



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

May 17, 2021

**NOTICE OF COMPLETION OF
THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
175 Park Avenue (formerly Project Commodore – Grand Hyatt)**

Project Identification

CEQR No. 21DCP057M
ULURP Nos. 210417PPM; N210420LDM; N210418ZCM;
N210419ZCM; N210416ZRM; 210414ZSM;
210415ZSM; 210413ZSM; 210412ZSM

SEQRA Classification: Type I

Lead Agency

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Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Draft Environmental Impact Statement (DEIS) has been prepared for the action described below. Copies of the DEIS are available for public inspection at the office of the undersigned as well as online at <https://www1.nyc.gov/site/planning/applicants/eis-documents.page>. The proposal involves actions by the City Planning Commission (CPC) pursuant to Uniform Land Use Review Procedure (ULURP). A public hearing on the DEIS will be held at a later date to be announced, in conjunction with the City Planning Commission's citywide public hearing pursuant to ULURP. Advance notice will be given of the time and place of the hearing. Written comments on the DEIS are requested and would be received and considered by the Lead Agency until the 10th calendar day following the close of the public hearing.

A. INTRODUCTION

The Applicant, Commodore Owner LLC, is seeking several discretionary approvals from the City Planning Commission (CPC)—including special permits and zoning text amendments (the Proposed Actions)—to facilitate approximately 2,992,161 gross square feet (gsf) (2,246,515 zsf) of mixed-use development space, including a hotel, office, and public space (the Proposed Project) located at 175 Park Avenue (Block 1280, Lots 1, 30, 54, and 154) in the East Midtown neighborhood of Manhattan Community District 5). The Development Site is located on Block 1280, Lot 30, a 57,292-square-foot (sf) lot that currently contains the Grand Hyatt Hotel, a 26-story, approximately 1,028,120-sf, 295-foot-tall steel and glass building with approximately 1,300 guest rooms and approximately 60,000 square feet of conference/event space. The Development Site is notable for its integration with one of the City's primary transportation hubs. The building sits directly above the Grand Central – 42nd Street subway station and

Metropolitan Transportation Authority (MTA) Metro-North railroad tracks and is located immediately to the east of the Beaux Arts-style Grand Central Terminal on Block 1280, Lot 1. The building is immediately to the south of the Grand Central Market (the “Market”) on Block 1280, Lots 54 and 154. The Terminal and Market are located on an existing merged zoning lot (Lots 1, 54, and 154) and contain approximately 322,664 sf of floor area. The MTA controls Lots 1, 54, and 154 as well as ground-floor and mezzanine-level circulation areas located on the Development Site. The Development Site would contain approximately 2,108,820 gsf of office space; an approximately 452,950 gsf, 500-room hotel; public space; and retail space on the cellar, ground, and second floors of the proposed building. The Proposed Project would also include significant public realm improvements, as well as subway and mass transit improvements to enhance circulation and reduce congestion at Grand Central Terminal (GCT, or the Terminal) and the Grand Central – 42nd Street subway station.

B. BACKGROUND AND EXISTING CONDITIONS

Project Area and Development Site

The Applicant, Commodore Owner LLC, is seeking several discretionary approvals from the City Planning Commission (CPC)—including special permits and zoning text amendments (the Proposed Actions)—to facilitate approximately 2,992,161 gsf (2,246,515 zsf) of mixed-use development space, including a hotel, office, and public space (the Proposed Project). The Development Site would contain approximately 2,108,820 gsf¹ of office space; an approximately 452,950-gsf, 500-room hotel; public space; and retail space on the cellar, ground, and second floors of the proposed building. The Proposed Project would also include significant public realm improvements, as well as subway and mass transit improvements to enhance circulation and reduce congestion at Grand Central Terminal and the Grand Central – 42nd Street subway station. The Terminal and Market are located on an existing merged zoning lot (Lots 1, 54, and 154) and contain approximately 322,664 sf of floor area. The MTA controls Lots 1, 54, and 154 as well as ground-floor and mezzanine-level circulation areas located on the Development Site.

The Project Area—comprising the existing hotel, Terminal, and Market on Block 1280, Lots 1, 30, 54, and 154—has a combined area of 203,872 sf, with approximately 340 feet of frontage on Vanderbilt Avenue; 669 feet of frontage on East 42nd Street; and 253 feet of frontage on Lexington Avenue. Pursuant to a proposed zoning text amendment, the Project Area would be treated as a qualifying site under the East Midtown Subdistrict provisions of the Zoning Resolution.

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

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

¹ Development may also occur under an All Office Scenario. Under this scenario, the overall building square footage and building massing would be the same as under the Proposed Project but would be comprised of approximately 2,561,770 gsf of office space, 43,370 gsf of retail, and no hotel.

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

Project Area Context

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, more than a quarter million jobs, and numerous Fortune 500 companies.

This area is anchored by GCT, 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 (formerly the AT&T, then the Sony, Building), 601 Lexington (formerly the Citigroup Building) and the Chrysler Building, line the major avenues—Park, Madison, and Lexington Avenues—along with a mix of other landmarks, civic structures and hotels.

The Commodore Hotel opened on the Development Site itself in 1919. It was developed as part of Terminal City, a complex of hotels and offices connected to GCT. It was later renovated and reopened as the Grand Hyatt in 1980.

The Special Midtown District was introduced in 1982 with a principal goal of promoting commercial development to the west and south of the established commercial district in East Midtown. Until the 2015 addition of the Vanderbilt Corridor, it contained five subdistricts: the Fifth Avenue, Grand Central, Penn Center, Preservation, and Theater Subdistricts. The district has flexible height and setback regulations, and mandates certain urban design features, such as street wall continuity and the provision of on-site pedestrian circulation space. Floor area bonuses for the provision of a public plaza or subway station improvements were available in all areas except for the Preservation Subdistrict.

In 2017, the CPC approved the Greater East Midtown Rezoning applications (N 170186(A) ZRM and C 170187 ZMM) to reinforce that 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.

The Greater East Midtown Rezoning established the East Midtown Subdistrict and various subareas within it, including the Grand Central Transit Improvement Zone Subarea, which permits development of up to 27 FAR as-of-right and up to 30 FAR by special permit. Within the Grand Central Transit Improvement Zone Subarea, developments can achieve as-of-right maximum FARs through three mechanisms: the transfer of unused landmark development rights from landmark buildings located within the Subdistrict, a payment to a public realm improvement fund to reconstruct overbuilt floor area, and the construction of pre-identified transit infrastructure projects. Two special permits—the Public Concourse Special Permit and the Transit Improvement Special Permit—provide FAR bonuses of up to 3.0 FAR each for the provision of a public concourse or additional subway improvements. These bonuses are in addition to as-of-right maximum FARs.

C. DESCRIPTION OF THE PROPOSED ACTIONS

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

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

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

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

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

The project is also subject to New York City Landmarks Preservation Commission (LPC) review for a harmonious relationship determination. At the Public Hearing and Public Meeting of February 23, 2021, the LPC determined that the proposed design had a harmonious relationship with GCT. Additionally, in a letter dated October 29, 2020, the New York State Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) stated that they had reviewed submitted materials in accordance with the New York State Historic Preservation Action of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law) and had issued a finding of No Adverse Impact.

On March 25, 2021, Empire State Development Corporation authorized the conveyance of the possessory fee interest in the Development Site from UDC/Commodore Redevelopment Corporation to the City of New York, subject to the existing ground lease with Hyatt Equities L.L.C (or its successor/assign). The amendment and restatement of the ground lease as between the City of New York and a local development corporation affiliated with the Applicant would be subject to approval by the Manhattan Borough Board and the Mayor pursuant to Section 384(b)(4) of the New York City Charter.

D. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

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

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

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

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

E. DESCRIPTION OF THE PROPOSED PROJECT

The Applicant, Commodore Owner LLC, is seeking several discretionary approvals from the City Planning Commission (CPC)—including special permits and zoning text amendments (the “Proposed Actions”)—to facilitate a mixed-use development containing approximately 2,108,820 gsf of office space; an approximately 452,950-gsf, 500-room hotel; approximately 16,00025,041 sf of publicly accessible space; and approximately 43,370 gsf of retail on the cellar, ground, and second floors of the proposed building (the “Proposed Project”).

The Proposed Project would include significant public realm improvements, as well as subway and mass transit improvements to enhance circulation and reduce congestion, at Grand Central Terminal and the Grand Central – 42nd Street subway station.

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

- The subway entrance at East 42nd Street (R-238) would be redesigned and expanded. Turnstiles would be relocated to street level, and a new diagonal staircase leading to the subway would ease the flow of foot traffic. A new elevator adjacent to the stair would provide a more direct ADA connection to the subway mezzanine. The elevator located at the entrance to the 42nd Street Passage would be removed, and in its place, the historic entrance would be restored. A new designated subway entrance would be constructed to provide a direct connection to 42nd Street from the subway and help ease crowding and backups at the entrances.
- A new transit hall containing retail, information screens and booths, and connections to the Terminal would be constructed at the ground floor level on the western side of the Development Site. The transit hall would work in tandem with the existing 42nd Street Passage and expanded subway entrance to increase pedestrian throughput.
- Improvements to the subway entrance on Lexington Avenue and below-grade mezzanine would be constructed to bring light and air into the subway mezzanine and provide a larger, covered at-grade subway entrance. These improvements would also help to ease crowding and backups at the entrances.
- The proposed building would be set back from Lexington Avenue to allow for a minimum five-foot increased sidewalk widths on Lexington Avenue and 42nd Street and enhanced views to adjacent landmarks. In concert with this change, the stairs located near the northwest corner of Lexington Avenue and East 42nd Street that provide access from Lexington Avenue down to the mezzanine level of the subway station would be realigned and relocated further north as part of a reconstructed subway entrance that would bring light and air into the subway mezzanine and provide a larger, covered at-grade subway entrance.

- The Lexington Passage entrance would be redesigned to make it legible and inviting to pedestrians; the Passage would be refinished and its ceiling height would be increased to improve the pedestrian experience.
- Girders would be removed from the subway mezzanine level to improve circulation and enhance sightlines.
- A “Short Loop Connection” would be constructed to provide direct access through Grand Central from the lower-level Metro North trains and East Side Access to the Subway mezzanine level.

F. ANALYSIS FRAMEWORK

The Proposed Actions would change the regulatory controls governing land use and development at the Development Site. The 2020 *CEQR Technical Manual* serves as the general guide on the methodologies and impact criteria for evaluating the Proposed Actions’ potential effects on the various environmental areas of analysis.

Reasonable Worst-Case Development Scenario (RWCDS)

In order to assess the possible effects of the Proposed Actions and resulting Proposed Development, a reasonable worst-case development scenario (RWCDS) was established for both the future without the Proposed Actions (No-Action) and the future with the Proposed Actions (With-Action) for an analysis year, or Build Year, of 2030. The incremental difference between the No-Action and With-Action conditions will serve as the basis of the impact category analyses.

The Future Without the Proposed Actions (No-Action)

Absent the Proposed Project, the Development Site would be developed with a 27-FAR development of approximately 1,883,743 gsf (1,546,884 zsf), comprised of approximately 1,682,336 gsf of office space; approximately 18,300 gsf of retail; and an approximately 5,896-sf enclosed publicly accessible space on the ground floor. In addition, approximately 10,220 gsf of MTA circulation space would be provided on the ground floor. The No-Action development would be 69 stories and approximately 1,118 feet tall. This represents the maximum floor area developable on the Development Site through non-discretionary actions.

In the No-Action condition, the Applicant would provide transit improvements from the Priority Improvement List set forth in ZR Section 81-682 to improve circulation and reduce congestion. Specifically, at the 42nd Street - Bryant Park/Fifth Avenue station, the Applicant would provide the following Type 1 improvements, which each generate 40,000 square feet of floor area (a combined total of 160,000 sf of floor area):

- ADA elevator between Flushing platform and mezzanine level;
- A new street entrance from the north side of West 42nd Street;
- ADA elevator between Sixth Avenue northbound platform and mezzanine level;
- ADA elevator between Sixth Avenue southbound platform and mezzanine level.

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

- A joint Zoning Certification from the CPC Chairperson and the MTA as to the size and location of transit easement volumes on the zoning lot (ZR 81-673(a));
- A joint Zoning Certification from the CPC Chairperson and the MTA as to whether a transit easement volume is required on the zoning lot (ZR 81-673(b));
- A Zoning Certification from the CPC Chairperson pursuant to ZR Section 81-643 as to the amount of non-complying floor area on the Development Site and to reconstruct non-complying floor area on the Development Site;

- A Zoning Certification from the CPC Chairperson pursuant to ZR Section 81-641 to increase the permitted floor area on a qualifying site though the construction of transit improvements from the Priority Improvement List set forth in ZR Section 81-682;
- A Zoning Certification from the CPC Chairperson pursuant to ZR Section 81-642 for the transfer of unused landmark development rights and to verify payment of the contribution to the public realm improvement fund; and
- A Zoning Certification from the CPC Chairperson to certify compliance of the design for an enclosed publicly accessible space with all applicable requirements of ZR Section 81-681(b).

The Future With the Proposed Actions (With-Action)

For conservative analysis purposes, the EIS considers the two building program options to determine the With-Action reasonable worst case development scenario (RWCDS) for each density-based technical area: the Proposed Project with a mix of hotel, commercial office, local retail, and publicly accessible space; and the All Office Scenario, based on the same overall building square footage and building massing as the Proposed Project but comprised of approximately 2,561,770 gsf of office space, 43,370 gsf of retail, and no hotel. In each chapter, where applicable, the EIS analyzes the scenario with the greater potential for significant adverse impacts.

The Applicant proposes to redevelop the Development Site with approximately 2,992,161 gsf (2,246,515 zsf) of mixed-use development, including office, local retail, hotel, and public space. The Development Site would contain approximately 2,108,820 gsf of office space; an approximately 452,950-gsf hotel with 500 rooms; approximately 25,421 sf of open-air publicly accessible space; and approximately 43,370 gsf of retail on the cellar, ground, and second floors. Redevelopment under the All Office Scenario would be based on the same overall building square footage and building massing, and consist of office space, retail, and no hotel. The Development Site would also contain approximately 16,245 gsf of space for transit circulation. The Proposed Project, as described above, reflects the With-Action condition.

The proposed tower would be surrounded by three public open spaces running the length of the site in the north/south direction and east/west. The Grand Central and Chrysler Terraces would be elevated at a height of approximately 30 feet above street level, while the Graybar Terrace would be elevated to a height of approximately 45 feet above street level.

The open space proposed on the west side of the site, the Grand Central Terrace, would provide new visibility of the currently obstructed southeast corner of GCT. This proposed open space would be approximately 142 feet long by 27 feet wide. In addition, there would be a sidewalk expansion along the Grand Central Terrace adjacent to the Park Avenue Viaduct measuring 142 feet long by 8.5 feet wide. The terrace would be reached by two grand staircases along East 42nd Street, as well as by elevator. The grand staircases would be a key architectural feature of the building. The terrace would provide trees, planting, seating, and skylights that would bring light to the transit hall below. It would provide a destination for commuters and visitors alike and would open up views of many landmarks along East 42nd Street in addition to GCT itself, such as the Bowery Savings Bank and Pershing Square.

The open space proposed on the east side of the building, the Chrysler Terrace, would provide an overlook onto Lexington Avenue and East 42nd Street, and a unique vantage point for viewing the Chrysler building and other surrounding landmarks. The proposed terrace would be approximately 208 feet long by 34 feet wide. It would be reachable by the grand staircases along East 42nd Street, or by third staircase located along Lexington Avenue, and by elevator. The Chrysler Terrace would feature trees, plantings, and multiple types of seating.

The open space proposed on the north side of the building, the Graybar Terrace, would provide a critical connection between the Grand Central Terrace and Chrysler Terrace. This terrace would feature retail use, fixed and movable seating, and flexible use space. The proposed terrace would be approximately 274 feet long by 25 feet wide. This terrace would be accessed by two grand staircases along East 42nd Street and by a third staircase along Lexington Avenue. One ADA elevator located adjacent to the grand stairs on

East 42nd Street and one ADA elevator located adjacent to the stairs on Lexington Avenue would be provided to facilitate ADA-compliant access and use of the space by commuters, employees, and visitors to the study area. Further additional ADA elevators would be located between terraces to provide additional ADA access for inter-terrace travel. Though the hours of operation are not known at this time, the proposed terraces would be programmed to maximize the utility and functionality of the space.

G. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

Land Use, Zoning, and Public Policy

No significant adverse impacts on land use, zoning, or public policy are anticipated in the future with the Proposed Actions in the primary or secondary study areas in the 2030 analysis year. The Proposed Actions would not result in significant adverse impacts to land use and zoning. The analysis methodology is based on the guidelines of the *CEQR Technical Manual* and examines the effects of the Proposed Actions on land use, zoning, and public policy, and determines the potential for the Proposed Actions to result in significant adverse impacts. According to the *CEQR Technical Manual*, a detailed assessment of land use, zoning, and public policy is appropriate if an action would result in a significant change in land use or would substantially affect regulations or policies governing land use. An assessment of zoning is typically performed in conjunction with a land use analysis when the action would result in a change in zoning. Therefore, a detailed analysis was prepared that describes existing and anticipated future conditions for the 2030 Build Year, assesses the nature of any changes on these conditions created by the Proposed Actions, and identifies those changes, if any, that could be significant or adverse.

The Proposed Actions would not directly displace any land use, nor would they introduce new land uses that would be incompatible with surrounding land uses. Compared to the No-Action condition, the Proposed Actions would result in an increase in office and commercial space. The Proposed Actions would also allow for hotel use to remain on the Development Site. As described below, the Proposed Actions would be consistent with the existing zoning framework for the East Midtown Subdistrict and would not adversely affect surrounding land uses, nor would the Proposed Actions generate land uses that would be incompatible with land uses within the 400-foot study area.

As to zoning and public policy, with the Proposed Actions, zoning regulations within the study area would change in a manner that is aligned with the recent Greater East Midtown Rezoning, which has the stated goal of protecting and strengthening Greater East Midtown's status as one of the world's premier business districts, while preserving and improving the area's existing iconic pedestrian and built environments. The Proposed Actions would increase the density of the Proposed Project through special permits available to "qualifying sites" pursuant to East Midtown Subdistrict regulations. The requested discretionary actions would not conflict with the zoning and would reinforce the goals of the existing zoning for the area.

The Proposed Actions would facilitate the construction of a new, mixed-use non-residential building on the Development Site in a central business district well served by mass transit. Additionally, the Proposed Project would result in a number of transit, pedestrian, and open space improvements. The proposed retail and commercial office space would be comparable to existing and planned developments in the surrounding Midtown neighborhood and would directly support relevant city policies.

Open Space

The Proposed Actions would not result in a significant adverse impact on open space. A detailed open space analysis was conducted and determined that the Proposed Actions have the potential to result in a significant adverse direct and indirect active open space impact. According to the *CEQR Technical Manual*, a proposed action may result in a significant impact on open space resources if (a) there would be direct displacement or alteration of existing open space within the study area that would have a significant adverse effect on existing users; or (b) it would reduce the open space ratio and consequently result in the overburdening of existing facilities or further exacerbating a deficiency in open space.

According to the *CEQR Technical Manual*, the significance of a project's effects on open space is assessed taking into consideration qualitative and quantitative factors. A significant adverse open space impact may occur if a proposed action would reduce the total open space ratio by more than 5 percent in areas that are currently below the City's median community district open space ratio of 1.5 acres per 1,000 residents. These reductions may result in overburdening existing facilities or further exacerbating a deficiency in open space.

The open space assessment found that the Proposed Actions would not result in significant adverse open space impacts. Based on detailed analysis of indirect effects on open space, the Proposed Actions would not result in a significant adverse impact on open space. The proposed actions would not directly affect an existing open space. Furthermore, the Proposed Actions would not result in the physical loss or direct displacement of publicly accessible open space or shadows that would temporarily or permanently affect the usefulness of a public open space and the Proposed Actions would introduce additional open space as part of its public realm improvements.

Indirect Effects

The Proposed Actions would increase utilization of study area resources due to the introduction of a new non-residential (worker) population. Since the Proposed Actions would introduce additional workers to the area, which would place new demands on passive open space resources, the indirect effects analysis focuses on passive open space resources. In both the future with and without the Proposed Actions, the total and passive open space ratio in the non-residential study area is well below the City's open space planning goals.

According to the *CEQR Technical Manual*, projects that reduce the open space ratio by more than five percent may result in a significant adverse impact. For areas that are currently underserved, a smaller reduction may be considered significant. Based on maps in the Open Space Appendix of the *CEQR Technical Manual*, the open space study area is neither well served nor underserved by open space resources. Although the study area's existing conditions are characterized by a low open space ratio (i.e., below the citywide average of 0.15 acres of passive open space per 1,000 non-residential users), CEQR guidelines recognize that the goals for open space ratios are not feasible for areas such as Midtown Manhattan, where there are few public open spaces and limited space to provide new public open spaces, and therefore do not constitute an impact threshold.

The indirect effects analysis demonstrated that the Proposed Action would increase passive open space ratios by 6.40 percent for the non-residential population and 6.50 percent for the combined residential and non-residential population. The Proposed Actions would therefore result in open space ratios in the study area that reflect minor increases relative to the No-Action condition. Accordingly, the Proposed Actions are not considered to have a significant adverse impact.

Shadows

The Proposed Actions would not result in significant adverse shadows impacts. A detailed shadows analysis determined that in the With-Action (2030) scenario, project-generated shadows would reach 33 sunlight sensitive resources. These incremental shadows would be limited in extent and duration and would typically only occur in one or two seasons. The limited duration of new shadow that would fall on most affected resources would not substantially reduce the quantity of direct sunlight and would not significantly alter the utilization of the resources or the variety of vegetation supported within. Resources that would receive longer shadow increments exceeding an hour on one of the analysis days include Dag Hammarskjold Plaza, the UN Sculpture Garden, One Vanderbilt Plaza, the Stephen A. Schwarzman Building, GCT, and the East River. However, it was found that these resources would continue to receive substantial sunlight throughout the affected analysis days such that the public's use and enjoyment, the

viability of flora and fauna, and the physical characteristics of the resources would not be impacted. Therefore, the Proposed Actions would not result in significant adverse shadows impacts, and no publicly accessible open spaces or historic resources would experience significant adverse shadow impacts as a result of the Proposed Actions.

Historic and Cultural Resources

The Proposed Actions would not result in significant adverse impacts on historic or cultural resources related to archaeological or architectural resources, as summarized below.

Archaeological Resources

The study area for archaeological resources is the area that would be disturbed by project construction, including the Development Site and some portions of the larger Project Area where improvements are proposed to circulation areas. The entire Project Area has been disturbed and lacks archaeological sensitivity. SHPO has concurred with this finding. Therefore, no further analysis of archaeological resources was considered warranted and significant adverse impacts would not occur.

Architectural Resources

The Proposed Project would remove the existing structure on the Development Site, which is neither a New York City Landmark (NYCL), nor an eligible or listed State/National Registers of Historic Places (S/NR) property.

To avoid inadvertent construction-period damage to the adjacent GCT—a NYCL, S/NR, and National Historic Landmark (NHL)—as well as the Park Avenue Viaduct (S/NR, NHL), Commodore Development, LLC would develop and implement a construction protection plan (CPP) for the Terminal and attached viaduct in consultation with the New York City Landmarks Preservation Commission (LPC), the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), acting in its capacity as the New York State Historic Preservation Office (SHPO), and the MTA. CPPs would also be prepared and implemented in consultation with LPC for the Graybar Building (NYCL, S/NR-eligible), and the Chrysler Building (NYCL, S/NR, NHL) to avoid inadvertent damage from the construction of adjacent off-site transit-related improvements.

It is not expected that the Proposed Development would result in any contextual impacts on architectural resources, as it would not adversely change the scale, visual prominence, or visual context of any building, structure, object, or landscape feature, or screen or eliminate publicly accessible views of any architectural resources that will not be screened or eliminated in the No-Action condition. The shadows analysis concluded that the Proposed Development would cast incremental shadows on the east windows of GCT's main concourse, but these new shadows would be limited in extent, duration, and effects and would not result in any significant adverse shadow impacts.

Urban Design and Visual Resources

The Proposed Actions would not result in significant adverse impacts to the urban design of the study area. The Proposed Project has been designed to reflect its location among a group of iconic and historically significant buildings within the study area and larger East Midtown central business district. The proposed building would have a massing with multiple setbacks, honoring the style of the classic Manhattan skyscraper. The elevations of the proposed building setbacks were designed to align with important visual horizontal features of both GCT and the Chrysler Building across from the Development Site on Lexington Avenue.

The ground floor of the Proposed Project would provide a streetfront appropriate for a highly trafficked location within East Midtown, providing access to GCT and open space. The ground floor improvements include a new transit hall, larger 42nd Street passageway entrance, new 42nd Street subway entrance and

a new highly visible entrance to Lexington Passageway. These improvements would contribute to better functioning of the Development Site and GCT as a central transportation hub. The Proposed Actions would also facilitate significant improvements in the pedestrian experience within and around the Development Site in the form of new publicly accessible open space. The new open space would be located on the second floor of the Proposed Project and would include three terraces that run the length of the Development Site from north to south and east to west.

While the Proposed Actions would facilitate an increase in density on the Development Site compared to the No-Action condition, under both the No-Action and With-Action conditions, the Development Site would be redeveloped as a high-rise mixed-use building typical of East Midtown and consistent with the zoning framework set by the recent Greater East Midtown Rezoning, which put in place various zoning mechanisms to increase density and encourage large scale commercial developments, similar to the Proposed Project. The Proposed Project would be taller than the No-Action development and would facilitate many on-site benefits and improvements to the building design, particularly at the base level, that would improve visual conditions on the Development Site. Overall, the building's design would be well-integrated within its context, and would not adversely affect the built environment's arrangement, appearance, or functionality.

The project is also subject to LPC review for a harmonious relationship determination. At the Public Hearing and Public Meeting of February 23, 2021, the LPC Commissioners determined that the proposed design had a harmonious relationship with GCT. Additionally, in a letter dated October 29, 2020, the New York State Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) stated that they had reviewed submitted materials in accordance with the New York State Historic Preservation Action of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law) and had issued a finding of No Adverse Impact.

Visual Resources

The Proposed Actions are not anticipated to have significant adverse impacts to visual resources within the study area. The design of the Proposed Project honors its location, surrounded by visual resources, by increasing visibility to those visual resources and improving pedestrian experiences.

The proposed building form would taper inward along the western, southern and eastern facades, in order to provide increased visibility to surrounding landmarks, and allowing for the creation of new public and green spaces. This proposed building form would provide new sightlines to GCT's eastern façade, which is largely hidden from public view by the existing Grand Hyatt Hotel, as the existing building rises directly from the property line with no setback. The existing Grand Hyatt Hotel is also cantilevered over the 42nd street sidewalk, further obscuring views of Grand Central. The Proposed Project would also create new sightlines to other surrounding visual resources, including improving visibility of the Graybar Building's distinctive Art deco/Neo-byzantine façade from the south as well as the intricate detailing of the Chanin Building's façade from the north, and the visibility of the corner of the Chrysler building from the west. By tapering the massing of the Proposed Project inwards before meeting the ground, three new second-floor terraces are created, flanking the Development Site on the east, west, and north. They would provide a safe, protected, and publicly accessible elevated space from which to view and enjoy these and other resources, including GCT to the west, the Chrysler Building to the east, and Graybar to the north.

Though taller than buildings in its immediate surrounding context, the Proposed Project would sit within the context of other tall towers within the Manhattan skyline, including One Vanderbilt and the MetLife Building. Terminal City, as the area around GCT was called, was a catalyst of urban density; the Proposed Project extends a tradition of towers that defined the district, including many of the surrounding visual resources. Moreover, the goal of the Greater East Midtown Rezoning is to continue this tradition and facilitate new, high-quality commercial towers. As a result, the Proposed Project would be constructed as part of a newly revitalized East Midtown skyline, including towers such as One Vanderbilt and 270 Park Avenue. Therefore, urban design effects of the Proposed Project are anticipated to be

similar to those of other newly constructed tall towers in the context of the densely developed and continuously evolving skyline.

Hazardous Materials

The Proposed Actions would not result in significant adverse impacts related to hazardous materials.

A subsurface investigation was conducted at the Development Site to evaluate for the presence of contamination in soil/fill materials that would be disturbed as part of the redevelopment. Sub-slab soil vapor was also evaluated for the presence of volatile organic compounds (VOCs) to determine if soil vapor mitigation may be warranted for the future redevelopment. The results of the subsurface investigation provided in the Phase II Environmental Site Assessment (ESA) indicate the presence of contaminants in historic/urban fill materials below the building slab that exceed applicable New York State Department of Environmental Conservation (NYSDEC) Part 375 cleanup criteria. Furthermore, chlorinated and petroleum VOCs were detected in sub-slab soil vapor samples, but were not detected at concentrations that exceed New York State Department of Health (NYSDOH) regulatory criteria. Contamination identified in the Phase II ESA was not directly attributed to an active release.

To address these conditions during site redevelopment, a New York City Department of Environmental Protection (NYCDEP)-approved Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) were developed and would be implemented during construction with regulatory oversight provided by NYCDEP. The RAP provides requirements relating to the management of excavated materials including in-situ waste characterization sampling, stockpiling methods, transport and disposal of soil/fill materials, and fugitive dust and VOC monitoring under a Community Air Monitoring Plan (CAMP). Soil vapor mitigation would also be implemented including a minimum 20-mil soil vapor barrier to be incorporated into the design of the building. Quality assurance and contingency measures are also outlined in the RAP including potential gross contamination or underground storage tanks (USTs) that may be encountered relating to current and/or historic uses. The CHASP identifies potential hazards that may be encountered during construction and specifies appropriate health and safety measures to be undertaken to ensure that subsurface disturbance is performed in a manner protective of workers, the community and the environment (such as personal protective equipment [PPE], community air monitoring, and emergency response procedures). Upon completion of remedial action, a Professional Engineer (PE)-certified Remedial Action Report (RAR) would be prepared and submitted to the NYCDEP detailing the implementation of the remedy.

In addition to implementing the RAP and CHASP, regulatory requirements pertaining to the disturbance and handling of any lead-based paint (LBP), asbestos-containing materials (ACM) and PCB-containing building materials would be followed. As such, implementation of the Proposed Actions would not result in significant adverse impacts related to hazardous materials.

Water and Sewer Infrastructure

The Proposed Actions would not result in a significant adverse impact on the City's water and sewer infrastructure. Based on the methodology set forth in the *CEQR Technical Manual*, although the Proposed Actions would create new demand for water and treatment of sewage, the incremental increases would be well within the capacity of the City's systems, and the impacts would not be considered significant or adverse.

Water Supply

New York City consumes approximately 1.3 billion gallons of water per day from a reservoir system with a total storage capacity of approximately 550 billion gallons. The total water usage as a result of the

Proposed Actions is calculated to equal approximately 0.78 mgd, which is an increment of 0.32 mgd (or 69.8 percent), compared to the No-Action condition projected demand of 0.46 mgd. This incremental demand would represent 0.00006 percent of the City's overall water supply. As the total water usage as a result of the Proposed Actions would result in less than 1 mgd, the Proposed Actions would not have a significant adverse impact on the City's water supply or system water pressure.

Sanitary Sewage

Sanitary sewage generated by the Proposed Actions would discharge to the Newtown Creek wastewater treatment plant (WWTP), which has a State Pollution Discharge Elimination System (SPDES)-permitted dry weather flow capacity of 310 mgd. The average monthly flow over a 12-month period is 210 mgd. The Proposed Actions have the potential to result in a total generation of 0.34 mgd of sanitary sewage discharge, an increment of 0.17 mgd (or 97.7 percent) over the No-Action total sewage generation, which is estimated at 0.17 mgd. This incremental increase in sanitary flow would represent approximately 0.05 percent of the Newtown Creek WWTP's SPDES-permitted capacity. As the projected increase in sanitary sewage would not cause the Newtown Creek WWTP to exceed its operational capacity or SPDES-permitted capacity, the Proposed Actions would not result in significant adverse impacts to sanitary sewage conveyance and treatment.

Stormwater Drainage and Management

The Project Area is served by a combined sewer system, collecting both dry-weather wastewater and stormwater. The Proposed Actions would not result in an increase in impervious surfaces as compared to Existing conditions and therefore is not expected to generate additional stormwater runoff. However, as the Proposed Actions would result in increased sanitary sewage flows, the total volume to the combined sewer system would be increased. As noted previously, the incremental increase in sanitary flow is well within the capacity of the existing system and would not result in significant adverse impacts to the City's sewer infrastructure. Additionally, due to the New York City Department of Environmental Protection (DEP)'s current stormwater management requirements, stormwater runoff from new developments is expected to substantially decrease as compared to Existing conditions. Based on the analysis pursuant to the *CEQR Technical Manual*, with stormwater Best Management Practices (BMPs) implemented on the Development Site by the Applicant to reduce runoff, it is concluded that the Proposed Actions would not result in significant adverse impacts on stormwater conveyance and treatment infrastructure.

Transportation

A detailed transportation analysis was conducted and determined that the Proposed Actions would result in significant adverse impacts related to traffic (15 intersections), transit (one station element), and pedestrians (four pedestrian elements) as detailed below. The Proposed Actions would not adversely impact vehicular and pedestrian safety or parking conditions.

Parking

Only a very small percentage of trips made to the major uses proposed for the Development Site (office and hotel space) would be made by auto; the Proposed Project would not include a parking garage. The Proposed Project is expected to generate a need for approximately 125 parking spaces during the area's midday parking peak. The area within a quarter-mile (five minute) walk currently contains 3,166 off-street parking spaces, about 165 spaces of which will be lost to other new developments. As a result, some of those who choose to drive to the Proposed Project may need to park at facilities just beyond a five-minute walk. This is not considered to be a significant impact in this transit-rich area.

Traffic

The Proposed Project would generate a total of 217 vehicles per hour (vph) (138 "ins" and 79 "outs") in the AM peak hour, 251 vph (126 "in" and 125 "outs") in the midday peak hour, and 274 (104 "ins" and

170 "outs") in the PM peak hour. Of the 15 intersections analyzed, the Proposed Project would result in significant adverse traffic impacts at 14 intersections during the AM and the midday peak hours, and at all 15 intersections during the PM peak hour. The identification and evaluation of traffic capacity improvements available to mitigate these impacts are presented in Chapter 16 of the EIS, Mitigation.

Transit

As part of the Proposed Project, a number of transit and public realm improvements would be introduced to enhance passenger circulation conditions at the Grand Central – 42nd Street subway station. These changes include:

- Redesign and expansion of Fare Control Areas (FCA) R238 and R238A, including a new surface to station mezzanine stair (M1) and new subway entrance, which would provide direct connection from East 42nd Street to the subway station.
- A new transit hall, which would contain retail, information screens and booths, and connections to the Terminal, would be constructed on the western side of the Development Site and would expand pedestrian circulation space in the area of GCT's 42nd Street passage.
- Redesign of the FCA R240 area.
- Removal of girders from the subway mezzanine level to improve circulation and enhance sightlines.
- A "Short Loop connection" would be constructed to provide direct access to and from the subway for MNR and LIRR riders.

An analysis was conducted for the Grand Central – 42nd Street subway station elements (stairways, escalators, fare control areas, and passageways) during the AM and PM commuter peak hours. The analysis concluded that significant adverse transit impacts would be expected at five stairs along the northbound and southbound Lexington line platform during the AM peak hour and one stair along the northbound Lexington line platform during the PM peak hour. Two escalators (ES208 and ES210) located at the west end of the Flushing platform would have significant adverse impacts during both the AM and PM peak hours. The identification and evaluation of measures that could mitigate these impacts are discussed in Chapter 16 of the DEIS, Mitigation.

An assessment of the incremental subway riders for each subway line by direction was also conducted. According to the *2020 CEQR Technical Manual*, subway line-haul impacts are not expected if the increase in subway ridership is less than five riders per subway car. Since the projected peak ridership increase would be below this threshold, a detailed subway line-haul analysis was not needed and subway line-haul impacts are not expected.

Pedestrians

Pedestrian analyses were performed for four sidewalk elements, six crosswalk elements, and five corner elements for the AM, midday, and PM peak hours. The Proposed Project would include widening of the sidewalks along the Lexington Avenue and East 42nd Street frontages. Of the 15 pedestrian elements analyzed, the Proposed Project would result in significant adverse impacts at one pedestrian element during the AM and PM peak hours, and five pedestrian elements during the midday peak hour. Mitigation measures that could be implemented to mitigate the potential significant adverse pedestrian impacts are discussed in Chapter 16 of the EIS, Mitigation.

Vehicular and Pedestrian Safety

Four of the 15 traffic analysis locations have been identified as high crash locations according to New York City Department of Transportation (NYCDOT) criteria since five or more bicycle and/or pedestrian crashes have been recorded at those locations—all along 42nd Street—within a consecutive 12-month period. Many of the crashes reported at these locations involve vehicles crashing into turning vehicles at intersections as well as crashes between vehicles and pedestrians or bicyclists in the intersection. NYCDOT implemented the 42nd Street Transit Improvement Program in late 2019, which included the elimination of one general travel lane and installation of an exclusive bus lane in each direction along 42nd Street, the prohibition of left and right turns at key intersections, and other improvements that are expected to improve bus travel reliability and improve vehicular and pedestrian safety.

Air Quality

The Proposed Actions would not result in any significant adverse air quality impacts on sensitive uses in the surrounding community, and the Proposed Actions would not be adversely affected by existing sources of air emissions in the rezoning area.

The number of incremental trips generated by the Proposed Project would be lower than the screening thresholds for carbon monoxide (CO) and particulate matter (PM) (both PM_{2.5} and PM₁₀) identified in the CEQR Technical Manual. Therefore, traffic emissions from the Proposed Project would not result in a significant adverse impact on air quality.

The elevated Park Avenue Viaduct would be located within a few feet from the proposed public open space that would surround the proposed building. However, emissions from mobile sources on the Park Avenue Viaduct would be small and would not have a potential to adversely affect air quality.

The proposed building would use steam for its HVAC and hot water needs. This commitment would be included in an (E) designation, Restrictive Declaration, or other mechanism for the Proposed Project. With this commitment, the Proposed Project would not incur any local air quality impacts. There are no large sources within a 1,000-foot radius of the Development Site that would impact the Proposed Project. There is one light industrial source within a 400-foot radius of the Proposed Project. This source would not emit carcinogenic air pollutants. The analysis of non-carcinogenic non-criteria pollutants resulted in concentrations below guideline levels and demonstrated the hazard index below significance thresholds. Therefore, no adverse air quality impacts on the Proposed Project are expected from the nearby industrial sources.

Greenhouse Gas Emissions and Climate Change

The Proposed Actions would be consistent with the applicable City GHG emissions reduction and climate change goals, and there would be no significant adverse GHG emission or climate change impacts as a result of the Proposed Actions.

Following the methodology provided in the CEQR Technical Manual, it is estimated that the Proposed Actions would result in approximately 12,587 metric tons of carbon dioxide equivalent (CO₂e) emissions from its annual operations and 3,947 metric tons a year of CO₂e emissions from mobile sources annually; accordingly, the Proposed Actions would result in an annual total of approximately 16,534 metric tons of CO₂e emissions. This represents less than 0.03 percent of the City's overall 2019 GHG emissions of 55.1 million metric tons, an insignificant contribution.

The Proposed Project would comply with the 2020 Energy Conservation Construction Code of New York State and 2020 New York City Energy Conservation Code, which govern the exterior building envelope of new buildings. The Proposed Project would contribute towards the NYC GHG reduction goals

including to the reductions under the City's Climate Mobilization Act (Local Law 97). The Proposed Project would be located directly above the Grand Central – 42nd Street subway station and Metropolitan Transportation Authority (MTA) Metro-North railroad tracks below grade and is located immediately to the east of the Beaux Arts-style GCT, thereby reducing demand for vehicular travel to the site.

In addition, this transit-oriented development would incorporate measures to encourage the use of public transportation by improving transit infrastructure both onsite and adjacent to the site. These improvements would include a reconstructed Lexington Passage and MTA retail located along the passage, removal of girders from the subway mezzanine level to improve circulation and enhance sightlines, construction of a "Short Loop Connection" to provide direct access through Grand Central from the lower-level Metro North trains and East Side Access to the Subway mezzanine level, redesign and expansion of the subway entrance at East 42nd Street (R-238), construction of an approximately 5,300-sf Transit Hall, and provision of approximately 2,400-sf of additional area for subway entries off 42nd Street and Lexington Avenue. These transit inclusions would advance New York City's GHG reduction goals by virtue of their nature and location

Noise

The Proposed Actions would not result in any significant adverse noise impacts. A noise assessment was conducted to determine whether the Proposed Actions would significantly increase sound levels from mobile and stationary sources at existing noise receptors, and if new noise receptors that would be introduced would be in an acceptable ambient sound level environment as defined in applicable provisions of the City's noise code.

Existing Noise Receptors

Future No-Action and With-Action noise conditions in the Project Area were determined with proportional noise modeling. Mobile source noise levels would increase by up to 0.3 dBA due to traffic generated by the Proposed Actions. Therefore, there would be no potential for significant adverse noise impacts due to mobile sources.

New Noise Receptors

With-Action sound levels at the Development Site would be up to 81.5 dBA (L10) on the south façade, up to 79.0 dBA (L10) on the east façade, up to 79.7 dBA (L10) on the north façade, and up to 78.1 dBA (L10) on the west façade. Based on these findings of Clearly Unacceptable sound levels that exceed 80 dBA (L10) on the south façade and Marginally Unacceptable sound levels between 70 and 80 dBA (L10) on the north, east, and west facades, outdoor-to-indoor sound attenuation of the window/wall will be specified to ensure acceptable sound attenuation from the window/wall materials.

To implement these attenuation requirements, it is anticipated that an (E) designation, Restrictive Declaration, or other mechanism would be applied to the Development Site specifying the appropriate amount of window/wall attenuation and an alternate means of ventilation. With these commitments, the Proposed Project would not result in any significant adverse noise impacts.

Public Health

As described in the relevant analyses of the EIS, the Proposed Development would not have the potential for unmitigated significant adverse impacts in any of the technical areas related to public health (hazardous materials, water quality, air quality, or noise). Therefore, the Proposed Development would not have the potential for significant adverse impacts related to public health and no further analysis is warranted.

Neighborhood Character

The Proposed Actions would not result in any significant adverse impacts on neighborhood character. The study area contains numerous iconic large-scale commercial buildings which historically have shaped the East Midtown skyline. The study area is characterized by dense, commercial development, which is reinforced by recent actions, including the Vanderbilt Corridor rezoning in 2015 and the Greater East Midtown rezoning in 2017. A key goal of the Greater East Midtown rezoning was to replace older commercial building stock with new commercial development to maintain the subdistrict as a globally competitive business district.

As a tall commercial tower in keeping with the predominant use and building form that defines the study area, the Proposed Project fulfills this goal of the Greater East Midtown Rezoning. The Proposed Project would incorporate a number of proposed public realm improvements, including new public open space on the second floor of the building as well as significant transit improvements such as the construction of a new transit hall and reconstruction and upgrades to the existing 42nd Street and Lexington Avenue Grand Central passages. These public realm improvements improve several defining features of the neighborhood, contributing to the active and vibrant pedestrian activity and circulation network that facilitates the area's function as a central transportation hub for New York City. In addition, the Proposed Project has been designed to complement and support surrounding iconic buildings. The proposed second-floor open spaces and tapered form above the second floor would create new and unique sightlines to GCT, the Chrysler Building, and the other defining buildings of the neighborhood.

As detailed in the relevant chapters of this EIS, the Proposed Actions would not result in significant adverse impacts in the contributing technical areas of land use, zoning, and public policy; open space; shadows; historic and cultural resources; urban design and visual resources; or noise. Significant adverse impacts were identified in the transportation technical area (traffic and pedestrian impacts), however, per *CEQR Technical Manual* guidelines, this is not necessarily equivalent to a significant impact on neighborhood character.

There would be an increase in the level of pedestrian activity and traffic volumes in the future With-Action condition, and the resulting conditions in the future With-Action would not be out of character with the East Midtown area, which is already defined by high volumes of vehicles and pedestrians. Therefore, the identified impact would not affect the defining features of the neighborhood and would not constitute a significant impact on neighborhood character. Overall, the Proposed Actions would not result in a significant adverse impact on neighborhood character, either from a significant adverse impact identified in a singular technical area or from the combined effect of changes to the neighborhood's defining elements.

Construction

Construction of projected developments assumed in the Reasonable Worst-Case Development Scenario (RWCDs) developed for the Proposed Actions would result in temporary disruptions in the surrounding area. As described in detail below, construction activities associated with the Proposed Actions would result in significant adverse impacts related to transportation. Additional information for key technical areas is summarized below.

Governmental oversight of construction in New York City is extensive and involves a number of City, State, and Federal agencies, each with specific areas of responsibility. Construction at the Development Site would be subject to government regulations and oversight described under Construction Regulations and General Practices in Chapter 15 and would employ the general construction practices described below. The Proposed Project would also comply with the requirements of the New York City Noise Control Code, as well as Project Components Related to the Environment (PCRE) that would be incorporated into the project to reduce construction noise in the surrounding area. Chapter 15 of the DEIS, Construction considers the potential for construction period activities to result in significant adverse impacts with these measures in place.

Transportation

Traffic

The projected construction activities would yield less total traffic than the amount of traffic projected for the Proposed Project. However, significant traffic impacts could still occur at some of the study area locations during construction, similar to impacts identified in Chapter 9, Transportation. In addition, travel and parking lane closures associated with construction activities would be needed along the Lexington Avenue and East 42nd Street site frontages. In coordination with the Department of City Planning and NYCDOT, five intersections were identified for analysis—Lexington Avenue with East 42nd Street, East 43rd Street, East 44th Street, and East 45th Street, and Third Avenue with East 42nd Street— during the AM and PM construction peak hours.

Construction activities for the Proposed Project would generate 118 construction worker auto trips and 30 construction truck trips during the AM construction peak hour, and 117 construction worker auto trips and 14 construction truck trips during the PM construction peak hour. Construction trucks would be required to use NYCDOT-designated truck routes to get to the project area and would then use local streets to access the Development Site.

Significant impacts were identified at four of the five analysis intersections during the AM construction peak hour and at all five intersections during the PM construction peak hour. Where impacts during construction may occur, measures similar to the ones recommended in Chapter 17, Mitigation could be implemented early to aid in alleviating congested traffic conditions. Significant impacts to the intersections of East 42nd Street with Third Avenue and Lexington Avenue during the AM and PM peak hours, and the intersections of Lexington Avenue with East 43rd Street and East 45th Street during the PM peak hour, could not be mitigated under construction conditions, similar to the findings of the operational With-Action conditions.

Parking

Construction workers would generate an estimated peak daily parking demand of 147 spaces during the peak construction quarter for the Proposed Project and would be accommodated by the off-street parking facilities available within a quarter-mile radius.

Transit and Pedestrians

It is anticipated that approximately 71 percent of construction workers would commute to the Development Site by public transportation during the peak construction quarter and would result in approximately 589 construction worker transit trips arriving during the AM construction peak hour and departing during the PM construction peak hour. The study area is well served by public transit, and the Development Site is located above the Grand Central – 42nd Street subway station and next to GCT. Several Manhattan and Queens local bus routes and express bus routes also serve the study area. These trips would be distributed to the different transit options and are not expected to result in transit or pedestrian impacts.

Because of proposed sidewalk closures associated with construction activities along the Lexington Avenue and East 42nd Street site frontages, an assessment of the proposed walkway level of service during construction was performed and compared to the No-Action condition when the sidewalks would be available, as requested by NYCDOT. For the purposes of a conservative analysis, the No-Action condition analyzed a condition where the existing building would remain. Pedestrian impacts would be expected at both sidewalks during the AM and PM operational peak hours during construction.

The Proposed Actions would result in subway transit impacts at five stairways and two escalators in the AM peak hour and one stairway and two escalators in the PM peak hour; while mitigation measures will

be explored between the Draft EIS and the Final EIS, it is possible that these impacts could remain unmitigated.

Air Quality

Based on the results of the emissions intensity and quantitative construction air quality analysis for on-site emissions (construction equipment, trucks and fugitive dust from demolition and excavation/foundations), and taking into account the volume of construction trucks compared to the operational period, the Proposed Project would not result in significant adverse impacts on air quality during construction. The results of the quantitative on-site construction analysis indicate that the Proposed Project would not exceed NO₂, PM₁₀, and CO NAAQS. In addition, the maximum predicted 8-hour CO concentration would be well below and incremental concentrations of PM_{2.5} would not exceed the City's de minimis criteria.

Noise

Construction noise was analyzed for each phase of construction for mobile and stationary sources for both the first shift (from approximately 7:00 AM to 3:30 or 4:00 PM) and second shift (from approximately 3:30 PM to 12:00 AM) for the No-Action and With-Action conditions. Excavation, foundation, demolition, and superstructure phases of construction are typically when the noisiest activities occur. The interior fit out phase of construction typically involves minimal exterior equipment and substantially quieter noise conditions. The Proposed Project is near existing commercial and hotel land uses. The potential for construction to cause significant adverse noise impacts on these nearby noise sensitive land uses was evaluated. Construction noise levels would be up to 83.8 dBA at nearby receptor locations for the No-Action and With-Action conditions and would not exceed the public health noise criterion of 85 dBA.

The Proposed Project would not cause construction noise levels to exceed both the exterior increase and interior impact thresholds at any receptor that would not exceed both of these criteria in the No-Action condition. During the first shift, exterior construction noise levels would exceed 3 dBA or more above ambient levels and exceed interior criteria (45 dBA L10 for hotels and 50 dBA L10 for commercial office space) for more than 24 months at five nearby buildings: 110 East 42nd Street, 374 Lexington Avenue, 395 Lexington Avenue, 420 Lexington Avenue, and 416 Lexington Avenue for both the No-Action and With-Action conditions. At five other buildings: 118 Park Avenue, 125 Park Avenue, 150 East 42nd Street, 425 Lexington Avenue, and Grand Central Station, construction noise levels would exceed 3 dBA or more above ambient levels and exceed interior criteria for less than 24 months for both the No-Action and With-Action conditions. Therefore, since the Proposed Project would not cause construction noise levels to exceed both the exterior and interior impact thresholds, there would not be significant adverse noise impact during the first shift.

During the second shift, exterior construction noise levels would not exceed the evening increase criterion (7 dBA), exceed 3 dBA during the evening period for 24 months or more, or exceed the nighttime increase criterion (3 dBA) for any prolonged period of time and exceed interior criteria at any receptor location for the No-Action or With-Action condition. Since second shift construction noise levels are substantially lower than first shift levels, noise levels would not exceed the interior impact thresholds and therefore would not be significant adverse noise impact.

With the adherence to existing construction noise regulations and the implementation of a Construction Noise Mitigation Plan, as required by the New York City Noise Code, as well as the use of an 8-foot perimeter construction noise barrier, construction noise would be below the level of significant adverse noise impact. Therefore, construction of the Proposed Project is not anticipated to result in significant adverse construction noise impact at receptors near the Project Site.

Vibration

Construction activities have the potential to generate ground-borne vibration that can potentially cause structural or architectural damage or annoy people in nearby vibration-sensitive spaces, such as commercial offices or hotels. The most substantial sources of construction vibration are equipment associated with the excavation and foundation phase, such as drill rigs, bulldozers, and jack hammers.

Buildings within 90 feet of the Project Site, where there is the greatest potential for vibration impact, include 420 Lexington Avenue (Graybar Building), 89 East 42nd Street (GCT), 125 Park Avenue (Pershing Square Building), 110 East 42nd Street (Bowery Savings Bank Building), 374 Lexington Avenue (Chanin Building), and 395 Lexington Avenue (Chrysler Building). The GCT building and the Graybar Building are adjacent to the Project Site.

Due to the buildings listed above being classified as individual landmarks, the NYCDOB Technical Policy and Protection Notice (TPPN) #10/88 would apply, which requires a vibration monitoring program to reduce the likelihood of construction damage to adjacent New York City Landmarks and NR-listed properties within 90 feet. The applicant would employ means/methods that meet acceptable vibration levels as mandated by NYCDOB.

Since no construction activities would generate vibration levels in excess of the LPC vibration criteria, there is no potential for significant adverse construction vibration impact.

H. MITIGATION

The Proposed Actions would result in significant adverse impacts related to transportation (traffic, transit and pedestrians) and construction (transportation). Mitigation measures being proposed to address those impacts, where feasible and/or practical, are discussed below. If no possible mitigation can be identified, an unavoidable significant adverse impact would result.

Traffic

Of the 15 intersections analyzed, the Proposed Project would result in significant adverse traffic impacts at 14 intersections during the AM and midday peak hours, and at all 15 intersections during the PM peak hour. The major overall finding of the traffic mitigation analysis is that impacts to several intersections could be fully mitigated via signal timing changes, while for the majority of the significantly impacted intersections there are no traffic engineering improvements that could provide full or partial mitigation and the impacts would therefore remain unmitigated.

Signal timing changes would provide full mitigation for four of the 14 significantly impacted intersections in the AM peak hour, one of the 14 significantly impacted intersections in the midday peak hour, and two of the 15 significantly impacted intersections in the PM peak hour. The remaining significantly impacted intersections would remain unmitigated. One or more traffic movements at the following intersections could not be mitigated in at least one peak hour:

- Second Avenue and East 40th Street (midday and PM peak hours);
- Second Avenue and East 42nd Street (AM, midday, and PM peak hours);
- Third Avenue and East 40th Street (AM, midday, and PM peak hours);
- Third Avenue and East 42nd Street (AM, midday and PM peak hours);
- Lexington Avenue and East 40th Street (AM peak hour);
- Lexington Avenue and East 42nd Street (AM, midday and PM peak hours);
- Lexington Avenue and East 43rd Street (midday and PM peak hours);
- Lexington Avenue and East 44th Street (midday and PM peak hours);
- Lexington Avenue and East 45th Street (midday and PM peak hours)
- Lexington Avenue and East 46th Street (AM, midday, and PM peak hours);
- Park Avenue and East 40th Street (AM, midday, and PM peak hours);
- Madison Avenue and East 42nd Street (AM, midday, and PM peak hours);

- Fifth Avenue and 42nd Street (AM, midday, and PM peak hours); and
- Sixth Avenue and West 42nd Street (AM, midday, and PM peak hours).

Mitigation measures such as signal timing modifications are standard traffic capacity improvements that are typically implemented by NYCDOT. Implementation of the recommended traffic engineering improvements is subject to review and approval by NYCDOT and will be further refined between the DEIS and FEIS. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative mitigation measure will be identified, if possible. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

Transit

The Proposed Project would provide several transit and public realm improvements that would enhance passenger circulation conditions at the 42nd Street – Grand Central subway station, which would also benefit the GCT transportation hub overall. These include increased circulation capacity at the R238, R238A, and R240 fare control areas, improved subway mezzanine level circulation through the introduction of a new surface to mezzanine stairway (from the R238 fare control area) to the midpoint of the mezzanine and the removal of numerous girders at the mezzanine level that impede pedestrian flow. The Proposed Project would also include the construction of a "Short Loop connection" to provide direct access through GCT for MNR and Long Island Rail Road riders to the subway.

While these improvements would provide significant enhancements, the analysis of subway station elements (stairways, escalators, fare control areas, and passageways) identified significant adverse transit impacts at five stairways along the northbound and southbound Lexington line platforms during the AM peak hour, and one stairway along the northbound Lexington line platform during the PM peak hour. Measures to mitigate these stairway impacts will be evaluated in consultation with NYCT between the Draft EIS and Final EIS. Two escalators (ES208 and ES210) located at the west end of the Flushing platform would also have significant adverse impacts during both the AM and PM peak hours and could potentially be mitigated by increasing the escalator operating speed; the practicability of implementing this measure would also be explored between the Draft EIS and Final EIS. Should measures to mitigate these impacts be determined to be impracticable, these significant impacts would be considered unmitigated in the Final EIS.

Pedestrians

The Proposed Project would result in significant adverse pedestrian impacts at one pedestrian element during the AM and PM peak hours and at five pedestrian elements during the midday peak hour, out of the 15 pedestrian elements analyzed. Mitigation consisting of crosswalk widenings was identified for one impacted element in the AM and PM peak hours, and for three out of the five impacted elements in the midday peak hour.

For the midday peak hour, two corner areas could not be mitigated. At one of these two locations—the southwest corner of the intersection of Lexington Avenue and East 42nd Street—the relocation of a garbage bin would partially mitigate the impact. Implementation of the pedestrian mitigation measures is within the jurisdiction of NYCDOT, except for the relocation of garbage bins; the Applicant will coordinate with the Grand Central Partnership to implement the relocation of the garbage bin and ensure its compliance.

I. Alternatives

As described in the 2020 CEQR Technical Manual, alternatives selected for consideration in an environmental impact statement are generally those which are feasible and have the potential to reduce, eliminate, or avoid adverse impacts of a proposed action while meeting some or all of the goals and objectives of this action.

No Action Alternative

The No-Action Alternative examines future conditions in 2030 absent the Proposed Actions. In simplest terms, the No-Action Alternative is the No-Action condition identified, described, and assessed in the preceding chapters of the EIS. In the No-Action Alternative, the Development Site would be developed with a 27-FAR development of approximately 1,883,743 gsf (1,546,884 zsf), comprised of approximately 1,682,336 gsf of office space; approximately 18,300 gsf of retail; and an approximately 5,896-sf enclosed publicly accessible space on the ground floor. In addition, approximately 10,220 gsf of MTA circulation space would be provided on the ground floor. The No-Action development would be 69 stories and approximately 1,118 feet tall. In the No-Action condition, the Applicant would provide transit improvements from the Priority Improvement List set forth in ZR Section 81-682 to improve circulation and reduce congestion. These improvements would be located at the 42nd Street – Bryant Park/Fifth Avenue station.

Construction of the No-Action Alternative would require a shorter construction period. Some of the significant adverse impacts associated with the Proposed Actions would not occur under the No-Action Alternative. However, the No-Action Alternative would not meet the project goals, and as compared to the Proposed Actions, the intended benefits—the development of significant transit improvements and circulation space, substantial first-class office and hotel space, and an outdoor open space amenity—would be eliminated or substantially reduced with the No-Action Alternative.

No Unmitigated Significant Adverse Impacts Alternative

The No Unmitigated Significant Adverse Impacts Alternative examines a scenario in which the density and other components of the Proposed Project are changed specifically to avoid the unmitigated significant adverse impacts associated with the Proposed Actions. The Proposed Project would result in significant adverse traffic impacts which could not be fully mitigated with standard traffic capacity improvement measures at 10 of the 15 intersections during the AM peak hour, 13 intersections during the midday peak hour, and 13 intersections during the PM peak hour. These impacts would result despite the project's modest increase in vehicle trips because of prevailing background traffic conditions and high volumes of pedestrian traffic. The Proposed Actions would result in subway transit impacts at five stairways and two escalators in the AM peak hour and one stairway and two escalators in the PM peak hour; while mitigation measures will be explored between the Draft EIS and the Final EIS, it is possible that these impacts could remain unmitigated.

A sensitivity analysis was conducted and determined that any development increment larger than the No-Action development would be expected to result in unmitigated significant adverse traffic and subway transit impacts. The degree to which the Proposed Project would need to be reduced to avoid these unmitigated impacts would, in effect, reduce the Proposed Project to the same size as the No-Action Alternative and, by so doing, compromise the Applicant's ability to achieve the project goals and objectives of providing new modern and sustainable first-class office space to protect and strengthen East Midtown as one of the world's premier business addresses, improving the area's pedestrian and built environments, and complementing ongoing office development in Hudson Yards and Lower Manhattan to facilitate the long-term expansion of the City's overall stock of office space. In particular, the three new, publicly accessible open spaces that would be constructed as part of the Proposed Actions would not be constructed and transit and public realm improvements to enhance pedestrian circulation at the 42nd Street Grand Central subway station, Grand Central Terminal, and sidewalks surrounding the Development Site would not be implemented. Therefore, the No Unmitigated Significant Adverse Impact alternative is not a reasonable alternative as it would not realize the goals of the Proposed Actions.

J. UNAVOIDABLE ADVERSE IMPACTS

According to the *CEQR Technical Manual*, unavoidable significant adverse impacts are those that would occur if a proposed project or action is implemented regardless of the mitigation employed, or if

mitigation is infeasible. As described in Chapter 17, Mitigation, the Proposed Action has the potential to result in significant adverse traffic, transit, and pedestrian impacts, and construction transportation impacts. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation has been identified to fully mitigate the significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet the purpose and need, eliminate potential impacts, and not cause other or similar significant adverse impacts.

Implementation of the recommended transportation mitigation measures is subject to review and approval by NYCDOT and will be further refined between the DEIS and FEIS. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative mitigation measure will be identified, if possible. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

J. GROWTH-INDUCING ASPECTS OF THE PROPOSED ACTIONS

The term “growth-inducing aspects” generally refers to “secondary” impacts of a proposed action that trigger further development outside the directly affected area. The *CEQR Technical Manual* indicates that an analysis of the growth-inducing aspects of a proposed action is appropriate when the project: (1) adds substantial new land use, residents, or new employment that could induce additional development of a similar kind or of support uses, such as retail establishments, to serve new residential uses; and/or (2) introduces or greatly expands infrastructure capacity.

The Proposed Actions would permit an increase in the maximum floor area ratio, a hotel use, and modifications to certain bulk regulations and mandatory district plan elements in order to facilitate the development of a new mixed-use, Class A office and hotel building on a site that is well-served by a variety of transit modes, including subway, bus, and regional train service. The Proposed Project would also provide significant improvements to the public realm, including major improvements to access and circulation within the Grand Central transportation network and new publicly accessible open space.

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

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

These transportation, planning, and economic development goals would be realized in connection with the development of a first-class office, hotel, and retail building. As described in Chapter 2 of the DEIS, Land Use, Zoning, and Public Policy, there are several developments that would bring substantial commercial growth to the neighborhood surrounding the Development Site, which is expected to occur independent of the Proposed Project. This would collectively result in approximately 3.3 million square feet of commercial office space within a 400-foot radius of the Development Site, growth that will occur in the future without the Proposed Actions. Accordingly, while the Proposed Actions would result in increased development in a transit-rich area of Manhattan, with denser development focused around the intermodal GCT, it is not anticipated that the Proposed Actions would result in substantial new development in nearby areas that would generate significant secondary impacts.

While the Proposed Actions would provide transportation improvements, the infrastructure in the study area is already well developed such that improvements associated with the Proposed Actions would not induce additional growth. Therefore, the Proposed Actions would not induce significant new growth in the surrounding area.

K. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

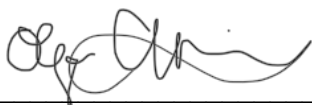
Resources, both natural and man-made, would be expended in the construction and operation of developments and open space projected to occur as a result of the Proposed Actions. These resources include the building materials used in construction; energy in the form of gas and electricity consumed during construction and operation of project-generated development by various mechanical and processing systems; and the human effort (time and labor) required to develop, construct, and operate various components of project-generated development. These are considered irretrievably committed because their reuse for some other purpose would be highly unlikely.

The Proposed Project constitutes a long-term commitment of land resources, thereby rendering land use for other purposes highly unlikely in the foreseeable future; however, the Development Site does not possess any natural resource of significant value, and the site has been previously developed. Furthermore, funds committed to the design, construction/ renovation, and operation of developments under the Proposed Actions are not available for other projects. These commitments of resources and materials are weighed against the benefits of the Proposed Project. As described in the DEIS Chapter 1, Project Description, the Proposed Actions would facilitate the development of a new, mixed-use Class A office and hotel building on a site that is well-served by a variety of transit modes, including subway, bus, and regional train service. The Proposed Project would also provide significant improvements to the public realm, including major improvements to access and circulation within the Grand Central transportation network and new publicly accessible open space.

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

- Protect and strengthen East Midtown as one of the world's premier business addresses and key job center for the City and region;
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- Complement ongoing office development in Hudson Yards and Lower Manhattan to facilitate the long-term expansion of the City's overall stock of office space.

Through the development of this new, first-class, modern office and hotel building, the Proposed Actions seeks to maintain East Midtown's importance as an office district while further realizing its transportation, planning, and economic development goals.



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