale demolition to create such a thing. That is just another reason this project should move forward. There just isn't, and won't be that many opportunities for a tower of this size in the area. And what better location to build it than at the terminal itself.

Of course, there are some who would object, merely based on height alone (as proposed, the tower would reach 1,646 ft). But the height of this structure would be in keeping with the height of towers around the world. The tallest among them Burj Khalifa in Dubai, stands at 2,700 ft tall. In fact, this tower if constructed as planned, would not make the top 10 of the world's tallest buildings. One of the great things about New York has always been it's great skyline, and the city has been a leader in such areas. The State motto of "Ever Upward" embodies the spirit of this. Yet there are some who now want to restrain us of even that ambition.

As I see it, there are no reasonable objections to this development, and all necessary approvals should be granted so this time consuming project can more forward immediately, and help the city recover from the disastrous economic effects of this pandemic.

Thank you for your time.

Sincerely, SL Brown



875 Third Avenue, Mezzanine | New York, NY 10022 212-813-0030 | www.EastMidtown.org

December 21, 2020

Re: Project Commodore – Grand Hyatt project

To the NYC Department of City Planning:

Thank you for the opportunity to comment on this project. As President of the East Midtown Partnership – the Business Improvement District directly adjacent to the Grand Central Partnership catchment area – my stakeholders and I were heavily involved in the recent rezoning of the East Midtown area to encourage the development of updated commercial space, enhanced access to mass transit, and improvements to the public realm.

We believe the Project Commodore development succeeds on all levels. Redevelopment of this site will provide a huge opportunity to meet the goals of East Midtown rezoning by creating new open space, transportation improvements, and modern office space... with none of the expense incurred by the City. This development also holds the potential to help New York City begin its long, slow recovery following the COVID-19 crisis, and will have an economic ripple effect across all five boroughs.

If you talk to anyone who works or lives in our neighborhood, they will tell you about the great need for open space. Not only will this planned development create an outdoor park open to the public and all who work in the building, but that park will provide new views of some of our greatest landmarks, including Grand Central Terminal and the Chrysler Building.

In addition, improvements to the MTA – including new entrances and exits, enhanced accessibility, ADA-compliant elevators, and new escalators – will greatly improve the experience for commuters, and fix bottlenecks caused by the foundation of the existing building. The plan also includes new access to the East Side Access, which will remove thousands of daily rush hour commuters from an already crowded Grand Central Terminal.

Finally, modern, Class A office space is greatly needed in East Midtown Manhattan and will be in even greater demand as we recover from the economic slowdown caused by the pandemic. This project will deliver on that as well. I understand that an EIS will be forthcoming, and I hope that it will research and address the economic impact this development will have on our district, and across the city.

In conclusion, Project Commodore will meet the goals of East Midtown Rezoning and the needs of this community.

Rob Byrnes President

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NYC Department of City Planning Scoping Meeting Testimony Regarding Project Commodore December 21, 2020

Good Afternoon,

My name is Maria Free, and I am the Urban Planning and Policy Analyst for the New York Building Congress. The Building Congress is proud to support TF Cornerstone and RXR's proposed redevelopment of the Grand Hyatt. As the city approaches the eleventh month of the COVID-19 pandemic, Project Commodore is a step on the road to recovery.

The New York Building Congress has, for almost 100 years, advocated for investment in infrastructure, pursued job creation and promoted preservation and growth in the New York City area. Our association is made up of over 550 organizations comprised of more than 250,000 professionals. Through our members, events and various committees, we seek to address the critical issues of the building industry and promote the economic and social advancement of our city and its residents.

Aligned with these objectives, Project Commodore will keep the city's economic engine running. Investment in infrastructure is a proven way to spur job growth amid record unemployment and unprecedented financial hardships. This project will support tens of thousands of construction and permanent jobs and improve Grand Central Terminal and the 42nd Street subway on behalf of the cash-strapped MTA.

As part of the environmental impact statement, the Building Congress would like to see an analysis of Project Commodore's direct and indirect economic impact on job growth and overall economic output. We believe this proposal will help New York build back stronger and cannot wait to see it become a reality.

Thank you.



WRITTEN TESTIMONY FROM THE ASSOCIATION FOR A BETTER NEW YORK SUBMITTED CITY PLANNING REGARDING THE SCOPING FOR THE GRAND HYATT DEVELOPMENT PROJECT AKA THE COMMODORE HOTEL

December 21, 2020

Thank you for the opportunity to submit written testimony on behalf of the Association for a Better New York (ABNY). My name is Melva M. Miller, and I am the Chief Executive Officer of ABNY.

The Association for a Better New York (ABNY) is a nonprofit organization dedicated to the healthy growth and renewal of New York City's people, businesses, and communities. We are a nearly 50-year-old civic organization representing corporations, nonprofits, unions, government authorities, and educational, cultural, and health institutions. We strive to promote connections between the public and private sectors to make New York City a better place to live, work, and visit.

The pandemic has tested our city's economy and raised questions about New York's long-term fiscal health. Even after the vaccine is distributed and the virus is under control, the city's recovery will not come overnight. It will take hard work and smart policies to rebuild a stronger and more equitable economy for New York City than ever before. ABNY was founded in 1971 as a creative response to New York's fiscal crisis and developed innovative solutions to the city's most pressing issues. It is our responsibility once again help the City regain its economic footing and ensure that New York City remains the best place to work, live, and visit.

The Grand Hyatt development is a project that will help us on all three fronts. Coming out of the COVID-19 pandemic, modern office space designed around health and safety is critical to attract and retain businesses. The East Midtown rezoning recognized this years ago and provided a mechanism to bring the neighborhood's aging building stock into the 21st century. Project Commodore will be a marquee development that signals that New York is open for business and ready to meet the demands of the modern workforce. This project is a vote of confidence in New York's future, one that will spur further investment that is critical to the city's economic growth.

Another valuable community resource that is more relevant than ever before yet lacking in East Midtown is public space. The proposed building features an abundance of open space dedicated to the public. These spaces, which create new opportunities to take in the city's most prized landmarks, will deliver huge value for workers, residents, and tourists alike.

We also know that a healthy public transit system is integral to the city's success. The transit improvements that the developers will deliver as part of their project represent a massive, privately funded investment in our subway and rail infrastructure. We are glad to see that the proposed building reflects a thoughtful approach to leveraging the East Midtown rezoning to deliver far-reaching benefits for New Yorkers.

Lastly, we think the EIS assessment should include research on how many construction jobs and permanent jobs will be created. As many of us advocate for policies, projects, and initiatives that promote economic growth across the City, central to this work is creating opportunities for New Yorkers

to access good jobs that allow for career development and economic mobility and wealth. This is more important than ever given the disproportionate impact of the COVID-19 pandemic on historically low-income and disenfranchised communities. Additionally, we would like the EIS to assess how east midtown compares to the rest of the city in terms of publicly available open space

For these reasons, I support of the redevelopment of the Grand Hyatt Hotel also known as The Commodore Hotel.

Thank you.



MAS Comments on the Draft Scope of Work for Project Commodore CEQR No. 21DCP057M

January 12, 2021

The Municipal Art Society of New York (MAS) supports Project Commodore's commitment to improving transit capacity and pedestrian flow on one of the busiest blocks in the city. MAS also supports the proposed project's expansion of publicly accessible space in an area desperately needing additional respite from the bustle of East Midtown.

However, MAS has several concerns about Project Commodore, particularly its public realm plan and relationship to nearby historic and visual resources. Our comments are focused on ways to improve these elements and adequately address impacts.

Public Realm

Reconsidering the Chrysler and Graybar Terraces

MAS appreciates the applicants' effort to provide outdoor public space that allows users to view surrounding landmarks and take in the activity of 42nd Street and Lexington Avenue. Yet we believe at least some of this space will neither feel truly public nor provide a welcoming experience for visitors. Public spaces above ground level face challenges that are difficult to overcome, even with a great commitment to do so. Specifically, elevating Chrysler Terrace poses a missed opportunity for a street-level plaza that would be more publicly accessible and serve to alleviate pedestrian crowding.

MAS is also concerned that Graybar Terrace will be heavily shadowed, windswept, and unappealing due to its walled-in location between Project Commodore and the Graybar Building.

MAS requests that the Draft Environmental Impact Statement (DEIS) study an alternative in which at least some of the Graybar Terrace space is shifted to Chrysler Terrace, exploring possibilities for either an expanded elevated terrace or a large ground level Chrysler Plaza.

We also request an examination of the potential for an indoor Privately Owned Public Space (POPS) running parallel to Lexington Avenue or if the Chrysler Terrace remains elevated, across Project Commodore's lobby to Grand Central Terrace along the Park Avenue viaduct. If an alternative is deemed infeasible, MAS believes that the functionality of Graybar Terrace would at least be improved if it served as a pedestrian connection between Project Commodore and the Graybar Building.

Anticipating the Future of the Park Avenue Viaduct

MAS believes that the Park Avenue viaduct will ultimately be most beneficial as a dedicated cyclist and pedestrian space (a function it already serves during the annual Summer Streets event). This concept was envisioned for the west side of the viaduct in *Places for People: A Public Realm Vision Plan for East Midtown* (2013). Given the rapid transformation of the city's streets during the COVID-19 pandemic, the DEIS should study the potential for a direct pedestrian connection between Grand Central Terrace and the East Balcony of Grand Central,

The Municipal Art Society of New York

including a contingency plan that preserves the lower level service road for vehicular access to the building.

In general, the applicants should approach their public space as a centerpiece of a larger pedestrian and cyclist network that includes the East 43rd Street Shared Street, Vanderbilt Plaza, Pershing Square, the Park Avenue Malls, and other nearby public spaces. To this end, the DEIS should clarify the rationale for reducing the number of required bicycle spaces.

Maximizing Sidewalk Widths

MAS is pleased that the proposal includes widened sidewalks along Lexington Avenue. According to *Places for People*, weekday pedestrian crowding exceeds comfortable levels on both Lexington Avenue and 42nd Street. The report notes that on Lexington Avenue, pedestrians account for 56 percent of traffic volume but are only granted 38 percent of the street right-of-way. Meanwhile, cars and buses comprise just 42 percent of traffic volume but are allocated 62 percent of the street right-of-way. With the densification of East Midtown, it is critical that Lexington Avenue and 42nd Street better serve the type and volume of users. The DEIS should study an alternative in which sidewalk widths are increased further by shifting building massing away from Lexington Avenue and 42nd Street.

Prioritizing Thermal Comfort

Because of East Midtown's density, most neighborhood streets are never sufficiently daylit and suffer from intense wind and urban heat island effect. This means that considering human thermal comfort and the unique growing conditions for plants is especially critical at this location.

MAS requests that the DEIS evaluate the microclimate conditions created by the proposed project and their implication for each element of the public realm. For example, determining which programmatic elements are most sunlight-dependent and situating those on the brightest sides of the building. Similarly, examining how climate conditions would change over the course of the day and year, and implementing design strategies that would allow for extended use of the public realm during colder months (such as flexible seating arrangements, use of warm materials, creation of sun traps and wind screens, and strategic placement of deciduous vegetation). MAS urges the applicants to go beyond the minimum Special Midtown District daylight evaluation requirement and conduct more comprehensive evaluations of lux and thermal comfort.

Thoroughly Disclosing Impacts and Project Details

In addition to the aforementioned design-related recommendations, MAS requests that the following be included in the DEIS:

- An inventory and disclosure of all existing and proposed vegetation within sunlightsensitive resources, noting species, caliper, height, age, and specific sunlight requirements, as well as the shadow impacts on each;
- Discussion of the shadow impacts on project-generated open space;
- A detailed site plan and other supporting documentation showing proposed public space programming, maintenance requirements and responsibilities, and hours of operation;
- Disclosure and explanation of the formal classification of public space that is being provided (e.g. park, POPS) and how this impacts calculations of private and public open space in the study area;



• Clarification on financial contributions to be made to the East Midtown Public Realm Improvement Fund.

Historic and Visual Resources

Project Commodore will be situated amongst one of the most significant collections of historic architecture in the city: Grand Central Terminal, the Chrysler Building, the Chanin Building, and the New York Post Building are all designated landmarks. The site itself is physically and historically tied to Grand Central and its role as the hub of Terminal City. While the applicants have included outdoor publicly accessible space and expanded sidewalks, MAS is concerned about the loss of visual connections to area landmarks from the site and within the study area. The DEIS should show alternative massing scenarios that better complement existing landmarks and improve views to landmarks in the study area. MAS also requests additional human-scale views to landmarks from within the broader study area (rather than just from the immediately adjacent streets) and views of the tower looking up from the publicly accessible open space and sidewalks below.

MAS is also concerned about the project's potential to obstruct views of designated landmark buildings, particularly the Chrysler Building, from areas outside Midtown Manhattan. The *CEQR Technical Manual* requires detailed analysis of changes to building scale and the city skyline. Changes to the skyline should be studied from existing vantage points, including, but not limited to, locations in Brooklyn and Queens. The DEIS must include a detailed assessment of Urban Design and Visual Resources impacts from both within and outside of the study area, including alternatives or mitigation measures.

Conclusion

MAS supports necessary improvements to transit and the public realm at the Project Commodore site. However, we believe that a project of this significance and magnitude merits further consideration, refinement, and a level of evaluation that goes beyond the minimum requirements of CEQR. MAS looks forward to the evaluation analysis, presentation of alternatives, and further details on impact mitigation so that the project is well-experienced at the site level and harmonious with the surrounding historic context.



Testimony of Betsy Plum, Executive Director

Grand Hyatt Hotel Scoping Hearing

December 21, 2020

Good afternoon, I am Betsy Plum, Executive Director of the Riders Alliance. We are a New York based grass-roots membership organization of subway and bus riders dedicated to building a more just and sustainable New York by holding government officials accountable for safe, reliable, and affordable public transit.

As an organization of New Yorkers committed to an equitable vision for our city, the Riders Alliance supports various projects and policies that will have a direct impact on the City's transit infrastructure. This work fits with our overall approach to organizing and advocating for a reliable, affordable, sustainable and world-class public transit system.

We believe that the redevelopment of the Grand Hyatt Hotel will unlock future transit upgrades and enhance the experience for riders and commuters in and around Grand Central. We're encouraged by the proposed changes, including enhancing pedestrian flow at the 42nd Street station for the aging 4/5/6 subway line with its narrow, confusing entrances and overcrowded platforms.

The enhanced entrances and improved pedestrian flow throughout will provide more physical space between passengers in one of the busiest train stations in the nation, an adjustment more necessary now than ever before. Based on conversations with our members and rider surveys, we understand that New Yorkers are quite reasonably reluctant to return to overcrowded conditions in public transit for a long time to come.

To ensure commuter comfort and access, we also support the building's proposed use for a variety of multimodal transportation options and enhancements to the public realm. As part of an equitable recovery from COVID, New York City transit riders deserve efficient and accessible transportation options. The redevelopment of the Grand Hyatt advances those crucial goals.

Thank you.

Project Commodore DSOW

Popovits, Iliberth <Iliberth.Popovits@nyct.com>

Mon 1/11/2021 4:54 PM

To: 21DCP057M_DL <21DCP057M_DL@planning.nyc.gov>; Olga Abinader (DCP) <OABINAD@planning.nyc.gov>; Evan Lemonides (DCP) <ELEMONIDES@planning.nyc.gov>

Cc: Dougherty, Patrick <Patrick.Dougherty@nyct.com>; Yung, Buckley <Buckley.Yung@nyct.com>; Dasrath, Jason <Jason.Dasrath@nyct.com>

Good Afternoon,

Our Bus Planning group had the following comment regarding the Project Commodore DSOW:

Bus Planning Comment

Potentially add express bus routes to the transit analysis depending on the expected number of commuter work trips generated by the development.

Regards,

Iliberth Popovits

Manager, Information & Planning Support MTA, New York City Transit New York, NY 10004 Tel. 646-252-5672 Iliberth.popovits@nyct.com

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Appendix C: Travel Demand Analysis Technical Memorandum



175 Park Avenue

Travel Demand Analysis Technical Memorandum

May 17, 2021

Introduction and Summary of Key Findings

This memorandum summarizes the travel demand assumptions and transportation screening analysis for the redevelopment of the Grand Hyatt Hotel at the northwest corner of Lexington Avenue and East 42nd Street, in Midtown Manhattan. It provides a detailed description of the project analysis framework and travel demand assumptions used to determine the number of additional trips generated by the Proposed Project. The project is expected to be completed in 2030.

As described below, detailed analyses of traffic, subway, and pedestrian conditions will be required per *CEQR Technical Manual* guidelines and will be included in the EIS. Detailed traffic analysis was identified for 15 intersections in the weekday AM, midday, and PM peak hours. For transit, a detailed analysis will be conducted for the Grand Central – 42nd Street station elements and subway lines; no detailed bus or rail analyses would be required as the number of trips generated by those modes do not exceed the Level 1 screening thresholds. For pedestrians, analyses will be needed at selected pedestrian elements along 42nd Street between Lexington and Madison Avenues.

Analytical Framework

The Applicant proposes to redevelop the Development Site with approximately 2,991,781 gsf of mixeduse development, including a hotel, office, and public space (the Proposed Project). The Development Site would contain approximately 2,108,820 gross square feet (gsf) of office space; an approximately 452,950gsf, 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. Absent the Proposed Project (the No-Action condition), the Development Site could be redeveloped with approximately 1,682,336 sf of office space, 18,300 sf of ground floor retail space, and 5,896 sf of publicly accessible open space.

For conservative analysis purposes, the EIS considers 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 a second option that is 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 (the All Office Scenario). In each chapter, where applicable, the EIS analyzes the scenario with the greater potential for impacts.

The Transporation analysis 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.

The incremental difference between the future No-Action and future With-Action conditions is the basis of the transportation impact analyses of the EIS. **Table 1** summarizes the No-Action condition, With-Action condition, and the incremental net change of component sizes by land use. The Proposed Project consists of an increase of 426,484 sf of office space, 500 hotel rooms (452,950 sf), 25,070 sf of local retail space, and about 0.44 acre (19,145 sf) of publicly accessible open space, compared to the No-Action condition.

Table 1	Table 1:	Develor	oment Incr	ement for	Analysis

Use	No-Action Condition	With-Action Condition	Increment	
Office	1,682,336 sf	2,108,820 sf	+426,484 sf	
Hotel	0 rooms or 0 sf	500 rooms or 452,950 sf	+ 500 rooms or + 452,950 sf	
Local Retail	18,300 sf	43,370 sf	+25,070 sf	
Publicly Accessible Open Space (Passive Open Space)	0.13 acre or 5,896 sf	0.57 acre or 25,041 sf	+ 0.44 acre or + 19,145 sf	

CEQR Transportation Analysis Screening

According to the 2020 CEQR Technical Manual procedures for transportation analysis, a two-tiered screening process is to be undertaken to determine whether a quantified analysis is necessary. The first step, the Level 1 (Trip Generation) screening, determines whether the volume of peak hour person and vehicle trips generated by the Proposed Project would remain below the minimum thresholds for further study. These thresholds are:

- > 50 peak hour vehicle trip ends;
- > 200 peak hour subway/rail or bus transit riders; and
- > 200 peak hour pedestrian trips.

If the Proposed Project results in increments that would exceed any of these thresholds, a Level 2 (Trip Assignment) screening assessment is usually performed. Under this assessment, project-generated trips that exceed Level 1 thresholds are assigned to and from the site through their respective networks (streets, bus and subway lines, sidewalks, etc.) based on expected origin-destination patterns and travel routes.

Level 1 Screening Assessment (Trip Generation)

The travel demand factors used to calculate the projected number of trips were obtained primarily from the 2020 CEQR Technical Manual, US census journey-to-work data, and information from recently-certified New York City environmental impact studies such as the Greater East Midtown Rezoning FEIS (2017) and M1 Hotel Zoning Text Amendment FEIS (2018). **Table 2** provides the travel demand assumptions used for the weekday AM, midday, and PM peak hours.

Table 2 Table 2: Travel Demand Characteristics

				Passive
	Office	Hotel		Open Space
Weekday Person Trip Gen Rate	18.0'	9.4 '	205'	44'
	per 1,000 SF	per Room	per 1,000 SF	per acre
Linked Trip Credit	0%	0%	25%	0%
Temporal Distribution				
AM Peak	12% ¹	8% ¹	3% ¹	3% ¹
Midday Peak	15% ¹	14% ¹	19% ¹	5% ¹
PM Peak	14% ¹	13% ¹	10% ¹	6% ¹
Modal Split	AM, PM / MD			
Auto	8.4%/2% ^{2,3}	6% ⁴	6% ⁵	5% ⁶
Тахі	2.0%/3% ^{2,3}	32% ⁴	1% ⁵	1% ⁶
Bus	13.8%/6% ^{2,3}	2% ⁴	1% ⁵	3% ⁶
Subway	47.1%/6% ^{2,3}	18% ⁴	1% ⁵	4% ⁶
Rail	19.3%/0% ^{2,3}	2% ⁴	0 % ⁵	0% ⁶
Walk	9.4%/83% ^{2,3}	40% ⁴	91% ⁵	87% ⁶
Vehicle Occupancy				
Auto	1.13 ²	1.80 ⁴	1.65 ⁴	2.90 ⁷
Taxi	1.40 ³	2.00 ⁴	1.40 ⁴	3.00 ⁷
Directional Split (In/Out)				
AM Peak	96%/4% ³	39%/61% ⁴	50% ⁴	55% ⁷
Midday Peak	48%/52% ³	54%/46% ⁴	50% ⁴	50% ⁷
PM Peak	5%/95% ³	65%/35% ⁴	50% ⁴	45% ⁷
Weekday Delivery Trip Gen Rate				
	0.32 ¹	0.064	0.35 ¹	0.01 ⁷
	per 1,000 SF	per Room	per 1,000 SF	per acre
Delivery Temporal Distribution				
AM Peak	10% ¹	12% ⁴	8% ¹	6% ⁷
Midday Peak	11% ¹	9% ⁴	11% ¹	6% ⁷
PM Peak	2% ¹	1% ⁴	2% ¹	1% ⁷

Delivery trip directional distribution: 50% in / 50% out

Source:

¹ 2020 CEQR Technical Manual

² 2012-2016 American Community Survey reverse journey-to-work data for Manhattan Census Tracts 78, 80, 82, 88, 90, 92, 94, 98, 100, and 102

³ Greater East Midtown Rezoning FEIS (2017)

⁴ M1 Hotel Zoning Text Amendment FEIS (2018) - Manhattan below 59th Street site

⁵ NYCDOT survey of local retail in Manhattan transit zone

⁶Special West Chelsea District Rezoning and High Line Open Space EIS (2005)

⁷ Brooklyn Bridge Park FEIS (2005)

Office

A trip generation rate of 18.0 daily person trips per 1,000 sf for weekday was used for the office use and was obtained from the *2020 CEQR Technical Manual*. Temporal distributions of 12 percent, 15 percent, and 14 percent for the weekday AM, midday, and PM peak hours, respectively, were also obtained from the *2020 CEQR Technical Manual*. The weekday AM, and PM peak hour modal splits of 8.4 percent by auto, 2.0 percent by taxi, 13.8 percent by bus, 47.1 percent by subway, 19.3 percent by rail, and 9.4 percent by walk were obtained from 2012-2016 American Community Survey reverse journey-to-work data for Manhattan Census Tracts 78, 80, 82, 88, 90, 92, 94, 98, 100, and 102. The weekday midday peak hour modal split used was 2 percent by auto, 3 percent by taxi, 6 percent by bus, 6 percent by subway, and 83 percent by walk. Vehicle occupancies of 1.13 persons by auto and 1.40 by taxi were obtained from the 2012-2016 American Community Survey reverse journey-to-work data and *the Greater East Midtown Rezoning FEIS (2017)*, respectively. The directional distributions of 96 percent "in", 48 percent "in", and 5 percent "in" were used for the weekday AM, midday, and PM peak hours, respectively, and were based on the *Greater East Midtown Rezoning FEIS (2017)*.

For office delivery trips, a trip generation rate of 0.32 daily truck trips per 1,000 sf and temporal distributions of 10 percent, 11 percent, and 2 percent for the weekday AM, midday, and PM peak hours, respectively, were based on the *2020 CEQR Technical Manual*.

Hotel

Trip generation rates and temporal distributions for the hotel use were obtained from the 2020 CEQR Technical Manual. The trip generation rate of 9.4 person trips per room for the weekday and temporal distributions of 8 percent, 14 percent, and 13 percent during the weekday AM, midday, and PM peak hours were assumed. Modal splits, vehicle occupancies, and directional distributions were obtained from the *M1 Hotel Zoning Text Amendment FEIS (2018)* for the Manhattan below 59th Street site. The weekday modal splits used were 6 percent by auto, 32 percent by taxi, 2 percent by bus, 18 percent by subway, 2 percent by rail, and 40 percent by walk with vehicle occupancies of 1.80 persons per auto and 2.00 persons per taxi. The directional distributions used were 39 percent "in", 54 percent "in", and 65 percent "in" for the weekday AM, midday, and PM peak hours, respectively.

For hotel delivery trips, daily trip generation rates of 0.06 per room and a temporal distribution of 12 percent, 9 percent, and 2 percent for the weekday AM, midday, and PM peak hours, respectively, were obtained from the *M1 Hotel Zoning Text Amendment FEIS (2018)* for the Manhattan below 59th Street site.

Local Retail

For the local retail use, trip generation rates and temporal distributions were obtained from the 2020 *CEQR Technical Manual.* The trip generation rate of 205 person trips per 1,000 sf for the weekday and temporal distributions of 3 percent, 19 percent, and 10 percent during the weekday AM, midday, and PM peak hours were assumed. It is anticipated that a portion of these trips would be "linked" trips (e.g., a trip with multiple purposes, such as stopping at a retail store while commuting to or from work, or at lunch time); a credit of 25 percent was assumed as a linked trip credit. Modal splits were obtained from New York City Department of Transportation surveys of local retail in Manhattan transit zones; the modal splits used were 6 percent by auto, 1 percent by taxi, 1 percent by bus, 1 percent by subway, and 91 percent by walk. Vehicle occupancies, and directional distributions were obtained from the *M1 Hotel Zoning Text*

Amendment FEIS (2018) for the Manhattan below 59th Street site. Vehicle occupancies of 1.65 persons per auto and 1.40 persons per taxi were used and the directional split was 50 percent "in" for all peak hours.

For retail delivery trips, daily trip generation rates of 0.35 daily truck trips per 1,000 sf and a temporal distribution of 8 percent, 11 percent, and 2 percent for the weekday AM, midday, and PM peak hours, respectively, were obtained from the *2020 CEQR Technical Manual*.

Passive Open Space

Trip generation rates and temporal distributions for the passive open space were obtained from the 2020 *CEQR Technical Manual.* The trip generation rate of 44 person trips per acre for the weekday and temporal distributions of 3 percent, 5 percent, and 6 percent during the weekday AM, midday, and PM peak hours were assumed. Modal splits were obtained from the *Special West Chelsea District Rezoning and High Line Open Space (2009).* The modal splits used were 5 percent by auto, 1 percent by taxi, 3 percent by bus, 4 percent by subway, and 87 percent by walk. Vehicle occupancies, and directional distributions were obtained from the *Brooklyn Bridge Park FEIS (2005).* The vehicle occupancies of 2.90 persons per auto and 3.00 persons per taxi were used. The directional distributions used were 55 percent "in", 50 percent "in" for the weekday AM, midday, and PM peak hours, respectively.

For passive open space delivery trips, daily trip generation rates of 0.01 per acre and a temporal distribution of 6 percent, 6 percent, and 1 percent for the weekday AM, midday, and PM peak hours, respectively, were obtained from the *Brooklyn Bridge Park FEIS (2005)*.

Level 1 Screening Results

Transit and Pedestrians

The increased number of person trips generated by the Proposed Project are provided in **Table 3** and would be expected to exceed the *2020 CEQR Technical Manual* Level 1 screening thresholds for subway and pedestrian trips during their analysis peak hours, and for rail trips during only the PM peak hour. Bus trips would not exceed the Level 1 screening thresholds and further analyses are not needed for those modes.

- > During the weekday AM peak hour, the project would generate 137 bus trips, 502 subway trips, 186 rail trips, and 1,168 pedestrian trips (walk plus bus, subway and rail).
- During the weekday midday peak hour, the project would generate 90 bus trips, 195 subway trips, 13 rail trips, and 2,182 pedestrian trips (walk plus bus, subway and rail).
- > During the weekday PM peak hour, the project would generate 164 bus trips, 619 subway trips, 219 rail trips, and 1,699 pedestrian trips (walk plus bus, subway and rail).

Since the number of peak hour subway and rail trips, and the number of combined peak hour pedestrian trips expected to be generated by the Proposed Project exceed the CEQR thresholds of 200 pedestrian trips per hour, a Level 2 trip assignment is needed to determine the scope of the detailed pedestrian and subway transit analyses.

	Weekday AM Peak Hour			Weekday Midday Peak Hour			Weekday PM Peak Hour		
Mode	In	Out	Total	In	Out	Total	In	Out	Total
Auto	86	20	106	54	52	106	41	111	152
Тахі	66	75	141	135	119	254	130	90	220
Bus	126	11	137	44	46	90	17	147	164
Subway	444	58	502	101	94	195	98	521	619
Rail	174	12	186	7	6	13	18	201	219
Walk	195	148	343	933	951	1,884	339	358	697
Total	1,091	324	1,415	1,274	1,268	2,542	643	1,428	2,070

Table 3 Proposed Project Trip Increment Summary – Person Trips

Vehicles

Table 4 summarizes the total peak hour vehicular volumes ("ins" plus "outs") for the Proposed Project. The Proposed Project would result in an hourly trip increment of 217 vehicles per hour (vph) during the weekday AM peak hour, 251 vph in the weekday midday peak hour, and 274 vph in weekday PM peak hour. Since the volume of vehicle trips generated by the Proposed Project would exceed the 50-vehicle trip threshold during all peak hours, a Level 2 trip assignment is needed to determine the scope of the detailed traffic analysis.

Table 4 Projected Trip Increment Summary – Vehicle Trips

	Weekday AM Peak Hour			Weekday Midday Peak Hour			Weekday PM Peak Hour		
Mode	In	Out	Total	In	Out	Total	In	Out	Total
Auto	72	13	85	35	34	69	24	90	114
Тахі	57	57	114	83	83	166	79	79	158
Truck	9	9	18	8	8	16	1	1	2
Total	138	79	217	126	125	251	104	170	274

Level 2 Screening Assessment (Trip Assessment)

As shown above, the number of trips generated by the Proposed Project would exceed the 2020 CEQR Technical Manual Level 1 screening thresholds for vehicle, subway, and pedestrian trips during the peak hours analyzed. Project-generated trips were assigned through the surrounding street network based on expected routes to and from the project site.

Transit and Pedestrians

Transit and pedestrian trips were assigned through the pedestrian network based on logical and direct travel routes to and from the project site from neighborhood attractions, commuter rail stations, subway stations and/or bus stops, to determine if the number of additional pedestrian trips generated by the project would exceed 200 peak hour pedestrian trips at key pedestrian elements (e.g. crosswalks, sidewalks, corner reservoir areas) approaching the site – the threshold for detailed pedestrian analysis. The

project site is bordered by the Park Avenue viaduct to the west, Lexington Avenue to the east, East 42nd Avenue to the south, and the Graybar Building to the north.

The project site is well served by MTA local and express bus service and by commuter bus service such as the North Fork Express, Bee-Line Bus, and Monsey Trails. Bus transit options within the project site vicinity include Manhattan buses such as M1, M2, M3, M4, M42, M101, M102, Queens buses such as the Q32, and express bus services such as the QM21, QM31, QM32, QM34, QM35, QM36, QM40, QM42, QM44, SIM6, SIM11, X27, X28, X37, X38, X63, X64, and X68. Based on 2006-2010 American Community Survey reverse journey-to-work data for commuters using buses to travel to workplaces in the study area, it is estimated that approximately 46 percent of bus trips originate from New Jersey and were assigned to the M42 bus route to travel to and from the Port Authority Bus Terminal, 20 percent originate from within Manhattan and were assigned to the M1, M2, M3, M4 bus routes, 13 percent originate from Queens and were assigned to the Q32 and express bus routes, 11 percent originate from Staten Island and were assigned to use the M101 and M102 bus routes, and 5 percent originate from Brooklyn and were assigned to the express bus routes.

The 42nd Street - Grand Central station is the City's major commuter hub, providing access to subways and commuter rail service in the heart of Midtown Manhattan. The 4, 5 and 6 subway lines serve riders to and from the Bronx and Brooklyn as well as Upper and Lower Manhattan. The No. 7 Flushing line provides service between Flushing, Queens and West Midtown (Times Square and Hudson Yards) after stopping at GCT. And, the Times Square Shuttle operates between GCT and Times Square. The Proposed Project would generate an increase of 502 and 619 new subway trips during the weekday AM and PM peak hours, respectively. The project would provide a direct internal access to the 42nd Street-Grand Central subway station; it is assumed that all subway trips will use these internal connections and not need to use the street network. A detailed analysis will be conducted at this subway station.

GCT is the busiest Metro-North station and is in the process of expanding. As part of the Long Island Rail Road's (LIRR) East Side Access project, a new commuter rail connection will be constructed for the Long Island Rail Road at GCT – providing LIRR commuters with direct train service to GCT as well as to Penn Station—with an expected opening date in late 2022. It is assumed that all rail trips generated by the Proposed Project will use the internal connection provided and will not need to use the street network. Once rail trips are distributed to the different rail options, it is not expected that rail trips would exceed thresholds for further analyses.

Walk-only pedestrian trips were distributed evenly in all directions due to the centrality of the project site and the number of attractions in the project site vicinity and then assigned throughout the network.

Based on the pedestrian assignments described above, detailed pedestrian level of service analysis will be performed at the following pedestrian elements (crosswalk, corners, and sidewalks):

- > Crosswalks and Corners:
 - Lexington Avenue and East 42nd Street all crosswalks and corners
 - Madison Avenue and East 42nd Street northeast corner and north and east crosswalks
- > Sidewalks:
 - West side of Lexington Avenue between East 42nd and 43rd Streets

- North side of East 42nd Street between Park and Lexington Avenues
- North side of East 42nd Street between Vanderbilt and Park Avenues
- North side of East 42nd Street between Madison and Vanderbilt Avenues

Pedestrian analyses will be performed at these elements for the weekday AM, midday, and PM peak hours.

Traffic

Project-generated vehicle trips were assigned through the surrounding street network based on expected routes to and from the project site, the configuration of the street network, and parking facilities within the project site vicinity. Since the Proposed Project would not provide parking on-site, auto trips were assigned to park at nearby off-street parking facilities.

Office auto trip distributions were based upon 2012-2016 American Community Survey reverse journeyto-work data for Manhattan census tracts 78, 80, 82, 88, 90, 92, 94, 98, 100, and 102. Within New York City, approximately 8 percent of the auto trips are assumed to originate from Manhattan, 15 percent from Queens, 7 percent from Brooklyn, 5 percent from the Bronx, and 3 percent from Staten Island. New York counties to the north of New York City (Westchester, Yonkers, and Upstate New York) make up approximately 14 percent of office trips while trips from Long Island are approximately 14 percent of office trips. Approximately 30 percent of office trips are assumed to originate from out of state areas to the west (New Jersey and Pennsylvania) and approximately 4 percent from Connecticut.

Most office auto trips were distributed to use East River and Hudson River crossings. Approximately 34 percent of trips (Queens, Long Island, Brooklyn, and Connecticut trips) were assigned to the Queens-Midtown Tunnel (24 percent) and the Ed Koch Queensboro Bridge (10 percent) crossing the East River to access the study area. Approximately 27 percent of the trips (New Jersey and Staten Island trips) were assigned to the study area using the Lincoln Tunnel. Trips using the highways from the north, such as the Franklin D. Roosevelt (FDR) Drive and Henry Hudson Parkway (Route 9A), account for approximately 29 percent of office trips. FDR Drive office trips from the south account for approximately 5 percent of the trips. The remaining trips would use local north-south streets including Lexington Avenue, Park Avenue, and Second Avenue.

The distribution of auto trips that would be generated by hotel and local retail were based on the distributions identified in the *Greater East Midtown Rezoning FEIS (2017)*. Hotel trips were assigned to the regional airports (JFK Airport, LaGuardia Airport, and Newark Airport) and local attractions. Approximately 10 percent of hotel auto trips would originate from the north, 25 percent from the south, 45 percent from the east, and 20 percent from the west. The local retail use is expected to serve the immediate surrounding area; these trips were assigned along local streets in the study area.

Taxi pick-ups and drop-offs were assigned along the 42nd Street and Park Avenue viaduct frontages. Delivery trips were assigned along New York City Department of Transportation's (NYCDOT) designated truck routes such as 42nd Street, Lexington Avenue, and Third Avenue. Delivery trips were assigned along truck routes as long as possible until reaching the project site's loading area, which is accessed from East 45th Street under the northbound Park Avenue viaduct.

Based on the vehicular traffic assignments described above, and in consultation with DCP and NYCDOT, detailed level of service analyses would be performed at the following intersections:

- 1. Second Avenue and East 40th Street
- 2. Second Avenue and East 42nd Street
- 3. Third Avenue and East 40th Street
- 4. Third Avenue and East 42nd Street
- 5. Lexington Avenue and East 40th Street
- 6. Lexington Avenue and East 42nd Street
- 7. Lexington Avenue and East 43rd Street
- 8. Lexington Avenue and East 44th Street
- 9. Lexington Avenue and East 45th Street
- 10. Lexington Avenue and East 46th Street
- 11. Park Avenue and East 40th Street
- 12. Madison Avenue and East 42nd Street
- 13. Fifth Avenue and East 42nd Street
- 14. Sixth Avenue and West 42nd Street
- 15. Broadway and West 42nd Street

Traffic analyses will be performed for the weekday AM, midday, and PM peak hours.

Appendix D: Air Quality Analysis Protocol Memorandum



175 Park Avenue

Air Quality Analysis Protocol

May 17, 2021

Introduction

The Applicant proposes to redevelop the Development Site with approximately 2,991,781 gsf of mixeduse development, including a hotel, office, and public space (the Proposed Project). The Development Site would contain approximately 2,108,820 gross square feet (GSF) of office space; an approximately 452,950gsf, 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.

For conservative analysis purposes, the EIS considers 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 a second option that is 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 (the All Office Scenario). In each chapter, where applicable, the EIS analyzes the scenario with the greater potential for impacts.

The Air Quality analysis 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.

The air quality analysis will be conducted under the 2020 CEQR Technical Manual (CEQR TM) guidelines supported by the most current EPA and NYSDEC recommendations and regulations as applicable to the Proposed Development under CEQR. The air quality analysis will include an assessment of the potential impacts of emissions from the mobile sources introduced by the project and from the stationary sources associated with the Proposed Development—heating, ventilation and air conditioning (HVAC) systems of the proposed building, as well as from any industrial and manufacturing facilities and large and major sources in the study area.

The key issues that will have the potential to impact air quality are:

- 1. The potential impacts by the project-generated traffic to result in significant adverse air quality impacts at the nearby intersections (mobile source analysis);
- 2. The potential impact of emissions from traffic on the Park Avenue Viaduct to affect public open space (atypical mobile source analysis);
- 3. The potential for stationary source air emissions from the Heating Ventilating and Air Conditioning (HVAC) and hot water systems of the Proposed Development to significantly impact

existing and future (No-Action) sensitive land uses (stationary source analysis);

- 4. The potential of existing industrial and/or manufacturing sources to adversely impact the Proposed Development (stationary source analysis);
- 5. The potential for existing large or major sources to adversely impact the Proposed Development (stationary source analysis).

Mobile Source

Microscale Analysis

The preliminary traffic analysis indicated that the CEQR threshold of 140 trips generated by a project at any intersection will not be exceeded. The project is expected to generate very few heavy-duty diesel vehicle trips, which, together with the equivalent emissions from other vehicles, are not expected to exceed the PM_{2.5} *CEQR TM* threshold. No parking is associated with the project. A CEQR mobile source screening analysis will be conducted to assess CO and PM impacts from mobile sources. No detailed analysis is anticipated to be required for the project under the *CEQR TM* guidance. However, if these thresholds are exceeded based on the results of the screening analysis, a detailed analysis will be provided.

Atypical Mobile Source Analysis

The elevated Park Avenue Viaduct would be located very close to the proposed outdoor public open space. *CEQR Technical Manual* guidance requires the analysis of potential impacts of mobile source emissions from an elevated roadway within 200 feet of a receptor. The elevated Park Avenue Viaduct has one moving lane, which based on *CEQR Technical Manual* guidance, should not significantly adversely impact air quality level at the public open space.

Stationary Source Analysis

HVAC Analysis

The Proposed Development will create approximately 2.9 million square feet of office, hotel, retail and public space. The HVAC and hot water systems of this building plan to use steam that is provided in this area by Con Edison. Therefore, no boiler will be installed and no emissions exhausted locally. As such, no air quality impacts are expected from the HVAC and hot water systems of the Proposed Development and no air quality analysis for the HVAC impacts will be required for the project.

Industrial Source Analysis

A number of industrial permits have been issued to buildings within the 400-foot radius of the Proposed Development. Investigation of the permits indicate that most of these permits are for registered emergency engines/generators and not for the manufacturingor processing facilities. Such sources are not expected to have significant air quality impacts, and thus will not be analyzed. The remaining land uses associated with industrial permits will be further reviewed. NYCDEP permit records will be obtained and assessed to determine whether further analysis is required from those sources.

Emissions and Dispersion Modeling

Once the air permits are obtained from the NYCDEP, the screening analysis following the *CEQR TM* will be conducted for the manufacturing and processing sources.

Compliance Criteria

The results of the industrial screening analysis will be compared to the New York State Department of Environmental Conservation's (NYSDEC) DAR-1 Annual Guideline Concentration (AGC), Short-term Guideline Concentration (SGC), cancer risk and hazard index to determine impacts' significance. Should the screening analysis results exceed any of these thresholds, a more detailed analysis using the AERSCREEN or AERMOD and following the *CEQR TM* procedures will be conducted.

Large and Major Source Analysis

Large or major sources are those that have a state or federal permit to operate. The *CEQR TM* requires an air quality assessment if such a source is located within a 1,000-foot radius of the proposed project site. The available information sources, including NYSDEC permit database, will be used to identify "major" (with Title V permits) or "large" (with State Facility permits) sources within a 1,000-foot radius of the Proposed Development site. Should such sources be found, a detailed air quality analysis using the latest version of the EPA-recommended dispersion model, AERMOD, will be conducted to determine impacts of these sources on the Proposed Development.

Appendix E: Noise Analysis Protocol Memorandum



175 Park Avenue

Noise Analysis Protocol

May 17, 2021

Introduction

The Applicant proposes to redevelop the Development Site with approximately 2,991,781 gsf of mixeduse development, including a hotel, office, and public space (the Proposed Project). The Development Site would contain approximately 2,108,820 gross square feet (GSF) of office space; an approximately 452,950gsf, 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. As such, the Proposed Development will introduce new noise-sensitive land uses to the Development Site. In accordance with the *2020 CEQR Technical Manual (CEQR TM*) guidelines, it is necessary to determine whether these new uses will be introduced into a high ambient noise environment and whether window/wall attenuation will be required.

For conservative analysis purposes, the EIS considers 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 a second option that is 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 (the All Office Scenario). In each chapter, where applicable, the EIS analyzes the scenario with the greater potential for impacts.

The Noise analysis 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.

Based on the Draft Scope of Work (DSOW) and the Travel Demand Assumptions (TDA) Technical Memorandum, the traffic study area is expected to include detailed traffic counts and analyses at approximately 14 intersections. The analysis locations are primarily located along key roadways surrounding the site such as 42nd Street and Lexington Avenue. With the potential for changes in traffic volumes, there is the potential for the With-Action noise conditions to increase relative to existing conditions. Therefore, a mobile source noise screening analysis will be conducted.

Existing Noise Conditions

To characterize existing conditions, noise measurements would typically be conducted at the Development Site at ground-level for 20-minutes in duration during the weekday AM, midday, and PM time periods including simultaneous traffic counts.

Due to COVID-19, the New York City Department of Transportation paused data collection on March 11, 2020, including noise measurements, due to potential changes in traffic patterns. New York City schools were suspended on March 16, 2020, Governor Cuomo issued an executive order on March 20, 2020 that mandated businesses not deemed essential to utilize work from home procedures, and schools were officially closed on April 11, 2020. Therefore, it has not been possible to conduct noise measurements and there is a potential risk that such data collection may not be possible in the fall of 2020 when school normally resumes in full and traffic conditions are acceptable for noise measurements.

Existing ambient noise conditions can, however, be characterized based on previous noise measurements conducted in the area as part of other recent Environmental Assessment Statements (EASs) or EISs.

As shown in **Figure 1** and **Table 1**, existing noise measurements in the area have been conducted as part of the *Greater East Midtown Rezoning EIS* (CEQR No. 17DCP001M) and the *Vanderbilt Corridor and One Vanderbilt EIS* (CEQR No. 14DCP188M). Since the predominant source of noise during these measurements was traffic, they would not be substantially different than normal traffic conditions today. As noise relates to traffic volumes, a doubling of traffic relates to a three decibel increase in noise. Small changes in traffic between the date of these measurements in 2014 and 2016 would result in negligible differences in noise.



Figure 1 Existing Ambient Measurement Sites

Sources: Greater East Midtown, Measurements conducted by STV on September 13 and 29, 2016. One Vanderbilt, Measurements conducted by AKRF on June 20, 2013 and June 25, 2014.

Table 2 Existing Ambient Noise Measurements

		Annlicable Facade		I	1
Site	Measurement Location	of Development Site	Morning	Midday	Afternoon
А	East 42nd Street and 2nd Avenue (Greater East Midtown Site 5)	South	79.0	80.9	75.7
В	East 41st Street and Lexington Avenue (Greater East Midtown Site 11)	East	78.3	76.3	77.1
С	East 49th Street and Lexington Avenue (Greater East Midtown Site 7)	East	76.4	76.4	78.1
D	East 45th Street and 3rd Avenue (Greater East Midtown Site 6)	North	79.0	77.0	77.7
E	Vanderbilt Avenue between East 42nd Street and East 43rd Street (One Vanderbilt Site 1)	West	70.3	71.5	71.3
F	East 42nd Street between Madison Avenue and Vanderbilt Avenue (One Vanderbilt Site 2)	South and West	77.1	75.7	77.5

Existing Noise Level (L10, dBA)

Sources: Greater East Midtown, Measurements conducted by STV on September 13 and 29, 2016.

One Vanderbilt, Measurements conducted by AKRF on June 20, 2013 and June 25, 2014.

Previous measurements conducted on 42nd Street and Lexington Avenue will be representative of the noise exposure on the Development Site since the measurements were conducted on nearby blocks along the same roadways surrounding the Development Site. The measurement on Vanderbilt Avenue is representative of the noise exposure on Park Avenue as it relates to traffic and proximity to Grand Central Terminal. The measurement on East 45th Street is representative of the noise exposure on the north façade of the Development Site based on its exposure to that street.

Based on these previous noise measurements, the loudest existing L10 noise levels at the ground level of each façade of the Proposed Development are as follows:

- > South façade 80.9 dBA (L10)
- > East façade 78.3 dBA (L10)
- > North façade 79.0 dBA (L10)
- > West façade 77.5 dBA (L10)

These existing measurement results will be used in the mobile source noise analysis, which will evaluate the increase in noise from traffic levels as predicted in the detailed traffic analysis.

Mobile Source Analysis

As described in the TDA Technical Memorandum, the traffic study area is expected to include detailed traffic counts and analyses at approximately 14 intersections. The analysis locations are primarily located along key roadways surrounding the site such as 42nd Street and Lexington Avenue. A mobile source noise screening analysis based on passenger car equivalents (PCEs) will be conducted to determine the No-Action and With-Action noise conditions. It is assumed that the existing noise measurement results are representative of the existing traffic conditions upon which the traffic analysis will be based.

Stationary Source Analysis

The proposed building is not anticipated to include any substantial stationary source noise generators, such as unenclosed cooling or ventilation equipment, loudspeaker systems, stationary diesel engines, or other similar types of uses. The design and specifications for mechanical equipment—such as heating, ventilation, and air conditioning—would incorporate sufficient noise reduction to comply with applicable noise regulations and standards, including the standards contained in the revised New York City Noise Control Code. This will ensure that mechanical equipment does not result in any significant increases in noise levels, either by itself or cumulatively with other project noise sources. Therefore, no stationary source analysis is warranted.