

**TECHNICAL MEMORANDUM 002
GREATER EAST MIDTOWN REZONING
CEQR No. 17DCP001M**

ULURP Nos.: N 170186 ZRM, C 170187 ZMM, N 170186(A) ZRM
June 2, 2017

A. INTRODUCTION

The New York City Department of City Planning (DCP) proposes zoning text and zoning map amendments (collectively, the “Proposed Action”) within the East Midtown neighborhood of Manhattan Community Districts 5 and 6. The rezoning area is generally bounded by East 57th Street to the north, East 39th 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. Known as the Greater East Midtown Rezoning project, the Proposed Action includes a zoning text amendment to establish the East Midtown Subdistrict within an approximately 78-block area. The Proposed Action is intended to reinforce the area’s standing as a premiere Central Business District, support the preservation of landmarked buildings, and provide for public realm improvements. The Draft Environmental Impact Statement (DEIS) for the Proposed Action was prepared and the City Planning Commission (CPC) issued a Notice of Completion for the DEIS on December 30, 2017. The Notice of Completion for the Final Environmental Impact Statement (FEIS) was issued on May 26, 2017 (CEQR No. 17DCP001M).

The FEIS included Chapter 25, “Amended Application Analysis,” which was new to the FEIS, which considered an amended zoning text amendment filed by DCP on March 27, 2017, (referred to hereafter as the “Amended Text,” “Amended Application,” pursuant to ULURP No. N 170186(A) ZRM) after the issuance of the DEIS. It is anticipated that DCP will withdraw the zoning text amendment as originally certified on January 3, 2017 (pursuant to ULURP No. N 170186 ZRM) 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 “Potential CPC Modifications”). The Potential CPC Modifications, as detailed below, consist of clarifications and administrative revisions to the proposed zoning text.

This Technical Memorandum examines whether the Potential CPC Modifications would result in any new or different significant adverse environmental impacts not already identified in the FEIS as pertains to the Amended Application. 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, as set forth below, this Technical Memorandum concludes that the Amended Application with the Potential CPC Modifications would not result in any new or different significant adverse impacts not already identified in the FEIS.

B. DESCRIPTION OF THE POTENTIAL CPC MODIFICATIONS

The Potential CPC Modifications consist of changes in the following areas: 1) Governing Group Appointees and Reporting Requirements; 2) Hotel Compliance; 3) Clarification of zoning lots within the East Midtown Subdistrict; 4) Qualifying Site Criteria; and 5) Height and Setback Controls. These modifications consist of

clarifications and administrative revisions to the proposed zoning text, but no changes that would affect use or bulk regulations. Each of these is described below.

1) GOVERNING GROUP APPOINTEES AND REPORTING REQUIREMENTS

In the FEIS, the membership of the Governing Group was generally identified and an overview of its role and responsibilities was provided. As reported in the FEIS, the Governing Group would 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. Under the Potential CPC Modifications, under Section 81-613, a representative of a citywide civic organization and an additional mayoral appointee would be added, bringing total membership to 11 members. In addition, under the Potential CPC Modifications at Section 81-613, the Governing Group will adopt procedures for the conduct of its activities consistent with the requirements of the New York State Open Meetings Law. This will include reporting and transparency requirements. The Potential CPC modifications would include a requirement that all meetings of the Governing Group shall be open to the public with advance public notice provided of all meetings and public hearings. Further, in order for the Governing Group to act, a minimum of six members must approve the action. Additionally, the Governing Group shall consider the selection and funding of above-grade public realm improvements prior to consideration and selection of any below-grade public realm improvement.

2) HOTEL COMPLIANCE

Under Section 81-621, the Potential CPC Modifications would add text that clarifies that hotel uses existing before enactment of the Subdistrict are considered conforming uses.

3) CLARIFICATION OF ZONING LOTS WITHIN THE EAST MIDTOWN SUBDISTRICT

The Potential CPC Modifications would reintroduce language from the originally certified zoning text that permits a zoning lot with 50 percent or more of its lot area within the Subdistrict to use the provisions of Section 81-60 on the entirety of the zoning lot. The Potential CPC Modifications would limit applicability of the originally certified zoning text to the Special Midtown District, but excludes the Fifth Avenue Subdistrict. The following is provided in the certified text: “the provisions of Section 81-60 (Special Regulations for the East Midtown Subdistrict), 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.”

4) QUALIFYING SITE CRITERIA

The Amended Application allows a zoning lot to be considered a Qualifying Site if the entire full block frontage along the wide street is blocked by a landmark and such landmark is included within the zoning lot. The Potential CPC Modifications would clarify the Section 81-60 Qualifying Site Definition to acknowledge that if the wide street frontage is occupied by more than one landmark, only one of the landmarks needs to be within the zoning lot.

The Potential CPC Modifications would also add text to the Section 81-60 Qualifying Site Definition to allow a transit easement volume located on a wide street to fulfill a development site’s wide street frontage requirement.

5) HEIGHT AND SETBACK CONTROLS

The Potential CPC Modifications under Zoning Resolution Section 81-633 would clarify the daylight evaluation modifications for qualifying sites specifying that an individual street score cannot be lower than 66. The identification of the specific street score was intended in the original text.

C. ANALYSIS

As a result of development pursuant to the RWCDs for the Proposed Action, the FEIS identified significant adverse impacts with respect to open space, shadows, historic resources, transportation (traffic, transit, and pedestrians), and construction activities related to historic and cultural resources, traffic, and noise. Partial mitigation measures were identified for transportation (traffic and pedestrians), historic resources impacts, impacts due to shadows, and construction activities related to historic resources, traffic, and noise.

Compared to the Proposed Action, the Amended Application would generally result in the same significant adverse impacts except for historic resources, as it would result in one additional unmitigated direct significant adverse impact. The Amended Application as evaluated in the FEIS would result in the same significant adverse shadows impacts (on the sunlight-sensitive features of St. Bartholomew's Church and Community House), and would have generally the same potential for significant adverse impacts related to construction. Like the Proposed Action, the Amended Application with a certain subset of public realm improvements would offset the significant adverse impacts to open space ratios. With respect to transportation, the Amended Application would, in general, result in the same significant adverse impacts and the same unmitigated significant adverse impacts as the Proposed Action, although in a few instances the affected intersections and time periods would be different. As in the case of the Proposed Action, mitigation measures—such as signal timing and daylighting for traffic, and crosswalk widening and bulbouts for corners for pedestrians—could mitigate impacts.

As noted above, the Potential CPC Modifications consist of changes in the following areas: 1) Governing Group Appointees and Reporting Requirements; 2) Hotel Compliance; 3) Clarification of zoning lots within the East Midtown Subdistrict; 4) Qualifying Site Criteria; and 5) Height and Setback Controls.

Analyses of these changes are presented below.

POTENTIAL CPC MODIFICATIONS

As described above in "B – Description of Proposed Modifications," the Potential CPC Modifications consist of clarifications and administrative revisions to the proposed zoning text (e.g., modifications to the structure of the Governing Group) which would not alter the development assumptions in the RWCDs for the Amended Application evaluated in the FEIS. Accordingly, the modifications would not result in any new or different development and would not result in new or different environmental impacts than those set forth in the FEIS. Accordingly, these modifications would not result in any new or different environmental impacts from those already disclosed in the FEIS for the Amended Application.

CONCLUSION

The Potential CPC Modifications to the Amended Application would not result in any new or different environmental impacts than those disclosed in the FEIS, and the same mitigation measures would continue to be available and applicable.