



**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment to Article VIII, Chapter 1 (Special Midtown District) of the Zoning Resolution of the City of New York, concerning the establishment of the East Midtown Subdistrict, Borough of Manhattan, Community Districts 5, 6, and 8.

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This application (N 170186 ZRM) for a zoning text amendment was filed by the Department of City Planning on December 29, 2016, in conjunction with a related amendment to the Zoning Map to establish the East Midtown Subdistrict (the “Subdistrict”). On March 27, 2017, pursuant to Section 2-06(c)(1) of the ULURP rules, the Department filed an application (N 170186(A) ZRM) to modify the proposed amendment to the Zoning Resolution in response to recommendations heard during the public review. This modified application (N 170186(A) ZRM) is the subject of this report.

### **RELATED ACTIONS**

In addition to the zoning text amendment, which is the subject of this report (N 170186(A) ZRM), implementation of the Proposal requires action by the City Planning Commission on the following application which is being considered concurrently with this application (together the “Proposal”):

C 170187 ZMM      Zoning map amendment that would change an existing C5-2 District to a C5-3 District, and establish the Special Midtown District within the proposed C5-3 District, in the area bounded by East 43rd Street, Second Avenue, East 42nd Street, and a line 200 feet easterly of Third Avenue.

### **BACKGROUND**

In order to protect and strengthen the East Midtown business district, the Department of City Planning (DCP) proposes a zoning text amendment to the Special Midtown District and a zoning

map amendment, in Community Districts 5 and 6 in the Borough of Manhattan. The proposed zoning text amendment would establish the East Midtown Subdistrict (the “Subdistrict”) affecting 78 blocks within the Special Midtown District. This proposed Subdistrict would supersede and subsume the existing Grand Central Subdistrict. The proposed zoning map amendment would change an existing C5-2 zoning district to a C5-3 district, and extend the Special Midtown District to encompass the C5-3 district, in the area bounded by East 43rd Street, Second Avenue, East 42nd Street, and a line 200 feet easterly of Third Avenue.

### **Description of the Project Area**

The 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 square feet of office space that is home to more than a quarter million jobs.

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

The area’s transportation network is currently under expansion through two major public infrastructure projects: East Side Access and the Second Avenue Subway. East Side Access will, for the first time, offer Long Island commuters one-seat access to East Midtown through a new below-grade Long Island Rail Road stop at Grand Central. Construction is expected to be completed in 2022. The Second Avenue Subway, which completed the first phase from East 63rd to East 96th Streets and initiated passenger service in January 2017, is expected to alleviate congestion on the Lexington Avenue subway line, which runs through the East Midtown office district.

## **Current Status and Recent Trends**

East Midtown continues to be one of the most sought-after office addresses in the New York City metropolitan region. The area straddles two Midtown office submarkets: Grand Central and the Plaza Districts. The Grand Central District is typically considered an older submarket, with a higher vacancy rates and lower rents than the overall Midtown market. The Plaza District, centered on Park and Madison Avenues near 57th Street, is one of the most expensive submarkets in the country, and generally has more recent construction. Nonetheless, it too exhibits a higher than average vacancy rate compared to Midtown as a whole.

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

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

newer office construction in the Plaza District and elsewhere in the City, including Hudson Yards and Lower Manhattan.

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

### **Challenges Affecting East Midtown**

While the East Midtown area currently performs well in terms of overall office district cachet, rents, and vacancy rates, DCP has identified a number of long-term challenges that must be addressed in order to reinforce the position of East Midtown as one of the region’s premier job centers and one of the most attractive business districts in the world. A primary challenge is the area’s office building stock, which DCP is concerned may not—in the long run—offer the kinds of spaces and amenities that are desired by tenants and that can only be provided through new construction. As a result, East Midtown faces several challenges that could compromise its long-term competitiveness as a premier business district. These include aging building stock, limited recent office development and few available office development sites, strains on the public realm, and an existing zoning framework that hinders new office development. Each long-term challenge is discussed in detail below. In light of these factors, DCP projects that the area’s importance as a premier business district could diminish over time, resulting in a failure of the area to generate its full potential of jobs and tax revenue for the city and region, and that the large investment in transit infrastructure, including the East Side Access and Second Avenue Subway, will not reach its full passenger carrying potential.

#### **Aging Building Stock**

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

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

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

Given the area's concentration of rail public transit infrastructure and the current expansion of this network, this outcome does not align with the city's long-term economic goals. While DCP has undertaken many initiatives over the last 15 years to accommodate new office construction in the city (including at Hudson Yards, Downtown Brooklyn, and Long Island City), all of these were predicated on East Midtown remaining a center for office jobs, and none contemplated the diminishment of this area as one of the city's premier business districts.

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

### Limited Recent Office Development and Few Available Office Development Sites

While much of East Midtown’s existing office stock is aging, the area has also experienced little new office development. Only five office buildings have been constructed in East Midtown since 2001, representing a significant drop from preceding decades. Of the almost 60 million square feet of office space currently in the area, less than three percent was constructed within the last two decades. Whereas the area had an overall annual space growth rate of approximately one percent between 1982 and 1991, the area’s growth rate began to decline in the next decade—with an annual growth rate of approximately 0.14 percent. During the last decade, the rate of growth has continued to fall, with the period between 2002 and 2014 exhibiting an annual growth rate of only 0.02 percent.

Since 1982, the area’s average age of buildings increased from 52 years to over 70 years—although four major office developments are currently underway or in the planning stages. The most prominent of these, One Vanderbilt Avenue, will be a 30-FAR office building directly west of Grand Central Terminal, and is being developed pursuant to the 2015 Vanderbilt Corridor text amendment’s provisions (N 150127(A) ZRM). In exchange for bonus floor area, the development provided numerous transit improvements, a new marquee public space on a pedestrianized portion of Vanderbilt Avenue, and an on-site transit hall with connections to commuter rail lines. The development also received unused development rights from the landmarked Bowery Savings Bank building. Also contemplated is the redevelopment of 343 Madison Avenue, pursuant to the Vanderbilt Corridor zoning text. Like the One Vanderbilt development, 343 Madison Avenue would contribute to the goal of improving public circulation and transit access in the area around Grand Central Terminal. The other two developments that are underway, 425 Park Avenue and 390 Madison Avenue, are replacing existing office buildings in-kind and do not add office floor area to East Midtown.

The area is highly built up and contains few remaining development sites based on typical “soft site” criteria, i.e., sites where built FAR is less than half of the permitted base FAR, excluding landmarks. Of the possible development sites that do exist, few would accommodate a major new office building. Beyond the difficulty of assembling appropriately-sized sites, there are a

number of other challenges to new development. These include the need to vacate existing tenants, which, depending on existing leases, can be a long, multi-year process that is not economically viable for many property owners. Large existing buildings must then be demolished, further extending the period during which the property produces no revenue. These issues have led to very limited new office construction in the area, with many owners attempting instead to renovate their buildings, often on a piecemeal basis, to compete in the overall market.

### *Strained Pedestrian Realm and Transit Network*

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

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

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

alleviate pressure on the Lexington Line at Grand Central 42nd Street station. However, the Flushing line (No. 7) at Grand Central 42nd Street is in need of critical upgrades, and the area's other two transit hubs, at Lexington Avenue-51st/53rd Streets and Fifth Avenue-53rd Street stations, require targeted improvements to improve pedestrian circulation and transfers between train lines.

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

### Outdated Zoning

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

East Midtown is generally zoned C5-3 and C6-6 along wide streets and in the vicinity of Grand Central, and C5-2.5 and C6-4.5 along midblocks. The entire area is located within the Special Midtown District except a portion of Block 1316, the subject of the proposed zoning map amendment being considered concurrently with this application. The C5-3 and C6-6 districts permit a maximum as-of-right density of 15.0 FAR and the C5-2.5 and C6-4.5 districts permit 12.0 FAR.

Existing built densities are commonly higher than the allowable 15.0 and 12.0 FAR, which makes new construction of office space a challenge. As a whole, the area contains approximately 2.3 million square feet more development than is currently permitted under zoning. The "overbuilt" condition is particularly true for buildings that were constructed before 1961, when the concept of floor area ratio was first instituted in all districts under the Zoning Resolution, and thus these buildings contain more floor area than would be permitted under existing zoning. As discussed above, many of these "overbuilt" buildings contain obsolete features that make them less marketable, but the lesser amount of square footage that could be constructed in a new building on the site presents a significant disincentive to new construction. Under current zoning, up to 75 percent of the floor area could be removed and reconstructed as modern office space, but this would still leave a building with 25 percent of floor space below contemporary standards, and the construction issues caused by this requirement make it extremely challenging to undertake. As indicated, two buildings, 425 Park Avenue and 390 Madison Avenue, are being

redeveloped in this manner at great cost. These two redevelopments, however, are in-kind replacements and add no new office space to the area.

There are two discretionary actions for development sites that want to substantially increase their on-site density without changing the existing zoning regulations. One is to transfer and incorporate unused development rights from one or more contiguous landmarks, and the other is to provide a public space or transit improvement for a floor area bonus. In practice, however, it can be difficult for development sites in East Midtown to successfully utilize these mechanisms since they can be time intensive, costly, and lack the predictability associated with as-of-right development.

East Midtown's landmarked properties with unused development rights (i.e., potential "granting sites") hold considerable reserves of unused floor area—approximately 3.5 million square feet in total. Among the largest granting sites are Grand Central Terminal, St. Patrick's Cathedral and St. Bartholomew's Episcopal Church, each containing between 650,000 and 1.2 million square feet of unused development rights. As-of-right granting sites may only transfer development rights to contiguous "receiving sites" via zoning lot merger. Section 74-79 of the Zoning Resolution allows landmarked properties to transfer unused development rights to receiving sites that are adjacent or across the street via a Commission special permit. In high-density locations, the Commission can require public improvements as a condition to the special permit's approval, such as public open spaces and plazas, arcades or below-grade connections to public transit. Even with this expanded range of potential receiving sites, only three developments in East Midtown (610 Lexington Avenue, 120 Park Avenue and 805 Third Avenue) have utilized this action, and the majority of the area's landmark development rights remain unused with limited prospects for transfer.

The Grand Central Subdistrict of the Special Midtown District was adopted in 1992, in part to address this issue by permitting the transfer of development rights from Grand Central Terminal and other nearby landmarks to a wider range of surrounding development sites, and to create an improved pedestrian realm in the area. In the Core area of the Subdistrict (between Madison and

Lexington Avenues, from East 41st to East 48th Streets), the maximum permitted FAR through transfer is 21.6 and requires a special permit that finds that a significant pedestrian improvement is being provided as part of the project. Only one building, 383 Madison Avenue, has utilized this provision, providing covered circulation space and transit access improvements as part of the approval for a 6.6 FAR beyond the permitted base FAR. In total, more than 1.2 million square feet of development rights remain unused on the Grand Central Terminal site. In 2015, the approval of the Vanderbilt Corridor text amendment introduced two special permit mechanisms to increase density up to 30 FAR in the five blocks on the west side of Vanderbilt Avenue: one in exchange for substantial public realm improvements, and another through greater transfers of unused landmark development rights. As discussed below, one development—One Vanderbilt Avenue—has utilized these provisions to date.

The current zoning framework also includes a subway improvement bonus where floor area increases are permitted for sites directly adjacent to subway entrances (up to 20 percent more than the permitted base FAR) through the provision of an improvement to the subway network (pursuant to Sections 81-292 and 74-634). However, the geographic applicability, discretionary nature of the action, and long-term collaboration requirement with the Metropolitan Transportation Authority (MTA) make this mechanism comparatively challenging to pursue. To date, two developments over 20 years apart, 599 Lexington Avenue and 885 Third Avenue, have been granted this special permit.

The Special Midtown District formerly provided a 20 percent bonus via special permit for the provision of publicly accessible Covered Pedestrian Spaces (CPS) pursuant to Section 74-87. This permit was responsible for notable indoor public spaces at the Sony/ATT Building (550 Madison Avenue), and IBM Building (590 Madison Avenue). In 1982, this typology was prohibited in the Special Midtown District along with the Through Block Arcade, another type of bonusable public space that was popular during the 1970s and 1980s.

Two as-of-right zoning mechanisms allow for limited increases to the permitted maximum FAR. In the Grand Central Subdistrict, 1.0 FAR transfers are permitted in the Core and a larger area

that includes the other sides of Madison and Lexington Avenues through a certification process. This mechanism has been used three times since 1992. Additionally, in the portions of East Midtown outside the Grand Central Subdistrict, as-of-right bonuses of 1.0 FAR are permitted through the provision of public plazas.

Beyond density regulations, the provisions governing height and setback in the Special Midtown District can limit new development. The Special District has two alternative sets of as-of-right height and setback regulations—daylight compensation and daylight evaluation. They were developed over 30 years ago in 1982 in response to concerns that Midtown’s built density and future development would compromise the public’s access to light and air. These regulations were crafted with larger, regularly shaped development sites in mind, and have proven restrictive on smaller or irregular sites, particularly for the development of high-density office buildings.

#### *Consequences of Long Term Challenges*

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

#### **2013 East Midtown Rezoning Effort**

Acknowledging the challenges discussed above, the City created an East Midtown Proposal (N 130247(A) ZRM) in 2013 (the “2013 Proposed Action”) to reinforce the area’s standing as a

premier business district. It was developed to encourage new, predominantly office development in East Midtown. To do so, it proposed modified zoning regulations for a 70-block area of the Special Midtown District to be known as the East Midtown Subdistrict, which would have superseded the Grand Central Subdistrict. The East Midtown Subdistrict's primary features included the following:

- Focused new commercial development on large sites with full block frontage on avenues around Grand Central Terminal and its concentration of transit access by permitting the highest as-of-right densities for these sites and slightly lesser densities allowed along the Park Avenue corridor and elsewhere.
- Provided a District Improvement Bonus mechanism to generate funding for area-wide pedestrian network improvements through new development.
- Streamlined the process for landmarked buildings to transfer their unused floor area.

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

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

- The effectiveness of the district improvement bonus mechanism in providing the critically needed infrastructure improvements in the area, coupled with uncertainty over which above and below grade public realm improvements the public could expect.

- The need to balance new development with preservation of the area’s existing buildings, and to identify ways for the area landmarks to transfer their unused development rights.
- The specific uses that should be allowed in new development in the area, with particular concern about as-of-right hotel development.

The resulting stakeholder-driven process to develop a wider framework for the area—also known as the East Midtown Steering Committee—is further detailed below. It progressed in tandem with the Vanderbilt Corridor text amendment, a more targeted attempt to address the challenges facing the area, also described below in further detail.

### **The Vanderbilt Corridor**

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

The Vanderbilt Corridor plan addressed several development sites along Vanderbilt Avenue that met the criteria to provide modern commercial space in the immediate vicinity of Grand Central Terminal, and created a special permit mechanism linking new commercial development to significant transit and public realm improvements in the overall Grand Central area. In particular, this process facilitated the development of One Vanderbilt Avenue (C 150128 ZSM, C 150129 ZSM, and C 150130(A) ZSM), a new 30 FAR, 1.3 million square foot commercial tower that received a 12.3 floor area bonus for the provision of improvements to transit and the public

realm in the Grand Central area, and also transferred 2.7 FAR from the landmark Bowery Savings Bank building. Construction is underway on the new building and the public place at Vanderbilt Avenue.

### **East Midtown Steering Committee**

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

The Steering Committee met 19 times between 2014 and 2015, and met several more times in 2016. The Steering Committee issued a report that included a set of recommendations intended to serve as a framework for the Proposal. Its recommendations covered the following topics.

#### *Land Use and Density*

- Higher as-of-right densities should be permitted dependent upon both the location of a development site (such as proximity to transit), and upon proposed improvements to transit and the wider public realm.
- Designated landmarks should be permitted to transfer their existing unused development rights throughout the entire Subdistrict on an as-of-right basis.
- A percentage of the sale of landmark transfer development rights (TDR or TDRs) would be made as a contribution to an “Improvement Fund” for area-wide public realm improvements, with a per-square-foot minimum contribution.

#### *Improvement Fund and Place-making*

- Revenue secured through a percentage of sale of landmark TDRs should be held in the Improvement Fund. A Governing Group with appointees from the Mayor, local elected

officials and representation by Community Boards and other stakeholders should set planning and project management priorities, as well as the use of funding for specific projects once available.

- Parameters should be employed to ensure funding for both above- and below-grade improvements over time.
- Key corridors should receive special attention for place-making and pedestrian improvements.

#### Landmark Designation

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

#### Interagency Response

In response to the Steering Committee's recommendations, the Office of the Deputy Mayor for Housing and Economic Development created an interagency working group. This group included DCP, DOT, LPC, the Department of Parks and Recreation, the Office of Management and Budget, and the MTA. The interagency working group collaborated to produce an area-wide plan, of which the Proposal is a main component. These included:

- LPC reviewed the area's buildings and calendared 12 buildings within the proposed Subdistrict, and designated them all in 2016.
- MTA studied the area's transit network to identify its primary issues, and conducted extensive engineering and costing analyses to deliver a list of feasible transit improvements to address them.
- DOT examined the Steering Committee's recommendations regarding sidewalks, roadways and similar elements of the above-grade public realm. Their study provided cost estimates and a list of improvements and place-making strategies.

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

### **Description of the Proposed Action**

The City's vision for East Midtown is that it will continue to be a premier central business district that complements office development throughout the city and facilitates the long-term expansion of the city's overall office stock. The addition of new office buildings would reinforce the area's standing, support the preservation and continued maintenance of cherished landmarks, provide for public realm improvements essential for both a functional and dynamic commercial district, and reflect the public commitment to the area commensurate with the major infrastructure investments already under construction. It is envisioned that the majority of buildings would continue to be used as offices.

The goals of the Proposal are to develop a largely as-of-right framework that produces predictable results that:

1. Protect and strengthen East Midtown as a regional job center and premier central business district by seeding the area with new modern and sustainable office buildings;
2. Help preserve and maintain landmarked buildings by permitting their unused development rights to transfer within the Subdistrict's boundary;
3. Permit overbuilt buildings to retain their non-complying floor area as part of a new development;
4. Upgrade the area's public realm through improvements that create pedestrian friendly public spaces and that facilitate safer, more pleasant pedestrian circulation within the transit stations and the street network; and
5. Maintain and enhance key characteristics of the area's built environment such as access to light and air, active retail corridors, and the iconic street wall character in the area surrounding Grand Central Terminal.

To accomplish these goals, the City is proposing a zoning text amendment and a zoning map amendment, described below. It is expected that enactment of the Greater East Midtown Proposal would allow for a limited amount of new commercial development to occur over the ensuing decades, which would generate improvements to the area's public realm.

### **Zoning Text Amendment Framework**

The proposed zoning text amendment (the "Amendment") would establish an East Midtown Subdistrict (the "Subdistrict") within the Special Midtown District. The Amendment would focus new, as-of-right development on sites that are near transit stations and along wide streets. The highest densities would be around Grand Central Terminal with lesser densities dissipating out from the Grand Central core. Development generated through the proposed mechanisms would provide greater opportunity for landmarks to transfer unused development rights throughout the Subdistrict and would provide Subdistrict-wide public realm improvements. The proposed Subdistrict would supersede the existing Grand Central Subdistrict, and most of the existing zoning regulations of the Grand Central Subdistrict would be incorporated into the Amendment.

### **Qualifying Site Requirements**

Development of new, high-quality office space requires appropriate sites. Consequently, use of the proposed Subdistrict's as-of-right framework is limited to sites that have cleared frontage along a wide street, dedicate no more than 20 percent of the zoning lot's floor area for residential use, and comply with additional standards discussed below. Sites that meet these criteria are deemed Qualifying Sites. Development sites with no access to a wide street due to one or more intervening landmarks will be recognized as a Qualifying Site as long as at least one of the intervening landmarks is on the development site's zoning lot. Additionally, a zoning lot unable to clear its wide street frontage due to a transit easement will be recognized as a Qualifying Site. These targeted exceptions to the wide street frontage requirement further bolster the Greater East Midtown Proposal's goals of helping to preserve landmarks and strengthen the public realm.

### **Density Framework to Permit and Promote New Development**

The Proposal addresses the limited growth potential, due to the existing maximum permitted FARs that range from 12.0 to 15.0, and development challenges associated with the special permit process through a primarily as-of-right framework. The Proposal would permit additional density by varying degrees based on locational criteria such as proximity to transit and adjacency to wide streets. This would create a scenario whereby the public could be assured that the densest new developments would be appropriately located near transit and along wide streets, and whereby the predictable as-of-right process and increased permitted densities would serve as incentives for developers to undergo the resource intensive effort associated with redevelopment projects in this area.

The proposed maximum densities achievable by Qualifying Sites will range from 18.0 to 27.0 FAR based on geography. Broadly, this translates to higher permitted FARs in locations proximate to transit nodes and along Park Avenue, an especially wide street. In the area immediately surrounding Grand Central Terminal, the maximum achievable density would be 27.0 FAR. The area along Park Avenue would have a maximum achievable density of 25.0 FAR. In the area east and west of the Grand Central core and the area surrounding the Fifth Avenue-53rd Street and Lexington Avenue-51st/53rd Streets subway stations, the maximum achievable density would be 23.0 FAR. In the wider area around Grand Central and its below-grade network, the maximum achievable density would be 21.6 FAR. Generally, the northerly portions of Madison, Lexington and Third Avenues would have a maximum achievable FAR of 18.0.

The Proposal would enable Qualifying Sites to utilize three as-of-right mechanisms to achieve the maximum densities in excess of the area's basic FARs. The mechanisms are: (1) the transfer of landmark development rights, (2) the rebuilding of legally non-compliant floor area, and (3) the completion of direct improvements to below-grade transit infrastructure.

#### *Transfer of Landmark Development Rights*

The Proposal would permit greater flexibility in the transfer of unused development rights from area landmarks by allowing them the ability to transfer to Qualifying Sites anywhere in the proposed Subdistrict. This mechanism would allow for the redistribution of unused floor area for

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

As is the procedure under Section 74-79 of the Zoning Resolution, landmarks that transfer development rights will be required to develop a restoration and continuing maintenance plan that is approved by the Landmarks Preservation Commission (LPC). The sale of development rights will aid landmark property owners in funding these preservation plans and help ensure that landmarked structures continue their significant contribution to the area's overall character. Development sites adjacent to Grand Central that receive landmark development rights would be required to include, as part of their application, a report from LPC concerning the harmonious relationship between the new development and the Terminal.

Each transaction that involves the transfer of landmark development rights will generate a contribution to the Public Realm Improvement Fund that will facilitate improvements to the area. This as-of-right mechanism alleviates the need for a discretionary process by the Commission to require improvements as part of floor area transfers in high density locations, which is the only mechanism available under current zoning. The public realm improvements and contribution structure are more fully described below.

#### *Rebuilding Overbuilt Buildings*

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

The Proposal would eliminate the requirement that 25 percent of a building's structure be retained in order to utilize the building's non-complying (i.e., overbuilt) floor area as part of a new development. Instead, it would allow the amount of overbuilt floor area to be utilized in a

new development as-of-right, and would permit additional floor area to be attained through a landmark development rights transfer and/or a transit infrastructure project. All floor area would be subject to the Proposal's use regulations.

The amount of non-complying floor area rebuilt on these sites would be subject to a contribution into the Public Realm Improvement Fund. The contribution would be the same as the minimum contribution amount described below. This would facilitate improvements to the area that are designed to address the increased density that would be generated by these new developments, which would be expected to have lower vacancy rates and more efficient floor layouts that allow for a greater number of workers per square foot than the existing building they would replace.

#### *Pre-identified Transit Improvements*

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

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

New developments built pursuant to this proposed framework that are located in a TIZ would be required to generate between 10 and 20 percent of the development's maximum permitted floor area by completing one or more pre-identified transit improvements. For developments in 23.0 FAR districts, this would equate to between 2.3 and 4.6 FAR of transit improvements, and for

developments in the 27.0 FAR district this would equate to between 2.7 and 5.4 FAR of transit improvements. All permitted floor area above these amounts would be through the transfer of unused floor area from the area's landmarks. The exception to this would be for any eligible development that undertakes the improvements identified for the Fifth Avenue-53rd Street (E-M) station, detailed below. It is expected that these improvements need to be completed simultaneously in order to prevent operational complications for the New York City Transit Authority in the station. Therefore, a development would be permitted, as-of-right, to increase its additional floor area beyond 20 percent to complete improvements at this station.

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

Applicants would select a transit improvement from the Priority Improvement List in Section 81-682, based on the floor area such improvement generates relative to the minimum and maximum floor area required (10 to 20 percent of the maximum earned FAR), based on the following geographical and technical considerations:

1. First, the applicant looks to select a transit improvement in the same Subarea (e.g. the local station) as its Qualifying Site;
2. If none of the transit improvements at the local station allow the Qualifying Site to meet the minimum and maximum floor area requirements, then the applicant selects one or more listed improvements on a transit route that passes through their local station.
3. If none of the listed transit improvements at the local station—or those along the same transit route—allow the Qualifying Site to meet the minimum and maximum floor area requirements, then the applicant selects from any remaining improvements on the list from any station.

In addition, applicants are required to consult with the applicable governmental agencies with jurisdiction over, and control of, the proposed improvement to ensure that the selected improvement will meet the operational and long-term planning needs of the station or transit

route, including any phasing requirements, and compliance with the Americans with Disabilities Act (ADA).

The MTA has identified 24 specific improvements that would most benefit East Midtown office workers, visitors, and residents. These projects would address current issues that impact the area's transit network and anticipate potential needs of the area based on future development. As detailed below, the types of projects identified relate to ADA accessibility, improved access within station areas and circulation between platforms, and new points of access into subway stations from street level. They are described below:

- Grand Central 42nd Street (4-5-6-7-S) – Suites of improvements are contemplated to improve accessibility to and from the Flushing Line platforms, including a new platform staircase to the escalator core serving the upper mezzanine, widening of staircases leading down from the Lexington Avenue Line platforms, and a widening of the platform stair at the east end of the station.
- Lexington Avenue-51st/53rd Streets (6-E-M) – Proposed improvements include widening an escalator at the 53rd Street portion of the station, replacement of an escalator at the 51st Street portion of the station with a wider staircase, and the addition of new street entrance to the uptown Lexington Avenue Line platform at 50th Street.
- Lexington Avenue-59th Street (4-5-N-Q-R) – Proposed improvements include adding more stair capacity between the N-Q-R and Lexington Avenue Line express platforms and the provision of ADA access.
- Fifth Avenue-53rd Street (E-M) – Proposed improvements include a new street entrance on the west side of Madison Avenue, a new mezzanine and fare control area, and new vertical circulation elements to the upper and lower platform levels. In addition, a new elevator would make the station fully accessible.
- 47th-50th Streets-Rockefeller Center (B-D-F-M) – Proposed improvements include capacity improvements at this station would result from the addition of two new platform stairs and the widening of existing platform stairs.
- 42nd Street Bryant Park-Fifth Avenue (7-B-D-F-M) – Proposed improvements at this station include a new street entrance to the Flushing Line mezzanine from the north side

of West 42nd Street, midblock between Fifth and Sixth Avenues. ADA access would also be provided between the mezzanine level and the Flushing Line platform as well as between the mezzanine level and the Sixth Avenue Line platform.

### **Changes Affecting Qualifying Sites**

In addition to the locational criteria outlined above, Qualifying Sites are subject to a series of requirements and modifications to the existing zoning regulations. These are detailed below.

#### *Height and Setback Modifications*

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

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

### Environmental Standards

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

### Stacking Rules

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

### Urban Design

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

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

Central Terminal would also be required to devote a minimum of 50 percent of their side street frontage to retail uses.

Mass Transit Access for All Other Qualifying Sites

Outside the Grand Central Transit Improvement Zone Subarea or Other Transit Improvement Zone Subarea, where a zoning lot containing a mass-transit facility is developed or enlarged pursuant to the Qualifying Site provisions, such facility shall be preserved or reconstructed in accordance with standards and terms approved by the MTA.

**Discretionary Actions**

While the Proposal intends to provide an as-of-right framework to achieve the development and public realm improvements desired for the area, it also recognizes that there may be scenarios in which a discretionary action, subject to a separate public review process, may be warranted. The following special permit mechanisms and authorization would be created through the Proposal, and would occur only through additional discretionary actions:

Authorization for Enlargements

The Proposal permits enlargements to use the Qualifying Site provisions by Commission Authorization. Buildings that could not meet the cleared avenue frontage requirement for Qualifying Sites (where, at the time of development, no existing buildings or other structures can remain along the site's wide street frontage, or a portion thereof) could utilize this authorization to increase their maximum permitted as-of-right floor area to the equivalent amount for a Qualifying Site in the same subarea. It would allow an enlargement to use the as-of-right FAR-increase mechanisms to achieve the maximum permitted FAR, as would any Qualifying Site. The enlargement must include significant renovations to the existing building that will bring it up, to the greatest extent possible, to contemporary standards. In addition, where the existing building includes non-complying floor area, the applicant must pay an amount equivalent to the minimum contribution into the Public Realm Improvement Fund for each square foot of such non-complying floor area. This excludes any bonus floor area associated with a publicly accessible open area that will remain on the Zoning Lot.

### Public Concourse Special Permit

To create new opportunities for publicly accessible space on Qualifying Sites, the Proposal includes a new special permit will be created within the proposed Subdistrict to allow an on-site Public Concourse in exchange for up to 3.0 FAR of additional floor area. A Public Concourse can be an enclosed or unenclosed public space that reflects contemporary best practices in urban design. The 3.0 FAR bonus would be in addition to the proposed as-of-right maximum FAR.

### Transit Improvement Special Permits

To allow for new opportunities for transit improvements on Qualifying Sites beyond those made possible through the as-of-right framework, the existing Subway Station Improvements bonus, pursuant to Zoning Sections 74-634 and 81-292, will be permitted within the Transit Improvement Zones of the proposed Subdistrict. These special permits allow 3.0 FAR increase of the maximum permitted FAR in exchange for improvements to transit infrastructure. This bonus of up to 3.0 FAR would be in addition to the proposed as-of-right maximum FAR.

### Special Permit Modification of Subdistrict Regulations

It is anticipated that over the analysis period, some new developments may require modifications to the proposed Subdistrict's regulations in order to utilize the new as-of-right FAR framework, or to realize their maximum permitted floor area within the Subdistrict's as-of-right envelope. This special permit would primarily allow modifications to the proposed Subdistrict's provisions governing height and setback, and the definition of a Qualifying Site, and may extend to additional bulk regulations as appropriate.

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

As indicated, the Proposal would establish the Public Realm Improvement Fund (the "Fund") for the deposit and administration of contributions generated by the transfer of landmark development rights or the redevelopment of overbuilt buildings with legally non-complying floor area. The Fund shall be utilized, at the discretion of a Public Realm Improvement Fund Governing Group (the "Governing Group"), to implement projects from the Public Realm

Improvement Concept Plan (the “Concept Plan”) within the Subdistrict and its immediate vicinity.

### Governing Group

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

### Concept Plan

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

The above- and below-grade public realm improvements are evaluated as appropriate in the Final Environmental Impact Statement. This analysis provides an understanding of how these types of improvements might affect East Midtown if implemented. The above-grade improvements serve as illustrative examples of the types of projects that could be included in the Concept Plan and where those types of projects might be located. The Governing Group will have the ability to amend, add, or remove projects on the Concept Plan, and to prioritize the funding of projects. As outlined in the proposed zoning text, all projects must: (1) be within or adjacent to the Subdistrict or within a transit facility with significant ridership into and out of the Subdistrict, (2) have support from the governmental agency with jurisdiction for the project, (3) be a capital

improvement project, and (4) meet pedestrian realm improvement typology requirements or transit network enhancement objectives.

The CPC Chair may allow, by certification, a development or enlargement on a Qualifying Site to undertake an immediately adjacent sidewalk improvement identified in the Concept Plan, and to have the cost of such improvement deducted from its contribution to the Fund. The project's costing and design documents would require consultation and approval from DOT and the Governing Group. No temporary certificate of occupancy could be issued for floor area earned through the transfer of landmark development rights until the in-kind improvement is substantially complete and usable by the public.

#### Contribution Rate and Minimum Contribution Amount

The Proposal would establish that each development rights transfer from a landmark would require a contribution to the Fund of either 20 percent of the sale price of the TDRs, or a minimum contribution amount of \$78.60 per square foot, whichever is greater. The minimum contribution amount functions as an administrative tool that enables a reasonable minimum to be established regardless of how a development rights transaction is structured, since there are many variables that can influence the price paid for the TDRs that may not be directly related to their fair market value.

The proposed minimum contribution amount originated from a market study undertaken for this Proposal by Landauer Valuation and Advisory, a division of Newmark Grubb Knight Frank, a certified real estate market valuation and appraisal company. The following methodology was used to determine the minimum contribution amount. Due to provisions within the Proposal that limit residential uses to 20 percent of a site and allow new hotel uses only through special permit, it was determined that only office transactions would be used to determine an appropriate minimum contribution. Based on a limited universe of comparable TDR sales, office land sales are used as an appropriate proxy for determining the value of TDR in East Midtown. The TDR value was computed as an amount equal to 65% of the fee land value, a ratio that has been employed in past projects. Only three office land sales occurred within the Greater East Midtown

study area during the study period (2005 through 2015), so the research area was broadened to include a broader portion of Midtown, from 28th Street to 59th Street. DCP then selected the 10 most recent land sale transactions, adjusting for changes in market conditions (indexed to December 31, 2015), and dividing them into quartiles. The lowest quartile of these sales was selected, rather than the average, to account for the variability in East Midtown's submarkets, specifically to avoid disadvantaging inferior submarkets. DCP concluded that the lowest quartile was \$604.64 per square foot and then applied the ratio of TDR value to fee land price (65 percent) to this number, resulting in a value of \$393.01 per square foot. The minimum contribution was computed as 20 percent of \$393.01, or \$78.60 per square foot.

The minimum contribution amount will be adjusted by the Commission every three to five years. The Proposal will also allow applicants for Landmark TDR pursuant to Section 81-613 to request a new market study at any time (including before the three to five year schedule to determine whether there are any changes in real estate market conditions in the area). The market study would be paid for by the applicant and conducted by an appraisal firm selected by DCP.

### **Changes Affecting Entire Subdistrict**

The majority of proposed changes associated with the Proposal only apply to Qualifying Sites. However, certain changes, as described below, apply to the entire Subdistrict.

#### Hotel Use

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

#### Transit Land Use District Volumes

There are two Special Transit Land Use Districts (TA) for the Second Avenue Subway that overlap with the Subdistrict, one at East 42nd Street and one at East 53rd Street. Development sites located within these areas of overlap will need to consult with the MTA as necessary

regarding the provision of transit easements or facilities, and may exempt any floor space occupied by these easement volumes or facilities from counting toward zoning floor area.

### **Proposed Zoning Map Amendment**

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

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

As indicated, the subject block and lots (Block 1316, Lots 12, 23 and 30, and most of Lot 7501) are zoned C5-2 (outside the Special Midtown District), which permits a maximum commercial FAR of 10.0 The Rezoning Area's eastern frontage on Second Avenue is zoned C5-2 within the Special Transit Area District ("TA District"). The TA District regulations contain specific use and bulk provisions relating to the proposed Second Avenue Subway station at East 42nd Street, a portion of which will extend underneath the eastern end of the Rezoning Area.

Lots 12 and 23 (219 & 235 East. 42<sup>nd</sup> Street) are improved with a 9-story, 9.64 FAR building and a 17.6 FAR, 33-story building, respectively. Together, they total 68,787 square feet (sf) of lot area and 948,702 sf of office floor area, and serve as the corporate headquarters of Pfizer Inc., a large multi-national pharmaceutical company. Lot 30 (801 Second Avenue) contains an 18.78 FAR, 22-story office building with ground floor retail and 141,408 sf of floor area. Lot 7501 (205 East. 42<sup>nd</sup> Street) is a T-shaped through lot, and is improved with a 14.6 FAR, 21-story office building with ground floor retail. The easterly two-thirds of Lot 7501 is located within the Rezoning Area.

All four sites are in conformance with the applicable use regulations. Currently, only Lot 12 is compliant with the applicable density regulations, which permit a maximum commercial FAR of 10.0. Under the Proposal, the Lots 12 and 7501 would be compliant in terms of built FAR, but Lots 23 and 30 would be overbuilt.

## **ENVIRONMENTAL REVIEW**

This application (N 170186(A) ZRM), in conjunction with the applications for the related actions (C 170187 ZMM and N 170186 ZRM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 17DCP001M. The lead agency is the City Planning Commission.

It was determined that the Proposed Action may have a significant effect on the environment. A Positive Declaration was issued on August 22, 2016, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on August 22, 2016. A public scoping meeting was held on September 22, 2016. A Final Scope of Work was issued on December 30, 2016.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on December 30, 2016. On April 26, 2017, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing on the DEIS was completed and a Notice of Completion for the FEIS was issued on May 26, 2017.

Significant adverse impacts related to hazardous materials, air quality and noise would be avoided through the placement of an (E) designation (E-408) on selected projected and potential development sites as specified in Appendix M of the FEIS.

The Proposed Action as analyzed in the FEIS identified significant adverse impacts with respect to open space, shadows, historic and cultural resources (architectural), transportation (traffic, transit and pedestrians), air quality and construction activities related to historic and cultural resources, traffic and noise. In addition, the FEIS analyzed an amended zoning text amendment filed by DCP (ULURP No. 170186(A) ZRM) as an alternative (the “Amended Application”) to the Proposed Action. Compared to the Proposed Action, the Amended Application alternative would result in the same significant adverse impacts except for historic resources, as it would result in one additional unmitigated direct significant adverse impact. The identified significant adverse impacts and proposed mitigation measures under the Amended Application alternative are summarized in Exhibit A attached hereto.

A Technical Memorandum reflecting the Commission’s modifications discussed herein was issued on June 2, 2017. The Technical Memorandum concludes that these modifications would not have any new or different significant adverse impacts than those identified in the FEIS for the Amended Alternative.

## **PUBLIC REVIEW**

The application (N 170186 ZRM) was referred to Manhattan Community Boards 5, 6, and 8, the Manhattan Borough Board, and the Manhattan Borough President for information and review on January 3, 2017, in accordance with the procedures for non-ULURP matters.

The related application (C 170187 ZMM) was certified as complete by DCP on January 3, 2017, and was duly referred to Community Board 6 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

On March 27, 2017, the modified application (N 170186(A) ZRM) was referred for information and review to Manhattan Community Boards 5, 6, and 8, and the Manhattan Borough President in accordance with the procedures for referring non-ULURP matters.

### **Community Board Recommendations**

Community Boards 5, 6, and 8 held separate public hearings on the original application and the related action on February 6, 2017, February 1, 2017, and February 8, 2017, respectively.

On March 10, 2017, Community Board 5 passed a resolution with 33 in favor, 0 opposed, and 1 abstaining that recommended denial of the application with conditions:

1. There is a creation of new public space on every redeveloped site that takes advantage of the Greater East Midtown's transfer of development rights framework;
2. The Governing Group should be empowered to act only if at least one non-Mayoral appointee votes for an action;
3. 30 percent of the value of the transferred development rights will be deposited into the improvement fund and the Greater East Midtown Proposal must maintain the minimum contribution price so as to ensure that all parties pay their fair share;
4. The City invests in at least some of the DOT-identified improvements prior to the adoption of the proposed zoning text;
5. There is some mechanism for community board review (even if not ULURP) for

developments that would exceed 24 FAR; and

6. There is a prohibition on the as-of-right conversion of more than 12 FAR from non-residential use to residential use and a special permit mechanism created to permit such conversions on a discretionary basis.

The complete Community Board 5 recommendation is attached to this report.

On March 13, 2017, Community Board 6 passed a resolution with 39 in favor, 0 opposed, and 1 abstaining, that recommended denial of the application with conditions:

1. That DCP provide design guidance making plazas, covered pedestrian spaces, and other POPS as-of-right by certification and require that the first additional FAR earned by any site be for on-site public open space including on-site transit access improvements;
2. That DCP should require the publication of pedestrian circulation maps which illustrate the specific and demonstrable public value of open space that would provide FAR benefits to the developer;
3. That transit improvements should focus on the multimodal use of both above and below ground transit and public space, and should relieve existing overcrowding and connections with the Flushing line and the future Second Avenue Subway;
4. That the proposed zoning text be modified to protect the midblocks of narrow streets by limiting the floor area that may be added to the midblocks, and maintaining the incentives of the current height and setback rules for lower street walls on narrow streets;
5. That the boundary of the East Midtown Subdistrict be moved to the center of Third Avenue from 43rd Street to 56th Street;

6. That the increase of the FAR on the Pfizer site from C5-2 (10 FAR) to C5-3 (15 FAR) should require the owner to contribute to public realm improvements just as any other owner of an overbuilt building would be required to do;
7. That high-performance building and sustainability goals, as outlined in the East Midtown Steering Committee report, are required of new development; and
8. That the proposed zoning text for the East Midtown Subdistrict be modified to retain the existing height and setback regulations of the Special Midtown District.

The complete Community Board 6 recommendation is attached to this report.

Community Board 8 did not submit a recommendation.

### **Borough Board Recommendation**

The application (N 170186 ZRM) and related application (C 170187 ZMM) were considered by the Manhattan Borough Board. On March 16, 2017, the Borough Board adopted a resolution to approve the applications with conditions:

1. That the City commit to undertake above-grade public realm pilot projects and provide seed money for the Fund in the upcoming budget so that other such projects can begin and to underscore the City's commitment to the above-grade public realm;
2. That changes be made to the limitations on uses of the Fund to ensure that above-grade public realm improvements are further prioritized;
3. That DCP and the DOT work to adequately define the Concept Plan for above-grade public realm in the zoning text and develop a draft concept plan in a reasonable time frame;

4. That changes be made to the composition and/or functioning of the governing board in accordance with recommendations of the East Midtown Steering Committee Report to ensure sufficient community participation;
5. That every option for limitations on the east side of Third Avenue – including changes to the eastern border – be reviewed, with the goal of reducing adverse impacts to residential neighborhoods bordering the eastern side of the Subdistrict;
6. That serious consideration be given to amending the text to limit residential conversions;
7. That the language on environmental standards in the text be sufficient to support the achievement of the Steering Committee's goal of achieving an environmental standard of LEED Gold or its equivalent;
8. That mechanisms that can prevent or limit incremental shadow impacts, especially on existing parks and open spaces, be explored;
9. That an accurate floor price be set that will not become an obstacle to the contemplated transfer of development rights; and
10. That DCP work with the affected Community Boards to address their other concerns laid out in their respective resolutions prior to the end of the ULURP period.

The complete Manhattan Borough Board recommendation is attached to this report.

#### **Borough President Recommendation**

This application (N 170186(A) ZRM), in conjunction with the related actions (N 170186 ZRM and C 170187 ZMM), was considered by the Borough President, who issued a recommendation approving the application with the following conditions on April 12, 2017:

1. The approved zoning text by the CPC and City Council must include language that makes the provision of indoor or outdoor public space a requirement, not an option, on large assemblages of 40,000 square feet or greater and that the newly incorporated site at 42nd Street and Second Avenue be required to provide an outdoor public space;
2. The City funds and begins to implement its open space commitments set forth in the commitment letter dated April 12, 2017 from Deputy Mayor Alicia Glen to the Manhattan Borough President (“Commitment Letter”) concerning:
  - East 53rd Street Corridor Streetscape improvements;
  - Designation of Pershing Square East as a pedestrian plaza with accompanying upgrades;
  - A piloted shared street chosen and implemented in conjunction with all relevant stakeholders;
  - Improved vehicular patterns on Park Avenue and commencement of stakeholder outreach and study to determine the feasibility of further pedestrian improvements.
3. Expansion of the Governing Group to include a representative of a Citywide civic organization with a mission that includes urban design and public space, and consider requiring one non-mayoral appointee action on the approval of projects;
4. Inclusion in the final text of language, as agreed to in the Commitment Letter, to increase transparency and accountability of the Fund and Governing Group. This should include procedures on the adoption and amendment of the Concept Plan, requirements to provide a transcript or recording of all public meetings and hearings; and transparency and reporting requirements concerning deposits and expenditures from the Fund. The Governing Group should be required to have a minimum of one annual public hearing at which members of the public may also appear and be heard.
5. At a minimum, removal of all existing residential buildings from the east side of Third

Avenue to reduce or eliminate displacement of residents on those sites, and discussions with the community stakeholders should continue to determine if further change is required or further steps to mitigate any adverse effects on the residential areas bordering the eastern boundary of the Subdistrict.

6. Re-evaluation and lowering of the valuation of transferred development rights to ensure that it is truly fair, and acts as a minimum or floor. It is essential that we err, if at all, on the side that will not choke off the transactions upon which a significant pillar of this Proposal is based and if the City cannot come up with a re-evaluation that inspires more confidence it may have to search for another mechanism to address the transparency and predictability concerns of the Public Realm Improvement Fund;
7. Inclusion in the final text of a minimum score for daylight below which a redeveloped building cannot score, regardless of the score of the building it replaces;
8. The City continues working with Greenacre Park to explore all options to avoid shadow impacts from new buildings on the park; and
9. DCP be required to report to the Borough President, affected Council Member and Community Boards annually on residential conversions in the Subdistrict with a view toward quickly acting to curtail them in the event of a significant uptick in such activity.

The complete Manhattan Borough President recommendation is attached to this report.

### **City Planning Commission Public Hearing**

On April 5, 2017 (Calendar No. 7), the City Planning Commission scheduled April 26, 2017, for a public hearing on this application (N 170186(A) ZRM). The hearing was duly held on April 26, 2017 (Calendar No. 30), in conjunction with the public hearing on the related applications (C 170187 ZMM and N 170186 ZRM). There were 18 speakers in favor for the application and nine in opposition.

Speakers in favor included the Deputy Mayor for Housing and Economic Development for the City of New York; the City Councilmember for District 4; the Borough President of Manhattan; the Metropolitan Transit Authority; the Real Estate Board of New York (REBNY); the Catholic Community Relations of the Archdiocese of New York; the Grand Central Partnership; the East Midtown Partnership; the Regional Plan Association; the Greenacre Foundation; real estate development and property entities Omnispective Management Council Corp, the fee owner of Lever House; the American Jewish Committee; the Yale Club; and representatives from real estate development consulting and legal entities Fried, Frank, Harris, Shriver & Jacobson LLP, Development Consulting Services and HR&A Advisors.

Speakers in opposition included representatives of Community Board 5; the Municipal Art Society of New York; Landmarks Conservancy; the City Club of New York; the Alliance for a Human Scale City; real estate development and property entities Hidrock Realty and 1248 Associates LLC; and other individuals.

The prevailing theme for those speaking in favor was the need for a new generation of modern, state-of-the-art, energy efficient buildings to ensure that East Midtown remains competitive in the coming decades, and that this should be achieved through an as-of-right development framework that generates commensurate investment in the public realm. Many speakers, both in favor and opposed, commended the City's work with the stakeholder-led Steering Committee to achieve a consensus-led Proposal for East Midtown, and for the City's responsiveness to concerns that were raised during the public review process by the community members, elected officials, property owners, and other stakeholders.

The Deputy Mayor for Housing and Economic Policy spoke in favor of the Proposal, re-iterating the City's obligation to solidify East Midtown's position as a premier 21st century office district, but noting that increased density and economic value for the private sector should yield commensurate public benefit. She described the Proposal's core strengths—that it increased density where appropriate, that it improved public transit and invested in the pedestrian realm

that it increased protection of landmarks—many of which have been unable to monetize their unused development rights. She applauded the Proposal’s incentives to modernize outdated office buildings. She noted the outsized economic importance of East Midtown, noting that the area generates 10 percent of all real estate taxes in the city, and highlighted that the Proposal would create 28,000 new jobs along with 23,000 construction jobs over the next two decades. In conclusion, she noted that the Proposal would achieve its objectives without using public revenue while growing the City’s tax base. She also noted that by not utilizing tax breaks or subsidies the Proposal provides a bold departure from traditional economic development models.

The Council Member for District 5 and the Manhattan Borough President offered strong support for the Proposal, praising the level of collaboration between the City and stakeholders, and the degree to which the City’s Proposal reflected the recommendations of the East Midtown Steering Committee, which they both co-chaired. They highlighted several points of contention that they hoped would be resolved during the remainder of the public review process. They re-affirmed the need for a minimum contribution, but noted the differences between the City’s appraisal and those commissioned by members of the development community. They believed that the City should work to resolve these discrepancies.

Both officials raised questions about the Subdistrict’s eastern boundary and how Third Avenue should be included in the Proposal, noting that community stakeholders expressed concerns over the potential impacts of new commercial development on residential districts further east. The officials also acknowledged concerns from property owners and the development community, that, on the other hand, that excluding the east side of Third Avenue would result in a loss of viable development sites and would reduce the demand for unused landmark development rights. In particular, the Borough President requested that existing residential parcels be excluded from the Subdistrict.

Both officials echoed the importance of preserving access to light and air. The Borough President suggested that a minimum daylight evaluation score should be established for sites using the overbuild-rebuild provisions for non-complying floor area. Both officials also spoke at

length about the creation of new public spaces. Specifically, they requested that POPS be required on Qualifying Sites of a certain size, and noted the City's commitment to study this scenario as an alternative. They both highlighted the importance of implementing pilot versions of several above-grade improvements from the Concept Plan, in conjunction with the Proposal's approval. The officials both described the need for an expanded number of stakeholders in the Governing Group and opined on its rule-making process and transparency requirements. They also expressed the desire to see timely reporting on residential conversions. The Councilmember fielded a number of questions relating to the minimum contribution and its methodology.

The Director of Strategic Initiatives for the MTA testified on the importance of investing in significant capital investments, and reviewed several current and major initiatives, conveying their complexity and scale. She reviewed the types of improvements that were included in the pre-identified improvement list, highlighting that these are much-needed upgrades to improve circulation and capacity. She also underscored the degree to which stations outside the Subdistrict's boundaries serve a large number of commuters into and out of it.

Representatives from REBNY, the Catholic Community Relations of the Archdiocese of New York, and the owners of Lever House—a landmarked property—testified in support of the Proposal. In particular, they praised its goals and as-of-right nature, but raised concerns about the minimum contribution, the methodology used by the City to substantiate it, and its potential to impact developers and landmark property owners. They understood the need for a minimum contribution, especially in the context of overbuilt-rebuilds, but asked the Commission and City to set it at a level that would encourage healthy demand for unused landmark development rights.

Representatives from the Grand Central Partnership and East Midtown Partnership, the two business improvement districts whose boundaries overlap with the majority of the Subdistrict, spoke in strong support of the rezoning overall. They were cautious, however, as to how the above-grade public realm improvements would get implemented and re-iterated the importance of involving affected property owners in all decision-making processes.

Several zoning experts and attorneys spoke in favor of the Proposal but expressed concerns over smaller, individual aspects of the proposed text. For example, there were concerns that the proposed special permit process for transient hotels would be prohibitive to new hotel construction, and there were questions as to how planned or current hotel developments would be treated insofar as vesting. Some representatives took issue with more technical aspects of the Proposal, such as the rationale behind prohibiting the mixing of the proposed FAR framework in with existing special permit transfers pursuant to Section 74-79. Additional issues and topics addressed by their testimony included whether residential floor area on existing buildings to remain on Qualifying Site would count towards the 20 percent residential limitation; the ability to cantilever a Qualifying Site development's floorplate over required sidewalk widenings; split lot regulations; and the preservation of existing transit easements under the overbuilt-rebuild provisions. Additionally, representatives of the Greenacre Park Foundation testified generally in support of the Proposal, but expressed reservations over how new development could affect Greenacre Park. A representative of the American Jewish Committee spoke generally in favor of the Proposal as well, but requested that the Subdistrict boundaries be extended one block north along Third Avenue, in order to include its headquarters at 165 East 56<sup>th</sup> Street.

A representative from the Regional Plan Association expressed strong support for the rezoning's overarching goals. She focused on the appropriateness of encouraging density and growth in a core commercial district that is well served by mass transit, stressing that economic vitality, transit, and job opportunities are linked. She spoke of the need to increase the diversity of office space throughout New York in order to continue to attract a wider variety of industries.

In addition, two property owners whose properties are actually located in the Vanderbilt Corridor voiced support for the overall Proposal and its aims, but expressed concerns about the logistics surrounding a potential shared street on Vanderbilt Avenue, north of East 43<sup>rd</sup> Street. One of these entities, the Yale Club initially testified at the Public Hearing in opposition to the Proposal, but submitted written testimony explaining that there was a miscommunication, and that the Club had intended to testify in favor of the Proposal.

With a few exceptions Those speaking in opposition raised an number of more general issues, ranging from concerns about the viability of the above-grade public realm improvements outlined in the Concept Plan, the area’s existing public space network and the preservation of light and air. Many of the speakers in opposition applauded the City and Steering Committee for their commitment to stakeholder engagement and public input. Certain speakers in opposition even noted that the Proposal represents a substantial improvement from the 2013 East Midtown Proposal. Additional salient concerns centered on residential conversions, and whether the area’s historic resources were sufficiently protected from redevelopment.

A representative from Community Board 5 testified in opposition to the Proposal, reaffirming and reiterating the concerns and conditions outlined in their resolution. Of note were their concerns over the above grade public realm, their recommendation that large Qualifying Sites be required to include an indoor or outdoor POPS, the dynamics of the Governing Group, and residential conversions. This representative made a point of supporting a robust minimum contribution for landmark TDRs, and suggested that the 20 percent contribution rate be raised to 30 percent.

A representative from the Landmarks Conservancy testified in opposition to certain aspects of the Proposal, but noted that they were not altogether opposed to the Proposal as a whole. They commended the work of LPC to designate 12 buildings as individual landmarks in conjunction with the Proposal. However, they were concerned that two buildings eligible for listing on the National Register of Historic Places had not been designated. They also raised concerns over the proposed contribution rate of 20 percent.

The Municipal Art Society of New York reiterated the concerns outlined in their written testimony. These included issues with the above-grade public realm improvements, adjustments to the daylight evaluation standards, environmental standards, residential conversions, historic preservation, and the Subdistrict boundaries along Third Avenue.

Representatives from the City Club of New York stated that, while they agree with the

Proposal's overarching goals, they believed that the City's mechanisms for achieving them deviated from the Steering Committee's recommendations. They took issue with the proposed adjustments to the height and setback regulations and noted concerns over the nexus between development and public realm improvements. They also reiterated their concerns over the constitutionality of the Proposal, and believed there to be the potential for conflicts of interest. This closely echoed their testimony during the 2013 East Midtown Proposal and the Vanderbilt Corridor text amendment.

Representatives from two hotels in various stages of redevelopment testified in opposition to the Proposal's special permit for transient hotel use. They raised concerns over the perceived ambiguity as to how hotels that received building permits would be able to vest under the Proposal. They specifically noted that the existing Board of Standards and Appeals (BSA) vesting process was insufficient and overly burdensome.

Two private citizens testified with general concerns over the purpose and needs of the Proposal, the impacts of increased development on the area's infrastructure, and general quality of life issues.

The Commission received written testimony, both in favor and in opposition, subsequent to the hearing. The Deputy Mayor for Housing and Economic Policy, the City Councilmember for District 4 and the Manhattan Borough President submitted letters reaffirming their support of the Proposal. Their testimony closely mirrored their spoken testimony from the public hearing. The New York State Senators for the 27<sup>th</sup> and 28<sup>th</sup> Districts also submitted a joint letter of qualified support.

Other letters favorable to the rezoning came from property owners, the real estate and development industry and the two local BIDs. REBNY submitted testimony reiterating their support for, and suggested changes to, the proposed text. They also provided a rebuttal to the City's market study and the methodology used to determine the minimum contribution for landmark TDR and the rebuilding of non-complying floor area. The Catholic Community

Relations of the Archdiocese of New York, as well as the Archdiocese itself, both submitted letters of support for the Proposal, but highlighted their opposition to the minimum contribution for landmark TDRs. The two BIDs that testified at the hearing submitted follow-up letters of support, reiterating the points from their testimony and emphasizing the need for the Governing Group to thoroughly engage impacted property owners when considering above-grade public realm improvements. Representatives from the following real estate interests also submitted letters of support: Seaver Realty, LLC, the owners of the Pfizer headquarters; the ownership of 250 Park Avenue; Omnispective Management Corp, fee owner of Lever House; and others. The Yale Club submitted written testimony in favor of the Proposal but underscored their reservations over the possibility of a shared street on Vanderbilt Avenue. In addition, a representative from the American Jewish Committee also submitted a letter of support, reiterating their desire to be included in the Subdistrict.

Representatives from the Greenacre Park Foundation submitted written testimony in support of the Proposal, although they expressed reservations about development in the general vicinity of their property—Greenacre Park—casting additional shadows during certain times of day.

Correspondence in opposition to the Proposal primarily came from the same individuals and groups who spoke in opposition at the public hearing. This included, for example, the Municipal Art Society, which submitted a report elaborating on its testimony at the hearing. They highlighted issues and recommendations pertaining to following categories: the public realm, the Fund and contribution rate, the Concept Plan, POPS, sustainability, residential conversion, historic preservation, daylight evaluation, the Subdistrict boundary as it relates to Third Avenue and the City’s environmental review of the Proposal.

Two members of the City Club of New York submitted written testimony in opposition that provided further details to their issues from the public hearing. Their general areas of concern included: departures from the recommendations of the East Midtown Steering Committee, conflicts of interest between implementing a well-considered plan and “zoning for dollars,” issues of nexus and proportionality, and conflicts with constitutional protections from exactions.

The Landmarks Conservancy submitted written testimony reiterating their concerns from the public hearing, namely the desire for further landmark designations in the Subdistrict, and their opposition to a minimum contribution rate for landmark TDR.

The two hotels whose representatives testified at the public hearing also submitted written testimony re-affirming their concerns over the vesting process. A third hotel located on Third Avenue between East 44th and East 45th Street, submitted written testimony highlighting the exigencies of their situation—their foundation may be under construction by the time the Proposal would be voted on at the City Council—and concerns over being able to vest under the current zoning.

A handful of private citizens submitted written opposition covering various topics generally related to the purpose and need of the Proposal.

## **CONSIDERATION**

The City Planning Commission believes that the application for a text amendment, as modified herein, in conjunction with the related zoning map amendment, is appropriate.

The Commission views the Proposal to be an essential step in strengthening East Midtown, the city's preeminent business district. East Midtown holds a critical position in the city's economy, in the region's vast transit system, and in the identification of New York as a world capital of commerce. It is the largest commercial district in the city and has the largest tax base, which supports critical municipal services throughout all five boroughs. It is the densest of job centers, with nearly a quarter million workers doing business in 60 million square feet of office space. The historic dominance of East Midtown is inextricably linked to its excellent transit access and pedestrian network.

The Commission believes that the East Midtown Subdistrict will result in the development of a limited but strategic number of much needed modern, sustainable commercial buildings, on

targeted sites to accommodate significant new development that can provide a full spectrum of commercial space for the array of firms that comprise New York City's diverse economy. The Commission believes that an as-of-right development framework in which density increases are tied to public realm improvements is an appropriate avenue for achieving these aims in this area.

The Commission believes that this as-of-right framework is in keeping with the underlying principles of the Special Midtown District, established in 1982 to encourage predominantly as-of-right high-density commercial construction. The Commission believes that the East Midtown Subdistrict and its as-of-right zoning mechanisms, provide greater incentive for redevelopment and greater predictability to both the public and private sectors. The Commission notes that the proposed as-of-right processes, which are streamlined, less time consuming, less costly, and more predictable than full discretionary review, are a more appropriate process for development over such a large area than case by case 'negotiation' over the amount of bonus or transferrable FAR.

The Commission's deliberations on this Proposal have been informed by the consistently high level of engagement on this project from a wide array of stakeholders. In particular, the Commission commends the work of the Greater East Midtown Steering Committee, co-chaired by the Councilmember for the Fourth District and the Manhattan Borough President. The Steering Committee worked diligently over the course of a year to provide recommendations to the Mayoral Administration for a planning and development framework for East Midtown. The Steering Committee's report served as an inspired and solid foundation on which the City's interagency working group based its planning Proposal for East Midtown. The Commission acknowledges that, although there was testimony over specific concerns, there is broad agreement on the purpose and need of the overall framework. The Commission recognizes that the current process of interagency collaboration and multi-stakeholder participation has worked well in the context of East Midtown.

The Commission commends the City's interagency working group for its diligent efforts to implement many of the recommendations of the Steering Committee. The Commission is

pleased with the improvements that have been made since the original 2013 East Midtown Proposal. The following is a detailed discussion of the Commission's consideration of the proposed zoning, the comments raised during the public review process, and modifications that the Commission is making herein to further improve the Proposal.

### **The East Midtown Subdistrict**

The Commission believes that the boundaries of the Subdistrict are appropriate. The Subdistrict would encompass much of the eastern portion of the Special Midtown District, with Grand Central Terminal and Park Avenue serving as its central spine. The Subdistrict's northern, eastern and southern boundaries generally track the location of office buildings and do not encompass any of the residential neighborhoods, which are located beyond the office corridors. To the west, Fifth Avenue is governed by the special Fifth Avenue Subdistrict, and is therefore not included in the East Midtown Subdistrict.

The Commission heard concerns raised during the public review process that the inclusion of Third Avenue's east side would be inappropriate given its proximity to residential districts further east, and that future commercial development would be out of scale compared to the more residential context in the midblocks east of Third Avenue. The Commission acknowledges these concerns, but believes that the inclusion of the east side of Third Avenue is appropriate. Third Avenue between East 43rd and East 57th Street is highly commercial and fully within high-density zoning districts within the Special Midtown District. Besides the existing commercial office land use patterns, the existing built fabric along Third Avenue's east side is overwhelmingly high-density, and reflects similar north-south corridors in the Special Midtown District. The Commission notes that the average built FAR for commercial buildings along Third Avenue's east side is above 18.0, and that building heights range from 247 to 578 feet, which is consistent with their counterparts on Third Avenue's west side, as well as other wide streets within the Subdistrict. The Commission further notes that there are a handful of residential buildings on the interior lot portions of Third Avenue's east side, but most are condominiums and, as a result, are unlikely to be redeveloped. The proposed text has been constructed so as to ensure that new buildings developed pursuant to the Subdistrict's regulations cannot extend

beyond a line 150 feet to the east of Third Avenue.

The Commission is making modifications to the applicability of the boundary provisions of the Subdistrict, reflective of testimony heard during the public review process. The modification reintroduces language from the text amendment found in the certified application, but that was removed in the amended application. The reintroduced text delineates that the Subdistrict regulations shall apply to a zoning lot with 50 percent or more of its lot area within the East Midtown Subdistrict, except the Fifth Avenue Subdistrict, and the remaining portion within the Special Midtown District, exclusive of the Fifth Avenue Subdistrict. For the purposes of applying the Subdistrict regulations, all such zoning lots shall be deemed to be entirely within the Subdistrict.

### **Qualifying Site Criteria**

While the proposed zoning is applicable in a large area, the number of buildings that would be expected to be developed through the new regulations would be limited. The bulk of the new regulations in the Subdistrict would only affect sites that meet a specific set of criteria, defined as Qualifying Sites. Zoning lots for Qualifying Sites would be required to have cleared frontage on a wide street, dedicate no more than 20 percent of the zoning lot's floor area for residential use, and comply with certain standards discussed below. Development sites with no access to a wide street due to one or more intervening landmarks may be treated as a Qualifying Site provided that at least one of the landmarks is on the development site's zoning lot. Sites that meet these criteria would have the ability to develop to higher FAR as-of-right than what is permitted under current regulations through three as-of-right mechanisms, further consideration of which is found in the following sections. The Commission agrees with this overall approach of generally restricting the applicability of these density mechanisms to sites that meet specific thresholds and criteria typically appropriate to significant office buildings in Midtown.

The Commission believes that the Qualifying Site criterion limiting residential floor area to 20 percent or less of the Qualifying Site's zoning lot is appropriate. The Commission believes that permitting a limited amount of residential floor area in the modern, state-of-the-art office

developments that the Proposal aims to facilitate can enliven their program and create a desirable degree of mixed use. The Commission notes that the 20 percent allowance as-of-right is in sync with comparable office buildings in the City that have been developed with multiple uses, including 1 Beacon Court and the Random House tower. The Commission heard testimony advocating the exemption of existing residential buildings from this 20 percent limit. The Commission understands this concern, but does not believe that such an exemption would effectuate the goals and objectives of this Proposal. The Commission notes that zoning floor area is typically measured across zoning lots, and not parsed out between a development site and the remainder of the zoning lot. The Commission further notes that the presence of existing residential floor area was not an issue in the identification of development sites, and that the 20 percent limit on residential floor area on Qualifying Sites was intended to be a limited allowance—as indicated, the Proposal’s focus is on the creation of new office buildings.

The Commission heard testimony that midblock sites without wide street frontage, or without a landmark occupying their wide street frontage, should be permitted to use the Qualifying Site provisions on an as-of-right basis, subject to stricter controls. In accordance with the East Midtown Steering Committee’s recommendations, the Commission agrees that new as-of-right development must front upon, and should be oriented towards wide streets, so as to activate them. The Proposal allows midblock sites to utilize the qualifying site regulations via special permit, as described below. The Commission believes that this discretionary path for midblock developments is appropriate so that the merits of each application may be considered separately.

In addition, the Commission heard testimony regarding sites that have existing, built-out transit easements, where the presence of such easement prevents the site from being able to fully clear its wide street frontage. It was suggested that, in these instances, even if the easement structure remains, the wide street frontage may be considered ‘cleared’ for the purposes of meeting the Qualifying Site criteria. The Commission believes that this is an appropriate clarification and is limited in scope—sites that have already made a commitment for transit should not be precluded from utilizing the new Subdistrict zoning framework.

## **Density Framework**

The existing zoning districts and their base maximum FAR would remain in place under the Proposal. However, Qualifying Sites would be permitted to earn higher FARs, which range from 18.0 to 27.0, through three as-of-right zoning incentives, which are considered below. The Commission believes that these FAR amounts and their respective locations are appropriate. The highest allowance for density would be located around Grand Central Terminal. The Commission believes this to be appropriate, as this core area has the best transportation access in the Subdistrict and among the best access in the country. The second highest as-of-right FAR allowance of 25.0 is appropriate for the area along Park Avenue, the widest street in Midtown. 23.0 FAR is appropriate for areas directly adjacent to transit. The commission agrees that lower FARs of 21.6 and 18.0 in the remaining portions of the Subdistrict are appropriate as they are generally farther from transit, but front upon wide streets.

The Commission believes that the proposed as-of-right densities would produce buildings that are in scale with other buildings in the East Midtown area. The proposed as-of-right densities are in scale with recent construction in other high-density districts of the city including in western Midtown and Hudson Yards, or in Lower Manhattan. For example, the Bank of America building at One Bryant Park is the equivalent of approximately 25.0 FAR; the New York Times Building on Eighth Avenue, on the portion of the lot that includes the tower, has an FAR of approximately 26.0; and the Goldman Sachs building at 200 West Street in Lower Manhattan has an FAR of approximately 22.0. In keeping with longstanding policy and practice for Midtown Manhattan, this Proposal does not include building height limits. The Commission notes that buildings built to these proposed as-of-right FARs are expected to range in height between 500 and 900 feet. There already are over 40 existing buildings with heights exceeding 500 feet in the Subdistrict today.

## **Transfer of Landmark Development Rights**

As described above, one of the three mechanisms by which the Subdistrict would allow additional density on Qualifying Sites above what is permitted pursuant to the existing base FAR, would be through the Subdistrict-wide transfer of unused landmark development rights.

These transfers would involve a contribution into the Fund, further discussed below.

The Commission believes that this is appropriate both as a mechanism and as a primary means by which additional density on development sites occurs. The Commission is pleased that this innovative mechanism is being employed in East Midtown, an area with a considerable amount of unused landmark development rights, and the density of transit amenities to support targeted increases in floor area. The Commission notes that the new provision permitting Qualifying Sites to utilize floor area from designated landmarks in the Subdistrict provides a new method for transfer of significant amounts of unused development rights in an as-of-right manner. The Commission believes this Subdistrict-wide transfer mechanism and provisions to be appropriate. The expanded transfer opportunities permitted under the Proposal reinforce the importance of designated landmarks to East Midtown. The creation of the Grand Central Subdistrict in 1992 reflected the City's long-standing commitment to providing opportunities for the iconic landmarks, such as the Terminal, to transfer their unused development rights and the Proposal extends this to the broader East Midtown area in an as-of-right manner.

The Commission further notes that the contribution rate of 20 percent is appropriate for an as-of-right framework, and is comparable to public realm improvement requirements in existing special permit mechanisms to increase density that are currently applicable to the Special Midtown District. The minimum contribution will ensure that new development in the area is accompanied by funding for pedestrian realm and transit network improvements. This is consistent with provisions in the existing Grand Central Subdistrict landmark transfer special permit, which requires an accompanying transit improvement, as well as with the existing Section 74-79 special permit transfer, which allows the Commission to require provisions for public amenities, including public spaces and subsurface pedestrian passageways leading to transit facilities.

For these reasons, the proposed framework supplants the Grand Central Subdistrict and its transfer mechanisms. During the public review period, the Commission heard testimony requesting the ability to use the proposed framework together with the Section 74-79 special

permit to transfer landmark development rights, which is prohibited under the existing Grand Central Subdistrict and the proposed zoning. While the ability to use both mechanisms simultaneously was not contemplated as part of this Proposal, the Commission notes that DCP is not averse to considering the utilization of both Section 74-79 and this proposed zoning in a future action.

The requirements for a continuing maintenance plan as a precondition for transfer will help ensure the long-term maintenance of the City-designated landmarks. The Commission also believes that it is appropriate in the proposal area to extend the harmonious relationship provisions from the Vanderbilt Corridor area to the wider area surrounding Grand Central Terminal.

### **Rebuilding Overbuilt Buildings**

The Commission believes that the provision permitting the reconstruction of existing noncomplying floor area, as proposed, is appropriate.

Zoning in effect prior to 1961 had no maximum floor area ratios but instead controlled density through height and setback regulations. This created an incentive for office building developers to maximize the amount of floor area in a building by minimizing floor-to-ceiling heights, so that the greatest possible number of floors would fit within the height and setback requirements. Many buildings in East Midtown were built during this time and in this manner and have more floor area than is permitted under the existing as-of right FAR regulations and are thus considered ‘non-complying’ or, more colloquially, ‘overbuilt’. Low ceilings, tight column grids and energy inefficiencies of these types of older office buildings in East Midtown make them less likely candidates for upgrading and modernization through renovation in the long term. The Commission recognizes that these conditions continue to apply today in the area.

However, there has been little new construction to replace these overbuilt buildings because existing zoning acts as an impediment in two ways. First, there is a strong disincentive to replace an overbuilt building since a completely new building built to current zoning regulations would

be permitted less floor area than the existing building. Second, the only zoning option to maintain the noncomplying floor area in a new building requires 25 percent of the existing building to be retained as part of the development. This has proven to be an option with limited applicability for large office buildings due to the difficulties of construction and the disincentive in maintaining 25 percent of the outdated structure. Over time, these increasingly obsolete buildings may become less competitive, reducing the amount of employment and tax revenue generated in the area.

Given the importance of East Midtown as a business district, the Commission believes that providing a mechanism through the Qualifying Site provisions to incentivize the replacement of noncomplying buildings is appropriate. The minimum contribution, which would be required for the amount of existing non-complying floor area to be redeveloped on a Qualifying Site, will ensure that redevelopment proceeds commensurate with improvements to East Midtown's public realm. These improvements are designed to address the increased density generated by these new developments, which traditionally have lower vacancy rates and more efficient floor layouts than the existing buildings that they would replace.

The Commission heard testimony advocating the expansion of the overbuilt-rebuild provisions to buildings built between 1961 and 1982. As indicated, the Commission notes that these provisions are focused on buildings constructed prior to 1961 since these buildings often have more support columns than their more modern counterparts and are constructed with low floor-to-floor heights due to bulk and setback regulations within the 1916 zoning resolution that encouraged this type of built form. These buildings were made non-compliant by the introduction of floor area ratios in the 1961 zoning resolution, a measurement that did not apply to them when they were constructed. As indicated, buildings built after 1961 were built pursuant to floor area ratios that, along with the introduction of tower regulations, allowed for greater verticality. However, the Commission does recognize that the earlier post-1961 buildings are nonetheless aging. If these buildings ultimately face obstacles to leasing their space or to redevelopment, the Commission recognizes that it would be appropriate to study the conditions that are causing this and could then propose ways to address these issues.

### **Pre-identified Transit Improvements**

The Commission believes that the as-of-right mechanism for undertaking pre-identified transit improvements is appropriate, and will further the objectives of the Proposal. The Commission believes this as-of-right framework will deliver needed transit improvements in a manner consistent with the objective to upgrade the area's public realm through improvements that create pedestrian friendly public spaces and that facilitate safer, more pleasant pedestrian circulation.

A key concern about the 2013 East Midtown Proposal was the perceived lack of specificity over public realm improvements, and a general lack of certainty over whether and how they would be implemented. The Commission commends the MTA for identifying 24 improvements at six stations that are either located within the Subdistrict, or from which riders enter and exit the Subdistrict on foot, or at which riders transfer to and from trains that are entering and exiting the Subdistrict.

The Commission views this as-of-right mechanism to be an exciting innovation to the floor area bonus mechanism, an incentive zoning tool that has been in practice since the adoption of the 1961 Zoning Resolution. The proposed pre-identified transit improvement mechanism is modeled on the subway improvement bonus, which has delivered significant improvements to the subway network in different parts of the city, as well as the Vanderbilt Corridor Grand Central Public Realm Improvement Bonus Special Permit, which helped facilitate the development of One Vanderbilt and the significant transit improvements the project included.

However, the proposed as-of-right mechanism is appropriately more expansive in order to permit consideration of a greater variety of stations and transit improvements. In identifying the transit improvements prior to approval, and including them in the zoning text, the mechanism provides property owners and the public with a high degree of predictability over the transit improvements that new development can provide.

These transit improvements can significantly improve the usability, connectivity and through-put of East Midtown's stations over time. The Commission views these transit improvements as realistic and doable, and anticipates that developments within TIZs will be able to complete all or the majority of the identified improvements. The Commission believes that it is appropriate to include improvements to stations outside the boundaries of the Subdistrict in the list of pre-identified improvements, as three of these stations—Bryant Park Station, 47th / 50th Street Station and 59th Street Station have significant ridership into and out of East Midtown.

The Commission notes that virtually all of the improvements are sufficiently sized to be able to be constructed in conjunction with individual development sites located within TIZs, and that projects can be staged so as to avoid significant disruption to station operations. The Commission believes that these transit improvements would provide significant public benefit, and would have the potential to improve conditions above the current baseline, even with the expected new development under the Proposal. The Commission also acknowledges the benefit of allowing the flexibility for the list of pre-identified transit improvements to be amended by rule, as modifications may be necessary during their implementation

### **Proposed Changes Affecting Qualifying Sites**

As indicated, Qualifying Sites are subject to a series of additional requirements and modifications to the existing zoning regulations. The Commission believes these proposed changes to be appropriate, allowing developments on Qualifying Sites to achieve increased density while respecting their surrounding context, improving the public realm and meeting an exemplary standard of environmental sustainability.

#### *Height and Setback*

The Commission believes the limited modifications to the underlying height and setback regulations—which are generally intended to permit as-of-right development at the levels permitted by the Qualifying Site framework, and to take into account the area's high street wall character and unique block configurations—to be appropriate. Compliance with the Special Midtown District's unique height and setback regulations is based on calculation of the amount

of daylight and openness to the sky made available to pedestrians through the proposed building's design. Building mass lower to the ground has a greater impact on a pedestrian's access to light and air and therefore the height and setback regulations weigh blockage in this area more harshly – affecting the compliance for the entire building. However, given the existing high street walls in the area and the intent to maintain this built character, the Proposal modifies these requirements to permit required street walls to be exempted from the height and setback compliance calculations. These exemptions were included in the 2013 East Midtown Proposal and were considered appropriate by the Commission at that time.

The Proposal contains additional adjustments to the height and setback regulations for new developments on Qualifying Sites, which the Commission deems appropriate. These buildings must either meet the existing minimum daylight score for individual Midtown streets (66 percent), or achieve at least the same daylight score of the buildings they replace. The Proposal also creates a new allowance for buildings on Qualifying Sites along Park Avenue to measure height and setback compliance based on the avenue's actual dimensions—current regulations do not recognize Park Avenue's greater width. The Commission recognizes that in practice these adjustments affect a relatively limited number of sites. Not only is the purview constrained to Qualifying Sites, but the adjustments themselves are significantly more conservative than the modifications granted to other recent and prominent special permit towers in Midtown, such as One Vanderbilt Avenue or 53 West 53rd Street (also known as the MoMA Tower).

The Commission believes that the proposed modifications to the height and setback regulations are appropriate, and intended to permit as-of-right commercial buildings at higher densities, especially on smaller lots. The Commission recognizes that the modifications would increase the number of receiving sites suitable for commercial buildings, which may otherwise be developed for residential use, since they would make it easier to fit contemporary office buildings on smaller sites. The modifications have been made only where they are needed and to encourage diverse and innovative massing schemes that do not overwhelm the existing context. The Commission recognizes the concerns about light and air expressed during the public review process, but believes that they are rooted in concerns over increased densities, rather than the

nuanced changes to the height and setback regulations applicable here.

### Environmental Standards

The Commission concurs with DCP that the proposed environmental standards for Qualifying Sites represent an appropriate benchmark for new office development. The Commission recognizes that these would be the first environmental standards ever included in the Zoning Resolution for as-of-right development. The Commission believes this framework to be exemplary and an exciting evolution in the promotion of sustainable development in New York City. The Commission heard concerns about whether the New York City Energy Conservation Code (NYCECC) was an appropriate standard for new commercial construction. While the Commission understands these concerns, it notes that the NYCECC continues to be updated to reflect advances in construction practices and increase minimum standards for new buildings; the 2016 updates to the NYCECC substantially increase the minimum standards that would apply to new buildings. The Commission notes that the proposed provisions for Qualifying Sites in the East Midtown Subdistrict are designed to reflect this substantially more stringent baseline, and to establish a higher standard that is verifiable and achievable for the range of building types and configurations that are anticipated in the area, promoting high-performing buildings while ensuring that other project objectives can also be achieved.

### Sidewalk Widening

The Proposal has provisions that require Qualifying Sites with full block frontage along Madison and Lexington Avenues to set back the building in order to create sidewalks with a minimum width of 20 feet. The Commission believes that this requirement for widened sidewalks will improve pedestrian movement in those areas and improve access to light and air and is therefore appropriate. The streets where the provision would apply have some of the narrowest sidewalks in Midtown and a high level of pedestrian activity. The provision will help ensure that new development contributes to an improved pedestrian realm. The Commission heard testimony from representatives of the real estate industry that developments on Qualifying Sites that undertake sidewalk widenings pursuant to these regulations should be permitted to cantilever their floor plates over the widened portion. The Commission understands that commercial office

buildings often seek to maximize the size of their floor plates. However, sidewalk widenings throughout Midtown are required to be open to the sky, and the requested change would require a thorough study of the urban design implications of such a modification. Therefore, the Commission believes that the sidewalk widening provisions contained in the certified application are appropriate.

#### Retail Continuity

Under the existing regulations, retail is required only along Madison and Lexington Avenues and East 42nd Street. The Proposal requires that Qualifying Sites along designated streets also provide at least 50 percent of their side street frontage for retail uses to help ensure that side streets are not negatively affected by the blank walls that sometimes accompany large-scale developments. The Commission believes this requirement is appropriate given the great concentration of side street retail now found near Grand Central Terminal and is consistent with the needs of this highly trafficked area. The Commission believes these requirements will help ensure that new developments in this part of East Midtown will activate the area and create a complimentary relationship with Grand Central Terminal.

#### Stacking Rules

The Commission believes that the proposed regulations permitting non-residential uses to be located above or on the same story as residential uses, such as restaurants and observation decks, will enliven the program of mixed-use buildings in the area, and are appropriate.

#### Transit Easements

All Qualifying Sites within the Grand Central TIZ or Other TIZs are required to provide an easement for mass transit access. Additionally, in Subareas outside the Transit Improvement Zones, where a zoning lot containing a mass-transit facility is developed or enlarged pursuant to the Qualifying Site provisions, the facility shall be preserved or reconstructed in accordance with standards and terms approved by the MTA. The Commission believes these requirements to be appropriate.

## **Discretionary Actions Available to Qualifying Sites**

While the vast majority of the Proposal provides an as-of-right framework to achieve the development and public realm improvements desired for the area, there are limited scenarios in which a discretionary action, subject to separate public review, is the most appropriate mechanism. The following authorization and special permit mechanisms would be created through the Proposal, and such projects would occur only through additional discretionary actions. The Commission believes these discretionary actions to be appropriate for advancing the goals and objectives of the Proposal.

### *Authorization for Enlargements*

The Proposal permits enlargements to use the Qualifying Site provisions by Commission authorization. The Commission believes that this discretionary action to be appropriate. The Commission notes that by requiring significant renovations to an existing building to bring it up to contemporary standards, the authorization ensures that its use will engender new, Class A office space, and that the mechanism will not serve as a loophole for developers looking to maximize floor area without addressing the typological challenges of an obsolete building.

Where the existing building includes non-complying floor area, the applicant must contribute to the Public Realm Improvement Fund based on the amount of non-complying floor area. This excludes any bonus floor area associated with a publicly accessible open area to remain on the zoning lot. The Commission believes the contribution to be appropriate. Similar to the provisions governing the reconstruction of non-complying floor area, the contribution ensures that enlargements and significant renovations proceed commensurate with public benefit. The improvements funded are designed to address the increased density generated by these enlargements, which are likely to result in lower vacancy rates and more efficient floor layouts that allow for a greater number of workers per square foot than the existing building floorplates they would replace and/or supplement.

### *Public Concourse Special Permit*

This discretionary action creates new opportunities for publicly accessible space on Qualifying

Sites, by allowing an on-site Public Concourse in exchange for up to 3.0 FAR of additional floor area. The Commission notes that this provision was included in the Proposal in response to stakeholders' requests for additional opportunities to provide more public space in East Midtown. The Concourse can be an enclosed or unenclosed public space that reflects contemporary best practices in urban design. The 3.0 FAR bonus would be in addition to the proposed as-of-right maximum FAR. The Commission believes this special permit, by allowing public review of the space's design, is an appropriate avenue for delivering indoor and outdoor POPS that truly provide a public benefit.

#### *Transit Improvement Special Permit*

To allow for new opportunities for transit improvements on Qualifying Sites beyond the pre-identified improvements from the as-of-right framework, the existing Subway Station Improvements bonus, pursuant to Zoning Sections 74-634 and 81-292, will be permitted within the TIZs of the Subdistrict. These special permits allow a 3.0 FAR increase of the maximum permitted FAR in exchange for improvements to transit infrastructure, which would be in addition to the proposed as-of-right maximum FAR. The Commission believes this special permit to be appropriate.

#### *Special Permit to Modify Subdistrict Regulations*

It is anticipated that some new developments may require modifications to the Subdistrict's regulations in order to utilize the new as-of-right FAR framework, or to realize their maximum permitted floor area within the Subdistrict's as-of-right envelope. This special permit would primarily allow modifications to the Subdistrict's bulk provisions, such as those governing height and setback, the definition of a Qualifying Site, or the environmental standards that would apply to them. The Commission believes that allowing for an array of targeted waivers of the Subdistrict regulations will provide sufficient relief and flexibility to allow a wider range of sites to partake of the proposed framework, and bolster East Midtown's role as a premier office district, while contributing to the improvement of its public realm.

## **Public Realm Improvements and Governance**

As described previously, the Proposal would establish the Fund for the deposit and administration of contributions generated through the various zoning mechanisms included in the Proposal. The Fund would be utilized, at the discretion of a Governing Group, to implement projects from the Concept Plan within the proposed Subdistrict and its immediate vicinity.

### *Public Realm Improvement Fund*

The Commission believes that the Fund is an appropriate mechanism to ensure that new development is accompanied by needed improvements to the pedestrian realm and transit network, above- and below-grade in East Midtown. In order for East Midtown to succeed as the City's premier office district, new development alone is not sufficient, and upgrades and improvements must be made to the pedestrian realm, which today suffers from numerous deficiencies. These improvements cannot only mitigate the impacts of new development, but also long-standing deficiencies for which no alternative funding source exists.

The structure of the Fund is an effective solution to problems that have limited the use of the existing Transfer of Development Rights special permit in the Grand Central Subdistrict (Section 81-635) and the Subway Improvement Bonus (Section 74-634) special permit. These problems include the lack of advance planning to establish the scope of needed above- or below-grade pedestrian and mass transit circulation improvements, and the restriction that improvements be performed in an adjacent subway station only. The ad hoc nature of how improvements are defined and undertaken under the current special permit process, and the inability under that process to consider area-wide needs severely limit the effectiveness of these special permits as planning tools. The special permits require prolonged negotiations between the applicant, the MTA and the City to identify an appropriate improvement and determine the scope of the improvement. Given the requirement that the improvement be performed at an adjacent station and/or within the existing Grand Central Subdistrict, opportunities for more meaningful transit network improvements at other locations and pedestrian realm improvements throughout the whole of East Midtown may be lost.

In contrast, the Fund may be used flexibly to address priority pedestrian and transit network improvements Subdistrict-wide. The as-of-right certification process to obtain the earned floor area is separated from the process that determines the above- and below-grade improvements, allowing the Subdistrict's Concept Plan to be implemented in a considered fashion while development proceeds without extended delays. Importantly, improvements funded by development need not be adjacent to the site that generated the funds, an appropriate result since the pedestrian and subway stations serve the broad area and improvements to these networks will benefit the Subdistrict as a whole.

The Commission heard testimony that the Governing Group should prioritize above-grade pedestrian realm improvements in its selection process. The Commission recognizes that the majority of below-grade transit network improvements will be completed in conjunction with development that occurs within the transit improvement zones, which require direct investment into transit network upgrades. The Commission supports the ability of the Governing Group to prioritize above-grade improvements as it disburses allotments from the Fund.

The Commission heard testimony that the Governing Group should be able to fund operational expenses, in addition to funding capital projects. The Commission notes that the Fund is not permitted to be used for operational expenses. The Commission believes it appropriate for maintenance partners to be identified prior to releasing funds for construction of capital improvement projects.

The Commission heard testimony from the Council Member for the Fourth District that the Fund must be maintained separately from the City's General Fund or other multi-purpose accounts to ensure that funds are safeguarded until capital improvement projects in the area are selected for completion. The Commission concurs with this view and understands that the City has determined that an account maintained by the New York City Economic Development Corporation (NYC EDC) is the best option to ensure that funds will remain independent of the City's General Fund. The Commission is pleased that NYC EDC will create this account upon the first required contribution into the Fund. The Commission notes that the proposed zoning text

includes a requirement that the Fund be held in a separate account and no further clarification is necessary to allow NYC EDC to be the administrator of that account.

*Contribution Rate and Minimum Contribution Amount*

The Proposal sets the contribution rate at 20 percent of the sale value of each development rights transfer from a landmark, or a minimum contribution amount of \$78.60 per square foot, whichever is greater. Each square foot of non-complying floor area rebuilt on a site would also be subject to the minimum contribution amount.

The Commission heard testimony challenging the methodology by which the proposed minimum contribution amount was set. As described above, the figure was derived from a transferable development rights contribution rate market study conducted by Landauer, under contract to the NYC EDC, dated December 22, 2016.

The Commission received and heard testimony challenging the Landauer market study. The Commission understands there has been communication between DCP and multiple stakeholders on the technical aspects of the Proposal, but the commission takes a broader view focusing on the overall merits of the Proposal. The Commission believes that a fundamental premise of the Landauer report—that an appraisal to determine the minimum contribution for space restricted to commercial use should be based on precedents involving only comparable commercial use—is logical and sound. The Commission believes reliance on an experienced firm of appraisers to establish a market-based valuation for the contribution was therefore appropriate.

The Commission heard testimony that the minimum contribution amount will preclude development from occurring. The Commission believes that the use of the lower quartile is an appropriate method to account for the varied real estate markets within the Subdistrict. The Commission further believes that the available mechanisms, which would permit a new market study to be conducted and a modification to be made to the minimum contribution amount methodology, are appropriate.

The Commission heard testimony against the establishment of a minimum contribution amount. The Commission believes that, while a sales price for transferable development rights will be accurately recorded with the appropriate authorities, the inclusion of a minimum contribution amount is a necessary element of the Proposal because of the many variables, which might be completely permissible but not always transparent, that can go into the negotiated sale price of TDRs. The Commission cannot be certain that every action for TDR is at arm's length, nor is it the responsibility of DCP to make these determinations. The Commission further believes that eliminating the concept of a minimum contribution amount would undermine an integral component of the Proposal, namely a mechanism that confers mutual benefits to developers, landmarks, and the public at an appropriate level.

#### Governing Group

The Commission heard testimony that the composition of the Governing Group should be expanded to include a citywide civic organization and that at least one vote from a non-mayoral appointee be required to approve actions. The Commission believes that the addition of a citywide civic organization will benefit the efforts of the Governing Group. The Commission believes that the Governing Group should retain mayoral control, as stated in the East Midtown Steering Committee report, since it is through zoning that funds for public realm improvements are generated and the City is ultimately responsible for the appropriate use of these funds on City property. The Commission supports the commitment by the Administration to the Manhattan Borough President to expand the Governing Group to include a citywide civic organization and an additional mayoral appointee from a City agency and therefore modifies the proposed group composition included in the zoning text.

The Commission heard testimony that the Governing Group should be transparent in its actions. The Commission believes it is appropriate for the Governing Group to adopt procedures to ensure its conduct is transparent and therefore modifies the requirements to state that the Governing Group shall adopt procedures for the conduct of its activities consistent with the requirements of the New York State Open Meetings Law. Those standards will include rules on reporting and transparency functions.

### Concept Plan

This Proposal incorporates a Concept Plan that includes a preliminary list of above- and below-grade pedestrian realm and transit network improvements. The Concept Plan is consistent with the East Midtown Steering Committee's recommendation that the Concept Plan be, "a frequently updated plan that identifies the range of projects that will be considered for funding." This is accomplished by granting the Governing Group the latitude to amend the list of projects and their appropriate location, while still providing certainty about the projects that can be funded by codifying a list that includes improvement typologies such as public plazas, shared streets, and thoroughfare improvements.

The Commission heard testimony that the above-grade improvements should be codified in the Zoning Resolution in the same manner that the below-grade improvements are codified for Qualifying Sites in the TIZs. The Commission also received and heard testimony that the Concept Plan should consider more aspirational improvements and continue to incorporate additional ideas from a variety of sources. The Commission notes that The above-grade improvements will undergo additional public outreach that is not necessary for below-grade improvements. Once an above-grade improvement is identified and evaluated by the Governing Group in concert with DOT, DOT will work with community stakeholders to develop a concept that considers the variety of factors including pedestrian circulation, transit connections, building access, sanitation, deliveries, ADA accessibility, emergency access, utilities, events and programming, and maintenance requirements. As part of the design process, DOT will conduct extensive stakeholder outreach and public surveys, hold multiple public workshops, and ultimately present a design to the relevant community boards for their review. The Commission views that the standards for the types of spaces and projects that may be constructed set forth in Section 81-683 are appropriate since they will ensure projects are aligned with the pedestrian realm improvement typologies and transit network enhancements within the Concept Plan formulated as part of this Proposal. The Commission believes that the thorough public outreach involved with the above-grade improvements is appropriate and necessary as it involves a variety of area stakeholders – including Community Boards, property owners, local Business

Improvement Districts and the Governing Group – that will help ensure future projects receive the proper public oversight and are appropriate for the area.

The Commission received and heard testimony that the Concept Plan should be developed in a reasonable time frame and be evaluated in the FEIS. The Commission notes that the above- and below-grade improvements that the Administration will provide to the Governing Group in the initial Concept Plan have been analyzed in the FEIS, and that, following receipt of the initial Concept Plan, the zoning text requires the Governing Group to maintain a Concept Plan for the purpose of creating a list of priority improvements.

*Mandatory POPS Alternative*

This Proposal includes a robust Concept Plan designed to enliven City-owned property with dynamic and substantial public spaces. Additionally, the Subdistrict contains an extensive network of POPS. These spaces have been built voluntarily at many buildings throughout East Midtown over the course of several decades in conjunction with an FAR bonus.

The Commission heard testimony from Community Boards 5 and 6, the Manhattan Borough President, and the Council Member requesting that a mandatory POPS alternative that would require Qualifying Sites to provide on-site open space be studied in the FEIS. The request is predicated on a concern that the Concept Plan may never be realized and that there is a need for a mandatory POPS scheme to ensure public space is created. While DCP does not concur with this assessment, it did commit to conduct the mandatory POPS analysis. The FEIS studied an alternative that mandates an indoor or outdoor public space on Qualifying Sites of 40,000 square feet or more.

The Commission welcomes more well-designed POPS in appropriate locations. The Commission, however, does not believe a series of mandated, non-bonused public spaces on private property is the best option to address the Subdistrict-wide open space needs that the Concept Plan is designed to address. The Commission believes an involuntary non-bonused POPS program would be an inappropriate departure from the current practice that aligns public

and private interests with a voluntary FAR bonus when public space is provided on private property.

The Commission is concerned that the mandatory POPS program could pose challenges to development sites, even on zoning lots greater than 40,000 square feet, that must incorporate basic components of a contemporary office building into the ground floor—such as the lobby, elevator banks, loading docks, and retail stores. If these challenges deter development, it will become more difficult to achieve the goal of strengthening Greater East Midtown as a regional job center by seeding the area with new modern and sustainable office buildings. This will in turn reduce both the funds available for preservation of landmarked buildings and those contributed to the Fund.

The Commission is concerned about requiring indoor public spaces since regulations are not enshrined in the Zoning Resolution for these types of spaces due to their unique needs. Furthermore, these spaces have a mixed record of providing public benefit, and, for that reason, the ability to construct such spaces was prohibited in 1982 with the passage of the Special Midtown District. The Commission believes that the ability of Qualifying Sites to provide indoor and outdoor spaces through the public concourse special permit, which provides an FAR bonus and allows for public review of the spaces design, is appropriate and will help ensure that any future POPS truly provides a public benefit.

The Commission notes that the FEIS determined that the mandatory POPS alternative would marginally improve the open space ratio in the study area but would not eliminate the significant adverse impacts of the Proposed Action.

### **Changes Affecting Entire Subdistrict**

There are two components of the Proposal that would affect the entire Subdistrict, and not only the Qualifying Sites that build pursuant to the proposed framework. They are a hotel special permit and easement requirements within the Transit Land Use District.

### Hotel Use

As proposed within the Subdistrict, any new transient hotel use, whether in a new development, conversion or enlargement, may only be allowed by a special permit, per Section 81-621 (Special provisions for transient hotels). This applies to all new developments, not just Qualifying Sites. The special permit for hotel use may be granted if the Commission finds that the proposed hotel is suited to the needs of the businesses community and provides on-site amenities and services that support the area's role as an office district. Such business-oriented amenities would include conference and meeting facilities, and telecommunication services.

Hotels are key features in East Midtown, contributing to the success of the business district, and are currently permitted as-of-right. However, given the objective to strengthen the character and functioning of the area as a business district, the Commission believes that it is important that new hotel uses provide a full range of amenities and services to support the conduct of business. The Commission believes the proposed requirements for new hotel uses are appropriate.

During the public hearing, the Commission heard testimony from representatives of two separate hotels concerning vesting provisions. One has building permits but expressed concern about completing its foundation prior to enactment of the proposed zoning, and the other was in the investment stage and concerned about the prospect of having its future development change from as-of-right to requiring a special permit. The Commission understands these concerns but notes that Section 11-33 of the Zoning Resolution contains vesting provisions for developments at various stages of approval and construction. In particular, Section 11-332 includes a BSA process for developments that have commenced construction, but not yet completed their foundation. The Commission believes that the current provisions and the BSA process are appropriate, and that no modification to the proposed zoning regarding hotel vesting is necessary. The Commission believes that it is appropriate for hotels that are in the planning or investment stage, and have not filed for a building permit, to be subject to the proposed special permit.

### Transit Land Use District Easement Volumes

Development sites located within areas of overlap between the Subdistrict and Special Transit Land Use Districts will need to consult with the MTA as necessary regarding the provision of transit easements or facilities, and may exempt any floor space occupied by these easement volumes or facilities from counting toward zoning floor area. The Commission believes that this provision is appropriate.

### **Residential Conversions**

The Commission heard testimony from the Community Boards and elected officials that requested the restriction of the conversion of pre-1961 commercial buildings to residential use under Article 1, Chapter 5 of the Zoning Resolution. The Commission notes that DCP has committed to report in five years (2022) to the Manhattan Borough President and City Council on the prevalence of residential conversions and any associated effects on the prevailing use and character of East Midtown as a premier- central business district. The Commission believes that DCP should undertake a residential conversion report in three years, in addition to the five year report committed to by the Administration to the Manhattan Borough President. The Commission stresses that the City's primary objective in the Greater East Midtown Proposal is the redevelopment of underperforming office stock into state of-the-art office buildings. However, the Commission recognizes that not every building is well-suited to redevelop with a viable commercial floor plate and does not believe that precluding all residential conversions is necessary to advance this Proposal's goals.

### **Additional Consideration – Greenacre Park**

During the public review period, the Commission heard testimony that density increases could result in several projected and potential development sites casting substantially larger shadows on the southern portion of Greenacre Park—located between Lexington and Third Avenue on East 51st Street. However, the FEIS identified no impacts to the park in any area of analysis, and found that any incremental shadows that would fall on the park would be de minimis. To supplement this analysis, the City determined through shadow modeling that, on the sites in question, a building built pursuant to the current zoning regulations would cast a similar level of incremental shadow as would be the case under the Reasonable Worst Case Development

Scenario. Through the public review process, it became apparent that the constituents voicing these concerns had greater concerns about potential development along Second Avenue, which is not affected by the proposed rezoning.

### **Zoning Map Amendment**

The Proposal also includes a zoning map amendment to replace the C5-2 designation for portions of the block located between East 42nd and East 43rd streets, and Second and Third Avenues, with C5-3 districts mapped within the Special Midtown District, and to incorporate this block into the East Midtown Subdistrict. The Commission believes that this map change is appropriate.

The Commission heard testimony during public review that the proposed zoning map amendment was tantamount to spot zoning, and effectively granted five FAR to the site, unaccompanied by landmark benefit, public realm improvement, or transit benefit. The Commission understands these concerns but notes that the block is high-density commercial in character with a number of existing older office buildings currently built to the same FAR as would be permitted under the proposed the C5-3/MiD district. In addition, the Commission observes that the Special Midtown District generally follows the boundaries of Midtown's commercial areas and thus this area would more appropriately be located in the District, and as part of the Subdistrict. The C5-3/MiD District's regulations, including height and setback and streetscape requirements would apply. These regulations are tailored to meet the needs and effects of high-density commercial construction better than the generic C5-2 regulations that now apply.

### **Concluding Comments**

The Commission believes that this application, as modified herein, represents a thoughtful and well-considered approach to addressing the long term challenges of East Midtown. This critical and timely zoning Proposal has been undertaken to ensure that the district maintains its vital role in support of the city's economy. The participation of the Community Boards, Borough President, the Borough Board, Councilmembers, civic organizations, property owners, and the public at large has facilitated an expansive and detailed consideration of this application to create

the East Midtown Subdistrict. Many recommendations made by participants in the public review process were incorporated into the modifications to the certified application, and are also reflected in modifications made by Commission herein. The Commission believes that the comments and recommendations received prior to and during the review process have contributed to further the goal of the East Midtown Subdistrict and result in a stronger plan.

The Commission believes that the East Midtown Subdistrict will usher in the next generation of state-of-the-art office buildings, coupled with improvements to the public realm—thereby ensuring that East Midtown maintains its position of one of the best business addresses in world.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on May 26, 2017, with respect to this application (CEQR No. 17DCP001M), and Technical Memorandum 002, dated June 2, 2017, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, thereto, the Amended Application alternative, as modified with the modifications adopted herein and as analyzed in Chapter 25, “Amended Application Analysis,” of the FEIS and in the Technical Memorandum 002 is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, which form part of the action.

The report of the City Planning Commission, together with the FEIS and Technical Memorandum 002, constitutes the written statement of facts, and of social, economic and other

factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

## **Article VIII – Special Purpose Districts**

### **Chapter 1**

#### **Special Midtown District**

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**Chapter 1**  
**Special Midtown District**

**81-00**  
**GENERAL PURPOSES**

The "Special Midtown District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;
- (b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
- (c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
- (d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- (f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;

- (g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to protect and strengthen the economic vitality and competitiveness of the East Midtown Grand Central Subdistrict by facilitating the development of its exceptional and sustainable buildings ~~within the Vanderbilt Corridor~~ and enabling improvements to the pedestrian and mass transit circulation network;
- (o) to ensure that development within the ~~Vanderbilt Corridor~~ East Midtown Subdistrict occurs on sites that meet sound site planning criteria and therefore can accommodate additional density as appropriate;
- (p) to protect and strengthen the role of landmark buildings as important features of the East Midtown Subdistrict;
- ~~(q)~~ (p) to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City, to expand and enhance the pedestrian and mass transit circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;

- (r) ~~(q)~~ to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- (s) ~~(r)~~ to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (t) ~~(s)~~ to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

**81-01  
Definitions**

For purposes of this Chapter, matter in #italics# is defined in Sections 12-10, 81-261, ~~or~~ 81-271 or Section 81-613 (Definitions).

\* \* \*

**81-02  
General Provisions**

**81-022  
Applicability of Special Transit Land Use District regulations**

Except as otherwise provided in paragraphs (a), ~~and (b) or (c)~~ of this Section, wherever the #Special Transit Land Use District# includes an area which also lies within the #Special Midtown District#, as ~~described in paragraph (e)~~ designated on the #zoning map# by the letters "MiD - TA", the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply.

- (a) However, the requirements of Article IX, Chapter 5, shall be waived where the City Planning Commission certifies, in the case of a specific #development# otherwise subject to those requirements, that:
  - (1) the developer has agreed in a writing recorded against the property to implement a plan approved by the City Planning Commission and New York City Transit for off-street relocation of a subway stair entrance, in accordance with the requirements of Section 81-46 (Off-Street Relocation or Renovation of a Subway Stair); or
  - (2) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for the provision of a subway station improvement in accordance with the provisions of Section 74-634 (Subway

station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

- (b) Where the requirements of Article IX, Chapter 5, are not waived, modifications of the underlying district #bulk# regulations as set forth in this Chapter shall prevail over any inconsistent #bulk# regulations in Article IX, Chapter 5.
- (c) In the East Midtown Subdistrict, the provisions of paragraph (c) of Section 81-673 (Mass transit access) shall supersede the provisions of Section 95-031 (Selection of transit easement) and 95-052 (Special access facilities for persons with disabilities).
- (e) ~~Within the #Special Midtown District#, the #Special Transit Land Use District# includes the area bounded by a line 100 feet west of Third Avenue, a line midway between East 53rd Street and East 54th Street, a line 160 feet east of Third Avenue (the #Special Midtown District# boundary) and a line midway between East 52nd Street and East 53rd Street.~~

\* \* \*

**81-03  
District Plan**

The regulations of this Chapter are designed to implement the #Special Midtown District# Plan.

The District Plan includes the following four ~~three~~ maps:

- Map 1            Special Midtown District and Subdistricts
- Map 2            Retail and Street Wall Continuity
- Map 3            Subway Station and Rail Mass Transit Facility Improvement Areas
- Map 4            East Midtown Subdistrict and Subareas

The maps are located in Appendix A of this Chapter and are hereby incorporated and made a part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

**81-04  
Subdistricts and Subareas**

In order to carry out the purposes and provisions of this Chapter, five special Subdistricts are established within the #Special Midtown District#. In each of these Subdistricts certain special regulations apply which do not apply in the remainder of the #Special Midtown District#. The Subdistricts are outlined on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter.

The Subdistricts, together with the Sections of this Chapter specially applying to each, are as follows:

Subdistricts	Sections Having Special Application
Penn Center Subdistrict	81-50
<u>East Midtown</u> <del>Grand Central</del> Subdistrict	81-60
Theater Subdistrict	81-70
Fifth Avenue Subdistrict	81-80
Preservation Subdistrict	81-90

The Subdistricts are also subject to all other regulations of the #Special Midtown District# and, where applicable pursuant to Section 81-023, the #Special Clinton District# and the underlying districts, except as otherwise specifically provided in the Subdistrict regulations themselves.

Within the East Midtown Subdistrict, certain special regulations apply to Subareas, which do not apply within the remainder of the Subdistrict. Such Subareas are established, as follows:

Grand Central Transit Improvement Zone Subarea

Northern Subarea

Other Transit Improvement Zone Subarea

Park Avenue Subarea

Southern Subarea

Vanderbilt Corridor Subarea

The entirety of the Vanderbilt Corridor Subarea and the Grand Central Transit Improvement Zone Subarea as well as the portions of the Other Transit Improvement Zone Subarea south of East 47th Street, are hereinafter referred to as the Grand Central Core Area.

These Subareas, as well as the boundary of the Grand Central Core Area, are shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter.

\* \* \*

### **81-067**

#### **Modification of provisions for minimum base height and street wall location in Historic Districts**

Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), ~~81-62~~ 81-671 (Special street wall requirements) pertaining to the East Midtown Grand Central Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to Sections 23-66 and 35-65 (Height and Setback Regulations for Quality Housing Buildings).

\* \* \*

### **81-10**

#### **USE REGULATIONS**

### **81-11**

#### **Modifications of Use Regulations in Subdistricts**

The #use# regulations of the underlying districts are modified in:

- (a) the East Midtown Subdistrict in accordance with the provisions of Section 81-62 (Special Use Provisions), inclusive;
- (b) the Theater Subdistrict in accordance with the provisions of Sections 81-72 (Use Regulations Modified) and 81-73 (Special Sign and Frontage Regulations); and ~~are modified in~~
- (c) the Fifth Avenue Subdistrict in accordance with the provisions of Section 81-82 (Special Regulations on Permitted and Required Uses).

\* \* \*

**81-20**

**BULK REGULATIONS**

**81-21**

**Floor Area Ratio Regulations**

The #floor area ratio# regulations of the underlying districts are modified in accordance with the provisions of this Section or Section 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building). However, the provisions of this Section, inclusive, shall not apply to #non-residential buildings# or #mixed buildings# in the East Midtown Subdistrict, where the special #floor area# provisions of Sections 81-62, 81-63, or 81-64 shall apply.

**81-211**

**Maximum floor area ratio for non-residential or mixed buildings**

- (a) For #non-residential buildings# or #mixed buildings#, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section.
- (b) In the #Special Midtown District#, the basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES  
AND MAXIMUM FLOOR AREA RATIOS BY DISTRICTS

[REMOVE GRAND CENTRAL SUBDISTRICT FROM CHART. PROVISIONS REPLACED BY THOSE IN SECTION 81-60]

Means for Achieving Permit-ted FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)						
	<del>Outside the Grand Central Subdistrict</del>					<del>Grand Central Subdistrict</del>	

	C5P	C6-4 C6-5 M1-6	C5-2.5 C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 C6-6 C6-7	<del>C5-2.5</del>	<del>C5-3</del> <del>C6-6</del>
A. Basic Maximum FAR							
	8.0	10.0	12.0	14.0	15.0	<del>12.0</del>	15.0
Maximum As-of-Right #Floor Area# Allowances:(District-wide Incentives), #Public plazas# (Section 81-23)							
	---	1.0 <sup>1,2</sup>	1.0 <sup>1,3</sup>	---	1.0 <sup>2</sup>	---	---
Maximum Total FAR with As-of-Right Incentives							
	8.0	11.0 <sup>1,2,7,8</sup>	13.0 <sup>1,3</sup>	14.0	16.0	<del>12.0</del>	15.0
D. Maximum Special Permit #Floor Area# Allowances:(District-wide Incentives), Subway station improvements (Section 74-634)							
	---	2.0 <sup>1,6,7</sup>	2.4 <sup>1</sup>	---	3.0	<del>2.4</del>	3.0
E. Maximum Total FAR with District-wide and As-of-Right Incentives							
	8.0	12.0	14.4	14.0	18.0	<del>14.4</del>	18.0
F. Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)							
	---	2.0	---	---	3.0	---	---
G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:							
	---	12.0	---	---	18.0	---	---
H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:							

Development rights (FAR) of a "granting site" (Section 81-744)							
	---	10.0	12.0	14.0	15.0	—	—
Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" (Section 81-744(a))							
	---	2.0	2.4	2.8	3.0	—	—
Inclusionary Housing (Sections 23-90 and 81-22)							
	---	2.0 <sup>4</sup>	---	---	---	—	—
I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict							
	---	12.0	14.4	16.8	18.0	—	—
J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor (Section 81-744(b))							
	---	2.4	---	---	---	—	—
K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations							
	---	14.4	14.4	16.8	18.0	—	—
L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict:							
Rehabilitation of "listed theaters" (Section 81-745)							
	---	4.4	2.4	2.8	3.0	—	—
M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives							
	8.0	14.4	14.4	16.8	18.0	—	—
N. Maximum FAR of Lots Involving Landmarks:							

Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)							
	8.0	10.0	12.0	14.0	15.0	<del>12.0</del>	15.0
Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)							
	8.0	10.0	13.0 <sup>5</sup>	14.0	16.0	<del>12.0</del>	15.0
Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on: an "adjacent lot" (Section 74-79)							
(a) <del>an "adjacent lot" (Section 74-79)</del>							
	1.6	2.0	2.4	No Limit	No Limit	2.4	No Limit
(b) <del>a "receiving lot" (Section 81-634)</del>							
	—	—	—	—	—	1.0	1.0
(c) <del>a "receiving lot" (Section 81-635)</del>							
	—	—	—	—	—	9.6	6.6
(d) <del>a "receiving lot" located in the Vanderbilt Corridor (Section 81-635)</del>							
	—	—	—	—	—	—	15.0
<del>O. Maximum #Floor Area# Allowances by Special Permit for Grand Central Public Realm Improvement Bonus (Section 81-64)</del>							
	—	—	—	—	—	—	15.0
<u>O. P.</u> Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of-Right Incentives							
	9.6	14.4	14.4	No Limit	No Limit	<del>21.6</del>	No <sup>6</sup> -Limit

- 1 Not available for #zoning lots# located wholly within Theater Subdistrict Core
- 2 Not available within the Eighth Avenue Corridor
- 3 Not available within 100 feet of a #wide street# in C5-2.5 Districts
- 4 Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#
- 5 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
- ~~6 Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict, and limited to 30.0 FAR on a #zoning lot# located within the Vanderbilt Corridor, pursuant to Sections 81-635 or 81-64 in the Grand Central Subdistrict~~
- ~~6.7~~ Not available on west side of Eighth Avenue within the Eighth Avenue Corridor
- 7.8 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34<sup>th</sup> Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities spaces)

## 81-212

### Special provisions for transfer of development rights from landmark sites

The provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites) shall apply in the #Special Midtown District#, subject to the modification set forth in this Section and Sections 81-254, 81-266 and 81-277 pertaining to special permits for height and setback modifications, Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), Section 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites), Section 81-747 (Transfer of development rights from landmark theaters) and Section 81-85 (Transfer of Development Rights from Landmark Sites).

The provisions of Section 74-79 pertaining to the meaning of the term "adjacent lot" in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts are modified to apply in the #Special Midtown District# where the "adjacent lot" is in a C5-3, C6-6, C6-7, C6-5.5, C6-6.5 or C6-7T District.

The provisions of paragraph (c) of Section 74-792 as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section 81-211 on the development rights (FAR) of a landmark "granting lot" for transfer purposes.

Wherever there is an inconsistency between any provision in Section 74-79 and the table in Section 81-211, the table in Section 81-211 shall apply.

[EXISTING PROVISION MOVED TO SECTION 81-63]

~~Within the Grand Central Subdistrict, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79, or Section 81-63 (Transfer of Development Rights from Landmark Sites), but not both.~~

For #developments# or #enlargements# in C5-3, C6-6, C6-7 and C6-7T Districts, the City Planning Commission may also modify or waive the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and requirements governing the minimum dimensions of a #court#, where:

- (a) the required minimum distance as set forth in Section 23-86 is provided between the #legally required windows# in the #development# or #enlargement# and a wall or #lot line# on an adjacent #zoning lot# occupied by the landmark; and
- (b) such required minimum distance is provided by a light and air easement on the #zoning lot# occupied by the landmark #building or other structure#, and such easement is acceptable to the Department of City Planning and recorded in the County Clerk's office of the county in which such tracts of land are located.

For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts and with frontage on #streets# on which curb cuts are restricted, pursuant to Section 81-44, the Commission may also modify or waive the number of loading berths required pursuant to Section 36-62. In granting such special permit, the Commission shall find that:

- (1) a loading berth permitted by Commission authorization, pursuant to Section 81-44, would have an adverse impact on the landmark #building or other structure# that is the subject of the special permit;
- (2) because of existing #buildings# on the #zoning lot#, there is no other feasible location for the required loading berths; and
- (3) the modification or waiver will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement. For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify the dimensions and minimum clear height required for pedestrian circulation space, pursuant to Sections 37-50 and 81-45. In granting such special permit, the Commission shall find that the modification will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with the landmark #building or other structure# that is the subject of the special permit.

\* \* \*

## 81-214

### Special provisions within the Vanderbilt Corridor in the Grand Central Subdistrict

[EXISTING PROVISION MOVED TO SECTION 81-63]

~~For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) of Appendix A of this Chapter, additional #floor area# may be permitted by the City Planning Commission pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus), or any combination thereof, up to the maximum permitted #floor area# set forth in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), respectively. In no event shall the total #floor area ratio# of the #zoning lot# resulting from such proposed #development# or #enlargement# exceed 30.0.~~

\* \* \*

## 81-23

### Floor Area Bonus for Public Plazas

Within the #Special Midtown District#, for each square foot of #public plaza# provided on a #zoning lot#, the basic maximum #floor area# permitted on that #zoning lot# under the provisions of Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) may be increased by six square feet, provided that in no case shall such bonus #floor area# exceed a #floor area ratio# of 1.0.

This Section shall be applicable in all underlying districts throughout the #Special Midtown District#, except that there shall be no #floor area# bonus for a #public plaza# that is:

- (a) on #zoning lots# in the C5P District within the Preservation Subdistrict;
- (b) within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);
- (c) on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions); and
- (d) on #zoning lots#, any portion of which is in the Grand Central ~~Subdistrict~~ Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, or on #qualifying sites#, as defined in Section 81-613, in any other subarea of the East Midtown Subdistrict.

All #public plazas# provided within the #Special Midtown District# shall comply with the requirements for #public plazas# set forth in Section 37-70, inclusive.

A major portion of a #public plaza# may overlap with a sidewalk widening which may be provided to fulfill the minimum pedestrian circulation space requirements set forth in Section 81-45 (Pedestrian Circulation Space), provided that the overlapping portion of the #public plaza# also conforms to the design standards of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) for a sidewalk widening. Such sidewalk widening may be included in the major portion of a #public plaza# for purposes of calculating the proportional restrictions set forth in Section 37-715.

\* \* \*

### **81-24**

#### **Floor Area, Lot Coverage and Building Spacing Regulations for Residential Uses**

### **81-241**

#### **Maximum floor area ratios for a residential building or the residential portion of a mixed building**

\* \* \*

### **81-25**

#### **General Provisions Relating to Height and Setback of Buildings**

\* \* \*

### **81-253**

#### **Special provisions for ~~Grand Central~~ the East Midtown, Theater, Fifth Avenue, Penn Center and Preservation Subdistricts**

The provisions of Sections 81-26 (Height and Setback Regulations – Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation) are supplemented and modified by special provisions applying in the Fifth Avenue Subdistrict, as set forth in Sections 81-81 (General Provisions) and 81-83 (Special Street Wall Requirements) or in the Theater Subdistrict as set forth in Sections 81-71 (General Provisions) and 81-75 (Special Street Wall and Setback Requirements) or in the ~~Grand Central~~ East Midtown Subdistrict as set forth in Sections 81-61 (General Provisions), ~~81-621~~ (Special street wall requirements) and ~~81-622~~ (Special height and setback requirements) 81-66 (Special Height and Setback Regulations), inclusive, or Section 81-671 (Special street wall requirements).

The provisions of Sections 81-26 and 81-27 are not applicable in the Preservation Subdistrict, where height and setback is regulated by the provisions of Section 81-90 (SPECIAL REGULATIONS FOR

PRESERVATION SUBDISTRICT), or in the Penn Center Subdistrict as set forth in Section 81-532 (Special street wall requirements).

## 81-254

### Special permit for height and setback modifications

In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

- |  |   |
|--|---|
| Section 74-711                         | (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications)   |
| Section 74-79                          | (Transfer of Development Rights from Landmark Sites) where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277 |
| Section 81-066                         | (Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7)  |
| <u>Section 81-632</u>                  | <u>(Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea)</u>  |
| Section <del>81-64</del> <u>81-633</u> | (Special <del>Permit</del> <u>permit</u> for Grand Central <u>public realm improvements</u><br><del>Public Realm Improvement Bonus</del> )  |
| <u>Section 81-685</u>                  | <u>(Special permit to modify qualifying site provisions)</u>  |
| <del>Section 81-635</del>              | <del>(Transfer of development rights by special permit).</del>  |

\* \* \*

## 81-27

### Alternative Alternate Height and Setback Regulations - Daylight Evaluation

## 81-271

### Definitions

\* \* \*

### Daylight Evaluation Chart (DEC)

A graphic tool which permits objective measurements of portions of sky blocked by a #building# when it is viewed from a #vantage point#. There are three #daylight evaluation charts# for use with #street# widths of 60 feet, 75 to 80 feet and 100 feet and over, respectively. All #buildings# are drawn on the appropriate #daylight evaluation chart# to evaluate their compliance with the regulations of Section 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation). The three #daylight evaluation charts# are ~~presented~~ located in Appendix ~~A~~ B of this Chapter. A fourth chart, also located in Appendix B, is available for use for #qualifying sites# in the East Midtown Subdistrict, as defined in Section 81-613, with frontage along Park Avenue.

\* \* \*

## 81-40

### MANDATORY DISTRICT PLAN ELEMENTS

## 81-41

### General Provisions

The provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) specify mandatory planning and urban design features. Requirements which apply generally or with minor specified exceptions throughout the #Special Midtown District# are fully set forth in the provisions of Section 81-40. For requirements which are not generally applicable but tied to specific locations within the District, the locations where these requirements apply are shown on Map 2 (Retail and Street Wall Continuity) or Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A of this Chapter.

The provisions of Section 81-40 are all primarily oriented toward the accommodation and well-being of pedestrians. The requirements pertain to a number of elements which are interrelated and complement one another but are set forth in different sections because they can be treated separately. Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity ~~along~~ Along Designated Streets) and 81-44 (Curb Cut Restrictions) are a group of sections with closely related purposes concerned with amenity and the well-being and safety of pedestrians. Sections 81-45 to 81-48, inclusive, are all concerned primarily with pedestrian traffic circulation. Major #building# entrances are focal points of heavy pedestrian traffic, so that controls on the locations of these entrances, as set forth in Section 81-48, are closely related to the pedestrian circulation space requirements.

Special district plan requirements for the Penn Center Subdistrict are set forth in Section 81-50 (SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT), for the ~~Grand Central East~~ East Midtown Subdistrict are set forth in Section 81-60 (SPECIAL REGULATIONS FOR THE ~~GRAND-CENTRAL EAST MIDTOWN~~ SUBDISTRICT), for the Theater Subdistrict are set forth in Section 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT), for the Fifth Avenue Subdistrict are set forth in Section 81-80 (SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT) and for the Preservation Subdistrict are set forth in Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT).

\* \* \*

### **81-412**

#### **Directions Directional signs**

\* \* \*

### **81-42**

#### **Retail Continuity ~~along~~ Along Designated Streets**

For #buildings developed# or #enlarged# after May 13, 1982, where the ground floor level of such #development# or #enlarged# portion of the #building# fronts upon a designated retail #street# (see Appendix A, Map 2), #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Museums and libraries shall be permitted. A #building's street# frontage shall be allocated exclusively to such #uses#, except for:

\* \* \*

Special #use# regulations apply along designated retail #streets# located within the boundaries of the Penn Center Subdistrict, the East Midtown Subdistrict, the Theater Subdistrict or the Fifth Avenue Subdistrict and #uses# along such designated #streets# shall be subject to the respective Subdistrict retail requirements in Sections 81-531, 81-674, 81-72 and 81-82.

Special ground level and entertainment-related #use# regulations apply to #zoning lots# located within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), and such #zoning lots# shall meet the ground level and entertainment-related #use# requirements of Section 81-72 (Use Regulations Modified).

\* \* \*

## 81-60

### SPECIAL REGULATIONS FOR THE EAST MIDTOWN GRAND CENTRAL SUBDISTRICT

## 81-61

### General Provisions

~~In order to preserve and protect the character of the Grand Central Subdistrict, as well as to expand and enhance the Subdistrict's extensive pedestrian and mass transit circulation network, and to facilitate the development of exceptional and sustainable buildings within the Vanderbilt Corridor, special regulations are set forth in Section 81-60 (SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT), inclusive, governing urban design and streetscape relationships, the transfer of development rights from landmarks, and the improvement of the pedestrian and mass transit circulation network.~~

Special regulations are set forth in this Section to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers; enabling improvements to the above- and below-grade pedestrian circulation network; protecting and strengthening the role of landmark buildings as important features of East Midtown; protecting and enhancing the role of Grand Central Terminal as a major transportation hub within East Midtown and the city; expanding and enhancing the pedestrian circulation network connecting Grand Central Terminal to surrounding development and minimizing pedestrian congestion; and protecting the surrounding area's iconic character. Such regulations establish special provisions governing maximum floor area, sustainability, urban design and streetscape enhancements, the transfer of development rights from landmarks, and the improvement of the surface and subsurface pedestrian circulation network in the East Midtown Subdistrict.

The regulations of Sections 81-60 (SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT), inclusive, are applicable only in the ~~Grand Central~~ East Midtown Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) and Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

~~As set forth in Section 81-212 (Special provisions for transfer of development rights from landmark sites), transfer of development rights from landmark sites may be allowed pursuant to Section 81-63.~~

~~The provisions of Section 81-23 (Floor Area Bonus for Public Plazas) are inapplicable to any #zoning-lot#, any portion of which is located within the Grand Central Subdistrict.~~

Where the #lot line# of a #zoning lot# coincides with the boundary of the public place located at the southerly prolongation of Vanderbilt Avenue between East 42nd Street and East 43rd Street, such #lot line# shall be considered to be a #street line# for the purposes of applying the #use#, #bulk# and urban design regulations of this Chapter.

## 81-611

### **Special use provisions**

#### **Applicability of regulations**

[EXISTING PROVISIONS REPLACED BY TEXT IN SECTION 81-621]

- (a) ~~Except as provided in paragraph (b) of this Section, within the Vanderbilt Corridor, as shown in on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed by special permit of the City Planning Commission, pursuant to Section 81-65.~~
- (b) ~~In the event a casualty damages or destroys a #building# within the Vanderbilt Corridor, that was used as a #transient hotel# as of May 27, 2015, to an extent greater than the limits set forth in Section 52-53 (Buildings or Other Structures in All Districts), such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building# does not exceed the underlying district #floor area ratio# regulations.~~

The provisions of Section 81-60, inclusive, shall apply in the East Midtown Subdistrict as follows:

- (a) Section 81-61, inclusive, sets forth general provisions, applicability and definitions for the East Midtown Subdistrict;
- (b) Section 81-62, inclusive, sets forth special use provisions;
- (c) Section 81-63, inclusive, sets forth special #floor area# provisions for the Vanderbilt Corridor Subarea;
- (d) Section 81-64, inclusive, sets forth special #floor area# provisions for #qualifying sites#;
- (e) Section 81-65, inclusive, sets forth special #floor area# provisions for all other #zoning lots#;
- (f) Section 81-66, inclusive, sets forth certain height and setback modifications to the provisions of Sections 81-26 and 81-27;

- (g) Section 81-67, inclusive, sets forth certain modifications to the mandatory district plan elements of Section 81-40, inclusive; and
- (h) Section 81-68, inclusive, sets forth additional provisions pertaining to #qualifying sites#.

## **81-612**

### **Applicability along district boundaries**

For #zoning lots# divided by district boundaries, the underlying provisions shall apply, except as follows:

- (a) For #qualifying sites# divided by district boundaries where both districts have the same maximum #floor area ratio# set forth in Rows E and H of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the provisions of Section 33-16 (Special Provisions for Zoning Lots Divided by District Boundaries) shall not apply. In lieu thereof, the #floor area# resulting from the provisions of Section 81-64, inclusive, may be located anywhere on the #zoning lot#.
- (b) In addition to the requirements set forth in Sections 81-25 (General Provisions Relating to Height and Setback of Buildings) and 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of Section 81-60, inclusive, shall apply to a #zoning lot# having 50 percent or more of its #lot area# within the East Midtown Subdistrict. For the purposes of Section 81-60, inclusive, all such #zoning lots# shall be deemed to be entirely within the Subdistrict. If any of the provisions of Sections 81-25, 81-40 and 81-60, inclusive, are in conflict, the regulations of Section 81-60, inclusive, shall govern. However, for #zoning lots# divided between the East Midtown Subdistrict and the Fifth Avenue Subdistrict, the provisions of Article VII, Chapter 7 shall apply.
- (c) For #zoning lots# divided by subarea boundaries, the provisions of Article VII, Chapter 7 shall apply.
- (d) For #zoning lots# with #landmark buildings or other structures# where more than 50 percent of the #lot area# is located within the #Special Midtown District#, and which #abut# the East Midtown Subdistrict boundary, such #zoning lot# may be considered as part of the Subdistrict for the purposes of transferring development rights pursuant to the applicable provisions of Sections 81-642 (Transfer of development rights from landmarks to qualifying sites) or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites). However, the maximum amount of #floor area# that may be transferred from a #granting lot#, or portion thereof, located outside the Special Midtown District shall be the maximum #floor area ratio# permitted under the applicable underlying zoning district.

## **81-613**

### **Definitions**

#### **Adjacent lot**

For the purposes of Section 81-60, inclusive, an "adjacent lot" is:

- (a) a #zoning lot# that is contiguous to the lot occupied by the designated #landmark building or other structure# or one that is across a #street# and opposite the lot occupied by such designated #landmark building or other structure#, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by such #landmark building or other structure#; and
- (b) in C5-3 or C6-6 Districts, a #zoning lot# that is contiguous to, or across a #street# and opposite another lot or series of lots that, except for the intervention of #streets# or #street# intersections, extend to the lot occupied by such designated #landmark building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS)).

#### **Granting lot**

For the purposes of Section 81-60, inclusive, a "granting lot" shall mean a #zoning lot# that contains a #landmark building or other structure#. Such #granting lot# may transfer development rights pursuant to Sections 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), 81-642 (Transfer of development rights from landmarks to qualifying sites), or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites).

#### **Landmark #building or other structure#**

For the purposes of Section 81-60, inclusive, a "landmark #building or other structure" shall include any structure designated as a landmark by the Landmarks Preservation Commission pursuant to the New York City Charter and Administrative Code, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to this Section from those portions of #zoning lots# used for cemetery purposes, or any structures within historic districts, statues, monuments or bridges.

#### **Non-qualifying site**

For the purposes of Section 81-60, inclusive, a "non-qualifying site" shall refer to a #zoning lot# that does not meet the criteria for a #qualifying site# and is located in a subarea other than the Vanderbilt Corridor Subarea.

### **Public Realm Improvement Fund**

For the purposes of Section 81-60, inclusive, the “Public Realm Improvement Fund” (the “Fund”) shall be a separate account established for the deposit of contributions made when #developments# on #qualifying sites# in the East Midtown Subdistrict will exceed the basic maximum #floor area ratio# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) through their utilization of the provisions of either Sections 81-642 (Transfer of development rights from landmarks to qualifying sites) or 81-643 (Special provisions for retaining non-complying floor area). The Fund shall be utilized, at the discretion of the #Public Realm Improvement Fund Governing Group#, to provide funding to implement improvements to the East Midtown Subdistrict, and its immediate vicinity, in the Borough of Manhattan.

### **Public Realm Improvement Fund Development Rights Valuation**

For the purposes of Section 81-60, inclusive, the “Public Realm Improvement Fund Development Rights Valuation” (“Development Rights Valuation”) shall be a value per square foot of transferable development rights in the East Midtown Subdistrict, which shall provide a basis for establishing a minimum contribution to the #Public Realm Improvement Fund#. As of [date of enactment] the Development Rights Valuation shall be set at \$393.00 per square foot.

When proposing an adjustment to the Development Rights Valuation, the Department of City Planning shall undertake a transferrable development rights valuation study conducted by qualified professionals utilizing industry best practices. The City Planning Commission shall, by rule, review and adjust the Development Rights Valuation, pursuant to the City Administrative Procedures Act not more than once every three years and not less than once every five years.

An applicant, upon written request to the Commission, may request a transferable development rights valuation study to determine any recent changes in market conditions within the Subdistrict. The study must be paid for by the applicant and completed within a one-year timeframe. The Department of City Planning shall initiate the study, to be conducted by qualified professionals utilizing industry best practices and the Commission shall, by rule, review and adjust the Development Rights Valuation pursuant to the City Administrative Procedures Act.

### **Public Realm Improvement Fund Governing Group**

For the purposes of Section 81-60, inclusive, the “Public Realm Improvement Fund Governing Group” (the “Governing Group”) shall be established to administer the #Public Realm Improvement Fund# (the “Fund”), and shall consist of 11 members: six members shall be representatives of City agencies, appointed by and serving at the pleasure of the Mayor; one member shall be a representative of a citywide civic organization; one member shall be a representative of the Office of the Manhattan Borough

President; one member shall be a representative of the New York City Council member representing the City Council district encompassing the largest portion of the East Midtown Subdistrict; one member shall be a representative of Manhattan Community Board 5; and one member shall be a representative of Manhattan Community Board 6.

The Governing Group’s purpose shall be to bolster and enhance East Midtown’s status as a premier central business district with a high-quality public realm, by allocating funds from the Fund to implement public realm improvement projects. The Governing Group shall establish and maintain a Public Realm Improvement Concept Plan (“Concept Plan”), for the purpose of creating a list of priority improvements, and shall have the authority to amend such Concept Plan, and associated list of improvements, as necessary. All priority improvements in the Concept Plan shall meet the criteria set forth in Section 81-683 (Criteria for improvements in the Public Realm Improvement Concept Plan).

The Governing Group shall adopt procedures for the conduct of its activities consistent with the requirements of the New York State Open Meetings Law (Article 7, NYS Public Officers Law), which procedures shall be consistent with the goals of the Subdistrict. Those procedures shall be publicly available by posting on the Department of City Planning’s website, and include rules on reporting and transparency functions, including but not limited to the following: procedures on the adoption and amendment of the concept plan and opportunity for public comment thereon; requirements to provide a transcript or recording of all public meetings and hearings; and transparency and annual reporting requirements concerning deposits and expenditures from the Fund. All meetings of the Governing Group shall be open to the public with advance public notice provided of all meetings and public hearings. In order for the Board to act, a minimum of six members must approve the action.

**Qualifying site**

For the purposes of Section 81-60, inclusive, a “qualifying site” shall refer to a #zoning lot#:

- (a) that is not located in the Vanderbilt Corridor Subarea;
- (b) that has frontage along a #wide street#;
- (c) where, at the time of #development#, either:
  - (1) a portion of such #zoning lot’s wide street# frontage is clear of #buildings or other structures#; or
  - (2) the entire #block# frontage along such #wide street# is occupied by one or more #landmark buildings or other structures#; or

- (3) such #zoning lot’s wide street# frontage is occupied by an existing easement volume that is being preserved, or reconfigured in accordance with Section 81-673 (Mass transit access);
- (d) where a #building# is #developed# in accordance with the #floor area# provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites);
- (e) where a maximum of 20 percent of the #floor area# permitted on such #zoning lot# is allocated to #residential uses#; and
- (f) where such #building# being #developed# complies with the performance requirements of Section 81-681 (Building energy design requirements for qualifying sites).

### **Receiving lot**

For the purposes of Section 81-60, inclusive, a “receiving lot” shall mean a #zoning lot# to which development rights of a #granting lot# are transferred. Such #receiving lot# may receive a transfer of development rights pursuant to Sections 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), 81-642 (Transfer of development rights from landmarks to qualifying sites), or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites).

### **81-62**

#### **Special Bulk and Urban Design Requirements Use Provisions**

[EXISTING PROVISIONS REPLACED BY TEXT IN SECTION 81-611]

~~In addition to the requirements set forth in Sections 81-25 (General Provisions Relating to Height and Setback of Buildings) and 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of this Section shall apply to a #zoning lot# having 50 percent or more of its #lot area# within the Grand Central Subdistrict. For the purposes of this Section, all such #zoning lots# shall be deemed to be entirely within the Subdistrict. If any of the provisions of Sections 81-25, 81-40 and 81-62 are in conflict, the regulations of this Section shall govern.~~

### **81-621**

#### **Special provisions for transient hotels**

#### **Special street wall requirements**

[EXISTING PROVISIONS REPLACED BY TEXT IN SECTION 81-671]

~~The requirements of Section 81-43 (Street Wall Continuity Along Designated Streets) shall be applicable within the Subdistrict, except as modified in this Section.~~

~~#Buildings# with frontage on Park, Lexington, Madison and Vanderbilt Avenues, or Depew Place, shall have a #street wall# within 10 feet of the #street line# of such #streets#.~~

~~On 42nd Street, the #street wall# shall be at the #street line#. The width of the required #street wall# shall be at least 80 percent of the length of the #front lot line#. The minimum height of such #street walls# without any setback shall be 120 feet above #curb level# or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet above #curb level#. Where a #zoning lot# is bounded by the intersection of Park, Lexington, Madison and Vanderbilt Avenues, 42nd Street or Depew Place and any other #street#, these #street wall# height regulations shall apply along the full length of the #zoning lot# along the other #street# or to a distance of 125 feet from the intersection, whichever is less.~~

~~Beyond 125 feet from the intersection, the maximum height of the #street wall# above #curb level# shall not exceed 120 feet. For such #building#, the provisions of Section 81-262 (Maximum height of front wall at the street line) shall not be applicable.~~

~~However, the ten foot setback requirement of Section 81-263, paragraph (a), shall apply only to those portions of the #building# above this height.~~

Within the East Midtown Subdistrict, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed by special permit of the City Planning Commission.

However, in the event a casualty damages or destroys a #building# within the East Midtown Subdistrict that was used as a #transient hotel# as of May 27, 2015 in the Vanderbilt Corridor Subarea or on [date of enactment] in other Subareas, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building#, less the #floor area# of any other #buildings# on the #zoning lot# does not exceed the applicable basic maximum #floor area ratio# for the #zoning lot# set forth in Section 81-60, inclusive. #Transient hotels# existing on May 27, 2015 within the Vanderbilt Corridor Subarea or on [date of enactment] in other Subareas, shall be considered conforming #uses#.

To permit such a #transient hotel#, the Commission shall find that such #transient hotel# will:

(a) be appropriate to the needs of businesses in the vicinity of the East Midtown area; and

- (b) provide on-site amenities and services that will support the area's role as an office district. Such business-oriented amenities and services shall be proportionate to the scale of the #transient hotel# being proposed, and shall include, but shall not be limited to, conference and meeting facilities, and telecommunication services.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

## **81-622**

### **Location of uses in mixed buildings**

#### **Special height and setback requirements**

[EXISTING PROVISIONS REPLACED BY TEXT IN SECTION 81-661]

~~Within the Subdistrict, the provisions of Sections 81-26 (Height and Setback Regulations Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations Daylight Evaluation) shall apply to all #buildings# on a #zoning lot#, except that:~~

- ~~(a) — where such #buildings# are governed by Section 81-26, no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below 150 feet above #curb level#; or~~
- ~~(b) — where such #buildings# are governed by Section 81-27, the computation of daylight evaluation shall not include any daylight blockage, daylight credit, profile daylight blockage or available daylight for that portion of the #building# below 150 feet above #curb level#. However, the passing score required pursuant to paragraph (i) of Section 81-274 shall apply.~~

For #mixed buildings developed# on #qualifying sites#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject to the underlying zoning district regulations, on the same #story# as, or at any #story# above, #residential uses#, provided that no access exists between such #uses# at any level above the ground floor:

open or enclosed observation decks;

open or enclosed publicly-accessible spaces;

eating or drinking establishments, as listed in Use Groups 6A, 6C, 10A and 12A;

bowling alleys, as listed in Use Group 8A and 12A;

theaters, as listed in Use Group 8A;

commercial art galleries, as listed in Use Group 6C;

gymnasiums, used exclusively for basketball, handball, paddleball, racquetball, squash and tennis, as listed in Use Group 9A;

wedding chapels and banquet halls, as listed in Use Group 9A;

enclosed skating rinks, as listed in Use Group 12A;

swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#; and

#physical culture or health establishments# permitted pursuant to Section 73-36.

For such #uses#, the provisions of Section 32-41 (Enclosure within Buildings) shall not apply.

## **81-623**

### **Building lobby entrance requirements**

[EXISTING PROVISIONS REPLACED BY TEXT IN PARAGRAPH (b) OF SECTION 81-674]

~~For #buildings developed# or #enlarged# on the ground floor after August 26, 1992, #building# lobby entrances shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has frontage on more than two #streets#, #building# entrances shall be required only on two #street# frontages. Each required #building# entrance shall lead directly to the #building# lobby. #Buildings developed# from May 13, 1982, to August 25, 1992, shall be subject to the provisions of Section 81-47 (Major Building Entrances).~~

~~Required #building# entrances on opposite #street# frontages shall be connected directly to the #building# lobby by providing a through #block# connection in accordance with paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces), except that such through #block# connection shall be located at least 50 feet from the nearest north/south #wide street#.~~

~~Each required #building# entrance shall include a #building# entrance recess area, as defined in paragraph (b) of Section 37-53, except that for #developments# or #enlargements# with frontage on Madison or Lexington Avenues or 42nd Street, the width of a #building# entrance recess area shall not be greater than~~

40 feet parallel to the #street line# and there may be only one #building# entrance recess area on each such #street# frontage.

#### **81-624**

##### **Curb cut restrictions and loading berth requirements**

[EXISTING PROVISIONS REPLACED BY TEXT IN SECTION 81-675]

In addition to the provisions of Section 81-44 (Curb Cut Restrictions), for a #through lot#, the required loading berth shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

The maximum width of any curb cut (including splays) shall be 15 feet for one-way traffic and 25 feet for two-way traffic. Curb cuts shall not be permitted on 47th Street between Park and Madison Avenues or on 45th Street between Depew Place and Madison Avenue.

#### **81-625**

##### **Pedestrian circulation space requirements**

[EXISTING PROVISIONS REPLACED BY TEXT IN SECTION 81-676]

Any #development# or #enlargement# within the Grand Central Subdistrict shall be subject to the provisions of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) and 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), except that:

- (a) — no arcade shall be allowed within the Subdistrict;
- (b) — within the Subdistrict, a sidewalk widening may be provided only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front; and
- (c) — for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, up to a maximum of 3,000 square feet of on-site improvements to the public realm provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) may be applied toward the pedestrian circulation space requirement.

#### **81-626**

## **Retail continuity requirements**

[EXISTING PROVISIONS REPLACED BY TEXT IN PARAGRAPH (a) OF SECTION 81-674]

~~For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, where a #building# fronts upon a designated retail #street#, as shown on Map 2 (Retail and & Street Wall Continuity), any portion of such #building's# ground floor level frontage along such designated retail #street# allocated to above or below grade public realm improvements provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) shall be excluded from the retail continuity requirements of Section 81-42 (Retail Continuity along Designated Streets).~~

## **81-63**

### **Transfer of Development Rights from Landmark Sites**

#### **Special Floor Area Provisions for the Vanderbilt Corridor Subarea**

[EXISTING PROVISIONS REPLACED BY TEXT IN DEFINITIONS IN SECTION 81-613]

For the purposes of the Grand Central Subdistrict:

~~A “landmark #building or other structure#” shall include any structure designated as a landmark pursuant to the New York City Charter, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to this Section from those portions of #zoning lots# used for cemetery purposes, or any structures within historic districts, statues, monuments or bridges.~~

~~A “granting lot” shall mean a #zoning lot# which contains a landmark #building or other structure#. Such “granting lot” may transfer development rights pursuant to Sections 81-634 or 81-635 provided that 50 percent or more of the “granting lot” is within the boundaries of the Grand Central Subdistrict.~~

~~A “receiving lot” shall mean a #zoning lot# to which development rights of a “granting lot” are transferred. Such “receiving lot” may receive a transfer of development rights pursuant to Sections 81-634 or 81-635 provided that 50 percent or more of the “receiving lot” is within the boundaries of the Grand Central Subdistrict and provided that the “receiving lot” occupies frontage on Madison or Lexington Avenues or 42nd Street, if such “receiving lot” is west of Madison Avenue or east of Lexington Avenue.~~

For #non-residential buildings# or #mixed buildings# in the Vanderbilt Corridor Subarea of the East Midtown Subdistrict, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratios# of the underlying-districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or

other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

	<u>Means for Achieving Permitted FAR Levels on a #Zoning Lot# in the Vanderbilt Corridor Subarea</u>	<u>Maximum #Floor Area Ratio# (FAR)</u>
<u>A</u>	<u>Basic Maximum FAR</u>	<u>15</u>
<u>B</u>	<u>Maximum Special Permit #Floor Area# Allowances: (District-wide Incentives), Subway station improvements (Section 74-634)</u>	<u>3.0</u>
<u>C</u>	<u>Maximum FAR of Lots Involving Landmarks:</u>	
	<u>Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)</u>	<u>15.0</u>
	<u>Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)</u>	<u>15.0</u>
	<u>Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on:</u>	
	<u>(a) an #adjacent lot# (Section 74-79)</u>	<u>No Limit</u>
	<u>(b) a #receiving lot# (Section 81-632)</u>	<u>15.0</u>
<u>D</u>	<u>Maximum #Floor Area# Allowances by Special Permit for Grand Central public realm improvements (Section 81-633)</u>	<u>15.0</u>
<u>E</u>	<u>Maximum Total FAR of a Lot with Transferred Development Rights on #receiving lots# (Section 81-632) or District-wide Incentives (including Section 81-633)</u>	<u>30.0</u>
<u>F</u>	<u>Maximum Total FAR of a Lot with Transferred Development Rights on an #adjacent lot#(Section 74-79) or District-wide Incentives (other than Section 81-633)</u>	<u>No Limit</u>

Any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), but not both.

**81-631**

**Requirements for application**

**Special provisions for transfers of development rights**

All applications for transfers of development rights pursuant to the special permit by the City Planning Commission in Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea) shall also comply with the regulations of this Section.

(a) Requirements for applications

In addition to the land use review application requirements, an application filed with the City Planning Commission for ~~a certification pursuant to Section 81-634 (Transfer of development rights by certification) or special permit pursuant to Section 81-635 (Transfer of development rights by special permit)~~ Section 81-632 shall be made jointly by the owners of the “granting lot” and “receiving lot” ~~#granting lot# and #receiving lot#~~ and shall include:

- (a) (1) ~~site plan and zoning calculations for the “granting lot” and “receiving lot” #granting lot# and #receiving lot#;~~
- (b) (2) a program for the continuing maintenance of the landmark;
- (c) (3) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the landmark and, for those “receiving” sites in the immediate vicinity of the landmark, a report concerning the harmonious relationship of the ~~#development# or #enlargement#~~ to the landmark;
- (d) (4) ~~for #developments# or #enlargements# pursuant to Section 81-635,~~ a plan of any required pedestrian network improvement; and
- (e) (5) any such other information as may be required by the Commission.

A separate application shall be filed for each transfer of development rights to an independent “receiving lot” ~~#receiving lot#~~ pursuant to ~~Section 81-63 Transfer of Development Rights from Landmark Sites)~~ 81-632.

(b) Conditions and limitations

[INSERT THE FOLLOWING EXISTING TEXT FROM SECTION 81-632]

The transfer of development rights from a "~~granting lot~~" to a "~~receiving lot~~," ~~#granting lot#~~ to a ~~#receiving lot#~~, pursuant to ~~Section 81-63~~ Section 81-632, shall be subject to the following conditions and limitations:

- (a) (1) the maximum amount of #floor area# that may be transferred from a "~~granting lot~~" ~~#granting lot#~~ shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on such landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;
- (b) (2) for each "~~receiving lot~~," ~~#receiving lot#~~, the #floor area# allowed by the transfer of development rights under Section 81-632 shall be in addition to the maximum #floor area# allowed by the district regulations applicable to the "~~receiving lot~~," ~~#receiving lot#~~, as shown in ~~Section 81-211~~ the table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea); and
- (c) (3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the "~~granting lot~~" ~~#granting lot#~~ by the amount of #floor area# transferred. If the landmark designation is removed, the #landmark #building or other structure# is destroyed or #enlarged#, or the "~~landmark lot~~" ~~#zoning lot# with the #landmark building or other structure#~~ is redeveloped, the "~~granting lot~~" ~~#granting lot#~~ may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

(c) Transfer instruments and notice of restrictions

[INSERT THE FOLLOWING EXISTING TEXT FROM SECTION 81-633]

The owners of the "~~granting lot~~" ~~#granting lot#~~ and the "~~receiving lot~~" ~~#receiving lot#~~ shall submit to the ~~City Planning~~ Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the "~~granting lot~~" ~~#granting lot#~~ and the "~~receiving lot~~" ~~#receiving lot#~~ shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York), a certified copy of which shall be submitted to the ~~City Planning~~ Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the lots from which and the lots to which such transfer is made.

**81-632**

**Conditions and limitations**

**Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea**

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-635]

Within the ~~Grand Central Subdistrict Core~~ Vanderbilt Corridor Subarea, as shown on ~~Map 1 (Special Midtown District and Subdistricts)~~ Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit the transfer of development rights from a ~~“granting lot”~~ to a ~~“receiving lot”~~ #granting lot# in the Grand Central Core Area, as shown on Map 4, to a #receiving lot#, and, in conjunction with such transfer, the Commission may permit modifications to #bulk# regulations, mandatory plan elements, and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that the Commission determines that the #development# or #enlargement# complies with the conditions of paragraph (b), the findings of paragraph (c) and the additional requirements of paragraph (d) of this Section.

(a) The Commission may permit:

- (1) a transfer of development rights from a ~~“granting lot”~~ to a ~~“receiving lot”~~ #granting lot# to a #receiving lot# provided that:
  - (i) ~~for #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 in Appendix A of this Chapter,~~ the resultant #floor area ratio# on the #receiving lot# ~~“receiving lot”~~ does not exceed 30.0; and
  - (ii) ~~for #zoning lots# outside the Vanderbilt Corridor, the resultant #floor area ratio# on the “receiving lot” does not exceed 21.6;~~
- (2) modifications of the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area# or #dwelling units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;
- (3) in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, modifications of the provisions of Sections 81-66 (Special Height and Setback Requirements), ~~81-624~~ 81-671 (Special street wall requirements), ~~81-622 (Special height and setback requirements)~~, 81-674 (Ground floor use provisions) ~~81-623 (Building lobby entrance requirements)~~, ~~81-624~~ 81-675 (Curb cut restrictions and loading berth requirements), ~~81-625~~ 81-676 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations – Daylight

Compensation) and 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation) in order to accommodate existing structures and conditions;

- (4) for #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations; and
- (5) for #zoning lots# located within the ~~Vanderbilt Corridor~~, modifications, whether singly or in any combination, to:
  - (i) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), inclusive, or ~~81-624~~ 81-671 (Special street wall requirements), inclusive;
  - (ii) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation), inclusive, or 81-622 (Special height and setback requirements); or
  - (iii) the mandatory district plan elements of Sections 81-42 (Retail Continuity ~~along~~ Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), ~~81-623 (Building lobby entrance requirements)~~ 81-674 (Ground floor use provisions), ~~81-624~~ 81-675 (Curb cut restrictions and loading berth requirements), ~~81-625~~ 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Conditions

As a condition for granting a special permit pursuant to this Section, the design of the #development# or #enlargement# shall include a major improvement of the above- or below-grade, pedestrian or mass transit circulation network in the ~~Subdistrict~~ Grand Central Core Area. However, ~~in the case of #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor~~, this condition may be waived by the Commission, where appropriate, or may be deemed to have been met by utilization of the provisions of Section ~~81-633~~ 81-64 (Special ~~Permit~~ permit for Grand Central ~~Public Realm Improvement Bonus~~ public realm improvements). The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but

is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage.

The special permit application to the Commission shall include information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement. As part of the special permit application, the applicant shall submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to ULURP certification of the special permit application, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

(c) Findings

In order to grant a special permit for the transfer of development rights to a #receiving lot#, ~~“receiving lot,”~~ the Commission shall find that:

- (1) a program for the continuing maintenance of the landmark has been established;
- (2) for any proposed improvement required pursuant to this Section:
  - (i) the improvement to the above- or below-grade pedestrian or mass transit circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal;
  - (ii) the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the surrounding area ~~Subdistrict~~ and minimize congestion on surrounding #streets#; and
  - (iii) a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the surrounding area ~~Subdistrict~~;
- (3) where appropriate, for #developments# or #enlargements# on #zoning lots# located ~~within the Vanderbilt Corridor~~, the design of the #development# or #enlargement# includes provisions for public amenities including, but not limited to, publicly accessible

open spaces, and subsurface pedestrian passageways leading to subway or rail mass transit facilities;

- (4) for ~~#developments#~~ or ~~#enlargements#~~ with a proposed ~~#floor area ratio#~~ in excess of 21.6 ~~on #zoning lots# located within the Vanderbilt Corridor~~, the ~~#building#~~ has met the ground floor level, building design, sustainable design measures and, for ~~#zoning lots#~~ not located on two ~~#wide streets#~~, the site characteristic considerations set forth in the applicable conditions and findings of Section 81-633 (Special permit for Grand Central public realm improvements) ~~Section 81-641 (Additional floor area for the provision of public realm improvements)~~;
- (5) where the modification of ~~#bulk#~~ regulations is proposed:
  - (i) any proposed modification of regulations governing ~~#zoning lots#~~ divided by district boundaries or the permitted transfer of ~~#floor area#~~ will not unduly increase the ~~#bulk#~~ of any ~~#development#~~ or ~~#enlargement#~~ on the ~~“receiving lot,”~~ #receiving lot#, density of population or intensity of ~~#use#~~ on any ~~#block#~~ to the detriment of the occupants of ~~#buildings#~~ on the ~~#block#~~ or the surrounding area;
  - (ii) for ~~#enlargements#~~ to existing ~~#buildings#~~, any proposed modifications of height and setback requirements and the requirements of ~~Section 81-66~~ 81-62 are necessary because of the inherent constraints or conditions of the existing ~~#building#~~, that the modifications are limited to the minimum needed, and that the Proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed ~~#enlargement#~~ which accommodates the transfer of development rights due to the conditions imposed by the existing ~~#building#~~ or configuration of the site; and
  - (iii) for ~~#developments#~~ or ~~#enlargements#~~ on ~~#zoning lots#~~ of more than 40,000 square feet of ~~#lot area#~~ that occupy an entire ~~#block#~~, any proposed modifications of ~~#bulk#~~ regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed; or
- (6) ~~for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor~~, any proposed modifications to #street walls#, height and setback regulations and mandatory plan elements meet the applicable application requirements and findings set forth in ~~Section 81-634~~ 81-642 (Permitted modifications in conjunction with additional floor area).

(d) Additional requirements

Prior to the grant of a special permit, the applicant shall obtain approvals of plans from the MTA and any other entities that retain control and responsibility for the area of the proposed improvement, and, if appropriate, the applicant shall sign a legally enforceable instrument running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to construct and maintain the improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond for completion of the improvement.

The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the City Planning Commission.

No temporary ~~certification~~ certificate of occupancy for any #floor area# of the #development# or #enlargement# on a #receiving lot# ~~“receiving lot”~~ shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission and the area is usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development# or #enlargement#, all improvements shall be 100 percent complete in accordance with the approved plans and such completion shall have been certified by letter from the ~~Metropolitan Transportation Authority~~ MTA.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

[MOVE EXISTING TEXT TO SECTION 81-631 (b)]

### **81-633**

#### **Transfer instruments and notice of restrictions**

#### **Special permit for Grand Central public realm improvements**

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-641]

For #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on ~~Map 1 (Special Midtown District and Subdistricts)~~ Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may allow, by special permit, #floor area# in excess of the basic maximum #floor area ratio# established in the table in ~~Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings)~~ Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), up to the maximum #floor area# set forth in the table, in accordance with the provisions of this Section.

All applications for a special permit for additional #floor area# pursuant to this Section shall include on-site or off-site, above- or below-grade improvements to the pedestrian or mass transit circulation network, or a combination thereof, in the ~~Grand Central Subdistrict~~ Grand Central Core Area, as shown on Map 4. In addition, requirements pertaining to the ground floor level, building design and sustainable design measures are set forth in this Section in order to ensure that any #development# or #enlargement# receiving additional #floor area# constitutes an exceptional addition to the #Special Midtown District#.

~~In order for the City Planning Commission to~~ To approve a special permit application for additional #floor area#, the Commission shall determine that such #development# or #enlargement# complies with the conditions and application requirements of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c) of this Section.

(a) Conditions and application requirements

All applications for a special permit for additional #floor area# pursuant to this Section shall include the following:

- (1) Above- or below-grade improvements to the pedestrian or mass transit circulation network.

In order to ensure that the proposed #development# or #enlargement# contributes to the improvement of pedestrian and mass transit circulation in the ~~Grand Central Subdistrict~~ Grand Central Core Area, especially in the vicinity of Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall include above- or below-grade public realm improvements.

- (i) Where a #development# or #enlargement# proposes the inclusion of above-grade public realm improvements, such improvements may consist of on-site or off-site improvements to the pedestrian circulation network, or a combination thereof.

On-site, above-grade public realm improvements shall consist of open or enclosed publicly accessible spaces, of ample size, provided for public use and enjoyment. Such publicly accessible spaces shall include amenities characteristic of #public plazas# or public atriums, as applicable, and include amenities for the comfort and convenience of the public.

Off-site, above-grade public realm improvements shall consist of major improvements to the public right-of-way that support pedestrian circulation in the areas surrounding Grand Central Terminal. Where the area of such improvements is to be established as a pedestrian plaza, such improvements shall be characteristic of best practices in plaza design, as set forth by the Department of Transportation. Where the area of such improvements is along a #street#

accommodating both vehicular and pedestrian access, such improvements shall be characteristic of current best practices in #street# design, as set forth by the Department of Transportation, and include improvements to the right-of-way such as pedestrian amenities, or streetscape, sidewalk, crosswalk and median enhancements.

- (ii) Where a #development# or #enlargement# proposes the inclusion of below-grade public realm improvements, such improvements shall consist of on-site or off-site enhancements to the below-grade pedestrian and mass transit circulation network. Such improvements shall be characteristic of current best practice in mass-transit network design, and shall include improvements such as on-site or off-site widening, straightening, expanding or otherwise enhancing the existing below-grade pedestrian circulation network, additional vertical circulation, reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities, or providing daylight access, retail #uses#, or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways.

Applications shall include information and justification sufficient to provide the Commission with the basis for evaluating the benefits to the general public; determining the appropriate amount of bonus #floor area# to grant; and determining whether the applicable findings set forth in paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.

Where the Metropolitan Transportation Authority or any other City or State agency has control and responsibility for the area of a proposed improvement, the applicant shall submit concept plans for the proposed improvement to such agency and the Commission. At the time of certification of the application, any such agency with control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement.

(2) Ground floor level

In order to ensure that the proposed #development# or #enlargement# contributes to the improvement of the pedestrian circulation network in the surrounding area ~~Grand Central Subdistrict, especially in the vicinity of Grand Central Terminal~~, any #development# or #enlargement# proposed under the provisions of this Section shall provide enhancements to the ground floor level of the #building#, including, but not limited to, sidewalk widenings, streetscape amenities or enhancements to required pedestrian circulation spaces.

Where a #development# or #enlargement# includes #street# frontage along Madison Avenue or a #narrow street# between East 43rd Street and East 47th Street, sidewalk widenings shall be provided as follows:

- (i) where a #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue, to the extent necessary, so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#;
- (ii) where a #development# or #enlargement# is on a #zoning lot# that does not occupy the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#; or
- (iii) where a #development# or #enlargement# with frontage on a #narrow street# between East 43rd Street and East 47th Street is on a #zoning lot# with a #lot width# of 100 feet or more, as measured along the #narrow street line#, a sidewalk widening shall be provided along such #narrow street#, to the extent necessary, so that a minimum sidewalk width of 15 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#.

Applications shall contain a ground floor level site plan, and other supporting documents of sufficient scope and detail to enable the Commission to determine the type of proposed #uses# on the ground floor level, the location of proposed #building# entrances, the size and location of proposed circulation spaces, the manner in which such spaces will connect to the overall pedestrian circulation network and the above- or below-grade public realm improvements required pursuant to this Section and any other details necessary for the Commission to determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

(3) Building design

In order to ensure that the proposed #development# or #enlargement# contributes to its immediate surroundings, with particular emphasis on Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall

demonstrate particular attention to the building design, including, but not limited to, the proposed #uses#, massing, articulation and relationship to #buildings# in close proximity and within the Midtown Manhattan skyline.

Applications shall contain materials of sufficient scope and detail to enable the Commission to determine the proposed #uses# within the #building#, as well as the proposed #building bulk# and architectural design of the #building#, and to evaluate the proposed #building# in the context of adjacent #buildings# and the Midtown Manhattan skyline. Such materials shall include a description of the proposed #uses# within the #building#; measured elevation drawings, axonometric views, and perspective views showing such proposed #building# within the Midtown Manhattan skyline; and any other materials necessary for the Commission to determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

For those “~~receiving lots~~” #receiving lots# that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, applications shall contain a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal.

(4) Sustainable design measures

In order to foster the development of sustainable #buildings# in the ~~Grand Central Subdistrict~~ Vanderbilt Corridor Subarea, any #development# or #enlargement# proposed under the provisions of this Section shall include sustainable design measures, including, but not limited to, enhancements to the energy performance, enhanced water efficiency, utilization of sustainable or locally sourced materials and attention to indoor environmental air quality of the #building#.

Applications shall contain materials of sufficient scope and detail to enable the Commission to determine whether the applicable findings in paragraph (b) of this Section have been met. In addition, any application shall include materials demonstrating the sustainable design measures of the #building#, including its anticipated energy performance, and the degree to which such performance exceeds either the New York City Energy Conservation Code (NYCECC) or the Building Performance Rating method of the applicable version and edition of American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., Standard 90.1 (ASHRAE 90.1), as referenced within the NYCECC.

(b) Findings

The Commission shall find that:

- (1) for a #development# or #enlargement# not located on two #wide streets#, the amount of additional #floor area# being granted is appropriate based on the extent to which any or all of the following physical factors are present in the #development# or #enlargement#:
  - (i) direct access to subway stations and other rail mass transit facilities;
  - (ii) the size of the #zoning lot#;
  - (iii) the amount of wide #street# frontage; and
  - (iv) adjacency to the open area above Grand Central Terminal;
- (2) for above-grade improvements to the pedestrian circulation network that are located:
  - (i) on-site, the proposed improvements will, to the extent practicable, consist of a prominent space of generous proportions and quality design that is inviting to the public; improve pedestrian circulation and provide suitable amenities for the occupants; front upon a #street# or a pedestrian circulation space in close proximity to and within view of and accessible from an adjoining sidewalk; provide or be surrounded by active #uses#; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the immediate vicinity; and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; or
  - (ii) off-site, the proposed improvements to the public right-of-way, to the extent practicable, will consist of significant street and sidewalk designs that improve pedestrian circulation in the surrounding area; provide comfortable places for walking and resting, opportunities for planting and improvements to pedestrian safety; and create a better overall user experience of the above-grade pedestrian circulation network that supports the ~~Grand Central Subdistrict~~ surrounding area as a high-density business district. Where the area of such improvement is to be established into a pedestrian plaza that will undergo a public design and review process through the Department of Transportation subsequent to the approval of this special permit, the Commission may waive this finding;
- (3) for below-grade improvements to the pedestrian or mass transit circulation network, the proposed improvements will provide:

- (i) significant and generous connections from the above-grade pedestrian circulation network and surrounding #streets# to the below-grade pedestrian circulation network;
  - (ii) major improvements to public accessibility in the below-grade pedestrian circulation network between and within subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfiguration of existing connections; or
  - (iii) significant enhancements to the environment of subway stations and other rail mass transit facilities including daylight access, noise abatement, air quality improvement, lighting, finishes, way-finding or rider orientation, where practicable;
- (4) the public benefit derived from the proposed above- or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional #floor area# being granted to the proposed #development# or #enlargement# pursuant to this special permit;
- (5) the design of the ground floor level of the #building#:
- (i) contributes to a lively streetscape through a combination of retail #uses# that enliven the pedestrian experience, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces; and demonstrates consideration for the location of pedestrian circulation space, #building# entrances, and the types of #uses# fronting upon the #street# or adjoining public spaces;
  - (ii) will substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous pedestrian connections to Grand Central Terminal; and
  - (iii) will be well-integrated with on-site, above or below-grade improvements required by this Section, where applicable and practicable;
- (6) the design of the proposed #building#:
- (i) ensures light and air to the surrounding #streets# and public spaces through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;

- (ii) demonstrates an integrated and well-designed facade, taking into account factors such as #street wall# articulation and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area, especially Grand Central Terminal; and
  - (iii) involves a program that includes an intensity and mix of #uses# that are harmonious with the type of #uses# in the surrounding area;
- (7) the proposed #development# or #enlargement# comprehensively integrates sustainable measures into the #building# and site design that:
  - (i) meet or exceed best practices in sustainable design; and
  - (ii) will substantially reduce energy usage for the #building#, as compared to comparable #buildings#; and
- (8) in addition:
  - (i) the increase in #floor area# being proposed in the #development# or #enlargement# will not unduly increase the #bulk#, density of population or intensity of #uses# to the detriment of the surrounding area; and
  - (ii) all of the separate elements within the proposed #development# or #enlargement#, including above- or below-grade improvements, the ground floor level, #building# design, and sustainable design measures, are well-integrated and will advance the applicable goals of the #Special Midtown District# described in Section 81-00 (GENERAL PURPOSES).
- (c) Additional requirements

Prior to the grant of a special permit pursuant to this Section, and to the extent required by the Metropolitan Transportation Authority (MTA) or any other City or State agencies with control and responsibility for the area in which a proposed improvement is to be located, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; where applicable, establish a program for maintenance; and, where applicable, establish a schedule of hours of public access for the proposed improvement. Where the MTA, or any other City or State agencies with control and responsibility for the area of a proposed improvement, deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA or any other such agencies.

Where the proposed #development# or #enlargement# proposes an off-site improvement located in an area to be acquired by a City or State agency, the applicant may propose a phasing plan to sequence the construction of such off-site improvement. To determine if such phasing plan is reasonable, the Commission may consult with the City or State agency that intends to acquire the area of the proposed improvement.

Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, and, where applicable, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

Except where a phasing plan is approved by the City Planning Commission, no temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of ~~Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus)~~ Section 81-633 (Special permit for Grand Central public realm improvements) until the required improvements have been substantially completed, as determined by the Chairperson of the City Planning Commission, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

[MOVE EXISTING TEXT TO SECTION 81-631 (c)]

#### **81-634**

~~**Transfer of development rights by certification**~~

**Permitted modifications in conjunction with additional floor area**

[EXISTING TEXT DELETED]

Within the Grand Central Subdistrict, the City Planning Commission may allow by certification:

- (a) — a transfer of development rights from a “granting lot” to a “receiving lot” in an amount not to exceed a #floor area ratio# of 1.0 above the basic maximum #floor area ratio# allowed by the applicable district regulations on the “receiving lot,” provided that a program for the continuing maintenance of the landmark approved by the Landmarks Preservation Commission has been established; and
- (b) — in conjunction with such transfer of development rights, modification of the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows:

For any “receiving lot,” whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area# or #dwelling units# permitted by the applicable district regulations which allow a greater #floor area ratio# may be located on a portion of such “receiving lot” within a district which allows a lesser #floor area ratio#, provided that the amount of such #floor area# or #dwelling units# to be located on the side of the district boundary permitting the lesser #floor area ratio# shall not exceed 20 percent of the basic maximum #floor area ratio# or number of #dwelling units# of the district in which such #bulk# is to be located.

[INSERT THE FOLLOWING EXISTING TEXT FROM 81-642]

In conjunction with the grant of a special permit pursuant to ~~Section 81-641 (Additional floor area for the provision of public realm improvements)~~ Section 81-633 (Special permit for Grand Central public realm improvements), the City Planning Commission may permit modifications to #street walls#, height and setback regulations and mandatory plan elements, as set forth in paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

- (a) The Commission may modify the following, whether singly or in any combination:
  - (1) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or ~~81-624~~ 81-671 (Special street wall requirements), inclusive;
  - (2) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (~~Alternative~~ Alternate Height and Setback

Regulations – Daylight Evaluation), inclusive, or ~~81-622~~ 81-66 (Special height and setback requirements Height and Setback Requirements); or

- (3) the mandatory district plan elements of Sections 81-42 (Retail Continuity ~~along~~ Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), ~~81-623 (Building lobby entrance requirements)~~ 81-674 (Ground floor use provisions), ~~81-624~~ 81-675 (Curb cut restrictions and loading berth requirements), ~~81-625~~ 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications. In addition, where modifications to #street wall# or height and setback regulations are proposed, any application shall contain the following materials, at a minimum:

- (1) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43 (~~Street Wall Continuity Along Designated Streets~~), or as such provisions are modified pursuant to Section ~~81-624~~ 81-671 (Special street wall requirements), as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), or as such provisions are modified pursuant to Section ~~81-622~~ 81-66 (Special height and setback requirements), as applicable;
- (2) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section ~~81-622~~ 81-66; and
- (3) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section ~~81-622~~ 81-66.

(c) Findings

The Commission shall find that such proposed modifications:

- (1) to the mandatory district plan elements will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions); and
- (2) to the #street wall# or height and setback regulations will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations).

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **81-635**

#### **~~Transfer of development rights by special permit~~**

[EXISTING TEXT MOVED TO SECTION 81-632]

### **81-64**

#### **~~Special Permit for Grand Central Public Realm Improvement Bonus Special Floor Area Provisions for Qualifying Sites~~**

[EXISTING TEXT DELETED]

~~In order to facilitate the development of exceptional and sustainable #buildings# within the Vanderbilt Corridor as well as improvements to the pedestrian and mass transit circulation network in the vicinity of Grand Central Terminal, for #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown in on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit:~~

- ~~(a) — additional #floor area# for the provision of on-site or offsite, above or below grade improvements to the pedestrian or mass transit circulation network in the Grand Central Subdistrict, in accordance with the provisions of Section 81-641 (Additional floor area for the provision of public realm improvements); and~~
- ~~(b) — in conjunction with additional #floor area# granted pursuant to Section 81-641, modifications to #street wall# regulations, height and setback regulations and mandatory district plan elements, provided such modifications are in accordance with the provisions of Section 81-642 (Permitted modifications in conjunction with additional floor area).~~

For #non-residential buildings# or #mixed buildings# on #qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying-districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

**MAXIMUM FLOOR AREA RATIOS AND ALLOWANCES FOR QUALIFYING SITES**

	<b><u>Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #qualifying sites#</u></b>	<b><u>Grand Central Transit Improvement Zone Subarea</u></b>		<b><u>Park Avenue Subarea</u></b>		<b><u>Other Transit Improvement Zone Subarea</u></b>		<b><u>Southern Subarea</u></b>		<b><u>Northern Subarea</u></b>	
		<b><u>C5-2.5</u></b>	<b><u>C5-3</u></b>	<b><u>C5-2.5</u></b>	<b><u>C5-3</u></b>	<b><u>C5-2.5</u></b> <b><u>C6-4.5</u></b>	<b><u>C5-3</u></b> <b><u>C6-6</u></b>	<b><u>C5-2.5</u></b> <b><u>C6-4.5</u></b>	<b><u>C5-3</u></b> <b><u>C6-6</u></b>	<b><u>C5-2.5</u></b> <b><u>C6-4.5</u></b>	<b><u>C5-3</u></b> <b><u>C6-6</u></b>
<b><u>A</u></b>	<b><u>Basic Maximum FAR</u></b>										
		<u>12</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>12</u>	<u>15</u>
<b><u>B</u></b>	<b><u>Minimum #Floor Area# Allowances through identified transit improvements (Section 81-641) if exceeding base maximum FAR</u></b>										
		<u>2.7</u>	<u>2.7</u>	=	=	<u>2.3</u>	<u>2.3</u>	=	=	=	=
<b><u>C</u></b>	<b><u>Maximum #Floor Area# Allowances through identified transit improvements (Section 81-641)</u></b>										
		<u>5.4</u>	<u>5.4</u>	=	=	<u>4.6</u>	<u>4.6</u>	=	=	=	=
<b><u>D</u></b>	<b><u>Maximum amount of transferable development rights (FAR) from landmark #zoning lots# that may be utilized on a #qualifying site# (Section 81-642)</u></b>										
		<u>12.3</u>	<u>9.3</u>	<u>13</u>	<u>10</u>	<u>8.7</u>	<u>5.7</u>	<u>9.6</u>	<u>6.6</u>	<u>6</u>	<u>3</u>
<b><u>E</u></b>	<b><u>Maximum as-of-right #Floor Area Ratio# on #qualifying sites#</u></b>										
		<u>27</u>	<u>27</u>	<u>25</u>	<u>25</u>	<u>23</u>	<u>23</u>	<u>21.6</u>	<u>21.6</u>	<u>18</u>	<u>18</u>
<b><u>F</u></b>	<b><u>Maximum FAR for transit improvement special permit (Section 81-644)</u></b>										
		<u>3</u>	<u>3</u>	=	=	<u>3</u>	<u>3</u>	=	=	=	=
<b><u>G</u></b>	<b><u>Maximum FAR for public concourse special permit (Section 81-645)</u></b>										

		<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>						
<u>H</u>	<u>Maximum Total FAR on a #qualifying site#</u>										
		<u>30</u>	<u>30</u>	<u>28</u>	<u>28</u>	<u>26</u>	<u>26</u>	<u>24.6</u>	<u>24.6</u>	<u>21</u>	<u>21</u>

**81-641**

**~~Additional floor area for the provision of public realm improvements~~  
Additional floor area for Transit Improvements on Qualifying Sites**

[EXISTING TEXT MOVED TO 81-633]

All #developments# on #qualifying sites# located within the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, that exceed the basic maximum #floor area ratio# set forth in Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) shall comply with the provisions of this Section.

The Chairperson of the City Planning Commission shall allow, by certification, #floor area# on a #qualifying site# to be increased above the applicable basic maximum #floor area ratio# provided that such resulting increase in #floor area ratio# is not less than the minimum specified in Row B of the table in Section 81-64, nor more than the maximum specified in Row C of such table, as applicable, and further provided that a public realm improvement, or a combination of public realm improvements, will be constructed in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, in accordance with the provisions of this Section.

(a) The following requirements shall be completed prior to application for certification by the Chairperson:

- (1) the applicant shall select a public realm transit improvement project that has been identified on the Priority Improvement List in Section 81-682 (Priority Improvement List for qualifying sites) and is commensurate with the minimum #floor area# required, and results in a #floor area ratio# increase not exceeding the maximum #floor area ratio# permitted to be achieved through the provisions of this Section. The process for such selection is also set forth in Section 81-682;

- (2) the applicant shall submit concept plans for the proposed transit improvement to the Chairperson and any applicable City or State agencies with jurisdiction over and control of the proposed improvement;
  - (3) the applicant shall obtain and provide to the Chairperson a conceptual approval of the improvement from any applicable City or State agencies with jurisdiction over and control of the proposed improvement in letter form, wherein such agencies state that such improvements meet the technical requirements set forth in Section 81-682; and
  - (4) the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to design and construct the improvement in accordance with the requirements of the applicable City or State agencies with jurisdiction over and control of the proposed improvement. A certified copy of such legal instruments shall be sent to the Chairperson.
- (b) The following items shall be submitted to the Chairperson as part of an application for certification:
- (1) zoning calculations for the proposed #development# on the #qualifying site# showing the additional #floor area# associated with the completion of such transit improvement; and
  - (2) drawings, including but not limited to plans, sections, elevations, three-dimensional projections or other drawings deemed necessary or relevant by the Chairperson for the transit improvement.

The Chairperson shall allow, by certification, a reduction in, or waiver of, the minimum #floor area ratio# required pursuant to Row B of the table in Section 81-64, where there are an insufficient number of available projects on the Priority Improvement List in Section 81-682. The Chairperson shall also allow, by certification, the maximum #floor area ratio# for a #qualifying site# to be increased beyond the limit set forth in Row C of the table in Section 81-64, where the Metropolitan Transportation Authority requires improvements to the Fifth Avenue and East 53rd Street Station to be combined in order to adequately phase improvements and avoid practical difficulties in operating the station.

When an applicant has submitted materials to the Chairperson that satisfy the requirements of paragraphs (a) and (b) of this Section, the Chairperson shall certify to the Department of Buildings that a #development# on a #qualifying site# is in compliance with the provisions of this Section. Such certification shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing a #development# on a #qualifying site# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea,.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# identified as utilizing the additional #floor area# granted pursuant to the provisions of this

Section until the Chairperson, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement, has certified that the improvements are substantially complete and usable by the public. Such portion of the #building# shall be designated by the applicant in drawings included in the instruments filed pursuant to paragraph (b) of this Section.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing such additional #floor area# until the improvements have finally been completed in accordance with the approved plans and such final completion has been approved by the Chairperson, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement.

### **81-642**

#### **Permitted modifications in conjunction with additional floor area Transfer of development rights from landmarks to qualifying sites**

[EXISTING TEXT MOVED TO SECTION 81-634]

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# within the East Midtown Subdistrict to a #qualifying site#, provided that the provisions of this Section are met.

- (a) The transfer of development rights shall be subject to the following conditions:
- (1) For #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas), the applicant shall comply with the provisions of Section 81-641 (Additional floor area for transit improvements) prior to, or in conjunction with, meeting the requirements of this Section.
  - (2) The maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to the provisions of this Chapter, or any preceding regulations.
  - (3) For each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row D of the table in Section 81-64.

(4) Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred. If the landmark designation is removed from the #landmark building or other structure#, the #landmark building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or structure# is redeveloped, the #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

(5) The owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York), a certified copy of which shall be submitted to the Chairperson.

Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting lot# and the #receiving lot# that are a party to such transfer.

(6) A contribution shall be deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be equal to the greater of:

(i) 20 percent of the sales price of the transferred #floor area#; or

(ii) an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of transferred #floor area#.

(b) An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and the #receiving lot#. The following items shall be submitted to the Chairperson as part of an application for certification:

(1) for #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, materials that are sufficient to demonstrate compliance with the provisions of Section 81-641 (Additional floor area for transit improvements on qualifying sites);

(2) site plans and zoning calculations for the #granting lot# and #receiving lot#;

(3) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#;

- (4) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#; and
- (5) for those #receiving lots# that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# to Grand Central Terminal.

When an applicant has submitted materials to the Chairperson that satisfy the requirements of paragraphs (a) and (b) of this Section, the Chairperson shall certify to the Department of Buildings that a #development# on a #qualifying site# is in compliance with the provisions of this Section.

The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development# on a #qualifying site#. Additional provisions are set forth in Section 81-686 for applicants undertaking a sidewalk improvement immediately adjacent to their #qualifying site#.

A separate application shall be filed for each transfer of development rights to an independent #receiving lot# pursuant to this Section.

### **81-643**

#### **Special provisions for retaining non-complying floor area**

For #non-complying commercial buildings# existing on December 15, 1961 with #non-complying floor area#, the provisions of Section 54-41 (Permitted Reconstruction) may be modified to allow such #non-complying building# to be demolished or altered, to the extent of 75 percent or more of its total #floor area#, and reconstructed on a #qualifying site# to retain the amount of pre-existing #non-complying floor area# in accordance with the applicable district #bulk# regulations of this Chapter, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings first, that prior to demolition or alteration, the applicant meets the provisions of paragraph (a) of this Section, as applicable, and, subsequently, prior to reconstruction, the proposed #development# will comply with the applicable provisions of paragraph (b) of this Section.

- (a) Certification to demolish or alter a #non-complying building#

The Chairperson shall certify the amount of #non-complying floor area# existing within a #non-complying building# that may be reconstructed pursuant to the provisions of paragraph (b) of this

Section, based on calculations submitted to the Chairperson. Such calculations shall be based on either the #building's# construction documents previously submitted for approval to the Department of Buildings at the time of such #building's# construction, #enlargement#, or subsequent alterations, as applicable; or on an as-built drawing set completed by a licensed architect.

For the purpose of calculating the amount of #non-complying floor area# to be retained on #zoning lots# with multiple existing #buildings# at the time of application, the maximum amount of #non-complying floor area# that may be reconstructed shall be equivalent to the #floor area# of the #zoning lot# at the time of application, less the total #floor area# of all existing #buildings# to remain.

Certification pursuant to the provisions of paragraph (a) of this Section shall be a precondition to the issuance of any demolition or alteration permit by the Department of Buildings for a #zoning lot# reconstructing #non-complying floor area#.

(b) Certification to reconstruct #non-complying floor area#

The amount of #non-complying floor area# established pursuant to paragraph (a) of this Section may be reconstructed, provided that the Chairperson certifies that:

- (1) all requirements for #qualifying sites# set forth in the definition in Section 81-613, inclusive, have been met; and
- (2) a contribution has been deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of such pre-existing #non-complying floor area#.

For the purposes of this Chapter, the reconstruction of such #non-complying floor area# shall be considered a #development#.

The payment of the non-refundable contribution to the #Public Realm Improvement Fund# pursuant to the provisions of paragraph (b) of this Section, shall be a precondition to the issuance of any foundation permit or new building or alteration permit by the Department of Buildings allowing a #development# on a #qualifying site#.

Any proposed #floor area# in the reconstructed #building# beyond the amount contained in the pre-existing #non-complying building# may be obtained by utilizing the applicable provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites). For the purposes of applying the provisions of such Section, the reconstructed #floor area ratio# shall be considered the basic

maximum #floor area ratio#. However, the maximum #floor area ratios# of Row E and Row H shall continue to apply.

#### **81-644**

##### **Special permit for transit improvements**

For #qualifying sites# located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

#### **81-645**

##### **Special permit for a Public Concourse**

For #qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment, is provided on the #qualifying site#. Such publicly accessible spaces shall include amenities that are characteristic of #public plazas# or public atriums, as applicable, for the comfort and convenience of the public.

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

In order for the City Planning Commission to approve a special permit application for additional #floor area#, the Commission shall determine that such #development# complies with the conditions and application requirements of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c) of this Section.

- (a) Applications shall include information and justification sufficient to provide the Commission with the basis for:

- (1) evaluating the benefits to the general public;
  - (2) determining the appropriate amount of increased #floor area# to grant; and
  - (3) determining whether the applicable findings set forth in paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.
- (b) The Commission shall find that:
- (1) to the extent practicable, the open or enclosed public concourse will:
    - (i) consist of a prominent space of generous proportions and quality design that is inviting to the public;
    - (ii) improve pedestrian circulation and provide suitable amenities for the occupants;
    - (iii) front upon a #street# or a pedestrian circulation space in close proximity to and within view of, and accessible from, an adjoining sidewalk;
    - (iv) provide or be surrounded by active #uses#;
    - (v) be surrounded by transparent materials;
    - (vi) provide connections to pedestrian circulation spaces in the immediate vicinity; and
    - (vii) be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; and
  - (2) the public benefit derived from the proposed public concourse merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this special permit;
- (c) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, and, where applicable, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York

(County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, and such improvements are usable by the public. Such portion of the #building# utilizing increased #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

## **81-65**

### **Special Permit for Transient Hotels**

#### **Special Floor Area Provisions for All Other Sites**

[EXISTING TEXT REPLACED BY TEXT IN SECTION 81-621]

~~Within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or may permit the #conversion# or change of #use# within an existing #building# to a #transient hotel#, provided the Commission finds that the proposed #transient hotel# will:~~

- ~~(a) be appropriate to the needs of businesses in the vicinity of Grand Central Terminal; and~~
- ~~(b) provide on-site amenities and services that will support the area's role as an office district. Such business-oriented amenities and services shall be proportionate to the scale of the #transient hotel# being proposed, and shall include, but shall not be limited to, conference and meeting facilities, and telecommunication services.~~

~~The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

For #non-residential buildings# or #mixed buildings# on #non-qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying-districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum

#floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

<u>Row</u>	<u>Means for achieving permitted FAR on a #zoning lot# for all other sites</u>	<u>Grand Central Core Area</u>		<u>Any other Areas</u>	
		<u>C5-3</u> <u>C6-6</u>	<u>C5-2.5</u> <u>C6-4.5</u>	<u>C5-3</u> <u>C6-6</u>	<u>C5-2.5</u> <u>C6-4.5</u>
<u>A</u>	<u>Basic Maximum FAR</u>	<u>15</u>	<u>12</u>	<u>15</u>	<u>12</u>
<u>B</u>	<u>Additional FAR for provision of a #public plaza# (Section 81-651)</u>	<u>=</u>	<u>=</u>	<u>1</u>	<u>1</u>
<u>C</u>	<u>Total as-of-right FAR</u>	<u>15</u>	<u>12</u>	<u>16</u>	<u>13</u>
<u>D</u>	<u>Additional FAR for subway station improvements through special permit (Section 81-652)</u>	<u>3</u>	<u>2.4</u>	<u>3</u>	<u>2.4</u>
<u>E</u>	<u>Maximum FAR of a #landmark or other structure# for transfer purposes (Section 74-79)</u>	<u>15</u>	<u>12</u>	<u>16</u>	<u>13</u>
<u>F</u>	<u>Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on an #adjacent lot# (Sections 74-79)</u>	<u>No limit</u>	<u>2.4</u>	<u>No limit</u>	<u>2.4</u>
<u>G</u>	<u>Maximum FAR permitted on an #adjacent lot#</u>	<u>No limit</u>	<u>14.4</u>	<u>No limit</u>	<u>14.4</u>

**81-651**

**Floor area bonus for public plazas**

For #non-qualifying sites# in subareas outside the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratio# permitted on such #zoning lots# shall be increased, up to the amount specified in Row B of the table in Section 81-65 (Special Floor Area Provisions for All Other Sites), where a #public plaza# is provided in accordance with the provisions of Section 81-23 (Floor Area Bonus for Public Plazas).

**81-652**

### **Floor area bonus for subway station improvements**

For #non-qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row D of the table in Section 81-65 (Special Floor Area Provisions for All Other Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

### **81-653**

#### **Special permit for transfer of development rights from landmarks to non-qualifying sites**

For #non-qualifying sites#, the City Planning Commission may permit the transfer of development rights from a #granting lot# to a #receiving lot#, pursuant to the provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites), provided that:

- (a) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-65 (Special Floor Area Provisions for All Other Sites), less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to the provisions of this Chapter, or any preceding regulations;
- (b) for each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row F of the table in Section 81-65; and
- (c) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

### **81-66**

#### **Special Height and Setback Requirements**

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, and 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), inclusive, are modified by the provisions of this Section, inclusive.

## **81-661**

### **Height and setback modifications for buildings in the Grand Central Core Area**

[RELOCATED TEXT FROM SECTION 81-622]

For #buildings# on #non-qualifying sites# within the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter, the provisions of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), inclusive, are modified as follows:

- (a) where such #buildings# are governed by Section 81-26, no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below a height of 150 feet, as measured from #curb level#; or
- (b) where such #buildings# are governed by Section 81-27, the computation of daylight evaluation shall not include any daylight blockage, daylight credit, profile daylight blockage or available daylight for that portion of the #building# below 150 feet above #curb level#. However, the passing score required pursuant to paragraph (i) of Section 81-274 shall apply.

## **81-662**

### **Daylight compensation modifications for qualifying sites**

For #buildings# on #qualifying sites# in the East Midtown Subdistrict using the daylight compensation method of height and setback regulations, the provisions of Section 81-26 (Height and Setback Regulations – Daylight Compensation) are modified as follows:

- (a) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-264 (Encroachments and compensating recesses):
  - (1)no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below a height of 150 feet, as measured from #curb level#;
  - (2)#compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not comply with the provisions of paragraph (c)(1) of Section 81-264. In lieu thereof, for any portion of the #building# located above a height of 400 feet, the amount of #compensating recess# required for any particular level of the #building# shall be equal to the amount of #encroachment# provided at such level. The remaining provisions of paragraph (c) of Section 81-264 shall continue to apply to such #compensating recess#; and

(3)for #buildings# on #qualifying sites# with frontage along Vanderbilt Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot# for the purposes of determining permitted #encroachments# and #compensating recesses#. Such modified #zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the #narrow street lines# to such new westerly boundary. The Vanderbilt Avenue portion of such modified #zoning lot# may be considered a #compensating recess# for encroachments along such #building’s narrow street frontage zone#, provided that any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum 15 feet from the Vanderbilt Avenue #street line#, and further provided that the #street frontage zone# calculation along Park Avenue shall not include Vanderbilt Avenue;

- (b) for the purposes of determining the permitted length of #encroachments# pursuant to Section 81-265 (Encroachment limitations by length and height rules) the minimum length of recess required by Formula 2 in paragraph (c) shall be modified to 20 percent of the length of the #front lot line#; and
- (c) for #buildings# on #qualifying sites# with frontage along Park Avenue, as an alternative to the setback requirements of Table A, B, or C in paragraph (b) of Section 81-263 (Standard setback requirements), the Park Avenue wall of such #building# shall be set back behind the applicable #setback line# to the depth of the #setback line# required at that particular height, in accordance with the applicable requirements of Table D of this Section.

Table D  
SETBACK REQUIREMENTS ON #STREETS# AT LEAST 140 FEET WIDE

Depth of #Setback Line# from #Street Line# at Stated Heights above #Curb Level#.

<u>Height</u>	<u>Depth of #Setback Line#</u>	<u>Height</u>	<u>Depth of #Setback Line#</u>
<u>210</u>	<u>0.00</u>	<u>470</u>	<u>29.75</u>
<u>220</u>	<u>1.00</u>	<u>480</u>	<u>30.50</u>
<u>230</u>	<u>2.50</u>	<u>490</u>	<u>31.50</u>
<u>240</u>	<u>4.25</u>	<u>500</u>	<u>32.00</u>
<u>250</u>	<u>5.50</u>	<u>510</u>	<u>33.00</u>
<u>260</u>	<u>7.00</u>	<u>520</u>	<u>33.50</u>
<u>270</u>	<u>8.75</u>	<u>530</u>	<u>34.50</u>
<u>280</u>	<u>10.00</u>	<u>540</u>	<u>35.00</u>
<u>290</u>	<u>11.25</u>	<u>550</u>	<u>35.50</u>
<u>300</u>	<u>12.75</u>	<u>560</u>	<u>36.00</u>
<u>310</u>	<u>14.25</u>	<u>570</u>	<u>37.00</u>

<u>320</u>	<u>15.25</u>	<u>580</u>	<u>37.50</u>
<u>330</u>	<u>16.25</u>	<u>590</u>	<u>38.00</u>
<u>340</u>	<u>17.50</u>	<u>600</u>	<u>38.50</u>
<u>350</u>	<u>18.75</u>	<u>610</u>	<u>39.00</u>
<u>360</u>	<u>19.75</u>	<u>620</u>	<u>39.75</u>
<u>370</u>	<u>21.00</u>	<u>630</u>	<u>40.25</u>
<u>380</u>	<u>21.75</u>	<u>640</u>	<u>41.00</u>
<u>390</u>	<u>23.00</u>	<u>650</u>	<u>41.50</u>
<u>400</u>	<u>23.75</u>	<u>660</u>	<u>41.75</u>
<u>410</u>	<u>25.00</u>	<u>670</u>	<u>42.25</u>
<u>420</u>	<u>25.75</u>	<u>680</u>	<u>43.00</u>
<u>430</u>	<u>26.75</u>	<u>690</u>	<u>43.50</u>
<u>440</u>	<u>27.50</u>	<u>700</u>	<u>43.75</u>
<u>450</u>	<u>28.50</u>	<u>710</u>	<u>44.25</u>
<u>460</u>	<u>29.25</u>	<u>Above 710</u>	<u>*</u>

\*For every ten feet of height above 710 feet, the depth shall increase by one foot.

### **81-663**

#### **Daylight evaluation modifications for qualifying sites**

For #buildings# on #qualifying sites# in the East Midtown Subdistrict using the daylight evaluation method of height and setback regulations, the provisions of Section 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation) are modified as follows:

- (a) for the purposes of calculating the daylight evaluation score pursuant to Section 81-274 (Rules for determining the daylight evaluation score):
  - (1) the computation of daylight evaluation shall not include any daylight blockage for that portion of the #building# above the curved line representing 70 degrees in the applicable Daylight Evaluation Charts, and below a height of 150 feet, as measured from #curb level#. However, such computation shall include the daylight blockage created by extending the lines representing the outermost edges of the portion of the #building# above a height of 150 feet downwards to such 70 degree line
  - (2) the computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees, pursuant to paragraph (c) of Section 81-274, may apply along designated #streets# where #street wall# continuity is required;
  - (3) the profile penalty for #profile encroachment#, set forth in paragraph (a) of Section 81-274, shall not apply; and

- (4) the provisions of paragraph (i) of Section 81-274 shall be modified to require an overall passing score of 66 percent. However for #qualifying sites# with existing #buildings# with #non-complying floor area# to be reconstructed pursuant to the provisions of Section 81-643 (Special provisions for retaining non-complying floor area), the overall score of the #zoning lot#, as existing on [date of enactment], may be utilized as the passing score for the proposed #development# on the #qualifying site#. Notwithstanding such modifications, no single #street# frontage shall have a street score of less than 66 percent;
- (b) the reflectivity provisions of Section 81-276 may be utilized to raise both an individual score and the overall score by up to six percentage points;
- (c) for #buildings# on #qualifying sites# with frontage along Vanderbilt Avenue, a portion of Vanderbilt Avenue may be considered part of the #zoning lot# for the purposes of constructing the #daylight evaluation chart# pursuant to Section 81-272 (Features of the Daylight Evaluation Chart). Such modified #zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the #narrow street lines# to such new westerly boundary. Such modified #zoning lot# may be utilized to create a modified pedestrian view along Vanderbilt Avenue and intersecting #narrow streets# provided that:
- (1) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is setback a minimum of 15 feet from the Vanderbilt Avenue #street line#;
- (2) #vantage points# along Vanderbilt Avenue are taken 30 feet west of the westerly #street line# instead of the #center line of the street#; and
- (3) #vantage points# along #narrow streets# are taken from the corner of the modified #zoning lot#; and
- (d) for #buildings# with frontage along Park Avenue:
- (1) for the purposes of establishing #vantage points# along Park Avenue to construct a #daylight evaluation chart# pursuant to the provisions of Section 81-272, the definition of #centerline of the street#, as set forth in Section 81-271 (Definitions), shall be modified along Park Avenue to be a line 70 feet from, and parallel to, the Park Avenue #street line# of the #zoning lot#; and
- (2) for the purpose of plotting #buildings# on the #daylight evaluation chart# pursuant to Section 81-273 (Rules for plotting buildings on the daylight evaluation chart), Chart 4

(Daylight Evaluation Diagram – Park Avenue) in Appendix B of this Chapter, shall be utilized in lieu of the chart for #streets# 100 feet or more in width.

## **81-67**

### **Special Mandatory District Plan Element Requirements**

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) shall be modified in accordance with the provisions of this Section, inclusive.

## **81-671**

### **Special street wall requirements**

[RELOCATED TEXT FROM SECTION 81-621]

The requirements of Section 81-43 (Street Wall Continuity Along Designated Streets) shall be applicable within the Subdistrict, except as modified in this Section.

#Buildings# with frontage on Park, Lexington, Madison and Vanderbilt Avenues, or Depew Place in the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, shall have a #street wall# within 10 feet of the #street line# of such #streets#.

On 42nd Street, the #street wall# shall be at the #street line#. The width of the required #street wall# shall be at least 80 percent of the length of the #front lot line#. The minimum height of such #street walls# without any setback shall be 120 feet above #curb level# or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet above #curb level#. Where a #zoning lot# is bounded by the intersection of Park Avenue, Lexington Avenue, Madison Avenue, Vanderbilt Avenue, 42nd Street or Depew Place and any other #street#, these #street wall# height regulations shall apply along the full length of the #zoning lot# along the other #street# or to a distance of 125 feet from the intersection, whichever is less.

Beyond 125 feet of the intersection, the maximum height of the #street wall# above #curb level# shall not exceed 120 feet. For such #buildings#, the provisions of Section 81-262 (Maximum height of front wall at the street line) shall not be applicable.

However, the ten-foot setback requirement of paragraph (a) of Section 81-263 shall apply only to those portions of the #building# above 120 feet.

## 81-672

### Sidewalk widenings

All sidewalk widenings provided pursuant to the provisions of this Section shall be improved as sidewalks to Department of Transportation standards, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times. The design provisions set forth in paragraph (f) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall apply, except as modified in this Section. All sidewalk widenings provided in accordance with the provisions of this Section shall constitute pedestrian circulation space, as required pursuant to Section 81-45 (Pedestrian Circulation Space).

(a) Mandatory sidewalk widenings along Madison and Lexington Avenues

#Developments# or #enlargements# on #qualifying sites# with frontage along Madison and Lexington Avenues, shall provide mandatory sidewalk widenings as follows:

- (1) where such #zoning lot# occupies the entire #block# frontage, a sidewalk widening shall be provided to the extent necessary so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed ten feet, as measured perpendicular to the #street line#;
- (2) where such #zoning lot# does not occupy the entire #block# frontage, a sidewalk widening shall be provided where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening need exceed ten feet, as measured perpendicular to the #street line#.

(b) Permitted sidewalk widenings

Sidewalk widenings may be provided, in accordance with the applicable size and design standards established in Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive:

- (1) along #narrow streets# in the Grand Central Subarea, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter, for #developments# or #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along such #narrow street line#; and
- (2) where a #street wall#, or portions thereof, is permitted to be located beyond the #street line# pursuant to the applicable provisions of Section 81-671 (Special street wall requirements).

(c) Permitted obstructions

In the Grand Central Subarea, as shown on Map 4, awnings and canopies shall be permitted obstructions within a sidewalk widening provided that no structural posts or supports are located within any portion of the sidewalk or such widening.

**81-673**

**Mass transit access**

(a) On #qualifying sites#

Where a #zoning lot# contains an easement volume for pedestrian access to a subway station or rail mass transit facility and such #zoning lot# is proposed to be #developed# or #enlarged# in accordance with the provisions for #qualifying sites#, such existing easement volume shall be preserved, or reconfigured in accordance with standards and terms approved by the Metropolitan Transportation Authority (MTA), as part of such #development# or #enlargement#. Any reconfiguration shall be constructed by the owner of the #development# or #enlargement#.

For such #developments# or #enlargements#, the owner shall submit a site plan showing a proposed location and size of the transit easement volume that would provide access between the #street# and the below-grade subway station or rail mass transit facility and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.

Legal instruments creating a transit easement volume shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.

(b) On #qualifying sites# in the Grand Central Transit Improvement Zone Subarea or the Other Transit Improvement Zone Subarea

For #developments# or #enlargements# involving ground floor level construction on #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 4 (East Midtown Subdistricts and Subareas) in Appendix A of this Chapter, in addition to the provisions of paragraph (a) of this Section, as applicable, a transit

easement volume may be required on such #zoning lot# for public access between the #street# and a below-grade subway station or rail mass transit facility.

Prior to filing any applications with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority (MTA) and the Chairperson of the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.

Within 60 days of receipt of such application, the MTA and the Chairperson shall jointly certify whether or not a transit easement volume is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

When the MTA and the Chairperson indicate that a transit easement volume is required, the owner shall submit a site plan showing a proposed location and size of the transit easement volume that would provide access between the #street# and the below-grade subway station or rail mass transit facility and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45 day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.

Legal instruments creating a transit easement volume shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.

If a transit easement volume is required on the #zoning lot#, pursuant to the provisions of this Section, an off-street subway or rail mass transit access improvement may be constructed and maintained by either the owner of the #development# or #enlargement#, or the MTA, as follows:

- (1) where such mass transit access improvement is constructed and maintained by the owner of the #development# or #enlargement#:
  - (i) such mass transit access shall be improved to the standards set forth in Section 81-48 and shall be approved by the MTA, and shall comply with the following:

- (a) where the #building's# lobby abuts such mass transit access, in addition to mass transit access to the #street#, such mass transit access shall provide a direct connection to the #building's# lobby which is open during normal business hours; and
        - (b) such mass transit access shall provide directional #signs# in accordance with the provisions of Section 81-412 (Directional signs). Such #signs# shall be exempt from the maximum #surface area# of non-illuminated signs permitted by Section 32-642 (Non-illuminated signs); and
        - (ii) no temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the MTA, has certified that the improvements are substantially complete and usable by the public.
  - (2) where such mass transit access improvement is constructed and maintained by the MTA:
    - (i) where construction of the transit easement volume by the MTA is not contemporaneous with the construction of the #development#:
      - (a) any underground walls constructed along the #front lot line# of a #zoning lot# shall contain a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be determined through consultation with the MTA; and
      - (b) temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume; and
    - (ii) in the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume, such as building columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.
- (c) In other locations

For portions of the #Special Midtown District# within the #Special Transit Land Use District#, where, as part of a #development# or #enlargement# involving ground floor level construction, a transit easement volume is required by the MTA to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities

required to support the functioning of subway station or rail mass transit facilities, including, but not limited to, emergency egress or ventilation structures, the MTA shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

The floor space occupied by any transit easement volume required pursuant to this Section shall not count as #floor area#. Where access improvements are constructed by the owner of the #zoning lot#, each square foot of mass transit access may constitute three square feet of pedestrian circulation space required pursuant to Section 81-45 (Pedestrian Circulation Space), not to exceed 3,000 square feet.

## **81-674**

### **Ground floor use provisions**

(a) Within the Vanderbilt Corridor Subarea

[RELOCATED TEXT FROM SECTION 81-626]

For #buildings developed# or #enlarged# on the ground floor on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, where a #building# fronts upon a designated retail #street#, as shown on Map 2 (Retail and Street Wall Continuity), any portion of such #building's# ground floor level frontage along such designated retail #street# allocated to above- or below-grade public realm improvements provided in accordance with a special permit pursuant to Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea) or Section 81-633 (Special permit for Grand Central public realm improvements) shall be excluded from the retail continuity requirements of Section 81-42 (Retail Continuity Along Designated Streets).

(b) Within the Grand Central Core Area

[RELOCATED TEXT FROM SECTION 81-623]

For #buildings developed# or #enlarged# on the ground floor after August 26, 1992 in the Grand Central Core Area, as shown on Map 4, #building# lobby entrances shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has frontage on more than two #streets#, #building# entrances shall be required only on two #street# frontages. Each required #building# entrance shall lead directly to the #building# lobby. #Buildings developed# from May 13, 1982, to August 25, 1992, shall be subject to the provisions of Section 81-47 (Major Building Entrances).

Required #building# entrances on opposite #street# frontages shall be connected directly to the #building# lobby by providing a through #block# connection in accordance with paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces), except that such through #block# connection shall be located at least 50 feet from the nearest north/south #wide street#.

Each required #building# entrance shall include a #building# entrance recess area, as defined in paragraph (b) of Section 37-53, except that for #developments# or #enlargements# with frontage on Madison Avenue, Lexington Avenue or 42nd Street, the width of a #building# entrance recess area shall not be greater than 40 feet parallel to the #street line# and there may be only one #building# entrance recess area on each such #street# frontage.

(c) Along #narrow streets# of #qualifying sites# in the Grand Central Core Area

For #buildings developed# or #enlarged# on the ground floor on #qualifying sites# in the Grand Central Core Area, as shown on Map 4, a minimum of 50 percent of a #building's# ground floor level #street wall# frontage along a #narrow street# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations, but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Such ground floor level retail, personal services or amusement #uses# shall comply with the transparency provisions of Section 81-42.

**81-675**

**Curb cut restrictions and loading berth requirements**

[RELOCATED AND MODIFIED TEXT FROM SECTION 81-624]

For #developments# or #enlargements# within the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, in addition to the provisions of Sections 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, and 81-44 (Curb Cut Restrictions), the following shall apply:

(a) Loading berth provisions

For #through lots#, the required loading berth shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

However, the Commissioner of Buildings may waive such head-in and head-out requirements, provided that:

- (1) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:
- (i) a #building# existing on (date of adoption) containing #residences#;
  - (ii) a #non-residential building# existing on (date of adoption) that is three or more #stories# in height; or
  - (iii) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or
- (2) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.

(b) Curb cut provisions

The maximum width of any curb cut (including splays) shall be 15 feet for one-way traffic and 25 feet for two-way traffic. Curb cuts shall not be permitted on 47th Street between Park and Madison Avenues or on 45th Street between Depew Place and Madison Avenue.

**81-676**

**Pedestrian circulation space requirements**

[EXISTING TEXT FROM SECTION 81-625]

Any #development# or #enlargement# within the Grand Central Core Area, as shown on Map 4 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, ~~Grand Central Subdistrict~~ shall be subject to the provisions of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) and 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), except that:

- (a) no arcade shall be allowed ~~within the Subdistrict;~~
- (b) ~~within the Subdistrict,~~ a sidewalk widening may be provided only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front; and
- (c) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 4-4 (Special Midtown District and Subdistricts) in Appendix A of this

~~Chapter~~, up to a maximum of 3,000 square feet of on-site improvements to the public realm provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special ~~Permit~~ permit for Grand Central Public Realm Improvement Bonus) may be applied toward the pedestrian circulation space requirement.

## **81-68**

### **Additional Provisions for Qualifying Sites**

## **81-681**

### **Building energy design requirements for qualifying sites**

To ensure advancement of goals for the reduction of greenhouse gas emissions, #buildings# on #qualifying sites# shall either:

- (a) utilize a district steam system for the #building's# heating and hot water systems; or
- (b) the core and shell of such #building# shall exceed the standards of the chosen commercial building energy-efficiency compliance path within the 2016 New York City Energy Conservation Code (NYCECC), by three percent.

Compliance with the provisions of this Section shall be demonstrated to the Department of Buildings at the time of issuance of a new building permit for a #development# or #enlargement# on a #qualifying site#.

The City Planning Commission may, by rule, modify the standards of this Section, as necessary, to ensure that the environmental standards established herein, meet or exceed the current best practices in reducing greenhouse gas emissions.

## **81-682**

### **Priority Improvement List for qualifying sites**

In accordance with the provisions of Section 81-641 (Additional floor area for transit improvements), any applicant for a #development# or #enlargement# on a #qualifying site# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, shall select a transit improvement, or combination thereof, to be completed in accordance with the provisions of this Section.

- (a) Selecting an Improvement

An applicant shall select a transit improvement from the Priority Improvement List in paragraph (b) of this Section based on the #floor area# such improvement generates relative to the minimum #floor area# required and maximum #floor area# permitted for completion of such improvement pursuant to Section 81-641, and based on the following geographical and technical considerations:

- (1) First, the applicant shall select a transit improvement in the same Subarea of the East Midtown Subdistrict as the proposed #development# or #enlargement# on a #qualifying site#;
- (2) If none of the transit improvements on the Priority Improvement List meet the criteria of paragraph (a)(1) of this Section, the applicant shall select a transit improvement on a transit route that passes through, and has stations or other facilities in the same Subarea of the East Midtown Subdistrict as the proposed #development# or #enlargement# on a #qualifying site#;
- (3) If none of the transit improvements on the Priority Improvement List meet the criteria of paragraphs (a)(1) or (a)(2) of this Section, the applicant shall select from any remaining improvement on the list.

In addition, applicants shall consult with the applicable City or State agencies with jurisdiction over and control of the proposed improvement to ensure that the selected improvement will meet the operational and long-term planning needs of the station or transit route, including any phasing requirements, and compliance with the Americans with Disabilities Act (ADA).

(b) The Priority Improvement List

The Priority Improvement List (the “Improvement List”), set forth in the tables below, details physical improvements to subway stations and other rail mass transit facilities in, or adjacent to, the East Midtown Subdistrict, that an applicant on a #qualifying site# may complete to obtain additional #floor area#.

Three levels of improvements are available for completion, which, accordingly, generate three different amount of additional #floor area#:

- (1) Type 1 Improvements generate 40,000 square feet of #floor area#, and include new or expanded on-street station entrances, new or expanded on-street station entrances, new or expanded accessible routes for persons with physical disabilities between two levels of a station, and four or fewer new or reconfigured station stairs.
- (2) Type 2 Improvements generate 80,000 square feet of #floor area#, and include new or expanded station escalators, new or expanded accessible routes for persons with physical

disabilities between three or more station levels, new or expanded paid areas of a station, including widened platforms or mezzanine levels, and more than four new or reconfigured station stairs.

- (3) Type 3 Improvements generate 120,000 square feet of #floor area#, and include large-scale renovations that significantly improve the environment of stations, and new connections between two or more stations.

In consultation with the Metropolitan Transportation Authority (MTA), the City Planning Commission may, by rule, modify such Improvements List to reflect new improvements needed in the transit network.

**TABLE 1**  
**PRIORITY IMPROVEMENT LIST**

<b><u>TYPE 1 IMPROVEMENTS</u></b>		
<b><u>Location</u></b>	<b><u>Type of Improvement</u></b>	<b><u>Transit Line</u></b>
<u>Lexington Avenue / 53rd Street station</u>	<u>Replace escalator and stair connecting downtown Lexington platform to station with widened stair</u>	<u>Lexington Avenue Line / 53rd Street Line</u>
<u>Lexington Avenue / 53rd Street station</u>	<u>Provide new street entrance to uptown Lexington platform from 50th Street</u>	<u>Lexington Avenue Line / 53rd Street Line</u>
<u>Bryant Park station</u>	<u>Provide ADA access between Flushing platform and mezzanine level</u>	<u>Flushing Line / 6th Avenue Line</u>
<u>Bryant Park station</u>	<u>Provide new street entrance from north side of West 42nd street</u>	<u>Flushing Line / 6th Avenue Line</u>
<u>Bryant Park station</u>	<u>Provide ADA access between Sixth Avenue northbound platform and mezzanine level</u>	<u>Flushing Line / 6th Avenue Line</u>
<u>Bryant Park station</u>	<u>Provide ADA access between Sixth Avenue southbound platform and mezzanine level</u>	<u>Flushing Line / 6th Avenue Line</u>
<u>59th Street station</u>	<u>Provide new street entrance from north side of 60th Street</u>	<u>Lexington Avenue Line / Broadway-60th Street Line</u>
<u>59th Street station</u>	<u>Provide ADA access between local</u>	<u>Lexington Avenue Line /</u>

	<u>southbound platform and street level</u>	<u>Broadway-60th Street Line</u>
<u>59th Street station</u>	<u>Provide ADA access between 60th Street line platform and mezzanine level</u>	<u>Lexington Avenue Line / Broadway-60th Street Line</u>
<u>59th Street station</u>	<u>Provide new platform stair and widen existing stairs between 60th Street line platform and mezzanine level</u>	<u>Lexington Avenue Line / Broadway-60th Street Line</u>
<u>Fifth Avenue and 53rd Street station</u>	<u>Provide new street entrance on west side of Madison Avenue</u>	<u>53rd Street Line</u>
<u>Grand Central / 42nd Street station</u>	<u>Widen platform stairs at east end of Flushing platform</u>	<u>Flushing Line</u>
<u>Grand Central / 42nd Street station</u>	<u>Widen stairs between Flushing and Lexington platforms</u>	<u>Flushing Line</u>

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**TYPE 2 IMPROVEMENTS**

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<u>Location</u>	<u>Type of Improvement</u>	<u>Transit Line</u>
<u>Lexington Avenue / 53rd Street station</u>	<u>Provide widened escalator between 53rd street platform and mezzanine</u>	<u>Lexington Avenue Line / 53rd Street Line</u>
<u>59th Street station</u>	<u>Provide ADA access between northbound platforms and 60th Street line mezzanine</u>	<u>Lexington Avenue Line / Broadway-60th Street Line</u>
<u>59th Street station</u>	<u>Provide ADA access between southbound platforms and 60th Street line mezzanine</u>	<u>Lexington Avenue Line / Broadway-60th Street Line</u>
<u>47th / 50th Street station</u>	<u>Provide two platform stairs and widen remaining platform stairs</u>	<u>6th Avenue Line</u>
<u>Fifth and 53rd Street station</u>	<u>Provide new stairs to multiple levels of station</u>	<u>53rd Street Line</u>
<u>Fifth and 53rd Street station</u>	<u>Provide ADA access to multiple levels of station</u>	<u>53rd Street Line</u>
<u>Fifth and 53rd Street station</u>	<u>Provide escalators to multiple levels of station</u>	<u>53rd Street Line</u>
<u>Fifth and 53rd Street station</u>	<u>Provide new mezzanine area</u>	<u>53rd Street Line</u>

<u>Fifth and 53rd Street station</u>	<u>Provide new access core between platforms and street level</u>	<u>53rd Street Line</u>
<u>Grand Central / 42nd Street station</u>	<u>Expand paid area and add new platform stair between Flushing platform and upper mezzanine</u>	<u>Flushing Line</u>

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**TYPE 3 IMPROVEMENTS**

<u>Location</u>	<u>Type of Improvement</u>	<u>Transit Line</u>
<u>Grand Central / 42nd Street station</u>	<u>Renovation of remaining portions of Lexington mezzanine</u>	<u>Flushing Line / Lexington Avenue Line</u>

**81-683**

**Criteria for improvements in the Public Realm Improvement Concept Plan**

The #Public Realm Improvement Fund Governing Group# shall select priority improvements for the Public Realm Improvement Concept Plan (the “Concept Plan”) in accordance with the provisions of this Section.

All improvements in the Concept Plan, which may be funded through contributions to the #East Midtown Public Realm Improvement Fund#, shall:

- (a) be within the East Midtown Subdistrict, a location immediately adjacent thereto, or in a subway or rail mass transit facility with significant ridership into and out of the Subdistrict;
- (b) have a City or State agency as a project sponsor;
- (c) meet the definition of a capital project under Section 210 of the New York City Charter; and
- (d) consist of either:
  - (2) above-grade public realm improvements, including, but not limited to, pedestrian plazas that provide opportunities for passive recreation, or improvements along a street accommodating both vehicular and pedestrian access that may include pedestrian amenities, or streetscape, sidewalk, crosswalk and median enhancements; or
  - (3) below-grade public realm improvements, including, but not limited to widening, straightening, expanding or otherwise enhancing the existing below-grade pedestrian circulation network, additional vertical circulation, reconfiguring circulation routes to

provide more direct pedestrian connections to subway or rail mass transit facilities, improved or new disabled access, or providing daylight access, or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways, within the East Midtown Subdistrict, a location immediately adjacent thereto, or in a subway or rail mass transit facility identified on the Priority Improvement List in Section 81-682 (Priority Improvement List for qualifying sites).

The Governing Group shall consider the selection and funding of above-grade public realm improvements within the East Midtown Subdistrict prior to consideration and selection of any below-grade public realm improvement.

### **81-684**

#### **Authorization to allow enlargements on qualifying sites**

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may authorize modifications to the requirement in the definition of #qualifying site# in Section 81-613 that the additional #floor area# permitted through the provisions of Section 81-64 be achieved exclusively through a #development#, and may allow #enlargements# on #qualifying sites#, provided that the Commission finds that such #enlargement# includes significant renovations to the existing #building# that will bring it up to contemporary space standards.

Where the existing #building# includes #non-complying floor area#, a contribution shall be deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of such pre-existing #non-complying floor area#. For the purposes of such calculation, the amount of existing #non-complying floor area# shall not include any bonus #floor area# associated with a #publicly accessible open area# to remain on the #zoning lot#. The payment of the non-refundable contribution to the #Public Realm Improvement Fund#, shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing the #enlargement# on a #qualifying site#.

For such #enlargements# to #buildings# with #non-complying floor area#, the proposed #floor area# beyond the amount contained in the pre-existing #non-complying building# shall be obtained by utilizing the applicable provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites). For the purposes of applying the provisions of such Section, the reconstructed #floor area ratio# shall be considered the basic maximum #floor area ratio#. However, the maximum #floor area ratios# of Row E and Row H shall continue to apply.

## **81-685**

### **Special permit to modify qualifying site provisions**

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may permit modifications to certain #qualifying site# criteria, as well as height and setback regulations and mandatory plan elements, as set forth in paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

- (a) The Commission may modify the following, whether singly or in any combination:
- (1) the following #qualifying site# criteria:
    - (i) the requirement for #wide street# frontage, including the requirement that no existing #buildings# will remain on such #wide street# frontage, set forth in paragraphs (b) and (c) of the definition of a #qualifying site# in Section 81-613;
    - (ii) the #building# performance requirements in the paragraph (f) of the definition of a #qualifying site# and Section 81-681 (Building energy design requirements for qualifying sites); or
    - (iii) the requirement that the additional #floor area# permitted through the provisions of Section 81-64 be achieved exclusively through a #development#;
  - (2) the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 (Zoning Lots no Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions) or 77-22 (Floor Area Ratio), and the provisions of Section 81-612 (Applicability along district boundaries) requiring that #zoning lots# divided by Subarea boundaries utilize the provisions of Article VII, Chapter 7;
  - (3) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-671 (Special street wall requirements), inclusive;
  - (4) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), inclusive, or 81-66 (Special Height and Setback Requirements); or
  - (5) the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-

674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications. In addition, where modifications to #street wall# or height and setback regulations are proposed, any application shall contain the following materials, at a minimum:

- (1) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43 (Street Wall Continuity Along Designated Streets), or as such provisions are modified pursuant to Section 81-671 (Special street wall requirements), as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), or as such provisions are modified pursuant to Section 81-66 (Special Height and Setback Requirements), as applicable;
- (2) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-66; and
- (3) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-66.

(c) Findings

The Commission shall find that such proposed modifications:

- (1) to the definition of #qualifying site# are the minimum extent necessary, and are harmonious with the Subdistrict objective to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers;

- (2) to the requirement for #wide street# frontage in the definition of #qualifying sites# will not unduly concentrate #bulk# towards the middle of the #block# to the detriment of the surrounding area;
- (3) to the #building# performance requirements in the definition of #qualifying sites# and Section 81-681:
  - (i) are necessary due to the presence of existing #buildings# on the site; and
  - 
  - (ii) will not detract from the incorporation of innovative sustainable design measures;
- (4) to regulations pertaining to #zoning lots# divided by district boundaries will result in better site planning;
- (5) to the mandatory district plan elements:
  - (i) will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions); and
  - (ii) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#;
- (6) to the #street wall# or height and setback regulations:
  - (i) are necessary due to constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site;
  - (ii) will not unduly obstruct the access of light and air to surrounding properties; and
  - (iii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations); and
  - (iv) the overall design of the #building# demonstrates an integrated and well-considered facade, taking into account factors such as #street wall# articulation, and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area; and constitutes a distinctive addition to the Midtown Manhattan skyline.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

## **81-686**

### **Contribution in-kind for certain public realm improvements**

The Chairperson of the City Planning Commission shall allow, by certification, the applicant for a #development# or #enlargement# on a #qualifying site# that is immediately adjacent to a sidewalk improvement identified in the Public Realm Improvement Concept Plan to undertake such improvement, and be deducted the cost of such improvement from their contribution to the #Public Realm Improvement Fund#, provided that the provisions of this Section are met.

- (a) The following requirements shall be completed prior to application for certification by the Chairperson:
- (1) The applicant shall submit concept plans for the proposed improvement to the Chairperson, the Department of Transportation (DOT), and the #Public Realm Improvement Fund Governing Group# (the “Governing Group”);
  - (2) DOT shall provide a letter to the Chairperson and the Governing Group containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement;
  - (3) Construction documents and cost estimates shall be prepared for such improvements by a professional engineer, and submitted to the Chairperson, the DOT and the Governing Group;
  - (4) Upon review, the DOT and the Governing Group shall either approve such construction documents and costs estimates or detail discrepancies to be resolved by the applicant; and
  - (5) Upon approval of the construction documents and cost estimates by the DOT and Governing Group, the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to design and construct the improvement in accordance with the requirements of the DOT. A certified copy of such legal instruments shall be sent to the Chairperson.
- (b) Upon submittal of all the items in paragraph (a) of this Section, along with drawings indicating the portion of the #building# utilizing transferred #floor area# pursuant to the provisions of Section 81-642 (Transfer of development rights from landmarks to qualifying sites), the

Chairperson shall certify that a #development# or #enlargement# on a #qualifying site# may undertake an improvement to an adjoining sidewalk.

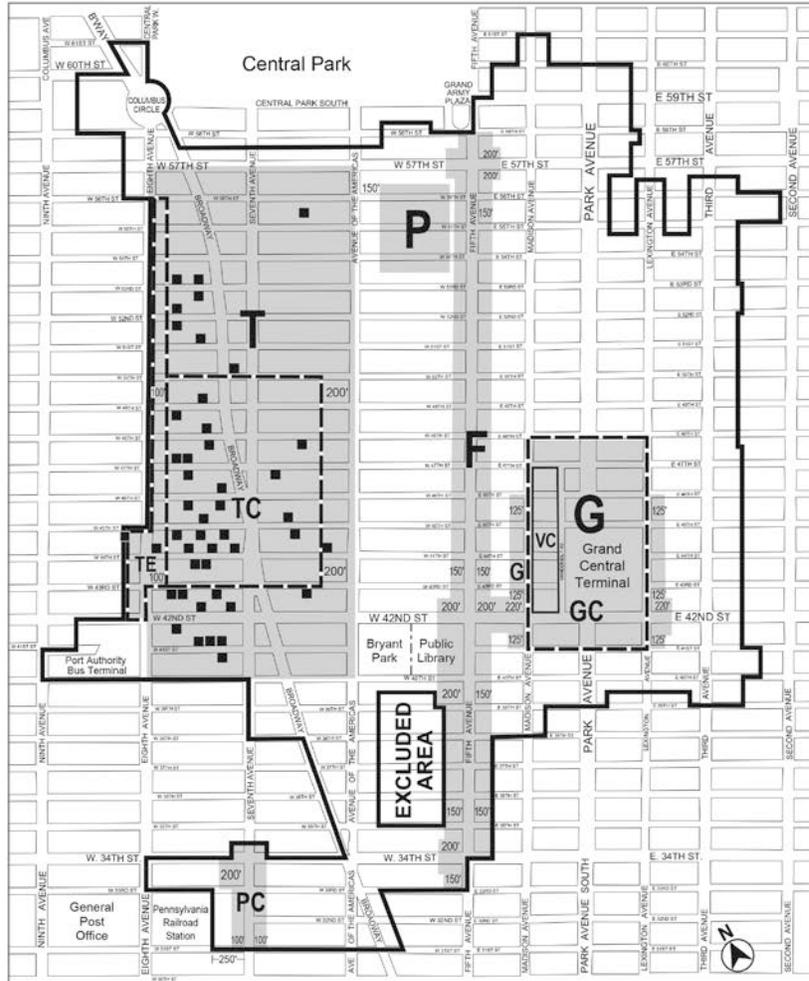
The execution and recording of legal instruments in accordance with paragraph (a) of this Section shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing a #development# or #enlargement# on a #qualifying site# undertaking a contribution in-kind pursuant to this Section.

- (c) Upon certification by the Chairperson, monies equal to such agreed upon cost estimate between the applicant, DOT and the Governing Group shall be deposited into an escrow account or similar fund established by the Governing Group from the #Public Realm Improvement Fund# (“the Improvement Fund”).
- (d) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing transferred #floor area# pursuant to Section 81-642 until the Chairperson of the City Planning Commission, acting in consultation with the DOT and the Governing Group, has certified that the improvements are substantially complete and usable by the public. No permanent certificate of occupancy shall be granted by the Department of Buildings until the improvements have finally been completed in accordance with the approved plans and such final completion has been approved by the Chairperson, the DOT and the Governing Group.
- (e) Upon completion of the sidewalk improvement, the monies secured in the escrow account or other similar fund established by the Governing Group shall be released to the applicant.
- (f) In the event that an applicant utilizing the provisions of this Section has not completed the sidewalk improvements within five years of obtaining a new building permit from the Department of Buildings, the Governing Group shall release the monies in the escrow account or other similar fund back to the Improvement Fund.

# Appendix A Midtown District Plan Maps

Map 1: Special Midtown District and Subdistricts

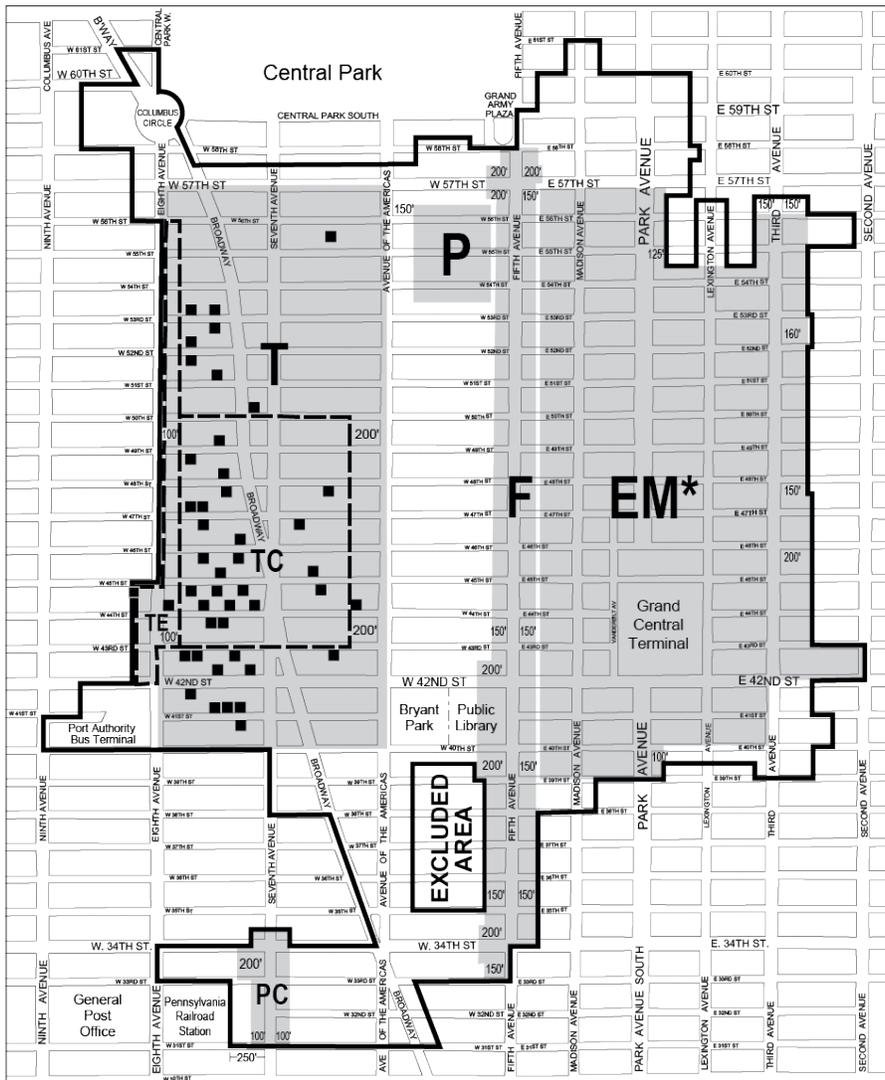
[EXISTING MAP]



MIDTOWN DISTRICT PLAN  
MAP 1 - Special Midtown District and Subdistricts

- |                                   |   |
|-----------------------------------|---|
| Special Midtown District          | PC Penn Center Subdistrict                    |
| F Fifth Avenue Subdistrict        | T Theater Subdistrict                         |
| G Grand Central Subdistrict       | TC Theater Subdistrict Core                   |
| GC Grand Central Subdistrict Core | TE Theater Subdistrict Eighth Avenue Corridor |
| VC Vanderbilt Corridor            | Listed Theaters                               |
| P Preservation Subdistrict        |   |

[PROPOSED MAP]

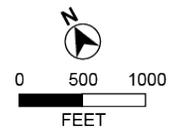


MIDTOWN DISTRICT PLAN

MAP 1 - Special Midtown District and Subdistricts

- F** Fifth Avenue Subdistrict
- EM** East Midtown Subdistrict
- PC** Penn Center Subdistrict
- P** Preservation Subdistrict
- T** Theater Subdistrict
- TC** Theater Subdistrict Core
- TE** Theater Subdistrict Eighth Avenue Corridor
- Listed Theaters
- Special Midtown District

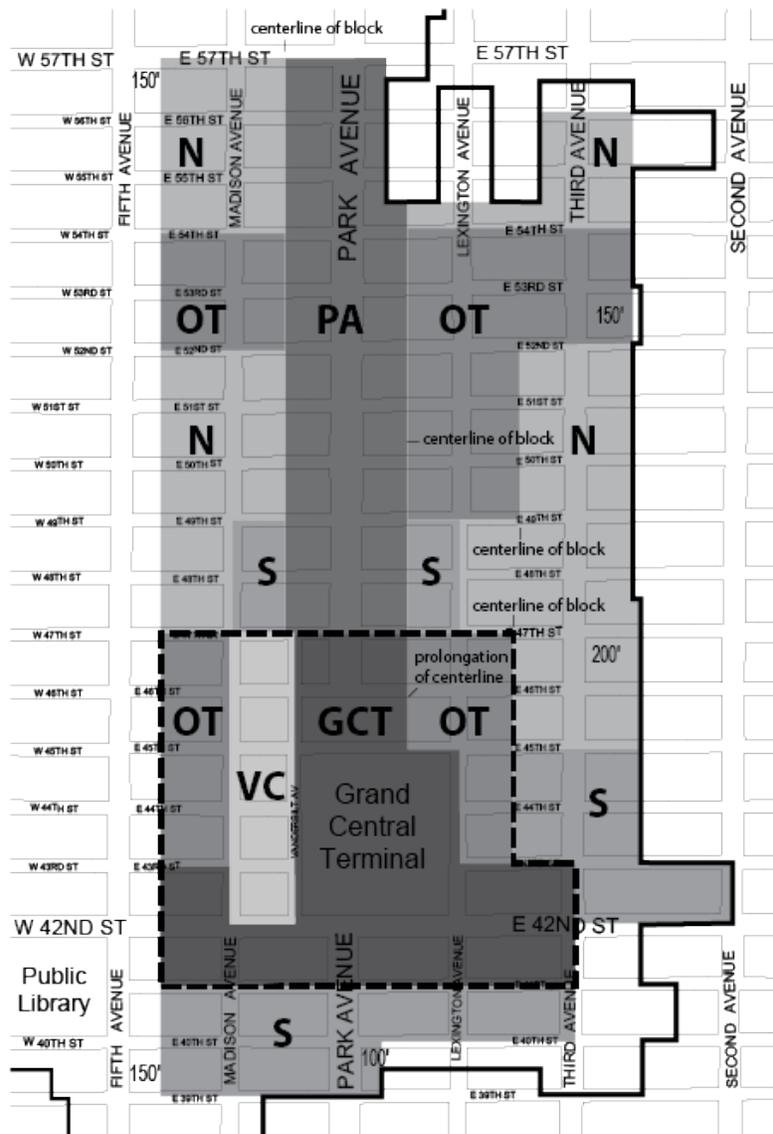
\* East Midtown Subareas are shown on Map 4



\* \* \*

Map 4: East Midtown Subdistrict and Subareas

[PROPOSED MAP]



MIDTOWN DISTRICT PLAN  
MAP 4 - East Midtown Subdistrict and Subareas

- Grand Central Transit Improvement Zone Subarea (GCT)
- Park Avenue Subarea (PA)
- Other Transit Improvement Zone Subarea (OT)
- Southern Subareas (S)
- Northern Subareas (N)
- Vanderbilt Corridor (VC)
- Grand Central Core Area
- Special Midtown District



\* \* \*

**Appendix B**  
**Daylight Evaluation Charts**

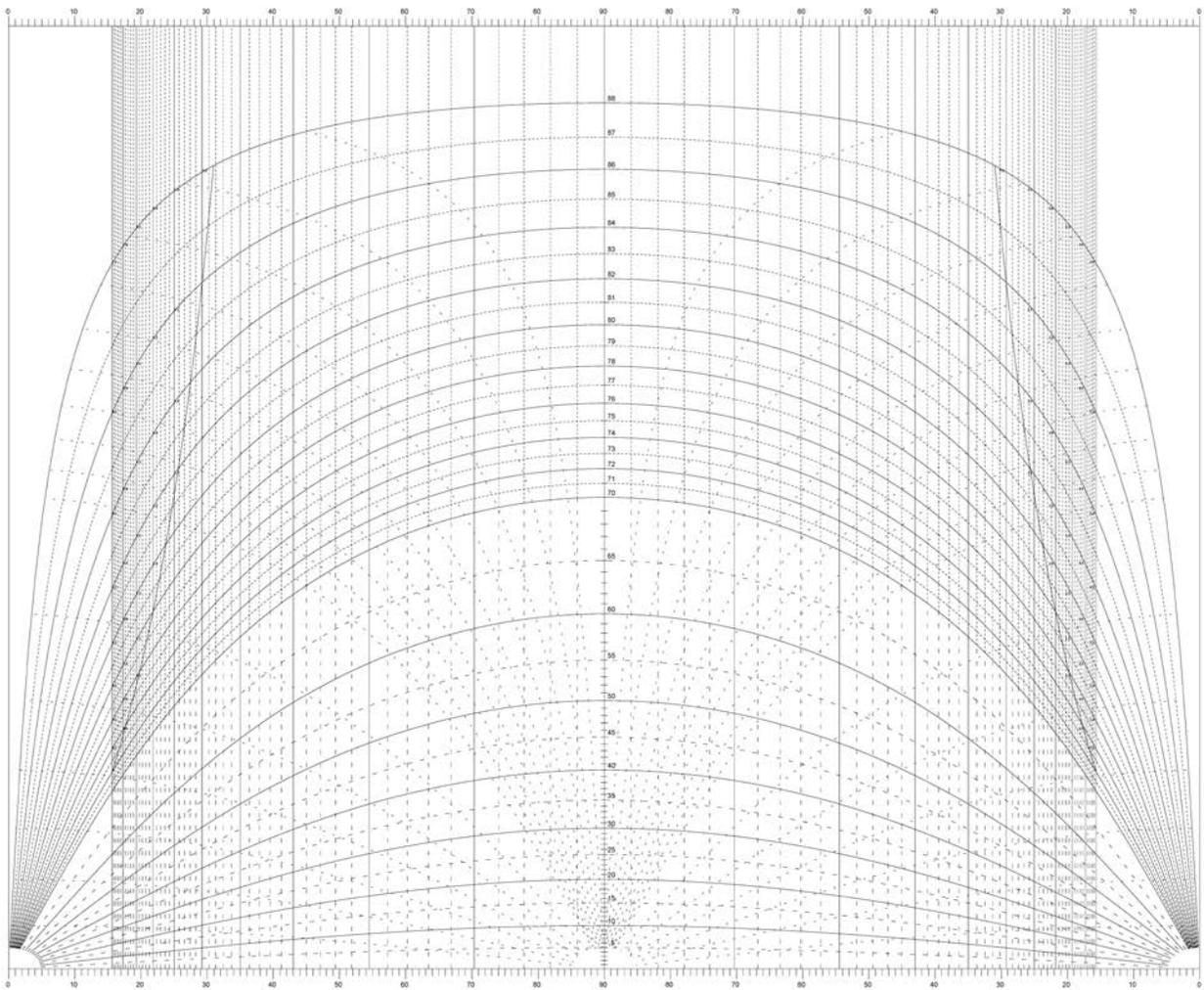
[MOVE EXISTING DAYLIGHT EVALUATION CHARTS INTO THIS NEW APPENDIX B]

\* \* \*

Chart 4. Daylight Evaluation Diagram – Park Avenue

[PROPOSED CHART]

(A full size, 30" by 36", copy of this chart is available for purchase and inspection at the Department of City Planning's Bookstore.)



Daylight Evaluation Diagram, Park Avenue

\* \* \*

The above resolution (N 170186(A) ZRM), duly adopted by the City Planning Commission on June 07, 2017 (Calendar No. 12), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chair*

**RAYANN BESSER, MICHELLE DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*

**ALFRED C. CERULLO, III**, *Commissioner, Recused*

## Manhattan Community Board Five

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Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109  
New York, NY 10123-2199  
212.465.0907 f-212.465.1628

Wally Rubin, District Manager

March 13, 2017

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

**Re: Application # N170186 ZRM and N170187 ZMM - Department of City Planning application for zoning changes in the Greater East Midtown area. The changes would enable higher density commercial development and permit district-wide transfers of unused air rights from landmarks in exchange for key transit and public realm improvements and the preservation of historic landmarks.**

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, March 09, 2017, the following resolution passed with a vote of 32 in favor; 0 opposed; 1 abstaining:

WHEREAS, Mayor de Blasio established the East Midtown Steering Committee in May 2014 to develop a new planning framework that would inform rezoning, capital commitments, funding mechanisms and other policy decisions affecting East Midtown's commercial core; and

WHEREAS, The East Midtown Steering Committee's first meeting was held on September 30, 2014 and during the following nine months, the East Midtown Steering Committee met 19 times to inform itself of the issues, hear from outside stakeholders and subject matter experts, consider planning proposals; and

WHEREAS, Meetings lasted two to three hours and always had representation from Community Board Five; and

WHEREAS, The East Midtown Steering Committee Report's policies do not represent the position of every member group on every issue but instead reflect a consensus view that, on balance, the framework of policies would properly reflect the overlapping goals that the Committee was asked to advance; and

WHEREAS, Community Board Five agreed to participate in the East Midtown Steering Committee because it was informed that the product of the collaborative effort, absent

unforeseen legal or technical issues, would become the planning framework for East Midtown; and

WHEREAS, Community Board Five is disappointed that Mayor de Blasio's Greater East Midtown proposal deviates substantially from the East Midtown Steering Committee Report; and

WHEREAS, Community Board Five's core objective throughout the process was to ensure that the Greater East Midtown planning effort resulted in an improvement to the public realm; and

WHEREAS, East Midtown has minimal public space and any increase in built density in East Midtown facilitated by a change to the Zoning Resolution must be coupled with an increase in the absolute amount of public space; and

WHEREAS, Although Community Board Five strongly prefers the creation of new outdoor public space in East Midtown because such space better mitigates some of the adverse impacts tied to new construction, it believes the creation of indoor public space is preferable to the creation of no new public space on a redeveloped site; and

WHEREAS, Page 2 of the East Midtown Steering Committee Report, in the Executive Summary of Recommendations section, reads:

“The East Midtown Steering Committee supports invigorating the East Midtown office district by encouraging as-of-right, higher density and modernized office development in appropriate locations if accompanied by both: (1) significant, timely and assured upgrades to transportation networks and public realm spaces (the “public realm”) in accordance with an adopted concept plan and an ongoing, consultative implementation process; and (2) preservation of important local historic resources. The Steering Committee believes that any rezoning should provide more certainty as to both the development of permitted as-of-right and the public realm improvements that would accompany any increase in density.”; and

WHEREAS, Page 50 of the East Midtown Steering Committee Report reads:

“The East Midtown Steering Committee emphatically concludes that the public realm of East Midtown - inclusive of transit, plazas, sidewalks and other public spaces - needs to be meaningfully improved, not just to accommodate more development in the district, but also to address the present intensity of land use and keep the district competitive. Planning, funding and project management for such improvements should go in advance of or, at the latest, hand-in-hand with added development.”; and

WHEREAS, Page 64 of the East Midtown Steering Committee report reads, “Open space is a needed amenity throughout the district”; and

WHEREAS, Although page 65 of the East Midtown Steering Committee Report includes policy “C23,” which calls on the city to change policy in East Midtown to ensure that there is an increase in the number of privately owned public spaces, the Department of City Planning has

taken no steps to implement this policy nor explained in writing why it has chosen to disregard this policy clearly outlined in the East Midtown Steering Committee Report; and

WHEREAS, Although page 65 of the East Midtown Steering Committee Report includes policy “C24,” which calls on the Department of City Planning to “improve the current plaza guidelines with regard to indoor plazas,” the Department of City Planning has taken no steps to implement this policy nor explained in writing why it has chosen to disregard this policy clearly outlined in the East Midtown Steering Committee Report; and

WHEREAS, Although page 65 of the East Midtown Steering Committee Report includes policy “C25,” which calls on the Department of City Planning to create a mechanism for off-site location of privately owned public spaces, the Department of City Planning has taken no steps to implement this policy nor explained in writing why it has chosen to disregard this policy clearly outlined in the East Midtown Steering Committee Report; and

WHEREAS, Although page 66 of the East Midtown Steering Committee Report includes policy “C26,” which calls on the Department of City Planning to create a “streamlined process and incentives for private owners to renew their POPS and plazas,” the Department of City Planning has taken no steps to implement this policy nor explained in writing why it has chosen to disregard this policy clearly outlined in the East Midtown Steering Committee Report; and

WHEREAS, Community Board Five believes that the Greater East Midtown proposal of 2016-2017, if approved as currently proposed, would likely result in a worse public realm in the Grand Central area than what would have been achieved under Mayor Bloomberg’s 2012-2013 East Midtown Rezoning proposal because developers proposing projects on redevelopment sites surrounding Grand Central Terminal would have likely offered to build high quality, privately owned public space in order to earn a special permit granting 6 additional FAR under the Bloomberg plan, but will likely will forgo the special permit if the current proposal is adopted because the present proposal would only permit an additional 3 FAR through a special permit; and

WHEREAS, There is a long history of building owners who manage POPS flouting their agreements with the City, over which the Department of City Planning has no enforcement power, which causes DCP to be reluctant to create new POPS, and

WHEREAS, The best answer to this problem is for a new unit to be created within DCP which will have singular authority over POPS, allowing for oversight and enforcement at the same agency where these initial agreements are made; and

WHEREAS, We commend DOT for its efforts to envision public realm improvements on existing streets, but do not believe the city has a mechanism in place to ensure that any of these improvements will happen; and

WHEREAS, We ask for at least some up-front investment in the DOT improvements; and

WHEREAS, It is critical for there to be a minimum contribution rate for the transfer of development rights within East Midtown so that the Governing Group is able to receive sufficient funds to invest in the development and operation of improvements for the public realm; and

WHEREAS, It is important that the minimum contribution rate is based on reasonable assumptions that do not, for instance, use development rights transactions for 100% residential developments without making proper adjustments, and

WHEREAS, The Governing Group should be required, by the Zoning Resolution, to record every meeting by video and have a word-for-word transcription of each meeting that shall be made accessible by the Office of the Manhattan Borough President and either the Mayor's Office or the Department of City Planning; and

WHEREAS, The Governing Group should be empowered to act, according to the Zoning Resolution, only if at least one non-Mayoral appointee votes for an action so as to ensure that the Governing Group is not a rubber stamp for the Mayor; and

WHEREAS, Although page 27 of the East Midtown Steering Committee Report includes policy "C6," which states that "The Governing Group's membership should balance Mayoral authority with significant input from other elected officials, as well as balance government and highly qualified outside voice," the Department of City Planning's proposal would permit Mayoral appointees to simply dictate all action of the Governing Group even if the Council Member, Borough President, and community boards all jointly objected to a proposal before the Governing Group; and

WHEREAS, We are troubled that the proposed zoning text amendment allows the possibility for developers to build a public elevator from street-level to a station mezzanine without building an additional elevator from the mezzanine to the platform-level; and

WHEREAS, According to Center for an Urban Future "Scale Up New York Report" from November 2016, NYC has lost more than 1.6 million square feet of Class B and C office space since 2000; and

WHEREAS, Dozens of properties have an incentive to convert from Class B office space unless the city prohibits the as-of-right conversion of more than 12 FAR of a building from non-residential use to residential use in East Midtown; and

WHEREAS, The local public schools serving the students of Community District Five do not have capacity to absorb the conversion of dozens of East Midtown buildings from Class B office to residential use; and

WHEREAS, Although page 27 of the East Midtown Steering Committee Report includes policy "B6," which calls on the Department of City Planning to put forth a zoning text amendment that would place a 12 FAR cap on the conversion of non-residential floor area to residential floor area in East Midtown so as to protect the commercial character of East Midtown, protect the

businesses and workers in Class B office buildings, and ensure that our overcrowded schools do not face further crowding absent additional investment in school capacity, the Department of City Planning has taken no steps to implement this policy nor explained in writing why it has chosen to disregard this policy of the East Midtown Steering Committee Report; and

WHEREAS, The Regional Plan Association, in regards to the policy B6 on conversions, testified on February 6, 2017:

“Residential conversions & Affordable Housing Require special permit for residential conversions, and require affordable housing in any residential development enabled: East Midtown is first and foremost a business district and to that end, RPA recommends residential uses be discouraged. In order to utilize the zoning framework proposed in this rezoning, the City’s proposal requires that development have clear frontage along a wide street, exceed environmental performance standards, and that residential floor area be no more than 20 percent of the development. RPA applauds this last provision, and furthermore recommends that if this rezoning will encourage additional residential capacity, either by design or as a side-effect, two conditions apply: residential conversions must be approved through special permit and any additional residential should be mixed-income.”; and

WHEREAS, The Municipal Art Society, in regards to the policy B6 on conversions, testified on February 6, 2017:

“Residential Conversion Since 1981, the Zoning Resolution has allowed commercial buildings to be converted to residential without regard to generally applicable bulk regulations if they meet certain criteria. Over a hundred buildings, representing millions of square feet within the proposed rezoning area, would be eligible for residential conversion (built in 1961 or earlier, exceed 12 FAR, and have zero residential floor area). As such action would be contrary to the stated goals of the proposal, MAS urges the city to explore mechanisms that would restrict conversions within the project area.”; and

WHEREAS, The Service Employees International Union, Local 32B, in regards to the policy B6 on conversions, testified on February 6, 2017:

“Further, to protect the integrity of the sub-district as a hub of high quality jobs and commercial activity, we urge the city to limit the conversions of office buildings into residential buildings, which is currently permitted as-of-right, provided by Article I Chapter 5 of the Zoning Resolution. This city can do this by amending the rezoning proposal to require a special permit for commercial-to-residential conversions. By subjecting conversions to public review, we can limit residential development to the instances where it serves the goals of the district and ensure it does not undermine efforts to uphold East Midtown as a competitive commercial hub....we ask the City to require special permits for commercial-to-residential conversions.”; and

WHEREAS, While the policy behind the Greater East Midtown proposal is an “earned as-of-right” framework where there is no increase in permitted floor area under base zoning regulations, the Department of City Planning has made one glaring exception, amounting to a “spot zoning” to grant 5 FAR—tied to no landmark benefit, public realm improvement, or transit benefit—to the Pfizer site; and

WHEREAS, The proposed rezoning will cause additional shadows to be cast onto Central Park, a vital light sensitive resource of CB5 and of the city as a whole; and

WHEREAS, Although the EIS identifies Central Park as a light sensitive resource, the proposed rezoning does not include any mitigating mechanism to prevent or at the very least limit the amount of incremental shadows cast onto Central Park; and

WHEREAS, The EIS does not study or assess the specific shadow impact that the redevelopments will have on Central Park, failing to address and protect one of the most important natural resources in a densely-built environment—the EIS should carefully assess this and consider mitigations; and

WHEREAS, Since 2013, Community Board Five has expressed grave concerns over shadows on Central Park and has advocated for mitigating factors to protect access to air and light to Central Park from incremental shadows but, to this day, the Department of City Planning and the Mayor’s Office have refused to allow for the serious study of building envelope reconfiguration to protect our vital public resources, let alone acknowledge that incremental shadows are even an issue; and

WHEREAS, The proposed rezoning will relax the Midtown Subdistrict requirement for sky plane exposure and daylight scores, darkening the streets and avenues at ground level, while providing no mitigation; and

WHEREAS, Community Board Five believes that the proposed zoning changes will diminish the environmental quality of Midtown streets and the pedestrian’s experience; and

WHEREAS, Midtown zoning’s performance-based Height and Setback regulations, with their daylight standards, have served the City well for almost 35 years resulting in as-of- right development which has added to the environmental quality of Midtown; and

WHEREAS, The City should maintain daylight standards and when they cannot be met for a particular site, the public should be provided with concrete reasons as to why a development cannot feasibly apply the daylight standards—balancing the environmental quality of Midtown with other perceived “goods”; and

WHEREAS, CB5 strongly believes the goal of the rezoning should be to create and preserve a diversity of high quality commercial jobs and therefore strongly encourages developers, contractors and tenants to take steps to protect the hundreds of building service workers who are earning family-sustaining prevailing wages and benefits and may be displaced by the redevelopment of qualifying sites as result of the East Midtown rezoning, and to commit to

creating high service jobs that pay all building service workers the industry standard prevailing wage in the new development sites; therefore be it

**RESOLVED**, Community Board Five **recommends denial** of the Greater East Midtown zoning application **unless**:

1. There is a creation of new public space on every redeveloped site that takes advantage of the Greater East Midtown's transfer of development rights framework; and
2. The Governing Group should be empowered to act, according to the Zoning Resolution, only if at least one non-Mayoral appointee votes for an action so as to ensure that the Governing Group is not a rubber stamp for the Mayor; and
3. 30 percent of the value of the transferred development rights will be deposited into the improvement fund and the Greater East Midtown proposal **MUST** maintain the minimum contribution price so as to ensure that all parties pay their fair share; and
4. The City invests in at least some of the Department of Transportation-identified improvements prior to the adoption of the proposed zoning text; and
5. There is some mechanism for community board review (even if not ULURP) for developments that would exceed 24 FAR; and
6. There is a prohibition on the as-of-right conversion of more than 12 FAR from non-residential use to residential use and a special permit mechanism created to permit such conversions on a discretionary basis; and be it further

**RESOLVED**, Community Board Five asks for the following:

1. There shall be no increase in base permitted floor area approved as part of the Greater East Midtown rezoning; and
2. The Concept Plan of identified improvements should be written into the Zoning Resolution so as to ensure that the Governing Group is obligated, based on the Zoning Resolution, to first carefully consider implementing these improvements even if it ultimately decides not to; and
3. The Governing Group should be empowered to fund operation of a closed or shared street so that the local business improvement district shall not have *de facto* veto power over the creation of new pedestrian space on a Department of Transportation-controlled street; and
4. The Governing Group should be required, by the Zoning Resolution, to record every meeting by video and have a word-for-word transcription of each meeting that shall be made accessible by the Office of the Manhattan Borough President and either the Mayor's Office of the Department of City Planning; and
5. Any improvement related to the installation of an elevator tied to an as-of-right FAR bonus must only occur if the improvement results in full elevator access from the platform to the street level; and
6. A new unit will be created within DCP that would be charged with the sole oversight and enforcement of all POPS; and
7. There should be additional connections from 4/5/6 to the 7 Train at Grand Central Terminal; and

8. Daylighting standards shall only be lessened pursuant to careful public review on a project-by-project basis that ensures that such modifications are truly necessary to facilitate Class A office development; and
9. DCP devises building massing regulations that eliminate or drastically limit the amount of shadow cast onto Central Park and other light sensitive resources of our district; and be it further

**RESOLVED,** The words "denied" and "unless" in the first resolved clause shall be interpreted as "approval" and "conditional upon," respectively, if, on or before March 13th, 2017, the New York City Mayor's Office or the New York City Department of City Planning communicates the following to Community Boards Five and Six in writing: The EIS will consider an alternative that requires redeveloped sites to include either outdoor plaza space or a covered pedestrian space.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero  
Chair



Eric Stern  
Chair, Land Use, Housing and Zoning Committee

RICHARD EGGERS  
CHAIR

CLAUDE L. WINFIELD, FIRST VICE CHAIR  
MOLLY HOLLISTER, SECOND VICE CHAIR



JESÚS PÉREZ  
DISTRICT MANAGER

BEATRICE DISMAN, TREASURER  
BRIAN VAN NIEUWENHOVEN, ASST. TREASURER  
KATHY THOMPSON, SECRETARY  
AARON HUMPHREY, ASST. SECRETARY

THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD SIX  
PO Box 1672  
NEW YORK, NY 10159-1672

March 10, 2017

Marisa Lago  
Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

Hon. Gale A. Brewer  
Manhattan Borough President  
1 Centre Street, 19<sup>th</sup> Floor South  
New York, NY 10007

**RE: DCP applications N170186 ZRM and 170187 ZMM - Proposal for Greater East Midtown Rezoning - CORRECTED**

Dear Chair Lago and Borough President Brewer:

At the March 8, 2017 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

**Whereas**, the New York City Department of City Planning (DCP) has completed a DEIS as part of the Uniform Land Use Review Procedure certification (Applications N 170187 ZMM & C 170186 ZRM) for Greater East Midtown; and

**Whereas**, Manhattan Community Board Six has participated in the process as a member of the East Midtown Steering Committee, by holding public hearings and engaging an urban planner, among other avenues; and

**Whereas**, the East Midtown Steering Committee recommended several public benefits for East Midtown to counterbalance the effects of new, denser development:

- Improvement of the public realm, including the better use of streets and the provision of more and better on-site open space,
- Improvement of subway stations serving East Midtown, including ADA compliance,
- Designation of additional landmarks and the more liberal transfer of air rights from landmarks; and

**Whereas**, there remain many unresolved issues in a number of major categories (open space, MTA improvements, internal and external boundaries, above ground public realm enhancements, and impacts of air and light reductions), which this resolution seeks to highlight and present those solutions preferred by the community; and

**Whereas**, instead of treating on-site public open space, subway station improvements, and transfers of air rights equally the City’s proposed zoning text places on-site public open space as the lowest priority in three key ways:

- Requiring that a development site use subway station bonus floor area and transferred air rights before applying for a special permit for on-site public open space, and
- Requiring a special permit for public concourses; while subway station improvements and air rights transfers can be as-of-right by certification; and
- Removing the as-of-right plaza bonus on qualifying sites; and

**Whereas**, as a result of these constraints, the Draft EIS for East Midtown predicts that only two of the 16 projected development sites will apply for a special permit for a “public concourse”; and

**Whereas**, the Draft EIS for East Midtown finds “the Proposed Action would result in a significant adverse impact on open space due to reduced total and passive open space ratios”, and given the great and increasing need for public open space in East Midtown and the extreme challenges of developing new open space; and

**Whereas**, the creation of pedestrian circulation maps illustrating the specifics of above-ground open space improvements—such as plazas, other privately-owned public spaces (POPS) and shared streets or other thoroughfare improvements—would provide predictability for developers, the MTA, the city and the public and, critically, a better ability to value such improvements; and

**Whereas**, the proposed zoning mechanism to determine and prioritize transit and public realm improvements is based on a “Priority Improvement List for Qualifying Sites,” which would be managed and updated by a nine-member governing group, including representation from the Community Board; and

**Whereas**, the MTA has already identified 24 improvements at six subway stations serving East Midtown, none of which are included in the current MTA capital plan, and these improvements provide benefits outside the East Midtown Subdistrict, and in fact promote as well as theoretically alleviate overcrowding; and

**Whereas**, these transit improvements rely upon public funding for maintenance, repair and replacement; and

**Whereas**, East Midtown was up-zoned in the 1961 Zoning Resolution in major part predicated on the Second Avenue Subway replacing the demolished Second and Third Avenue Els; and

**Whereas**, the MTA & NYC DOT developed a concept plan for public realm improvements ranging from public plazas to bus bulb-outs; and

**Whereas**, above-ground public realm improvements may never materialize without a clearly defined mechanism or minimum contribution rate to ensure that public realm improvements are created; and

**Whereas**, East Midtown Steering Committee recommendations, decades of DCP and CPC zoning policy direction, and accepted urban planning design principles all concur that midblocks that front narrow streets should have lower FAR and street walls, thus protecting the scale and character of the area, as well as light and air; and

**Whereas**, the proposed zoning text for “qualifying sites” in East Midtown allows greater amounts of FAR to be transferred from landmark buildings to sites in the lower density midblock districts than to the higher density wide street and avenue districts, and removes the incentive for lower street walls on narrow streets; and

**Whereas**, the DEIS for East Midtown does not specifically address the impacts of such higher FARs and street walls on midblock sites, and

**Whereas**, the proposed East Midtown Subdistrict is drawn to include the east side of Third Avenue north of 47<sup>th</sup> Street, and would allow commercial buildings of up to 26 FAR to directly abut on an FAR R8B district; and

**Whereas**, it appears that the Department of City Planning is rezoning specific areas based on buildings already identified for redevelopment and not giving due consideration to residents’ reasonable concerns about access to air and light and the quality-of-life problems concomitant with large construction projects; and

**Whereas**, the DEIS for East Midtown shows that 116 of 119 intersections studied will experience significant adverse impacts, demonstrating the unprecedented levels of traffic and congestion the rezoning will bring, even to areas outside the proposed East Midtown Subdistrict; and

**Whereas**, neighborhood residents’ concerns that including the east side of Third Avenue in the East Midtown Subdistrict will turn the Turtle Bay neighborhood into a commercial district have not been given the same consideration as commercial real estate interests; and

**Whereas**, currently existing public spaces and parks must be protected from shadows and adverse conditions that new buildings and structures may pose; and

**Whereas**, the East Midtown Steering Committee recommended the existing height and setback regulations for the Special Midtown District be retained in East Midtown to protect light and air from being blocked by the larger new buildings that the zoning would encourage, and

**Whereas**, the City’s proposed zoning text would substantially change the existing height and setback rules for “qualifying sites” in East Midtown by:

- Decreasing the passing score for Daylight Evaluation from 75 to 66,
- Not counting daylight blockage below 150 feet above street level, even on narrow streets in Daylight Evaluation,

- Eliminating the penalty for blockage on the street side of the profile line in Daylight Evaluation, and

**Whereas**, One Vanderbilt scored negative 62.10 under the existing Daylight Evaluation rules and would score positive 20.45 under the proposed changes – a large difference, and

**Whereas**, the Draft EIS for East Midtown neither discloses nor discusses the proposed changes to the scoring system for Daylight Evaluation, and

**Whereas**, diminishing light and air in streets and other public spaces, narrowing views along streets, and reducing the space between buildings, constraining their light, air, and views is inconsistent with the stated goal of maintaining East Midtown as a premier business address; and

**Whereas**, the DEIS does not adequately address sustainability concerns; and

**Whereas**, the existing Midtown Special District has provisions to preserve daylight reaching the street, benefiting the community's few open spaces available for the public's health and enjoyment, in spaces such as Greenacre Park and other parks that would be undermined by shadow, but those provisions are weakened by the proposed East Midtown Subdistrict;

**Therefore be it**

**Resolved**, because of the desperate need for public open space in East Midtown that is not cast in excessive shadow through most of the year, Manhattan Community Board Six, objects to the proposed Greater East Midtown Rezoning unless the following stipulations are addressed; and be it further

**Resolved**, that DCP provide design guidance making plazas, covered pedestrian spaces, and other POPS as-of-right by certification and require that the first additional FAR earned by any site be for on-site public open space, including on-site transit access improvements; and be it further

**Resolved**, that DCP should require the publication of pedestrian circulation maps which illustrate the specific and demonstrable public value of open space that would provide FAR benefits to the developer; and be it further

**Resolved**, that in planning transit improvements, a high priority should be given to both focusing on improvements that will benefit the Greater East Midtown Subdistrict while consideration of the multimodal use of both above and below ground transit and public space and relieving the existing overcrowding and connections with the #7 subway line and the future Second Avenue Subway; and be it further

**Resolved**, that Manhattan Community Board Six strongly recommends that the proposed zoning text for East Midtown be modified to protect the midblocks of narrow streets by limiting the floor area that may be added to the midblock districts, and maintaining the incentives of the current height and setback rules for lower street walls on narrow streets; and be it further

**Resolved**, that Manhattan Community Board Six maintains that the boundary of the East Midtown Subdistrict be moved to the center of Third Avenue from 43rd Street to 56th Street; and be it further

**Resolved**, the increase of the FAR on the Pfizer site from C5-2 (10 FAR) to C5-3 (15 FAR) should require the owner to contribute to public realm improvements just as any other owner of an overbuilt building would be required to do; and be it further

**Resolved**, that the maintenance, repair, and replacement (MR&R) of public transit improvements be associated with FAR such that the occupancy of the bonused space be contingent on a Certificate of Occupancy, enforced by a tax lien, or ensured by such other enforcement mechanism that requires the recipient of the FAR to pay for the MR&R of the associated transit improvement; and be it further

**Resolved**, that CB6 endorses high-performance building and sustainability goals as outlined in the East Midtown Steering Committee report; and be it further

**Resolved**, that Manhattan Community Board Six, because light and air are essential to the continued attractiveness of East Midtown, strongly recommends that the proposed zoning text for the East Midtown Subdistrict be modified to retain the existing height and setback regulations of the Special Midtown District; and be it further

**Resolved**, the words "objects to" and "unless" in the first resolved clause shall be interpreted as "approves" and "conditional upon" respectively if, on or before March 13th, 2017, the New York City Mayor's Office or the New York City Department of City Planning communicates the following to Manhattan Community Boards Five and Six in writing: The EIS will consider an alternative that requires redeveloped sites to include either outdoor plaza space or a covered pedestrian space.

**VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

Yours truly,



Jesús Pérez  
District Manager

CC: Manhattan Borough Board  
Hon. Dan Garodnick, New York City Council  
Hon. Ben Kallos, New York City Council  
Hon. Rosie Mendez, New York City Council  
Bob Tuttle, Department of City Planning  
Luis Sanchez, Department of Transportation  
Sandro Sherrod, Manhattan Community Board Six

**CORRECTED ON: APRIL 5, 2017**



# *Resolution*

of the MANHATTAN BOROUGH BOARD

WHEREAS, the Department of City Planning (DCP) seeks a text amendment to the Zoning Resolution (N 170186 ZRM and C 170187 ZMM) and a zoning map amendment to establish the East Midtown Subdistrict ("Subdistrict") in Manhattan Community Boards 5 and 6, and ensure that the area continues as a world class central business district; and

WHEREAS, the proposed text amendment establishing the Subdistrict would cover an approximately 78 block area bounded generally by East 39<sup>th</sup> Street to the south, the east side of Third Avenue to the East, East 57<sup>th</sup> Street to the north and the west side of Madison Avenue to the west; and

WHEREAS, the proposed text amendment seeks to balance the need for additional commercial density to facilitate the development of new office space with the preservation of landmark buildings and the provision of much needed transit and other above-ground public realm improvements; and

WHEREAS, to accomplish this, the proposed text amendment would provide for increased floor area ratios (FARs) in the Subdistrict of between 18 and 27 which could be achieved as of right, but only through the provision of specific transit improvements set forth in the application; through the purchase of development rights from landmark buildings which would be able to sell those rights district-wide; or through the rebuilding of over-built buildings; and

WHEREAS, the maximum allowable FARs would be based on locational factors with the highest allowable densities achievable in the area immediately surrounding Grand Central Terminal, and proximity to other transit nodes and frontage on avenues and wide streets making higher densities achievable; and

WHEREAS, to ensure non-transit related public realm improvements, the proposed text amendment provides that (1) in the case of development right transfers from landmark buildings the greater of 20 percent of the sale price or a minimum established contribution per square foot (the "floor price"), be contributed to a Public Realm Improvement Fund; and (2) in the case of the rebuilding of an overbuilt building an amount equal to the number of square feet to be rebuilt that exceeds the maximum allowable square footage times the floor price per square foot be contributed to the Public Realm Improvement Fund; and

WHEREAS, the application also seeks a zoning map change to include the lots currently comprising Pfizer's corporate headquarters into the Subdistrict by rezoning the area bounded to the north by East 43<sup>rd</sup>

Street, to the west by a line 200 feet easterly of Third Avenue, to the South by East 42<sup>nd</sup> Street and to the east by Second Avenue from a C5-2 district (10 FAR) to a C5-3 district (15 FAR) and incorporating it into both the Special Midtown and new East Midtown Subdistricts; and

WHEREAS, the application is based, to a large extent, on the work done by the East Midtown Steering Committee, chaired by Borough President Brewer and Council Member Garodnick with representatives of Community Boards 5 and 6, property owners, landmark groups and unions, which met almost 20 times over the course of almost a year and heard from experts and had input from all the relevant agencies; and

WHEREAS, the steering committee recommended that in order to best balance the needs for additional commercial density with the preservation of the district's iconic landmarks and the need for improved public transit and above-ground public realm, any final proposal should provide for a largely as of right system in which: (1) additional commercial FAR is permitted based upon frontage on avenues or wide streets, proximity to transit hubs and adjacency to major landmarks; (2) that the additional FAR be "earned" through a combination of enumerated below-ground subway improvements and the purchase of landmark development rights; (3) that landmarks be able to transfer development rights district wide; (4) that overbuilt buildings be permitted to rebuild to their existing FAR; (5) that in return for district-wide transfer of development rights for landmarks and the ability of over-built buildings to rebuild, significant contributions be required into a Public Realm Improvement Fund to ensure the creation of above ground public realm improvements; and

WHEREAS, on March 8, 2017 Manhattan Community Board 6 (CB6) voted by a vote of 43 in the affirmative, none in the negative no abstentions to approve a resolution recommending denial of the application unless certain conditions were met including the following: (1) that DCP make plazas, covered pedestrian spaces and other privately owned public spaces as of right; (2) that transit improvements be prioritized to favor those that benefit the Greater East Midtown Subdistrict; (3) that the text be modified to limit additional height on the midblocks of narrow streets; (4) that the eastern boundary of the Subdistrict be moved to the center of Third Avenue from 43<sup>rd</sup> Street to 56<sup>th</sup> Street; (5) that the current height and setback regulations be maintained to preserve light and air; and (6) that the rezoning of the site of the Pfizer headquarters trigger a payment into the Public Realm Improvement Fund based upon the additional increase in density (from 10 FAR to 15 FAR); and

WHEREAS, on March 9, 2017 Manhattan Community Board 5 (CB5) voted by a vote of 32 in the affirmative, none in the negative and one abstention to approve a resolution recommending denial of the application unless certain conditions were met including the following: (1) there is a creation of new public space on every redeveloped site that takes advantage of the Greater East Midtown's transfer of development rights framework; (2) Actions by the Governing Group which will determine public realm improvements require at least one non-Mayoral appointee to ensure some level of consensus; (3) The percentage of the value of the transferred development rights to be deposited into the Public Realm Improvement Fund be increased to 30 percent and a minimum contribution price be maintained; (4) The City funds some of the Department of Transportation-identified public realm improvements prior to the adoption of the proposed zoning text; and (5) a prohibition on conversion of more than 12 FAR to residential use be included and a special permit be required for all other residential conversions; and

WHEREAS, both the CB5 and the CB6 Resolutions concluded that the conditional denials were to be interpreted as conditional approvals if, on or before March 13, 2017, the Administration communicates in writing that "The EIS will consider an alternative that requires redeveloped sites to include either outdoor

plaza space or a covered pedestrian space;” underscoring the importance to the communities of a more definitive commitment by the City to non-transit, above-ground public realm improvements; and

WHEREAS, the East Midtown Steering Committee recognized both the importance and difficulty of ensuring non-transit related public realm improvements and stated its commitment to making sure public realm projects were sufficiently identified and that the process for implementing these projects was set forth sufficiently in advance, so that this component of the plan would not be in doubt; and

WHEREAS, Borough President Brewer and Council Member Garodnick wrote the Deputy Mayor on February 24, 2017 requesting that a public realm project be piloted in the upcoming fiscal year and requesting that some type of as of right mechanism for public plazas or covered pedestrian spaces be studied in the Environmental Impact Statement; and

WHEREAS, The Department of City Planning has committed to study in the Environmental Impact Statement a requirement for the creation of privately owned public spaces subject to criteria decided by DCP, which criteria include that the lot size be a minimum of 40,000 square feet and which would result in the site earning one FAR for the creation of an outdoor public space and three FAR for the creation of an indoor public space; and

WHEREAS, the East Midtown Steering Committee struggled and failed to come to a consensus on the eastern boundary of the proposed Subdistrict and recommended that more outreach with the business community and Manhattan Community Board 6 occur before a decision was made whether to include the east side of Third Avenue between East 48th Street and midway between East 54th and East 55th Streets in the proposed Subdistrict; and

WHEREAS, the Borough Board recognizes that this eastern boundary is contentious and that of the 20 speakers at its public hearing, half spoke on the inclusion or exclusion of Third Avenue from the Subdistrict and believes that the Department of City Planning should take the remaining time to work with the community and review every option to limit any adverse impacts on the more residential neighborhoods to the east;

WHEREAS, there appears to be significant support from the community and stakeholders that in order to maintain the commercial character of East Midtown, that restrictions on residential conversions be implemented as part of the text amendment; and

WHEREAS, the East Midtown Steering Committee agreed that a payment equal to at least 20 percent of the value of transferred development rights from landmark buildings should be paid into a Public Realm Improvement Fund and that in order to ensure that the public receive an amount sufficient to address the neighborhood’s public realm concerns there be a Floor Price paid into such fund; but we recognize that in addition to a mechanism that allows those involved in potential transactions to question and reassess the minimum contribution, additional information is also needed to ensure that the minimum contribution amount is determined in a manner that does not overstate the value of the development rights; and

WHEREAS, there is also substantial community concern over the adverse impacts that shadows from new buildings and structures may pose, especially on existing public open spaces such as Central Park and Greenacre Park; and

WHEREAS, the East Midtown Steering Committee aimed toward building standards that go beyond current code requirements to make this business district a truly 21<sup>st</sup> Century commercial district; now

THEREFORE, the Manhattan Borough Board recommends approval of ULURP numbers N 170186 ZRM and C 170187 ZMM only if the following conditions are met:

- (1) In addition to the commitment to study in the EIS criteria for a requirement for the creation of outdoor and indoor privately owned public spaces that DCP has agreed to undertake, the City commits to undertake above-grade public realm pilot projects and provide seed money for the Public Realm Improvement Fund in the upcoming budget so that other such projects can begin and to underscore the City's commitment to the above- grade public realm;
- (2) That changes be made to the limitations on uses of the Public Realm Improvement Fund to ensure that above-grade public realm improvements are further prioritized;
- (3) That Department of City Planning and the Department of Transportation work with the relevant Borough Board members to adequately define the "Concept Plan" for above-grade public realm in the zoning text and develop a draft concept plan in a reasonable time frame; and
- (4) That DCP work with the relevant Borough Board members on changes to the composition and/or functioning of the governing board in accordance with recommendations of the East Midtown Steering Committee Report to ensure sufficient community participation;
- (5) That DCP work with relevant Borough Board members over the next several weeks to review every option for limitations on the east side of Third Avenue – including changes to the eastern border -- with the goal of reducing adverse impacts to residential neighborhoods bordering the eastern side of the Subdistrict;
- (6) That serious consideration be given to amending the text to limit residential conversions, including proposals advanced by the Steering Committee and CB5 to prohibit conversion of space to residential in excess of 12 FAR as well as limiting residential conversions on the avenues;
- (7) That DCP work with the relevant Borough Board members to ensure that the language on environmental standards in the text is sufficient to support the achievement of the steering committee's goal of achieving an environmental standard of LEED Gold or its equivalent;
- (8) That the DCP work with the relevant community stakeholders to explore mechanisms that can prevent or limit incremental shadow impacts, especially on existing parks and open spaces;
- (9) That DCP work with the relevant community stakeholders to ensure the accuracy of a floor price and that the floor price does not become an obstacle to the contemplated transfer of development rights; and
- (10) That the Department of City Planning work with the affected Community Boards to address their other concerns laid out in their respective resolutions prior to the end of the ULURP period.



Gale A. Brewer

Manhattan Borough President  
Chair of the Manhattan Borough Board

March 16, 2017



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

MANHATTAN BOROUGH OFFICE

March 16, 2017

Hon. Gale A. Brewer  
Manhattan Borough President  
1 Centre Street 19th floor  
New York, NY 10007

Re: Applications N 170186 ZRM and C 170187 ZMM (Greater East Midtown)

Dear Borough President Brewer,

The plan to re-zone Greater East Midtown is currently at the Borough Board for public review. It creates capacity for new, modern office buildings linked to mechanisms for major transit improvements, public realm investments, and preservation of some of East Midtown's most iconic landmarks. I want to thank you and Councilmember Daniel Garodnick for your joint leadership of the East Midtown Steering Committee, which not only identified planning priorities for this critical area, but also forged a consensus-driven, solution-oriented vision for the future. This proposed 78-block East Midtown sub-district would enable the development of new Class-A commercial towers, solidifying East Midtown as a world-class business district that offers modern amenities and a range of office types. Buildings would be able to achieve higher density provided the developments support enhancements to the area's public realm by providing transit improvements and/or purchasing unused floor area from the district's landmarks. The proposed zoning would provide a predictable framework for the area property owners and the public.

The Department of City Planning understands that you and Council Member Garodnick feel strongly about the need for further study in the East Midtown Environmental Impact Statement (EIS) that will evaluate the impact of a Privately Owned Public Space (POPS) requirement, subject to certain site criteria. The Department has preliminarily determined that such a study is feasible and is committed to including such a study in the EIS.

The Administration looks forward to continuing to work with you on this important re-zoning as it advances through public review.

Sincerely,

Edith Hsu-Chen  
Director, Borough of Manhattan

CC: Councilmember Daniel R. Garodnick

Edith Hsu-Chen, Director  
Department of City Planning  
Manhattan Borough Office  
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Gale A. Brewer, Borough President

April 12, 2017

**Recommendation on  
ULURP Application Nos. N 170186A ZRM and N 170187 ZMM –  
Greater East Midtown  
by The New York City Department of City Planning**

**PROPOSED ACTIONS**

The New York City Department of City Planning (“DCP”) seeks approval of a **text amendment** to modify Section 81 (Special Midtown District) of the Zoning Resolution (“ZR”) to establish the East Midtown Subdistrict (the “Subdistrict”) within an approximately 78-block area in Manhattan Community District 5 and Manhattan Community District 6. The proposed Subdistrict would supersede the existing Grand Central Subdistrict, and would allow for increased floor area ratios (FARs) between 18.0 and 27.0. The text amendment would also create two new special permits that would enable additional floor area bonuses through the provision of public concourses and transit improvements, one special permit that would allow for new or enlarged hotels, and one City Planning Commission (“CPC”) Authorization that would allow for enlargements to make use of the Subdistrict’s increased FAR framework.

Additionally, DCP seeks an **amendment to the Zoning Map** pursuant to Section 197-c of the New York City Charter to replace an existing C5-2 district (bounded by East 43<sup>rd</sup> Street to the north, East 42<sup>nd</sup> Street to the south, Second Avenue to the east, and a line 200 feet easterly of Third Avenue to the west) with a C5-3 district, and to include it within the proposed East Midtown Subdistrict. The Special Midtown District would also be extended to encompass this proposed C5-3 district.

In evaluating the text amendment, this office must consider if the proposed language meets the underlying premise of the Zoning Resolution of promoting the general health, safety and welfare of the city and whether the developments it will facilitate would be appropriate to the neighborhood. Any changes to the zoning map should be evaluated for consistency and accuracy, and given the land use implications, appropriateness for the growth, improvement and development of the neighborhood and borough.

**Goals of the Proposed Actions**

The goals of the proposed text amendment and zoning map amendment, as stated by DCP, are to develop a predictable, largely as-of-right framework that:

- (1) Protects and strengthens East Midtown as a regional job center and premier central business district by seeding the area with new modern and sustainable office buildings;
- (2) Helps preserve and maintain landmarked buildings by permitting their unused development rights to transfer within the Subdistrict's boundary;
- (3) Permits overbuilt buildings to retain their non-complying floor area as part of a new development;
- (4) Upgrades the area's public realm through improvements that create pedestrian friendly public spaces and that facilitate safer, more pleasant pedestrian circulation within the transit stations and the street network; and
- (5) Maintains and enhances key characteristics of the area's built environment such as access to light and air, active retail corridors, and the iconic street wall character in the area surrounding Grand Central Terminal.

DCP anticipates that the enactment of the proposed actions would lead to the development of approximately 16 new buildings, predominantly for office use. These buildings would be located throughout the Subdistrict, but with concentrations along Madison Avenue between East 39th and 46th Streets, and around the Lexington Avenue-51st/53rd Streets subway station. More limited developments are projected along Park Avenue and east of Grand Central Terminal.

DCP anticipates that this construction would utilize all of the unused floor area from the Subdistrict's landmarked sites, and provide for significant improvements to the above- and below-grade public realm. DCP projects building heights to range from 482 to 846 feet, and the newly permitted construction to represent an increase of less than 6.5 percent of the approximately 90 million square feet of total space currently in the Subdistrict.

## **PROJECT DESCRIPTION**

The affected area of the proposed actions is generally bounded by East 57<sup>th</sup> Street to the north, East 39<sup>th</sup> Street to the south, a line generally between 150 and 200 feet easterly of Third Avenue and a line 250 feet westerly of Madison Avenue. The broad purposes of the proposed actions are to reinforce the area's status as a premier central business district, support the preservation of landmarked buildings, and provide for public realm improvements.

### **Background**

East Midtown plays an integral role in the economy of the New York metropolitan region. According to DCP, the area between Second and Fifth Avenues and East 39<sup>th</sup> and East 57<sup>th</sup> Streets contains more than 60 million square feet of office space, more than a quarter million jobs, and numerous Fortune 500 companies. In addition to its importance as a business center, East Midtown is also world-renowned for its iconic architecture, significant civic spaces, and extensive transportation system, all of which are exemplified by Grand Central Terminal at the

heart of the Subdistrict. Major infrastructure projects underway in the form of East Side Access and the Second Avenue subway will permit new options for commuters to access the region while hopefully alleviating congestion on the Lexington Avenue line.

East Midtown's strengths have historically attracted financial institutions and law firms as office tenants, and the area is home to headquarters for many major corporations drawn by easy access to the Grand Central 42<sup>nd</sup> Street subway station and the Metro-North Railroad. Since the economic downturn beginning in 2008, the area has also developed a more diverse set of tenants, including non-profits, technology, and media firms.

### *Challenges Affecting East Midtown*

Despite its longtime advantages, the East Midtown area has seen little new office development. According to DCP, only five office buildings have been constructed in East Midtown since 2001, representing a significant drop from preceding decades. Of the almost 60 million square feet of office space currently in the area, less than three percent was constructed within the last two decades.

Meanwhile, the aging building stock is becoming increasingly outdated in relation to tenant needs. Of the approximately 475 buildings in the area, over 300 are more than 50 years old, and the average age of office buildings is approximately 75 years. Most are considered to be Class B or Class C office space, and the older buildings have notably higher vacancy rates and lower rents. Some of the shortcomings in terms of technology and amenities may be ameliorated through renovations, but overcoming major structural challenges such as column placement and low floor-to-floor heights would require complete redevelopment.

DCP is concerned that East Midtown's existing building stock can no longer compete for the occupants who have typified the East Midtown area. Instead, DCP believes that in the long term the outdated office buildings may begin to convert to other uses such as residential buildings and hotels. Given the area's concentration of rail public transit infrastructure and major projects already underway, this outcome does not align with the city's long-term economic goals. Although there have been many other initiatives over the last decade to accommodate new office construction at Hudson Yards, Downtown Brooklyn, Long Island City, and other areas, all of these were predicated on East Midtown remaining a premier center for office jobs.

However, East Midtown faces some particular barriers to office redevelopment. The area is highly built up and contains few remaining soft sites, and of the possible sites that do exist, even fewer would be able to accommodate a major modern office building. Besides site assembly, prospective developers would likely need to vacate existing tenants, who are often on different leases with varying lengths. Perhaps most importantly, the opportunity cost of redevelopment also stands as a significant challenge, as the developer would essentially be demolishing a large, revenue-generating building just to build and lease up a new building of roughly comparable size. The increment between a building's maximum permitted FAR and built FAR is a driving factor in whether redevelopment is feasible; the higher the increment, the more feasible redevelopment becomes. Thus, DCP has identified the permitted density under the existing zoning framework as a major challenge.

Meanwhile, East Midtown's landmarked properties hold approximately 3.5 million square feet of unused development rights, with Grand Central Terminal, St. Patrick's Cathedral, and St. Bartholomew's Episcopal Church each holding between 850,000 and 1.2 million square feet. Under the existing as-of-right zoning framework, granting sites can only transfer development rights to contiguous receiving sites via a zoning lot merger. Under a special permit pursuant to ZR Section 74-79, landmarked properties may also transfer unused development rights to receiving sites that are adjacent or across the street in exchange for greater flexibility with the bulk requirements of the Special Midtown District. In 1992, the establishment of the Grand Central Subdistrict permitted the transfer of development rights from Grand Central Terminal and other nearby landmarks to a wider range of surrounding developments. However, despite these options, the special permit transfer of development rights from landmarks have been extremely rare, and there continues to be limited prospects of transfer for the majority of the area's unused landmark development rights.

The public realm of East Midtown, both above-grade and below-grade, is an important and unique asset. However, it also presents its own set of challenges for the continued flourishing of the area. The Grand Central 42nd Street subway station is the second busiest station in the system, with almost half a million daily users. Along with other stations in the area, it faces significant circulation constraints, platform crowding, and long dwell times. Above ground, the area's sidewalks and pedestrian spaces can be crowded during the work week, especially on the narrower widths of Madison Avenue and Lexington Avenue. Vehicular congestion exacerbates the negative conditions of the public realm experience. Worst of all, given the area's built density, there is a severe lack of open spaces or public spaces, and very limited opportunities for adding more.

DCP believes that failing to adequately address these challenges facing East Midtown would result in a long-term decline in the health and diversity of the area as a premier business district and economic engine. The loss of competitiveness for a certain sector of tenants would affect the full range of tenants, as it would lead to the weakening of important business clusters in the area, and Class B and C buildings may become ripe for conversion to other uses. Overall, East Midtown would fail to maximize its infrastructure advantages and investments, and lose its place as a prominent economic, historical, architectural, and civic center for the city.

### *2013 East Midtown Proposal*

In recognition of the challenges above, the city created a proposal for East Midtown in 2013 (N 130247 (A) ZRM et al) to reinforce the area's standing as a premier business district. The proposal would have modified zoning regulations for a 73-block area, which would have superseded the Grand Central Subdistrict. The proposal would have focused development around Grand Central Terminal. New developments that met certain lot size criteria in the area around the Terminal would have been eligible to achieve the highest permitted as-of-right density of 24.0 FAR. In addition, sites around the Terminal, including the Vanderbilt Corridor, would have been able to utilize a special permit for Superior Development in order to achieve a maximum density of 30.0 FAR. The proposal would have created a mechanism to fund infrastructure improvements. In order to achieve the new, higher densities, developers would have needed to

contribute to a District Improvement Fund. Development rights at a cost of \$250 per square foot as determined by an appraisal contracted by the City, were to be sold by the City. Finally, the proposal created a broader process for the transfer of landmark air rights.

During the Uniform Land Use Review Procedure (ULURP) for the 2013 proposal, a plethora of concerns were raised. There was widespread discussion at the time over whether the proposed mechanisms were the most appropriate for the area. While there was broad agreement that the neighborhood was in need of public realm improvements and new Class A office space, there was significant concern over the use of the District Improvement Bonus and Fund to achieve these goals. Many also raised concerns over the sale of air rights by the City, and whether the City was unfairly competing with landmarks for the sale of those air rights. Additionally, the money raised by the air rights would have been allocated to transportation and public realm projects, but at the time no transparent process had been set for the disbursement of that funding. Thus, there was uncertainty over what above- and below-grade improvements the public could expect. Furthermore, the plan would have allowed new development in advance of any improvements funded in association with that development. Finally, concern was raised over the as-of-right nature of the new densities, and whether more public review should be required for large buildings. Though the City Planning Commission approved the project, it was withdrawn during City Council review.

#### *Vanderbilt Corridor*

In 2014, DCP sought to address some of the challenges of East Midtown in a more targeted, five-block area along the west side of Vanderbilt Avenue between East 42nd and East 47th Streets. This Vanderbilt Corridor was the subject of a 2015 zoning text amendment (N 150127 ZRM), which created mechanisms to increase density in exchange for substantial public realm improvements, and permitted transfer of unused landmark development rights in order to allow them to be a primary driver of growth. Sites in the corridor could apply for one or a combination of both special permits to achieve a maximum of 30.0 FAR. Alongside the text amendment was also a City Map amendment (C 140440 MMM) that designated the portion of Vanderbilt Avenue between East 42nd and East 43rd Streets as a “public place” dedicated to pedestrian uses, partly in response to the severe public realm challenges in the area.

The Vanderbilt Corridor plan created a special permit mechanism that linked new commercial development with significant transit and public realm improvements in the Grand Central area. In particular, this facilitated the development of One Vanderbilt Avenue, a 30 FAR, 1.3 million square foot commercial tower currently under construction that received a special permit floor area bonus for the provision of approximately \$225 million in improvements. The redevelopment of 343 Madison Avenue is also being contemplated under the Vanderbilt Corridor zoning text, which would contribute to the goal of improving public circulation and transit access in the area around Grand Central Terminal. While the Vanderbilt Corridor area is included in the proposed East Midtown Subdistrict, this application does not contemplate any modifications to the provisions currently applicable in the corridor.

#### *East Midtown Steering Committee*

This application under consideration is based, to a large extent, on the work done by the East Midtown Steering Committee (“Steering Committee”). In May 2014 Mayor Bill de Blasio asked Manhattan Borough President Gale A. Brewer and Council Member Daniel R. Garodnick, District 4, to chair a committee to develop a planning framework for the future of East Midtown. The Steering Committee, in addition to the co-chairs, was comprised of representatives of Community Boards 5 and 6, property owners and businesses, landmark groups and unions. The Steering Committee met almost 20 times over the course of almost a year and heard from experts and had input from all relevant agencies including the Department of City Planning, the Department of Transportation, the Landmarks Preservation Commission and the Metropolitan Transportation Authority.

In October, 2015 the Steering Committee issued its final report and recommendations (<http://manhattanbp.nyc.gov/downloads/pdf/East%20Midtown%20Report%2010-13-15.pdf>). The prelude to its recommendations stated that the Steering Committee:

supports invigorating the East Midtown office district by encouraging as-of-right, higher density and modernized office development in appropriate locations if accompanied by both (1) significant, timely and assured upgrades to transportation networks and public open spaces..., in accordance with an adopted concept plan and an ongoing, consultative planning process; and (2) preservation of important local historic resources. The Steering Committee believes that any rezoning should provide more certainty as to both the development permitted as-of-right and the public realm improvements that would accompany any increase in density. (Steering Committee Report at 2)

The Steering Committee recommended that in order to best balance the needs for additional commercial density with the preservation of the district’s iconic landmarks and the need for improved public transit and above-ground public realm, any final proposal should provide for a largely as-of-right system. The Steering Committee in its recommendations outlined a system in which:

- (1) Additional commercial FAR is permitted above a base FAR with maximum potential FAR based upon a site’s frontage on avenues or wide streets, proximity to transit hubs, adjacency to major landmarks and size of the development site;
- (2) Additional FAR above the base FAR (up to the site’s maximum FAR) be “earned” through a combination of enumerated below-ground subway improvements to be set forth in the ULURP application and the purchase of landmark development rights;
- (3) Landmarks be able to transfer development rights district wide and that sufficient receiving sites exist to keep this market balanced and competitive;
- (4) Overbuilt buildings would be permitted to rebuild to their existing FAR;

(5) In return for district-wide transfer of development rights for landmarks and the ability of over-built buildings to rebuild, significant contributions be required into a Public Realm Improvement Fund to ensure the creation of above ground public realm improvements. The Steering Committee recommended that these contributions be “robust” at a rate of 20 to 40 percent of the value of the transferred development rights, and that there be a “floor” or minimum contribution or other mechanism to ensure that the established price is not circumvented;

(6) A new entity or “governing group” with a wider membership than could be achieved by an agency be created with authority over the Public Realm Improvement Fund, to select and fund public realm improvement projects in accordance with a public realm concept plan;

(7) Light and air requirements that have served East Midtown well are adhered to while calling on DCP to explore modification of those requirements so that the system can be as-of-right.

Finally, the Steering Committee decided that discussion with CB6 and other stakeholders concerning the inclusion of the east side of Third Avenue from 48<sup>th</sup> Street to 54<sup>th</sup>/55<sup>th</sup> Streets should continue past the tenure of the Steering Committee.

Deputy Mayor Alicia Glen wrote to the Borough President and Council Member affirming the administration’s conceptual agreement with the Steering Committee’s recommendations, an intent by the Department of City Planning to move forward with a zoning framework reflective of the Steering Committee’s goals, and other work by mayoral agencies in keeping with the broader plans beyond zoning text.

### **Area Context**

The diverse considerations put forth by the participants of the Steering Committee reflect the complexity and the many intertwining strengths and needs of the East Midtown area. In order to plan for redevelopment and additional density, the city would have to address in particular the feasibility and impacts of much-needed improvements to the public realm; the residential and mixed use character of certain parts of the Subdistrict, especially along Third Avenue; and the preservation and continued maintenance of the area’s landmarked buildings.

### *Public Realm*

East Midtown is one of the most transit-rich locations in the city. According to DCP, 80 percent of trips to East Midtown occur via public transit. Commuters, residents, and visitors enter the Subdistrict through a variety of different transit nodes. In addition to the Lexington Avenue 4-5-6 line, the Flushing 7 line, and the Metro-North Railroad at Grand Central Terminal, other major hubs include the E and M stations at Lexington Avenue-51st/53rd Street and Fifth Avenue-53rd Street. Although not within the boundary of the Subdistrict, the B-D-F-M stations at 42nd Street-Bryant Park and 47-50th Streets-Rockefeller Center, and the 4-5-6 at Lexington Avenue-59th Street also play important roles by feeding into different parts of East Midtown. Being so heavily

utilized, these transit hubs are in need of critical upgrades and targeted improvements to the pedestrian circulation and transfer system.

Above ground, the public realm experience is notably affected by the dearth of publicly accessible open space in the area. In the Draft Environmental Impact Statement (DEIS), the open space study area encompasses a significantly greater territory than the Subdistrict itself, incorporating both Bryant Park and a portion of Central Park. However, it still contains only 99 open space resources, comprising 39.33 total acres of open space. Of these 99 resources, 87 are Privately Owned Public Spaces (POPS). Most of the POPS are small outdoor plazas located between the associated building and the sidewalk, and only seven of them are larger than 0.5 acres. Together, the POPS in the study area comprise 19.5 acres of open space, or approximately half of the total publicly accessible open space.

According to the guidelines of the City Environmental Quality Review (CEQR) Technical Manual, the adequacy of open space is first analyzed quantitatively by comparing the ratio of existing passive open space acreage in the study area per 1,000 non-residents with the CEQR benchmark of 0.15 acres of passive open space per 1,000 non-residents. Then, the analysis compares the open space ratio for combined non-residential and residential population in the study area with the weighted benchmark of 0.15 acres per 1,000 non-residents and 0.50 acres per 1,000 residents. According to the DEIS, the East Midtown study area has an existing open space ratio of 0.068 acres per 1,000 non-residents, which is well below the 0.15 benchmark. It also had a combined ratio of 0.062 acres per 1,000 non-residents and residents, which is again well below the 0.183 weighted average benchmark.

#### *Residential and Mixed Use Character*

While the district is predominantly commercial office in character, there are a number of significant institutional buildings, many of which are landmarks, and blocks or street frontages that are more residential in character. Ground floors are punctuated by retail use including national and local retail establishments, restaurants and cafes. This variety gives the district its strength as a vibrant place to work.

Adjacent to the boundaries of the district on Third Avenue, the midblocks between Third and Second Avenues from the north side of East 46<sup>th</sup> Street to the south side of East 54<sup>th</sup> Street are residential in character, with institutional use. The block bounded by East 57<sup>th</sup> Street, Second Avenue, East 56<sup>th</sup> Street, and Third Avenue is also predominantly residential. Meanwhile, Tudor City is a major apartment complex directly to the east of the proposed zoning map change at 42<sup>nd</sup> Street and Second Avenue.

#### *Landmarks*

East Midtown is home to many buildings of iconic stature with remarkable historical and architectural value. The Landmarks Preservation Commission (LPC) surveyed East Midtown numerous times from 1966-2013, and had designated 38 individual landmarks and one historic district in the area. In 2014, as part of its final report, the East Midtown Steering Committee

determined that LPC should calendar and designate as many historic resources as it deems appropriate in advance of the Greater East Midtown application.

LPC undertook a comprehensive study of East Midtown with the goal of preserving the neighborhood's development history through individual designations. The study area consisted of East 39th to East 57th Streets, from Fifth Avenue to Second Avenue. After extensive research, LPC distinguished between buildings from three key eras central to the development of the neighborhood: Pre-Grand Central Terminal (residential and institutional development through the 1910s); Grand Central/Terminal City (buildings constructed in Terminal City or that were spurred by transit improvements); and Post Grand Central (buildings constructed after 1933).

At a public meeting on May 10, 2016, the agency identified 12 buildings that merit designation and contribute to the rich historical and architectural context of the area. From the Pre-Grand Central Terminal era, LPC identified the Minnie E. Young House and the former Martin Erdmann Residence. From the Grand Central/Terminal City era, LPC identified the 18 East 41st Street Building, the Hampton Shops Building, the Yale Club of New York, the Pershing Square Building, the Graybar Building, 400 Madison Avenue, the Shelton Hotel, the Beverly Hotel, and Hotel Lexington. From the Post Grand Central era, LPC identified the former Citicorp Tower at 601 Lexington Avenue.

At public meetings held November 22, 2016 and December 6, 2016, LPC unanimously granted landmark status to the 12 buildings. The designation of the additional 12 properties brings to 50 the number of individual landmarks designated in this area.

### **Proposed Zoning Text Amendment**

The proposed zoning text amendment would establish an East Midtown Subdistrict within the Special Midtown District. New development would be focused on sites that are near transit stations and along wide streets, and the greatest as-of-right density would be around Grand Central Terminal with lesser densities dissipating out from the Grand Central core. Developments generated through the proposed mechanisms would provide greater opportunity for landmarks to transfer unused development rights throughout the Subdistrict and would provide district-wide public realm improvements. The proposed Subdistrict would supersede the existing Grand Central Subdistrict, and most of the existing zoning regulations of the Grand Central Subdistrict would be incorporated into the proposed Amendment.

#### *Density Framework to Promote New Development*

The text amendment addresses the limited growth potential and development challenges associated with the special permit process through a primarily as-of-right framework. The amendment would permit additional density by varying degrees based on locational criteria such as proximity to transit and adjacency to wide streets. This would ensure that the densest new developments be appropriately located near transit and along wide streets, and that the predictable as-of-right process and increased permitted densities serve as incentives for developers to undergo the substantial effort associated with redevelopment projects in this area.

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

New as-of-right maximum densities proposed for the Subdistrict range from 18.0 to 27.0 FAR. In general, higher FARs are permitted in locations proximate to transit nodes and along Park Avenue, an especially wide street. In the area immediately surrounding Grand Central Terminal, the as-of-right maximum density would be 27.0 FAR. In the area east and west of the Grand Central core and the area surrounding the Fifth Avenue-53rd Street and Lexington Avenue-51st/53rd Streets subway stations, the as-of-right maximum density would be 23.0 FAR. These areas of the district with a 23.0 or 27.0 FAR are further defined as Transit Improvement Zones, which is explained in detail below. In the area around the Grand Central Transit Improvement Zone, the as-of-right maximum density would be 21.6 FAR for the blocks nearest Grand Central Terminal's below-grade network and 18.0 FAR for blocks further away. Generally, the areas adjacent to the Fifth Avenue-53rd Street and Lexington Avenue-51st/53rd Streets Transit Improvement Zones would have as-of-right maximum densities of 18.0 FAR. The exception is along Park Avenue, where the as-of-right maximum density would be 25.0 FAR.

#### *Qualifying Site Requirements*

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

#### *Transfer of Landmark Development Rights*

The text amendment would permit additional flexibility in the transfer of landmark development rights by allowing landmarks the ability to transfer to development sites anywhere in the proposed Subdistrict. This mechanism would allow for the redistribution of unused floor area for the construction of office space, support the restoration and continued maintenance of landmarks, and generate funds for public realm improvements.

As is the procedure under ZR Section 74-79, landmarks that transfer development rights will be required to develop a restoration and continuing maintenance plan that is approved by LPC. The sale of development rights will aid landmark property owners in funding these preservation plans and help ensure that landmarked structures continue their significant contribution to the area's overall character.

Each landmark development rights transfer transaction will generate a contribution to the Public Realm Improvement Fund that will facilitate improvements to the area. The contribution rate will be 20 percent of the sale of each development rights transfer from a landmark, or a minimum contribution of \$78.60 per square foot, whichever is greater. The minimum contribution rate was informed by a market study of the value of development rights in midtown (<https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/greater-east-midtown/market-study.pdf>). The minimum contribution will help ensure that new developments appropriately support public realm improvements. The City Planning Commission will, by rule, review and adjust the floor pursuant to the City Administrative Procedure Act every three to five years.

### *Rebuilding Overbuilt Buildings*

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

The text amendment would eliminate the requirement that 25 percent of a building's structure be retained in order to utilize the building's overbuilt floor area as part of a new development. Instead, it would allow the amount of overbuilt floor area to be utilized in a new development as-of-right, and would permit additional floor area to be attained through a landmark development rights transfer and/or a transit infrastructure project. All floor area would be subject to the amendment's use regulations.

The amount of overbuilt floor area rebuilt on these sites would be subject to a contribution into the Public Realm Improvement Fund. The contribution amount would be the same as the minimum contribution (\$78.60 per square foot and adjusted every three to five years). This will facilitate improvements to the area that are designed to address the increased density generated by these new developments.

### *Pre-identified Transit Improvements*

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

The MTA has identified specific improvements that they believe would most benefit East Midtown office workers, visitors, and residents. These projects would address current issues that impact the area's transit network and anticipate potential needs of the area based on future development. The types of projects identified relate to handicap accessibility, improved access within station areas and circulation between platforms, and new points of access into subway stations from street level. To facilitate this requirement, the pre-identified transit improvements

are assigned a standardized amount of floor area. Transit improvements fall into three categories of floor area, based upon project scope and public benefit ranging from 40,000 square feet, 80,000 square feet or 120,000 square feet.

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

Projects on the pre-identified transit improvement list will be included in the zoning text, and they include:

- Grand Central 42<sup>nd</sup> Street (4-5-6-7-S): Suites of improvements are contemplated to improve accessibility to and from the Flushing Line platforms, including a new platform staircase to the escalator core serving the upper mezzanine, widening of staircases leading down from the Lexington Avenue Line platforms, and a widening of the platform stair at the east end of the station.
- Lexington Avenue-51<sup>st</sup>/53<sup>rd</sup> Streets (E-M-6): Proposed improvements include widening an escalator at the 53rd Street portion of the station, replacement of an escalator at the 51st Street portion of the station with a wider staircase, and the addition of new street entrance to the uptown Lexington Avenue Line platform at 50th Street.
- Lexington Avenue-59<sup>th</sup> Street (N-Q-R-4-5): Proposed improvements include adding more stair capacity between the N-Q-R and Lexington Avenue Line express platforms and the provision of ADA access.
- Fifth Avenue-53<sup>rd</sup> Street (E-M): Proposed improvements include a new street entrance on the west side of Madison Avenue, a new mezzanine and fare control area, and new vertical circulation elements to the upper and lower platform levels. In addition, a new elevator would make the station fully accessible.
- 47<sup>th</sup>-50<sup>th</sup> Streets-Rockefeller Center (B-D-F-M): Capacity improvements at this station would result from the addition of two new platform stairs and the widening of existing platform stairs.

- 42<sup>nd</sup> Street Bryant Park-Fifth Avenue (B-D-F-M-7): Proposed improvements include a new street entrance to the Flushing Line mezzanine from the north side of West 42nd Street, midblock between Fifth and Sixth Avenues. ADA access would also be provided between the mezzanine level and the Flushing Line platform as well as between the mezzanine level and the Sixth Avenue Line platform.

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

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

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

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

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

#### *Height and Setback Modifications*

Compliance with the Special Midtown District’s height and setback regulations is based on a calculation of the amount of daylight and openness to the sky made available to pedestrians through the proposed building’s design. Under the ZR Section 74-79 Landmark Transfer Special Permit, as well as permits available in the Grand Central Subdistrict, modifications to these regulations are allowed to accommodate the higher FAR made available through the floor area transfer. To extend a similar flexibility to the as-of-right framework included in the Proposed Action, modifications to underlying height and setback regulations would be granted to Qualifying Sites so as to permit as-of-right development at the levels allowed through the

proposed framework and to better take account of the smaller development sites and higher street walls found in the East Midtown area. Specific modifications would include:

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

#### *Other Modifications Affecting Qualifying Sites*

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

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

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

#### *Discretionary Actions*

While the majority of the text amendment provides an as-of-right framework to achieve the development and public realm improvements desired for the area, there are limited scenarios in which a discretionary action, subject to a separate public review process, is the most appropriate mechanism. This is the case for projects that would include any of the following improvements

or uses. The following special permit mechanisms and authorization would be created through the text amendment, and would occur only through additional discretionary actions:

Public Concourse Special Permit – To create new opportunities for publicly accessible space on Qualifying Sites, the text amendment includes the creation of a new special permit within the proposed Subdistrict to allow an on-site Public Concourse in exchange for up to 3.0 FAR of additional floor area. A Public Concourse can be an enclosed or unenclosed public space that reflects contemporary best practices in urban design. The 3.0 FAR bonus would be in addition to the proposed as-of-right maximum FAR. Therefore, a Qualifying Site could, through this discretionary action, increase its maximum FAR as follows:

Northern Subarea: 18.0 FAR to 21.0 FAR  
Southern Subarea: 21.6 FAR to 24.6 FAR  
Other Transit Improvement Zone Subarea: 23.0 FAR to 26.0 FAR  
Park Avenue Subarea: 25.0 FAR to 28.0 FAR; and  
Grand Central Transit Improvement Zone Subarea: 27.0 FAR to 30.0 FAR.

Transit Improvement Special Permits – To allow for new opportunities for transit improvements on Qualifying Sites beyond those made possible through the as-of-right framework, the existing Subway Station Improvements bonus, pursuant to ZR Sections 74-634 and 81-292, will be permitted within the Transit Improvement Zones of the proposed Subdistrict. These special permits allow 3.0 FAR increase of the maximum permitted FAR in exchange for improvements to transit infrastructure. This bonus of up to 3.0 FAR would be in addition to the proposed as-of-right maximum FAR. Therefore, a Qualifying Site could, through this discretionary action, increase its maximum FAR as follows:

Other Transit Improvement Zone Subarea: 23.0 FAR to 26.0 FAR  
Grand Central Transit Improvement Zone Subarea: 27.0 FAR to 30.0 FAR.

Special Permit Modification of Subdistrict Regulations – It is anticipated that over the analysis period, some new developments may require modifications to the proposed Subdistrict's regulations in order to utilize the new as-of-right FAR framework, or to realize their maximum permitted floor area within the Subdistrict's as-of-right envelope. This special permit would primarily allow modifications to the proposed Subdistrict's provisions governing height and setback and the definition of a Qualifying Site, and may extend to use and additional bulk regulations as appropriate.

Hotel Special Permit – Hotels in East Midtown must appropriately serve the needs of the business community by providing business-oriented amenities and services, such as conference facilities and advanced telecommunication tools, at a scale proportionate to the needs of the area. To ensure that new floor area for hotel use in the Subdistrict meet these requirements, a special permit similar to that of the Special Permit for Transient Hotels in the Vanderbilt Corridor, would be created within the proposed Subdistrict.

Authorization for Enlargements – The text amendment permits enlargements to use the Qualifying Site provisions by CPC Authorization. Buildings that could not meet the cleared

avenue frontage requirement for a Qualifying Site could utilize this authorization to increase its maximum permitted as-of-right floor area to the equivalent amount for a Qualifying Site in the same subarea. It would achieve this additional floor area through the use of the as-of-right floor area increase mechanisms in the same manner as a Qualifying Site. The enlargement must include significant renovations to the existing building that will bring it up, to the greatest extent possible, to contemporary standards. The authorization may be used in combination with any of the other discretionary actions.

### **Proposed Zoning Map Amendment**

Concurrent with the text amendment, DCP also proposes an amendment to Zoning Map Nos. 8c and 8d to replace an existing C5-2 district (bounded by East 43<sup>rd</sup> Street to the north, East 42<sup>nd</sup> Street to the south, Second Avenue to the east, and a line 200 feet easterly of Third Avenue to the west) with a C5-3 district, and to include it within the proposed East Midtown Subdistrict. The area between Second and Third Avenues along East 42<sup>nd</sup> Street is entirely commercial in character, with a number of existing aging office buildings with potential for redevelopment. The Special Midtown Subdistrict generally follows the boundary of Midtown's commercial areas and thus DCP deems this area to be more appropriate in the Midtown Subdistrict, and additionally as part of the East Midtown Subdistrict. By incorporating the area into Midtown, the Special Subdistrict regulations, including height and setback and streetscape requirements, would become applicable. In order to do this, the rezoning would replace the existing C5-2 district (10.0 FAR) with a C5-3 district (15.0 FAR), and extend the Special Midtown District and the East Midtown Subdistrict over the proposed C5-3 district. As both the existing and proposed designations are C5 districts, they share the same permitted uses.

### **COMMUNITY BOARD RECOMMENDATIONS**

On March 8, 2017 Manhattan Community Board 6 (CB6) voted by a vote of 43 in the affirmative, none in the negative no abstentions to approve a resolution recommending denial of the application unless certain conditions were met. Those conditions included: (1) that DCP make plazas, covered pedestrian spaces and other privately owned public spaces as of right; (2) that transit improvements be prioritized to favor those that benefit the East Midtown Subdistrict; (3) that the text be modified to limit additional height on the midblocks of narrow streets; (4) that the eastern boundary of the Subdistrict be moved to the center of Third Avenue from 43<sup>rd</sup> Street to 56<sup>th</sup> Street; (5) that the current height and setback regulations be maintained to preserve light and air; and (6) that the rezoning of the site of the Pfizer headquarters trigger a payment into the Public Realm Improvement Fund based upon the additional increase in density (from 10 FAR to 15 FAR).

On March 9, 2017 Manhattan Community Board 5 (CB5) voted by a vote of 32 in the affirmative, none in the negative and one abstention to approve a resolution recommending denial of the application unless certain conditions were met including the following: (1) there is a creation of new public space on every redeveloped site that takes advantage of the East Midtown's transfer of development rights framework; (2) actions by the Governing Group which will determine public realm improvements require at least one non-Mayoral appointee to ensure

some level of consensus; (3) the percentage of the value of the transferred development rights to be deposited into the Public Realm Improvement Fund be increased to 30 percent and a minimum contribution price be maintained; (4) the City funds some of the Department of Transportation-identified public realm improvements prior to the adoption of the proposed zoning text; and (5) a prohibition on conversion of more than 12 FAR to residential use be included and a special permit be required for all other residential conversions.

Both the CB5 and the CB6 Resolutions concluded that the conditional denials were to be interpreted as conditional approvals if, on or before March 13, 2017, the Administration communicated in writing that “The EIS will consider an alternative that requires redeveloped sites to include either outdoor plaza space or a covered pedestrian space,” underscoring the importance to the communities of a more definitive commitment by the City to non-transit, above-ground public realm improvements.

### **BOROUGH BOARD PUBLIC HEARING**

On March 2, 2017, the Manhattan Borough Board and Borough President conducted a public hearing on the application at which approximately 100 people attended and 20 people presented testimony. Additional testimony from 15 people and organizations was submitted after the public hearing. The three issues addressed by the largest numbers of people were: (1) Public realm improvements; (2) the eastern boundary of the proposed Subdistrict; and (3) the minimum required contribution per square foot of development right transfers that would be required to be paid into the Public Realm Improvement Fund.

At the hearing, seven speakers addressed the need for greater emphasis on public open space, while two representatives of property owners cautioned that owners of affected properties must be involved in the selection and implementation of non-transit public realm projects. Six speakers spoke on the need to include the east side of Third Avenue in the proposed Subdistrict and four speakers spoke in opposition to its inclusion based upon impacts to the residential communities east of Third Avenue. Five speakers testified that the proposed minimum contribution of \$393 per square foot of transferred development rights to the Public Realm Improvement Fund was excessive and would impede the transfer of development rights by landmarks in the Subdistrict.

Other issues addressed included the need to adhere more closely to current height and setback requirements; opposition to proposed changes in the calculation of the daylight score; the need for more comprehensive traffic studies; and issues concerning the Second Avenue subway. The additional submitted testimony echoed the concerns of speakers at the hearing.

### **BOROUGH BOARD RESOLUTION**

The Manhattan Borough Board met March 16, 2017 to consider a resolution on the application. The day before the Borough Board meeting, DCP had made a commitment to the Borough President and Council Member that it would study in the Environmental Impact Statement (EIS)

a requirement for the creation of privately owned public spaces subject to criteria decided by DCP, which would include that the lot size be a minimum of 40,000 square feet. At the time DCP stated the requirement would likely apply to six or seven development sites in the Subdistrict and result in the sites earning one FAR for the creation of an outdoor public space and three FAR for the creation of an indoor public space.

Having received a commitment from DCP to address a significant concern regarding the lack of concrete proposals for new public open space in the Subdistrict, the Manhattan Borough Board adopted a resolution recommending approval of the application with conditions. Those conditions were as follows:

- (1) That the City commit to undertake above-grade public realm pilot projects and provide seed money for the Public Realm Improvement Fund in the upcoming budget so that other such projects can begin and to underscore the City's commitment to the above-grade public realm;
- (2) That changes be made to the limitations on uses of the Public Realm Improvement Fund to ensure that above-grade public realm improvements are further prioritized;
- (3) That DCP and the Department of Transportation work to adequately define the "Concept Plan" for above-grade public realm in the zoning text and develop a draft concept plan in a reasonable time frame;
- (4) That changes be made to the composition and/or functioning of the governing board in accordance with recommendations of the East Midtown Steering Committee Report to ensure sufficient community participation;
- (5) That every option for limitations on the east side of Third Avenue – including changes to the eastern border – be reviewed, with the goal of reducing adverse impacts to residential neighborhoods bordering the eastern side of the Subdistrict;
- (6) That serious consideration be given to amending the text to limit residential conversions;
- (7) That the language on environmental standards in the text is sufficient to support the achievement of the steering committee's goal of achieving an environmental standard of LEED Gold or its equivalent;
- (8) That mechanisms that can prevent or limit incremental shadow impacts, especially on existing parks and open spaces, be explored;
- (9) That an accurate floor price be set that will not become an obstacle to the contemplated transfer of development rights; and
- (10) That DCP work with the affected Community Boards to address their other concerns laid out in their respective resolutions prior to the end of the ULURP period.

The Chairs of Community Boards 5 and 6 stated that they had been expecting to vote against any resolution to recommend approval of the application primarily because of the lack of any requirement that redeveloped sites include either outdoor plaza space or a covered pedestrian space. While acknowledging the progress made with DCP's commitment, they stated that they could not fully support the resolution but would abstain rather than vote against it. The Borough Board voted to approve the resolution recommending approval with conditions of the East Midtown application by a vote of eight in the affirmative, none in the negative and two abstentions.

For a full list of speakers and list of those who submitted testimony, please refer to the appendix following the Borough President Recommendation.

### **BOROUGH PRESIDENT'S COMMENTS**

DCP's application for the redevelopment of East Midtown has been derived from the work done by the Steering Committee and represents a significant improvement upon its predecessor application put forth by the prior administration in 2013. The general goal set forth by the Steering Committee was to enable our city's central business district to develop into a modern world-class business district through an as-of-right plan that would allow the development of new Class A office space, preserve iconic landmarks throughout the district, guarantee significant below ground transit improvements essential to move people in and out of the district as well as above ground public realm improvements necessary to make the district a place where people (and therefore businesses) want to be.

Both the Steering Committee and DCP's proposal seek to guarantee that the creation of new, higher-density, Class-A office space occurs only in conjunction with essential mass transit upgrades in the Transit Improvement Zones. Unlike in the 2013 proposal, these upgrades have been set forth by the MTA in the application with an amount of additional floor area to be unlocked by each improvement. This ensures a predictability and consistency between additional density and the mass transit improvements needed to accommodate that density.

Through the work of the LPC in designating 12 additional landmarks and the ability for new development to earn additional FAR (up to a maximum) through the purchase of landmark development rights from any landmark in the Subdistrict, the Steering Committee and the proposal provide security and a mechanism for support for the landmarks which I believe are so critical to the Subdistrict. The as-of-right proposal ensures that the Subdistrict's landmarks, now 50 in total, will be preserved and will continue to be an essential part of the district's character. To do this the Steering Committee was conscious of the need to provide an adequate number of receiving sites for the 3.5 million square feet of landmark development rights in the Subdistrict in order to create a fair market for their sale.

Finally, the Steering Committee and the proposal seek to emphasize the importance of the above-grade public realm in the creation of a desirable business district through the creation of a Public Realm Improvement Fund funded through payments constituting a percentage of the price of

transferred development rights from landmarks and FAR used in excess of maximums in the redevelopment of overbuilt buildings. These payments would be significant, would go toward projects developed by a separate Governing Body, and the projects would be selected pursuant to types and criteria for projects outlined in a concept plan. The Public Realm Improvement Fund would also be available to use for below-grade improvements.

While coming up with a solid framework for East Midtown, the Steering Committee did not resolve all of the difficult questions it faced. It recognized the need for sufficient receiving sites for landmark development rights, but at the same time understood how the eastern boundary of the proposed Subdistrict was viewed differently by different stakeholders, and recommended more discussion on whether the eastern boundary should be the east or west side of Third Avenue from 48th to 56th Streets. It recognized the need for a robust contribution to the Public Realm Improvement Fund but supplied a range from 20 percent to 40 percent of the value of the development rights transferred. It stated that its goal was to maintain the light and air frameworks currently existing in the area but requested that DCP study slight modifications to accommodate the greater densities. Finally, the Steering Committee struggled with the importance it placed on improving the above grade public realm as we bumped up against the realities of a dense area with little room for new public spaces.

To make this proposal one that is as good as it can be, we need to improve upon certain of these areas before this application is finalized.

### *Public Realm*

Throughout this process, the question has been whether we are doing enough to address the three pillars of this plan that we found crucial to support the additional densities required by modern office space in this Subdistrict: (1) mass transit improvements; (2) landmarks; and (3) above-grade public realm improvements. The Steering Committee concluded that:

the public realm of East Midtown -- inclusive of transit, plazas, sidewalks and other public spaces - needs to be meaningfully improved, not just to accommodate more development in the district, but also to address the present intensity of land use and keep the district competitive. Planning, funding and project management for such improvements should go in advance of or, at the latest, hand-in-hand with added development (Steering Committee Report at 50)

I strongly believe one should never have to choose between landmarks and public transit improvements, and the work to date has reflected a balance there. However, as made clear by the discussions at the community boards, the Borough Board, and Borough Board public hearing, the proposal did not quite hit the mark in terms of the above-grade public realm. This tension was also evident in the Steering Committee: we insisted upon the importance of above-grade public realm and the need to develop a list of possible projects, but recognized the need for a significant, ongoing process that went far beyond merely tasking an agency with making a list.

To ensure the development of quality above-grade public space while not jeopardizing the stability of our other two pillars – landmarks and mass transit – I believe that the approved

zoning text by the CPC and City Council must include language that makes the provision of indoor or outdoor public space a requirement, not an option. This is most appropriate for larger assemblages that have the most to gain under the new proposed as-of-right framework and would not be exceptionally burdened or suffer any setbacks to reasonable financial expectations for those sites.

The inclusion of the full block from Third Avenue to Second Avenue with frontage along 42<sup>nd</sup> Street (the “Pfizer site”) is appropriate given the prominence of 42<sup>nd</sup> Street in East Midtown and Midtown as a whole, the array of transit infrastructure below it, and its commercial character. However, this block will gain in greater proportion than other sites. It is also a rare site that fulfills the qualifying requirements for an outdoor public space. As such it is appropriate to require an outdoor plaza at this site without the provision of an additional floor area bonus.

As a result of discussions between this office, the Councilmember’s office, and DCP, the Final Environmental Impact Statement (FEIS) will study an alternative that mandates an indoor or outdoor public space on Qualifying Sites of 40,000 square feet or more. Assumptions for dimensional requirements and placement of these required public spaces will be informed by current provisions in the Zoning Resolution as follows:

- i. Minimum size to be studied for an outdoor space will be 2,000 square feet, consistent with public plaza regulations, and an indoor space will be 3,000 square feet, consistent with covered pedestrian space regulations. The FEIS alternative will analyze an outdoor space on Projected Site 15 – the Pfizer site.
- ii. Locational restrictions for outdoor spaces will also be consistent with public plaza regulations. These spaces will not be permitted to be within 175 feet of another DCP regulated plaza or Department of Parks and Recreation park and orientation requirements will favor south-facing spaces while prohibiting spaces that would solely be north-facing.
- iii. District plan regulations will apply consistent with the provisions specific to the Special Midtown District. These include street wall continuity requirements and a prohibition of outdoor POPS within the Grand Central Terminal Subarea.

DCP is reviewing these assumptions to determine their applicability to this proposal in preparation for further discussions. They are also contemplating the requirement that the Pfizer site specifically provide an outdoor public space.

In addition to a mechanism that requires the development of new public spaces, I have also called for more certainty about the above-ground public realm improvements that will actually happen. Unlike the pre-identified below-grade transit improvements, these above-ground improvements will not be written into the zoning text. Furthermore, they will not be immediately realized, as they too will go through their own public outreach and comment process.

In a letter to Deputy Mayor Alicia Glen dated February 24, 2017, the Councilmember and I requested that a public realm project be piloted in the upcoming fiscal year in order to help establish the feasibility of the proposals and demonstrate solutions for any potential problems

that may arise. Furthermore, the Borough Board resolution called for the provision of seed money for the Public Realm Improvement Fund to demonstrate the city's commitment to the above-grade proposals.

In response, DCP has committed upfront funding for the following purposes (see attached "Commitment Letter" from the Deputy Mayor to the Manhattan Borough President dated April 12, 2017 for these and other commitments referenced herein):

- i. **East 53rd Street Corridor Improvements:** The City will complete streetscape improvements along five blocks of East 53rd Street between Second Avenue and Fifth Avenue. Projects will include comprehensive corridor enhancements such as circulation, seating, and greenery improvements. Specific projects will depend on partner participation, which the City will seek to maximize over the course of the ULURP process in order to deliver the highest-quality and highest-impact improvements.
- ii. **Upgrade Pershing Square East:** With BID partnership, formally designate Pershing Square East as a pedestrian plaza with regulation signage, and seed upgrades that include expanded geometry with a new gravel surface, improved amenities including planters, moveable cafe tables and chairs, and umbrellas.
- iii. **Piloting a Shared Street:** A shared street is a roadway designed for slow travel speeds where pedestrians, cyclists, and motorists all share the right of way. This would take place at a to-be-determined location in East Midtown, pending discussions with relevant stakeholders (including property owners and BIDs) and taking into account access to buildings and loading docks, sanitation, deliveries, pick-up and drop-offs, parking and overall circulation.
- iv. **Improve vehicular patterns on Park Avenue:** Implementing street markings to test new vehicular patterns along Park Avenue will help enhance pedestrian safety by reducing crossing distances. Creating optimal pedestrian spaces on Park Avenue, however, can only occur through a full capital project, which is reliant upon coordination with Metro North's capital plans. The City will commit to engaging with the community and Metro North to determine the future feasibility of these pedestrian improvements.

Of particular interest is the proposal for Park Avenue, which would rationalize the traffic but eventually seek to widen the median on this extra-wide avenue and thus free up more space to be devoted for public uses. While it would certainly be a complex undertaking, Park Avenue stretches throughout the Subdistrict, and the possibility of the project is big and intriguing. Of course, the proper organizations and stakeholders must be properly consulted and closely involved throughout the process; however, that is the purpose of upfront commitments to the public realm. It is an opportunity to do proper engagement in advance of unforeseen problems, and to gain a practical understanding of what can or cannot be done in the Subdistrict. In this way, seed funding for a pilot program and the beginnings of other improvement programs will get us closer to a public realm that is as good as it can be.

The text concerning the operation of the Governing Group and the Public Improvement Fund should be strengthened to ensure the breadth of view, transparency, and accountability envisioned by the Steering Committee.

The Steering Committee determined that the responsibility for public realm planning, project management, and control over the Public Realm Improvement Fund should be vested in an independent board constituting a public/private partnership. This Governing Group would work with the various agencies to select, coordinate and implement improvements to the public realm which would occur “in advance of or simultaneous with development” (Steering Committee Report at 52). The functioning of the Governing Group would be transparent and it would be responsible for outreach, and be accountable to stakeholders as well as government.

The DCP proposed text creates a Public Realm Improvement Fund and a Governing Group consisting of nine members, six appointed by the Mayor, to administer it. Improvements can be made to this text in order to ensure the independence, range of input, transparency and accountability that the Steering Committee contemplated. In addition, some adjustments should be made to satisfy the communities that above-grade public realm will remain a priority.

To ensure the breadth of viewpoint and public/private nature of the entity, the Governing Group should have a representative of a citywide civic organization which has a mission inclusive of urban design and public space. In addition, the voting structure of the group should require the vote of at least one non-mayoral appointee – at least for purposes of approving or prioritizing projects.<sup>1</sup> This will help ensure that the fund is not used to supplement agency budgets for projects they may wish to accomplish, but rather to serve the goals of greater public spaces for this district to maintain its competitiveness and vitality. This change will require the group to go from nine to eleven members so that the mayor still has a majority of appointees and to include the addition of the civic organization representative.

The zoning text should be amended to ensure full transparency and accountability in the conduct of the Governing Group. Language should be added to state that the procedures for the conduct of business shall be publicly available and include rules on reporting and transparency functions, including but not limited to the following: procedures on the adoption and amendment of the concept plan, requirements to provide a transcript or recording of all public meetings and hearings; and transparency and reporting requirements concerning deposits and expenditures from the fund. In addition, because outreach to stakeholders is so important, the Governing Group should be required to have a minimum of one annual public hearing at which members of the public may appear and be heard.

The text should also reflect that above grade improvements are the primary driver for the Concept Plan and expenditures. While worthy below-grade improvements should still be considered, language that explicitly prohibits the use funds for above-grade improvements outside of the district should be included and language prioritizing large above-grade projects should be considered. The text must plainly state that all funds are for use in the Borough of

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<sup>1</sup> The City’s Franchise Concession Review Committee has six voting members for purposes of any action, four of which are Mayoral appointees, but five votes are required to approve a franchise. See NYC Charter section 373.

Manhattan only and consultation with the affected property owners should be a criteria for improvement selection.

### *Third Avenue and Subdistrict Boundaries*

The true character of Third Avenue has been under discussion since the Steering Committee was formed, and a land use map does not always tell an accurate or full picture. This office believes in the power of site visits and in listening to the community. The zoning framework for this plan will not work without adequate landing sites and future development sites. However, it is clear that there is a significant presence of residential buildings on the blocks in question, and that Third Avenue functions to some extent as a buffer to more residential areas to the east. The coming of the Second Avenue Subway will place further pressures on the residential character of the neighborhoods to the east of this district, and immediate pressure on the midblock structures between Third and Second Avenues.

At a minimum, all existing residential buildings from the east side of Third Avenue must be removed. This removal would not have a significant impact on achieving the goals of the Greater East Midtown Plan and should actually reduce or eliminate displacement of residents on those sites. In addition, the removal of these sites would eliminate a number of split lot conditions under the proposed framework. Discussions with the community stakeholders should continue to determine if further change is required or further steps to mitigate any adverse effects.

With the removal of all residential buildings on the east side of Third Avenue, if needed, the City can study further adjustment of the boundaries to include additional commercial sites for potential redevelopment, such as the American Jewish Committee site on East 56<sup>th</sup> Street, which is within the C6-6 zone of the rest of the Third Avenue corridor, but not included in the Subdistrict.

### *Minimum Contribution Rate*

The East Midtown Steering Committee Report is clear that a mechanism like a minimum contribution rate and a set minimum valuation for the transfer of development rights is desirable to ensure a baseline of transparency for transactions and a sense of predictability for monies to the Public Realm Improvement Fund. This recommendation reflects the perception of asymmetrical information for public decision makers when it comes to the private transactions of real estate in the City of New York. While a number of documents do eventually become matters of public record, it is considered a science to properly analyze the value of these transactions.

I believe that the implementation of a minimum contribution rate is a sensible solution for transparency and predictability concerns. However, the current minimum valuation of \$393 per square foot and its corresponding contribution rate of \$78.60 per square foot, based on analysis by Landauer Valuation & Advisory, have been under consistent criticism. In particular, in letters dated February 7, 2017 and April 5, 2017, Cushman and Wakefield, Inc. has provided estimations of the minimum valuation and contribution that are significantly lower.

In the 2013 proposal, the City was to sell development rights at a cost of \$250 per square foot, as determined by an appraisal contracted by the City. Other more recent valuations of TDRs, such as those done for the Hudson River Park Trust, also arrived at numbers that gave us doubts about the \$393 per square foot valuation.

Given the potential for different office rents and land values in the different corridors of East Midtown, it seems interesting that actual sales for development rights remained relatively stable in the ten-year period in the Landauer report. This may point to transfers as a more fixed cost, or as a value more separate from land value. In order to establish a fair market value for TDRs in Greater East Midtown, it may be more sensible to peg the market value to the actual sale of TDR transactions, not land sales.

Cushman & Wakefield is a respected, dependable appraiser that the City has retained as a third-party appraiser for other projects, including at Hudson Yards. Given that the City has explicated a mechanism by which the minimum contribution rate can be adjusted through third-party appraisals, and given the massive disparity between the rate calculated by Landauer and by Cushman & Wakefield, we believe a lowering of the rate is reasonable. In the spirit of establishing the minimum contribution rate as a *minimum* so as to not impede redevelopment, and seeing as this is a disagreement between two reputable companies, and further seeing that there is a limited number of comparables from which to derive this very important number, we believe it is prudent to err on the side of the lower number and give more room for the market to determine the appropriate price.

Thus, this office believes that the minimum valuation should be closer to the lower of the two appraisals, in the vicinity of the \$250 per square foot number of the Cushman & Wakefield analysis. We simply have no evidence that points to why we should favor the analysis of one of these companies over the other. It is my hope that a new number can be agreed upon that is sensible to experts from all sides. However, the valuation that is ultimately chosen must be a fair, lower-bound valuation, otherwise all the aspirations we have for public realm are for naught. If such valuation cannot be reached, we may be forced to look for another option to address the transparency and predictability concerns of the Public Realm Improvement Fund.

### *Daylighting and Shadows on Open Space*

How much sunlight does an office worker require? Advances in technology have only lengthened our working hours, and arguably we spend more time at work than at home or play. So the quality of that work environment matters. It is why even our less-than-ideal POPS are filled to the brim. It is why we need to protect special places like Greenacre Park, and why a number of speakers at the Borough Board/Borough President hearing on this matter reacted strongly to a 12 percent reduction in the passing score, from 75 to 66, for the daylight evaluation requirements for qualifying sites. The daylight evaluation diagrams in the text look otherworldly, and the analysis framework is understood by few. But everyone understands that bigger buildings block more light. So the question remains, how much sunlight is appropriate in a predominantly commercial district?

The East Midtown Steering Committee made a judgment call based on months of discussion that the bulk requirements for this neighborhood would need to be adjusted in order to accommodate the greater amount of density that would result in tangible public goods: investments in mass transit, the protection and viability of significant landmarks, and funds for a public realm Governing Group to disburse to improve the quality of life of workers and residents in the district. What was unresolved was the question of how much would need to be adjusted, or tweaked. The Department of City Planning has given us its best educated guess, and it is a guess, since we lack the modelling for every potential building and every existing building, to truly understand how much light we are losing on a tangible basis. For what is the true felt impact of a score of 75, or 74, or 70, or even 66? I struggled with this question for One Vanderbilt, and eventually landed on the side that less light, while not ideal, is an acceptable trade-off for significant investment in the rest of the public realm. And since I am conditioning this approval on the inclusion of mandated public space at current design standards at the larger of those sites blocking light, which DCP has committed to study, I am again willing to accept that trade.

One part of the daylighting proposal requires greater scrutiny: the option for new buildings to either meet the existing minimum daylight score for individual Midtown streets (66 percent), or achieve at least the same daylight score of the buildings they replace. The allowance for new buildings to match the scores of the previous building on the site is meant to give some small degree of flexibility in redevelopment. However, we are wary of buildings with egregious, failing scores being able to replicate that failure – especially as we do not have enough information about the existence or prevalence of such buildings. Thus, there should be a sensible minimum score that redeveloped buildings must meet, regardless of the scores of the buildings they replace.

Finally, there is the matter of potential shadow impacts to Greenacre Park, a truly exceptional piece of sunlight, greenery and air in an area that sorely needs high-quality public space. The DEIS concludes that the loss of 1.5 hours of afternoon sunlight would not be a significant adverse impact. However, I do consider it significant, especially given the park's small size, flourishing of vegetation, and potential shadow impacts from future development on Second Avenue. Thus, I urge the City to continue working with Greenacre Park to explore all options to avoid shadow impacts from new buildings.

### *Residential Conversions*

A recurring concern throughout discussions on East Midtown is the potential unintended consequence of residential conversions in an area intended for important commercial activity. While the current proposal imposes limits on residential uses in new development that make use of the new density framework, it does not restrict existing buildings to convert to residential.

The City's primary objective through the Greater East Midtown proposal is the redevelopment of underperforming office stock into state-of-the-art office buildings. However, it also continues to support mixed-use neighborhoods as a general principle. The City has cited the following as reasons for not regulating residential conversions as part of the proposal:

- i. **Mixed-use neighborhoods** | The revitalization of office stock in East Midtown and the production of residential units are complementary goals. Additional residential units within new buildings using the East Midtown framework (20% maximum), through as-of-right development, or through conversion of existing buildings should not be considered anathema to the success of East Midtown. The combination of workers and residents contributes to the continued vibrant, mixed-use character of the neighborhood.
- ii. **A stronger commercial ecosystem** | This proposal incentivizes redevelopment of antiquated commercial buildings into buildings that are predominately Class A commercial in nature. The tenants attracted to these new Class A spaces attract other business that tenant in Class B and C office spaces. This, in turn, drives down commercial vacancy rates and sustains an economically viable business district where the financial inducement to convert office space to another use is countered.
- iii. **Residential conversion history** | A look at residential conversions of pre-1961 office or manufacturing buildings within the proposed Subdistrict since 2000 indicates that this is not a pervasive condition. DCP's research found no residential conversions, however, a more thorough analysis in conjunction with DOB would be necessary to verify this finding. The lack of conversions is in part due to East Midtown's built fabric being less suited to residential conversion than other areas such as the Flatiron District, Chelsea, and Downtown Manhattan (refer to building typology below). Since this study period includes one of the largest housing booms in U.S. history, there is no expectation that residential conversions would rise sharply in the future.
- iv. **Conversion building typography** | Commercial buildings that lend themselves to residential conversion tend to be pre-war buildings with towers. While the bases of these buildings often consist of large floor plates that don't conform with the legal window requirements for residential units, the tower portion of the building generally provides suitable floor plates for apartment or condo layouts. Buildings with this typology may convert only the tower to residential use while retaining the wider base for office uses. An example of this is the Woolworth Building, which is now a mixed residential-commercial building. The other building typology that lends itself to residential conversion is that of hotels. This again is due to floor plate layouts and window requirements. The Waldorf Astoria is proposed to convert in part to residential use, and is the only commercial building within the Subdistrict that was identified as undertaking a residential conversion. Examples of other buildings within East Midtown with a slender tower or hotel building typology are the General Electric Building (570 Lexington Avenue), the Beverly Hotel (557 Lexington Avenue), the Shelton Hotel (525 Lexington Avenue), and the Lincoln Building (56 East 42nd Street).

I believe in the value of mixed-use neighborhoods, and I can also see that there is some value to preservation in not regulating the option to convert to residential. There are many buildings in the area that do not have the protection of landmark status, but are of significant historical and architectural value to me. In these cases, I can see how the option to convert to residential may allow the building to be preserved rather than to be demolished for a new development.

The primary goal of the proposal is to bolster East Midtown's status as a world-class central business district. It would be a very undesirable outcome if this goal is undermined by more residential conversions than is expected in the City's analysis. In discussions with DCP, it was made clear that if a significant increase in conversions were to occur, a text amendment can be enacted to stop such practices. I believe it is imperative to act swiftly should the situation arise, and that the City must take the appropriate measures to monitor such possibilities and report on the prevalence of conversions to the community and local elected officials. In its Commitment Letter, DCP agreed to report to my office and the City Council on residential conversions in the Subdistrict – a monitoring of the situation that could be useful. However, the Administration only consented to a report after five years, at which point a significant trend of conversions could already be underway. This unreasonable delay renders what could be a useful and conservative tool to protect against a perhaps unlikely, but nevertheless undesirable, occurrence virtually meaningless. I ask the CPC and the City Council to require meaningful reporting from DCP.

### **BOROUGH PRESIDENT'S RECOMMENDATION**

**Therefore, the Manhattan Borough President recommends approval of Application Nos. C 170187 ZMM and N 170186 (A) ZRM on the following conditions:**

(1) The approved zoning text by the CPC and City Council must include language that makes the provision of indoor or outdoor public space a requirement, not an option, on large assemblages of 40,000 square feet or greater and that the newly incorporated site at 42nd Street and Second Avenue be required to provide an outdoor public space;

(2) The Administration funds and begins to implement its open space commitments set forth in the Commitment Letter dated April 12, 2017 from Deputy Mayor Alicia Glen to the Manhattan Borough President concerning:

- East 53rd street Corridor Streetscape improvements;
- Designation of Pershing Square East as a pedestrian plaza with accompanying upgrades;
- A piloted shared street chosen and implemented in conjunction with all relevant stakeholders;
- Improved vehicular patterns on Park Avenue and commencement of stakeholder outreach and study to determine the feasibility of further pedestrian improvements.

(3) Expansion of the Governing Group to include a representative of a Citywide civic organization with a mission that includes urban design and public space, and consider requiring one non-mayoral appointee action on the approval of projects;

(4) Inclusion in the final text of language, as agreed to in the Commitment Letter, to increase transparency and accountability of the Public Realm Improvement Fund and Governing Group. This should include procedures on the adoption and amendment of the concept plan, requirements to provide a transcript or recording of all public meetings and hearings; and transparency and reporting requirements concerning deposits and expenditures from the fund. The Governing Group should be required to have a minimum of one annual public hearing at which members of the public may also appear and be heard.

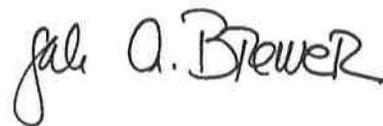
(5) At a minimum, removal of all existing residential buildings from the east side of Third Avenue to reduce or eliminate displacement of residents on those sites, and discussions with the community stakeholders should continue to determine if further change is required or further steps to mitigate any adverse effects on the residential areas bordering the eastern boundary of the Subdistrict.

(6) Re-evaluation and lowering of the valuation of transferred development rights to ensure that it is truly fair, and acts as a minimum or floor. It is essential that we err, if at all, on the side that will not choke off the transactions upon which a significant pillar of this proposal is based and if the City cannot come up with a re-evaluation that inspires more confidence it may have to search for another mechanism to address the transparency and predictability concerns of the Public Realm Improvement Fund;

(7) The final text includes a minimum score for daylight below which a redeveloped building cannot score, regardless of the score of the building it replaces;

(8) The City continues working with Greenacre Park to explore all options to avoid shadow impacts from new buildings on the park;

(9) The Administration be required to report to the Borough President, affected Council Member and Community Boards annually on residential conversions in the Subdistrict with a view toward quickly acting to curtail them in the event of a significant uptick in such activity.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style.

Gale A. Brewer  
Manhattan Borough President

List 1. Speaker Order for the Manhattan Borough Board/Borough President East Midtown Hearing:

1. Duane Roggendorff, Grand Central Partnership
2. Rob Brynes, President, East Midtown Partnership
3. Michael Slattery, Senior Vice President, Real Estate Board of New York
4. Andrea Goldwyn, Director, Public Policy, New York Landmarks Conservancy
5. Michael Greeley, Manhattan Community Board 5
6. Tom Devaney, Senior Director, Land Use and Planning, Municipal Art Society,
7. Ian Dunford, Hotel Trades Council
8. Joseph Rosenberg, Executive Director, Catholic Community Relations Council
9. Kathy Thompson, Turtle Bay neighborhood resident
10. Lois Cremmins, Executive Director, Greenacre Park
11. Marcia Caban, Executive Director, Central Synagogue
12. John West, City Club
13. Pooya Amin Javaheri, self, architect
14. Kathleen Kelly, self, resident
15. Simeon Bankoff, Executive Director, Historic Districts Council
16. Neil Hohmann, Yale Club\*
17. Richard Bass, Akerman LLP on behalf of American Jewish Committee
18. Joan Boyle, self, Tudor City resident
19. Barry Shapiro, self, resident
20. Pierina Sanchez, Director, New York, Regional Plan Association

List 2: Additional submitted testimony to the Office of the Manhattan Borough President:  
Alphabetically by organization or name:

1. Aimee Lee Ball, self
2. James Collins, self
3. Central Labor Council
4. Rev. Dr. Donna Schaper, Judson Memorial Church, Bricks and Mortals Working Group
5. Hidrock Properties
6. John Edward Putnam, self
7. John West, self
8. Kristin McMahon Kligerman, self
9. Lawrence W. Scheyer, self, Community Board 6 member
10. Leo Korein, COO, Omniperspective Management
11. Municipal Art Society re Greenacre Park
12. Michael Kwartler, self
13. REBNY Greater East Midtown Task Force submission
14. Seaver Realty
15. Turtle Bay Association



OFFICE OF THE MAYOR  
THE CITY OF NEW YORK

ALICIA K. GLEN  
DEPUTY MAYOR FOR HOUSING AND  
ECONOMIC DEVELOPMENT

April 12, 2017

Hon. Gale A. Brewer  
Manhattan Borough President  
1 Centre Street 19th floor  
New York, NY 10007

Re: Applications N 170186 ZRM and C 170187 ZMM (Greater East Midtown)

Dear Borough President Brewer,

The plan to re-zone Greater East Midtown creates capacity for new, modern office buildings linked to mechanisms for major transit improvements, public realm investments, and preservation of some of East Midtown's most iconic landmarks. I want to thank you and Councilmember Daniel Garodnick for your joint leadership of the East Midtown Steering Committee, which not only identified planning priorities for this critical area, but also forged a consensus-driven, solution-oriented vision for the future. The proposal will support enhancements to the area's public realm through development.

With regards to public realm improvements, the City is prepared to make the following commitments:

**Improve vehicular patterns on Park Avenue:** Implementing street markings to test new vehicular patterns along Park Avenue will help enhance pedestrian safety by reducing crossing distances. Creating optimal pedestrian spaces on Park Avenue, however, can only occur through a full capital project, which is reliant upon coordination with Metro North's capital plans. The City will commit to engaging with the community and Metro North to determine the future feasibility of these pedestrian improvements.

**Piloting a Shared Street:** A shared street is a roadway designed for slow travel speeds where pedestrians, cyclists, and motorists all share the right of way. This would take place at a to-be-determined location in East Midtown, pending discussions with relevant stakeholders (including property owners and BIDs) and taking into account access to buildings and loading docks, sanitation, deliveries, pick-up and drop-offs, parking and overall circulation.

**Seed East 53rd Street Improvements:** The City will complete streetscape improvements along five blocks of East 53rd Street between Second Avenue and Fifth Avenue. Projects will include comprehensive corridor enhancements such as circulation, seating, and greenery improvements. Specific projects will depend on partner participation, which the City will seek to maximize over the course of the ULURP process in order to deliver the highest-quality and highest-impact improvements. The Administration welcomes your assistance and collaboration in community engagement efforts associated with this initiative. Support from stakeholders will be critical to implementing and making this a success.

**Upgrade Pershing Square East:** With BID partnership, formally designate Pershing Square East as a pedestrian plaza with regulation signage, and seed upgrades that include expanded geometry with a new gravel surface, improved amenities including planters, moveable cafe tables and chairs, and umbrellas.

You have advocated for improvements to the proposed Governing Group that will determine which projects are funded. In response to your concerns, the City supports the ability of the Governing Group to prioritize above-grade improvements and that the Governing Group's conduct follows the norms and laws of other city entities with respect to reporting and transparency. We are also amenable to adding a civic organization to the Governing Group, in conjunction with an additional mayoral appointee. We continue to maintain, however, that a mayoral majority is needed to approve projects, as these projects impact city and state infrastructure and the right-of-way.

You have also expressed concerns about residential conversions. The City's primary objective through the Greater East Midtown proposal continues to be the redevelopment of underperforming office stock into state-of-the-art office buildings. We have not seen evidence that the ability for owners to convert their properties to residential uses as-of-right poses any issues for this area. In response to your concern that our policy on residential conversions could undermine the success of this district, DCP will report back to the Manhattan Borough President's Office and the City Council on the prevalence of residential conversions and any associated impacts in the re-zoning boundaries, as appropriate, in five years at the Borough President or Council's request.

Lastly, we understand that you are concerned that the minimum contribution may be too high. We continue to support a minimum contribution to the Public Realm Improvement Fund to ensure public benefits as development occurs and market conditions change; however, we take very seriously the feedback that the current minimum contribution amount could pose an impediment to development. While eliminating the concept of a minimum contribution in its entirety would undermine an integral component of the zoning proposal, namely a mechanism that confers mutual benefits to all stakeholders – developers, landmarks, and the public – at a level that is appropriate, we are continuing to evaluate whether our data set, which is constrained by limited sales activity in East Midtown, adequately addresses the variability in values of receiving sites in East Midtown. Our goal is not to impede development, and we are therefore committed to revisiting our methodology in response to new feedback that we just received from REBNY and the Archdiocese and modifying our approach if necessary.

The Administration looks forward to continuing to work with you on this important re-zoning as it advances through public review.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alicia Glen". The signature is written in a light, possibly grey or blue, ink.

**Alicia Glen**  
Deputy Mayor for Housing and Economic Development

# Exhibit A

## Environmental Impacts and Mitigation

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*In accordance with Greater East Midtown Rezoning Proposal FEIS*

## Amended Application with Public Realm Improvements - Significant Adverse Impacts and Proposed Mitigation Measures

The FEIS identified significant adverse impacts with respect to open space, shadows, historic resources, transportation (traffic, subway stations, and pedestrians), air quality, and construction activities related to historic resources, traffic, and noise. In addition, the FEIS analyzed a modification to the proposed zoning text amendment (referred to hereafter as the “Amended Application” pursuant to ULURP No. 170186(A) ZRM filed by DCP on March 27, 2017) in Chapter 25, “Amended Application Analysis.” DCP withdrew the original zoning text amendment (pursuant to ULURP No. N 170186 ZRM) on June 6, 2017, prior to its consideration for approval by the CPC.

Following the publication of the FEIS, modifications to the Amended Application have been identified as under consideration by the CPC. The modifications consist of clarifications and administrative revisions to the proposed zoning text, but no changes that would affect use or bulk regulations. As disclosed in Technical Memorandum 002 (dated June 2, 2017), the potential CPC modifications would not alter the development assumptions in the Reasonable Worst Case Development Scenario (RWCDs) for the Amended Application evaluated in the FEIS; therefore, the Amended Application with the potential CPC modifications would not result in any new or different significant adverse impacts than those disclosed in the FEIS, and the same mitigation measures would continue to be available and applicable.

The Amended Application consists of two modifications to the Proposed Action to address conditions in which the location of landmarked buildings would preclude development and circumstances under which transit easement volumes would be deemed necessary on a development site. The Amended Application With-Action Condition resulted in a few key changes to the analysis framework, specifically the addition of Projected Development Site 17 and Potential Development Site P, and the conversion of Projected Development Site 12 to Potential Development Site O. Compared to the Proposed Action’s RWCDs presented in the FEIS, the Amended Application With-Action Condition would result in a 231,334-gsf increase in the office space increment, a 14,588-gsf decrease in the retail increment, a 236,508-gsf decrease in the residential increment, and a 34,874-gsf increase in the parking increment. There would be no change in the increments of hotel space or rooms.

Additionally, both the Proposed Action and the Amended Application include a framework for implementation of above- and below-grade public realm improvements. The above-grade public realm improvements, also known as PRIs, include pedestrian plazas, shared streets, widening of the Park Avenue median, bus bulbs, curb extensions and sidewalk widenings, and turn bays.

The Amended Application with Public Realm Improvements would generally result in the same significant adverse impacts as the Proposed Action, with the exception of one additional direct significant adverse impact in the Amended Application With-Action Condition. Another principal difference stems from the addition of the public realm improvements (PRI) into the Amended Application With-Action Condition, which changes the analysis conclusions slightly as compared to the Proposed Action in the area of transportation. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. In some instances, no practicable mitigation was identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives that would meet the purpose and need, eliminate impacts, and not cause other or similar significant adverse impacts. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated.

The projected significant adverse impacts and proposed mitigation measures (where feasible) with respect to open space, shadows, historic resources, transportation (traffic, subway stations, and pedestrians), air quality, and construction activities related to historic resources, traffic, and noise for the Amended Application with Public Realm Improvements (PRIs) are detailed below.

## Open Space

As presented in the FEIS, the Proposed Action could introduce new open space resources as part of its public realm improvements, as described in Chapter 1, "Project Description." The decision to fund and implement these improvements would be made in the future by the Governing Group; therefore, for purposes of the open space analysis, these improvements were not considered as part of the Proposed Action or the Amended Application alternative.

As noted in the FEIS, the Governing Group will adopt procedures for the conduct of its activities, consistent with the goals of the proposed Subdistrict. The Governing Group will also adopt and maintain a Concept Plan containing a list of priority above- and below-grade improvements (the "Concept Plan"). To inform the initial Concept Plan, a suite of conceptual above- and below-grade public realm improvements has been prepared by New York City Department of Transportation (DOT) and Metropolitan Transportation Authority (MTA). The above-grade improvements included in the Concept Plan include new passive open space resources and other improvements as identified by DOT. The public realm improvements, also known as PRIs, include pedestrian plazas, shared streets, widening of the Park Avenue median, bus bulbs, curb extensions and sidewalk widenings, and turn bays.

For Pedestrian Plazas, streets would be closed to vehicular traffic to create pedestrian plazas with seating, landscaping, and features consistent with passive open space in limited portions of the Subdistrict. As noted in the FEIS, pedestrian plazas are contemplated for Pershing Square East, and on the east and west sides of the Park Avenue viaduct between East 40th and 41st Streets. Shared Streets are designed to accommodate high pedestrian volumes and low traffic volumes and speeds. Shared Streets would include seating areas, distinctive paving materials, and traffic calming measures, with vehicle speeds reduced to 5 mph. Access to all buildings and businesses would be maintained, allowing for servicing and deliveries. Shared Street corridors are contemplated along East 41st Street between Fifth and Lexington Avenues, on Vanderbilt Avenue between East 43rd and 47th Streets, and on East 43rd and East 44th Streets between Lexington and Third Avenues. The widening of the Park Avenue Medians between East 46th and East 57th Streets would include planting and decorative lighting. The Concept Plan for this corridor would widen the median in efforts to improve traffic patterns with right and left-turn bays and create safer, shorter crossing distances for pedestrians. This could be achieved by rededication of one moving lane of traffic on Park Avenue in the northbound and southbound directions. The widened median would provide the opportunity to improve the space for pedestrian use with seating areas, expanded landscaping, and opportunities for public art.

For purposes of analysis in the FEIS, select open space resources identified above from the Concept Plan were evaluated. The total potential added passive open space in the Greater East Midtown

study area was estimated at 2.43 acres, and with this addition, the resulting open space ratios are presented in Table A.1 below.<sup>1</sup>

**Table A.1: 2036 Amended Application with PRI: Passive Open Space Ratios Summary**

Ratio	CEQR Open Space Ratio Benchmark	Open Space Ratios per 1,000 People			Change from No-Action to Amended Application Action	
		Existing	No-Action	Amended Application (Inclusive of PRIs)	Absolute Change	Percentage Change
Non-Residents	0.15	0.069	0.066	0.067	0.001	1.69 %
Combined Non-Residents and Residents	Weighted 0.183 / 0.189 / 0.187 (Existing / No-Action / With-Action) <sup>1</sup>	0.062	0.059	0.060	0.001	2.21 %

**Notes:**  
<sup>1</sup> Based on a target open space ratio established by creating a weighted average of the amount of open space necessary to meet the CEQR benchmark of 0.5 acres of passive open space per 1,000 residents and 0.15 acres of passive open space per 1,000 non-residents. Since this benchmark depends on the proportion of non-residents and residents in the study area's population, it is different for Existing, No-Action, and With-Action Conditions.

Compared to the No-Action Condition, the Amended Application with PRIs would improve open space ratios by 1.69 percent for the non-residential ratio, and by 2.21 percent for the combined non-residential and residential open space ratio. Therefore, the Amended Application with PRIs, including the selection of PRIs as identified above, would not result in a significant adverse impact.

The minimum amount of additional open space to fully mitigate the open space impacts would be 1.26 acres. Therefore, the proposed public realm improvements would offset the significant adverse impacts identified in the FEIS. If less than 1.26 acres of the planned public realm improvements are built, then the significant adverse open space impact would only be partially mitigated.

Other standard mitigation measures such as funding for improvements at existing parks; renovation, or maintenance at existing local parks; or improving existing open spaces to increase their utility or capacity were explored by the Department of City Planning (DCP) and the Department of Parks and Recreation (NYC Parks) and found to be unpracticable. However, as described above, the inclusion of public realm improvements would fully or partially mitigate any impacts on open space that would occur.

### Shadows

The Amended Application with PRI would result in a significant adverse shadows impact on one historic architectural resource, St. Bartholomew's Church and Community House. These impacts are the result of incremental shadows during limited time periods on certain analysis days cast by Projected Development Site 7. Based on shadow modeling, it was determined that the height of

<sup>1</sup> The identified public realm improvements comprise 2.43 acres of open space consisting of two 0.16 acre plazas on either side of Park Avenue between 40th Street and 41st Street, a 0.16-acre plaza at Pershing Square East, and the 1.95 acres of improvements to the Park Avenue median.

any new development on Projected Development Site 7 would need to be limited to the height of the existing buildings on this site (approximately 300 feet tall) in order to eliminate the significant adverse shadows impacts on St. Bartholomew's Church and Community House. However, if Projected Development Site 7 were limited to its existing height of 300 feet, it is anticipated significant adverse shadow impacts would be caused by Potential Development Sites C and D which are directly southwest of Projected Development Site 7 and would cast shadows towards St. Bartholomew's. It should be noted that both the individual building massings and their projected combined shadow effect on sunlight sensitive resources in the shadow screening study area represent a very conservative analytical approach that by definition would not occur.

Measures to mitigate the identified shadows impact on St. Bartholomew's Church and Community House were examined, including exploration of feasible changes to the bulk and setback regulations governing Projected Development Site 7 and the less-likely to be developed Potential Development Sites C and D that would reduce or eliminate the incremental shadow that causes the impact. Specifically, a design option was considered where restrictions would be placed to require narrower towers on these sites (refer to FEIS Appendix O, "Additional Shadows Mitigation Analysis of St. Bartholomew's Episcopal Church." However, the alternative scenario did not reduce the incremental shadowing on the resource such that there would not be a significant adverse impact. Additionally, having more restrictive height and setback regulations on this site would not be in line with the project's goals and objectives to promote world-class office space. Therefore, any feasible design for the Amended Application with PRI that meets the goals and objectives would result in a significant adverse shadow impact on this resource.

Further, another mitigation measure that was explored was the provision of artificial lighting of the resource to simulate sunlit conditions. However, it was found that such lighting mitigation, if placed on the interior or exterior of the windows might have a detrimental effect on the historic structure, and might not be realistically feasible to provide partial or full shadows mitigation. Heliostats (reflective discs that would redirect sunlight towards the church) were explored; however, these are not generally effective in providing a diffuse lighting effect and instead often result in spotlight conditions that would not result in mitigating the shadows. Additionally, exterior lighting features may result in detrimental effects on the surrounding buildings and create new visual conditions resulting on a negative effect on the streetscape and the street character.

Based on the foregoing, it was found that there are no reasonable means to partially or fully mitigate significant adverse shadows impacts on the St. Bartholomew's Church and Community House. Therefore, this would be an unavoidable significant adverse impact of the Amended Application.

## Historic Resources

Compared to the No-Action Condition, the Amended Application could result in significant adverse impacts due to potential partial or complete demolition of seven historic resources that are eligible for New York City Landmark (NYCL) designation and/or inclusion on the State and/or National Register of Historic Places (S/NR). These eligible resources are located on Projected Development Sites 2, 4, 6 and 10, and Potential Development Sites J and P.

Direct adverse impacts to the following seven eligible resources were identified: the NYCL-eligible 22-24 East 41st Street Building (#94), the NYCL-eligible Title Guarantee and Trust Company Building at 6 East 45th Street (#99), the S/NR-eligible Barclay/Inter-Continental Hotel at 111 East

48th Street (#103), the NYCL- and S/NR-eligible Postum Building at 250 Park Avenue (#129), the NYCL-eligible Girl Scout Building at 830 Third Avenue (#133), the 346 Madison Avenue Building (#141), and the NYCL-eligible Mercantile Library at 17 East 47th Street (#101).

Redesigning or relocating projected development due to the Amended Application so that either does not disturb the eligible resources by eliminating those development sites from the rezoning proposal would be inconsistent with the overall purpose and need of the Proposed Action and is considered infeasible and impracticable as it would result in an incoherent zoning plan that would not allow for the establishment of an area-wide East Midtown Subdistrict. Contextual redesign, adaptive reuse and the use of a construction protection plan are not available as mitigation measures, given the nature of the Proposed Action as an area-wide rezoning.

Measures that would partially mitigate these significant adverse impacts could include photographically documenting the eligible structures in accordance with Historic American Buildings Survey (HABS) level II, in a manner acceptable to New York City Landmarks Preservation Commission (LPC) and/or placement of an interpretive exhibit within the lobby of new construction. In order to adopt these measures in the absence of a site-specific approval, a mechanism would have to be developed to ensure implementation and compliance since it is not known and cannot be assumed that owners of these properties would voluntarily implement this partial mitigation. DCP, as lead agency, explored the viability of these mitigation measures and determined that there would not be a practicable mechanism to require the mitigation described above.

For those structures that are NYCL-eligible, the LPC may elect to calendar, and then conduct a hearing and designate the structures, either in whole or in part, as landmark buildings. In the event that landmark designation is approved, LPC approval would be required for any alteration or demolition of the designated structures. Designation would avoid any impacts with respect to the eligible resources. However, as the potential for use and results of any designation process cannot be assumed or predicted, designation is not considered a mitigation measure.

Under the Amended Application with PRI, the new Projected Development Site 17 contains two NYCL-listed resources – the John Peirce House (#28) and the Look Building (#29). Both of these resources would be incorporated into the site and would remain with this scenario and as both resources would be protected by a Department of Buildings Construction Protection Plan (CPP), there would be no significant adverse impact. In addition to the NYCL-eligible Mercantile Library on new Potential Development Site P, there is one listed resource, which is 400 Madison Avenue (#49). Under the Amended Application with PRI, 400 Madison Avenue (NYCL and S/NR listed) would become part of that site's zoning lot, but would not be demolished. It would also be protected by a CPP in the event of the development of Potential Development Site P.

As mentioned in the Shadows section above, an unmitigated significant adverse impact would result from shadows from Projected Development Site 7 on parts of the façade of the St. Bartholomew's Church and Community House. Mitigation of this impact was determined to be neither feasible nor practicable.

Consequently, these impacts would not be eliminated and they would constitute unavoidable significant adverse impacts on these historic resources as a result of the Amended Application with PRI.

## Transportation – Traffic, Transit (Subway Stations), and Pedestrians

### *Traffic*

The Amended Application with PRI would result in significant adverse traffic impacts at 117 study area intersections during one or more analyzed peak hours; specifically, the impact locations comprise 203 approach movements at 103 intersections during the AM peak hour, 178 approach movements at 97 intersections during the Midday peak hour, and 211 approach movements at 107 intersections during the PM peak hour. Compared with the Proposed Action, the Amended Application with PRI would have a net increase of two intersections with significant adverse impacts during the AM peak hour, a net decrease of four intersections with significant adverse impacts during the Midday peak hour, and a net increase of one intersection with significant adverse impacts during the PM peak hour.

As demonstrated below, some of these impacts could be mitigated through the implementation of traffic engineering improvements, including:

- Modification of traffic signal phasing and/or timing;
- Elimination of on-street parking within 150 feet of intersections to add a limited travel lane, known as “daylighting”;
- Channelization and lane designation changes to make more efficient use of available street widths.

All of these improvements are low-cost, readily implementable measures that conform to the guidelines of DOT’s *2015 Street Design Manual*. The types of mitigation measures proposed herein are standard measures that are routinely identified by the City and considered feasible for implementation. Table A.2 through Table A.4 summarize the recommended mitigation measures for each of the intersections with significant adverse traffic impacts during the AM, Midday, and PM peak hours, respectively. These tables also include the air quality and pedestrian mitigation measures that have the potential to affect traffic conditions. Implementation of the recommended traffic engineering improvements is subject to review and approval by DOT, except for the enforcement of existing parking regulations, which is under the jurisdiction of the New York Police Department (NYPD), and the removal of diplomat/consular parking is subject to review and approval by the U.S. Department of State. The removal of diplomat/consular and New York Press (NYP) parking spaces would require the identification of alternate parking spaces where the parking could be relocated. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure will be identified.

Tables A.5 through Table A.7 provide a comparison of the v/c ratios, delays, and levels of service (LOS) at impacted intersections with implementation of these mitigation measures to No-Action and Amended Application with PRI Conditions for the AM, Midday, and PM peak hours, respectively. According to the *CEQR Technical Manual*, an impact is considered fully mitigated when the resulting LOS degradation under the Amended Application with-PRI-with-Mitigation Condition compared to the No-Action Condition is no longer deemed significant following the impact criteria. Tables A.5 through A.7 show that some of the significant adverse impacts would be fully mitigated, but unmitigated significant adverse impacts would remain at 177 approach movements at 83 intersections during the AM peak hour, 138 approach movements at 62

intersections during the Midday peak hour, and 171 approach movements at 83 intersections during the PM peak hour. Proposed air quality and pedestrian mitigation measures would potentially affect traffic conditions and have therefore been incorporated into the analyses. These measures would worsen some of the previously identified unmitigated impacts or create new impacts to other movements at previously impacted intersections, and would result in an additional significant adverse traffic impact at one new intersection in the PM peak hour (Third Avenue at East 49th Street).

The traffic analysis uses an extremely conservative approach that assigns vehicle trips to the shortest route. This method does not contemplate diversions from areas of congestion to other routes or times of the day and thus conservatively portrays impacts at areas of concern. As such, the future conditions analyses represent a worst-case scenario and may not be entirely indicative of what will occur as development proceeds during the approximate 20-year period.

DCP and DOT will work together to identify other interventions to help mitigate congestion. As new development occurs, DCP will coordinate with DOT to identify areas where new development could exacerbate vehicular and pedestrian congestion. Due to the existing congestion in the area, it is anticipated that small increases in project-generated vehicle and pedestrian trips could create significant adverse impacts and/or unmitigatable impacts based on the criteria specified in the *CEQR Technical Manual*. DOT's currently active Midtown in Motion program, which includes intersections throughout much of the study area, is one of the tools that may be employed to help address traffic congestion as they are identified. This program enables DOT's Traffic Management Center to pinpoint and respond to traffic congestion in real-time by remotely adjusting traffic signal patterns to improve traffic operations.

The City continues to explore options for developing a comprehensive traffic management plan for Manhattan including Greater East Midtown that is consistent with the City's goals to provide a safe environment for all street users and to reduce auto use in highly dense areas where public transportation is readily available. To account for a changing environment, this plan will consider factors such as an enhanced transit network (taking into account projects such as the previously mentioned East Side Access project and the Second Avenue Subway (Phase I)), and use of travel demand management techniques (i.e., telecommuting, transit incentives, staggered hours, compressed work week, carpooling incentives, etc.), which may reduce the use of personal vehicles and improve traffic and pedestrian operations and safety over the decades to come. The traffic management plan could include, but is not limited to: (1) deployment of innovative Intelligent Transportation Systems (ITS) technology, which would improve the City's ability to manage traffic congestion, respond to traffic incidents, and deliver information to drivers in real-time; (2) potential implementation of an off-hours delivery program, which could further decrease the amount of truck deliveries during peak periods and help reduce traffic congestion by shifting deliveries to overnight hours; and (3) increasing the number of traffic enforcement agents (TEAs) in coordination with NYPD, to better manage traffic operations at strategic locations and avoid spillback at intersections.

**Table A.2 - Proposed Traffic Mitigation Measures for Amended Action With PRI Condition- AM Peak Hour**

Intersection	No-Action	Amended Action With PRI	Amended Action With PRI Mitigations	Proposed Mitigation
1st Ave. & E. 40th St.				Impacts cannot be fully mitigated in this time period
1st Ave. & E. 42nd St.				Impacts cannot be fully mitigated in this time period
1st Ave. & E. 48th St.				Impacts cannot be fully mitigated in this time period
1st Ave. & E. 49th St.				Impacts cannot be fully mitigated in this time period
1st Ave. & E. 55th St.				Impacts cannot be fully mitigated in this time period
1st Ave. & E. 57th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 36th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 37th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 38th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 39th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 40th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 41st St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 42nd St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 43rd St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 44th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 45th St.	WB: 1 LT (10') WB: G=27 SB: G=53	WB: 1 LT (10') WB: G=27 SB: G=53	WB: 2 LT (10') WB: G=25 SB: G=55	-Implement No Standing 7AM-7PM Mon - Fri for 100' along north curb on WB approach. This would result in the elimination of up to 4 authorized vehicle (NYP) parking spaces. -Modify signal timing - Enforce No Standing 7A-7PM Mon-Fri along north curb of 45th Street on the receiving side of WB approach
2nd Ave. & E. 46th St.	EB: G=27 SB: G=53	EB: G=27 SB: G=53	EB: G=25 SB: G=55	Modify signal timing
2nd Ave. & E. 47th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 48th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 49th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 50th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 51st St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 52nd St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 53rd St.	WB: 2 LT (10') Ped: G=7 WB: G=28 SB: G=45	WB: 2 LT (10') Ped: G=7 WB: G=28 SB: G=45	WB: L (10'), 2T (10') Ped: G=7 WB: G=26 SB: G=47	-Implement No Standing 7 AM-2 PM Mon-Fri for 100' along south curb on WB approach to create a left-turn lane. This would result in the elimination of up to 4 commercial parking spaces. -Modify signal timing.
2nd Ave. & E. 54th St.	EB: G=31 SB: G=49	EB: G=31 SB: G=49	EB: G=29 SB: G=51	Modify signal timing
2nd Ave. & E. 55th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 56th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 57th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 59th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 60th St.				Impacts cannot be fully mitigated in this time period
Tunnel Exit St. & E. 39th St.	WB: G=31 NB: G=49	WB: G=31 NB: G=49	WB: G=34 NB: G=46	Modify signal timing
Tunnel Exit St. & E. 40th St.				- No mitigation measures needed - Intersection was mitigated due to mitigation measures applied at adjacent intersections
3rd Ave. & E. 36th St.				Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 37th St.				Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 39th St.	NB: 4 LT (10')	NB: 4 LT (10')	NB: L (10') 4T (10')	-Implement No Standing Anytime for 100' along west curb on NB approach to create a left-turn lane as per air quality mitigation. This would result in the elimination of up to 4 commercial vehicle parking spaces. -Impacts cannot be fully mitigated in this time period

Intersection	No-Action	Amended Action With PRI	Amended Action With PRI Mitigations	Proposed Mitigation
3rd Ave. & E. 40th St.	EB: 1 LT (13') EB: G=35 NB: G=45	EB: 1 L (10'), 1 T (11') EB: G=35 NB: G=45	EB: 1 L (10'), 1 T (11') EB: G=30 NB: G=50	-Modify signal timing
3rd Ave. & E. 41st St.	EB/WB: G=35 NB: G=45	EB/WB: G=35 NB: G=45	EB/WB: G=30 NB: G=50	-Modify signal timing as per air quality mitigation -Implement No Parking 7AM-10AM for 200' along west curb of NB approach as per air quality mitigation. This would result in the elimination of up to 8 commercial parking spaces. -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 42nd St.				-Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 43rd St.				Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 44th St.	EB: G=40 NB: G=40	EB: G=40 NB: G=40	EB: G=37 NB: G=43	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 45th St.	NB: 4 LT (10') WB T: G=27 WB TR: G=17 NB: G=36	NB: 1 L (10'), 4 T(10') WB T: G=27 WB TR: G=17 NB: G=36	NB: 1 L (10'), 4 T(10') WB T: G=27 WB TR: G=14 NB: G=39	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 46th St.	EB T: G=27 EB LT: G=17 NB: G=36	EB T: G=27 EB LT: G=17 NB: G=36	EB T: G=27 EB LT: G=16 NB: G=37	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 47th St.	NB: 4 LT (10') WB: G=45 NB: G=35	NB: 1 L (10'), 4 T(10') WB: G=45 NB: G=35	NB: 1 L (10'), 4 T(10') WB: G=42 NB: G=38	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 48th St.	EB: G=45 NB: G=35	EB: G=45 NB: G=35	EB: G=42 NB: G=38	-Modify signal timing as per air quality mitigation -No significant adverse traffic impacts in With-Action condition
3rd Ave. & E. 49th St.	NB: 4 LT (10') WB T: G=29 WB TR: G=17 NB: G=34	NB: 1 L (10'), 4 T(10') WB T: G=29 WB TR: G=17 NB: G=34	NB: 1 L (10'), 4 T(10') WB T: G=29 WB TR: G=14 NB: G=37	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 50th St.				Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 51st St.				Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 52nd St.	EB: G=45 NB: G=35	EB: G=45 NB: G=35	EB: G=41 NB: G=39	-Modify signal timing
3rd Ave. & E. 53rd St.	WB T: G=27 WB TR: G=17 NB: G=36	WB T: G=27 WB TR: G=17 NB: G=36	WB T: G=27 WB TR: G=14 NB: G=39	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 54th St.	EB T: G=27 EB LT: G=17 NB: G=36	EB T: G=27 EB LT: G=17 NB: G=36	EB T: G=27 EB LT: G=14 NB: G=39	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 55th St.	NB: 4 LT (10') WB: G=38 NB: G=35 Ped: G=7	NB: 1 L (10'), 4 T(10') WB: G=38 NB: G=35 Ped: G=7	NB: 1 L (10'), 4 T(10') WB: G=35 NB: G=38 Ped: G=7	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 56th St.	EB: G=37 NB: G=43	EB: G=37 NB: G=43	EB: G=34 NB: G=46	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 57th St.	NB (West): 3 LT (10')	NB (West): 3 LT (10')	NB (West): 3 LT (10')	-Implement No Standing 7AM-7PM Mon-Fri for 200' along the west curb of NB approach (west side) as per air quality mitigation. This would result in the elimination of up to 8 commercial parking spaces. -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 59th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 36th St.	EB: G=28 Ped: G=7 SB: G=45	EB: G=28 Ped: G=7 SB: G=45	EB: G=27 Ped: G=7 SB: G=46	Modify signal timing

Intersection	No-Action	Amended Action With PRI	Amended Action With PRI Mitigations	Proposed Mitigation
Lexington Ave. & E. 38th St.	EB T: G=23 EB TR: G=13 SB: G=44	EB T: G=23 EB TR: G=13 SB: G=44	EB T: G=23 EB TR: G=14 SB: G=43	- Implement No Standing 7AM-10AM Mon-Fri for 50' along east curb on SB approach. This would result in the elimination of up to 2 commercial parking spaces. - Modify signal timing
Lexington Ave. & E. 39th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 40th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 42nd St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 44th St.	SB: G=49 Ped: G=36	SB: G=49 Ped: G=36	SB: G=52 Ped: G=33	Modify signal timing
Lexington Ave. & E. 45th St.	WB: G=31 SB: G=49	WB: G=31 SB: G=49	WB: G=27 SB: G=53	Modify signal timing
Lexington Ave. & E. 46th St.	SB: 3 LT (10' EB: G=31 SB: G=49 *Offset: 78	1 L (10'), 3 T (10' EB: G=31 SB: G=49 *Offset: 78	1 L (10'), 3 T (10' EB: G=29 SB: G=51 *Offset: 79	-Modify signal timing as per pedestrian mitigation -Modify offset to mitigate new impact from pedestrian mitigation
Lexington Ave. & E. 47th St.				-Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 48th St.				-Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 50th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 51st St.	WB T: G=23 WB LT: G=14 SB: G=43	WB T: G=23 WB LT: G=14 SB: G=43	WB T: G=23 WB LT: G=13 SB: G=44	Modify signal timing
Lexington Ave. & E. 53rd St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 54th St.	3 LT (10' EB: G=35 SB: G=45	1 L (10'), 3 T (10' EB: G=35 SB: G=45	1 L (10'), 3 T (10' EB: G=36 SB: G=44	Modify signal timing
Lexington Ave. & E. 55th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 56th St.	EB T: G=26 EB TR: G=14 SB: G=40	EB T: G=26 EB TR: G=14 SB: G=40	EB T: G=23 EB TR: G=14 SB: G=43	Modify signal timing
Lexington Ave. & E. 57th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 39th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 40th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 47th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 48th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 49th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 50th St.				-Impacts cannot be fully mitigated in this time period
Park Ave. & E. 51st St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 52nd St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 53rd St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 54th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 55th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 56th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 57th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 39th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 40th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 41st St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 42nd St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 43rd St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 46th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 48th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 53rd St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 54th St.	EB: G=35 NB: G=45	EB: G=35 NB: G=45	EB: G=31 NB: G=49	Modify signal timing
5th Ave. & 38th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 39th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 40th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 42nd St.	EB/WB: G=35 SB: G=45	EB/WB: G=35 SB: G=45	EB/WB: G=34 SB: G=46	-Modify signal timing as per pedestrian mitigation -Impacts cannot be fully mitigated in this time period

Intersection	No-Action	Amended Action With PRI	Amended Action With PRI Mitigations	Proposed Mitigation
5th Ave. & 43rd St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 44th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 47th St.	WB T: G=23 WB LT: G=15 SB: G=42	WB T: G=23 WB LT: G=15 SB: G=42	WB T: G=23 WB LT: G=14 SB: G=43	Modify signal timing
5th Ave. & 48th St.	EB T: G=24 EB TR: G=15 SB: G=41	EB T: G=24 EB TR: G=15 SB: G=41	EB T: G=24 EB TR: G=14 SB: G=42	Modify signal timing
5th Ave. & 49th St.	WB: G=35 SB: G=45	WB: G=35 SB: G=45	WB: G=34 SB: G=46	Modify signal timing
5th Ave. & 54th St.	EB: G=35 SB: G=45	EB: G=35 SB: G=45	EB: G=34 SB: G=46	Modify signal timing
5th Ave. & 57th St.				Impacts cannot be fully mitigated in this time period
6th Ave. & W. 48th St.				Impacts cannot be fully mitigated in this time period
<b>Notes:</b> EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound "G" indicates amount of green phase time, in seconds				

**Table A.3 - Proposed Traffic Mitigation Measures for Amended Action With PRI Condition- Midday Peak Hour**

Intersection	No-Action	Amended Action With PRI	Amended Action With PRI Mitigations	Proposed Mitigation
1st Ave. & E. 40th St.	EB: G=35 NB: G=45	EB: G=35 NB: G=45	EB: G=36 NB: G=44	Modify signal timing
1st Ave. & E. 44th St.	EB: G=35 NB: G=45	EB: G=35 NB: G=45	EB: G=36 NB: G=44	Modify signal timing
1st Ave. & E. 46th St.	EB: G=35 NB: G=45	EB: G=35 NB: G=45	EB: G=36 NB: G=44	Modify signal timing
1st Ave. & E. 54th St.	EB: G=28 Ped: G=7 NB: G=45	EB: G=28 Ped: G=7 NB: G=45	EB: G=29 Ped: G=7 NB: G=44	Modify signal timing
2nd Ave. & E. 37th St.	WB: G=31 SB: G=49	WB: G=31 SB: G=49	WB: G=30 SB: G=50	Modify signal timing
2nd Ave. & E. 38th St.	EB: G=31 SB: G=49	EB: G=31 SB: G=49	EB: G=30 SB: G=50	Modify signal timing
2nd Ave. & E. 39th St.	WB: G=31 SB: G=49	WB: G=31 SB: G=49	WB: G=29 SB: G=51	Modify signal timing
2nd Ave. & E. 40th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 41st St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 42nd St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 43rd St.	WB LT: G=31 SB T: G=49	WB LT: G=31 SB T: G=49	WB LT: G=28 SB T: G=52	Modify signal timing
2nd Ave. & E. 44th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 45th St.	WB: 1 LT (10') WB: G=27 SB: G=53	WB: 1 LT (10') WB: G=27 SB: G=53	WB: 2 LT (10') WB: G=26 SB: G=54	-Implement No Standing 7AM-7PM Mon - Fri for 100' along north curb on WB approach. This would result in the elimination of up to 4 authorized vehicle (NYP) parking spaces. -Modify signal timing. - Enforce No Standing 7A-7PM Mon-Fri along north curb of 45th Street on the receiving side of WB approach.
2nd Ave. & E. 46th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 47th St.	WB: G=27 SB: G=53	WB: G=27 SB: G=53	WB: G=25 SB: G=55	Modify signal timing
2nd Ave. & E. 48th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 49th St.	WB T: G=7 WB LT: G=25 SB: G=48	WB T: G=7 WB LT: G=25 SB: G=48	WB T: G=7 WB LT: G=24 SB: G=49	Modify signal timing
2nd Ave. & E. 50th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 51st St.	EB: G=31 SB: G=49	EB: G=31 SB: G=49	EB: G=30 SB: G=50	Modify signal timing
2nd Ave. & E. 52nd St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 53rd St.	WB: 2 LT (10') Ped: G=7 WB: G=28 SB: G=45	WB: 2 LT (10') Ped: G=7 WB: G=28 SB: G=45	WB: L (10'), 2T (10') Ped: G=7 WB: G=26 SB: G=47	-Implement No Standing 7 AM-2 PM Mon-Fri for 100' along south curb on WB approach to create a left-turn lane. This would result in the elimination of up to 4 commercial parking spaces. -Modify signal timing
2nd Ave. & E. 54th St.	EB: G=31 SB: G=49	EB: G=31 SB: G=49	EB: G=30 SB: G=50	Modify signal timing
2nd Ave. & E. 55th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 56th St.	EB: G=31 SB: G=49	EB: G=31 SB: G=49	EB: G=29 SB: G=51	Modify signal timing

Intersection	No-Action	Amended Action With PRI	Amended Action With PRI Mitigations	Proposed Mitigation
2nd Ave. & E. 57th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 59th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 60th St.				Impacts cannot be fully mitigated in this time period
Tunnel Exit St. & E. 39th St.	WB: G=31 NB: G=49	WB: G=31 NB: G=49	WB: G=30 NB: G=50	Modify signal timing
3rd Ave. & E. 36th St.	EB LT: G=40 NB T: G=22 NB TR: G=18	EB LT: G=40 NB T: G=22 NB TR: G=18	EB LT: G=37 NB T: G=25 NB TR: G=18	Modify signal timing
3rd Ave. & E. 37th St.				Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 39th St.	NB: 4 LT (10')	NB: 4 LT (10')	NB: L (10'), 4T (10')	-Implement No Standing Anytime for 100' along west curb on NB approach to create a left-turn lane as per air quality mitigation. This would result in the elimination of up to 4 commercial vehicle parking spaces. -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 40th St.	EB: 1 LT (13') EB: G=35 NB: G=45	1 L (10'), 1 T (11') EB: G=35 NB: G=45	1 L (10'), 1 T (11') EB: G=31 NB: G=49	Modify signal timing
3rd Ave. & E. 41st St.	EB/WB: G=35 NB: G=45	EB/WB: G=35 NB: G=45	EB/WB: G=31 NB: G=49	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 42nd St.				-Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 43rd St.	WB: G=40 NB: G=40	WB: G=40 NB: G=40	WB: G=38 NB: G=42	-Modify signal timing as per pedestrian mitigation
3rd Ave. & E. 44th St.	EB: G=40 NB: G=40	EB: G=40 NB: G=40	EB: G=37 NB: G=43	-Modify signal timing as per pedestrian mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 46th St.	EB T: G=27 EB LT: G=17 NB: G=36	EB T: G=27 EB LT: G=17 NB: G=36	EB T: G=27 EB LT: G=15 NB: G=38	Modify signal timing
3rd Ave. & E. 47th St.	NB: 4 LT (10') WB: G=45 NB: G=35	NB: 1 L (10'), 4 T (10') WB: G=45 NB: G=35	NB: 1 L (10'), 4 T (10') WB: G=42 NB: G=38	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 48th St.	EB: G=45 NB: G=35	EB: G=45 NB: G=35	EB: G=41 NB: G=39	Modify signal timing
3rd Ave. & E. 50th St.	EB: G=45 NB: G=35	EB: G=45 NB: G=35	EB: G=43 NB: G=37	Modify signal timing
3rd Ave. & E. 51st St.	NB: 4 LT (10') WB: G=45 NB: G=33	NB: 1 L (10'), 4 T (10') WB: G=45 NB: G=33	NB: 1 L (10'), 4 T (10') WB: G=41 NB: G=37	Modify signal timing
3rd Ave. & E. 52nd St.	EB: G=45 NB: G=35	EB: G=45 NB: G=35	EB: G=41 NB: G=39	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 53rd St.				Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 54th St.	EB T: G=27 EB LT: G=17 NB: G=36	EB T: G=27 EB LT: G=17 NB: G=36	EB T: G=27 EB LT: G=14 NB: G=39	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 55th St.	NB: 4 LT (10') WB: G=38 NB: G=35 Ped: G=7	NB: 1 L (10'), 4 T (10') WB: G=38 NB: G=35 Ped: G=7	NB: 1 L (10'), 4 T (10') WB: G=35 NB: G=38 Ped: G=7	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 56th St.	EB: G=37 NB: G=43	EB: G=37 NB: G=43	EB: G=33 NB: G=47	Modify signal timing
3rd Ave. & E. 57th St.	NB (West): 3 LT (10')	NB (West): 3 LT (10')	NB (West): 3 LT (10')	-Implement No Standing 7AM-7PM Mon-Fri for 200' along the west curb of NB approach (west side) as per air quality mitigation. This would result in the elimination of up to 8 commercial parking spaces. -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 59th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 36th St.	EB: G=28 Ped: G=7 SB: G=45	EB: G=28 Ped: G=7 SB: G=45	EB: G=27 Ped: G=7 SB: G=46	Modify signal timing

Intersection	No-Action	Amended Action With PRI	Amended Action With PRI Mitigations	Proposed Mitigation
Lexington Ave. & E. 39th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 42nd St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 44th St.	SB: G=49 Ped: G=36	SB: G=49 Ped: G=36	SB: G=51 Ped: G=34	Modify signal timing
Lexington Ave. & E. 46th St.				-Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 47th St.				-Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 48th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 49th St.	WB: G=35 SB: G=45	WB: G=35 SB: G=45	WB: G=33 SB: G=47	Modify signal timing
Lexington Ave. & E. 51st St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 52nd St.	SB: 3 LT (10') EB T: G=23 EB TR: G=14 SB: G=43	SB: 1 L (10'), 3 T (10') EB T: G=23 EB TR: G=14 SB: G=43	SB: 1 L (10'), 3 T (10') EB T: G=24 EB TR: G=15 SB: G=41	Modify signal timing
Lexington Ave. & E. 53rd St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 54th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 55th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 57th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 39th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 40th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 46th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 47th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 48th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 49th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 50th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 51st St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 52nd St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 53rd St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 54th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 55th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 56th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 57th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 39th St.	WB: G=23 WB TR: G=12 NB: G=45	WB: G=23 WB TR: G=12 NB: G=45	WB: G=24 WB TR: G=14 NB: G=42	Modify signal timing
Madison Ave. & E. 40th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 41st St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 42nd St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 43rd St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 46th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 48th St.	EB T: G=23 EB LT: G=14 NB: G=43	EB T: G=23 EB LT: G=14 NB: G=43	EB T: G=23 EB LT: G=15 NB: G=42	Modify signal timing
Madison Ave. & E. 49th St.	WB: G=35 NB: G=45	WB: G=35 NB: G=45	WB: G=36 NB: G=44	Modify signal timing
Madison Ave. & E. 54th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 38th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 39th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 40th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 42nd St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 43rd St.	WB: G=35 SB: G=45 Offset: 43	WB: G=35 SB: G=45 Offset: 43	WB: G=32 SB: G=48 Offset: 40	Modify signal timing

Intersection	No-Action	Amended Action With PRI	Amended Action With PRI Mitigations	Proposed Mitigation
5th Ave. & 44th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 47th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 48th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 49th St.	WB: G=35 SB: G=45	WB: G=35 SB: G=45	WB: G=34 SB: G=46	Modify signal timing
5th Ave. & 54th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 57th St.	EB: G=35 SB: G=45	EB: G=35 SB: G=45	EB: G=36 SB: G=44	Modify signal timing
6th Ave. & W. 48th St.	EB: G=35 NB: G=45	EB: G=35 NB: G=45	EB: G=36 NB: G=44	Modify signal timing
<b>Notes:</b>				
EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound				
"G" indicates amount of green phase time, in seconds				

**Table A.4 - Proposed Traffic Mitigation Measures for Amended Action With PRI Condition- PM Peak Hour**

Intersection	No-Action	Amended Action With PRI	Amended Action With PRI Mitigations	Proposed Mitigation
1st Ave. & E. 40th St.				Impacts cannot be fully mitigated in this time period
1st Ave. & E. 42nd St.				Impacts cannot be fully mitigated in this time period
1st Ave. & E. 46th St.				Impacts cannot be fully mitigated in this time period
1st Ave. & E. 47th St.				Impacts cannot be fully mitigated in this time period
1st Ave. & E. 48th St.				Impacts cannot be fully mitigated in this time period
1st Ave. & E. 49th St.				Impacts cannot be fully mitigated in this time period
1st Ave. & E. 54th St.				Impacts cannot be fully mitigated in this time period
1st Ave. & E. 55th St.	WB: G=35 NB LT: G=38 NB T/Ped: G=7	WB: G=35 NB LT: G=38 NB T/Ped: G=7	WB: G=34 NB LT: G=39 NB T/Ped: G=7	Modify signal timing
1st Ave. & E. 57th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 36th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 37th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 38th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 39th St.	WB: G=31 SB: G=49	WB: G=31 SB: G=49	WB: G=29 SB: G=51	Modify signal timing
2nd Ave. & E. 40th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 41st St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 42nd St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 43rd St.	WB: G=31 SB: G=49	WB: G=31 SB: G=49	WB: G=28 SB: G=52	-Modify signal timing -Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 44th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 45th St.	WB: 1 LT (10') WB: G=27 SB: G=53	WB: 1 LT (10') WB: G=27 SB: G=53	WB: 2 LT (10') WB: G=24 SB: G=56	-Implement No Standing 7AM-7PM Mon - Fri for 100' along north curb on WB approach. This would result in the elimination of up to 4 authorized vehicle (NYP) parking spaces. -Modify signal timing. - Enforce No Standing 7A-7PM Mon-Fri along north curb of 45th Street on the receiving side of WB approach.
2nd Ave. & E. 46th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 47th St.	WB: G=27 SB: G=53	WB: G=27 SB: G=53	WB: G=24 SB: G=56	Modify signal timing
2nd Ave. & E. 48th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 49th St.	WB T: G=7 WB LT: G=25 SB: G=48 Offset: 82"	WB T: G=7 WB LT: G=25 SB: G=48 Offset: 82"	WB T: G=7 WB LT: G=28 SB: G=45 Offset: 83"	Modify signal timing *Offset changed to mitigate impact due to adjacent intersections.
2nd Ave. & E. 50th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 52nd St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 53rd St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 54th St.	EB: G=31 SB: G=49	EB: G=31 SB: G=49	EB: G=30 SB: G=50	Modify signal timing
2nd Ave. & E. 55th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 56th St.	EB: G=31 SB: G=49	EB: G=31 SB: G=49	EB: G=30 SB: G=50	Modify signal timing
2nd Ave. & E. 57th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 59th St.				Impacts cannot be fully mitigated in this time period
2nd Ave. & E. 60th St.				Impacts cannot be fully mitigated in this time period
Tunnel Exit St. & E. 40th St.	EB: G=31 NB: G=49	EB: G=31 NB: G=49	EB: G=32 NB: G=48	Modify signal timing
3rd Ave. & E. 36th St.				Impacts cannot be fully mitigated in this time period

Intersection	No-Action	Amended Action With PRI	Amended Action With PRI Mitigations	Proposed Mitigation
3rd Ave. & E. 37th St.	WB T: G=28 WB TR: G=16 NB: G=36	WB T: G=28 WB TR: G=16 NB: G=36	WB T: G=28 WB TR: G=17 NB: G=35	Modify signal timing
3rd Ave. & E. 38th St.	EB: G= 35 NB: G=45	EB: G= 35 NB: G=45	EB: G= 37 NB: G=43	Modify signal timing
3rd Ave. & E. 39th St.	NB: 4 LT (10')	NB: 4 LT (10')	NB: L (10') 4T (10')	-Implement No Standing Anytime for 100' along west curb on NB approach to create a left-turn lane as per air quality mitigation. This would result in the elimination of up to 4 commercial vehicle parking spaces. -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 40th St.	EB: 1 LT (13') EB: G=35 NB: G=45	EB: 1 L (10'), 1 T (11') EB: G=35 NB: G=45	EB: 1 L (10'), 1 T (11') EB: G=30 NB: G=50	-Modify signal timing
3rd Ave. & E. 41st St.	EB/WB: G=36 NB: G=44	EB/WB: G=36 NB: G=44	EB/WB: G=31 NB: G=49	-Modify signal timing as per air quality mitigation -Implement No Parking 4PM-7PM for 200' along west curb of NB approach as per air quality mitigation. This would result in the elimination of up to 8 commercial parking spaces. -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 42nd St.				-Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 43rd St.	WB: G=40 NB: G=40	WB: G=40 NB: G=40	WB: G=37 NB: G=43	-Modify signal timing as per air quality mitigation
3rd Ave. & E. 44th St.	EB: G=40 NB: G=40	EB: G=40 NB: G=40	EB: G=37 NB: G=43	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 45th St.	NB: 4 LT (10') WB T: G=27 WB TR: G=17 NB: G=36	NB: 1 L (10'), 4 T(10') WB T: G=27 WB TR: G=17 NB: G=36	NB: 1 L (10'), 4 T(10') WB T: G=27 WB TR: G=14 NB: G=39	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 46th St.	EB T: G=27 EB LT: G=17 NB: G=36	EB T: G=27 EB LT: G=17 NB: G=36	EB T: G=27 EB LT: G=15 NB: G=38	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 47th St.	NB: 4 LT (10') WB: G=45 NB: G=35	NB: 1 L (10'), 4 T(10') WB: G=45 NB: G=35	NB: 1 L (10'), 4 T(10') WB: G=42 NB: G=38	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 48th St.	EB: G=45 NB: G=35	EB: G=45 NB: G=35	EB: G=41 NB: G=39	-Modify signal timing -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 49th St.	NB: 4 LT (10') WB T: G=29 WB TR: G=17 NB: G=34	NB: 1 L (10'), 4 T(10') WB T: G=29 WB TR: G=17 NB: G=34	NB: 1 L (10'), 4 T(10') WB T: G=29 WB TR: G=14 NB: G=37	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 50th St.	EB: G=45 NB: G=35	EB: G=45 NB: G=35	EB: G=42 NB: G=38	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 51st St.	NB: 4 LT (10') WB: G=45 NB: G=28	NB: 1 L (10'), 4 T(10') WB: G=45 NB: G=28	NB: 1 L (10'), 4 T(10') WB: G=42 NB: G=31	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 52nd St.	EB: G=45 NB: G=35 Offset: 88	EB: G=45 NB: G=35 Offset: 88	EB: G=42 NB: G=38 Offset: 1	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 53rd St.	WB T: G=27 WB TR: G=17 NB: G=36	WB T: G=27 WB TR: G=17 NB: G=36	WB T: G=27 WB TR: G=14 NB: G=39	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 54th St.	EB T: G=27 EB LT: G=17 NB: G=36	EB T: G=27 EB LT: G=17 NB: G=36	EB T: G=27 EB LT: G=14 NB: G=39	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period

Intersection	No-Action	Amended Action With PRI	Amended Action With PRI Mitigations	Proposed Mitigation
3rd Ave. & E. 55th St.	NB: 4 LT (10') WB: G=38 NB: G=35 Ped: G=7	NB: 1 L (10'), 4 T(10') WB: G=38 NB: G=35 Ped: G=7	NB: 1 L (10'), 4 T(10') WB: G=35 NB: G=38 Ped: G=7	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 56th St.	EB: G=37 NB: G=43	EB: G=37 NB: G=43	EB: G=34 NB: G=46	-Modify signal timing as per air quality mitigation -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 57th St.	NB (West): 3 LT (10')	NB (West): 3 LT (10')	NB (West): 3 LT (10')	-Implement No Standing 7AM-7PM Mon-Fri for 200' along the west curb of NB approach (west side) as per air quality mitigation. This would result in the elimination of up to 8 commercial parking spaces. -Impacts cannot be fully mitigated in this time period
3rd Ave. & E. 59th St.	EB: G=40 NB T: G=17 NB TR: G=23	EB: G=40 NB T: G=17 NB TR: G=23	EB: G=38 NB T: G=17 NB TR: G=25	Modify signal timing
Lexington Ave. & E. 36th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 38th St.	EB T: G=23 EB TR: G=13 SB: G=44	EB T: G=23 EB TR: G=13 SB: G=44	EB T: G=23 EB TR: G=14 SB: G=43	-Modify signal timing -Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 39th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 40th St.	SB: 3 LT (10') EB TR: G=13 EBT: G=23 SB: G=44	SB: 1 L (10'), 3 T(10') EB TR: G=13 EBT: G=23 SB: G=44	SB: 1 L (10'), 3 T(10') EB TR: G=14 EBT: G=23 SB: G=43	-Modify signal timing -Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 42nd St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 44th St.	SB: G=49 Ped: G=36	SB: G=49 Ped: G=36	SB: G=51 Ped: G=34	Modify signal timing
Lexington Ave. & E. 46th St.				-Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 47th St.				-Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 48th St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 49th St.	*WB: G=35 SB: G=45	*WB: G=35 SB: G=45	WB: G=34 SB: G=46	Signal timing modified to mitigate new impact from other mitigation
Lexington Ave. & E. 50th St.	SB: 3 LT (10') EB: G=35 SB: G=45	SB: 1 L (10'), 3 T(10') EB: G=35 SB: G=45	SB: 1 L (10'), 3 T(10') EB: G=31 SB: G=49	Modify signal timing
Lexington Ave. & E. 51st St.				Impacts cannot be fully mitigated in this time period
Lexington Ave. & E. 52nd St.	SB: 3 LT (10') EB T: G=23 EB TR: G=14 SB: G=43	SB: 1 L (10'), 3 T(10') EB T: G=23 EB TR: G=14 SB: G=43	SB: 1 L (10'), 3 T(10') EB T: G=23 EB TR: G=16 SB: G=41	Modify signal timing
Lexington Ave. & E. 53rd St.	WB: G=35 SB: G=45	WB: G=35 SB: G=45	WB: G=36 SB: G=44	Modify signal timing
Lexington Ave. & E. 55th St.	WB T: G=23 WB TL: G=14 SBT: G=43	WB T: G=23 WB TL: G=14 SBT: G=43	WBT: G=23 WB TL: G=16 SBT: G=41	Modify signal timing
Lexington Ave. & E. 57th St.	EB/WB: G=37 SB: G=43	EB/WB: G=37 SB: G=43	EB/WB: G=38 SB: G=42	Modify signal timing
Park Ave. & E. 36th St.	EB: G=35 NB/SB: G=45	EB: G=35 NB/SB: G=45	EB: G=37 NB/SB: G=43	Modify signal timing
Park Ave. & E. 38th St.	NB: T(11'), TR (12) NB/SB: G=45 EB: G=35	NB: T(11'), TR (12) NB/SB: G=45 EB: G=35	NB: T (11'), T (11'), R (12) NB/SB: G=43 EB: G=37	- Implement No Standing 4PM-7PM on east curb of NB approach for 100' to create a right-turn lane. This would result in the elimination of up to 3 diplomat spaces and 1 commercial space. -Modify signal timing
Park Ave. & E. 39th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 40th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 46th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 47th St.				Impacts cannot be fully mitigated in this time period

Intersection	No-Action	Amended Action With PRI	Amended Action With PRI Mitigations	Proposed Mitigation
Park Ave. & E. 48th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 49th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 50th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 51st St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 52nd St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 53rd St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 54th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 55th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 56th St.				Impacts cannot be fully mitigated in this time period
Park Ave. & E. 57th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 39th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 40th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 41st St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 42nd St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 43rd St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 46th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 48th St.	EB T: G=23 EB LT: G=14 NB: G=43	EB T: G=23 EB LT: G=14 NB: G=43	EB T: G=23 EB LT: G=13 NB: G=44	Modify signal timing
Madison Ave. & E. 49th St.				Impacts cannot be fully mitigated in this time period
Madison Ave. & E. 53rd St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 38th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 39th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 40th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 42nd St.	EB/WB: G=35 SB: G=45	EB/WB: G=35 SB: G=45	EB/WB: G=37 SB: G=43	-Modify signal timing as per pedestrian mitigation -Impacts cannot be fully mitigated in this time period
5th Ave. & 43rd St.	SB: G=45 WB: G=35	SB: G=45 WB: G=35	SB: G=49 WB: G=31	Modify signal timing
5th Ave. & 44th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 47th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 48th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 49th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 54th St.				Impacts cannot be fully mitigated in this time period
5th Ave. & 57th St.				Impacts cannot be fully mitigated in this time period
6th Ave. & W. 49th St.	WB: G=35 NB: G=45	WB: G=35 NB: G=45	WB: G=38 NB: G=42	Modify signal timing
<b>Notes:</b> EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound "G" indicates amount of green phase time, in seconds				

**Table A.5 - Greater East Midtown Rezoning EIS**

Traffic LOS Tables for Amended Action With PRI Condition with and without Proposed Mitigation- AM Peak Hour

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>1st Avenue &amp; East 40th Street</b>												
Eastbound	L	1.13	100.3	F	L	1.15	105.0	F +	L	1.15	105.0	F +
Northbound	T	1.23	134.5	F	T	1.25	139.9	F +	T	1.25	139.9	F +
<b>1st Avenue &amp; East 42nd Street</b>												
Eastbound (East Side)	T	1.32	174.0	F	T	1.31	171.1	F	T	1.31	171.1	F
Westbound (East Side)	TR	1.15	116.7	F	TR	1.23	147.4	F +	TR	1.23	147.4	F +
	R	1.12	134.7	F	R	1.19	159.1	F +	R	1.19	159.1	F +
Northbound (East Side)	LT	0.67	92.7	F	LT	0.68	96.9	F +	LT	0.68	96.8	F +
	R	1.66	327.1	F	R	1.66	326.8	F	R	1.66	326.8	F
Eastbound (West Side)	L	0.95	113.1	F	L	0.98	114.4	F	L	0.98	114.4	F
	T	0.80	74.6	E	T	0.80	74.6	E	T	0.80	74.6	E
Westbound (West Side)	TR	0.99	21.2	C	TR	1.04	37.8	D	TR	1.04	37.8	D
Northbound (West Side)	L	0.77	26.6	C	L	0.78	26.7	C	L	0.78	26.7	C
	T	0.73	81.9	F	T	0.76	82.0	F	T	0.76	82.0	F
<b>1st Avenue &amp; East 44th Street</b>												
Eastbound	L	0.80	26.6	C	L	0.82	25.3	C	L	0.82	25.3	C
Northbound	T	0.69	1.7	A	T	0.72	1.9	A	T	0.72	1.9	A
<b>1st Avenue &amp; East 46th Street</b>												
Eastbound	L	0.83	33.7	C	L	0.82	31.8	C	L	0.82	30.5	C
Northbound	T	0.70	2.3	A	T	0.72	2.4	A	T	0.72	2.4	A
<b>1st Avenue &amp; East 47th Street</b>												
Northbound (East Side)	T	0.75	13.6	B	T	0.76	13.6	B	T	0.76	13.6	B
Northbound (West Side)	L	0.68	16.4	B	L	0.72	17.7	B	L	0.72	17.7	B
	T	0.72	16.1	B	T	0.74	18.4	B	T	0.74	18.4	B
<b>1st Avenue &amp; East 48th Street (East Side)</b>												
Northbound	T	0.31	0.4	A	T	0.33	0.4	A	T	0.33	0.4	A
	R	0.68	4.3	A	R	0.68	4.3	A	R	0.68	4.3	A
<b>1st Avenue &amp; East 49th Street</b>												
Westbound (East Side)	T	0.94	50.0	D	T	1.06	81.3	F +	T	1.06	81.3	F +
	R	0.19	16.9	B	R	0.20	16.9	B	R	0.20	16.9	B
Northbound (East Side)	T	1.00	80.4	F	T	1.02	80.4	F	T	1.02	80.4	F
Westbound (West Side)	T	0.94	16.5	B	T	1.06	37.9	D	T	1.06	37.9	D
Northbound (West Side)	LT	1.02	49.9	D	LT	1.05	57.4	E +	LT	1.05	57.4	E +
<b>1st Avenue &amp; East 53rd Street</b>												
Westbound	TR	0.70	27.9	C	TR	0.80	31.8	C	TR	0.80	31.8	C
Northbound	L	0.73	33.7	C	L	0.73	33.9	C	L	0.73	33.9	C
	T	0.80	23.7	C	T	0.81	25.0	C	T	0.81	25.0	C
<b>1st Avenue &amp; East 54th Street</b>												
Eastbound	LT	1.12	102.5	F	LT	1.12	101.4	F	LT	1.12	99.0	F
Northbound	T	0.99	63.8	E	T	1.01	64.1	E	T	1.01	64.1	E
	R	0.79	19.0	B	R	0.78	18.2	B	R	0.78	18.2	B
<b>1st Avenue &amp; East 55th Street</b>												
Westbound	TR	0.82	42.0	D	TR	0.83	42.7	D	TR	0.83	42.7	D
Northbound	L	1.06	69.8	E	L	1.19	118.4	F +	L	1.19	118.4	F +
	T	1.04	61.4	E	T	1.05	60.9	E	T	1.05	60.9	E
<b>1st Avenue &amp; East 57th Street</b>												
Eastbound	LT	1.20dl	58.0	E	LT	1.20dl	58.2	E	LT	1.20dl	58.2	E
Westbound	TR	0.39	30.2	C	TR	0.39	30.2	C	TR	0.39	30.2	C
Northbound	L	0.38	21.3	C	L	0.38	21.4	C	L	0.38	21.4	C
	T	1.37	190.7	F	T	1.38	195.6	F +	T	1.38	195.6	F +
	R	0.23	9.1	A	R	0.23	9.1	A	R	0.23	9.1	A
<b>2nd Avenue &amp; East 36th Street</b>												
Eastbound	TR	1.31	168.3	F	TR	1.32	175.2	F +	TR	1.32	175.2	F +
Southbound	L	1.65	316.8	F	L	1.72	345.6	F +	L	1.72	345.6	F +
	T	1.17	97.5	F	T	1.20	110.0	F +	T	1.20	110.0	F +
South-Westbound	L	1.14	113.9	F	L	1.14	115.7	F	L	1.14	115.7	F

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
2nd Avenue & East 37th Street												
Westbound	LT	0.97dl	44.1	D	LT	1.00dl	45.4	D	LT	1.00dl	45.4	D
Southbound	T	1.24	119.4	F	T	1.27	135.7	F +	T	1.27	135.7	F +
	R	0.10	3.3	A	R	0.10	3.3	A	R	0.10	3.3	A
2nd Avenue & East 38th Street												
Eastbound	TR	1.13	112.7	F	TR	1.17	126.1	F +	TR	1.17	126.1	F +
Southbound	LT	1.28	139.7	F	LT	1.31	156.2	F +	LT	1.31	156.2	F +
2nd Avenue & East 39th Street												
Westbound	L	0.25	23.7	C	L	0.26	23.8	C	L	0.26	23.8	C
	T	0.84	42.8	D	T	1.01	96.9	F +	T	1.01	82.9	F +
Southbound	T	1.23	122.3	F	T	1.27	138.8	F +	T	1.27	138.7	F +
	R	1.01	37.5	D	R	1.16	94.6	F +	R	1.16	94.5	F +
2nd Avenue & East 40th Street												
Eastbound	T	0.81	44.1	D	T	0.86	45.2	D	T	0.86	44.9	D
	R	0.55	36.8	D	R	0.60	36.6	D	R	0.60	36.3	D
Southbound	LT	1.11	68.8	E	LT	1.16	89.3	F +	LT	1.16	90.4	F ##
2nd Avenue & East 41st Street												
Eastbound	TR	0.56	45.3	D	TR	0.58	45.8	D	T	0.16	34.4	C
									R	0.45	43.6	D
Southbound	LT	1.25	127.4	F	LT	1.29	149.0	F +	LT	1.24	123.4	F II
	R	0.64	13.9	B	R	0.76	17.8	B	R	0.72	14.4	B
2nd Avenue & East 42nd Street												
Eastbound	TR	1.36	192.0	F	TR	1.38	199.4	F +	TR	1.38	199.5	F +
Westbound	LT	1.63dl	112.1	F	LT	2.02dl	163.5	F +	LT	2.02dl	163.5	F +
Southbound	LT	1.16	100.0	F	LT	1.20	116.5	F +	LT	1.20	116.3	F +
	R	0.72	26.4	C	R	0.77	27.6	C	R	0.77	27.6	C
2nd Avenue & East 43rd Street												
Westbound	LT	0.34	24.9	C	LT	0.34	25.5	C	LT	0.34	25.5	C
Southbound	T	1.12	74.1	E	T	1.16	89.6	F +	T	1.16	89.6	F +
	R	1.01	39.1	D	R	1.18	104.7	F +	R	1.18	104.7	F +
2nd Avenue & East 44th Street												
Eastbound	TR	0.95	58.1	E	TR	1.03	55.7	E	TR	1.03	56.9	E
Southbound	LT	1.17	93.0	F	LT	1.21	113.2	F +	LT	1.21	114.2	F ##
2nd Avenue & East 45th Street												
Westbound	LT	0.98	87.5	F	LT	1.01	94.0	F +	LT	0.53	41.2	D
Southbound	T	1.16	87.8	F	T	1.20	108.1	F +	T	1.16	86.1	F
	R	1.13	84.4	F	R	1.25	135.8	F +	R	0.79	16.3	B
2nd Avenue & East 46th Street												
Eastbound	TR	0.63	35.9	D	TR	0.67	38.1	D	TR	0.90dr	41.4	D
	LT	1.16	86.0	F	LT	1.20	105.7	F +	LT	1.15	82.3	F
2nd Avenue & East 47th Street												
Westbound	LT	0.77	62.3	E	LT	0.81	63.7	E	LT	0.81	63.6	E
Southbound	T	1.19	99.8	F	T	1.23	120.9	F +	T	1.23	120.8	F +
	R	0.95	21.7	C	R	1.10	67.3	E +	R	1.10	67.3	E +
2nd Avenue & East 48th Street												
Eastbound	TR	1.07	84.0	F	TR	1.16	114.1	F +	TR	1.16	114.2	F ##
Southbound	L	0.48	10.9	B	L	0.55	11.5	B	L	0.55	11.5	B
	T	1.48	234.8	F	T	1.54	265.8	F +	T	1.54	265.8	F +
2nd Avenue & East 49th Street												
Westbound	L	0.79	48.6	D	L	0.89	92.3	F +	L	0.89	92.3	F +
	T	0.38	23.0	C	T	0.40	23.7	C	T	0.40	23.7	C
Southbound	T	1.28	145.4	F	T	1.34	170.9	F +	T	1.34	170.9	F +
	R	0.97	31.4	C	R	1.02	44.2	D	R	1.02	44.2	D
2nd Avenue & East 50th Street												
Eastbound	TR	1.18	134.6	F	TR	1.22	149.1	F +	TR	1.22	149.3	F ##
Southbound	L	0.09	8.0	A	L	0.09	8.0	A	L	0.09	8.0	A
	T	1.55	269.0	F	T	1.62	298.0	F +	T	1.62	298.0	F +
2nd Avenue & East 51st Street												
Westbound	LT	1.39	231.3	F	LT	1.42	241.8	F +	LT	1.42	241.8	F +
Southbound	T	1.55	266.7	F	T	1.62	296.4	F +	T	1.62	296.4	F +
	R	0.90	22.8	C	R	1.02	44.7	D	R	1.02	44.7	D

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>2nd Avenue &amp; East 52nd Street</b>												
Eastbound	TR	0.80	39.4	D	TR	0.83	39.7	D	TR	0.83	39.4	D
Southbound	L	0.15	7.1	A	L	0.15	7.2	A	L	0.15	8.2	A
	T	1.49	239.1	F	T	1.56	270.9	F +	T	1.56	271.6	F ##
<b>2nd Avenue &amp; East 53rd Street</b>												
Westbound	LT	0.99	60.4	E	LT	1.10	88.3	F +	L	1.05	110.1	F
									T	0.71	33.3	C
Southbound	T	1.48	234.6	F	T	1.53	261.2	F +	T	1.47	231.6	F
	R	0.64	18.6	B	R	0.70	20.1	C	R	0.66	18.1	B
<b>2nd Avenue &amp; East 54th Street</b>												
Eastbound	TR	0.62	27.7	C	TR	0.62	27.9	C	TR	0.66	28.2	C
Southbound	L	0.02	8.3	A	L	0.02	8.2	A	L	0.02	6.5	A
	T	1.58	281.0	F	T	1.65	312.0	F +	T	1.58	279.8	F
<b>2nd Avenue &amp; East 55th Street</b>												
Westbound	L	0.32	17.5	B	L	0.32	18.0	B	L	0.32	18.0	B
	T	0.86	31.8	C	T	0.94	37.1	D	T	0.94	37.1	D
Southbound	T	1.60	292.0	F	T	1.68	324.9	F +	T	1.68	324.6	F +
	R	0.30	11.4	B	R	0.44	12.0	B	R	0.44	12.0	B
<b>2nd Avenue &amp; East 56th Street</b>												
Eastbound	T	0.76	31.1	C	T	0.76	31.5	C	T	0.76	30.6	C
	R	0.82	38.0	D	R	0.90	47.3	D +	R	0.90	45.2	D +
Southbound	L	0.11	2.2	A	L	0.11	2.2	A	L	0.11	2.2	A
	T	1.49	239.1	F	T	1.57	275.3	F +	T	1.57	275.3	F +
<b>2nd Avenue &amp; East 57th Street</b>												
Eastbound	T	0.57	54.2	D	T	0.57	54.3	D	T	0.57	54.3	D
	R	1.34	226.5	F	R	1.43	261.5	F +	R	1.43	261.5	F +
Westbound	L	1.19	140.6	F	L	1.22	151.8	F +	L	1.22	151.8	F +
	LT	1.13	103.6	F	LT	1.16	112.5	F +	LT	1.16	112.5	F +
Southbound	L	0.52	39.3	D	L	0.52	40.0	D	L	0.52	40.0	D
	T	1.19	117.6	F	T	1.25	146.0	F +	T	1.25	146.0	F +
	R	1.10	110.6	F	R	1.10	111.6	F	R	1.10	111.6	F
<b>2nd Avenue &amp; East 59th Street</b>												
Eastbound	L	1.12	80.4	F	L	1.14	89.6	F +	L	1.14	89.6	F +
	TR	0.40	271.5	F	TR	0.40	271.7	F	TR	0.40	271.7	F
Southbound	L	1.08	66.3	E	L	1.08	66.4	E	L	1.08	66.4	E
	LT	1.30	154.7	F	LT	1.35	178.8	F +	LT	1.35	178.8	F +
<b>2nd Avenue &amp; East 60th Street</b>												
Westbound	LT	0.02	14.2	B	LT	0.02	14.2	B	LT	0.02	14.2	B
Southbound	L	0.05	14.6	B	L	0.05	14.6	B	L	0.05	14.6	B
	T	1.04	83.1	F	T	1.07	81.8	F	T	1.07	81.8	F
	R	0.14	16.0	B	R	0.14	16.0	B	R	0.14	16.0	B
Westbound (Bridge Exit)	L	1.37	200.0	F	L	1.42	222.7	F +	L	1.42	222.7	F +
	T	1.26	156.7	F	T	1.27	160.3	F +	T	1.27	160.3	F +
<b>Tunnel Exit Street &amp; East 37th Street</b>												
Westbound	TR	0.18	8.9	A	TR	0.18	9.1	A	TR	0.18	9.1	A
North-Westbound	L	0.31	0.2	A	L	0.34	0.2	A	L	0.34	0.2	A
	R	0.70	22.1	C	R	0.74	23.6	C	R	0.74	23.6	C
<b>Tunnel Exit Street &amp; East 39th Street</b>												
Westbound	TR	0.78	69.6	E	TR	0.91	74.6	E +	TR	0.83	73.1	E
Northbound	LT	0.34	10.2	B	LT	0.37	11.0	B	LT	0.39	14.8	B
<b>Tunnel Exit Street &amp; East 40th Street</b>												
Eastbound	LT	0.97	100.7	F	LT	1.07	104.2	F +	LT	1.07	99.5	F
Northbound	TR	0.23	13.4	B	TR	0.27	13.0	B	TR	0.27	11.8	B
<b>3rd Avenue &amp; East 36th Street</b>												
Eastbound	LT	1.09	86.6	F	LT	1.18	121.8	F +	LT	1.18	121.1	F +
Northbound	TR	0.83	33.0	C	TR	0.88	51.6	D +	TR	0.88	51.6	D +
	R	1.06	117.6	F	R	1.12	136.7	F +	R	1.12	136.7	F +
<b>3rd Avenue &amp; East 37th Street</b>												
Westbound	TR	0.65	17.1	B	TR	0.70	18.4	B	TR	0.70	18.4	B
	R	0.90	85.6	F	R	1.10	134.8	F +	R	1.10	134.8	F +
Northbound	LT	0.97	65.2	E	LT	1.05	65.8	E	LT	1.05	65.8	E

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
3rd Avenue & East 38th Street												
Eastbound	LT	0.35	31.8	C	LT	0.42	32.3	C	LT	0.42	32.9	C
Northbound	T	0.98	65.8	E	T	1.07	65.3	E	T	1.07	64.6	E
	R	0.59	13.4	B	R	0.61	12.9	B	R	0.61	12.9	B
3rd Avenue & East 39th Street												
Westbound	T	1.62	306.1	F	T	1.76	369.3	F +	T	1.76	370.4	F ††
	R	1.17	132.1	F	R	1.31	184.0	F +	R	1.31	186.6	F ††
Northbound	LT	1.23	124.4	F	LT	1.38	192.8	F +	L	1.00	45.4	D
									T	1.21	114.1	F
3rd Avenue & East 40th Street												
Eastbound	LT	0.92	89.1	F	L	0.76	39.4	D	L	0.90	47.9	D
					T	0.79	94.1	F	T	0.92	95.3	F
Northbound	T	1.16	89.9	F	T	1.30	154.4	F +	T	1.16	86.0	F
	R	0.71	101.5	F	R	0.75	101.5	F	R	0.65	88.5	F
3rd Avenue & East 41st Street												
Eastbound	LT	0.70	61.5	E	LT	0.21	30.9	C	LT	0.25	35.5	D
Westbound	R	1.05	108.7	F	R	1.07	106.5	F	R	1.34	210.0	F †
Northbound	T	1.10	64.6	E	T	1.31	158.2	F +	T	1.13	76.7	E +
	R	0.31	12.7	B	R	0.41	13.9	B	R	0.36	10.8	B
3rd Avenue & East 42nd Street												
Eastbound	L	1.04	72.7	E	L	1.19	122.7	F +	L	1.19	122.7	F +
	T	1.11	77.3	E	T	1.12	79.0	E	T	1.12	79.0	E
Westbound	T	0.91	42.2	D	T	0.91	42.4	D	T	0.91	42.4	D
	R	1.19	131.0	F	R	1.29	171.9	F +	R	1.29	171.9	F +
Northbound	LT	1.18	107.0	F	L	1.34	180.7	F	L	1.34	181.5	F
					T	1.01	70.9	E	T	1.01	72.2	E
	R	0.46	22.8	C	R	0.52	23.5	C	R	0.52	24.8	C
3rd Avenue & East 43rd Street												
Westbound	TR	0.51	20.4	C	TR	1.25	140.8	F +	TR	1.25	140.8	F +
	R	0.56	22.2	C								
Northbound	LT	1.03	59.1	E	LT	1.14	80.2	F +	LT	1.14	79.9	E +
3rd Avenue & East 44th Street												
Eastbound	LT	0.31	27.1	C	LT	0.33	27.3	C	LT	0.36	29.2	C
Northbound	T	0.99	65.3	E	T	1.08	63.9	E	T	1.00	49.1	D
	R	1.04	65.5	E	R	2.86	854.0	F +	R	2.34	622.0	F +
3rd Avenue & East 45th Street												
Westbound	T	1.09	85.7	F	T	0.98	49.3	D	T	1.06	92.3	F †
	R	0.76	58.6	E	R	1.22	154.0	F +	R	1.55	314.9	F ††
Northbound					L	1.00	44.4	D	L	0.90	38.2	D
	LT	1.09	68.6	E	T	0.99	63.1	E	T	0.91	51.2	D
3rd Avenue & East 46th Street												
Eastbound	L	0.55	38.4	D	L	0.64	45.6	D +	L	0.68	47.7	D ††
	T	0.36	12.0	B	T	0.38	13.0	B	T	0.38	12.6	B
Northbound	T	1.01	65.0	E	T	1.12	78.4	E +	T	1.09	69.6	E +
	R	0.55	19.3	B	R	0.67	20.8	C	R	0.64	22.8	C
3rd Avenue & East 47th Street												
Westbound	T	1.22	135.0	F	T	1.34	180.8	F +	T	1.44	227.5	F ††
	R	0.57	19.1	B	R	0.58	18.3	B	R	0.64	22.6	C
Northbound					L	1.25	139.9	F	L	1.13	83.8	F
	LT	1.13	82.5	F	T	1.06	65.6	E	T	0.98	39.3	D
3rd Avenue & East 48th Street												
Eastbound	L	0.25	19.2	B	L	0.29	19.9	B	L	0.32	22.5	C
	T	0.53	23.9	C	T	0.56	24.9	C	T	0.61	27.9	C
Northbound	T	0.99	63.7	E	T	1.07	66.3	E	T	0.99	36.1	D
	R	0.68	21.5	C	R	0.81	25.1	C	R	0.73	24.5	C
3rd Avenue & East 49th Street												
Westbound	T	1.03	69.4	E	T	1.08	86.0	F +	T	1.16	117.7	F ††
	R	0.56	42.4	D	R	0.59	43.4	D	R	0.71	55.0	E †
Northbound					L	0.64	21.2	C	L	0.57	19.3	B
	LT	1.05	71.9	E	T	1.01	65.8	E	T	0.92	66.6	E

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>3rd Avenue &amp; East 50th Street</b>												
Eastbound	L	0.26	12.6	B	L	0.30	12.8	B	L	0.30	12.8	B
	T	0.48	13.6	B	T	0.49	13.7	B	T	0.49	13.7	B
Northbound	T	1.11	73.9	E	T	1.20	114.7	F +	T	1.20	116.6	F ##
	R	1.07	70.6	E	R	1.09	93.5	F +	R	1.09	102.3	F ##
<b>3rd Avenue &amp; East 51st Street</b>												
Westbound	T	0.77	24.4	C	T	0.82	25.3	C	T	0.82	25.3	C
	R	0.38	17.3	B	R	0.38	16.8	B	R	0.38	16.8	B
Northbound	L	5.11	1862.3	F +	L	5.11	1862.3	F +	L	5.11	1862.3	F +
	LT	1.16	92.5	F	T	0.99	64.2	E	T	0.99	53.5	D
<b>3rd Avenue &amp; East 52nd Street</b>												
Eastbound	LT	0.75	24.9	C	LT	0.77	26.1	C	LT	0.86	36.6	D
	T	1.10	68.8	E	T	1.17	103.7	F +	T	1.04	65.5	E
Northbound	R	1.05	61.4	E	R	1.17	122.6	F +	R	0.94	48.6	D
	LT	0.75	24.9	C	LT	0.77	26.1	C	LT	0.86	36.6	D
<b>3rd Avenue &amp; East 53rd Street</b>												
Westbound	T	1.07	79.5	E	T	1.17	116.8	F +	T	1.26	165.1	F ††
	R	0.97	100.2	F	R	1.02	118.5	F +	R	1.30	209.1	F ††
Northbound	LT	1.07	68.9	E	LT	1.15	90.8	F +	LT	1.06	66.8	E
	LT	0.75	24.9	C	LT	0.77	26.1	C	LT	0.86	36.6	D
<b>3rd Avenue &amp; East 54th Street</b>												
Eastbound	L	0.87	55.8	E	L	0.98	80.1	F +	L	1.19	148.6	F ††
	T	0.56	19.9	B	T	0.58	21.4	C	T	0.62	24.8	C
Northbound	T	1.04	76.9	E	T	1.11	80.5	F +	T	1.01	71.8	E
	R	0.72	33.3	C	R	0.79	35.3	D	R	0.71	28.9	C
<b>3rd Avenue &amp; East 55th Street</b>												
Westbound	T	1.03	70.2	E	T	1.08	80.4	F +	T	1.18	119.1	F ††
	R	0.95	68.1	E	R	0.99	75.1	E +	R	1.11	112.3	F ††
Northbound	L	0.70	17.3	B	L	0.70	17.3	B	L	0.61	12.7	B
	LT	1.14	84.2	F	T	1.08	68.2	E	T	0.98	40.4	D
<b>3rd Avenue &amp; East 56th Street</b>												
Eastbound (West Side)	LT	0.86	51.5	D	LT	0.87	52.0	D	LT	0.95	79.8	E †
Northbound (West Side)	T	1.14	83.3	F	T	1.22	122.0	F +	T	1.14	85.0	F
Eastbound (East Side)	LT	0.96	39.7	D	LT	0.98	43.3	D	LT	1.08	70.6	E †
Northbound (East Side)	TR	0.54	14.2	B	TR	0.56	14.2	B	TR	0.52	12.6	B
<b>3rd Avenue &amp; East 57th Street</b>												
Eastbound (West Side)	LT	1.08	111.7	F	LT	1.11	113.6	F	LT	1.11	113.6	F
Westbound (West Side)	TR	0.97	27.5	C	TR	0.97	27.6	C	TR	0.97	27.6	C
Northbound (West Side)	LT	1.01	38.5	D	LT	1.08	64.4	E +	LT	1.03	55.6	E +
Eastbound (East Side)	T	0.65	12.3	B	T	0.67	12.5	B	T	0.67	12.5	B
Westbound (East Side)	T	0.93	64.2	E	T	0.93	64.0	E	T	0.93	64.0	E
Northbound (East Side)	R	0.76	20.4	C	R	0.77	20.4	C	R	0.77	20.4	C
	TR	0.83	42.6	D	TR	0.83	42.2	D	TR	0.83	44.4	D
R	0.33	26.4	C	R	0.33	26.4	C	R	0.33	28.0	C	
<b>3rd Avenue &amp; East 59th Street</b>												
Eastbound	LT	0.97	52.2	D	LT	0.98	53.0	D	LT	0.98	53.0	D
	T	0.72	9.3	A	T	0.75	9.6	A	T	0.75	9.6	A
Northbound	R	1.15	108.8	F	R	1.18	121.8	F +	R	1.18	121.9	F ##
	LT	0.97	52.2	D	LT	0.98	53.0	D	LT	0.98	53.0	D
<b>Lexington Avenue &amp; East 36th Street</b>												
Eastbound	TR	0.64	54.8	D	TR	0.68	55.8	E	TR	0.70	57.5	E
Southbound	LT	1.10	60.8	E	LT	1.12	72.0	E +	LT	1.10	59.3	E
<b>Lexington Avenue &amp; East 38th Street</b>												
Eastbound	T	0.44	38.2	D	T	0.55	37.8	D	T	0.53	36.7	D
	R	0.97	111.5	F	R	1.01	116.6	F +	R	0.94	97.0	F
Southbound	L	0.13	1.2	A	L	0.15	1.2	A	L	0.13	2.0	A
	T	1.11	57.6	E	T	1.13	67.3	E +	T	1.11	58.1	E
<b>Lexington Avenue &amp; East 39th Street</b>												
Westbound	L	1.14	107.1	F	L	1.19	127.3	F +	L	1.19	127.2	F +
	T	1.78	372.5	F	T	1.98	462.0	F +	T	1.98	461.9	F +
Southbound	T	1.10	66.6	E	T	1.13	76.2	E +	T	1.13	76.1	E +
	R	0.88	29.7	C	R	1.01	50.1	D +	R	1.01	50.1	D +

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>Lexington Avenue &amp; East 40th Street</b>												
Eastbound	T	0.96	32.7	C	T	1.46	232.8	F +	T	1.46	232.8	F +
	R	1.09	87.2	F	R	1.10	91.2	F +	R	1.10	91.2	F +
Southbound					L	0.41	10.2	B	L	0.41	10.2	B
	LT	1.20	108.8	F	T	1.12	73.7	E	T	1.12	73.7	E
<b>Lexington Avenue &amp; East 42nd Street</b>												
Eastbound	T	0.92	27.3	C	T	0.97	42.2	D	T	0.97	42.2	D
	R	0.31	12.7	B	R	0.31	12.0	B	R	0.31	12.0	B
Westbound	LT	1.09	70.2	E	LT	1.10	71.7	E	LT	1.10	71.7	E
Southbound	L	0.68	20.4	C	L	0.70	21.0	C	L	0.70	20.9	C
	T	1.12	76.9	E	T	1.15	89.8	F +	T	1.15	89.6	F +
	R	1.19	114.8	F	R	1.28	155.8	F +	R	1.28	155.7	F +
<b>Lexington Avenue &amp; East 44th Street</b>												
Southbound	LT	1.16	90.4	F	LT	1.22	116.3	F +	LT	1.15	84.4	F
<b>Lexington Avenue &amp; East 45th Street</b>												
Westbound	L	0.68	28.3	C	L	0.70	32.0	C	L	0.82	39.6	D
	T	0.83	30.1	C	T	0.76	30.8	C	T	0.87	37.3	D
Southbound	T	1.04	61.6	E	T	1.08	66.8	E +	T	0.99	64.6	E
	R	0.80	20.2	C	R	0.89	38.7	D	R	0.80	27.2	C
<b>Lexington Avenue &amp; East 46th Street</b>												
Eastbound	T	0.67	57.5	E	T	0.73	58.6	E	T	0.79	61.0	E
	R	0.68	61.6	E	R	0.69	60.4	E	R	0.74	63.5	E
Southbound					L	0.33	4.5	A	L	0.31	1.8	A
	LT	1.09	60.0	E	T	1.02	55.7	E	T	0.97	28.8	C
<b>Lexington Avenue &amp; East 47th Street</b>												
Westbound	L	0.80	37.3	D	L	0.85	40.4	D	L	0.85	40.3	D
	T	0.77	16.8	B	T	0.95	25.5	C	T	0.95	25.3	C
Southbound	T	1.04	64.0	E	T	1.08	65.0	E	T	1.08	65.0	E
	R	1.01	47.6	D	R	1.36	188.0	F +	R	1.36	188.0	F +
<b>Lexington Avenue &amp; East 48th Street</b>												
Eastbound	T	0.68	35.3	D	T	0.78	39.1	D	T	0.78	39.1	D
	R	0.98	99.7	F	R	1.06	118.2	F +	R	1.06	118.2	F +
Southbound					L	0.90	25.8	C	L	0.90	25.8	C
	LT	1.13	82.1	F	T	1.00	60.0	E	T	1.00	60.1	E
<b>Lexington Avenue &amp; East 49th Street</b>												
Westbound	L	0.49	34.7	C	L	0.59	37.5	D	L	0.59	38.7	D
	T	0.44	30.8	C	T	0.49	31.0	C	T	0.49	33.1	C
Southbound	T	1.02	59.1	E	T	1.07	61.2	E	T	1.07	61.2	E
	R	0.63	16.6	B	R	0.83	23.4	C	R	0.83	23.4	C
<b>Lexington Avenue &amp; East 50th Street</b>												
Eastbound	TR	1.01	56.8	E	TR	1.08	86.2	F +	TR	1.08	86.2	F +
Southbound					L	1.87	413.8	F	L	1.87	414.0	F
	LT	1.24	126.8	F	T	1.06	62.6	E	T	1.06	63.3	E
<b>Lexington Avenue &amp; East 51st Street</b>												
Westbound	L	0.65	45.1	D	L	0.62	39.3	D	L	0.67	40.9	D
	T	0.52	21.7	C	T	0.52	20.4	C	T	0.53	21.1	C
Southbound	T	1.04	60.7	E	T	1.11	68.0	E +	T	1.09	61.3	E
	R	0.61	13.3	B	R	0.66	14.9	B	R	0.63	12.8	B
<b>Lexington Avenue &amp; East 52nd Street</b>												
Eastbound	T	0.57	20.2	C	T	0.59	21.0	C	T	0.59	21.0	C
	R	0.80	52.3	D	R	0.80	55.1	E	R	0.80	55.1	E
Southbound					L	0.76	19.7	B	L	0.76	19.7	B
	LT	1.17	97.7	F	T	1.10	65.1	E	T	1.10	65.0	E
<b>Lexington Avenue &amp; East 53rd Street</b>												
Westbound	L	0.52	16.1	B	L	0.56	16.0	B	L	0.56	15.1	B
	T	1.11	77.3	E	T	1.22	126.0	F +	T	1.22	125.2	F +
Southbound	T	1.23	124.7	F	T	1.32	166.6	F +	T	1.32	165.7	F +
	R	0.89	96.4	F	R	0.96	104.4	F +	R	0.96	101.3	F +
<b>Lexington Avenue &amp; East 54th Street</b>												
Eastbound	T	0.95	36.7	D	T	1.02	50.8	D +	T	0.99	41.9	D
	R	0.47	12.5	B	R	0.48	12.3	B	R	0.46	11.7	B
Southbound					L	0.36	7.0	A	L	0.38	8.1	A
	LT	1.07	60.9	E	T	1.00	57.8	E	T	1.02	60.0	E

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>Lexington Avenue &amp; East 55th Street</b>												
Westbound	L	0.77	34.8	C	L	0.81	44.4	D	L	0.81	40.7	D
	T	0.64	15.6	B	T	0.64	17.2	B	T	0.64	15.5	B
Southbound	T	1.15	87.7	F	T	1.24	126.6	F +	T	1.24	128.4	F ##
	R	0.34	12.2	B	R	0.35	12.3	B	R	0.35	14.4	B
<b>Lexington Avenue &amp; East 56th Street</b>												
Eastbound	T	0.55	16.2	B	T	0.56	16.3	B	T	0.60	19.5	B
	R	0.77	55.4	E	R	0.77	57.9	E	R	0.77	57.9	E
Southbound	LT	1.17	103.5	F	LT	1.25	139.7	F +	LT	1.15	96.1	F
<b>Lexington Avenue &amp; East 57th Street</b>												
Eastbound	T	0.90	26.9	C	T	0.93	28.6	C	T	0.93	28.6	C
	R	0.79	81.4	F	R	0.85	91.1	F +	R	0.85	77.4	E
Westbound	LT	0.96	53.7	D	LT	0.97	53.3	D	LT	0.97	53.8	D
Southbound	LT	1.12	91.8	F	LT	1.20	124.8	F +	LT	1.20	124.8	F +
	R	0.23	16.5	B	R	0.23	16.6	B	R	0.23	16.6	B
<b>Park Avenue &amp; East 36th Street</b>												
Eastbound (West Side)	TR	0.59	24.9	C	TR	0.61	25.4	C	TR	0.61	25.4	C
Southbound (West Side)	LT	0.78	12.9	B	LT	0.79	13.4	B	LT	0.79	13.4	B
Eastbound (East Side)	LT	0.53	9.1	A	LT	0.56	9.8	A	LT	0.56	9.8	A
Northbound (East Side)	TR	0.49	16.4	B	TR	0.50	16.5	B	TR	0.50	16.5	B
<b>Park Avenue &amp; East 38th Street</b>												
Eastbound (West Side)	TR	0.60	25.2	C	TR	0.63	25.9	C	TR	0.63	25.9	C
Southbound (West Side)	LT	0.93	23.7	C	LT	0.94	25.9	C	LT	0.94	25.9	C
Eastbound (East Side)	L	0.34	8.9	A	L	0.35	9.1	A	L	0.35	9.1	A
Eastbound (East Side)	T	0.34	7.2	A	T	0.37	7.3	A	T	0.37	7.3	A
Northbound (East Side)	TR	0.72	11.5	B	TR	0.74	12.4	B	TR	0.74	12.4	B
<b>Park Avenue &amp; East 39th Street</b>												
Westbound (East Side)	TR	1.54	262.3	F	TR	1.72	345.0	F +	TR	1.72	345.0	F +
Northbound (East Side)	LT	0.63	74.5	E	LT	0.62	74.1	E	LT	0.62	74.1	E
Westbound (West Side)	LT	1.39	200.1	F	LT	1.58	286.2	F +	LT	1.58	286.2	F +
Southbound (West Side)	T	0.70	68.9	E	T	0.71	71.2	E	T	0.71	71.2	E
	R	1.12	90.9	F	R	1.18	112.1	F +	R	1.18	112.1	F +
<b>Park Avenue &amp; East 40th Street</b>												
Eastbound (West Side)	TR	1.12	115.8	F	TR	1.44	244.1	F +	TR	1.44	244.1	F +
Southbound (West Side)	T	1.15	102.6	F	T	3.14	984.7	F +	T	3.14	984.7	F +
Eastbound (Tunnel Exit)	LT	1.15	100.6	F	LT	1.40	207.1	F +	LT	1.40	207.1	F +
Northbound (Tunnel Exit)	T	0.81	15.3	B	T	0.83	16.5	B	T	0.83	16.5	B
Eastbound (East Side)	LT	1.29	153.7	F	T	1.40	202.3	F +	T	1.40	202.3	F +
Northbound (East Side)	TR	0.99	52.8	D	R	1.39	212.6	F +	R	1.39	212.6	F +
<b>Park Avenue &amp; East 46th Street</b>												
Eastbound (West Side)	T	0.36	23.9	C	T	0.40	26.7	C	T	0.40	26.7	C
	R	0.29	27.6	C	R	0.30	27.7	C	R	0.30	27.7	C
Southbound (West Side)	L	0.46	26.2	C	L	0.47	28.5	C	L	0.47	28.5	C
	T	1.08	69.8	E	T	1.10	72.1	E	T	1.10	72.1	E
Eastbound (East Side)	L	0.49	21.3	C	L	0.62	26.7	C	L	0.62	26.7	C
	T	0.81	28.1	C	T	0.86	31.6	C	T	0.86	31.6	C
Northbound (East Side)	T	0.79	26.5	C	T	0.82	28.2	C	T	0.82	28.2	C
<b>Park Avenue &amp; East 47th Street</b>												
Westbound (East Side)	T	0.88	32.3	C	T	1.09	70.4	E +	T	1.09	70.4	E +
	R	0.43	16.9	B	R	0.51	16.4	B	R	0.51	16.4	B
Northbound (East Side)	L	0.12	11.6	B	L	0.14	261.5	F +	L	0.14	261.5	F +
	T	0.87	15.3	B	T	0.91	62.0	E +	T	0.91	62.0	E +
Westbound (West Side)	LT	0.97	36.4	D	LT	1.19	107.9	F +	LT	1.19	107.9	F +
Southbound (West Side)					T	0.89	55.4	E	T	0.89	55.4	E
	TR	0.99	60.0	E	R	2.07	500.3	F +	R	2.07	500.3	F +
<b>Park Avenue &amp; East 48th Street</b>												
Eastbound (West Side)	T	0.58	21.8	C	T	0.60	22.3	C	T	0.60	22.2	C
	R	0.26	15.5	B	R	0.27	15.4	B	R	0.27	15.3	B
Southbound (West Side)	L	0.38	101.6	F	L	0.43	119.4	F +	L	0.43	119.4	F +
	T	1.18	96.2	F	T	1.20	104.3	F +	T	1.20	104.3	F +
Eastbound (East Side)	LT	0.81	30.1	C	LT	0.87	36.3	D	LT	0.87	36.3	D
Northbound (East Side)					T	1.30	156.1	F +	T	1.30	156.1	F +
	TR	0.95	31.9	C	R	0.72	27.5	C	R	0.72	27.5	C

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
<b>Park Avenue &amp; East 49th Street</b>												
Westbound (East Side)	T	0.98	55.9	E	T	1.08	87.2	F +	T	1.08	84.5	F +
	R	0.59	26.9	C	R	0.65	30.6	C	R	0.65	27.8	C
Northbound (East Side)	L	0.19	13.4	B	L	0.21	14.9	B	L	0.21	15.1	B
	T	0.98	37.1	D	T	1.00	59.0	E +	T	1.00	59.0	E +
Westbound (West Side)	LT	1.07	58.4	E	LT	1.18	101.6	F +	LT	1.18	101.6	F +
Southbound (West Side)					T	1.34	176.0	F +	T	1.34	176.0	F +
	TR	0.98	56.9	E	R	0.28	9.9	A	R	0.28	9.9	A
<b>Park Avenue &amp; East 50th Street</b>												
Eastbound (West Side)	T	0.70	19.0	B	T	0.74	19.4	B	T	0.74	19.4	B
	R	0.30	13.1	B	R	0.32	12.8	B	R	0.32	12.8	B
Southbound (West Side)	L	0.17	82.3	F	L	0.17	83.5	F	L	0.17	83.5	F
	T	0.96	45.0	D	T	0.98	57.3	E +	T	0.98	57.3	E +
Eastbound (East Side)	LT	0.92	36.4	D	LT	0.96	42.9	D	LT	0.96	42.9	D
Northbound (East Side)					T	1.34	173.2	F +	T	1.34	173.1	F +
	TR	0.98	33.2	C	R	0.39	7.9	A	R	0.39	7.8	A
<b>Park Avenue &amp; East 51st Street</b>												
Westbound (East Side)	T	0.70	25.4	C	T	0.70	25.7	C	T	0.70	25.0	C
	R	0.65	42.5	D	R	0.70	48.5	D +	R	0.70	47.8	D +
Northbound (East Side)	L	0.14	32.5	C	L	0.14	32.5	C	L	0.14	32.5	C
	T	0.92	31.1	C	T	0.95	59.8	E +	T	0.95	59.8	E +
Westbound (West Side)	LT	0.87	28.3	C	LT	0.87	28.7	C	LT	0.87	28.7	C
Southbound (West Side)	T	0.82	23.3	C	T	1.26	132.9	F +	T	1.26	132.9	F +
	R	1.10	78.6	E	R	1.35	181.8	F +	R	1.35	181.8	F +
<b>Park Avenue &amp; East 52nd Street</b>												
Eastbound (West Side)	TR	0.79	25.5	C	TR	0.81	26.6	C	TR	0.81	26.6	C
Southbound (West Side)	L	0.16	89.3	F	L	0.16	139.2	F +	L	0.16	139.2	F +
	T	1.15	86.2	F	T	1.18	98.4	F +	T	1.18	98.4	F +
Eastbound (East Side)	LT	0.83		C	LT	0.86	25.5	C	LT	0.86	25.5	C
Northbound (East Side)					T	1.27	142.7	F +	T	1.27	142.7	F +
	TR	0.95	24.9	C	R	0.43	9.1	A	R	0.43	9.1	A
<b>Park Avenue &amp; East 53rd Street</b>												
Westbound (East Side)	T	1.13	87.7	F	T	1.22	127.5	F +	T	1.22	127.6	F +
	R	1.02	57.0	E	R	1.10	83.1	F +	R	1.10	83.2	F ##
Northbound (East Side)	L	0.17	15.4	B	L	0.19	19.4	B	L	0.19	19.4	B
	T	0.92	25.8	C	T	0.94	61.1	E +	T	0.94	61.2	E ##
Westbound (West Side)	LT	1.07	52.5	D	LT	1.16	86.7	F +	LT	1.16	86.7	F +
Southbound (West Side)					T	1.40	196.9	F +	T	1.40	196.9	F +
	TR	1.05	59.5	E	R	0.75	14.7	B	R	0.75	14.7	B
<b>Park Avenue &amp; East 54th Street</b>												
Eastbound (West Side)	TR	0.88	29.5	C	TR	0.91	30.8	C	TR	0.91	33.6	C
Southbound (West Side)	L	0.31	12.8	B	L	0.31	12.6	B	L	0.31	13.6	B
	T	1.16	87.0	F	T	1.18	97.9	F +	T	1.18	97.9	F +
Eastbound (East Side)	L	0.33	10.6	B	L	0.32	9.9	A	L	0.32	10.8	B
	T	0.94	35.1	D	T	1.00	45.1	D +	T	1.00	46.4	D ##
Northbound (East Side)	T	0.84	17.4	B	T	1.29	152.2	F +	T	1.29	152.2	F +
	R	0.60	15.4	B	R	0.64	16.7	B	R	0.64	16.7	B
<b>Park Avenue &amp; East 55th Street</b>												
Westbound (East Side)	TR	0.96	72.3	E	TR	0.97	79.4	E +	TR	0.97	79.4	E +
Northbound (East Side)	L	0.21	550.1	F	L	0.21	685.2	F +	L	0.21	685.3	F +
	T	1.05	69.3	E	T	1.07	62.3	E	T	1.07	62.3	E
Westbound (West Side)	LT	0.91	29.5	C	LT	0.92	30.4	C	LT	0.92	30.3	C
Southbound (West Side)	T	0.98	52.6	D	T	1.51	248.7	F +	T	1.51	248.7	F +
	R	0.53	15.1	B	R	0.55	14.0	B	R	0.55	14.0	B
<b>Park Avenue &amp; East 56th Street</b>												
Eastbound (West Side)	TR	0.71	28.8	C	TR	0.72	30.8	C	TR	0.72	30.8	C
Southbound (West Side)	L	0.14	93.3	F	L	0.14	155.5	F +	L	0.14	155.5	F +
	T	1.03	65.6	E	T	1.06	66.4	E	T	1.06	66.4	E
Eastbound (East Side)	LT	0.64	14.7	B	LT	0.65	14.8	B	LT	0.65	14.8	B
Northbound (East Side)					T	1.30	151.5	F +	T	1.30	151.5	F +
	TR	1.00	43.3	D	R	0.51	7.0	A	R	0.51	7.0	A

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
<b>Park Avenue &amp; East 57th Street</b>												
Eastbound (West Side)	T	0.72	32.4	C	T	0.75	33.7	C	T	0.75	33.7	C
	R	0.59	31.4	C	R	0.62	31.5	C	R	0.62	31.5	C
Westbound (West Side)	T	1.07	60.8	E	T	1.07	61.1	E	T	1.07	61.1	E
Southbound (West Side)	LTR	0.89	77.7	E	LTR	0.91	78.7	E	LTR	0.91	78.7	E
Eastbound (East Side)	LT	1.13	92.7	F	LT	1.18	112.9	F +	LT	1.18	112.9	F +
Westbound (East Side)	T	0.75	44.0	D	T	0.76	44.1	D	T	0.76	44.1	D
	R	0.60	40.8	D	R	0.60	40.8	D	R	0.60	40.8	D
Northbound (East Side)	L	0.18	400.0	F	L	0.18	686.2	F +	L	0.18	686.2	F +
	T	0.94	29.8	C	T	0.97	60.4	E +	T	0.97	60.4	E +
	R	0.26	11.9	B	R	0.26	11.6	B	R	0.26	11.6	B
<b>Madison Avenue &amp; East 39th Street</b>												
Westbound	T	1.22	121.3	F	T	1.28	148.0	F +	T	1.28	148.0	F +
	R	1.01	66.2	E	R	1.33	184.3	F +	R	1.33	184.3	F +
Northbound	LT	1.08	85.5	F	LT	1.13	96.8	F +	LT	1.13	96.8	F +
<b>Madison Avenue &amp; East 40th Street</b>												
Eastbound	L	0.86	46.5	D	L	1.06	80.0	F +	L	1.06	80.0	F +
	T	0.80	25.0	C	T	1.03	48.5	D +	T	1.03	48.5	D +
Northbound					T	1.63	307.6	F +	T	1.63	307.6	F +
	TR	1.13	76.9	E	R	0.46	9.1	A	R	0.46	9.1	A
<b>Madison Avenue &amp; East 41st Street</b>												
Eastbound	L	0.45	50.9	D								
	T	0.27	29.1	C	LT	0.79	50.0	D +	LT	0.79	50.0	D +
Northbound					T	1.61	295.6	F +	T	1.61	295.6	F +
	TR	1.14	80.0	E	R	0.74	13.7	B	R	0.74	13.7	B
<b>Madison Avenue &amp; East 42nd Street</b>												
Eastbound	LT	1.50	254.2	F	LT	1.60	296.0	F +	LT	1.60	295.8	F +
Westbound	T	1.52	257.6	F	T	1.53	264.2	F +	T	1.53	264.2	F +
	R	0.31	23.1	C	R	0.31	23.1	C	R	0.31	23.1	C
Northbound	LT	1.17	95.3	F	LT	1.24	127.4	F +	LT	1.24	127.4	F +
	R	0.52	16.3	B	R	0.55	16.8	B	R	0.55	16.8	B
<b>Madison Avenue &amp; East 43rd Street</b>												
Westbound	T	0.73	34.7	C	T	0.85	43.7	D	T	0.85	43.7	D
	R	0.97	120.8	F	R	1.21	165.5	F +	R	1.21	165.5	F +
Northbound	L	1.05	60.4	E	L	1.46	231.8	F +	L	1.46	231.8	F +
	T	1.02	59.1	E	T	1.07	62.5	E	T	1.07	62.5	E
<b>Madison Avenue &amp; East 46th Street</b>												
Eastbound	LT	0.97	81.8	F	LT	1.02	82.3	F	LT	1.02	82.3	F
Northbound	T	0.97	64.5	E	T	1.02	59.3	E	T	1.02	59.3	E
	R	0.90	127.1	F	R	1.38	233.2	F +	R	1.38	233.2	F +
<b>Madison Avenue &amp; East 48th Street</b>												
Eastbound	L	1.09	112.9	F	L	1.11	117.8	F +	L	1.11	117.8	F +
	T	0.71	24.6	C	T	0.74	27.0	C	T	0.74	27.7	C
Northbound	T	1.09	65.2	E	T	1.13	79.2	E +	T	1.13	79.2	E +
	R	0.56	19.3	B	R	0.61	21.3	C	R	0.61	21.3	C
<b>Madison Avenue &amp; East 49th Street</b>												
Westbound	TR	0.58	9.7	A	TR	0.61	9.4	A	TR	0.61	9.4	A
Northbound	L	0.53	11.8	B	L	0.54	12.1	B	L	0.54	12.1	B
	T	1.06	57.7	E	T	1.10	60.0	E	T	1.10	60.0	E
<b>Madison Avenue &amp; East 53rd Street</b>												
Westbound	TR	1.10	75.6	E	TR	1.19	114.8	F +	TR	1.19	114.6	F +
Northbound	L	0.51	11.5	B	L	0.53	11.7	B	L	0.53	11.7	B
	T	0.99	54.6	D	T	1.03	56.0	E	T	1.03	55.7	E
<b>Madison Avenue &amp; East 54th Street</b>												
Eastbound	LT	0.55	29.3	C	LT	0.58	30.7	C	LT	0.66	35.8	D
Northbound	T	1.03	66.9	E	T	1.05	63.3	E	T	0.96	57.5	E
	R	0.83	32.4	C	R	1.12	86.8	F +	R	1.01	43.1	D

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
5th Avenue & 38th Street												
Eastbound	T	0.41	17.7	B	T	0.44	18.2	B	T	0.44	18.2	B
	R	1.04	121.4	F	R	1.05	124.7	F +	R	1.05	124.7	F +
Southbound	LT	1.35	170.7	F	LT	1.40	193.6	F +	LT	1.40	193.6	F +
5th Avenue & 39th Street												
Westbound	L	0.92	59.0	E	L	1.15	118.9	F +	L	1.15	118.9	F +
	T	0.66	29.4	C	T	0.67	29.6	C	T	0.67	29.6	C
Southbound	T	1.30	163.7	F	T	1.32	171.1	F +	T	1.32	171.1	F +
	R	1.33	175.3	F	R	1.34	178.8	F +	R	1.34	178.8	F +
5th Avenue & 40th Street												
Eastbound	TR	1.41	226.1	F	TR	1.59	304.8	F +	TR	1.59	304.8	F +
Southbound	LT	1.50	250.5	F	LT	1.63	304.8	F +	LT	1.63	304.8	F +
5th Avenue & 42nd Street												
Eastbound	T	1.09	89.1	F	T	1.15	111.0	F +	T	1.18	125.1	F ++
	R	0.21	23.8	C	R	0.21	23.8	C	R	0.21	24.9	C
Westbound	LT	1.45	224.3	F	LT	1.47	232.0	F +	LT	1.52	255.7	F ++
Southbound	LT	1.47	233.7	F	LT	1.50	245.8	F +	LT	1.46	229.7	F
	R	0.05	13.9	B	R	0.05	14.0	B	R	0.05	12.9	B
5th Avenue & 43rd Street												
Westbound	L	0.56	28.1	C	L	0.64	27.7	C	L	0.64	25.5	C
	T	0.63	26.1	C	T	0.73	24.8	C	T	0.73	24.8	C
Southbound	T	1.25	137.7	F	T	1.26	142.6	F +	T	1.26	142.5	F +
	R	1.54	268.1	F	R	2.19	557.1	F +	R	2.19	557.1	F +
5th Avenue & 44th Street												
Eastbound	T	0.40	23.7	C	T	0.42	24.1	C	T	0.42	24.1	C
	R	0.77	61.1	E	R	0.87	99.7	F +	R	0.87	99.7	F +
Southbound	LT	1.40	200.5	F	LT	1.43	212.8	F +	LT	1.43	212.8	F +
5th Avenue & 47th Street												
Westbound	L	0.97	106.0	F	L	1.02	105.1	F	L	1.10	106.5	F
	T	0.59	34.4	C	T	0.64	34.1	C	T	0.66	35.0	D
Southbound	T	1.43	213.3	F	T	1.44	219.1	F +	T	1.40	202.9	F
	R	0.79	21.8	C	R	0.88	26.6	C	R	0.84	23.5	C
5th Avenue & 48th Street												
Eastbound	T	0.57	17.2	B	T	0.60	17.6	B	T	0.61	18.4	B
	R	1.06	101.2	F	R	1.06	89.3	F	R	1.13	102.0	F
Southbound	LT	1.42	211.3	F	LT	1.44	220.6	F +	LT	1.40	204.3	F
5th Avenue & 49th Street												
Westbound	LT	0.55	27.6	C	LT	0.57	27.7	C	LT	0.59	28.9	C
Southbound	T	1.42	209.8	F	T	1.43	217.2	F +	T	1.40	201.3	F
	R	0.63	16.9	B	R	0.63	16.9	B	R	0.61	15.1	B
5th Avenue & 54th Street												
Eastbound	TR	0.48	22.9	C	TR	0.53	24.0	C	TR	0.55	25.0	C
Southbound	LT	1.40	202.5	F	LT	1.44	219.0	F +	LT	1.40	203.3	F
5th Avenue & 57th Street												
Eastbound	T	1.09	92.4	F	T	1.15	112.2	F +	T	1.15	112.2	F +
	R	0.82	136.9	F	R	0.85	145.6	F +	R	0.85	145.6	F +
Westbound	LT	1.14	112.8	F	LT	1.17	124.4	F +	LT	1.17	124.4	F +
Southbound	LT	1.48	247.6	F	LT	1.52	261.6	F +	LT	1.52	261.6	F +
	R	0.43	22.3	C	R	0.43	22.3	C	R	0.43	22.3	C
6th Avenue & East 48th Street												
Eastbound	L	0.33	22.5	C	L	0.33	22.5	C	L	0.33	22.5	C
	T	1.08	99.8	F	T	1.18	132.7	F +	T	1.18	132.7	F +
Northbound	TR	0.76	24.3	C	TR	0.89dr	32.0	C	TR	0.89dr	32.0	C

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>6th Avenue &amp; West 49th Street</b>												
Westbound	T	0.78	31.9	C	T	0.79	32.9	C	T	0.79	34.8	C
	R	0.69	30.6	C	R	0.70	32.0	C	R	0.70	33.8	C
Northbound	LT	1.05	48.8	D	LT	1.06	49.0	D	LT	1.06	49.0	D

Intersection & Approach (Unsignalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>1st Avenue &amp; East 48th Street (West Side)</b>												
Eastbound	L	0.88	42.1	E	L	0.92	48.8	E +	L	0.92	48.8	E +
	Northbound	T	0.33	0.0	A	T	0.34	0.0	A	T	0.34	0

Notes:

- + Denotes a significant adverse traffic impact
- Unmitigated approach movements denoted by shading
- † No significant adverse impact for the With-Action condition. Significant adverse impact is due to changes in traffic signal timing as part of air quality mitigation measures
- †† Impact worsened by pedestrian mitigation signal timing changes
- ‡ No significant adverse impact for the With-Action condition. Significant adverse impact is due to changes in traffic signal timing as part of pedestrian mitigation measures
- ‡‡ Impact worsened by air quality mitigation signal timing changes
- # No significant adverse impact for the With-Action condition. Significant adverse impact is due to traffic mitigation measures at an adjacent intersection
- ## Impact worsened due to traffic mitigation measures at an adjacent intersection
- || Proposed mitigation may be infeasible and will be reviewed as part of the traffic monitoring program. Significant adverse impact is identified as a worst-case scenario.

**Table A.6 - Greater East Midtown Rezoning EIS**

Traffic LOS Tables for Amended Action With PRI Condition with and without Proposed Mitigation- Midday Peak Hour

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>1st Avenue &amp; East 40th Street</b>												
Eastbound	L	0.99	71.4	E	L	1.03	80.4	F +	L	1.00	71.3	E
Northbound	T	0.91	29.8	C	T	0.91	30.5	C	T	0.93	33.5	C
<b>1st Avenue &amp; East 42nd Street</b>												
Eastbound (East Side)	T	0.85	25.3	C	T	0.85	25.7	C	T	0.85	25.7	C
Westbound (East Side)	TR	0.76	41.2	D	TR	0.77	41.6	D	TR	0.77	41.6	D
	R	1.50	286.8	F	R	1.50	289.7	F	R	1.50	289.7	F
Northbound (East Side)	LT	0.46	21.1	C	LT	0.47	21.4	C	LT	0.47	21.3	C
	R	0.49	22.5	C	R	0.49	22.6	C	R	0.49	22.5	C
Eastbound (West Side)	L	1.06	94.5	F	L	1.10	95.6	F	L	1.10	95.6	F
	T	0.50	21.7	C	T	0.50	21.8	C	T	0.50	21.8	C
Westbound (West Side)	TR	0.69	8.3	A	TR	0.70	8.4	A	TR	0.70	8.4	A
Northbound (West Side)	L	0.51	19.3	B	L	0.51	19.4	B	L	0.51	19.3	B
	T	0.48	24.5	C	T	0.50	26.0	C	T	0.50	25.8	C
<b>1st Avenue &amp; East 44th Street</b>												
Eastbound	L	1.03	72.7	E	L	1.05	78.4	E +	L	1.02	68.2	E
Northbound	T	0.54	1.1	A	T	0.55	1.1	A	T	0.56	1.3	A
<b>1st Avenue &amp; East 46th Street</b>												
Eastbound	L	1.09	94.0	F	L	1.11	100.0	F +	L	1.08	87.2	F
Northbound	T	0.64	2.3	A	T	0.66	2.6	A	T	0.67	3.0	A
<b>1st Avenue &amp; East 47th Street</b>												
Northbound (East Side)	T	0.81	16.7	B	T	0.83	17.7	B	T	0.83	17.5	B
Northbound (West Side)	L	0.44	11.2	B	L	0.47	11.5	B	L	0.47	11.3	B
	T	0.72	16.4	B	T	0.73	16.7	B	T	0.73	16.5	B
<b>1st Avenue &amp; East 48th Street (East Side)</b>												
Northbound	T	0.31	0.3	A	T	0.32	0.3	A	T	0.32	0.3	A
	R	0.86	12.1	B	R	0.89	14.3	B	R	0.89	14.3	B
<b>1st Avenue &amp; East 49th Street</b>												
Westbound (East Side)	T	0.72	28.4	C	T	0.72	28.6	C	T	0.72	28.6	C
	R	0.19	16.8	B	R	0.19	16.8	B	R	0.19	16.8	B
Northbound (East Side)	T	0.92	65.0	E	T	0.93	68.5	E	T	0.93	68.5	E
Westbound (West Side)	T	0.72	6.1	A	T	0.72	6.2	A	T	0.72	6.2	A
Northbound (West Side)	LT	0.92	29.1	C	LT	0.93	30.1	C	LT	0.93	30.1	C
<b>1st Avenue &amp; East 53rd Street</b>												
Westbound	TR	0.59	24.8	C	TR	0.60	25.0	C	TR	0.60	25.0	C
Northbound	L	0.62	27.6	C	L	0.62	27.8	C	L	0.62	27.8	C
	T	0.85	25.5	C	T	0.86	26.5	C	T	0.86	27.3	C
<b>1st Avenue &amp; East 54th Street</b>												
Eastbound	LT	1.10	98.6	F	LT	1.12	105.0	F +	LT	1.08	88.9	F
Northbound	TR	0.94	11.9	B	TR	0.95	12.8	B	TR	0.97	16.8	B
<b>1st Avenue &amp; East 55th Street</b>												
Westbound	TR	1.00	73.5	E	TR	1.01	74.1	E	TR	1.01	74.1	E
Northbound	L	0.95	37.4	D	L	0.98	42.0	D	L	0.98	39.6	D
	T	0.76	5.2	A	T	0.77	5.5	A	T	0.77	4.7	A
<b>1st Avenue &amp; East 57th Street</b>												
Eastbound	LT	1.06dl	39.4	D	LT	1.06dl	39.5	D	LT	1.06dl	39.4	D
Westbound	TR	0.77	40.1	D	TR	0.77	40.1	D	TR	0.77	40.1	D
Northbound	L	1.03	65.0	E	L	1.03	65.9	E	L	1.03	66.1	E
	TR	0.80	9.1	A	TR	0.81	9.5	A	TR	0.81	9.7	A
<b>2nd Avenue &amp; East 36th Street</b>												
Eastbound	TR	0.95	37.1	D	TR	0.97	40.6	D	TR	0.97	40.3	D
Southbound	L	0.31	6.7	A	L	0.31	6.6	A	L	0.31	7.2	A
	T	0.78	11.4	B	T	0.79	11.3	B	T	0.79	12.1	B

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
2nd Avenue & East 37th Street												
Westbound	LT	0.40	17.0	B	LT	0.41	17.1	B	LT	0.42	18.2	B
Southbound	TR	1.08	56.1	E	TR	1.12	64.3	E +	TR	1.09	56.4	E
2nd Avenue & East 38th Street												
Eastbound	TR	0.79	33.3	C	TR	0.82	34.5	C	TR	0.85	37.2	D
Southbound	LT	1.09	55.5	E	LT	1.12	64.9	E +	LT	1.09	56.6	E
2nd Avenue & East 39th Street												
Westbound	L	0.31	24.4	C	L	0.32	24.5	C	L	0.34	26.6	C
	T	0.39	24.9	C	T	0.40	25.2	C	T	0.43	27.2	C
Southbound	TR	1.18	100.6	F	TR	1.23	121.4	F +	TR	1.18	95.8	F
2nd Avenue & East 40th Street												
Eastbound	T	0.56	20.4	C	T	0.60	21.9	C	T	0.60	21.9	C
	R	1.01	73.5	E	R	1.06	85.6	F +	R	1.06	85.2	F +
Southbound	LT	1.12	72.2	E	LT	1.16	91.6	F +	LT	1.16	92.6	F ##
2nd Avenue & East 41st Street												
Eastbound	TR	0.57	30.6	C	TR	0.61	32.1	C	T	0.16	21.8	C
									R	0.45	28.6	C
Southbound	LT	1.18	95.9	F	LT	1.22	113.8	F +	LT	1.17	89.5	F II
	R	0.15	8.3	A	R	0.17	8.4	A	R	0.16	6.3	A
2nd Avenue & East 42nd Street												
Eastbound	TR	1.04	69.9	E	TR	1.06	73.4	E	TR	1.06	73.4	E
Westbound	LT	1.09	99.3	F	LT	1.18dl	112.0	F +	LT	1.18dl	112.0	F +
Southbound	L	1.23	133.2	F	L	1.34	178.7	F +	L	1.34	179.4	F ##
	T	1.11	75.4	E	T	1.15	93.4	F +	T	1.15	94.2	F ##
	R	0.94	35.4	D	R	1.05	59.7	E +	R	1.05	60.8	E ##
2nd Avenue & East 43rd Street												
Westbound	LT	0.24	23.2	C	LT	0.25	23.4	C	LT	0.28	26.2	C
Southbound	TR	1.44	216.7	F	TR	1.50	247.4	F +	TR	1.41	203.0	F
2nd Avenue & East 44th Street												
Eastbound	TR	0.86	23.9	C	TR	1.01	48.3	D +	TR	1.01	45.3	D +
Southbound	L	0.54	8.7	A	L	0.55	8.7	A	L	0.55	9.2	A
	T	1.16	90.4	F	T	1.20	105.0	F +	T	1.20	105.3	F ##
2nd Avenue & East 45th Street												
Westbound	LT	0.73	43.3	D	LT	0.74	43.9	D	LT	0.37	27.4	C
Southbound	TR	1.43	212.3	F	TR	1.47	230.8	F +	TR	1.41	203.4	F
2nd Avenue & East 46th Street												
Eastbound	T	0.57	32.6	C	T	0.58	32.1	C	T	0.58	30.6	C
	R	1.18	138.5	F	R	1.25	162.0	F +	R	1.25	161.1	F +
Southbound	L	0.56	10.4	B	L	0.56	10.4	B	L	0.56	11.3	B
	T	1.21	112.4	F	T	1.24	125.8	F +	T	1.24	126.6	F ##
2nd Avenue & East 47th Street												
Westbound	LT	0.50	54.1	D	LT	0.52	54.4	D	LT	0.57	57.8	E
Southbound	TR	1.49	238.0	F	TR	1.53	257.0	F +	TR	1.47	231.1	F
2nd Avenue & East 48th Street												
Eastbound	TR	1.09	92.3	F	TR	1.12	102.8	F +	TR	1.12	102.3	F +
Southbound	L	1.28	149.2	F	L	1.28	149.2	F	L	1.28	149.6	F
	T	1.34	173.2	F	T	1.37	188.4	F +	T	1.37	188.6	F ##
2nd Avenue & East 49th Street												
Westbound	L	0.99	101.3	F	L	1.00	101.6	F	L	1.05	103.0	F
	T	0.22	19.8	B	T	0.23	19.8	B	T	0.23	20.5	C
Southbound	TR	1.17	92.3	F	TR	1.20	105.2	F +	TR	1.17	92.9	F
2nd Avenue & East 50th Street												
Eastbound	TR	1.27	174.0	F	TR	1.32	192.4	F +	TR	1.32	192.7	F ##
Southbound	L	0.60	11.1	B	L	0.60	11.2	B	L	0.60	11.7	B
	T	1.33	171.0	F	T	1.36	184.3	F +	T	1.36	184.6	F ##
2nd Avenue & East 51st Street												
Westbound	LT	0.73	38.7	D	LT	0.73	38.5	D	LT	0.76	41.4	D
Southbound	TR	1.34	172.6	F	TR	1.37	186.0	F +	TR	1.35	172.5	F

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
2nd Avenue & East 52nd Street												
Eastbound	TR	0.89	45.5	D	TR	0.91	45.3	D	TR	0.91	44.1	D
Southbound	L	0.18	7.3	A	L	0.18	7.3	A	L	0.18	8.2	A
	T	1.33	167.8	F	T	1.36	180.7	F +	T	1.36	181.5	F ##
2nd Avenue & East 53rd Street												
Westbound	LT	1.10dl	78.1	E	LT	1.12dl	82.5	F +	L	1.07	108.3	F
									T	0.51	36.7	D
Southbound	TR	1.33	168.2	F	TR	1.37	186.1	F +	TR	1.31	158.1	F
2nd Avenue & East 54th Street												
Eastbound	TR	0.59	25.0	C	TR	0.61	25.1	C	TR	0.63	24.0	C
Southbound	L	0.06	8.1	A	L	0.06	8.2	A	L	0.06	7.3	A
	T	1.42	208.7	F	T	1.45	224.2	F +	T	1.42	209.7	F
2nd Avenue & East 55th Street												
Westbound	L	0.78	25.1	C	L	0.78	24.8	C	L	0.78	24.8	C
	T	1.06	73.3	E	T	1.08	77.2	E	T	1.08	77.2	E
Southbound	TR	1.63	302.4	F	TR	1.68	327.0	F +	TR	1.68	327.3	F ##
2nd Avenue & East 56th Street												
Eastbound	T	0.52	11.8	B	T	0.53	11.8	B	T	0.56	11.0	B
	R	0.56	15.6	B	R	0.58	15.8	B	R	0.62	15.3	B
Southbound	L	0.33	4.5	A	L	0.33	4.5	A	L	0.31	2.3	A
	T	1.42	210.3	F	T	1.46	229.0	F +	T	1.40	201.3	F
2nd Avenue & East 57th Street												
Eastbound	TR	1.18	130.0	F	TR	1.19	134.2	F +	TR	1.19	135.5	F ##
Westbound	LT	0.79	37.4	D	LT	0.79	37.4	D	LT	0.79	49.3	D #
Southbound	L	0.22	21.3	C	L	0.22	21.6	C	L	0.22	21.6	C
	TR	1.42	214.4	F	TR	1.45	229.0	F +	TR	1.45	228.0	F +
2nd Avenue & East 59th Street												
Eastbound	L	1.12	84.7	F	L	1.15	98.5	F +	L	1.15	98.5	F +
	TR	0.51	272.4	F	TR	0.51	339.3	F +	TR	0.51	339.3	F +
Southbound	L	1.05	62.3	E	L	1.09	63.9	E	L	1.09	63.9	E
	LT	1.17	94.9	F	LT	1.19	102.3	F +	LT	1.19	102.3	F +
2nd Avenue & East 60th Street												
Westbound	LT	0.01	14.2	B	LT	0.01	14.2	B	LT	0.01	14.2	B
Southbound	LTR	1.10	80.0	E	LTR	1.12	86.8	F +	LTR	1.12	86.8	F +
Westbound (Bridge Exit)	L	1.26	151.7	F	L	1.29	164.2	F +	L	1.29	164.2	F +
	T	0.70	29.5	C	T	0.70	29.6	C	T	0.70	29.6	C
Tunnel Exit Street & East 37th Street												
Westbound	TR	0.60	44.0	D	TR	0.62	44.4	D	TR	0.62	47.1	D
North-Westbound	L	0.21	0.1	A	L	0.22	0.1	A	L	0.22	0.1	A
	R	0.50	11.9	B	R	0.51	12.1	B	R	0.51	12.1	B
Tunnel Exit Street & East 39th Street												
Westbound	TR	0.90dr	33.2	C	TR	0.93dr	33.8	C	TR	0.97dr	35.7	D
Northbound	L	1.09	113.2	F	L	1.12	120.4	F +	L	1.10	112.2	F
	T	0.11	20.0	B	T	0.13	19.9	B	T	0.12	19.2	B
Tunnel Exit Street & East 40th Street												
Eastbound	LT	0.93	77.1	E	LT	0.96	46.4	D	LT	0.96	48.8	D
Northbound	TR	0.23	6.8	A	TR	0.24	7.0	A	TR	0.24	6.6	A
3rd Avenue & East 36th Street												
Eastbound	LT	0.69	22.4	C	LT	0.70	22.6	C	LT	0.76	24.4	C
Northbound	TR	0.94	48.0	D	TR	0.99	73.2	E +	TR	0.91	45.9	D
	R	0.56	45.6	D	R	0.57	45.9	D	R	0.57	45.9	D
3rd Avenue & East 37th Street												
Westbound	TR	0.56	16.1	B	TR	0.58	16.5	B	TR	0.58	16.6	B
	R	0.82	68.7	E	R	0.90	82.8	F +	R	0.90	82.9	F ##
Northbound	LT	0.96	60.7	E	LT	1.01	60.8	E	LT	1.01	64.6	E

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
3rd Avenue & East 38th Street												
Eastbound	LT	0.45	31.9	C	LT	0.55	32.5	C	LT	0.55	32.5	C
Northbound	T	1.00	72.4	E	T	1.06	71.7	E	T	1.06	71.0	E
	R	0.39	12.1	B	R	0.43	13.0	B	R	0.43	13.0	B
3rd Avenue & East 39th Street												
Westbound	T	1.45	232.5	F	T	1.54	273.0	F +	T	1.54	273.4	F ††
	R	0.84	43.9	D	R	0.87	44.6	D	R	0.87	45.6	D
Northbound	L	0.99	50.1	E	L	0.99	50.1	E	L	0.99	50.1	E
	LT	1.17	100.3	F	LT	1.29	152.4	F +	LT	1.04	67.1	D
3rd Avenue & East 40th Street												
Eastbound	LT	0.97	105.7	F	L	0.96	63.7	E	L	1.10	106.0	F
	T	0.56	36.5	D	T	0.56	36.5	D	T	0.64	41.2	D
Northbound	T	1.13	75.8	E	T	1.24	125.6	F +	T	1.13	75.2	E
	R	0.93	50.7	D	R	0.96	39.0	D	R	0.86	39.8	D
3rd Avenue & East 41st Street												
Eastbound	L	1.05	125.8	F	L	0.30	29.9	C	L	0.35	34.9	C
	T	0.31	39.6	D	T	0.29	27.7	C	T	0.33	31.6	C
Westbound	R	1.09	123.3	F	R	1.12	129.6	F +	R	1.32	206.7	F ††
Northbound	T	0.93	63.2	E	T	1.08	65.3	E	T	0.98	58.3	E
	R	0.30	14.0	B	R	0.43	16.4	B	R	0.37	12.9	B
3rd Avenue & East 42nd Street												
Eastbound	L	0.98	75.8	E	L	0.99	76.4	E	L	0.99	76.3	E
	T	1.15	111.8	F	T	1.16	116.6	F +	T	1.16	116.6	F +
Westbound	T	0.84	33.5	C	T	0.85	34.1	C	T	0.85	34.1	C
	R	1.18	119.9	F	R	1.20	131.4	F +	R	1.20	131.4	F +
Northbound	LT	1.10	79.8	E	L	1.05	62.1	E	L	1.05	74.4	E
	T	0.92	48.6	D	T	0.92	48.6	D	T	0.92	50.8	D
	R	0.78	39.2	D	R	0.86	37.1	D	R	0.86	45.8	D #
3rd Avenue & East 43rd Street												
Westbound	TR	0.79	18.8	B	TR	0.87	21.6	C	TR	0.92	26.1	C
Northbound	LT	1.04	60.2	E	LT	1.09	64.3	E +	LT	1.03	60.9	E
3rd Avenue & East 44th Street												
Eastbound	LT	0.24	26.6	C	LT	0.26	26.8	C	LT	0.28	28.8	C
Northbound	T	1.03	62.3	E	T	1.08	64.1	E	T	1.00	58.4	E
	R	1.33	171.4	F	R	2.06	498.5	F +	R	1.69	331.3	F +
3rd Avenue & East 45th Street												
Westbound	T	0.57	17.5	B	T	0.49	16.0	B	T	0.49	15.6	B
	R	0.65	35.7	D	R	0.82	39.3	D	R	0.82	37.8	D
Northbound	L	0.98	50.1	E	L	0.98	53.8	D	L	0.98	64.7	E
	LT	1.14	87.9	F	T	1.04	70.9	E	T	1.04	75.4	E
3rd Avenue & East 46th Street												
Eastbound	L	0.30	28.3	C	L	0.39	30.6	C	L	0.44	33.3	C
	T	0.49	10.4	B	T	0.52	11.6	B	T	0.54	13.7	B
Northbound	T	1.09	70.4	E	T	1.17	101.8	F +	T	1.11	68.6	E
	R	1.21	122.0	F	R	1.32	171.2	F +	R	1.18	107.8	F
3rd Avenue & East 47th Street												
Westbound	T	1.06	59.5	E	T	1.14	92.7	F +	T	1.23	131.9	F ††
	R	0.69	21.6	C	R	0.72	22.6	C	R	0.79	26.5	C
Northbound	L	1.61	295.0	F +	L	1.61	295.0	F +	L	1.41	206.3	F
	LT	1.12	74.9	E	T	0.95	63.2	E	T	0.88	21.4	C
3rd Avenue & East 48th Street												
Eastbound	L	0.25	21.1	C	L	0.27	22.0	C	L	0.31	25.8	C
	T	0.39	23.3	C	T	0.41	24.3	C	T	0.45	27.9	C
Northbound	T	1.10	73.6	E	T	1.17	106.3	F +	T	1.04	73.2	E
	R	0.93	40.4	D	R	0.98	69.7	E +	R	0.84	43.6	D
3rd Avenue & East 49th Street												
Westbound	T	0.48	17.1	B	T	0.49	17.2	B	T	0.49	17.0	B
	R	0.43	39.6	D	R	0.43	39.7	D	R	0.43	39.6	D
Northbound	L	0.72	19.7	B	L	0.72	19.7	B	L	0.72	26.2	C
	LT	1.13	83.0	F	T	1.01	68.9	E	T	1.01	73.4	E

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>3rd Avenue &amp; East 50th Street</b>												
Eastbound	L	0.39	7.5	A	L	0.44	7.5	A	L	0.46	8.5	A
	T	0.50	8.3	A	T	0.52	8.5	A	T	0.54	9.4	A
Northbound	T	1.13	79.5	E	T	1.20	113.2	F +	T	1.13	81.8	F
	R	1.06	71.0	E	R	1.09	101.4	F +	R	1.00	70.6	E
<b>3rd Avenue &amp; East 51st Street</b>												
Westbound	T	0.79	24.9	C	T	0.79	24.8	C	T	0.88	30.8	C
	R	0.38	17.4	B	R	0.39	17.4	B	R	0.43	20.7	C
Northbound					L	2.94	891.1	F +	L	1.87	414.3	F
	LT	1.10	72.1	E	T	0.94	68.8	E	T	0.84	21.2	C
<b>3rd Avenue &amp; East 52nd Street</b>												
Eastbound	LT	0.80	21.1	C	LT	0.83	22.4	C	LT	0.92	36.4	D
Northbound	T	1.06	65.4	E	T	1.14	87.2	F +	T	1.02	71.4	E +
	R	1.02	49.9	D	R	1.15	126.4	F +	R	0.91	57.0	E +
<b>3rd Avenue &amp; East 53rd Street</b>												
Westbound	T	0.58	10.4	B	T	0.62	11.5	B	T	0.62	15.5	B
	R	0.75	31.9	C	R	0.75	32.5	C	R	0.75	46.9	D #
Northbound	LT	1.04	73.4	E	LT	1.12	84.6	F +	LT	1.12	85.3	F ##
<b>3rd Avenue &amp; East 54th Street</b>												
Eastbound	L	1.21	133.6	F	L	1.27	160.0	F +	L	1.55	278.9	F ††
	T	0.67	20.0	B	T	0.70	20.9	C	T	0.75	24.2	C
Northbound	T	1.02	74.5	E	T	1.09	76.3	E	T	1.00	68.4	E
	R	0.71	31.3	C	R	0.73	32.3	C	R	0.65	24.8	C
<b>3rd Avenue &amp; East 55th Street</b>												
Westbound	T	0.86	23.8	C	T	0.91	26.8	C	T	0.99	39.8	D
	R	1.02	49.9	D	R	1.09	72.9	E +	R	1.19	118.7	F ††
Northbound					L	0.77	19.7	B	L	0.69	15.6	B
	LT	1.16	95.0	F	T	1.07	68.2	E	T	0.98	39.6	D
<b>3rd Avenue &amp; East 56th Street</b>												
Eastbound (West Side)	LT	0.96	106.2	F	LT	0.98	106.6	F	LT	1.11	108.3	F
Northbound (West Side)	T	1.07	67.8	E	T	1.18	104.3	F +	T	1.08	70.6	E
Eastbound (East Side)	LT	0.90	23.2	C	LT	0.91	23.7	C	LT	1.04	43.8	D
Northbound (East Side)	TR	1.05	72.9	E	TR	1.07	73.7	E	TR	0.98	72.7	E
<b>3rd Avenue &amp; East 57th Street</b>												
Eastbound (West Side)	LT	1.08	109.6	F	LT	1.09	108.9	F	LT	1.09	108.9	F
Westbound (West Side)	TR	0.89	30.0	C	TR	0.89	30.1	C	TR	0.89	30.1	C
Northbound (West Side)	LT	1.14	87.1	F	LT	1.24	128.6	F +	LT	1.19	108.4	F +
Eastbound (East Side)	T	1.24	129.9	F	T	1.25	133.1	F +	T	1.25	133.1	F +
Westbound (East Side)	T	0.77	31.1	C	T	0.77	31.1	C	T	0.77	31.1	C
	R	0.58	25.9	C	R	0.58	25.8	C	R	0.58	25.8	C
Northbound (East Side)	TR	1.08	68.8	E	TR	1.08	69.0	E	TR	1.08	83.2	F †
	R	1.08	79.1	E	R	1.11	87.9	F +	R	1.11	109.2	F ††
<b>3rd Avenue &amp; East 59th Street</b>												
Eastbound	LT	1.06	84.5	F	LT	1.07	86.3	F	LT	1.07	86.3	F
Northbound	T	0.63	8.2	A	T	0.68	8.4	A	T	0.68	8.4	A
	R	1.01	64.2	E	R	1.05	75.5	E +	R	1.05	75.5	E +
<b>Lexington Avenue &amp; East 36th Street</b>												
Eastbound	TR	0.72	47.3	D	TR	0.73	47.9	D	TR	0.76	49.8	D
Southbound	LT	1.05	46.3	D	LT	1.08	56.7	E +	LT	1.05	45.9	D
<b>Lexington Avenue &amp; East 38th Street</b>												
Eastbound	T	0.62	43.9	D	T	0.75	47.4	D	T	0.75	47.4	D
	R	1.12	147.9	F	R	1.14	149.5	F	R	1.14	149.5	F
Southbound	L	0.16	2.0	A	L	0.17	2.0	A	L	0.17	2.0	A
	T	0.88	14.7	B	T	0.90	18.6	B	T	0.90	18.6	B
<b>Lexington Avenue &amp; East 39th Street</b>												
Westbound	L	1.08	87.7	F	L	1.11	99.1	F +	L	1.11	98.9	F +
	T	1.51	253.6	F	T	1.65	313.1	F +	T	1.65	313.0	F +
Southbound	T	1.05	55.3	E	T	1.07	63.5	E +	T	1.07	63.5	E +
	R	0.84	21.7	C	R	0.92	26.4	C	R	0.92	26.4	C

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
Lexington Avenue & East 40th Street												
Eastbound	T	0.74	20.8	C	T	1.00	39.6	D	T	1.00	39.6	D
	R	0.52	34.7	C	R	0.54	37.8	D	R	0.54	37.8	D
Southbound	L				L	0.37	9.9	A	L	0.37	9.9	A
	LT	1.12	73.4	E	T	1.04	63.0	E	T	1.04	63.0	E
Lexington Avenue & East 42nd Street												
Eastbound	T	1.06	65.0	E	T	1.08	70.8	E +	T	1.08	70.8	E +
	R	0.91	43.4	D	R	0.91	43.3	D	R	0.91	43.3	D
Westbound	LT	0.94	50.8	D	LT	0.96	52.7	D	LT	0.96	52.7	D
Southbound	L	0.49	22.6	C	L	0.50	22.7	C	L	0.50	22.7	C
	T	0.90	47.0	D	T	0.93	70.7	E +	T	0.93	70.7	E +
	R	0.68	26.2	C	R	0.70	27.1	C	R	0.70	27.0	C
Lexington Avenue & East 44th Street												
Southbound	LT	1.13	77.6	E	LT	1.18	102.2	F +	LT	1.14	78.2	E
Lexington Avenue & East 45th Street												
Southbound	LT	0.88	47.9	D	LT	0.82	45.0	D	LT	0.82	44.9	D
Southbound	T	1.03	64.5	E	T	1.07	66.1	E	T	1.07	65.9	E
	R	0.16	8.0	A	R	0.17	8.2	A	R	0.17	8.2	A
Lexington Avenue & East 46th Street												
Eastbound	T	0.91	58.6	E	T	0.99	66.6	E +	T	0.99	66.6	E +
	R	0.14	45.8	D	R	0.15	45.3	D	R	0.15	45.3	D
Southbound	L				L	0.22	3.6	A	L	0.22	3.6	A
	LT	1.05	57.7	E	T	1.01	55.5	E	T	1.01	55.5	E
Lexington Avenue & East 47th Street												
Westbound	L	1.13	103.5	F	L	1.20	132.0	F +	L	1.20	132.2	F ##
	T	1.20	116.8	F	T	1.44	224.9	F +	T	1.44	224.9	F +
Southbound	T	1.02	58.6	E	T	1.07	71.1	E +	T	1.07	70.8	E +
	R	1.27	162.9	F	R	1.71	356.3	F +	R	1.71	356.2	F +
Lexington Avenue & East 48th Street												
Eastbound	T	1.07	94.1	F	T	1.13	113.9	F +	T	1.13	113.9	F +
	R	1.11	127.0	F	R	1.16	145.9	F +	R	1.16	145.9	F +
Southbound	L				L	0.52	11.0	B	L	0.52	12.4	B
	LT	0.96	59.0	E	T	0.90	54.4	D	T	0.90	51.1	D
Lexington Avenue & East 49th Street												
Westbound	LT	0.55	30.2	C	LT	0.57	30.4	C	LT	0.60	32.8	C
Southbound	T	1.06	60.8	E	T	1.11	74.7	E +	T	1.06	64.5	E
	R	0.27	12.9	B	R	0.37	15.1	B	R	0.35	12.4	B
Lexington Avenue & East 50th Street												
Eastbound	TR	0.42	27.3	C	TR	0.44	29.3	C	TR	0.44	29.3	C
Southbound	L				L	1.01	42.2	D	L	1.01	42.2	D
	LT	1.06	60.6	E	T	0.91	45.1	D	T	0.91	36.3	D
Lexington Avenue & East 51st Street												
Westbound	L	1.05	95.6	F	L	1.05	76.9	E	L	1.05	76.2	E
	T	0.89	46.8	D	T	0.92	37.6	D	T	0.92	36.9	D
Southbound	T	1.11	71.8	E	T	1.18	105.0	F +	T	1.18	103.0	F +
	R	1.11	113.8	F	R	1.20	153.7	F +	R	1.20	150.0	F +
Lexington Avenue & East 52nd Street												
Eastbound	T	0.94	44.7	D	T	0.98	57.1	E +	T	0.92	44.9	D
	R	0.96	71.6	E	R	0.96	79.6	E +	R	0.90	65.3	E
Southbound	L				L	0.65	14.9	B	L	0.71	19.5	B
	LT	0.91	63.5	E	T	0.82	55.0	D	T	0.86	66.8	E
Lexington Avenue & East 53rd Street												
Westbound	L	0.07	21.2	C	L	0.07	21.2	C	L	0.07	21.4	C
	T	0.82	37.5	D	T	0.87	40.3	D	T	0.87	40.8	D
Southbound	T	1.03	42.0	D	T	1.10	66.5	E +	T	1.10	66.5	E +
	R	0.78	66.4	E	R	0.80	109.2	F +	R	0.80	109.2	F +
Lexington Avenue & East 54th Street												
Eastbound	TR	1.02	58.4	E	TR	1.07	74.2	E +	TR	1.07	74.2	E +
	L				L	1.07	61.1	E	L	1.07	61.1	E
	LT	1.08	61.2	E	T	0.94	43.4	D	T	0.94	43.4	D



Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
<b>Park Avenue &amp; East 49th Street</b>												
Westbound (East Side)	T	0.81	23.2	C	T	0.85	27.5	C	T	0.85	27.8	C
	R	0.38	9.6	A	R	0.40	10.4	B	R	0.40	10.1	B
Northbound (East Side)	L	0.21	15.4	B	L	0.21	15.5	B	L	0.21	15.6	B
	T	1.01	42.4	D	T	1.03	58.6	E +	T	1.03	58.6	E +
Westbound (West Side)	LT	0.87	20.7	C	LT	0.92	26.6	C	LT	0.92	26.5	C
Southbound (West Side)					T	1.34	174.5	F +	T	1.34	174.5	F +
	TR	0.96	44.2	D	R	0.24	7.4	A	R	0.24	7.4	A
<b>Park Avenue &amp; East 50th Street</b>												
Eastbound (West Side)	T	0.79	17.5	B	T	0.85	20.3	C	T	0.85	20.2	C
	R	0.71	16.7	B	R	0.75	18.0	B	R	0.75	17.9	B
Southbound (West Side)	L	0.23	13.5	B	L	0.23	13.7	B	L	0.23	13.7	B
	T	1.06	60.5	E	T	1.09	63.1	E	T	1.09	63.1	E
Eastbound (East Side)	LT	1.05	67.3	E	LT	1.10	83.5	F +	LT	1.10	83.5	F +
Northbound (East Side)					T	1.19	106.8	F +	T	1.19	106.7	F +
	TR	0.87	26.4	C	R	0.34	9.1	A	R	0.34	9.0	A
<b>Park Avenue &amp; East 51st Street</b>												
Westbound (East Side)	T	1.12	102.9	F	T	1.17	117.0	F +	T	1.17	117.0	F +
	R	0.68	35.2	D	R	0.71	35.0	C	R	0.71	35.1	D
Northbound (East Side)	L	0.21	28.7	C	L	0.21	37.5	D	L	0.21	37.5	D
	T	1.03	65.8	E	T	1.05	61.0	E	T	1.05	61.0	E
Westbound (West Side)	LT	1.06	63.3	E	LT	1.10	72.3	E +	LT	1.10	72.2	E +
Southbound (West Side)					T	1.35	175.5	F +	T	1.35	175.5	F +
	TR	1.05	63.7	E	R	0.79	15.8	B	R	0.79	15.8	B
<b>Park Avenue &amp; East 52nd Street</b>												
Eastbound (West Side)	TR	0.99	56.4	E	TR	1.01	60.9	E +	TR	1.01	60.9	E +
	L	0.21	164.4	F	L	0.23	178.3	F +	L	0.23	178.3	F +
Southbound (West Side)	T	1.00	67.3	E	T	1.02	60.9	E	T	1.02	60.9	E
	LT	0.93	30.2	C	LT	0.96	35.2	D	LT	0.96	35.2	D
Northbound (East Side)					T	1.24	124.3	F +	T	1.24	124.3	F +
	TR	0.99	40.3	D	R	0.46	7.4	A	R	0.46	7.4	A
<b>Park Avenue &amp; East 53rd Street</b>												
Westbound (East Side)	T	0.74	40.9	D	T	0.76	41.3	D	T	0.76	41.3	D
	R	0.58	37.7	D	R	0.64	39.2	D	R	0.64	39.2	D
Northbound (East Side)	L	0.20	17.0	B	L	0.20	18.6	B	L	0.20	18.6	B
	T	1.04	64.4	E	T	1.06	62.0	E	T	1.06	62.0	E
Westbound (West Side)	LT	1.08	74.3	E	LT	1.11	86.1	F +	LT	1.11	86.1	F +
Southbound (West Side)					T	1.23	124.2	F +	T	1.23	124.2	F +
	TR	0.94	32.0	C	R	0.70	18.3	B	R	0.70	18.3	B
<b>Park Avenue &amp; East 54th Street</b>												
Eastbound (West Side)	TR	0.59	18.1	B	TR	0.62	18.5	B	TR	0.62	18.5	B
	L	0.22	10.7	B	L	0.22	10.9	B	L	0.22	10.9	B
Southbound (West Side)	T	1.00	41.1	D	T	1.02	59.2	E +	T	1.02	59.2	E +
	LT	0.33	10.6	B	LT	0.34	10.5	B	LT	0.34	10.5	B
Eastbound (East Side)	T	0.63	12.5	B	T	0.65	16.8	B	T	0.65	16.8	B
	TR	0.96	44.4	D	T	1.14	84.2	F +	T	1.14	84.2	F +
Northbound (East Side)					R	0.69	11.2	B	R	0.69	11.2	B
<b>Park Avenue &amp; East 55th Street</b>												
Westbound (East Side)	TR	1.09	105.7	F	TR	1.11	109.4	F +	TR	1.11	109.3	F +
	L	0.29	106.8	F	L	0.29	140.3	F +	L	0.29	140.3	F +
Northbound (East Side)	T	1.09	66.9	E	T	1.12	70.2	E	T	1.12	70.2	E
	LT	1.04	66.9	E	LT	1.06	70.6	E	LT	1.06	70.6	E
Westbound (West Side)					T	1.38	188.8	F +	T	1.38	188.8	F +
	TR	1.07	60.6	E	R	0.68	11.3	B	R	0.68	11.3	B
<b>Park Avenue &amp; East 56th Street</b>												
Eastbound (West Side)	TR	1.35	188.3	F	TR	1.36	191.8	F +	TR	1.36	191.8	F +
	L	0.18	143.3	F	L	0.18	143.5	F	L	0.18	143.5	F
Southbound (West Side)	T	1.00	65.3	E	T	1.02	65.7	E	T	1.02	65.7	E
	LT	1.16	89.7	F	LT	1.16	92.8	F +	LT	1.16	92.8	F +
Eastbound (East Side)					T	1.19	104.8	F +	T	1.19	104.8	F +
	TR	0.91	46.1	D	R	0.75	15.3	B	R	0.75	15.3	B

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
<b>Park Avenue &amp; East 57th Street</b>												
Eastbound (West Side)	T	1.19	124.2	F	T	1.20	127.3	F +	T	1.20	127.3	F +
	R	1.06	93.7	F	R	1.08	98.1	F +	R	1.08	98.1	F +
Westbound (West Side)	T	1.18	101.9	F	T	1.19	104.3	F	T	1.19	104.3	F
Southbound (West Side)	LTR	0.95	87.0	F	LTR	0.97	88.1	F	LTR	0.97	88.1	F
Eastbound (East Side)	LT	1.21	112.6	F	LT	1.22	117.5	F +	LT	1.22	117.5	F +
Westbound (East Side)	T	1.17	126.7	F	T	1.17	129.1	F	T	1.17	129.1	F
	R	1.03	97.9	F	R	1.03	97.7	F	R	1.03	97.7	F
Northbound (East Side)	L	0.29	686.2	F	L	0.29	685.8	F	L	0.29	685.8	F
	T	1.01	35.8	D	T	1.04	60.8	E +	T	1.04	60.8	E +
	R	0.69	21.7	C	R	0.69	15.6	B	R	0.69	15.6	B
<b>Madison Avenue &amp; East 39th Street</b>												
Westbound	T	1.35	187.4	F	T	1.42	215.9	F +	T	1.30	162.4	F
	R	1.29	179.6	F	R	1.48	249.2	F +	R	1.27	156.8	F
Northbound	LT	0.98	85.8	F	LT	1.01	88.0	F	LT	1.09	87.0	F
<b>Madison Avenue &amp; East 40th Street</b>												
Eastbound	L	0.70	39.5	D	L	0.82	71.5	E +	L	0.82	71.5	E +
	T	0.64	21.8	C	T	0.78	24.7	C	T	0.78	24.7	C
Northbound	T	1.51	252.5	F +	T	1.51	251.7	F +	T	1.51	251.7	F +
	TR	1.07	60.0	E	R	0.46	8.9	A	R	0.46	7.0	A
<b>Madison Avenue &amp; East 41st Street</b>												
Eastbound	L	0.49	49.3	D								
	T	0.29	27.9	C	LT	0.92	58.7	E +	LT	0.92	58.7	E +
Northbound	T	1.63	304.4	F +	T	1.63	304.4	F +	T	1.63	304.4	F +
	TR	1.15	87.5	F	R	0.58	13.0	B	R	0.58	13.0	B
<b>Madison Avenue &amp; East 42nd Street</b>												
Eastbound	LT	1.16	100.5	F	LT	1.18	107.9	F +	LT	1.18	107.9	F +
Westbound	T	1.22	135.4	F	T	1.24	143.1	F +	T	1.24	143.1	F +
	R	0.23	25.5	C	R	0.23	25.2	C	R	0.23	25.2	C
Northbound	LT	1.17	96.7	F	LT	1.21	115.1	F +	LT	1.21	115.1	F +
	R	0.71	91.4	F	R	0.74	93.9	F	R	0.74	93.9	F
<b>Madison Avenue &amp; East 43rd Street</b>												
Westbound	T	1.22	154.6	F	T	1.30	188.2	F +	T	1.30	188.2	F +
	R	1.47	265.4	F	R	1.81	410.7	F +	R	1.81	410.7	F +
Northbound	L	0.83	28.4	C	L	1.18	118.2	F +	L	1.18	118.2	F +
	T	1.10	66.2	E	T	1.13	79.9	E +	T	1.13	79.9	E +
<b>Madison Avenue &amp; East 46th Street</b>												
Eastbound	LT	0.88	48.2	D	LT	0.93	100.0	F +	LT	0.93	100.0	F +
Northbound	T	1.14	85.5	F	T	1.20	111.0	F +	T	1.20	111.0	F +
	R	0.66	14.3	B	R	0.89	100.3	F +	R	0.89	100.3	F +
<b>Madison Avenue &amp; East 48th Street</b>												
Eastbound	L	0.94	76.7	E	L	0.96	80.1	F +	L	0.89	65.1	E
	T	0.67	22.4	C	T	0.69	23.6	C	T	0.68	22.5	C
Northbound	T	0.98	62.8	E	T	1.00	62.4	E	T	1.03	64.8	E
	R	0.70	28.7	C	R	0.72	22.9	C	R	0.77	26.7	C
<b>Madison Avenue &amp; East 49th Street</b>												
Westbound	TR	1.03	56.1	E	TR	1.07	71.1	E +	TR	1.03	58.7	E
Northbound	L	0.29	10.6	B	L	0.30	10.7	B	L	0.31	11.0	B
	T	1.02	64.8	E	T	1.04	64.6	E	T	1.07	62.6	E
<b>Madison Avenue &amp; East 53rd Street</b>												
Westbound	TR	0.83	41.2	D	TR	0.85	41.3	D	TR	0.85	41.3	D
Northbound	L	0.18	9.8	A	L	0.18	9.8	A	L	0.18	9.8	A
	T	0.96	62.7	E	T	0.98	65.9	E	T	0.98	65.9	E
<b>Madison Avenue &amp; East 54th Street</b>												
Eastbound	LT	1.13	99.8	F	LT	1.16	114.2	F +	LT	1.16	114.2	F +
Northbound	T	1.13	81.9	F	T	1.15	90.6	F +	T	1.15	90.6	F +
	R	0.87	36.9	D	R	0.92	41.7	D	R	0.92	41.7	D

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
5th Avenue & 38th Street												
Eastbound	T	0.57	22.5	C	T	0.58	22.7	C	T	0.58	22.7	C
	R	1.06	120.1	F	R	1.06	121.5	F	R	1.06	121.5	F
Southbound	LT	1.35	172.0	F	LT	1.37	182.3	F +	LT	1.37	182.3	F +
5th Avenue & 39th Street												
Westbound	L	0.85	54.6	D	L	0.93	60.0	E +	L	0.93	60.7	E ##
	T	1.33	182.1	F	T	1.38	205.1	F +	T	1.38	205.5	F ##
Southbound	T	1.13	88.4	F	T	1.14	93.6	F +	T	1.14	93.6	F +
	R	1.06	63.2	E	R	1.06	62.0	E	R	1.06	62.0	E
5th Avenue & 40th Street												
Eastbound	TR	1.31	186.0	F	TR	1.34	200.2	F +	TR	1.34	200.2	F +
Southbound	LT	1.08	67.4	E	LT	1.20	111.0	F +	LT	1.20	111.0	F +
5th Avenue & 42nd Street												
Eastbound	T	0.72	28.1	C	T	0.72	28.3	C	T	0.72	28.3	C
	R	0.17	21.8	C	R	0.17	21.9	C	R	0.17	21.9	C
Westbound	LT	1.35	179.2	F	LT	1.37	188.7	F +	LT	1.37	188.7	F +
Southbound	LT	1.49	243.8	F	LT	1.52	255.9	F +	LT	1.52	255.8	F +
	R	0.11	14.1	B	R	0.11	14.1	B	R	0.11	13.5	B
5th Avenue & 43rd Street												
Westbound	L	0.79	18.8	B	L	0.88	28.5	C	L	1.00	37.7	D
	T	0.65	12.1	B	T	0.69	13.2	B	T	0.77	14.6	B
Southbound	T	1.18	105.8	F	T	1.20	110.5	F +	T	1.11	73.2	E
	R	1.76	365.2	F	R	1.88	418.8	F +	R	1.53	261.0	F
5th Avenue & 44th Street												
Eastbound	T	0.40	23.0	C	T	0.42	23.4	C	T	0.42	23.4	C
	R	1.12	122.4	F	R	1.17	139.2	F +	R	1.17	139.2	F +
Southbound	LT	1.41	203.5	F	LT	1.43	214.0	F +	LT	1.43	213.6	F +
5th Avenue & 47th Street												
Westbound	L	0.95	64.9	E	L	0.99	70.6	E +	L	0.99	70.6	E +
	T	0.53	34.2	C	T	0.52	33.7	C	T	0.52	33.7	C
Southbound	T	1.46	229.7	F	T	1.47	235.8	F +	T	1.47	235.8	F +
	R	1.00	51.0	D	R	1.03	57.7	E +	R	1.03	57.7	E +
5th Avenue & 48th Street												
Eastbound	T	0.64	19.8	B	T	0.67	20.1	C	T	0.67	20.8	C
	R	0.98	90.5	F	R	0.99	92.3	F	R	0.99	96.5	F #
Southbound	LT	1.31	162.2	F	LT	1.32	167.6	F +	LT	1.32	168.0	F ##
5th Avenue & 49th Street												
Westbound	LT	0.48	23.0	C	LT	0.50	23.2	C	LT	0.51	24.7	C
Southbound	T	1.47	235.1	F	T	1.49	241.3	F +	T	1.45	225.6	F
	R	0.37	11.7	B	R	0.37	11.7	B	R	0.36	10.3	B
5th Avenue & 54th Street												
Eastbound	TR	1.05	88.7	F	TR	1.08	97.7	F +	TR	1.08	97.7	F +
Southbound	LT	1.39	197.6	F	LT	1.41	207.4	F +	LT	1.41	207.4	F +
5th Avenue & 57th Street												
Eastbound	T	1.18	124.7	F	T	1.19	129.3	F +	T	1.16	114.6	F
	R	1.07	125.5	F	R	1.07	126.9	F	R	1.03	124.6	F
Westbound	LT	0.78	77.8	E	LT	0.79	89.4	F +	LT	0.76	62.2	E
	LT	1.04	84.9	F	LT	1.06	84.0	F	LT	1.08	83.6	F
Southbound	R	0.37	18.5	B	R	0.38	18.5	B	R	0.39	19.4	B
6th Avenue & East 48th Street												
Eastbound	L	0.33	22.7	C	L	0.33	22.7	C	L	0.32	21.7	C
	T	1.00	72.9	E	T	1.02	78.9	E +	T	0.99	70.1	E
Northbound	TR	0.76	34.9	C	TR	0.76	35.7	D	TR	0.78	43.1	D

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
6th Avenue & West 49th Street												
Westbound	T	0.50	19.6	B	T	0.52	20.7	C	T	0.52	23.0	C
	R	0.59	27.7	C	R	0.62	29.7	C	R	0.62	31.8	C
Northbound	LT	1.06	49.2	D	LT	1.06	50.8	D	LT	1.06	49.9	D

Intersection & Approach (Unsignalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
1st Avenue & East 48th Street (West Side)												
Eastbound	L	0.60	20.5	C	L	0.61	21.0	C	L	0.61	21	C
Northbound	T	0.32	0.0	A	T	0.32	0.0	A	T	0.32	0	A

Notes:

- + Denotes a significant adverse traffic impact
- Unmitigated approach movements denoted by shading
- † No significant adverse impact for the With-Action condition. Significant adverse impact is due to changes in traffic signal timing as part of air quality mitigation measures
- †† Impact worsened by pedestrian mitigation signal timing changes
- ‡ No significant adverse impact for the With-Action condition. Significant adverse impact is due to changes in traffic signal timing as part of pedestrian mitigation measures
- ‡‡ Impact worsened by air quality mitigation signal timing changes
- # No significant adverse impact for the With-Action condition. Significant adverse impact is due to traffic mitigation measures at an adjacent intersection
- ## Impact worsened due to traffic mitigation measures at an adjacent intersection
- || Proposed mitigation may be infeasible and will be reviewed as part of the traffic monitoring program. Significant adverse impact is identified as a worst-case scenario.

**Table A.7 - Greater East Midtown Rezoning EIS**

Traffic LOS Tables for Amended Action With PRI Condition with and without Proposed Mitigation- PM Peak Hour

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>1st Avenue &amp; East 40th Street</b>												
Eastbound	L	1.16	119.0	F	L	1.37	195.4	F +	L	1.37	195.4	F +
Northbound	T	1.37	193.5	F	T	1.40	205.4	F +	T	1.40	205.4	F +
<b>1st Avenue &amp; East 42nd Street</b>												
Eastbound (East Side)	T	0.70	15.0	B	T	0.77	16.9	B	T	0.77	16.9	B
Westbound (East Side)	TR	0.83	40.0	D	TR	0.81	39.0	D	TR	0.81	39.0	D
	R	1.30	196.5	F	R	1.32	202.9	F +	R	1.32	202.9	F +
Northbound (East Side)	LT	1.15	117.7	F	LT	1.24	153.6	F +	LT	1.24	153.6	F +
	R	1.31	183.2	F	R	1.37	205.8	F +	R	1.37	205.8	F +
Eastbound (West Side)	L	1.05	93.3	F	L	1.08	93.6	F	L	1.08	93.6	F
	T	0.45	15.7	B	T	0.50	15.9	B	T	0.50	15.9	B
Westbound (West Side)	TR	0.59	5.5	A	TR	0.59	5.6	A	TR	0.59	5.6	A
Northbound (West Side)	L	1.02	52.3	D	L	1.07	68.8	E +	L	1.07	68.8	E +
	T	0.82	89.1	F	T	0.92	87.3	F	T	0.92	87.3	F
<b>1st Avenue &amp; East 44th Street</b>												
Eastbound	L	0.60	20.9	C	L	0.68	21.2	C	L	0.68	21.3	C
Northbound	T	0.77	2.6	A	T	0.81	3.0	A	T	0.81	3.0	A
<b>1st Avenue &amp; East 46th Street</b>												
Eastbound	L	1.20	123.1	F	L	1.46	234.9	F +	L	1.46	234.9	F +
Northbound	T	0.89	56.4	E	T	0.96	60.9	E +	T	0.96	60.9	E +
<b>1st Avenue &amp; East 47th Street</b>												
Northbound (East Side)	T	1.06	67.4	E	T	1.23	124.1	F +	T	1.23	124.1	F +
Northbound (West Side)	L	0.55	12.5	B	L	0.60	12.4	B	L	0.60	12.4	B
	T	0.70	15.4	B	T	0.70	12.9	B	T	0.70	12.9	B
<b>1st Avenue &amp; East 48th Street (East Side)</b>												
Northbound	T	0.28	0.1	A	T	0.29	0.2	A	T	0.29	0.2	A
	R	1.14	74.4	E	R	1.43	206.1	F +	R	1.43	206.1	F +
<b>1st Avenue &amp; East 49th Street</b>												
Westbound (East Side)	T	0.89	42.4	D	T	0.87	40.5	D	T	0.87	40.5	D
	R	0.21	17.0	B	R	0.21	17.0	B	R	0.21	17.0	B
Northbound (East Side)	T	1.23	133.5	F	T	1.25	140.6	F +	T	1.25	140.6	F +
Westbound (West Side)	T	0.89	13.1	B	T	0.87	12.2	B	T	0.87	12.2	B
Northbound (West Side)	LT	1.07	65.9	E	LT	1.13	89.1	F +	LT	1.13	89.1	F +
<b>1st Avenue &amp; East 53rd Street</b>												
Westbound	TR	0.71	27.7	C	TR	0.71	27.7	C	TR	0.71	27.7	C
Northbound	L	0.64	29.1	C	L	0.64	29.2	C	L	0.64	29.2	C
	T	1.09	76.1	E	T	1.11	79.3	E	T	1.11	79.3	E
<b>1st Avenue &amp; East 54th Street</b>												
Eastbound	LT	1.10	97.2	F	LT	1.23	145.1	F +	LT	1.23	144.2	F +
Northbound	T	1.06	52.6	D	T	1.08	53.7	D	T	1.08	53.6	D
	R	0.82	11.6	B	R	0.82	12.0	B	R	0.82	12.0	B
<b>1st Avenue &amp; East 55th Street</b>												
Westbound	TR	0.73	34.7	C	TR	0.73	34.7	C	TR	0.75	37.1	D
Northbound	L	1.09	62.1	E	L	1.09	62.4	E	L	1.05	47.4	D
	T	0.97	33.5	C	T	1.00	48.7	D +	T	0.98	38.3	D
<b>1st Avenue &amp; East 57th Street</b>												
Eastbound	LT	0.58	33.2	C	LT	0.59	33.5	C	LT	0.59	33.5	C
Westbound	TR	0.87	48.2	D	TR	0.87	48.2	D	TR	0.87	48.2	D
Northbound	L	1.02	62.6	E	L	1.04	69.1	E +	L	1.04	69.2	E ##
	T	0.86	11.1	B	T	0.90	13.7	B	T	0.90	13.7	B
	R	0.15	7.5	A	R	0.15	7.6	A	R	0.15	7.6	A
<b>2nd Avenue &amp; East 36th Street</b>												
Eastbound	TR	1.56	281.2	F	TR	1.74	358.0	F +	TR	1.74	358.0	F +
Southbound	L	0.84	15.4	B	L	0.84	15.3	B	L	0.84	15.3	B
	T	1.11	66.5	E	T	1.12	72.7	E +	T	1.12	72.7	E +

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
2nd Avenue & East 37th Street												
Westbound	LT	0.49	19.2	B	LT	0.49	19.2	B	LT	0.49	19.2	B
Southbound	T	1.22	111.7	F	T	1.28	139.8	F +	T	1.28	139.8	F +
	R	0.34	4.5	A	R	0.35	4.5	A	R	0.35	4.6	A
2nd Avenue & East 38th Street												
Eastbound	TR	1.04	79.6	E	TR	1.14	110.8	F +	TR	1.14	110.8	F +
Southbound	LT	1.24	122.1	F	LT	1.30	148.5	F +	LT	1.30	149.5	F ##
2nd Avenue & East 39th Street												
Westbound	L	0.34	25.0	C	L	0.37	25.6	C	L	0.41	28.0	C
	T	0.40	25.1	C	T	0.44	25.8	C	T	0.47	28.0	C
Southbound	T	1.23	117.7	F	T	1.28	143.7	F +	T	1.23	117.5	F
	R	0.73	11.6	B	R	0.87	20.8	C	R	0.83	15.5	B
2nd Avenue & East 40th Street												
Eastbound	T	0.93	28.6	C	T	1.17	104.7	F +	T	1.17	105.0	F ##
	R	1.26	144.3	F	R	1.41	209.6	F +	R	1.41	209.8	F ##
Southbound	LT	1.12	65.1	E	LT	1.20	99.2	F +	LT	1.20	100.7	F ##
2nd Avenue & East 41st Street												
Eastbound	TR	0.88	55.6	E	TR	1.01	84.0	F +	T	0.15	19.3	B II
									R	0.85	52.5	D
Southbound	LT	1.20	107.8	F	LT	1.26	136.2	F +	LT	1.19	101.1	F II
	R	0.19	5.5	A	R	0.21	5.4	A	R	0.19	5.2	A
2nd Avenue & East 42nd Street												
Eastbound	TR	1.16	95.8	F	TR	1.18	107.5	F +	TR	1.18	107.5	F +
Westbound	LT	1.81dl	168.6	F	LT	1.99dl	188.0	F +	LT	1.99dl	188.0	F +
Southbound	LT	1.13	77.6	E	LT	1.21	113.6	F +	LT	1.21	115.2	F ##
	R	0.75	16.7	B	R	0.88	22.0	C	R	0.88	24.1	C
2nd Avenue & East 43rd Street												
Westbound	LT	0.38	25.6	C	LT	0.38	25.7	C	LT	0.43	29.0	C
Southbound	T	1.10	58.4	E	T	1.18	94.0	F +	T	1.10	57.8	E
	R	1.06	53.4	D	R	1.24	129.2	F +	R	1.13	76.7	E +
2nd Avenue & East 44th Street												
Eastbound	TR	0.92	27.0	C	TR	1.27	148.9	F +	TR	1.27	150.1	F ##
Southbound	LT	1.12	62.7	E	LT	1.17	88.6	F +	LT	1.17	90.9	F ##
2nd Avenue & East 45th Street												
Westbound	LT	1.09	86.4	F	LT	1.08	85.2	F	LT	0.59	12.7	B
Southbound	T	1.11	61.4	E	T	1.16	88.0	F +	T	1.10	55.3	E
	R	0.90	22.5	C	R	1.09	67.5	E +	R	0.66	6.0	A
2nd Avenue & East 46th Street												
Eastbound	TR	1.22dr	63.7	E	TR	1.29dr	90.2	F +	TR	1.29dr	89.7	F +
Southbound	LT	1.09	53.6	D	LT	1.17	84.8	F +	LT	1.17	86.7	F ##
2nd Avenue & East 47th Street												
Westbound	LT	0.58	24.4	C	LT	0.63	26.6	C	LT	0.72	33.0	C
Southbound	T	1.12	63.2	E	T	1.19	96.2	F +	T	1.12	64.2	E
	R	1.17	94.2	F	R	1.24	123.2	F +	R	1.14	80.0	F
2nd Avenue & East 48th Street												
Eastbound	TR	1.10	99.4	F	TR	1.19	133.5	F +	TR	1.19	132.1	F +
Southbound	LT	1.07	62.2	E	LT	1.12	72.0	E +	LT	1.12	69.4	E +
2nd Avenue & East 49th Street												
Westbound	L	1.11	93.2	F	L	1.24	146.5	F +	L	1.08	79.1	E
	T	0.39	18.2	B	T	0.41	19.6	B	T	0.37	18.0	B
Southbound	T	0.91	47.5	D	T	0.95	48.6	D	T	1.02	51.4	D
	R	0.46	1.9	A	R	0.46	2.0	A	R	0.50	4.3	A
2nd Avenue & East 50th Street												
Eastbound	TR	1.09	89.0	F	TR	1.23	141.6	F +	TR	1.23	141.3	F +
Southbound	LT	1.11	60.7	E	LT	1.15	76.7	E +	LT	1.15	76.9	E ##
2nd Avenue & East 51st Street												
Southbound	LT	0.73	37.6	D	LT	0.73	37.4	D	LT	0.73	37.4	D
	T	1.07	54.3	D	T	1.10	57.1	E	T	1.10	57.1	E
	R	0.94	21.5	C	R	0.94	22.3	C	R	0.94	22.3	C

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
<b>2nd Avenue &amp; East 52nd Street</b>												
Eastbound	TR	0.85	51.2	D	TR	0.91	51.6	D	TR	0.91	50.6	D
Southbound	L	0.21	2.0	A	L	0.21	1.9	A	L	0.21	1.9	A
	T	1.29	145.4	F	T	1.33	161.8	F +	T	1.33	161.8	F +
<b>2nd Avenue &amp; East 53rd Street</b>												
Westbound	LT	0.96	60.1	E	LT	0.96	60.1	E	LT	0.96	60.1	E
Southbound	T	1.38	191.5	F	T	1.43	212.5	F +	T	1.43	213.0	F ##
	R	0.65	10.6	B	R	0.69	12.0	B	R	0.69	12.9	B
<b>2nd Avenue &amp; East 54th Street</b>												
Eastbound	TR	0.48	30.2	C	TR	0.58	31.6	C	TR	0.60	32.1	C
Southbound	L	0.05	1.1	A	L	0.05	1.1	A	L	0.05	1.1	A
	T	1.46	221.2	F	T	1.49	235.8	F +	T	1.46	220.7	F
<b>2nd Avenue &amp; East 55th Street</b>												
Westbound	L	0.35	27.7	C	L	0.35	27.7	C	L	0.35	27.5	C
	T	1.09	87.1	F	T	1.09	87.1	F	T	1.09	87.4	F
Southbound	T	1.45	219.1	F	T	1.48	234.2	F +	T	1.48	234.6	F ##
	R	0.25	3.4	A	R	0.26	3.5	A	R	0.26	4.3	A
<b>2nd Avenue &amp; East 56th Street</b>												
Eastbound	T	0.62	26.6	C	T	0.65	27.3	C	T	0.67	27.6	C
	R	0.43	23.3	C	R	0.48	24.4	C	R	0.50	24.6	C
Southbound	L	0.11	1.5	A	L	0.11	1.5	A	L	0.10	1.5	A
	T	1.32	158.8	F	T	1.34	170.0	F +	T	1.31	157.0	F
<b>2nd Avenue &amp; East 57th Street</b>												
Eastbound	T	1.22	127.7	F	T	1.25	141.0	F +	T	1.25	141.0	F +
	R	0.30	23.6	C	R	0.31	23.5	C	R	0.31	23.5	C
	LT	0.88dl	23.6	C	LT	0.88dl	23.4	C	LT	0.88dl	23.4	C
Southbound	L	0.60	16.8	B	L	0.60	16.7	B	L	0.60	16.7	B
	T	1.07	68.8	E	T	1.09	68.6	E	T	1.09	68.6	E
	R	0.82	26.9	C	R	0.82	26.4	C	R	0.82	26.4	C
<b>2nd Avenue &amp; East 59th Street</b>												
Eastbound	L	1.35	183.5	F	L	1.42	212.2	F +	L	1.42	211.7	F +
	TR	0.76	298.5	F	TR	0.76	298.7	F	TR	0.76	297.6	F
Southbound	L	1.08	62.0	E	L	1.10	62.6	E	L	1.10	62.6	E
	LT	1.15	83.1	F	LT	1.16	87.2	F +	LT	1.16	87.2	F +
<b>2nd Avenue &amp; East 60th Street</b>												
Westbound	LT	0.02	14.2	B	LT	0.02	14.2	B	LT	0.02	14.2	B
Southbound	L	0.07	14.9	B	L	0.07	14.9	B	L	0.07	14.9	B
	T	1.09	77.5	E	T	1.11	79.6	E	T	1.11	79.6	E
	R	0.11	15.7	B	R	0.12	15.7	B	R	0.12	15.7	B
Westbound (Bridge Exit)	L	1.16	111.4	F	L	1.17	115.3	F +	L	1.17	115.3	F +
	T	1.02	69.4	E	T	1.03	70.3	E	T	1.03	70.3	E
<b>Tunnel Exit Street &amp; East 37th Street</b>												
Westbound	TR	0.50	48.7	D	TR	0.51	48.6	D	TR	0.51	48.6	D
North-Westbound	L	0.24	0.1	A	L	0.24	0.1	A	L	0.24	0.1	A
	R	0.50	11.9	B	R	0.51	12.1	B	R	0.51	12.1	B
<b>Tunnel Exit Street &amp; East 39th Street</b>												
Westbound	TR	0.56	28.3	C	TR	0.64	28.6	C	TR	0.64	29.2	C
	LT	1.14dl	13.3	B	LT	1.16dl	13.6	B	LT	1.16dl	13.6	B
<b>Tunnel Exit Street &amp; East 40th Street</b>												
Eastbound	LT	1.27	140.3	F	LT	1.31	159.5	F +	LT	1.27	139.2	F
Northbound	TR	0.22	12.4	B	TR	0.24	12.1	B	TR	0.24	12.3	B
<b>3rd Avenue &amp; East 36th Street</b>												
Eastbound	LT	1.50	252.7	F	LT	1.67	328.0	F +	LT	1.67	328.0	F +
Northbound	TR	0.57	19.8	B	TR	0.57	19.9	B	TR	0.57	19.9	B
	R	1.13	141.2	F	R	1.16	149.7	F +	R	1.16	149.7	F +
<b>3rd Avenue &amp; East 37th Street</b>												
Westbound	TR	0.56	16.3	B	TR	0.57	16.4	B	TR	0.56	15.6	B
	R	1.03	112.9	F	R	1.07	122.8	F +	R	1.00	103.7	F
Northbound	LT	0.60	5.7	A	LT	0.61	5.9	A	LT	0.63	6.9	A

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>3rd Avenue &amp; East 38th Street</b>												
Eastbound	LT	0.70	37.3	D	LT	1.06dl	53.5	D +	LT	1.00dl	44.8	D
Northbound	T	0.67	11.0	B	T	0.70	12.7	B	T	0.73	12.4	B
	R	0.35	9.0	A	R	0.46	11.6	B	R	0.48	12.3	B
<b>3rd Avenue &amp; East 39th Street</b>												
Westbound	T	1.15	117.4	F	T	1.27	166.4	F +	T	1.27	166.4	F +
	R	0.50	30.0	C	R	0.56	33.4	C	R	0.56	33.3	C
Northbound					L	0.76	28.9	C				
	LT	1.03	70.7	E	LT	1.16	92.5	F +	T	1.01	66.7	E
<b>3rd Avenue &amp; East 40th Street</b>												
Eastbound	LT	1.54	285.5	F	L	0.83	43.5	D	L	0.99	70.9	E
					T	1.23	152.1	F	T	1.46	249.1	F
Northbound	T	1.14	87.1	F	T	1.27	142.9	F +	T	1.14	78.0	E
	R	1.04	77.4	E	R	1.08	71.8	E	R	0.92	41.8	D
<b>3rd Avenue &amp; East 41st Street</b>												
Eastbound	LT	1.10	96.5	F	LT	0.35	11.0	B	LT	0.41	14.1	B
Westbound	R	0.80	53.6	D	R	0.88	64.6	E +	R	1.06	111.6	F ††
Northbound	T	1.09	65.7	E	T	1.28	148.9	F +	T	1.09	63.6	E
	R	0.28	13.8	B	R	0.43	15.4	B	R	0.35	11.7	B
<b>3rd Avenue &amp; East 42nd Street</b>												
Eastbound	L	1.12	101.9	F	L	1.09	92.1	F	L	1.09	92.0	F
	T	1.05	66.5	E	T	1.07	76.6	E +	T	1.07	76.5	E +
Westbound	T	0.91	34.1	C	T	0.96	38.1	D	T	0.96	38.2	D
	R	1.21	133.2	F	R	1.23	139.1	F +	R	1.23	139.0	F +
Northbound	LT	1.04	72.7	E	L	0.95	39.4	D	L	0.95	40.6	D
					T	0.88	51.2	D	T	0.88	48.7	D
	R	0.91	40.9	D	R	1.12	97.7	F +	R	1.12	98.3	F ##
<b>3rd Avenue &amp; East 43rd Street</b>												
Westbound	TR	0.71	20.2	C	TR	0.80	19.8	B	TR	0.88	30.2	C
Northbound	LT	1.03	61.6	E	LT	1.06	66.1	E +	LT	0.98	60.6	E
<b>3rd Avenue &amp; East 44th Street</b>												
Eastbound	LT	0.30	27.2	C	LT	0.30	27.1	C	LT	0.32	29.1	C
Northbound	T	1.15	78.2	E	T	1.20	102.4	F +	T	1.11	62.8	E
	R	1.44	219.9	F	R	5.15	1882.4	F +	R	3.59	1189.0	F +
<b>3rd Avenue &amp; East 45th Street</b>												
Westbound	T	0.67	14.2	B	T	0.61	13.4	B	T	0.65	19.5	B
	R	0.80	38.7	D	R	1.04	74.6	E +	R	1.26	176.0	F ††
Northbound					L	0.98	27.9	C	L	0.86	14.6	B
	LT	1.11	66.0	E	T	0.98	56.5	E	T	0.90	56.0	E
<b>3rd Avenue &amp; East 46th Street</b>												
Eastbound	L	0.35	41.1	D	L	0.40	42.5	D	L	0.45	44.6	D
	T	0.69	27.8	C	T	0.76	31.6	C	T	0.80	33.5	C
Northbound	T	1.14	73.8	E	T	1.23	117.9	F +	T	1.16	88.2	F +
	R	0.93	21.3	C	R	0.96	37.1	D	R	0.88	28.9	C
<b>3rd Avenue &amp; East 47th Street</b>												
Westbound	T	1.00	58.2	E	T	1.08	78.8	E +	T	1.16	113.3	F ††
	R	0.64	25.8	C	R	0.71	28.1	C	R	0.78	34.9	C
Northbound					L	1.45	225.9	F +	L	1.29	151.8	F
	LT	1.13	81.6	F	T	0.94	68.3	E	T	0.86	25.3	C
<b>3rd Avenue &amp; East 48th Street</b>												
Eastbound	L	0.24	21.4	C	L	0.30	22.2	C	L	0.34	25.1	C
	T	0.50	23.6	C	T	0.53	24.2	C	T	0.59	27.2	C
Northbound	T	1.11	75.5	E	T	1.17	105.2	F +	T	1.04	71.0	E
	R	0.97	45.4	D	R	1.13	118.7	F +	R	0.95	63.4	E +
<b>3rd Avenue &amp; East 49th Street</b>												
Westbound	T	0.61	23.0	C	T	0.63	23.5	C	T	0.67	28.1	C
	R	0.56	48.5	D	R	0.59	50.1	D	R	0.75	69.7	E †
Northbound					L	0.61	17.6	B	L	0.55	17.4	B
	LT	1.13	86.3	F	T	1.05	70.2	E	T	0.96	50.2	D

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>3rd Avenue &amp; East 50th Street</b>												
Eastbound	L	0.80	38.7	D	L	0.84	24.9	C	L	0.92	48.4	D †
	T	0.79	33.5	C	T	0.90	26.3	C	T	0.97	51.2	D †
Northbound	T	1.10	69.5	E	T	1.16	93.3	F +	T	1.06	60.9	E
	R	0.61	21.1	C	R	0.66	22.2	C	R	0.57	19.8	B
<b>3rd Avenue &amp; East 51st Street</b>												
Westbound	T	1.11	100.0	F	T	1.12	104.5	F +	T	1.21	139.1	F ††
	R	0.66	28.5	C	R	0.72	33.3	C	R	0.78	41.3	D
Northbound	L				L	4.76	1705.8	F +	L	4.28	1492.3	F +
	LT	1.12	82.7	F	T	0.91	72.4	E	T	0.83	31.0	C
<b>3rd Avenue &amp; East 52nd Street</b>												
Eastbound	LT	0.90	45.2	D	LT	0.94	53.1	D +	LT	1.02	98.4	F ††
	T	1.12	76.3	E	T	1.19	108.1	F +	T	1.08	66.3	E
Northbound	R	0.93	43.1	D	R	1.16	147.0	F +	R	0.93	74.7	E +
<b>3rd Avenue &amp; East 53rd Street</b>												
Westbound	T	1.04	60.1	E	T	1.07	70.6	E +	T	1.15	100.4	F ††
	R	0.84	69.1	E	R	0.84	113.2	F +	R	1.05	120.7	F ††
Northbound	LT	1.15	92.6	F	LT	1.22	123.6	F +	LT	1.11	79.0	E
<b>3rd Avenue &amp; East 54th Street</b>												
Eastbound	L	1.05	100.4	F	L	1.07	111.6	F +	L	1.30	195.7	F ††
	T	0.67	37.9	D	T	0.78	43.7	D	T	0.84	49.3	D †
Northbound	T	1.09	77.2	E	T	1.15	98.0	F +	T	1.05	72.8	E
	R	0.85	37.6	D	R	0.87	38.5	D	R	0.80	31.5	C
<b>3rd Avenue &amp; East 55th Street</b>												
Westbound	T	1.10	84.0	F	T	1.23	143.1	F +	T	1.35	192.8	F ††
	R	1.00	92.8	F	R	1.15	126.3	F +	R	1.27	169.3	F ††
Northbound	L				L	0.74	18.3	B	L	0.66	14.0	B
	LT	1.23	124.3	F	T	1.12	74.0	E	T	1.03	59.7	E
<b>3rd Avenue &amp; East 56th Street</b>												
Eastbound (West Side)	LT	1.09	84.5	F	LT	1.13	97.4	F +	LT	1.25	147.3	F ††
Northbound (West Side)	T	1.27	146.1	F	T	1.36	185.9	F +	T	1.27	142.2	F
Eastbound (East Side)	LT	0.63	3.9	A	LT	0.65	4.0	A	LT	0.71	5.2	A
Northbound (East Side)	TR	1.13	78.9	E	TR	1.21	114.8	F +	TR	1.12	74.0	E
<b>3rd Avenue &amp; East 57th Street</b>												
Eastbound (West Side)	LT	1.36	204.0	F	LT	1.37	211.5	F +	LT	1.37	211.7	F ††
Westbound (West Side)	TR	0.83	23.7	C	TR	0.83	23.7	C	TR	0.83	23.7	C
Northbound (West Side)	LT	1.17	98.5	F	LT	1.25	131.9	F +	LT	1.20	109.9	F +
Eastbound (East Side)	T	1.16	91.0	F	T	1.18	98.3	F +	T	1.18	98.3	F +
Westbound (East Side)	T	0.86	55.8	E	T	0.86	55.7	E	T	0.86	55.7	E
	R	0.75	54.9	D	R	0.75	54.8	D	R	0.75	54.8	D
Northbound (East Side)	TR	1.09	66.0	E	TR	1.17	98.4	F +	TR	1.17	100.6	F ††
	R	1.11	75.5	E	R	1.15	94.7	F +	R	1.15	96.8	F ††
<b>3rd Avenue &amp; East 59th Street</b>												
Eastbound	LT	0.76	29.1	C	LT	0.77	29.7	C	LT	0.82	33.9	C
	T	0.56	5.8	A	T	0.59	5.8	A	T	0.56	4.8	A
Northbound	R	1.47	246.7	F	R	1.56	282.4	F +	R	1.43	225.5	F
<b>Lexington Avenue &amp; East 36th Street</b>												
Eastbound	TR	1.20	146.7	F	TR	1.32	196.4	F +	TR	1.32	197.4	F ##
Southbound	LT	1.10	64.9	E	LT	1.14	83.8	F +	LT	1.14	83.3	F +
<b>Lexington Avenue &amp; East 38th Street</b>												
Eastbound	T	0.74	41.8	D	T	0.98	87.8	F +	T	0.96	86.5	F +
	R	1.57	310.0	F	R	1.60	319.2	F +	R	1.49	272.1	F
Southbound	L	0.13	1.1	A	L	0.13	1.0	A	L	0.14	1.9	A
	T	0.55	1.7	A	T	0.57	1.7	A	T	0.59	2.5	A
<b>Lexington Avenue &amp; East 39th Street</b>												
Westbound	L	0.77	35.3	D	L	0.84	39.1	D	L	0.84	38.9	D
	T	1.32	168.0	F	T	1.51	255.2	F +	T	1.51	255.0	F +
Southbound	TR	1.02	60.1	E	TR	1.07	61.6	E	TR	1.07	60.5	E

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
Lexington Avenue & East 40th Street												
Eastbound	T	0.81	30.4	C	T	1.07	77.1	E +	T	1.04	75.7	E +
	R	1.21	140.4	F	R	1.26	160.0	F +	R	1.17	121.2	F
Southbound	L	0.46	5.0	A	L	0.47	5.4	A	L	0.47	5.4	A
	LT	0.87	17.7	B	T	0.83	17.4	B	T	0.85	25.6	C
Lexington Avenue & East 42nd Street												
Eastbound	T	1.19	117.5	F	T	1.19	119.5	F	T	1.19	119.5	F
	R	0.28	24.3	C	R	0.28	24.4	C	R	0.28	24.4	C
Westbound	LT	1.57	289.9	F	LT	1.65	326.6	F +	LT	1.65	326.6	F +
Southbound	L	1.02	80.5	F	L	1.11	88.6	F +	L	1.11	88.5	F +
	T	1.00	69.7	E	T	1.05	71.4	E	T	1.05	71.3	E
	R	1.21	128.1	F	R	1.33	181.0	F +	R	1.33	181.0	F +
Lexington Avenue & East 44th Street												
Southbound	LT	1.17	96.7	F	LT	1.23	124.2	F +	LT	1.18	98.0	F
Lexington Avenue & East 45th Street												
	LT	1.06	80.6	F	LT	1.02	71.2	E	LT	1.02	73.0	E
Southbound	T	1.04	60.5	E	T	1.09	62.9	E	T	1.09	62.7	E
	R	0.36	11.2	B	R	0.41	11.4	B	R	0.41	11.4	B
Lexington Avenue & East 46th Street												
Eastbound	T	1.18	111.7	F	T	1.33	178.5	F +	T	1.33	178.5	F +
	R	0.30	28.0	C	R	0.30	27.9	C	R	0.30	27.9	C
Southbound	L	0.39	4.4	A	L	0.39	4.4	A	L	0.39	4.4	A
	LT	1.11	62.3	E	T	1.05	57.1	E	T	1.05	57.1	E
Lexington Avenue & East 47th Street												
Westbound	L	1.12	103.5	F	L	1.18	128.5	F +	L	1.18	127.4	F +
	T	1.17	108.2	F	T	1.40	211.4	F +	T	1.40	210.6	F +
Southbound	T	1.12	73.8	E	T	1.18	102.1	F +	T	1.18	102.0	F +
	R	0.93	31.8	C	R	1.21	138.7	F +	R	1.21	138.6	F +
Lexington Avenue & East 48th Street												
Eastbound	T	1.03	77.9	E	T	1.09	97.8	F +	T	1.09	97.8	F +
	R	1.11	126.1	F	R	1.18	152.5	F +	R	1.18	152.5	F +
Southbound	L	0.85	22.3	C	L	0.85	30.3	C	L	0.85	30.3	C
	LT	1.06	67.2	E	T	0.95	62.1	E	T	0.95	65.3	E
Lexington Avenue & East 49th Street												
	LT	0.66	38.6	D	LT	0.71	39.0	D	LT	0.74	43.1	D
Southbound	T	0.99	67.1	E	T	1.04	69.7	E	T	1.02	70.1	E
	R	0.31	13.7	B	R	0.41	15.6	B	R	0.40	17.0	B
Lexington Avenue & East 50th Street												
Eastbound	TR	0.37	24.6	C	TR	0.39	25.8	C	TR	0.44	29.4	C
Southbound	L	2.54	713.6	F +	L	1.76	364.3	F	L	1.76	364.3	F
	LT	1.15	87.9	F	T	1.01	57.1	E	T	0.92	46.5	D
Lexington Avenue & East 51st Street												
Westbound	L	0.99	62.4	E	L	1.23	144.1	F +	L	1.23	143.2	F +
	T	0.99	44.5	D	T	1.07	72.0	E +	T	1.07	70.8	E +
Southbound	T	0.94	60.6	E	T	0.99	54.9	D	T	0.99	31.6	C
	R	0.53	13.2	B	R	0.58	15.4	B	R	0.58	13.5	B
Lexington Avenue & East 52nd Street												
Eastbound	T	0.60	25.2	C	T	0.64	27.6	C	T	0.60	25.5	C
	R	0.92	51.7	D	R	0.97	80.9	F +	R	0.83	55.2	E
Southbound	L	0.78	39.4	D	L	0.88	57.1	E	L	0.88	57.1	E
	LT	1.05	73.4	E	T	0.96	42.8	D	T	1.01	61.9	E
Lexington Avenue & East 53rd Street												
Westbound	L	0.19	16.6	B	L	0.19	16.6	B	L	0.19	14.9	B
	T	0.93	37.7	D	T	0.96	45.2	D +	T	0.94	37.6	D
Southbound	T	0.81	17.5	B	T	0.85	17.0	B	T	0.87	24.7	C
	R	0.46	17.2	B	R	0.51	21.7	C	R	0.54	26.0	C
Lexington Avenue & East 54th Street												
Eastbound	TR	0.86	30.2	C	TR	0.94	36.9	D	TR	0.94	36.9	D
	L	0.37	7.5	A	L	0.37	7.5	A	L	0.37	5.8	A
Southbound	LT	1.06	54.3	D	T	0.97	28.4	C	T	0.97	25.5	C

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
<b>Lexington Avenue &amp; East 55th Street</b>												
Westbound	L	0.83	38.6	D	L	0.95	61.3	E +	L	0.83	40.5	D
	T	0.77	21.1	C	T	0.86	29.7	C	T	0.82	22.8	C
Southbound	T	0.91	39.9	D	T	0.93	28.3	C	T	0.98	35.0	D
	R	0.52	12.1	B	R	0.55	12.3	B	R	0.59	16.3	B
<b>Lexington Avenue &amp; East 56th Street</b>												
Eastbound	T	0.77	15.9	B	T	0.81	17.6	B	T	0.81	17.6	B
	R	0.93	44.4	D	R	0.93	45.0	D	R	0.93	45.0	D
Southbound	LT	1.03	72.5	E	LT	1.06	74.3	E	LT	1.06	74.1	E
<b>Lexington Avenue &amp; East 57th Street</b>												
Eastbound	T	1.42	217.0	F	T	1.44	226.1	F +	T	1.40	207.9	F
	R	0.59	32.4	C	R	0.60	34.5	C	R	0.58	31.1	C
Westbound	LT	1.56dl	98.0	F	LT	1.56dl	96.0	F	LT	1.56dl	97.3	F
Southbound	LT	1.02	87.0	F	LT	1.05	85.9	F	LT	1.08	85.3	F
	R	0.37	20.3	C	R	0.37	20.6	C	R	0.38	21.5	C
<b>Park Avenue &amp; East 36th Street</b>												
Eastbound (West Side)	TR	1.01	66.8	E	TR	1.03	85.7	F +	TR	0.97	61.4	E
Southbound (West Side)	LT	0.75	10.4	B	LT	0.81	11.8	B	LT	0.85	15.9	B
Eastbound (East Side)	LT	0.65	14.3	B	LT	0.70	32.5	C	LT	0.66	19.5	B
Northbound (East Side)	TR	0.59	18.1	B	TR	0.60	18.2	B	TR	0.63	20.1	C
<b>Park Avenue &amp; East 38th Street</b>												
Eastbound (West Side)	TR	1.00	65.6	E	TR	1.05	79.3	E +	TR	0.99	60.6	E
Southbound (West Side)	LT	0.70	6.0	A	LT	0.75	6.2	A	LT	0.78	8.7	A
Eastbound (East Side)	L	0.23	7.9	A	L	0.24	8.1	A	L	0.22	7.6	A
Eastbound (East Side)	T	0.49	9.3	A	T	0.51	10.8	B	T	0.49	8.9	A
Northbound (East Side)	TR	0.91	51.1	D	TR	1.01	74.0	E +	T	0.63	11.5	B
Northbound (East Side)									R	0.66	17.4	B
<b>Park Avenue &amp; East 39th Street</b>												
Westbound (East Side)	TR	1.26	142.7	F	TR	1.42	215.5	F +	TR	1.42	215.5	F +
Northbound (East Side)	LT	0.97	78.5	E	LT	0.87	73.8	E	LT	0.87	78.8	E
Westbound (West Side)	LT	1.09	65.6	E	LT	1.24	132.3	F +	LT	1.24	132.3	F +
Southbound (West Side)	T	0.82	66.8	E	T	0.87	70.5	E	T	0.87	70.5	E
	R	1.16	103.7	F	R	1.31	166.5	F +	R	1.31	166.5	F +
<b>Park Avenue &amp; East 40th Street</b>												
Eastbound (West Side)	TR	1.43	238.6	F	TR	1.69	348.8	F +	TR	1.69	348.8	F +
Southbound (West Side)	T	1.18	118.7	F	T	3.45	1125.0	F +	T	3.45	1125.0	F +
Eastbound (Tunnel Exit)	LT	1.66	318.6	F	LT	1.65	314.7	F	LT	1.65	314.7	F
Northbound (Tunnel Exit)	T	0.87	20.2	C	T	0.87	20.9	C	T	0.87	21.1	C
Eastbound (East Side)	LT	1.55	265.9	F	T	1.53	257.4	F	T	1.53	257.4	F
Northbound (East Side)	TR	1.07	71.6	E	R	1.87	429.1	F +	R	1.87	428.5	F +
<b>Park Avenue &amp; East 46th Street</b>												
Eastbound (West Side)	T	1.16	109.3	F	T	1.25	138.0	F +	T	1.25	138.0	F +
	R	0.40	24.1	C	R	0.40	21.3	C	R	0.40	21.3	C
Southbound (West Side)	L	0.66	75.9	E	L	0.77	76.8	E	L	0.77	76.8	E
	T	1.12	72.6	E	T	1.23	121.0	F +	T	1.23	121.0	F +
Eastbound (East Side)	L	0.82	14.8	B	L	0.96	24.2	C	L	0.96	24.2	C
	T	1.20	109.2	F	T	1.34	172.2	F +	T	1.34	172.2	F +
Northbound (East Side)	T	0.90	45.2	D	T	0.90	69.2	E +	T	0.90	69.2	E +
<b>Park Avenue &amp; East 47th Street</b>												
Westbound (East Side)	T	0.99	36.6	D	T	1.21	116.6	F +	T	1.21	116.6	F +
	R	0.74	17.5	B	R	0.79	18.2	B	R	0.79	18.2	B
Northbound (East Side)	L	0.27	95.7	F	L	0.28	100.4	F +	L	0.28	100.4	F +
	T	1.05	66.3	E	T	1.07	66.8	E	T	1.07	66.8	E
Westbound (West Side)	LT	1.05	63.2	E	LT	1.22	122.4	F +	LT	1.22	122.4	F +
Southbound (West Side)					T	1.10	70.1	E	T	1.10	70.1	E
	TR	1.04	68.8	E	R	0.96	37.0	D	R	0.96	37.0	D
<b>Park Avenue &amp; East 48th Street</b>												
Eastbound (West Side)	T	0.59	35.8	D	T	0.63	35.8	D	T	0.63	35.2	D
	R	0.32	30.4	C	R	0.45	32.7	C	R	0.45	32.2	C
Southbound (West Side)	L	0.22	50.4	D	L	0.22	81.4	F +	L	0.22	81.4	F +
	T	0.99	63.0	E	T	1.05	59.0	E	T	1.05	59.0	E
Eastbound (East Side)	LT	0.91	35.9	D	LT	0.96	44.9	D	LT	0.96	44.9	D
Northbound (East Side)					T	1.40	202.4	F +	T	1.40	202.4	F +
	TR	1.02	61.6	E	R	0.66	16.0	B	R	0.66	16.0	B

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
<b>Park Avenue &amp; East 49th Street</b>												
Westbound (East Side)	T	0.89	34.2	C	T	0.99	69.2	E +	T	0.99	66.7	E +
	R	0.51	12.6	B	R	0.55	12.8	B	R	0.55	11.0	B
Northbound (East Side)	L	0.19	26.3	C	L	0.19	110.0	F +	L	0.19	110.0	F +
	T	1.07	58.8	E	T	1.10	60.7	E	T	1.10	60.7	E
Westbound (West Side)	LT	0.96	36.8	D	LT	1.06	58.6	E +	LT	1.06	59.2	E ##
Southbound (West Side)					T	1.36	183.6	F +	T	1.36	183.6	F +
	TR	0.94	52.5	D	R	0.30	9.2	A	R	0.30	9.2	A
<b>Park Avenue &amp; East 50th Street</b>												
Eastbound (West Side)	T	0.87	37.3	D	T	0.91	42.6	D	T	0.91	42.6	D
	R	0.57	25.9	C	R	0.65	28.2	C	R	0.65	28.2	C
Southbound (West Side)	L	0.20	16.4	B	L	0.20	16.4	B	L	0.20	16.4	B
	T	1.06	67.5	E	T	1.11	66.0	E	T	1.11	66.0	E
Eastbound (East Side)	LT	1.15	109.0	F	LT	1.20	127.1	F +	LT	1.20	127.1	F +
Northbound (East Side)					T	1.23	125.2	F +	T	1.23	125.1	F +
	TR	0.90	42.2	D	R	0.42	12.4	B	R	0.42	12.3	B
<b>Park Avenue &amp; East 51st Street</b>												
Westbound (East Side)	T	0.70	28.6	C	T	0.74	28.5	C	T	0.74	28.8	C
	R	0.56	27.7	C	R	0.67	31.1	C	R	0.67	31.3	C
Northbound (East Side)	L	0.17	14.9	B	L	0.17	15.6	B	L	0.17	15.6	B
	T	1.06	65.4	E	T	1.10	62.7	E	T	1.10	62.7	E
Westbound (West Side)	LT	0.85	27.1	C	LT	0.88	29.8	C	LT	0.88	29.9	C
Southbound (West Side)					T	1.14	84.6	F +	T	1.14	84.6	F +
	TR	0.87	28.4	C	R	1.08	68.4	E +	R	1.08	68.4	E +
<b>Park Avenue &amp; East 52nd Street</b>												
Eastbound (West Side)	TR	0.79	25.9	C	TR	0.80	26.2	C	TR	0.80	26.2	C
Southbound (West Side)	L	0.16	54.7	D	L	0.18	87.1	F +	L	0.18	87.1	F +
	T	1.02	50.0	D	T	1.07	59.8	E +	T	1.07	59.8	E +
Eastbound (East Side)	LT	1.06	67.8	E	LT	1.09	80.8	F +	LT	1.09	80.8	F +
Northbound (East Side)					T	1.49	240.8	F +	T	1.49	240.8	F +
	TR	1.05	64.7	E	R	0.33	9.1	A	R	0.33	9.0	A
<b>Park Avenue &amp; East 53rd Street</b>												
Westbound (East Side)	T	0.85	50.5	D	T	0.87	53.4	D	T	0.87	54.7	D
	R	0.50	32.7	C	R	0.53	34.2	C	R	0.53	34.8	C
Northbound (East Side)	L	0.16	18.7	B	L	0.16	19.1	B	L	0.16	19.1	B
	T	1.11	64.3	E	T	1.15	85.4	F +	T	1.15	85.4	F +
Westbound (West Side)	LT	1.03	52.3	D	LT	1.05	59.5	E +	LT	1.05	59.6	E ##
Southbound (West Side)					T	1.26	139.1	F +	T	1.26	139.1	F +
	TR	0.86	22.0	C	R	0.70	18.3	B	R	0.42	9.2	A
<b>Park Avenue &amp; East 54th Street</b>												
Eastbound (West Side)	TR	0.72	19.3	B	TR	0.86	26.3	C	TR	0.86	26.3	C
Southbound (West Side)	L	0.15	11.6	B	L	0.15	12.2	B	L	0.15	12.2	B
	T	1.00	55.6	E	T	1.02	59.4	E	T	1.02	59.4	E
Northbound (East Side)	LT	0.83	15.2	B	LT	0.93	23.1	C	LT	0.93	23.1	C
	TR	0.95	64.0	E	T	1.35	177.6	F +	T	1.35	177.6	F +
					R	0.38	10.7	B	R	0.38	10.7	B
<b>Park Avenue &amp; East 55th Street</b>												
Westbound (East Side)	TR	1.08	112.8	F	TR	1.19	142.7	F +	TR	1.19	141.4	F +
	L	0.15	37.0	D	L	0.15	158.1	F +	L	0.15	158.1	F +
Northbound (East Side)	T	1.10	64.9	E	T	1.15	86.4	F +	T	1.15	86.4	F +
	LT	1.08	76.7	E	LT	1.16	100.1	F +	LT	1.16	100.4	F ##
Southbound (West Side)	TR	1.14	81.9	F	T	1.51	249.5	F +	T	1.51	249.5	F +
					R	0.57	9.8	A	R	0.57	9.8	A
<b>Park Avenue &amp; East 56th Street</b>												
Eastbound (West Side)	TR	1.33	172.0	F	TR	1.34	175.8	F +	TR	1.34	175.8	F +
Southbound (West Side)	L	0.17	16.5	B	L	0.17	16.9	B	L	0.17	16.9	B
	T	1.04	71.4	E	T	1.05	71.9	E	T	1.05	71.9	E
Eastbound (East Side)	LT	1.14	82.6	F	LT	1.15	87.3	F +	LT	1.15	87.3	F +
Northbound (East Side)					T	1.32	165.0	F +	T	1.32	165.0	F +
	TR	1.01	58.8	E	R	1.14	94.2	F +	R	1.14	94.2	F +

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
<b>Park Avenue &amp; East 57th Street</b>												
Eastbound (West Side)	T	1.37	199.2	F	T	1.38	201.0	F	T	1.38	201.0	F
	R	0.43	29.3	C	R	0.43	29.2	C	R	0.43	29.2	C
Westbound (West Side)	T	0.75	12.7	B	T	0.77	14.0	B	T	0.77	13.9	B
Southbound (West Side)	LTR	0.76	72.2	E	LTR	0.77	72.5	E	LTR	0.77	72.5	E
Eastbound (East Side)	LT	1.03	31.8	C	LT	1.04	33.3	C	LT	1.04	33.3	C
Westbound (East Side)	T	0.52	30.5	C	T	0.52	30.4	C	T	0.52	31.0	C
	R	0.25	26.1	C	R	0.25	26.1	C	R	0.25	26.6	C
Northbound (East Side)	L	0.16	10.1	B	L	0.18	10.5	B	L	0.18	10.4	B
	T	1.09	58.4	E	T	1.13	77.1	E +	T	1.13	77.1	E +
	R	0.38	10.5	B	R	0.41	10.1	B	R	0.41	10.1	B
<b>Madison Avenue &amp; East 39th Street</b>												
Westbound	T	1.32	164.3	F	T	1.53	259.7	F +	T	1.53	259.7	F +
	R	1.03	61.6	E	R	1.25	144.7	F +	R	1.25	144.7	F +
Northbound	LT	0.99	84.8	F	LT	1.02	85.9	F	LT	1.02	85.9	F
<b>Madison Avenue &amp; East 40th Street</b>												
Eastbound	L	1.16	110.1	F	L	1.31	177.1	F +	L	1.31	177.1	F +
	T	0.82	14.2	B	T	0.93	22.5	C	T	0.93	22.5	C
Northbound					T	1.47	231.8	F +	T	1.47	231.8	F +
	TR	1.09	63.7	E	R	1.11	81.5	F +	R	1.11	81.5	F +
<b>Madison Avenue &amp; East 41st Street</b>												
Eastbound	L	0.53	50.4	D								
	T	0.21	27.3	C	LT	0.65	48.6	D +	LT	0.65	48.7	D ##
Northbound					T	1.64	309.7	F +	T	1.64	309.7	F +
	TR	1.16	90.8	F	R	0.96	37.9	D	R	0.96	37.9	D
<b>Madison Avenue &amp; East 42nd Street</b>												
Eastbound	LT	1.17	103.8	F	LT	1.20	117.3	F +	LT	1.20	119.0	F ##
Westbound	T	1.21	133.0	F	T	1.27	157.3	F +	T	1.27	157.3	F +
	R	0.18	28.8	C	R	0.18	28.8	C	R	0.18	28.8	C
Northbound	LT	1.19	105.4	F	LT	1.23	124.4	F +	LT	1.23	124.4	F +
	R	0.39	13.6	B	R	0.43	13.7	B	R	0.43	13.7	B
<b>Madison Avenue &amp; East 43rd Street</b>												
Westbound	T	0.53	28.5	C	T	0.58	29.9	C	T	0.58	29.9	C
	R	0.67	44.5	D	R	0.92	90.8	F +	R	0.92	90.8	F +
Northbound	L	1.21	121.4	F	L	1.72	346.9	F +	L	1.72	346.9	F +
	T	1.18	99.6	F	T	1.22	119.9	F +	T	1.22	119.8	F +
<b>Madison Avenue &amp; East 46th Street</b>												
Eastbound	LT	1.04	88.5	F	LT	1.12	92.3	F +	LT	1.12	92.3	F +
Northbound	T	1.10	63.2	E	T	1.15	85.6	F +	T	1.15	85.6	F +
	R	0.71	152.9	F	R	1.38	321.7	F +	R	1.38	321.7	F +
<b>Madison Avenue &amp; East 48th Street</b>												
Eastbound	L	0.69	29.3	C	L	0.74	26.4	C	L	0.80	28.9	C
	T	0.74	13.3	B	T	0.87	14.5	B	T	0.89	16.0	B
Northbound	T	1.17	95.4	F	T	1.20	108.6	F +	T	1.17	95.5	F
	R	0.74	29.4	C	R	0.81	34.6	C	R	0.75	29.0	C
<b>Madison Avenue &amp; East 49th Street</b>												
Westbound	TR	1.01	77.3	E	TR	1.14	96.7	F +	TR	1.14	96.5	F +
Northbound	L	0.21	11.8	B	L	0.24	11.9	B	L	0.24	12.3	B
	T	1.06	59.7	E	T	1.09	61.1	E	T	1.09	61.8	E
<b>Madison Avenue &amp; East 53rd Street</b>												
Westbound	TR	0.93	47.9	D	TR	0.95	56.4	E +	TR	0.95	56.3	E +
Northbound	L	0.58	12.9	B	L	0.58	13.1	B	L	0.58	13.1	B
	T	1.10	62.6	E	T	1.12	72.5	E +	T	1.12	72.5	E +
<b>Madison Avenue &amp; East 54th Street</b>												
Eastbound	LT	0.69	30.4	C	LT	0.76	32.2	C	LT	0.76	32.2	C
Northbound	T	1.00	58.1	E	T	1.02	58.9	E	T	1.02	58.9	E
	R	0.70	17.2	B	R	0.71	17.7	B	R	0.71	17.7	B

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
5th Avenue & 38th Street												
Eastbound	T	0.51	19.3	B	T	0.52	19.3	B	T	0.52	19.3	B
	R	1.04	120.8	F	R	1.04	120.8	F	R	1.04	120.8	F
Southbound	LT	1.24	119.5	F	LT	1.26	133.0	F +	LT	1.26	133.0	F +
5th Avenue & 39th Street												
Westbound	L	0.84	58.0	E	L	0.89	60.5	E	L	0.89	60.5	E
	T	0.77	38.0	D	T	0.90	41.0	D	T	0.90	41.0	D
Southbound	T	1.26	137.1	F	T	1.28	148.2	F +	T	1.28	148.2	F +
	R	1.15	92.2	F	R	1.20	113.9	F +	R	1.20	113.9	F +
5th Avenue & 40th Street												
Eastbound	TR	1.27	162.7	F	TR	1.28	169.7	F +	TR	1.28	169.7	F +
Southbound	LT	1.49	240.5	F	LT	1.64	309.3	F +	LT	1.64	309.3	F +
5th Avenue & 42nd Street												
Eastbound	T	0.69	27.4	C	T	0.69	27.4	C	T	0.65	24.9	C
	R	0.15	21.5	C	R	0.15	21.5	C	R	0.14	19.8	B
Westbound	LT	0.99	45.1	D	LT	1.04	57.8	E +	LT	0.98	41.7	D
Southbound	LT	1.48	231.2	F	LT	1.51	248.7	F +	LT	1.59	285.9	F ††
	R	0.03	2.0	A	R	0.03	2.2	A	R	0.03	6.8	A
5th Avenue & 43rd Street												
Westbound	L	0.67	37.6	D	L	0.73	31.7	C	L	0.89	41.0	D
	T	0.59	30.5	C	T	0.63	27.8	C	T	0.72	32.2	C
Southbound	T	1.35	173.5	F	T	1.38	187.4	F +	T	1.26	133.0	F
	R	1.61	297.5	F	R	2.14	530.7	F +	R	1.59	287.0	F
5th Avenue & 44th Street												
Eastbound	T	0.45	23.1	C	T	0.46	23.4	C	T	0.46	23.4	C
	R	1.23	164.6	F	R	1.37	221.5	F +	R	1.37	221.5	F +
Southbound	LT	1.52	252.1	F	LT	1.56	268.4	F +	LT	1.56	268.3	F +
5th Avenue & 47th Street												
Westbound	L	1.12	101.4	F	L	1.14	106.2	F +	L	1.14	106.2	F +
	T	1.03	50.4	D	T	1.04	54.3	D	T	1.04	54.3	D
Southbound	T	1.37	185.1	F	T	1.40	197.8	F +	T	1.40	197.8	F +
	R	0.95	30.4	C	R	1.16	97.0	F +	R	1.16	97.0	F +
5th Avenue & 48th Street												
Eastbound	T	1.02	52.9	D	T	1.20	128.1	F +	T	1.20	128.1	F +
	R	1.14	107.8	F	R	1.24	158.6	F +	R	1.24	158.6	F +
Southbound	LT	1.31	159.0	F	LT	1.33	168.9	F +	LT	1.33	168.9	F +
5th Avenue & 49th Street												
Westbound	LT	0.94	59.8	E	LT	1.10	88.9	F +	LT	1.10	89.0	F +
Southbound	T	1.40	193.3	F	T	1.42	205.1	F +	T	1.42	205.1	F +
	R	0.72	9.8	A	R	0.72	9.8	A	R	0.72	9.8	A
5th Avenue & 54th Street												
Eastbound	TR	0.91	48.9	D	TR	0.96	56.5	E +	TR	0.96	56.5	E +
Southbound	LT	1.45	219.1	F	LT	1.47	229.5	F +	LT	1.47	229.5	F +
5th Avenue & 57th Street												
Eastbound	T	1.41	217.8	F	T	1.41	219.6	F	T	1.41	219.6	F
	R	0.77	46.6	D	R	0.78	47.0	D	R	0.78	47.0	D
Westbound	LT	1.66dl	153.0	F	LT	1.66dl	161.8	F +	LT	1.66dl	161.8	F +
Southbound	LT	1.49	251.4	F	LT	1.52	265.1	F +	LT	1.52	265.1	F +
	R	0.66	32.7	C	R	0.66	32.7	C	R	0.66	32.7	C
6th West & East 48th Street												
Eastbound	L	0.58	29.7	C	L	0.58	29.9	C	L	0.58	29.9	C
	T	1.02	74.4	E	T	1.04	78.0	E	T	1.04	78.0	E
Northbound	T	0.72	20.7	C	T	0.72	20.8	C	T	0.72	21.1	C
	R	1.12	144.8	F	R	1.12	144.8	F	R	1.12	144.8	F

Intersection & Approach (Signalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>6th Avenue &amp; West 49th Street</b>												
Westbound	T	0.87	51.2	D	T	1.02	72.4	E +	T	0.93	52.2	D
	R	0.82	48.7	D	R	0.92	55.9	E +	R	0.83	44.2	D
Northbound	LT	0.88	13.0	B	LT	0.89	13.2	B	LT	0.95	21.4	C

Intersection & Approach (Unsignalized Intersections)	No-Action				Amended Action With PRI				With Mitigations			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>1st Avenue &amp; East 48th Street (West Side)</b>												
Eastbound	L	0.42	15.7	C	L	0.52	18.0	C	L	0.52	18	C
	T	0.31	0.0	A	T	0.32	0.0	A	T	0.32	0	A
Northbound	T	0.31	0.0	A	T	0.32	0.0	A	T	0.32	0	A

Notes:

- + Denotes a significant adverse traffic impact
- Unmitigated approach movements denoted by shading
- † No significant adverse impact for the With-Action condition. Significant adverse impact is due to changes in traffic signal timing as part of air quality mitigation measures
- †† Impact worsened by pedestrian mitigation signal timing changes
- ‡ No significant adverse impact for the With-Action condition. Significant adverse impact is due to changes in traffic signal timing as part of pedestrian mitigation measures
- ‡‡ Impact worsened by air quality mitigation signal timing changes
- # No significant adverse impact for the With-Action condition. Significant adverse impact is due to traffic mitigation measures at an adjacent intersection
- ## Impact worsened due to traffic mitigation measures at an adjacent intersection
- || Proposed mitigation may be infeasible and will be reviewed as part of the traffic monitoring program. Significant adverse impact is identified as a worst-case scenario.

In order to verify the need and effectiveness of the proposed mitigation measures identified in the EIS and to determine the extent to which future volume projections presented in the EIS may occur, the City has committed to conduct a traffic monitoring program (TMP). The TMP will address traffic resulting from project-generated development in the project area over time, and consider changes that may occur in travel patterns. The City will implement a multi-tiered monitoring program once either a net increase of 1.5 million square feet of commercial development or four new buildings associated with the rezoning are built and occupied, whichever occurs first. The initial phase of the TMP will consist of travel demand surveys conducted at new commercial buildings to provide the most up-to-date representation of site-generated trips and travel behavior in Greater East Midtown. DCP, in consultation with DOT, will prepare a detailed scope of work and sample questionnaire prior to conducting the surveys. Based on a review of the survey findings, DCP and DOT will then determine the extent to which additional monitoring and/or analysis is needed.

Commencement of subsequent phases of the TMP will be determined based upon the results of the initial monitoring. Subsequent phases could include more extensive field data collection (e.g., Automatic Traffic Recorder (ATR) machine counts, manual counts, sample vehicle classification counts, pedestrian counts, physical inventories, field observations of intersection operations) that would be needed to perform detailed traffic and pedestrian analyses at critical intersections near completed development sites where significant traffic and pedestrian impacts have been identified in the EIS for which mitigations were identified or were determined to be unmitigable. The findings of the TMP (i.e., actual volumes, and capacity and level of service analyses) will be used by DOT as the basis for determining whether actual future Build conditions have, in fact, resulted in significant traffic and/or pedestrian impacts and verifying the need for the mitigation measures identified in the EIS and/or developing recommendations to improve traffic and/or pedestrian conditions.

#### *Transit (Subway Stations)*

For subway stations, the same analyzed station elements that would be impacted under the Proposed Action would also be impacted under the Amended Application with PRI. Additional trips resulting from Projected Development Sites would result in significant adverse transit impacts at three subway stations/station complexes in the weekday AM and PM commuter peak hours. Recommended mitigation measures to address these impacts are discussed below.

At the Grand Central 42nd Street subway station, there would be a significant adverse transit impact at one of the 38 analyzed stairs during the PM peak hour (free zone stair KC). Additionally, a significant adverse transit impact would occur at all eight analyzed escalators during the AM peak hour (E203, E204, E205, E206, E208, E210, E255, and E256) and at four of the eight analyzed escalators during the PM peak hour (E204, E206, E208, and E256). Some of the significant adverse impacts to escalators at this station could be mitigated by operating the escalators at a higher speed (100 feet per minute versus 90 feet per minute). Table A.8 shows the weekday AM and PM peak hour conditions at all analyzed escalators based on replacement of existing escalators with higher speed models. As shown in Table A.8, implementation of these measures would mitigate the significant adverse impacts at four escalators during the AM peak hour (E203, E204, E205 and E206) and two escalators during the PM peak hour (E208 and E256). Conditions at the other escalators would also improve in both the AM and PM peak hours as a result of the higher operating speeds, but the significant adverse impacts at four escalators during the AM peak hour (E208, E210, E255,

and E256) and two escalators during the PM peak hour (E204 and E206) would remain unmitigated. Operating the escalators at a higher speed would also allow some of the passenger load from free zone stair KC to be shifted to the free zone escalators (E255 and E256). During the peak 15-minute period of the PM peak hour, up to 121 “up” moves and 77 “down” moves could be shifted from free zone stair KC to E255 and E256, respectively, with both escalators still maintaining their v/c ratio projected in the No-Action condition. With this shift in volumes, free zone stair KC would operate at a v/c ratio of 1.20, compared to a v/c ratio of 1.23 in the No-Action condition, which would mitigate the significant adverse impact to this stair. NYCT will perform a monitoring program to assess pedestrian operations and conditions at this subway station as developments are constructed and reevaluate the need for improvement measures.

At the 42nd St-Bryant Park subway station, a significant adverse impact would occur at the street Stair MB20 (located at the northeast corner of Sixth Avenue and West 42nd Street) during the PM peak hour. Mitigation measures are considered infeasible and this impact would remain unmitigated.

At the Lexington Avenue-53rd Street subway station, there would be a significant adverse transit impact at three of the six analyzed escalators during the AM peak hour (E243, E244, and E254X) and at three of the six analyzed escalators during the PM peak hour (E244, E246, and E269). Some of the significant adverse impacts to escalators at this station could be mitigated by operating the escalators at a higher speed (100 feet per minute versus 90 feet per minute). Table A.9 shows the weekday AM and PM peak hour conditions at all analyzed escalators based on replacement of existing escalators with higher speed models. As shown in Table A.9, implementation of these measures would mitigate the significant adverse impacts at two escalators during the AM peak hour (E244 and E254X) and one escalator during the PM peak hour (E246). Conditions at the other escalators would also improve in both the AM and PM peak hours as a result of the higher operating speeds, but the significant adverse impacts at one escalator during the AM peak hour (E243) and two escalators during the PM peak hour (E244 and E269) would remain unmitigated. NYCT will perform a monitoring program to assess pedestrian operations and conditions at this subway station as developments are constructed and reevaluate the need for improvement measures.

### *Pedestrians*

The Amended Application with PRI would significantly adversely impact a total eight, three, and ten sidewalks in the AM, Midday, and PM peak hours, respectively, compared to eight, three, and ten under the Proposed Action. There would be 27, 12 and 25 crosswalks with significant adverse impacts in the AM, Midday and PM peak hours, respectively, compared to 25, 10 and 24 under the Proposed Action. There would also be seven, two and eight corner areas with significant adverse impacts in the AM, Midday and PM peak hours, respectively, compared to 19, 7 and 20 under the Proposed Action.

Table A.8: Amended Action with PRI and Mitigation Subway Escalator Analysis at the Grand Central-42nd Street (4, 5, 6, 7, S) Subway Station

Peak Period	Escalator	No-Action							With-Action							Mitigated With-Action						
		Width (in.)	Treads Per Minute	Guideline Capacity	15-Minute Pedestrian Volumes	Surging Factor	V/C Ratio	LOS	Width (in.)	Treads Per Minute	Guideline Capacity	15-Minute Pedestrian Volumes	Surging Factor	V/C Ratio	LOS	Width (in.)	Treads Per Minute	Guideline Capacity	15-Minute Pedestrian Volumes	Surging Factor	V/C Ratio	LOS
AM	E203	32	90	750	687	0.80	1.15	D	32	90	750	750	0.80	1.25	D	32	100	825	750	0.80	1.14	D
	E204	32	90	750	687	0.80	1.15	D	32	90	750	750	0.80	1.25	D	32	100	825	750	0.80	1.14	D
	E205	40	90	945	782	0.80	1.03	D	40	90	945	845	0.80	1.12	D	40	100	1050	845	0.80	1.01	D
	E206	40	90	945	782	0.80	1.03	D	40	90	945	845	0.80	1.12	D	40	100	1050	845	0.80	1.01	D
	E208	40	90	945	853	0.75	1.20	D	40	90	945	954	0.75	1.35	E	40	100	1050	954	0.75	1.21	D
	E210	40	90	945	853	0.75	1.20	D	40	90	945	954	0.75	1.35	E	40	100	1050	954	0.75	1.21	D
	E255	40	90	945	913	0.95	1.02	D	40	90	945	1079	0.95	1.20	D	40	100	1050	1079	0.95	1.08	D
PM	E203	32	90	750	394	0.80	0.66	B	32	90	750	414	0.80	0.69	B	32	100	825	414	0.80	0.63	B
	E204	32	90	750	724	1.00	0.97	C	32	90	750	915	1.00	1.22	D	32	100	825	915	1.00	1.11	D
	E205	40	90	945	656	0.80	0.87	C	40	90	945	661	0.80	0.87	C	40	100	1050	661	0.80	0.79	C
	E206	40	90	945	1047	1.00	1.11	D	40	90	945	1188	1.00	1.26	D	40	100	1050	1188	1.00	1.13	D
	E208	40	90	945	731	0.75	1.03	D	40	90	945	737	0.75	1.04	D	40	100	1050	737	0.75	0.94	C
	E210	40	90	945	1337	1.00	1.41	E	40	90	945	1335	1.00	1.41	E	40	100	1050	1335	1.00	1.27	D
	E255	40	90	945	1071	0.95	1.19	D	40	90	945	1071	0.95	1.19	D	40	100	1050	1071	0.95	1.07	D
	E256	40	90	945	1063	1.00	1.12	D	40	90	945	1104	1.00	1.17	D	40	100	1050	1104	1.00	1.05	D

Notes:  
Methodology based on CEQR Technical Manual guidelines.

Table A.9: Amended Action with PRI and Mitigation Subway Escalator Analysis at the Lexington Avenue-53rd Street (E, M) Subway Station

Peak Period	Escalator	No-Action							With-Action							Mitigated With-Action						
		Width (in.)	Treads Per Minute	Guideline Capacity	15-Minute Pedestrian Volumes	Surging Factor	V/C Ratio	LOS	Width (in.)	Treads Per Minute	Guideline Capacity	15-Minute Pedestrian Volumes	Surging Factor	V/C Ratio	LOS	Width (in.)	Treads Per Minute	Guideline Capacity	15-Minute Pedestrian Volumes	Surging Factor	V/C Ratio	LOS
AM	E243 (UP)	40	90	945	709	0.75	1.00	C	40	90	945	797	0.75	1.12	D	40	100	1050	797	0.75	1.01	D
	E244 (UP)	40	90	945	771	0.75	1.09	D	40	90	945	797	0.75	1.12	D	40	100	1050	797	0.75	1.01	D
	E269 (DOWN)	40	90	945	579	1.00	0.61	B	40	90	945	579	1.00	0.61	B	40	100	1050	579	1.00	0.55	B
	E254X (UP)	24	90	480	281	0.75	0.78	C	40	90	945	763	0.75	1.08	D	40	100	1050	763	0.75	0.97	C
	E245 (UP)	40	90	945	562	0.75	0.79	C	40	90	945	690	0.75	0.97	C	40	100	1050	690	0.75	0.88	C
	E246 (UP)	40	90	945	820	0.75	1.16	D	40	90	945	690	0.75	0.97	C	40	100	1050	690	0.75	0.88	C
PM	E243 (UP)	40	90	945	553	0.75	0.78	C	40	90	945	550	0.75	0.78	C	40	100	1050	550	0.75	0.70	B
	E244 (DOWN)	40	90	945	1036	1.00	1.10	D	40	90	945	1209	1.00	1.28	D	40	100	1050	1209	1.00	1.15	D
	E269 (DOWN)	40	90	945	925	1.00	0.98	C	40	90	945	1141	1.00	1.21	D	40	100	1050	1141	1.00	1.09	D
	E254X (UP)	24	90	480	439	0.75	1.22	D	40	90	945	530	0.75	0.75	C	40	100	1050	530	0.75	0.67	B
	E245 (UP)	40	90	945	879	0.75	1.24	D	40	90	945	793	0.75	1.12	D	40	100	1050	793	0.75	1.01	D
	E246 (DOWN)	40	90	945	870	1.00	0.92	C	40	90	945	970	1.00	1.03	D	40	100	1050	970	1.00	0.92	C

Notes:  
Methodology based on CEQR Technical Manual guidelines.

The mitigation measures to address these significant adverse pedestrian impacts generally consist of crosswalk widening, street furniture removal, and minor signal timing changes. Implementation of these measures would be subject to review and approval by DOT, except for the removal of garbage bins, which are subject to review and approval by the Grand Central Partnership. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure will be identified. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

Under the Amended Application with PRI there would be eight, three, and ten sidewalks with unmitigated significant adverse impacts in the AM, Midday, and PM peak hours, respectively, compared to eight, three, and ten under the Proposed Action. The removal of street furniture and obstructions was not deemed a feasible mitigation measure for the impacted sidewalk locations. As a result, no mitigation measures were recommended and unmitigated significant adverse sidewalk impacts would remain at all impacted locations (see Table A.10).

There would be 23, 10 and 21 crosswalks with unmitigated impacts in the AM, Midday, and PM peak hours, respectively, compared to 22, 6 and 20 under the Proposed Action. Table A.11 through Table A.13 show the mitigation measures recommended to address these crosswalk impacts and their effectiveness. The mitigation measures generally consist of crosswalk widening and minor traffic signal timing adjustments. At a number of crosswalks, air quality and traffic mitigation measures would increase or decrease the square feet per pedestrian within the crosswalk. In the PM peak hour, a signal timing change due to air quality mitigation measures would create a significant adverse impact at the south crosswalk of Third Avenue and East 43rd Street. The shortening of crosswalks due to corner curb extensions resulted in a number of locations where crosswalk impacts mitigated in the Proposed Action could not be mitigated in the Amended Action With PRI Condition. At the time of implementation of curb bulb outs, DOT will explore the potential for widening crosswalks at these locations.

There would also be six, two and seven corner areas with unmitigated impacts in the AM, Midday, and PM peak hours, respectively, compared to 18, 7 and 19 under the Proposed Action. Table A.14 shows the proposed mitigation measures to address these impacts and their effectiveness.

**Table A.10 - Pedestrian LOS Tables for Amended Action with PRI Condition and Mitigation: Sidewalk Conditions**

Intersection	Sidewalk	No Action			Action with Improvements			Action With Improvements and Mitigation			
		Effective Width	SFP	LOS	Effective Width	SFP	LOS	Effective Width	SFP	LOS	Mitigation Measures
<b>Weekday AM Peak Hour</b>											
E 43rd Street between 5th Avenue and Madison Avenue	North	4	27.0	D	4	23.2	D	4	23.2	D	Unmitigated
E 43rd Street between Madison Avenue and Vanderbilt Avenue	North	3.5	33.7	D	3.5	25.3	D	3.5	25.3	D	Unmitigated
Lexington Avenue between E 42nd Street and E 43rd Street	West	6.5	30.5	D	6.5	22.3	E	6.5	22.3	E	Unmitigated
Lexington Avenue between E 44th Street and E 45th Street	East	4.5	23.5	D	4.5	20.7	E	4.5	20.7	E	Unmitigated
Lexington Avenue between E 44th Street and E 45th Street	West	5	24.9	D	5	21.3	E	5	21.3	E	Unmitigated
Lexington Avenue between E 45th Street and E 46th Street	East	6	35.6	D	6	32.0	D	6	32.0	D	Unmitigated
Lexington Avenue between E 48th Street and E 49th Street	East	3	26.5	D	3	19.2	E	3	19.2	E	Unmitigated
Lexington Avenue between E 51st Street and E 52nd Street	East	5	124.5	B	5	17.9	E	5	17.9	E	Unmitigated
<b>Weekday MD Peak Hour</b>											
E 43rd Street between 5th Avenue and Madison Avenue	North	4	38.4	D	4	31.8	D	4	31.8	D	Unmitigated
E 46th Street between 5th Avenue and Madison Avenue	South	4	27.6	D	4	23.9	D	4	23.9	D	Unmitigated
Lexington Avenue between E 48th Street and E 49th Street	East	3	30.7	D	3	25.8	D	3	25.8	D	Unmitigated
<b>Weekday PM Peak Hour</b>											
E 43rd Street between 5th Avenue and Madison Avenue	North	4	19.9	E	4	16.8	E	4	16.8	E	Unmitigated
E 45th Street between 5th Avenue and Madison Avenue	North	4.5	34.8	D	4.5	31.4	D	4.5	31.4	D	Unmitigated
E 46th Street between 5th Avenue and Madison Avenue	South	4	13.2	E	4	36.3	D	4	36.3	D	Unmitigated
E 43rd Street between Madison Avenue and Vanderbilt Avenue	North	3.5	24.4	D	3.5	18.7	E	3.5	18.7	E	Unmitigated
Lexington Avenue between E 42nd Street and E 43rd Street	West	6.5	23.0	E	6.5	16.5	E	6.5	16.5	E	Unmitigated
Lexington Avenue between E 44th Street and E 45th Street	East	4.5	26.4	D	4.5	22.5	E	4.5	22.5	E	Unmitigated
Lexington Avenue between E 44th Street and E 45th Street	West	5	20.7	E	5	17.5	E	5	17.5	E	Unmitigated
Lexington Avenue between E 45th Street and E 46th Street	East	6	38.9	D	6	33.5	D	6	33.5	D	Unmitigated
Lexington Avenue between E 48th Street and E 49th Street	East	3	17.0	E	3	12.0	E	3	12.0	E	Unmitigated
Lexington Avenue between E 51st Street and E 52nd Street	East	5	23.3	D	5	21.0	E	5	21.0	E	Unmitigated

**Table A.11 - Pedestrian LOS Tables for Amended Action with PRI Condition and Mitigation: AM Peak Hour Crosswalk Conditions**

Intersection	Crosswalk	No Action			Action with Improvements			Action With Improvements and Mitigation			
		Width	SFP	LOS	Width	SFP	LOS	Width	SFP	LOS	Mitigation Measures
<b>Weekday AM Peak Hour</b>											
5th Avenue and 42nd Street	North	25	19.2	D	25	17.3	D	25	18.1	D	Walk time increased by 1 second
Madison Avenue and E 43rd Street	North	13	11.1	E	13	7.6	F	13	7.6	F	Unmitigated
Madison Avenue and E 43rd Street	West	12	20.6	D	12	14.4	E	12	14.4	E	Unmitigated
Madison Avenue and E 45th Street	South	13	17.7	D	13	11.5	E	13	11.5	E	Unmitigated
Madison Avenue and E 53rd Street	North	15	20.6	D	15	12.8	E	15	12.8	E	Unmitigated
Park Avenue Southbound and E 46th Street	West	14	17.9	D	14	14.6	E	14	14.6	E	Unmitigated
Park Avenue Southbound and E 50th Street	West	14	13.9	E	14	10.7	E	14	10.7	E	Unmitigated
Lexington Avenue and E 42nd Street	North	20	18.4	D	20	13.4	E	20	13.4	E	Unmitigated
Lexington Avenue and E 42nd Street	West	15	21.1	D	15	18.1	D	15	18.1	D	Unmitigated
Lexington Avenue and E 43rd Street	South	13.5	22.9	D	13.5	12.3	E	15	13.9	E	Partially mitigated by 1.5 foot widening to address midday impact
Lexington Avenue and E 45th Street	West	10.5	18.0	D	10.5	11.5	E	10.5	13.0	E	Partially mitigated by 4 second increase in walk time as per traffic mitigation
Lexington Avenue and E 46th Street	East	14	25.3	C	14	18.5	D	14	19.7	D	Walk time increased by 2 seconds
Lexington Avenue and E 46th Street	West	14	26.5	C	14	18.5	D	14	19.6	D	Walk time increased by 2 seconds
Lexington Avenue and E 47th Street	East	10	24.7	C	10	17.4	D	12	21.7	D	Widen crosswalk by 2 feet
Lexington Avenue and E 47th Street	South	14.5	25.0	C	14.5	14.4	E	14.5	14.4	E	Unmitigated
Lexington Avenue and E 48th Street	West	12	18.3	D	12	14.1	E	12	14.1	E	Unmitigated
Lexington Avenue and E 49th Street	West	10.5	31.6	C	10.5	14.0	E	10.5	14.0	E	Unmitigated
Lexington Avenue and E 50th Street	West	16	22.2	D	16	15.3	D	16	15.3	D	Unmitigated
Lexington Avenue and E 51st Street	North	14	14.4	E	14	11.4	E	14	11.0	E	Walk time decreased by 1 second as per traffic mitigation measures
Lexington Avenue and E 52nd Street	East	15	24.1	C	15	18.6	D	15	18.6	D	Unmitigated
3rd Avenue and E 42nd Street	North	20	17.3	D	20	6.3	F	20	6.3	F	Unmitigated
3rd Avenue and E 42nd Street	South	20	19.9	D	20	16.0	D	20	16.0	D	Unmitigated
3rd Avenue and E 42nd Street	West	15	28.7	C	15	18.9	D	15	18.9	D	Unmitigated
3rd Avenue and E 43rd Street	East	15	16.6	D	15	11.1	E	15	11.1	E	Unmitigated
3rd Avenue and E 43rd Street	South	15.5	20.3	D	15.5	15.6	D	15.5	15.6	D	Unmitigated
3rd Avenue and E 44th Street	East	15.5	14.7	E	15.5	7.3	F	15.5	8.3	E	Partially mitigated by 3 second increase in walk time as per air quality mitigation measures
3rd Avenue and E 53rd Street	West	13.5	21.7	D	13.5	14.7	E	13.5	16.6	D	Partially mitigated by 3 second increase in walk time as per air quality mitigation measures

Bold Text indicates Mitigated Significant Adverse Impact

**Table A.12 - Pedestrian LOS Tables for Amended Action with PRI Condition and Mitigation: Midday Peak Hour Crosswalk Conditions**

Intersection	Crosswalk	No Action			Action with Improvements			Action With Improvements and Mitigation			
		Width	SFP	LOS	Width	SFP	LOS	Width	SFP	LOS	Mitigation Measures
<b>Weekday MD Peak Hour</b>											
Madison Avenue and E 43rd Street	North	13	19.5	D	13	14.8	E	13	14.8	E	Unmitigated
Madison Avenue and E 43rd Street	West	12	19.5	D	12	14.7	E	12	14.7	E	Unmitigated
Park Avenue Southbound and E 50th Street	West	14	20.5	D	14	16.5	D	14	16.5	D	Unmitigated
Lexington Avenue and E 43rd Street	South	14	16.9	D	13.5	14.0	E	15	15.8	D	<b>Widen crosswalk by 1.5 feet</b>
Lexington Avenue and E 45th Street	West	10.5	21.3	D	10.5	17.0	D	10.5	17.0	D	Unmitigated
Lexington Avenue and E 46th Street	East	14	18.6	D	14	14.8	E	14	14.8	E	Unmitigated
Lexington Avenue and E 47th Street	East	10	17.2	D	10	13.2	E	12	16.6	D	<b>Widen crosswalk by 2 feet</b>
Lexington Avenue and E 47th Street	South	14.5	14.1	E	14.5	10.4	E	14.5	10.4	E	Unmitigated
3rd Avenue and E 42nd Street	North	20	13.0	E	20	9.0	E	20	9.0	E	Unmitigated
3rd Avenue and E 43rd Street	East	15	18.2	D	15	14.8	E	15	15.7	D	Partially mitigated by 2 second increase in walk time due to air quality mitigation measures
3rd Avenue and E 44th Street	East	15.5	23.6	D	15.5	15.9	D	15.5	17.8	D	Partially mitigated by 3 second increase in walk time due to air quality mitigation measures
3rd Avenue and E 53rd Street	West	13.5	16.4	D	13.5	11.9	E	13.5	11.9	E	Unmitigated

Bold Text indicates Mitigated Significant Adverse Impact

**Table A.14 - Pedestrian LOS Tables for Amended Action with PRI Condition and Mitigation: Corner Conditions**

Intersection	Corner	No Action		Action with Improvements		Action With Improvements and Mitigation		
		SFP	LOS	SFP	LOS	SFP	LOS	Mitigation Measures
<b>Weekday AM Peak Hour</b>								
Madison Avenue and E 43rd Street	Northeast	8.2	E	4.5	F	4.5	F	Unmitigated
Madison Avenue and E 43rd Street	Southwest	22.0	D	18.6	D	18.6	D	Unmitigated
Park Avenue Southbound and E 49th Street	Northwest	16.6	D	14.6	E	14.6	E	Unmitigated
Lexington Avenue and E 42nd Street	Southwest	19.3	D	17.1	D	17.1	D	Unmitigated
Lexington Avenue and E 42nd Street	Northwest	16.6	D	10.6	E	10.6	E	Unmitigated
Lexington Avenue and E 50th Street	Southwest	17.9	D	10.6	E	10.6	E	Unmitigated
2nd Avenue and E 42nd Street	Southwest	7.9	F	6.0	F	8.8	E	Remove 2 garbage bins
<b>Weekday Midday Peak Hour</b>								
Madison Avenue and E 43rd Street	Northeast	15.6	D	13.2	E	13.2	E	Unmitigated
2nd Avenue and E 42nd Street	Southwest	21.4	D	16.0	D	19.2	D	Partially mitigated by removing 2 garbage bins
<b>Weekday PM Peak Hour</b>								
Madison Avenue and E 42nd Street	Northeast	15.7	D	14.3	E	14.3	E	Unmitigated
Madison Avenue and E 43rd Street	Northeast	11.4	E	9.8	E	9.8	E	Unmitigated
Madison Avenue and E 43rd Street	Southwest	18.0	D	16.3	D	16.3	D	Unmitigated
Lexington Avenue and E 42nd Street	Northeast	22.6	D	14.6	E	14.6	E	Unmitigated
Lexington Avenue and E 42nd Street	Southwest	17.9	D	15.3	D	15.3	D	Unmitigated
Lexington Avenue and E 42nd Street	Northwest	23.6	D	18.7	D	18.7	D	Unmitigated
Lexington Avenue and E 50th Street	Southwest	24.9	C	8.6	E	9.0	E	Partial mitigation due to traffic mitigation signal timing change
2nd Avenue and E 42nd Street	Southwest	16.4	D	14.3	E	16.4	D	Remove 2 garbage bins

**Bold Text indicates Mitigated Significant Adverse Impact**

## Air Quality

Traffic generated by the Amended Action with PRI is predicted to result in 24-hour incremental PM<sub>2.5</sub> concentration that exceeds the City's *de minimis* criteria of 4.4 µg/m<sup>3</sup> at the intersection of Third Avenue and East 41st Street. Additionally, traffic generated by the Amended Action with PRI is predicted to result in annual incremental PM<sub>2.5</sub> concentrations that exceed the City's *de minimis* criteria of 0.1 µg/m<sup>3</sup> at four analyzed intersections, including Third Avenue and East 44th Street, Third Avenue and East 46th Street, Third Avenue and East 54th Street, and Third Avenue and East 41st Street. Therefore, air quality mitigation is required at these locations.

Traffic mitigation measures were developed to reduce congestion and increase speeds along the Third Avenue corridor in the affected area. Table A.15 and Table A.16 present the maximum predicted 24-hour and annual incremental PM<sub>2.5</sub> concentrations respectively, with the proposed traffic mitigation measures in place.

**Table A.15: Maximum Predicted 24-Hour PM<sub>2.5</sub> Incremental Concentrations (µg/m<sup>3</sup>)**

Analysis Site	Location	Annual PM <sub>2.5</sub> Concentration		<i>De Minimis</i> <sup>1</sup>
		Increment	Increment (with Mitigation)	
6	Third Avenue & East 41st Street	6.03	0.76	4.4
Note: <sup>1</sup> The 24-hour PM <sub>2.5</sub> <i>de minimis</i> criteria threshold is half the difference between the background concentration of 26.2 µg/m <sup>3</sup> and the 24-hour NAAQS of 35 µg/m <sup>3</sup> .				

**Table A.16: Maximum Predicted Annual PM<sub>2.5</sub> Incremental Concentrations (µg/m<sup>3</sup>)**

Analysis Site	Location	Annual PM <sub>2.5</sub> Concentration		<i>De Minimis</i> <sup>1</sup>
		Increment	Increment (with Mitigation)	
3	Third Avenue & East 44th Street	0.18	-0.07	0.1
4	Third Avenue & East 46th Street	0.34	0.09	
5	Third Avenue & East 54th Street	0.28	-0.02	
6	Third Avenue & East 41st Street	0.78	0.09	
Note: <sup>1</sup> The PM <sub>2.5</sub> <i>de minimis</i> criteria threshold for annual (neighborhood scale) is 0.1 µg/m <sup>3</sup> without considering background concentration.				

As shown in Table A.15 and Table A.16, the results of this modeling analysis (performed in accordance with methodologies described in the FEIS) indicate that the 24-hour incremental PM<sub>2.5</sub> concentration would not exceed the City's *de minimis* criteria of 4.4 µg/m<sup>3</sup>, and the annual incremental PM<sub>2.5</sub> concentrations would not exceed the *de minimis* criteria of 0.1 µg/m<sup>3</sup>. No unmitigated significant adverse air quality impacts would remain upon incorporation of the traffic mitigation measures.

## Construction – Historic Resources, Traffic and Noise

### *Historic Resources*

Development under the Amended Application with PRI—specifically, on Projected Development Sites 2, 4, 5, 6, 7, and 11 and Potential Development Sites B, C, E, F, K—could result in inadvertent construction-related damage to 12 NYCL- and/or S/NR-eligible historic resources, as they are located within 90 feet of Projected and/or Potential Development Sites. Should these remain undesignated, the additional protective measures of New York City Department of Buildings (DOB) Technical Policy and Procedure Notice (TPPN)#10/88 would not apply, and the potential for significant adverse construction-related impacts would not be mitigated. Three listed structures – two on Projected Development Site 17 and one on Potential Development Site P – would be protected by a DOB Construction Protection Plan (CPP), and significant impacts would not result.

In order to make TPPN #10/88 applicable to eligible historic resources in the absence of a site-specific approval, such as a special permit with an accompanying restrictive declaration, a mechanism would have to be developed to ensure implementation and compliance, since it is not known and cannot be assumed that owners of these properties would voluntarily implement this mitigation. DCP, as lead agency, explored the viability of this mitigation measure and determined it was neither feasible nor practicable.

Absent measures that can be implemented to mitigate these impacts, the Amended Application with PRI's significant adverse construction-related impacts on historic resources would therefore remain unmitigated.

### *Traffic*

Construction-related traffic would have significant adverse impacts to four intersections during the construction AM peak hour (6:00–7:00 a.m.) and 14 intersections during the construction PM peak hour (3:00–4:00 p.m.). Implementation of traffic engineering improvements such as signal timing changes or modifications to curbside parking regulations would provide mitigation for most of the anticipated traffic impacts. Table A.17 and Table A.18 summarize the recommended mitigation measures for each of these intersections during the construction AM and PM peak hours, respectively, which are subject to review and approval by DOT.

Table A.19 and Table A.20 provide a comparison of the v/c ratios, delays, and LOS at impacted intersections with implementation of these mitigation measures to No-Action and Construction conditions during the construction AM and PM peak hours, respectively. With the implementation of recommended mitigation measures, most significant adverse impacts would be mitigated, but unmitigated significant adverse impacts would remain at one intersection during the construction AM peak hour and eight intersections during the construction PM peak hour. Absent measures that could be implemented to mitigate impacts at the remaining impacted intersections, these construction-related traffic impacts would remain unmitigated.

In addition, impacts could occur from the construction of the pre-identified transit improvements. Construction of new subway station entrances and fare control areas at the 42nd Street Bryant Park-Fifth Avenue subway station complex, Lexington Avenue-51st/53rd Streets subway station complex, and the Fifth Avenue-53rd Street subway station would necessitate closing sidewalks

during the subway entrance construction period requiring pedestrians to either use a temporary walkway or be diverted to walk on the opposite side of the street.

### *Noise*

Construction activities associated with the Amended Application with PRI would occur on multiple development sites within the same geographic area and, as a result, has the potential to increase interior noise levels of existing adjacent commercial and residential buildings. These increases would likely approach or marginally exceed the impact threshold for short periods of time. The same potential to exceed the noise limits exist during other construction quarters bordering the peak construction period.

Partial mitigation for construction noise impacts could include, in addition to the requirements under the New York City Noise Control Code, noise barriers, use of low noise emission equipment, locating stationary equipment as far as feasible away from receptors, enclosing areas, limiting the duration of activities, specifying quiet equipment, scheduling of activities to minimize impacts (either time of day or seasonal considerations), and locating noisy equipment near natural or existing barriers that would shield sensitive receptors.

The proposed measures discussed above are considered partial mitigations only. Consequently, these impacts would not be completely eliminated and they would constitute an unmitigated significant adverse construction noise impact.

**Table A.17: Proposed Traffic Mitigation Measures for Amended Action with PRI Condition - Construction – AM Peak Hour**

Intersection	No-Action	Mitigated Condition	Proposed Mitigation
1st Ave. & E. 48th St. (West Side)			Impacts cannot be fully mitigated in this time period.
Tunnel Exit St. & E. 39th St.	WB: G=31 NB: G=49	WB: G=35 NB: G=45	Modify signal timing
Park Ave. & E. 39th St.	WB: G=35 NB/SB: G=44	WB: G=37 NB/SB: G=42	Modify signal timing
6th Ave. & W. 48th St.	EB: G=31 NB: G=49	EB: G=33 NB: G=47	Modify signal timing
<b>Notes:</b> EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound *G* indicates amount of green phase time, in seconds.			

**Table A.18: Proposed Traffic Mitigation Measures for Amended Action with PRI Condition - Construction – PM Peak Hour**

Intersection	No-Action	Mitigated Condition	Proposed Mitigation
1st Ave. & E. 46th St.	EB: G=35 NB: G=45	EB: G=38 NB: G=42	Modify signal timing
2nd Ave. & E. 40th St.	EB: G=31 SB: G=49	EB: G=32 SB: G=48	Modify signal timing
2nd Ave. & E. 42nd St.			Impacts cannot be fully mitigated in this time period.
2nd Ave. & E. 48th St.			Impacts cannot be fully mitigated in this time period.
2nd Ave. & E. 49th St.	WB LT: G=25 WB T: G=7 SB: G=48	WB LT: G=26 WB T: G=7 SB: G=47	Modify signal timing
Lexington Ave. & E. 47th St.			Impacts cannot be fully mitigated in this time period.
Park Ave. & E. 39th St.	WB: G=36 NB/SB: G=43	WB: G=35 NB/SB: G=44	Modify signal timing
Park Ave. & E. 46th St.			Impacts cannot be fully mitigated in this time period.
Park Ave. & E. 47th St.			Impacts cannot be fully mitigated in this time period.
Park Ave. & E. 48th St.			Impacts cannot be fully mitigated in this time period.
Madison Ave. & E. 44th St.			Impacts cannot be fully mitigated in this time period.
5th Ave. & 43rd St.	WB: G=35 SB: G=45	WB: G=34 SB: G=46	Modify signal timing
5th Ave. & 48th St.			Impacts cannot be fully mitigated in this time period.
6th Ave. & W. 49th St.	WB: G=35 SB: G=45	WB: G=36 SB: G=44	Modify signal timing
<b>Notes:</b> EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound *G* indicates amount of green phase time, in seconds.			

**Table A.19: Traffic LOS Tables for Amended Action with PRI Condition with and without Proposed Mitigation - Construction - AM Peak Hour**

Intersection & Approach (Signalized Intersections)	No-Action				With-Action				Mitigation			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
<b>Tunnel Exit Street &amp; East 39th Street</b>												
Westbound	TR	0.91	80.7	F	TR	1.02	107.2	F +	TR	0.90	82.5	F
Northbound	LT	0.19	5.7	A	LT	0.20	5.7	A	LT	0.22	7.7	A
<b>Park Avenue &amp; East 39th Street</b>												
Westbound (East Side)	TR	0.76	19.2	B	TR	0.82	21.7	C	TR	0.77	17.1	B
Northbound (East Side)	LT	0.44	23.3	C	LT	0.44	23.8	C	LT	0.46	23.9	C
Westbound (West Side)	LT	0.70	38.0	D	LT	0.75	58.5	E +	LT	0.71	37.2	D
Southbound (West Side)	T	0.49	17.1	B	T	0.49	17.1	B	T	0.52	19.8	B
	R	0.27	16.2	B	R	0.28	16.2	B	R	0.30	18.5	B
<b>6th Avenue &amp; West 48th Street</b>												
Eastbound	L	0.20	22.3	C	L	0.20	22.3	C	L	0.19	20.8	C
	T	0.86	53.6	D	T	0.93	64.8	E +	T	0.87	52.5	D
Northbound	TR	0.56	14.8	B	TR	0.61	15.8	B	TR	0.64	17.5	B

**Table A.19: Traffic LOS Tables for Amended Action with PRI Condition with and without Proposed Mitigation - Construction - AM Peak Hour (Continued)**

Intersection & Approach (Unsignalized Intersections)	No-Action				With-Action				Mitigation			
	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS	Movt.	V/C Ratio	Delay Sec/Veh	LOS
<b>1st Avenue &amp; East 48th Street (West Side)</b>												
Eastbound	L	0.88	42.1	E	L	0.92	48.8	E +	L	0.92	48.8	E +
Northbound	T	0.33	0.0	A	T	0.34	0.0	A	T	0.34	0.0	A
<b>Notes:</b> + Denotes a significant adverse traffic impact Unmitigated approach movements denoted by shading												

Table A.20: Traffic LOS Tables for Amended Action with PRI Condition with and without Proposed Mitigation - Construction - PM Peak Hour

Intersection & Approach (Signalized Intersections)	No-Action				With-Action				Mitigation			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>1st Avenue &amp; East 46th Street</b>												
Eastbound	L	1.00	56.7	E	L	1.10	86.3	F +	L	1.01	53.9	D
Northbound	T	0.74	5.7	A	T	0.76	9.3	A	T	0.82	26.6	C
<b>2nd Avenue &amp; East 40th Street</b>												
Eastbound	T	0.75	29.7	C	T	0.84	37.6	D	T	0.81	33.6	C
	R	0.86	38.4	D	R	0.92	46.3	D +	R	0.88	39.6	D
Southbound	LT	1.00	47.6	D	LT	1.01	48.0	D	LT	1.03	49.5	D
<b>2nd Avenue &amp; East 42nd Street</b>												
Eastbound	TR	0.90	29.8	C	TR	0.90	29.6	C	TR	0.90	29.6	C
Westbound	LT	1.08dl	41.7	D	LT	1.08dl	43.1	D	LT	1.08dl	43.1	D
Southbound	LT	1.03	62.8	E	LTR	1.16	90.9	F +	LTR	1.16	90.9	F +
	R	0.67	16.6	B								
<b>2nd Avenue &amp; East 48th Street</b>												
Eastbound	TR	1.00	72.3	E	TR	1.08	93.8	F +	TR	1.08	93.8	F +
Southbound	LT	0.97	28.9	C	LT	0.98	36.4	D	LT	0.98	35.6	D
<b>2nd Avenue &amp; East 49th Street</b>												
Westbound	L	0.98	58.4	E	L	1.01	64.0	E +	L	0.96	52.8	D
	T	0.36	18.5	B	T	0.37	18.8	B	T	0.35	18.0	B
Southbound	T	0.82	4.0	A	T	0.83	4.8	A	T	0.85	7.3	A
	R	0.44	1.8	A	R	0.45	1.9	A	R	0.46	2.8	A
<b>Lexington Avenue &amp; East 47th Street</b>												
Westbound	L	1.00	87.8	F	L	1.06	100.8	F +	L	1.06	100.8	F +
	T	1.04	71.3	E	T	1.06	77.2	E +	T	1.06	77.2	E +
Southbound	T	1.02	48.4	D	T	1.04	57.5	E +	T	1.04	57.5	E +
	R	0.74	23.5	C	R	0.67	20.4	C	R	0.67	20.4	C
<b>Park Avenue &amp; East 39th Street</b>												
Westbound (East Side)	TR	1.06	73.8	E	TR	1.08	74.3	E	TR	1.10	77.6	E
Northbound (East Side)	LT	0.90	64.3	E	LT	0.90	70.7	E +	LT	0.88	65.9	E
Westbound (West Side)	LT	0.92	61.1	E	LT	0.93	61.4	E	LT	0.96	61.3	E
Southbound (West Side)	T	0.74	40.3	D	T	0.76	47.8	D +	T	0.74	40.1	D
	R	0.86	25.6	C	R	0.87	26.1	C	R	0.83	22.6	C
<b>Park Avenue &amp; East 46th Street</b>												
Eastbound (West Side)	T	1.01	88.2	F	T	0.99	82.8	F	T	0.99	82.8	F
	R	0.36	23.4	C	R	0.36	23.5	C	R	0.36	23.5	C
Southbound (West Side)	L	0.59	37.5	D	L	0.67	78.2	E +	L	0.67	78.2	E +
	T	1.03	43.7	D	T	1.06	52.7	D +	T	1.06	52.7	D +
Eastbound (East Side)	L	0.67	13.5	B	L	0.68	14.8	B	L	0.68	14.8	B
	T	1.06	55.3	E	T	1.09	70.4	E +	T	1.09	70.4	E +
Northbound (East Side)	T	0.83	32.3	C	T	0.83	32.4	C	T	0.83	32.4	C
<b>Park Avenue &amp; East 47th Street</b>												
Westbound (East Side)	T	0.88	30.5	C	T	0.85	25.3	C	T	0.85	25.3	C
	R	0.67	21.2	C	R	0.70	21.4	C	R	0.70	21.4	C
Northbound (East Side)	L	0.21	87.0	F	L	0.21	86.8	F	L	0.21	86.8	F
	T	0.97	50.2	D	T	0.97	51.8	D	T	0.97	51.8	D
Westbound (West Side)	LT	0.90	31.1	C	LT	0.87	29.1	C	LT	0.87	29.1	C
Southbound (West Side)	TR	0.93	33.3	C	TR	0.96	47.9	D +	TR	0.96	47.9	D +

Table A.20: Traffic LOS Tables for Amended Action with PRI Condition with and without Proposed Mitigation - Construction - PM Peak Hour (Continued)

Intersection & Approach (Signalized Intersections)	No-Action				With-Action				Mitigation			
	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS	Movt.	V/C Ratio	Delay Sec/ Veh	LOS
<b>Park Avenue &amp; East 48th Street</b>												
Eastbound (West Side)	T	0.53	35.5	D	T	0.56	35.3	D	T	0.56	35.3	D
	R	0.24	29.3	C	R	0.32	30.6	C	R	0.32	30.6	C
Southbound (West Side)	L	0.20	40.3	D	L	0.22	67.9	E +	L	0.22	67.9	E +
	T	0.91	19.8	B	T	0.92	25.1	C	T	0.92	25.1	C
Eastbound (East Side)	LT	0.83	28.1	C	LT	0.87	32.3	C	LT	0.87	32.3	C
Northbound (East Side)	TR	0.95	38.9	D	TR	0.95	39.9	D	TR	0.95	39.9	D
<b>Madison Avenue &amp; East 44th Street</b>												
Eastbound	L	0.61	39.7	D								
	T	0.28	27.8	C	LT	0.77	53.9	D +	LT	0.77	53.9	D +
Northbound	T	0.91	43.7	D	T	0.90	37.8	D	T	0.90	37.8	D
	R	0.51	15.0	B	R	0.52	15.3	B	R	0.52	15.3	B
<b>5th Avenue &amp; 43rd Street</b>												
Westbound	L	0.57	35.3	D	L	0.50	33.3	C	L	0.53	35.0	D
	T	0.46	29.4	C	T	0.44	29.2	C	T	0.45	30.3	C
Southbound	T	1.25	126.5	F	T	1.25	126.7	F	T	1.22	113.0	F
	R	1.01	36.3	D	R	1.04	47.6	D +	R	0.99	34.0	C
<b>5th Avenue &amp; 48th Street</b>												
Eastbound	T	0.84	42.5	D	T	0.95	56.6	E +	T	0.95	56.6	E +
	R	1.03	93.5	F	R	1.09	113.3	F +	R	1.09	113.3	F +
Southbound	LT	1.21	113.2	F	LT	1.21	111.0	F	LT	1.21	111.0	F
<b>6th Avenue &amp; West 49th Street</b>												
Westbound	T	0.81	46.4	D	T	0.89	52.5	D +	T	0.86	48.9	D
	R	0.74	43.5	D	R	0.85	50.7	D +	R	0.82	47.3	D
Northbound	LT	0.62	6.4	A	LT	0.62	6.6	A	LT	0.64	7.4	A
<b>Notes:</b> + Denotes a significant adverse traffic impact Unmitigated approach movements denoted by shading												