



# 2

## Land Use, Zoning, and Public Policy

This chapter considers the potential for the proposed project to result in significant adverse impacts to land use, zoning, and public policy. Under the guidelines of the *2020 City Environmental Quality Review (CEQR) Technical Manual*, this analysis evaluates the uses and developments in the area that may be affected by the Proposed Project and determines whether the proposed project is compatible with land use, zoning, and public policy conditions, or may otherwise affect them. The analysis also considers the proposed project's compatibility with zoning regulations and other public policies applicable to the area.

### Introduction

The Applicant proposes to redevelop the Project Site with a 925,630-gross-square-foot (gsf) first-class commercial office building with retail space (the Proposed Project), as well as to provide pedestrian circulation improvements to the transit network in the vicinity of Grand Central Terminal (GCT). The building would contain commercial office space, ground floor retail space, a circulation area to access the Long Island Rail Road (LIRR) East Side Access (ESA) terminal located below the Project Site, and below-grade space (i.e., mechanical and back-of-house space).

The Proposed Development would utilize floor area bonuses pursuant to the Grand Central Public Realm Improvement Bonus special permit. Specifically, the application requests:

1. A special permit to increase the maximum floor area ratio in connection with Grand Central public realm improvements (Zoning Resolution Section 81-633); and
2. A special permit to modify certain mandatory district plan elements, the street wall height, height and setback, and curb cut regulations (Zoning Resolution Section 81-634). See **Chapter 1, Project Description** for details.

The Metropolitan Transportation Authority (MTA) is the landowner of the Project Site and would remain so as part of the project. Therefore, to facilitate the Proposed Project, it would be necessary for the MTA to approve and execute a 99-year lease from the MTA to the developer, BP 347 Madison Associates, LLC (BP) (or its designee).

This chapter provides an assessment of existing and future conditions with and without the Proposed Action for the Project Site and Study Area, which are described in detail below.

According to the *CEQR Technical Manual*, a land use and zoning analysis is warranted for projects involving a change in land use or zoning. As the Proposed Action involves a number of discretionary zoning actions that would result in changes in density and bulk, an analysis is warranted.

## Principal Conclusions

~~Overall, the analysis~~ A land use, zoning and public policy assessment was conducted based on the guidelines set for in the CEQR Technical Manual, and conducted that the Proposed Action would not result in significant adverse impacts on land use, zoning, or public policy.

## Land Use and Zoning

The Proposed Action would not directly displace any land use, nor would it introduce new land uses that would be incompatible with surrounding land uses, zoning, or public policies. Compared to the No-Action condition, the Proposed Action would result in an increase in commercial space. The Proposed Action would be consistent with the existing zoning framework for the Vanderbilt Corridor and the Grand Central Core Area and would not adversely affect surrounding land uses, nor would the Proposed Action generate land uses that would be incompatible with land uses, zoning, or public policy within the 400-foot study area.

With the Proposed Action, the Proposed Project would make use of the zoning mechanisms introduced in 2017. The Proposed Action would increase the density of the Proposed Development through special permits available to sites within the Vanderbilt Corridor subarea. In addition to the special permit, waivers are requested to modify certain district plan elements in order to allow for an improved site plan on a site with unique characteristics. The requested discretionary actions would not conflict with the current zoning and would reinforce the goals of the existing zoning for the area.

## Public Policy

The Proposed Action would facilitate commercial development in a central business district well served by mass transit. Additionally, the Proposed Development would result in transit and pedestrian improvements. The proposed retail and commercial office space would be comparable to existing and planned developments in the surrounding Midtown neighborhood and would, as discussed in greater detail below, directly support relevant city policies.

## Methodology

The purpose of this chapter is to examine the effects of the Proposed Action and determine whether they would result in any significant adverse impacts on land use, zoning, or public policy. The analysis methodology is based on the guidelines of the *CEQR Technical Manual* and examines the Proposed Action's consistency with land use patterns and development trends, zoning regulations, and other applicable public policies. As described in **Chapter 1, Project Description**, in order to assess the possible effects of the Proposed Action, a Reasonable Worst-Case Development Scenario (RWCDs) was established for both the current zoning (No-Action) and proposed zoning (With-Action) conditions for the 2026 analysis year. The incremental difference between the No-Action and With-Action conditions on the Project Site is the basis of the impact category analyses in this chapter.

Under CEQR guidelines, an assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. This analysis of land use, zoning, and public policy follows the guidelines set forth in the *CEQR Technical Manual* for an assessment (Section 320). According to the *CEQR Technical Manual*, a land use and zoning assessment:

- › Describes existing and future land uses and zoning information, and describes any changes in zoning that could cause changes in land use;
- › Characterizes the land use development trends in the area surrounding the project site that might be affected by the proposed action; and
- › Determines whether the proposed project is compatible with those trends or may alter them.

Existing land uses were identified through review of a combination of sources, including the New York City Department of Buildings and the City's Primary Land Use Tax Lot Output (PLUTO™) data files for 2016 Geographic Information Systems (GIS) databases utilized include the New York City Open Accessible Space Information System ([www.oasisnyc.net](http://www.oasisnyc.net)) and NYC Department of City Planning Zoning and Land Use map<sup>1</sup>. New York City zoning maps and the Zoning Resolution of the City of New York were consulted to describe existing zoning districts within the study areas and provided the basis for the zoning evaluation of the No-Action and With-Action Conditions. Applicable public policies were identified. The Proposed Action's consistency with those policies and with OneNYC, the City's long-term growth and sustainability plan, was evaluated.

<sup>1</sup> <https://zola.planning.nyc.gov/about/?layer-groups=%5B%22building-footprints%22%2C%22commercial-overlays%22%2C%22street-centerlines%22%2C%22subway%22%2C%22tax-lots%22%2C%22zoning-districts%22%5D#9.72/40.7125/-73.733>

The following assessment method was used to evaluate the potential for the Proposed Action to result in significant adverse impacts on Land Use, Zoning, and Public Policy:

1. Establish a "study area", a geographic area surrounding the project site to determine how the proposed project may affect the immediate surrounding area. For this assessment, a study area of 400 feet surrounding the Project Site was used. (see **Figure 2-1**)
2. Identify data sources, including any public policies (formal plans, published reports) to be used to describe the existing and No-Action conditions related to Land Use, Zoning, and/or Public Policy.
3. Assess the proposed project's potential effects on Land Use, Zoning and Public Policy to determine whether the proposed project is consistent with or conflicts with area land uses, zoning, or the identified policies.
  - If a proposed project could conflict with the identified policies, a detailed assessment is conducted; or
  - If the proposed project is found to not conflict with the identified policies, no further assessment is needed.

## Study Area Definition

According to the *CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of the proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 200 feet for a small project to 0.5 miles for a very large project. While a large development project, the Proposed Development is a site-specific development in the very densely developed East Midtown area. Therefore, in accordance with CEQR guidelines, land use, zoning, and public policy are addressed and analyzed within the study area of 400 feet from the Project Site. For the purpose of this assessment, the study area is measured from the Project Site, which consists of the Manhattan Block 1279, Lot 23, 24, 25, and 48. The Project Site has a combined area of 25,104 sf and approximately 204 feet of frontage on Madison Avenue, 128 feet of frontage on East 44th Street and East 45th Street. The study area for this analysis is generally bounded by midblock between East 46th Street and East 47th Street to the north, Fifth Avenue to the west, East 42nd Street to the south, and the eastern portion of the Park Avenue Viaduct to the east.

## Background

The Project Site and 400-foot study area have been affected by several recent actions that have shaped the land use and zoning framework governing the area. The assessment of potential impacts on land use, zoning, and public policy that follows considers the Proposed Action within the context of this recent history of the Project Site and surrounding area.

In 2015, the City Planning Commission (CPC) approved a text and map amendment to the Special Midtown District, known as the Vanderbilt Corridor project (Application No. N 150127 ZRM), to facilitate the development of modern commercial space on the blocks between Vanderbilt Avenue and Madison Avenue and between East 42nd Street and East 47th Street (the Vanderbilt Corridor) and link new commercial development to significant

transit and public realm improvements, in addition to providing greater options for the transfer of the available transferable development rights. The text amendment, through a special permit mechanism, allows for a maximum permitted floor area ratio (FAR) of 30.0 within the Vanderbilt Corridor.

In 2017, the CPC approved the Greater East Midtown rezoning (Application No. N 170186(A) ZRM) to reinforce the area's standing as a premier central business district within the Special Midtown District, support the preservation of its landmarked buildings, and provide for public realm improvements. This rezoning incorporated the Vanderbilt Corridor as part of the East Midtown Subdistrict, without substantive modifications to the controls enacted in 2015. Among the stated goals from the Greater East Midtown rezoning were the goals to protect and strengthen Greater East Midtown as a regional job center and premier central business district by seeding the area with new modern and sustainable office buildings and to 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.

Together, these two actions reflect the overarching trend toward promoting higher-density development, improving the public realm, and facilitating better transit access in the East Midtown area.

Additionally, the Project Site was the subject of a prior environmental review under the State Environmental Quality Review Act (SEQRA) for the proposed demolition of the three office buildings currently on the site. The Project Site buildings, which together previously served as the headquarters of the MTA, are currently vacant and would require substantial investment by MTA either to make them code-compliant and commercially usable or to maintain them safely as vacant structures. That review, completed in 2018, found no significant adverse impacts related to the demolition of the Project Site buildings.

## Assessment

### Existing Conditions

#### Land Use

##### *Project Site*

The Project Site consists of Manhattan Block 1279, Lots 23, 24, 25, and 48, and has a combined area of 25,104 sf with approximately 204 feet of frontage on Madison Avenue, and 128 feet of frontage on East 44th Street and East 45th Street. The Project Site is located in the area of Manhattan known as East Midtown, within Community District 5 (with a portion of the proposed public realm improvements extending into Community District 6). Block 1279 is bounded by Madison Avenue to the west, Vanderbilt Avenue to the east, East 44th Street to the south, and East 45th Street to the north. The Project Site consists of the western portion of Block 1279, fronting on Madison Avenue, and contains three 13- to 20-story buildings that previously served as the headquarters of the MTA and a ventilation structure for MTA's ESA project, which is currently under construction. The buildings that used to contain the MTA headquarters total 351,871 gsf of commercial office and retail

space, which is now vacant. The Project Site is also located within the Grand Central Core Area and Vanderbilt Corridor within the Special Midtown District's East Midtown Subdistrict.

### ***Study Area***

As indicated in **Table 2-1** and **Figure 2-1**, land uses in the study area are predominantly commercial with some of the largest office towers in the East Midtown area and a dense ground-floor retail sector.

In addition to the three MTA buildings and the ventilation structure, Block 1279 contains a commercial building and the Yale Club. All five buildings on the block were constructed between 1916 and 1926 and range in height from 13 to 22 stories. Within the Vanderbilt Corridor, which largely falls within the study area, are several large office towers. To the south of this block along East 42nd Street is the soon to be completed 60-story One Vanderbilt Building. One Vanderbilt is a 1.8 million-square-foot commercial office building that will also contain trading, retail, restaurant, and amenity space. 335 Madison Avenue, between East 43rd and East 44th Streets (Block 1278, Lot 20), is developed with a 28-story office tower. Originally constructed in the early 20th century as the New York Biltmore Hotel, it was fully renovated with a complete façade reconstruction and interior commercial office conversion in the 1980s. To the north of the Project Site, the block between East 45th and East 46th Streets (Block 1281, Lot 21) contains the Roosevelt Hotel, a 19-story building dating from the 1920s, with 1,015 rooms. At the northern end of the Vanderbilt Corridor between East 46th and East 47th Streets (Block 1282, Lot 21), there is a 47-story office tower completed in the early 2000s (383 Madison Avenue).

Figure 2-1 Land Use Map



As detailed in **Chapter 6, Urban Design and Visual Resources**, the study area roadway network generally consists of a grid of wide north-south avenues and narrower east-west streets, with one notable exception: the interruption of the superblock located between East 42nd Street and East 45th Street, from Vanderbilt Avenue to Lexington Avenue, created by the presence of GCT. GCT is a landmark building and the New York City terminus for the Metro-North Railroad, a commuter rail system. The Metro-North Railroad and the adjoining New York City Transit (NYCT) subway station make Grand Central one of the City's primary transportation hubs. Grand Central is also a major tourist attraction. Much of the study area is built directly over the rail shed serving the Terminal. This below-grade track network extends approximately between Madison and Lexington Avenues around the Terminal and narrows to the width of the Park Avenue roadbed traveling north. Also, below grade in the study area and beneath the Project Site are elements of the ESA project, which is currently under construction.

Directly east of the Project Site are some additional large-scale mixed-use commercial buildings. The MetLife Building, a 59-story commercial and office tower built in 1960 as the Pan Am Building, is located directly north of the Terminal on the superblock and has ground floor restaurant uses. To the north of the MetLife building is the Helmsley Building, formerly known as the New York Central Building, which is a 35-story Beaux-Arts style landmarked office building.

To the west of the Vanderbilt Corridor along Madison Avenue is a group of office towers ranging from 11 to 40 stories in height all with ground floor retail. Madison Avenue is the most prominent retail corridor within the study area. Ground floor retail spaces generally contain a range of retail uses, including a number of clothing stores and bank branches.

**Table 2-1 Study Area Generalized Land Uses**

Land Use	Number of Tax Lots <sup>2</sup>	Percentage of Total Lots (%)	Lot Area (sf)	Percentage of Total Lot Area (%)
Mixed Commercial/Residential	3	6%	9,746	1%
Commercial and Office	37	79%	7,99,641	81%
Transportation/Utility	4	9%	160,813	16%
Public Facilities and Institutions	3	6%	17,240	2%
<b>Total</b>	<b>47</b>	<b>100%<sup>1</sup></b>	<b>987,440</b>	<b>100%<sup>1</sup></b>

Source: Map PLUTO 19v1

Notes:

<sup>1</sup> Numbers may not add up to 100% due to rounding

<sup>2</sup> All Lots intersecting the 400-foot radius study area were included in analysis

## Zoning

### Project Site

As shown in **Figure 2-2**, the Project Site is in the Special Midtown District in Community District 5 of Manhattan. The Project Site is zoned C5-3, a high-density commercial district that permits a wide range of uses and is intended for Central Business Districts with large-

scale office and retail establishments that serve the entire metropolitan region. The C5-3 zoning allows for a basic maximum FAR of 15 for commercial and community facility uses and up to 10 FAR of residential uses, which can be increased to 12 FAR through an inclusionary housing bonus.

The Project Site is also located within the Grand Central Core Area and Vanderbilt Corridor within the Special Midtown District's East Midtown Subdistrict.

The FAR of the Project Site may be increased by up to 15 FAR (for a total of 30 FAR) through the provision of certain public realm improvements (the "Grand Central Public Realm Improvement Bonus"), through transfer of development rights from designated landmarks within the Grand Central Subdistrict, or through a combination of public realm improvements and transfer from landmarks. Accessory off-street parking is not required.

### Study Area

Much of the study area is mapped within a C5-3 zoning district. In addition to the C5-3 zoning district, some of the midblock areas of the study area are mapped with C5-2.5 zoning districts as shown in **Figure 2-2**. The entirety of the study area is also located within the Special Midtown District (described below). **Table 2-2** provides a summary of existing zoning regulations for each of the existing zoning districts within the study area.

**Table 2-2 Study Area Existing Zoning Designations**

District	Definition/General Use	Maximum FAR
<b>Commercial Zoning Districts</b>		
C5-3	C5-3 districts are high-density central commercial districts with continuous retail frontage intended for office, hotel, and retail establishments that serve the entire metropolitan region. Residential uses are also permitted. Use Groups 1-6 and 9-11 are permitted. <sup>2</sup>	R: 10.0 <sup>1</sup> C: 15.0 CF: 15.0
C5-2.5	C5-2.5 districts are central commercial districts located only in the Special Midtown District with a lower base FAR for non-residential uses than C5-3 districts. Use Groups 1-6 and 9-11 are permitted. <sup>2</sup>	R: 10.0 <sup>1</sup> C: 12.0 CF: 12.0
<b>Special Districts</b>		
MiD	Special Midtown District	

Source: New York City Zoning Resolution

Notes:

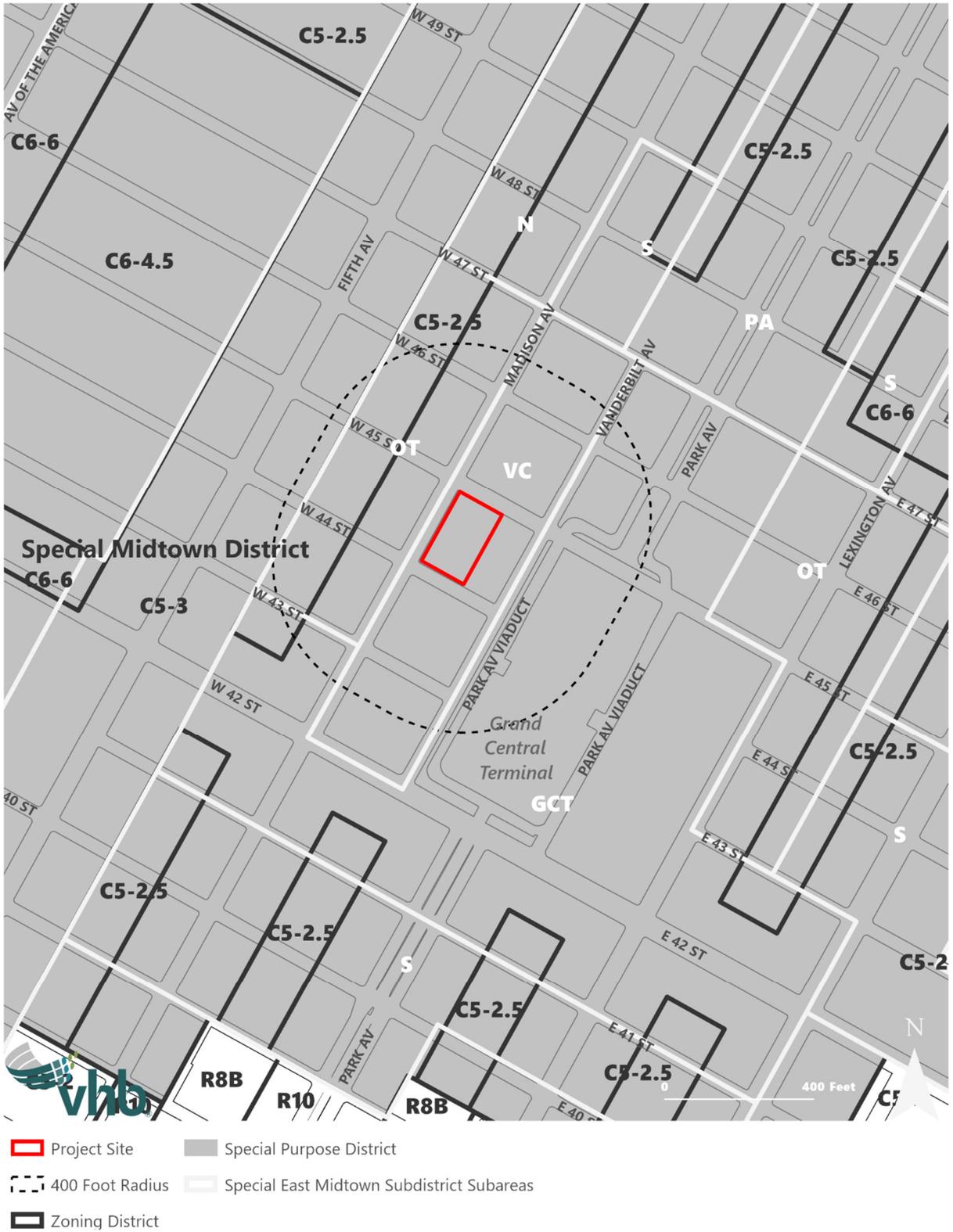
R= Residential; C= Commercial; CF= Community Facility

<sup>1</sup> Max residential FAR may be increased to 12 FAR through the provision of tenant recreation space.

<sup>2</sup> In the East Midtown Subdistrict, transient hotels listed in Use Group 5 require a CPC special permit.

C5-3 zoning districts are high-density commercial districts that permit a wide range of uses, including Use Groups 1-6 and 9-11. While residential uses are permitted, C5 districts are intended for Central Business Districts with large-scale office and retail establishments. These districts primarily contain corporate headquarters, department stores, and large hotels. They allow for commercial development and community facility uses up to 15.0 FAR. Residential development is allowed up to a maximum FAR of 10.0, which can be increased to 12.0 through an inclusionary housing bonus.

Figure 2-2 Zoning Map



C5-2.5 districts are only mapped within the Special Midtown District, described below. As shown in **Figure 2-2**, this zoning district is mapped in some mid-block portions of the study area. C5-2.5 districts have lower maximum FARs than the surrounding C5-3 district. The same uses permitted in other C5 districts are permitted in C5-2.5 districts.

The Special Midtown District was established in 1982 with the goal of expanding the established commercial district in East Midtown by promoting commercial development to the west and south. In 2017, the CPC approved the Greater East Midtown Rezoning to reinforce the area's standing as a premier central business district, support the preservation of landmarked buildings, and provide for public realm improvements.

Under the Zoning Resolution as amended in 2017, developments in the Special Midtown Subdistrict can achieve as-of-right maximum FARs through three mechanisms: the district-wide transfer of unused landmark development rights, a payment to a district improvement fund to reconstruct overbuilt floor area, and the construction of pre-identified transit infrastructure projects.

## Public Policy

Officially adopted and promulgated public policies also describe the intended use applicable to an area or site(s) in the City. Some of these policies have the force of law, while others describe general goals. They can help define the existing and future context of the land use and zoning of an area. A preliminary assessment of public policy should identify and describe any public policies, including formal plans or published reports, which pertain to the study area. If a proposed project could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary. The public policies relevant to the Proposed Action include PlaNYC, OneNYC, the New York City Landmarks Law, and Business Improvement Districts. An assessment of the Proposed Action's consistency with the City's Waterfront Revitalization Program (WRP) is not warranted, as the Project Site and study area fall outside of the New York City Coastal Zone.

### *PlaNYC/OneNYC 2050*

In 2011, the Mayor's Office of Long-Term Planning and Sustainability released an update to PlaNYC: A Greener, Greater New York. PlaNYC represents a comprehensive and integrated approach to planning for New York City's future. It includes policies to address three key challenges that the City faces over the next twenty years: population growth; aging infrastructure; and global climate change. In the 2011 update, elements of the plan were organized into ten categories—housing and neighborhoods, parks and public space, brownfields, waterways, water supply, transportation, energy, air quality, solid waste, and climate change—with corresponding goals and initiatives for each category. As stated in the *CEQR Technical Manual*, a project is generally considered consistent with PlaNYC's goals if it includes one or more of the following elements:

- › *Land Use*: pursue transit-oriented development; preserve and upgrade current housing; promote walkable destinations for retail and other services; reclaim underutilized waterfronts; adapt outdated buildings to new uses; develop underused areas to knit neighborhoods together; deck over rail yards, rail lines, and highways; extend the Inclusionary Housing Program in a manner consistent with such policy; preserve existing affordable housing; and redevelop brownfields.

- › *Open Space*: complete underdeveloped destination parks; provide more multi-purpose fields; install new lighting at fields; create or enhance public plazas; plant trees and other vegetation; upgrade flagship parks; convert landfills into parkland; increase opportunities for water-based recreation; and conserve natural areas.
- › *Water Quality*: expand and improve wastewater treatment plants; protect and restore wetlands, aquatic systems, and ecological habitats; expand and optimize the sewer network; build high level storm sewers; expand the amount of green, permeable surfaces across the City; expand the Bluebelt system; use “green” infrastructure to manage stormwater; be consistent with the Sustainable Stormwater Management Plan; build systems for on-site management of stormwater runoff; incorporate planting and stormwater management within parking lots; build green roofs; protect wetlands; use water-efficient fixtures; and adopt a water conservation program.
- › *Transportation*: promote transit-oriented development; promote cycling and other sustainable modes of transportation; improve ferry services; make bicycling safer and more convenient; enhance pedestrian access and safety; facilitate and improve freight movement; maintain and improve roads and bridges; manage roads more efficiently; increase capacity of mass transit; improve and expand bus service; improve local commuter rail service; and improve access to existing transit.
- › *Air Quality*: promote mass transit; use alternative fuel vehicles; install anti-idling technology; use retrofitted diesel trucks; use biodiesel in vehicles and in heating oil; use ultra-low sulfur diesel and retrofitted construction vehicles; use cleaner-burning heating fuels; and plant street trees and other vegetation.
- › *Energy*: exceed the energy code; improve energy efficiency in historic buildings; use energy efficient appliances, fixtures, and building systems; participate in peak load management systems, including smart metering; repower or replace inefficient and costly in-City power plants; build distributed generation power units; expand the natural gas infrastructure; use renewable energy; use natural gas; install solar panels; use digester gas for sewage treatments plants; use energy from solid waste; and reinforce the electrical grid.
- › *Natural Resources*: plant street trees and other vegetation; protect wetlands; create open space; minimize or capture stormwater runoff; and redevelop brownfields.
- › *Solid Waste*: promote waste prevention opportunities; increase the reuse of materials; improve the convenience and ease of recycling; create opportunities to recover organic material; identify additional markets for recycled materials; reduce the impact of the waste systems on communities; and remove toxic materials from the general waste system.

In April 2015, the Mayor's Office of Sustainability and the Mayor's Office of Recovery and Resiliency released OneNYC, a comprehensive plan for a sustainable and resilient city. OneNYC represents a reworking of the sustainability plan for the City, known as PlaNYC: A Greener, Greater New York, discussed above. Like PlaNYC, growth, sustainability, and resiliency remain at the core of OneNYC, but promoting economic equity is a guiding principle throughout the plan. OneNYC has since been updated to OneNYC 2050, which was released in 2019 and consists of eight goals and thirty initiatives.

The goals of the plan are:

- › A Vibrant Democracy through empowering participation, welcoming immigrants, promoting justice and equal rights, and promoting democracy and civic innovation
- › An Inclusive Economy through good paying jobs and job training, economic security through fair wages and benefits, expanded decision making power of workers and communities,
- › Thriving Neighborhoods through affordable housing, access to neighborhood open spaces and cultural resources, community safety, and place-based community planning.
- › Healthy Lives through high quality, accessible health care, addressing health and mental health needs of communities, making healthy lifestyles easier, and designing a healthy physical environment.
- › Equity and Excellence in Education through early childhood education, equity in K-12 opportunity, and increasing integration, diversity, and inclusion in NYC schools.
- › A Livable Climate through carbon neutrality and clean electricity, resilience, economic opportunities through climate action, and climate accountability and justice.
- › Efficient Mobility through modern mass transit, safe and accessible streets, reduced congestion and emissions, and regional and global connections
- › Modern Infrastructure through investments in core physical infrastructure and hazard mitigation, digital infrastructure improvement, and best practices for asset maintenance and capital project delivery.

### ***Historic Districts and Landmarks***

The New York City Landmarks Law of 1965 established the New York City Landmarks Preservation Commission (LPC) and authorized the Commission to designate individual buildings, historic districts, interior landmarks, and scenic landmarks of historical, cultural, and architectural significance. The Landmarks law defines a Historic District as an area that has a “special character or special historic or aesthetic interest,” represents “one or more periods of styles of architecture typical of one or more eras in the history of the city,” and constitutes “a distinct section of the city.” Historic district designation by LPC protects buildings from demolition and development that is out of context or insensitive to the historic nature of the area. The study area does not contain any LPC-designated historic districts but does contain several LPC-designated individual and interior landmarks (see **Chapter 5, Historic and Cultural Resources**).

### ***Business Improvement Districts***

The entirety of the study area falls within the Grand Central Partnership Business Improvement District (BID). This BID was established to stimulate economic activity by improving the area’s physical appearance through enhanced safety and sanitation services, capital improvement, and maintenance, tourism, and visitor services, and special events and promotion. BIDs are funded by assessments on the properties and businesses that lie within their service area. The Grand Central Partnership serves an area generally bounded by East 35th and East 54th Streets and Second and Fifth Avenues and was established in July 1988.

## No-Action Condition

Absent the Proposed Action, the Project Site would be developed with a 15-FAR development. The development would consist of an approximately 474,532 gsf building, containing 411,540 gsf of office space, 6,144 gsf of retail, and 56,848 gsf of below-grade and mechanical space. Although MTA or NYCT would reserve an easement for a possible future entrance to ESA and GCT, no such new entrance would be included in the No-Action Condition. Pedestrians would continue to utilize the existing 45th Street passageway for a connection to GCT. The No-Action Development would be 30 stories and 472 feet tall. This represents the maximum floor area developable on the Project Site through non-discretionary actions.

## Land Use

### Project Site

Under the No-Action condition, an as-of-right mixed commercial retail and office building with transit circulation space would be constructed on the Project Site pursuant to existing zoning. This as-of-right development, as described above, would result in approximately 474,532 gsf of development on the Project Site.

### Study Area

Based on consultation with the Department of City Planning (DCP) and a review of recent building permits issued by the NYC Department of Buildings, there are two planned developments that would potentially be fully occupied by the 2026 analysis year that are located partially within the 400-foot study area (see **Table 2-3** and **Figure 2-3**). These projects will create approximately 2.6 million square feet of commercial space in the study area.

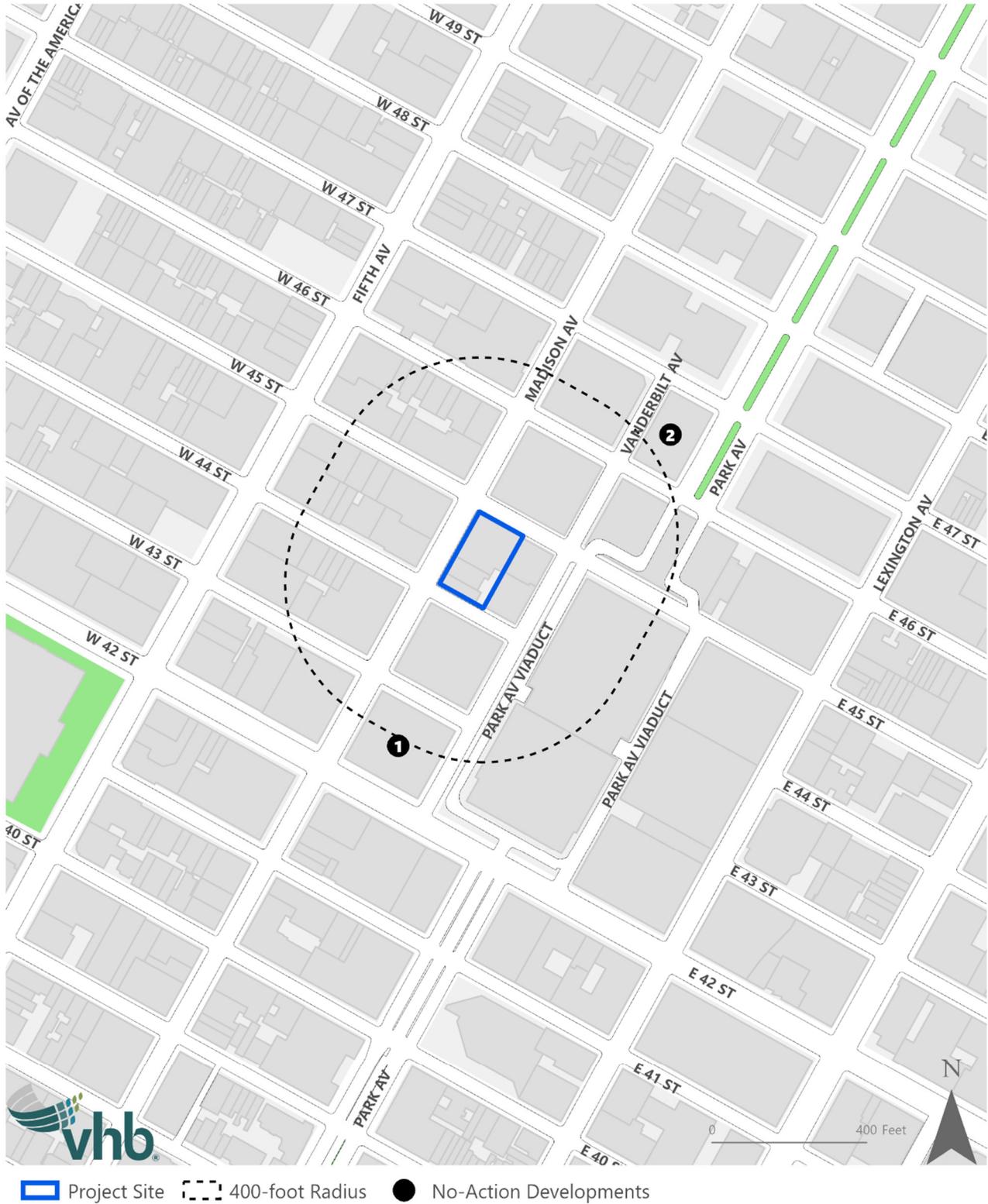
**Table 2-3 No-Action Projects Within 400-Foot Study Area**

Map No.	Location	Description	Commercial zoning floor area (gsf)	Build Year
1	One Vanderbilt	Commercial building with office, retail, and restaurant components	1,800,000	2020
2	250 Park Avenue	Mixed commercial office and retail building	775,287	2023
<b>Total</b>			<b>2,575,287</b>	

Source: Vanderbilt Corridor and One Vanderbilt FEIS, Greater East Midtown Rezoning FEIS

Just to the north of the study area on Block 1283, Lot 21 stretching between Park and Madison Avenues from 47th Street to 48th Street, is the redevelopment of 270 Park Avenue. Anticipated to be built in 2024, the new building would contain approximately 2.4 million gsf of commercial office space (an addition of over one million gsf as compared to the previous office building on the site) for the world headquarters for JPMorgan Chase Bank, and rise to 1,425 feet.

Figure 2-3 No-Action Projects within 400-Foot Study Area



## Zoning

There are no planned changes in zoning applicable to the Project Area and 400-foot study area by 2026.

## Public Policy

There are no planned changes in public policy applicable to the Project Area and 400-foot study area under future No-Action conditions.

## With-Action Condition

### Land Use

#### *Project Site*

The Proposed Action would facilitate the development of a new commercial building of greater bulk than the No-Action building described above and contain the same uses as in the No-Action condition. The Proposed Action would permit a maximum commercial development of 30 FAR, including 15 FAR of bonuses generated by transit improvements on and off site. The Proposed Development would contain approximately 925,630 gsf of space, including:

- › 832,613 gsf of commercial office space
- › ~~6,144,357~~ gsf of retail space
- › 2,372 sf of transit circulation space
- › 85,288 gsf of circulation, mechanical, and back-of-house space

The ground floor would include an office lobby with entrances off Madison Avenue. It would also include two retail spaces, one with an entrance off 45th Street and the other with entrances off Madison Avenue and 44th Street. Loading would be accessible from 44th Street. The vent building on Lot 25, as described above in existing conditions, would be completed and remain as constructed, with the proposed building cantilevered over it. Office space would occupy stories 2 through 55. The building would be designed as a tower on a podium, with the podium reaching up to 321 feet<sup>2</sup>.

Transit improvements would include an on-site improvement in the form of the new ESA entrance on the ground floor. It would create new pedestrian access to, and egress from, the Long Island Railroad (LIRR) ESA concourse (the existing connection from 45th Street to the GCT Roosevelt Passageway would remain adjacent to the site at 52 Vanderbilt). Off-site transit improvements would also be made at the Grand Central – 42nd Street Subway Station. The proposed improvements would include measures to passenger flow at the Flushing Line station elements, such as widening and installation of new platform stairs and expansion of an existing transit passageway.

The Proposed Project would be compatible with and supportive of land uses in the surrounding area. Furthermore, the development of office and retail uses would be

<sup>2</sup> As described in **Chapter 1, Project Description**, since publication of the DEIS, it is proposed that the maximum height of the street wall would be reduced to approximately 295 feet. The analysis for the chapter conservatively assumed the higher street wall height of 321 feet.

consistent with citywide goals of increasing the amount of commercial office and retail space.

The Proposed Project is expected to be completed and occupied by 2026.

### **Study Area**

The Proposed Action would apply only to the Project Site and would not facilitate other new development in any other part of the study area. The study area would remain a predominantly commercial area in East Midtown.

The Proposed Development would be compatible with the high-density commercial uses that are supported by a strong regional public transit network in the East Midtown neighborhood of Manhattan. It would further the City's goal of maximizing modern commercial development in areas that are well-served by public transit and promoting Midtown Manhattan as a Class A commercial office district.

While the Proposed Development would include approximately 425,000 gsf more commercial space than the 15 FAR No-Action building, this increase in floor area is consistent with current zoning, which allows for greater bulk in the corridor near dense transit options with the provision of public realm improvements. In addition, the Proposed Development would provide transit improvements that would not be provided by the Applicant under the No-Action condition.

At a total height of up to 1,050 feet tall (including the bulkhead), the Proposed Development would be shorter than the nearby One Vanderbilt building, which is 1,301 feet tall to the top of the building and 1,401 feet tall to the top of the spire, and of similar height to many of the large commercial developments in the area, including the adjacent MetLife and the 383 Madison Avenue building, which both rise to around 800 feet.

Land use changes as a result of the With-Action condition would be consistent with both existing land uses and those being developed in the area under future No-Action conditions. Therefore, the Proposed Action would not result in significant adverse impacts to land use.

### **Zoning**

The Proposed Action requires discretionary approvals from the CPC, including two special permits to increase the maximum floor area and modify the bulk regulations as described in **Chapter 1, Project Description**. An additional action needed for the Proposed Project is MTA's approval and execution of a 99-year lease from the MTA to BP (or its designee). The Proposed Action would not alter the underlying zoning of the Project Site, which would remain a C5-3 zoning district. The Proposed Action would also not alter zoning districts within the study area, which would remain high-density commercial districts.

The Proposed Action includes two special permits. Per Section 81-633 of the Zoning Resolution, the Applicant is pursuing an increase of the maximum floor area ratio pursuant to the Grand Central Public Realm Improvement Bonus. This would allow for a floor area bonus through the public realm improvements described in the Land Use section above.

Second, per Section 81-634, the applicant is pursuing a special permit to modify certain mandatory district plan elements, the maximum street wall height, and height and setback regulations, see **Chapter 6, Urban Design and Visual Resources**. This is due to the unique

complexities of the Project Site that include the ESA ventilation structure and proposed entrance. The activated lobby for the Proposed Development would occupy a portion of the frontage of Madison Avenue, the location and width of which is driven by these constraints and the need to accommodate building tenants and guests with appropriate capacity for queuing and health screenings, as may be necessary. The proposed street wall height would facilitate the provision of floor plates that are appropriately sized for Class A office space. The small footprint of the Development Site also necessitates modifications to height and setback requirements for optimal floor plates. Furthermore, in order to accommodate the required loading berths on East 44th Street and the ESA entrance at the corner of Madison Avenue and East 45th Street, waivers are needed with regards to building entrances. A curb cut that is larger than the maximum allowable curb cut is also required on East 44th Street to accommodate the loading berths, and waivers would be needed to permit loading berths that are not arranged for head-in and head-out truck movements to and from the zoning lot. Overall, this special permit would facilitate a better site plan and building design given site-specific limitations.

The Proposed Action would use the floor area mechanisms available by special permit within the Vanderbilt Corridor—the construction of transit infrastructure and public realm improvements— with certain modifications, to achieve the proposed FAR. The special permits would enable floor area bonuses for public realm and transit improvements that could not be provided as-of-right, but are within the current zoning framework, and would allow for a 15 FAR bonus. As such the Proposed Project would be consistent with current zoning.

The introduction of the Proposed Project to the study area would add a Class A office building to the area surrounding GCT, strengthening the Greater East Midtown neighborhood as a regional job center and premier central business district. Furthermore, the Proposed Development would contribute significant improvement to transit circulation space through a series of transit and public realm improvements for the subway and for the ESA project. Therefore, the Proposed Action would not result in significant adverse zoning impacts.

## Public Policy

The Proposed Action would not result in any changes to public policies affecting the study area. As discussed further below, the Proposed Action would be consistent with, and supportive of, public policies aimed at improving the Vanderbilt Corridor area, and therefore, would not result in any significant adverse public policy impacts.

### *PlaNYC/OneNYC 2050*

The Proposed Action would be consistent with both the PlaNYC and OneNYC 2050 policies, as follows.

#### *PlaNYC*

The Proposed Action includes the following PlaNYC elements.

- › *Land Use*: The Proposed Action contributes to transit-oriented office development and promotes the continuation of East Midtown as a walkable destination for retail and other services.

- › *Transportation:* The Proposed Action provides transportation improvements that create new pedestrian access to, and egress from, the LIRR ESA concourse and improves passenger circulation at the Grand Central – 42nd Street Subway Station.
- › *Air Quality:* The Proposed Action promotes and facilitates the use of regional mass transit to reduce reliance of motor vehicles and improve air quality.
- › *Energy:* The Proposed Project would be built to the latest energy efficiency standards, complying with Local Law 32 of 2017.

#### ***OneNYC Initiative 6: A Livable Climate***

##### *Goal 20: Achieve carbon neutrality and 100 percent clean electricity*

This goal is focused around reducing emissions and creating gains in efficiency across all buildings and infrastructure. Under Local Law 32 of 2017, all new buildings must be built to the latest energy efficiency standards. The Proposed Project would comply with Local Law 32.

#### ***OneNYC Initiative 7: Efficient Mobility***

##### *Goal 24: Modernize New York City's mass transit networks*

This goal is concerned with sustaining growth and advancing health equity through the prioritization and expansion of sustainable transit modes. The Proposed Project would improve the Grand Central 42nd Street Subway Station. The proposed improvements would include measures to passenger flow at the Flushing Line station elements, such as widening and installation of new platform stairs, and expansion of an existing transit passageway. It would also provide access to the ESA terminal within the ground floor footprint of the building.

#### ***Historic Districts and Landmarks***

The Proposed Action would not affect the regulations of the New York City Landmarks Law.

#### ***Business Improvement Districts***

The Proposed Action would not affect the operations or policies of the Grand Central Partnership. The Proposed Project would support the Grand Central Partnership by improving the economic vitality, business environment, and quality of life for the neighborhood by introducing new, high-quality office, retail and open space compared to the No-Action condition. These spaces would increase economic activity in the area and activate the streetscape, further contributing to East Midtown's position as a leading central business district.

The Proposed Action would not result in any changes to public policies affecting the Project Area or the study area. The Proposed Project would be consistent with the applicable public policies. Overall, the Proposed Action would not result in any significant adverse impacts to public policies governing the Project Site or study area.