

A. INTRODUCTION

This chapter of the Final Environmental Impact Statement (FEIS) summarizes and responds to the substantive oral and written comments received during the public comment period for the Draft Environmental Impact Statement (DEIS) for the Vanderbilt Corridor and One Vanderbilt project. The public hearing on the DEIS was held concurrently with the hearing on the project's Uniform Land Use Review Procedure (ULURP) draft applications on February 4, 2015 at the George Gustav Heye Center, National Museum of the American Indian, Alexander Hamilton U.S. Custom House, One Bowling Green, New York, NY 10004. The comment period for the DEIS remained open until 5:00 PM on Tuesday, February 17, 2015. In addition, this chapter responds to substantive comments contained in Manhattan Community Board 5's ULURP resolutions dated December 12, 2014, Manhattan Community Board 6's ULURP resolutions dated December 29, 2014, and Manhattan Borough President Gale A. Brewer's recommendation dated January 28, 2015, each undertaken pursuant to ULURP.

Section B identifies the organizations and individuals who provided relevant comments on the DEIS. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Written comments are included in this FEIS in **Appendix G**, "Comments Received on the DEIS."

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**ELECTED OFFICIALS**

1. Gale A. Brewer, Manhattan Borough President. Borough President Recommendation, dated January 28, 2015 and oral testimony presented February 4, 2015 (Brewer)
2. Daniel R. Garodnick, member, New York City Council, oral comments delivered February 4, 2015 (Garodnick)

MANHATTAN COMMUNITY BOARDS 5 AND 6

3. Manhattan Community Board 5 Resolution on Zoning Text Changes Sought by the Department of City Planning for the Vanderbilt Corridor, dated December 12, 2014 (CB5 Zoning Letter)
4. Manhattan Community Board 5 Resolution on Special Permits Sought by Green 317 Madison, LLC for One Vanderbilt, dated December 12, 2014 (CB5 SP Letter)

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5. Manhattan Community Board 6 Resolution on Zoning Text Changes Sought by the Department of City Planning for the Vanderbilt Corridor, dated December 29, 2014 (CB6 Zoning Letter)
6. Manhattan Community Board 6 Resolution on Special Permits Sought by Green 317 Madison, LLC for One Vanderbilt, dated December 29, 2014 (CB6 SP Letter)
7. Wally Rubin, member, Community Board 5, for Lola Finklestein and Vikki Barbero, Multi-Board Task Force on East Midtown, oral and written testimony received February 4, 2015 (Task Force)

MANHATTAN BOROUGH BOARD

8. Resolution Recommending Conditional Disapproval of the Application for Actions Relating to the One Vanderbilt Development (C150128ZSM, C150129ZSM and C150130ZSM), the Proposed Text Amendment Creating a Vanderbilt Corridor (N150127ZRM) and a City Map Amendment (C140440MMM) to Designate the Block of Vanderbilt Avenue between East 42nd Street and East 43rd Street a Public Place, Unless Unresolved Issues are Addressed, dated January 15, 2015 (MBB)

INTERESTED INDIVIDUALS AND ORGANIZATIONS

9. Eric Anderson, Midtown Trackage Ventures, oral testimony delivered February 4, 2015 (Anderson)
10. Rick Bell, American Institute of Architects, New York Chapter, oral testimony delivered February 4, 2015 (Bell)
11. Robert Billingsley, Vice Chairman of DTZ, speaking for the owner of 250 Park Avenue [AEW Capital Management], written testimony received February 4, 2015 (Billingsley)
12. David Brause, President, Brause Realty Inc., written testimony received February 4, 2015 (Brause)
13. David Brown, Director of Real Estate for the Archdiocese of New York, oral and written testimony received February 4, 2015 (Brown)
14. Felix Ciampa, Urban Land Institute of New York, oral testimony delivered February 4, 2015 (Ciampa)
15. Daniel Contreras, SEIU 32BJ, oral testimony delivered February 4, 2015 (Contreras)
16. Fredericka Cuenca, MTA, oral testimony delivered February 4, 2015 (Cuenca)
17. Andrea Goldwyn, New York Landmarks Conservancy, oral comments delivered February 4, 2015 (Goldwyn)
18. Nancy Aber Goshow, oral and written testimony received February 4, 2015 (Goshow)
19. Michael Gruen, President, City Club of New York, oral and written testimony received February 4, 2015, and written testimony submitted February 13, 2015 (Gruen)
20. David Haase, New York City Transit, oral testimony delivered February 4, 2015 (Haase)
21. George Haikalis, President, Institute For Rational Urban Mobility, Inc., oral and written testimony received February 4, 2015 (Haikalis)

22. Caroline Harris, GoldmanHarris LLC, on behalf of The Roosevelt Hotel, oral comments delivered February 4, 2015, written comments dated February 13, 2015 (Harris)
23. Jen Hensley, Association for a Better New York, oral and written testimony received February 4, 2015 (Hensley)
24. Michael D. Hess, on behalf of Midtown Trackage Ventures, written comments submitted February 17, 2015 (Hess)
25. Ellen R. Imbimbo, member, Community Board 6, oral testimony delivered February 4, 2015 (Imbimbo)
26. Carl Johnson, Plumbers Local 1, Building and Construction Trades Council, oral testimony delivered February 4, 2015 (Johnson)
27. Leo Korein, on behalf of Lever House, written testimony received February 4, 2015 (Korein)
28. Michael Kwartler, principal, Michael Kwartler and Associates, President, Environmental Simulation Center, oral and written testimony received February 4, 2015 (Kwartler)
29. Jessica Lappin, President, Alliance for Downtown New York, oral and written testimony received February 4, 2015 (Lappin)
30. Layla Law-Gisko, Chair, Landmarks Committee of Community Board 5, oral testimony delivered February 4, 2015 (Law-Gisko)
31. Peter Lempin, Grand Central Partnership, oral and written testimony received February 4, 2015 (Lempin)
32. Duane Loft, Boies, Schiller & Flexner LLP, on behalf of Midtown Trackage Ventures, oral testimony presented on February 4, 2015 and written comments submitted February 17, 2015 (Loft)
33. Anthony Malkin, Empire Realty Trust, oral testimony delivered February 4, 2015 (Malkin)
34. Mitchell Moss, Rudin Center, oral testimony delivered February 4, 2015 (Moss)
35. Margaret Newman, Municipal Art Society, oral testimony delivered February 4, 2015 (Newman)
36. Robert Paley, MTA, oral testimony delivered February 4, 2015 (Paley)
37. James Rausse, president, American Planning Association – NY Metro Chapter, oral testimony delivered February 4, 2015 (Rausse)
38. Gene Russianoff, Straphangers Campaign, oral testimony delivered February 4, 2015 (Russianoff)
39. Pierina Ana Sanchez, Regional Plan Association, oral and written testimony received February 4, 2015 (Sanchez)
40. Paul Selver, Kramer Levin Naftalis & Frankel LLP, on behalf of Midtown Trackage Ventures, oral testimony presented on February 4, 2015 and written comments submitted February 17, 2015 (Selver)

41. Alexander Shapiro, oral testimony delivered February 4, 2015 (Shapiro)
42. Michael Slattery, Real Estate Board of New York, Inc., oral and written testimony received February 4, 2015 (Slattery)
43. Livia Thompson, Central Synagogue, oral comments delivered February 4, 2015 (Thompson)
44. Laurence H. Tribe, on behalf of Midtown Trackage Ventures, oral testimony presented on February 4, 2015 and written comments submitted February 17, 2015 (Tribe)
45. John Tritt, Speaking for Josh Gold, Hotel Trades Council, oral testimony delivered February 4, 2015 (Tritt)
46. Donna Tucker, Regional Alliance of Small Contractors, oral testimony delivered February 4, 2015 (Tucker)
47. William Viets, JP Morgan Chase, oral testimony delivered February 4, 2015 (Viets)
48. John West, oral and written testimony received February 4, 2015 (West)

C. COMMENTS AND RESPONSES

PROJECT DESCRIPTION

PROPOSED ACTIONS

Comment 1: The Roosevelt Hotel supports the proposed rezoning that offers the possibility to increase the floor area available to be developed at their property to 21.6 and 30 FAR through the proposed Grand Central Public Realm Improvement Special Permit and the Landmark Transfer Special Permit. It also supports the opportunity to select between the two special permits or combine them. (Harris)

Continued revitalization is critical if the area is to prosper. The proposed Vanderbilt Corridor zoning would appropriately allow for increased density near transit hubs. And the potential benefits to transit infrastructure resulting from this proposal are demonstrated by the wide array of improvements proposed, particularly the changes to the Grand Central subway station, as part of the One Vanderbilt project. The Vanderbilt Corridor proposal is the first step in carrying out a broader update to the zoning for East Midtown which the City has pledged to undertake. We urge the completion of this effort and believe it will lead to much-needed investment in East Midtown. (Brown, Lappin, Thompson)

We strongly support the Vanderbilt Avenue corridor upgrade proposed here today. The east midtown business district is critical to the city's tax base and economy. It is the city's most prominent commercial district and regional transit hub with approximately 70 million square feet of office space surrounding Grand Central Terminal. However, to regain its position as a preeminent global business district, the city needs to address the problem of its aging office buildings and insufficient office development. This amendment will provide

new office buildings with modern spaces for exactly the types of tech, media and financial tenants that should be located next to such an important transportation hub. The money invested in the necessary infrastructure improvements will help transit connections, pedestrian flow, and increase open space in the area, all of which will contribute to a much improved central business district area around Grand Central Terminal. (Brause, Lempin, Slattery, Sanchez, Newman, Malkin, Ciampa, Bell, Viets)

As you know, the MTA has been encouraged to maximize its real estate assets for public benefit and the Madison Avenue headquarters is one of the MTA's most promising sites for disposition. The potential increase in zoning floor area through this district supports MTA's goals to maximize value. In sum, this proposal allows greater densities than the current zoning, which is a critically important driver of revenue, and from the point of view of maximizing public benefits from the disposition, we're very supportive of the City's initiatives to undertake this zoning change. (Paley)

Response: Comment noted.

Comment 2: While we support the proposed project, we do so with a caveat - that our building (250 Park Avenue) be granted the same zoning as its sister buildings in the Vanderbilt Corridor. This would unlock the potential of the north end of Vanderbilt Avenue as One Vanderbilt is unlocking the potential of the south end of Vanderbilt. We sit atop tracks 35 and 36 of Metro North and Eastside Access. All of the Department of City Planning (DCP)'s plans demonstrate this unique transit feature which ties us to Grand Central and Vanderbilt Avenue and distinguishes 250 Park Avenue from the rest of Midtown. In a development scenario, their features could also provide a unique value to future improvements in mass transportation. We ask that 250 Park Avenue site be rezoned so that appropriate, fair and contextual zoning can be commonplace on fill sites along Vanderbilt Avenue. (Billingsley)

We believe that the Vanderbilt Corridor should have been extended to include One Grand Central Place and also should have allowed additional FAR to 30 through the same bonus process in the Vanderbilt Corridor. (Malkin)

We applaud the proposed plaza between One Vanderbilt and Grand Central Terminal which will act as a catalyst to improve the appearance of Vanderbilt Avenue. But while the DCP's plan is improving the appearance of the south end of Vanderbilt Avenue, it is consigning the north end of Vanderbilt Avenue to remain a drab alley because we can only enhance the appearance of the Vanderbilt block front between 46th and 47th Streets via new development which would relocate the existing electrical vaults and building plant presently on Vanderbilt Avenue. Is 250 Park to remain this Great Wall blocking off Vanderbilt Avenue from Park Avenue, leaving this section of Vanderbilt Avenue to remain as a pedestrian purgatory? Or is it to become invigorating

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new architecture, linking Park Avenue to Vanderbilt, enhancing pedestrian experience and becoming the northern hub of an exciting band of new architecture surrounding Grand Central Station Terminal. (Billingsley)

Response: The proposed text amendment is limited to the five-block stretch of Vanderbilt Avenue north of 42nd Street, consisting of blocks with identical dimensions, and in which three future potential development sites have been identified. The blocks outside of this defined geographic area have different planning considerations and are the subject of the ongoing planning effort for greater East Midtown, as described in Chapter 1, “Project Description,” and Chapter 2, “Land Use, Zoning, and Public Policy.”

Comment 3: DCP needs to provide a quantifiable measure of how the 12.3 FAR public realm improvement bonus was earned. (CB5 SP Letter, CB6 SP Letter)

Response: As stated in the responses to comments on the Draft Scope of Work, the density granted will be a discretionary determination by CPC based on a series of findings related to the public benefit derived from a project’s proposed improvements. This is a similar process to the existing Subway Station Improvement Bonus (Section 74-634 of the Zoning Resolution) that applies in high-density areas of the City (including the Grand Central Terminal area) as well as other zoning bonus mechanisms. In reviewing applications for floor area bonuses pursuant to this provision, the CPC has repeatedly demonstrated its ability to determine the extent to which the benefits provided by the public improvements support the amount of floor area bonus granted.

Comment 4: The proposed special permit text, while requiring the applicant to demonstrate the developments degree of non-compliance with the Daylight Evaluation, does not require the applicant to demonstrate to CPC that a feasible design which accommodates the proposed floor area is not feasible and that the requested modification is the minimum amount necessary to achieve a feasible building design. I urge CPC to strengthen the proposed text to add accountability and transparency and a more nuanced approach for the other sites in the Vanderbilt Corridor. (Kwartler)

Response: The proposed special permit text requires CPC to find that requested modifications to height and setback regulations will result in an improved distribution of bulk on the zoning lot that is harmonious with the height and setback goals of the Special Midtown District. CPC must also find, in connection with the grant of additional floor area, that the building design “ensures light and air to the surrounding streets and public spaces.” The waivers permitted under the proposed special permit text are similar to existing waivers, including under Section 81-066, which allow CPC to waive height and setback rules, provided that certain findings are made with respect to the proposed massing.

Comment 5: We are concerned about the lack of sidewalk widening on a heavily trafficked East 43rd Street, which leads directly to GCT. (CB5 SP Letter, CB6 SP Letter)

Response: The proposed special permit zoning text includes requirements for specific sidewalk widenings along Madison Avenue and certain narrow streets, including East 43rd Street. The existing sidewalk in front of the proposed building along East 43rd Street already meets the required minimum 15 foot dimension. In addition, the DEIS included a detailed analysis of pedestrian service levels at locations where there could be the potential for significant adverse pedestrian impacts. This analysis concluded that the proposed project would not result in any significant adverse impacts on the sidewalks of East 43rd Street between Madison and Vanderbilt Avenues. Therefore, a sidewalk widening is not proposed for this location.

Comment 6: We recommend further widening to the extent necessary so that a minimum sidewalk width of 20 feet is achieved for Madison Avenue and East 42nd Street; and widening East 43rd Street to a minimum of 15 feet is achieved. (CB5 SP Letter, CB6 SP Letter)

Response: As described in the EIS, the proposed building would incorporate a setback along its Madison Avenue frontage to effectively widen the existing 13-foot sidewalk to 20 feet. See Response to Comment 5 regarding the 43rd Street sidewalk.

Comment 7: One Vanderbilt should provide the required 4,200 square feet of mandatory, unbonded pedestrian circulation space required by the Special Midtown District. (CB5 SP Letter, CB6 SP Letter)

Response: Section 81-45 of the Zoning Resolution requires 1 square foot of pedestrian circulation space for each 300 square feet of zoning floor area. For the proposed building of 1,299,390 square feet, the requirement is 4,331.3 square feet of pedestrian circulation space. As noted in the ULURP application, the project is providing 5,655 square feet of pedestrian circulation space, more than the required amount.

Comment 8: One Vanderbilt should include a significant improvement to the Terminal City pedestrian circulation system for the privilege of transferring the development rights of the Bowery Savings Bank remotely. (CB5 SP Letter, CB6 SP Letter)

We are concerned that the requirement for pedestrian circulation space pursuant to the existing 81-635, Transfer of Development Rights by Special Permit, could be modified and result in a decreased public benefit if not carefully considered as part of an overall development plan. (CB5 Zoning Letter, CB6 Zoning Letter)

Response: As described in Chapter 1, "Project Description," of the EIS, the text amendment removes the requirement for circulation improvements as part of

any proposal to transfer of unused floor area from a landmark building located in the Grand Central Subdistrict in order to better facilitate these floor area transfers. The modification brings the special permit in line with the existing Section 74-79 transfer mechanism by making the provision of improvements a discretionary consideration of CPC. Furthermore, the One Vanderbilt project involves significant pedestrian circulation improvements.

Comment 9: Rezoning the Vanderbilt Corridor is a crucial piece in preparing East Midtown for the demands of the 21st century. This preparation must encompass the roles of both new buildings and landmarked buildings that, together, represent the best of New York. By providing a broad, straightforward and manageable transfer of landmark development rights, we believe it will put landmark owners like us in a position to properly maintain and preserve the properties for their continued historic significance to the city's character. The Modification of the Existing Grand Central Subdistrict Landmark Transfer Special Permit is an excellent first step in refreshing East Midtown for the 21st century. Many landmarks will only be able to contribute their unused development rights to the planning goals in the area if this modification is enacted and expanded. Unfortunately, the modification proposed still requires the ULURP process, limiting its potential benefits. Further, we are concerned that the Modification to the Landmark Special Permit and the Public Realm Improvement Bonus will compete with each other. This creates a potential conflict if developers are allowed to negotiate the value of landmark development rights against the value of public realm improvements; such negotiations would divide stakeholders and deeply undermine the potential benefits that this rezoning seeks to create. It would be greatly preferable to create a Public Realm Improvement Bonus that developers would be incentivized to use in tandem with the Landmark Transfer Special Permit, as opposed to having them in direct competition. We hope that the Vanderbilt Corridor proposal and any further rezoning in East Midtown consciously support Landmark's ability to transfer their development rights without creating unintended conflicts with other planning goals. (Korein)

We must analyze the proposed public realm improvement bonus for the effects it has on landmarks of today and consider how landmarks will thrive in the future. We have been assured that the two public goals of preservation and transit will not be set against each other, but we're not fully convinced. Transit bonuses have existed for many years, used mostly for small FAR increments and have been used in tandem with landmark transfers. We hope that the unprecedented increase of up to 15.0 FAR for transit does not portend a less viable environment for landmark transfers. (Goldwyn)

The massive FAR bonus for transit improvements is far above comparable precedents and could eliminate the need for applicants to purchase development rights from existing landmarks, thus possibly vacating a key mechanism of the landmarks law. FAR bonus from transit improvements must work in tandem

with transfers of development rights rather than compete against each other. (CB5 Zoning Letter, CB6 Zoning Letter, Law-Gisiko)

Response: The proposed text amendment provides greater opportunities for landmarked properties to transfer development rights within the Vanderbilt Corridor, both by increasing the amount of floor area that may be transferred, and by making the provision of public improvements discretionary rather than mandatory. Applicants would have a choice to use either, or a combination of, the new public realm improvement bonus and the landmark transfer mechanism (as the proposed One Vanderbilt development would do through a combination of transfer from the Bowery Savings Bank building and construction of public realm improvements). In the Zoning Resolution, there are multiple mechanisms available to obtain additional development rights, and multiple mechanisms have been used by many projects, including Philip Morris (landmark transfer and covered pedestrian space bonus) and Worldwide Plaza (subway and plaza bonus). Therefore, it is unlikely that having two mechanisms will discourage the use of one over the other.

Comment 10: A compelling case has not been made for separating out the entire five blocks of the Vanderbilt Corridor from the review of the greater East Midtown area. (CB5 Zoning Letter, CB6 Zoning Letter, Hess)

Response: The proposed Vanderbilt Corridor zoning allows consideration of new development, in the near term, on the key sites adjacent to Grand Central Terminal at appropriate densities, subject to discretionary review. The CEQR and ULURP for the Vanderbilt Corridor and the proposed One Vanderbilt Development allow many of the issues raised about the broader East Midtown area in the 2013 public review process to be explored in the broader planning process to be conducted in the coming months. The proposed Vanderbilt Corridor rezoning allows the development, in the short term, of key sites adjacent to Grand Central Terminal at appropriate densities.

Comment 11: As whatever agreements are established between SL Green and the City at One Vanderbilt will set a precedent for all future agreements in the Corridor and East Midtown, a comprehensive plan identifying all the infrastructure and public space needs in the area is essential prior to the completion of ULURP. (CB5 Zoning Letter, CB6 Zoning Letter)

The text amendment must be limited to sites for which the City and MTA have a coordinated plan for improvements to the public realm. (CB5 Zoning Letter, CB6 Zoning Letter, MBB)

Response: As described in Chapter 1, “Project Description,” the proposed on- and off-site improvements were developed in discussion with MTA-NYCT and are a core part of its long-term planning for the subway station. Any future use of the

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special permit will also require discussion with MTA-NYCT, as well as completion of the full ULURP discretionary review process for the special permit.

Comment 12: We are concerned that the criteria for granting of the special permit for a Grand Central Public Realm Bonus of up to 15 FAR is undefined unlike, for example, what is required for a Covered Pedestrian Space and that there must be more specific design guidelines. (CB5 Zoning Letter, CB6 Zoning Letter)

Response: The granting of a special permit for a Grand Central Public Realm Bonus will be a determination by CPC based on findings related to the public benefit derived from the project's proposed improvements. This is similar to the process used in connection with the existing Subway Station Improvement Bonus (Section 74-634 of the Zoning Resolution) that applies in high-density areas of the City (including the Grand Central Terminal area) as well as other zoning bonus mechanisms. Since the institution of a subway bonus in 1982, a number of improvement projects have undergone public review and led to subway station improvements.

Comment 13: If 30 FAR can be reached without transfer of development rights, we are concerned about the mechanism under which the existing development rights will be transferred as well as the sites where they can be transferred. (CB5 Zoning Letter, CB6 Zoning Letter)

Response: While achieving 30 FAR without a development rights transfer would be allowed in the five blocks of the Vanderbilt Corridor with the proposed Public Realm Improvement special permit, this special permit would not be applicable in the rest of the Subdistrict. As described in Chapter 2, "Land Use, Zoning, and Public Policy," designated NYCLs in the Grand Central Subdistrict are permitted to transfer their unused floor area to non-adjacent sites located in the area immediately surrounding Grand Central Terminal (defined as the Grand Central Subdistrict Core Area) by special permit; the proposed actions would not affect this special permit, which would remain available to NYCLs in the Grand Central Subdistrict. Additionally, please see Response to Comment 9.

Comment 14: We are concerned that public space currently required but unbonded by the Special Midtown District could be credited toward the Grand Central Public Realm Improvement Bonus. (CB5 Zoning Letter, CB6 Zoning Letter)

Response: Existing zoning allows up to 3,000 square feet of on-site subway improvements to be credited toward pedestrian circulation space requirements for a given site, recognizing that the substantial investment to create a subway-related improvement merits pedestrian circulation space credit. The current proposal allows for the same credit for on-site public realm improvements. The series of findings required in order to grant additional floor area for proposed public

realm improvements ensure that any proposed improvements provide a level of public benefit beyond what would be required to meet baseline pedestrian circulation space requirements.

Comment 15: The text amendment must provide guidelines for what type of improvements may merit a given FAR percentage increase for the affected zoning lots. (CB5 Zoning Letter, CB6 Zoning Letter, MBB)

The improvements proposed by SL Green will dramatically improve conditions at the Grand Central subway station and will enable new connections between the LIRR and other modes of transit. It is not up to the CPC to decide whether the improvements are good, however, but whether the improvements are good enough to merit the additional floor area. (Brewer)

Response: During the ULURP process, CPC and the City Council will determine whether the proposed improvements warrant the higher density permitted through the Grand Central Public Realm Improvement Bonus. In order to make such a determination, CPC must make certain findings for different types of public improvements, as well as general findings that the public benefits of the proposed improvements merit the additional floor area being granted.

Comment 16: The text amendment must specify that a site fronting on more than one wide street, overlooking the Grand Central “air park,” adjacent to a subway station, and with access to the pedestrian circulation system of Terminal City and other sites could potentially merit the full 15 FAR bonus pursuant to the proposed GCPRB, but sites not meeting these criteria would not qualify. (CB5 Zoning Letter, CB6 Zoning Letter, MBB)

Response: Under the proposed text amendment, the amount of bonus to grant is at the discretion of CPC, based not only on the proposed floor area to be transferred or to be credited for public realm improvements, but also on findings relating to the massing of the building, including that the design “ensures light and air to the surrounding streets and public spaces.”

Comment 17: The proposed text amendment would allow buildings up to 30 FAR in the Vanderbilt Corridor. For the SL Green site in particular, there is a very good case to be made for this amount of density. The site sits on two wide streets, is surrounded by street on all four sides, and sits across from the permanently low-scale Grand Central. The conditions on the One Vanderbilt site are not shared equally by all of the other parcels in the Vanderbilt Corridor. While all sites sit above the future LIRR concourse, and all sites are in close proximity to Grand Central, the additional open space of East 42nd Street is only adjacent to the southernmost block of the corridor. While development on any site in the Corridor would be subject to public review, the case has not been made that the same level of density is appropriate on all sites in the corridor. The CPC should

thus consider what the aggregate effect on the character of the Corridor would be with at least three 30 FAR buildings, and should carefully consider whether this density is appropriate on all sites. Furthermore, the proposed project, including its density and its bulk and setback waivers, is appropriate because of its unique site conditions. In considering future applications in the Vanderbilt Corridor, the CPC should look at One Vanderbilt as unique. While these waivers and bonus may be appropriate on East 42nd Street, the same amount of improvements should not translate to an equal amount of bonus on a site that does not share the same innate public benefits. (Brewer)

What is of potential concern is whether, if a similar level of improvements are proposed and development rights from a landmark are purchased, and the combination thereof is for an equivalent bonus, a 30 FAR building is appropriate density at sites that do not front on two wide streets and are not adjacent to a lower-scale landmark building. This new maximum of 30 FAR may work for the particular development proposal at One Vanderbilt, but questions have been raised concerning its appropriateness at the other eligible sites in the Vanderbilt Corridor. (Brewer)

Response: The proposal allows sites in the Vanderbilt Corridor to develop up to a maximum FAR of 30.0, through either the provision of public improvements or floor area transfers from area landmarks. The use of either or both mechanisms would be subject to ULURP and CEQR, and this would allow for the consideration of the appropriate on-site density for future sites in connection with a specific proposal. In addition, the EIS does consider the aggregate effect of the development of three 30-FAR buildings within the corridor on the character of the surrounding area in Chapter 19, “Conceptual Analysis,” and, during the ULURP process for the special permit approval, CPC and the City Council will determine whether the proposed improvements warrant the higher density permitted through the Grand Central Public Realm Improvement Bonus.

Comment 18: While allowing bonuses of up to 15 FAR through the provision of public improvements, the proposed text does not provide a framework for how the public should equate the quality and quantity of the improvements with a specific FAR bonus. When it comes to determining the appropriate amount of FAR bonus, however, the text simply requires that CPC find that “the public benefit derived from the proposed above or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional floor area being granted.” This does not give the CPC any parameters or factors to consider. As justification for a particular amount of floor area, the closest that the applicant can come is a list of improvements, and an unsubstantiated assertion that they merit the amount being granted. Perhaps the focus should be on qualitative measures and improvements, over hard quantities — x stairwells widened, x feet of hallways lengthened. Despite the difficulty of quantifying improvements and equating them with floor area, that is what CPC must do.

Though the current administration is expecting a wide array of improvements in exchange for this density, there is nothing in the text to keep future administrations to the same high standard. For this reason, the text should be edited to include a set of factors that should be considered when making the decision about the grant of floor area. This would preserve the discretion of the CPC to evaluate the benefits of the proposed project, but would help to narrow the focus of their analysis to the quality and breadth of the improvements. The edited zoning text could be modeled on the existing subway bonus, which has CPC make the decision based on the extent to which the station is improved in terms of pedestrian flow and connectivity, as well as the quality of the improvements to the station's environment. In the case of this permit, the findings could also include the extent to which neighborhood-wide above-grade pedestrian congestion is reduced. (Brewer)

Response: The intent of the zoning text is that additional floor area be granted as a result of consideration of the at-grade and below-grade improvements only, and that additional floor area should not be granted through the findings relating to the building's design and sustainability features. CPC is considering changes that will make this intent clear as part of its review of the proposal.

Comment 19: The proposed zoning text amendment is not structured to allow the public to consider ongoing maintenance when evaluating the benefit of the proposed public realm improvements. Because the scope of the proposed improvements can and should change as a project progresses through public review, to negotiate all of these agreements prior to certification would be impossible. The zoning text as proposed would require agreements prior to the grant of a special permit. This should be amended, however, to require that at least the intentions of the applicant regarding maintenance be included as part of an application at the time of certification. (Brewer)

Response: CPC is considering changes that will require future applicants to provide information about the proposed maintenance plan for improvements as a requirement of the application.

Comment 20: As written, the proposed zoning text really only requires buildings to be average. First, in order to be certified an application must include materials showing the degree to which the building's energy performance exceeds the 2011 New York City Energy Conservation Code. Since there is no minimum degree to which buildings must exceed the code included in the application, there is no reason to peg all future applications to the 2011 code. This should be amended to require applications to show the degree to which the proposed building exceeds the minimum requirements at the time of application, rather than the requirements of an out-of-date and less stringent code. (Brewer)

The proposed zoning text, as written, requires CPC to find that the building includes sustainable design measures that “(i) are in keeping with best practices in sustainable design; and (ii) will substantially reduce energy usage for the building, as compared to comparable buildings.” Regarding the first of these findings, it is the understanding of the Borough President's office that the phrase “best practices” usually refers to a benchmark for an acceptable level of quality. In order for this finding to have real effect, the language should reflect its intent — higher quality, more innovative buildings than what would be built as-of-right. The second finding, as written, could be interpreted to require buildings to be the same as comparable buildings. If this finding is intended to require buildings to meet a higher level of sustainability than other Class-A office buildings, this should be amended to require buildings to reduce energy to a greater degree than comparable buildings. (Brewer)

Response: CPC is considering changes to the energy performance standards in connection with its review of the proposed zoning text.

Comment 21: CPC should consider any recommendations of the East Midtown Steering Committee concerning the use of a public realm improvement bonus in conjunction with the use of landmark development rights to balance the need for transit improvements and historic preservation. (Brewer)

Response: It is expected that CPC will consider East Midtown Steering Committee recommendations as part of its review of any future East Midtown proposals.

Comment 22: The Roosevelt Hotel strenuously objects to the proposed special permit for transient hotels (Section 81-65). The Roosevelt Hotel is approximately 577,000 square feet, approximately 13.32 FAR in an as-of-right 15 FAR district on a lot with an area of over 43,000 square feet. It is a full service, 1,015 room hotel that includes an extensive collection of amenities – restaurants, business center, 30,000 square feet of meeting space including two ballrooms and 23 meeting rooms. It is also a union hotel. In short, the Roosevelt Hotel already meets the standards set forth in the proposed transient hotel special permit. There is no evidence in the record or the DEIS that there is a risk of the Roosevelt Hotel becoming a limited service hotel. There is no evidence in the record or the DEIS that the two other potential development sites identified are likely to become limited service hotels. There is no need for the special permit in the Vanderbilt Corridor. Thus, the special permit proposal has no facts supporting it and no rational basis for its adoption. The proposed special permit for transient hotels would be a unique burden on the Roosevelt Hotel. It is the only hotel in Midtown Manhattan that would be subject to a special permit requirement. This is discriminatory and without a rational basis. At the very least, the text should exempt existing hotels, their enlargements, and redevelopments from the requirement of the special permit. (Harris)

Response: The purpose and need of the proposed zoning text amendment to allow the development, conversion, or enlargement of hotels only by a new special permit was explained in Chapter 1, “Project Description,” of the DEIS. CPC is considering a modification to the proposed text amendment that would remove the requirement for existing hotels in the Vanderbilt Corridor to obtain a special permit for enlargement of the existing hotel use.

Comment 23: CPC should reject the Vanderbilt Corridor rezoning proposal and instead develop a comprehensive street use plan and a regional rail plan for Midtown Manhattan. The rezoning should be reconsidered. (Haikalis)

Response: Comment noted.

Comment 24: Presumably the reason for the Vanderbilt Corridor special zoning is to improve physical and visual access to the LIRR concourse that is being built below it as part of East Side Access. If so, one would expect the district to include all of the sites that could reasonably contribute to access and a plan as to how that access would be provided. To the contrary, the corridor as proposed would need to extend two blocks further north and include both sides of Vanderbilt Avenue to encompass the affected area and there is no plan for improvements to the public realm in the corridor. (West)

Response: The purpose and need of the proposed actions is described in Chapter 1, “Project Description.”

Comment 25: The Vanderbilt proposal contemplates that there will be a new proposal for East Midtown, which will affect what happens on Vanderbilt Avenue. Perhaps it will even fill in such gaps in planning as attention to urban design, preservation of the significant landmark quality buildings along Vanderbilt, and preservation of view corridors. But too late to have much effect as to permits already granted when a new East Midtown rezoning is adopted. Shouldn't the planning come first, and not in isolated segments? (Gruen)

Response: DCP's approach to the proposed rezoning is described in the Chapter 1, “Project Description” of the EIS.

Comment 26: The DEIS's explanation of the need for the rezoning as proposed is materially inaccurate.

(1) It overlooks the availability of the ZR Section 74-79 special permit to produce major new buildings on the One Vanderbilt and Bank of America sites and assumes the City will not take full advantage of its discretionary authority under that special permit. The failure to explore the opportunities for the provision of major public realm improvements offered by marrying

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the special permit under ZR Sections 74-79 and 74-634 contributes to the inadequacy of the DEIS's analysis of alternatives to the rezoning.

- (2) It ignores the adverse effects of amending ZR Section 81-635 to make circulation improvements discretionary on the City's ability to obtain such improvements without a floor area bonus and in considering the Special Permit, of the failure of the City to exercise its discretionary authority to obtain such improvements. The impact of this omission should have been studied in the DEIS.
- (3) It does not acknowledge that the rezoning utterly fails to achieve its stated objective of providing "greater opportunities for landmark development rights transfers.

The result is a CEQR document that fails to explore fully the public policy implications of the extraordinary and unprecedented zoning initiatives that have been built into the rezoning and the Special Permit. (Selver, Hess)

Response:

(1) As discussed in the Purpose and Need section of Chapter 1, "Project Description" of the EIS, among the reasons DCP proposed the Vanderbilt Corridor rezoning is that existing zoning mechanisms available in the area, including the existing subway bonus and various landmark transfer provisions, have resulted in limited landmark transfer, area improvement, and new development.

(2) The conceptual analysis in the DEIS for future development in the Vanderbilt Corridor (presented in Chapter 19, "Conceptual Analysis") did not assume any particular pedestrian circulation improvements (whether under Sections 81-635 or 81-641). Any future application in the Vanderbilt Corridor for either or both of these special permits will require CPC to consider the pedestrian circulation and other impacts of the particular proposal.

(3) The proposed zoning would provide greater opportunities for landmark development rights transfer by relaxing requirements for pedestrian circulation improvements while increasing the amount of floor area that may be transferred.

Comment 27: The DEIS states that the other development sites in the Vanderbilt Corridor will use the Public Realm Improvement Bonus. (Selver)

Response:

Chapter 19, "Conceptual Analysis," of the FEIS has been revised to state that the development of the other sites in the Vanderbilt Corridor could rely on the Public Realm Improvement bonus or the landmark transfer mechanism or a combination of the two as does the proposed One Vanderbilt development.

PROPOSED ONE VANDERBILT BUILDING

Comment 28: We support the One Vanderbilt project proposed by SL Green because of the public, private, and economic development benefits it will bring to New York. Investing more than \$210 million in transit infrastructure and public capital improvements, the plan for One Vanderbilt offers greater connectivity to the country's most celebrated train terminal. The plan also pays homage to the iconic landmark and the surrounding Midtown East business district with new public space, innovative design elements, and complimentary building materials. One Vanderbilt is a prime example of transit-oriented development as the site is located immediately adjacent to Grand Central Terminal and its regional and metro mass transit systems. One Vanderbilt will also enhance the public space surrounding the Terminal like never before by creating a new public plaza on Vanderbilt Avenue adjacent to the Terminal as well as a transit hall at the base of the tower. The construction of One Vanderbilt will also create thousands of good-paying middle class jobs for the city. (Hensley, Lempin, Slattery, Sanchez, Tucker, Johnson, Tritt, Contreras, Newman)

Response: Comment noted.

Comment 29: The proposed office building lobby dominates and privatizes, along the marginal transit hall, almost the entire Vanderbilt Avenue frontage. (CB5 SP Letter, CB6 SP Letter)

Response: On the Vanderbilt Avenue public place, the publicly accessible transit hall would occupy the building's northeast corner and retail space would occupy the building's southeast corner. In addition, in response to comments from the Borough President, the applicant included public access into the retail space from Vanderbilt Avenue (in its A Application), as well as connections from the transit hall into the office building lobby. Further, CPC is considering modifications which would require direct access between the transit hall and Vanderbilt Avenue

Comment 30: We believe that the requirements of the Special Midtown District for through-block access to the lobby should be maintained. (CB5 SP Letter, CB6 SP Letter)

Response: The proposed special permit allowing waivers of Mandatory District Plan elements requires CPC to consider whether an applicant's proposed waivers are appropriate and result in a better ground floor plan, taking into account the site planning constraints of a project that incorporates public realm improvements.

Comment 31: A major public space must be created at street and concourse level, through or adjacent to and connecting with the main lobby of One Vanderbilt, and

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connecting the corner of Madison Avenue and 42 Street and the main concourse of Grand Central. (CB5 SP Letter, CB6 SP Letter, MBB)

Response: The proposed transit hall would provide stairs to the main concourse of Grand Central. In the A Application, described in Chapter 17, “Alternatives,” there is a connection between the transit hall and office lobby.

Comment 32: The building should include publicly accessible space at both its top floor and its second floor terrace overlooking Grand Central. (Newman)

Response: As stated in the Response to Comments on the Draft Scope of Work, the specific programming for the rooftop amenity has not been finalized, but 317 Madison has indicated that it expects the observation deck to be a paid attraction. The second-story space noted in the comment is intended solely for use by building tenants.

Comment 33: Reduce the width of the office lobby on the Public Place and consider pedestrian uses in lieu of the transit hall. (CB5 SP Letter, CB6 SP Letter)

Response: As described in Chapter 1, “Project Description,” the proposed transit hall would provide a stair connection to the Grand Central main concourse level, could serve as a waiting area for East Side Access, and would provide a connection leading to those trains several levels below; moreover, it is an important component of the project’s pedestrian circulation improvements.

Comment 34: SL Green is proposing a new, 4,000 square foot space along East 43rd Street that will connect directly, via a single staircase, to the heart of Grand Central. The transit hall will have easy access to the platforms of both Metro North and the LIRR, making it an ideal location for a waiting area. As a waiting area, it needs to have enough amenities to keep a commuter comfortably there for up to an hour. This means it should have a concession, should have ample seating, and must have bathrooms. In addition, SL Green should ensure that the space is open and accessible to all New Yorkers by including Americans with Disabilities Act-friendly, easy to open doors and other features to make it truly accessible. The plans for this space as of now are undeveloped. The applicant has distributed renderings of the space, which show no seating or a concession. Although illustrative plans attached to the ULURP application do show these things, they stipulate that the plans are for approval of concept only, not design. In order to grant this special permit, this space must, at minimum, have a set concept and design principles. There must be sufficient protections in place to ensure that it remains a comfortable waiting area in perpetuity. This could be done by updating the approved plans, which will be subject to DOB oversight, to reflect a final design or by creating a process by which the Chair of the CPC can certify that the final design reflects the intentions of the space as described in the ULURP application. (Brewer)

Response: In a letter to Gale A. Brewer, Manhattan Borough President, dated January 28, 2015, 317 Madison (the One Vanderbilt applicant) committed to: construct and maintain an ADA-compliant unisex restroom for use by the public on the B1 level, below the transit hall, within the footprint of the One Vanderbilt development; ensure that all public spaces are accessible for people with disabilities; provide at least seven benches seating 14 to 21 people in the transit hall; and maintain the space for the life of the project. Further, 317 Madison committed to share the final plans for the transit hall with Community Board 5 and the Borough President for review and feedback, and CPC is considering modifications to the application to require a CPC Chair certification to ensure that consultation occurs.

Comment 35: The proposed transit hall will be accessed from East 43rd Street. Coming from the west, pedestrians will pass the building's messenger center, dock master offices, and two loading docks before getting to the new public space. If the transit hall is to be a real amenity, the approach to it should not feel like walking down an alley. These back of the house spaces on East 43rd Street should be beautified to match the overall aesthetic of the building so that East 43rd Street feels like an active and attractive place. (Brewer)

Response: In a letter to Gale A. Brewer, Manhattan Borough President, dated January 28, 2015, 317 Madison committed to the use of materials and details on the 43rd Street facade of the building at grade that would be consistent with the overall aesthetic and quality of the One Vanderbilt development, including but not limited to the loading dock doors.

Comment 36: As proposed, the SL Green building will have only one door that exits to the public plaza: that of their office lobby. If this remains the only door, this space may function more as an entryway for SL Green's tenants than a space for the public. The transit hall, which is a space for the public, should interact better with the public plaza and should have a door directly onto it, in addition to one off of East 43rd Street. Not only would this help activate the public plaza, the proposed zoning text could be read to require it. In the proposed text, the findings for on-site improvements to the pedestrian circulation network, which includes the transit hall, say that the spaces must “provide connections to pedestrian circulation spaces in the immediate vicinity.” There is retail proposed at the southeast corner of the building that also will not open on to the plaza. The proposed zoning text requires that the ground floor of the building “facilitate fluid movements between the building and adjoining public spaces.” This is an important finding, and one that will not be achieved unless the building connects to the plaza via exits other than the office lobby. (Brewer)

CPC should consider whether plans for the transit hall should be revised to include a door directly on to the Vanderbilt Public Place. (Brewer)

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Response: In a letter to Gale A. Brewer, Manhattan Borough President, dated January 28, 2015, 317 Madison committed to providing an entrance from the retail space at the corner of East 42nd Street and Vanderbilt Avenue directly onto the new Vanderbilt public place to further activate it. 317 Madison also committed to providing a direct connection from the transit hall into the lobby of One Vanderbilt. Further, CPC is considering modifications which would require direct access between the transit hall and Vanderbilt Avenue. These additional connections would help to activate the ground floor of the building and the Vanderbilt public place.

Comment 37: Immediately to the east of the MTA entrance the applicant proposes two retail spaces: one with a stairwell down to the B1 level, and one with a staircase up to the second floor. Both of these spaces are small, and will serve mostly as a vestibule to the retail above and below. The proposed zoning text requires retail uses adjacent to above-grade, on-site improvements. The goal of this requirement is to ensure active uses around the new on-site improvements. The retail spaces as proposed, however, do not accomplish this goal. First, the CPC should amend this finding to require active uses. Second, SL Green should adjust these spaces to better interact with the subway entrance and to better contribute to a lively streetscape. An ideal solution would be to combine all of these spaces to create a generous, publicly accessible space. Visitors could enter the southeast corner of the building and from there could access the Shuttle platform, the B1 Intermodal Connector, the B1 retail space, or the second floor retail. (Brewer)

Response: As described in Chapter 17, “Alternatives,” in response to recommendations made during the public review process with respect to the planning of the One Vanderbilt development’s ground floor along East 42nd Street, 317 Madison is proposing modifications to the original application to allow for relocation of a proposed entrance space to a rooftop observation deck. This change would create one larger retail space at the southeast corner of the building. With this modified design, the B1 level would still be accessible at approximately the same location via the proposed subway entrance on East 42nd Street.

Comment 38: As a result of discussions with the Borough President, the applicant has submitted an alternate application that will enable them to adjust the mix of uses on this corner of the building. DCP has also committed to recommending that the requirement for retail be modified to active uses within the text to provide flexibility and ensure a lively and vibrant streetscape along East 42nd Street and Vanderbilt Place. The applicant has agreed to combine the two retail spaces into one, which will have an entrance onto the Vanderbilt Public Place and a staircase to a larger retail space on the second floor. Further, the applicant has agreed to reduce the linear frontage of the retail space, where it meets the subway entrance, by 24 feet. CPC and the City Council should further consider

whether this reduction will allow adjustments to the design for a more open layout of this entrance, and whether the staircase in the subway entrance can be widened. (Brewer)

Response: Comment noted.

Comment 39: It is noted that the 100% location at the northeast corner of Madison Avenue and 42nd Street would be better used as a grand new entrance to Grand Central Terminal than as a retail location for a bank. (West)

We are concerned that the proposed transit hall (which should have included seating and public restrooms) at Vanderbilt and 43rd is not optimally located to provide connectivity for passengers to and from the West Side, and propose an entrance hall at Madison and 42nd as well as a B2 level connection from East Side Access to NYC Transit at 42nd and Vanderbilt. (CB5 SP Letter, CB6 SP Letter, West)

Response: As a result of discussions with the community boards and elected officials, the applicant has agreed to add seating and public restrooms for future users of the proposed transit hall. As for the transit hall's location within the proposed building and connectivity to transit services below, extensive planning and discussions with the MTA have taken place over the past several years to arrive at the current package of new and modified connections. Furthermore, locating a prominent transit connection at the northeast corner of Madison Avenue and East 42nd Street would add to the high level of pedestrian activities already concentrated at that corner, whereas the proposed location for the MTA entrance on East 42nd Street would help disperse pedestrian flow along East 42nd Street in front of the proposed development en route to Grand Central Terminal.

GRAND CENTRAL PUBLIC REALM IMPROVEMENTS

Comment 40: New York City Transit is very much in favor of both actions. We have been studying circulation, well before any of the recent zoning proposals and have developed a master plan of improvements, of which the One Vanderbilt improvements are only a subset. (Haase)

The Vanderbilt Corridor proposal complements and builds on the massive public investment already underway. With MTA's investments, this area's access to public transit will be even better. The One Vanderbilt project and the corridor rezoning will advance that plan significantly. In particular, the improvements that MTA's proposed for the Lexington Avenue line will be realized through this development. In addition, the proposal creates and capitalizes on the opportunity that comes from new construction to make connections that would be impossible or too expensive to tackle in existing buildings. In sum, SL Green has proposed an integrated package of both onsite and offsite improvements that would provide substantial benefits to the public

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and MTA ridership. Private investment in transit infrastructure has an important role to play in meeting this region's needs and in fueling its continuing economic growth. The MTA welcomes plan use redevelopment proposals like Vanderbilt Corridor that include ongoing sources of revenue for transit investment. (Cuenca, Russianoff)

The investments will greatly improve platform access and circulation for the 4, 5 and 6 subway lines with new stairs, an expanded mezzanine and trimmed columns and stairs on the platforms. These should improve circulation enough to allow the MTA to add an additional train during rush hour, helping relieve overcrowding on the trains as well. By creating an exit for the new Long Island Rail Road terminal being built below the subway and Metro North platforms, the project will address a shortcoming of the East Side Access project. As currently designed, it will take LIRR passengers several minutes to reach the street from the train level, cutting into the time savings that riders destined for East Midtown would achieve by going to Grand Central instead of Penn Station. By creating a new exit that will bypass crowded train platforms and the food court, many passengers will be able to reach the street more quickly and easily. It is important that this improvement be made prior to the completion of East Side Access, now estimated for 2023. (Sanchez)

The transit improvements will undoubtedly have a positive impact in accessing Grand Central and addressing crowding. These improvements need to happen. (Garodnick)

Response: Comment noted.

Comment 41: The improvements are not just about midtown. They're about the people in Queens, who are coming from Flushing, they're about the people in Brooklyn or Bronx who are going through Grand Central, and of course the large number of people pouring out over a diverse community. (Moss)

Response: Comment noted.

Comment 42: This is the first project where the improvements for riders will precede those of the tenants. And that's key to this project. (Moss)

Response: Comment noted.

Comment 43: The proposed building will add new connections between many different below-grade spaces. What it does not do, however, is provide a connection from the mass transit network to the building for use by the future tenants of the building. Direct connections to the building would serve to take pedestrians off of the crowded sidewalks of the area, aiding in reducing congestion in the neighborhood. An ideal location for this connection would be off of the transit hall, which is directly adjacent to the One Vanderbilt lobby. In discussions with

the Borough President's office, SL Green has agreed to include this connection. The CPC should ensure that approved plans for the building include this connection, and prevent it from being removed in the future. (Brewer)

Response: The A Application, described in Chapter 17, "Alternatives," includes a connection between the transit hall and the office lobby.

Comment 44: We are concerned that two off-site improvements (the stair between the mezzanine and platform at the Pershing Square Building and the two stairs at the north end of the platform and the enlargement of the mezzanine there) were identified mitigations for the Flushing line extension and East Side Access and were to be paid for through the capital programs of the MTA and/or the City. Therefore, One Vanderbilt should not receive a bonus for improvements to the subway station that are mitigations for East Side Access or the extension of the 7 line. (CB5 SP Letter, CB6 SP Letter)

Some of the improvements to the Lexington Avenue subway station at Grand Central that are claimed as part of the Public Realm Improvement bonus for One Vanderbilt are also mitigation committed to by the City or the MTA, respectively, for the extension of the #7 line and for East Side Access. They include a northerly extension of the mezzanine, a stair between the extended mezzanine and the northbound platform, and a stair between the extended mezzanine and the southbound platform as mitigation for the extension of the #7 line and a stair between the south end of the mezzanine and the southbound platform as mitigation for East Side Access. Of the \$210 million of on- and off-site improvements to the public realm claimed for bonus floor area for One Vanderbilt, \$42.7 million, or approximately 20%, are these two items to which the City and the MTA are already committed as mitigation. 20% of the 12.3 FAR claimed for the PRI bonus would be approximately 2.5 FAR. Of course the Lexington Avenue station desperately needs these improvements; however, if they are provided as part of the Public Realm Improvement bonus for One Vanderbilt the city and the MTA will have been relieved of obligations totaling over \$42 million and One Vanderbilt will include 2.5 FAR of additional density without corresponding density ameliorating amenities. It matters because it undermines public trust in the City's zoning regulations and in the agencies responsible for them; and because it is probably illegal. Granting One Vanderbilt bonus floor area for fulfilling obligations of the City and the MTA has the appearance of selling zoning - zoning-for-dollars. Granting One Vanderbilt a bonus for improvements required as mitigation for other projects rather than for new density ameliorating amenities means that the additional density of the building has not been mitigated through the bonus. Using the Public Realm Improvement bonus to relieve the City and the MTA of multimillion dollar obligations rather than for additional improvements to the public realm appears to be a conflict of interest between the City reducing its financial obligations and protecting the public interest. (West, Gruen, Selver)

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Response: As stated in the Response to Comments on the Draft Scope of Work, two of the proposed off-site improvements were previously identified as mitigation for other projects—the new stair in the basement of the Pershing Building that would connect the IRT Lexington Avenue subway mezzanine to the platform was identified as mitigation for the East Side Access project¹; and the creation of a new IRT Lexington Avenue subway mezzanine paid area in the basement of the Grand Hyatt Hotel with two new stairs to the subway platform was identified as mitigation for the No. 7 Subway Extension—Hudson Yards Rezoning and Development Program (Hudson Yards) and required at the time of full build-out of the area.² Because the full build-out of Hudson Yards is not anticipated to be reached for some time, the projected mitigation measures would not be required until far in the future. In addition, nothing restricts the East Side Access mitigation requirements from being met through the use of a bonus mechanism. The proposed One Vanderbilt development’s transit improvement investment would allow for these measures to be implemented within a definitive timeframe that is tied to the development of the One Vanderbilt site. In addition to these two specific improvements, the proposed One Vanderbilt development would construct several other newly conceived transit improvements that would, together with the two previously identified for East Side Access and Hudson Yards, provide a more effective circulation improvement program for the Grand Central subway station.

Comment 45: There are no sidewalk subway entrances on 42nd Street from Third Avenue to Madison Avenue, but under this application one is proposed on the southeast corner of 42nd Street and Lexington Avenue. Placement of the subway entrance should be within the building at the southeast corner of 42nd Street and Lexington Avenue and not on the sidewalk. (CB5 SP Letter, CB6 SP Letter, Sanchez)

Response: As described in both the DEIS and the FEIS, the Socony-Mobile building is located at the southeast corner of 42nd Street and Lexington Avenue (see Chapter 6, “Historic and Cultural Resources”). It is a New York City Landmark (NYCL), and it has been found eligible for listing on the State and National Registers of Historic Places. Creation of an additional entrance at this location would require review and approval by the Landmarks Preservation Commission (LPC) approval. Further the alteration could potentially be considered to have a significant adverse impact on this historic resource and be turned down by LPC.

¹ *East Side Access—Final Environmental Impact Statement* (Federal Transit Administration and the Metropolitan Transportation Authority of the State of New York, in cooperation with the MTA Long Island Rail Road, March 2001).

² *No. 7 Subway Extension—Hudson Yards Rezoning and Development Program Final Environmental Impact Statement* (Metropolitan Transportation Authority of the State of New York and City Planning Commission of the City of New York, November 2004, CEQR No. 03DCP031M).

In addition, the existing sidewalk dimension along East 42nd Street is quite wide, and the analysis of pedestrian conditions in both the DEIS and FEIS found no impacts at this location.

Comment 46: We are concerned that nothing in this proposal would improve the connectivity between the 7 Line and the Lexington Lines. (CB5 SP Letter, CB6 SP Letter)

Response: The proposed project would fund numerous station improvements to enhance pedestrians accessing and circulating within Grand Central Station. Although these improvements do not include new connections between the Lexington Avenue line and Flushing line platforms, they are expected to improve the overall pedestrian experience for riders of both lines. For example, improved circulation on the Lexington Avenue line platforms resulting from the addition of new stairs and reconfiguration of existing ones would improve flows for riders transferring between the two lines. In addition, riders entering the mezzanine at the north end of the station would be able to easily find their way to escalators to the Flushing line platform with the opening of space on the mezzanine that is not currently available for public circulation.

Comment 47: The building should provide a southern entrance for East Side Access. It needs to connect the LIRR concourse (that is replacing tracks and platforms at the lower level of Grand Central under and west of Vanderbilt Avenue) with both 42 Street and the subway stations below 42 Street. The proposed connection between the LIRR concourse and the subway is indirect in that one goes up to go down. (West)

Response: As stated above, extensive planning and discussions with the MTA had taken place over the past several years to arrive at the current package of new and modified connections, which take into consideration of connections to various locations. With regard to connections to the LIRR concourse, the current plan provides a direct connection via high-speed escalators to a level that provides convenient access to the transit hall and Grand Central Terminal, while providing options to continue south to East 42nd Street a level from the street above and a level from the Shuttle platforms below.

Comment 48: An alternative configuration of the public realm in One Vanderbilt would provide all of the proposed elements but would modify them to provide a more useful, better integrated system. Alternatively, the escalators from the LIRR concourse might stop at the platform level of the S rather than continuing to the mezzanine level of the S, providing a more direct transit to transit connection. Alternatively, the transit hall might be moved to the opposite corner of the building where it could provide an entrance to Grand Central from the corner of 42nd Street and Madison Avenue. And, alternatively, the several additions to the public realm might be combined into a continuous series of spaces so that

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each contributes synergistically to all of the public purposes. In addition, like other buildings in Terminal City, One Vanderbilt should, for the convenience of its tenants and visitors, connect directly between its lobby and the concourse system of Grand Central. (West)

Response: While there could be numerous possible options to facilitate connections between the proposed development and the transit services below or the adjacent street network, as the commenter described, the current plan is a product of several years of planning and discussions with the MTA to arrive at a package of new and modified connections that could best serve different users of the proposed development and its surroundings. As stated above, these other possible options suggested in the comment would require a substantial redesign of the proposed development and its transit connections. Furthermore, locating a prominent transit connection at the northeast corner of Madison Avenue and East 42nd Street would add to the high level of pedestrian activities already concentrated at that corner, whereas the proposed location for the MTA entrance on East 42nd Street would help disperse pedestrian flow along East 42nd Street in front of the proposed development en route to Grand Central Terminal. In addition, the A Application described in Chapter 17, "Alternatives," provides a connection between the transit hall and office lobby.

Comment 49: Old Grand Central had a passage, now closed and reused for retail space, at the level of the Main Concourse and running along, and one story below, Vanderbilt Avenue adjacent to One Vanderbilt. It was on axis with the Vanderbilt Passage to the north and the lower lobby of the Lincoln Building to the south. If reopened, the passage would provide a convenient access to the mezzanine level of the shuttle, on axis with the Lincoln Building and the Vanderbilt Passage. The restored passage could be designed to be open on its west side so as to overlook a new concourse within One Vanderbilt connecting the platform level of the S with escalators to the LIRR concourse. (West)

Response: The location of the suggested corridor is outside of the applicant's property. The applicant has worked closely with the MTA to develop the proposed scope of improvements in areas considered appropriate for such improvements.

Comment 50: The Special Midtown District requires 1 sf of pedestrian circulation space for each 300 sf of building zfa. This might be satisfied by an arcade on Madison, replacement access to the shuttle, and lobby entrance recesses on Madison and Vanderbilt. These spaces do not earn bonus floor area. (West)

Response: For the proposed building of 1,299,390 square feet of floor area, 4,331.3 square feet of pedestrian circulation space is required. As further set forth in the application materials, the project is providing 5,655 square feet of pedestrian circulation space. Similar to the long-standing subway improvement bonus under which up to 3,000 square feet of the subway improvements may count

toward pedestrian circulation space requirements, the public realm improvements under the new zoning text would qualify for up to 3,000 square feet of credit toward pedestrian circulation space requirements.

Comment 51: No major improvement to the pedestrian circulation system has been identified as a benefit to Terminal City justifying the transfer of development rights under the Grand Central Subdistrict. (West)

Response: See Response to Comment 8.

Comment 52: As with the rest of the Vanderbilt Corridor, any increase in FAR granted by a special permit needs to ensure that public realm improvements, and improvements to the transit network surrounding the site, do more than mitigate existing system deficiencies, but rather look forward to the public needs in the decades to come. (CB5 SP Letter, CB6 SP Letter)

Response: During the ULURP process, CPC and the City Council will determine whether proposed improvements warrant the higher density permitted through the Grand Central Public Realm Improvement Bonus for this proposed project and future projects.

Comment 53: We must demand that any improvements to area infrastructure are done and delivered to the public in advance of the occupancy of the building. (Garodnick)

Response: The proposed zoning text (included in Appendix A of the EIS) includes requirements for binding commitments with respect to completion of the proposed improvements.

Comment 54: As with all public-private agreements, the terms of this transaction need to be open and transparent, and the city and the MTA need to set very specific performance standards for the improvements with reasonable penalties to be imposed if the terms and standards are not met. (Sanchez)

The current proposal for density bonuses are tied directly to the developer's responsibility to provide infrastructure upgrades. While the amended language does allow the Department of Building to withhold CofOs, there does not appear to be any sort of performance bond or other guarantee in the event the project is abandoned in construction. (Rausse)

Response: The applicant will be executing a restrictive declaration which will be of record against the property setting forth requirements for the applicant to complete the public realm improvements prior to occupancy of bonused floor area, and including provisions for performance bonds or other means to secure performance of the applicant's obligations.

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Comment 55: In the center of the East 42nd Street ground floor will be a subway entrance that will connect via escalator to the Shuttle platform two levels down and via a stairway to the Intermodal Connector and Grand Central. There is an existing subway entrance at this location, so when evaluating the benefits of this improvement it is important that the CPC consider this as a widening of an existing entrance, rather than the provision of a new entrance. This expanded entrance will provide the most direct connection to the LIRR concourse from East 42nd Street and will be the south-westernmost entrance to Grand Central terminal. As such, it should be as prominent and spacious as possible. (Brewer)

Response: Comment noted.

Comment 56: We ask that the City take clear steps to provide interagency coordination for both the off-site transit improvements and the pedestrian plaza, from the review stage to final construction to ensure that the developer is able to deliver these public amenities without undue burden or delay. (Newman)

Response: The implementation of the improvements is being coordinated with MTA-NYCT. Creation of the public place involves coordination with DOT and the Public Design Commission, as well as DCP.

VANDERBILT AVENUE PUBLIC PLACE

Comment 57: The proposed city map amendment to close a portion of Vanderbilt Avenue between East 42nd Street and East 43rd Street, changing its designation from street to “public place” is appropriate. This change will close this portion to vehicular traffic and allow for its permanent improvement as a pedestrian plaza. Given Vanderbilt Place's prominent location adjacent to Grand Central Terminal and its proximity to multiple existing and proposed transit entrances, the addition of approximately 12,000 square feet into the public pedestrian realm is a real and tangible benefit as long as it is well designed and maintained. The application for this action promises a public space that would provide significant benefits to workers and visitors of the surrounding area. (Brewer, Bell)

As for the Vanderbilt Corridor, it is no secret that the Grand Central area, and Vanderbilt Avenue in particular, are in need of significant improvements. Grand Central is one of the busiest transit hubs in the world and badly needs upgrades to its infrastructure and pedestrian circulation system, sidewalks in the area are far too narrow and crowded, and Vanderbilt Avenue a street directly adjacent to one of the most iconic buildings in New York City, looks and feels like a back alley. It is my hope that this rezoning will bring some badly needed change to the area. We will need to work together to ensure that it is designed in a way that is not only publicly accessible, but also valued public space. (Garodnick)

Response: Comment noted.

Comment 58: The site of the proposed public place is a narrow block that will need to have passageway for emergency vehicles, which will severely limit the scope of public amenities (seating, plantings, etc.). (CB5 SP Letter, CB6 SP Letter)

Response: As noted in DOT's conceptual approval of the proposed public place dated October 20, 2014 (letter from Margaret Forgione, Manhattan Borough Commissioner to Carl Weisbrod, Chairman, CPC), the public place will be under DOT's jurisdictional control. The design of the public place will involve coordination and approvals among various stakeholders, including the community board, emergency response entities, such as the New York City Fire Department and MTA Police, the Public Design Commission, and DOT. This collaborative process is intended to ensure that the proposed public place will be designed and constructed to serve as a public amenities space, meet established standards, and conform to maintenance and emergency response requirements. The design of the public place will be coordinated between DCP and the Public Design Commission to ensure it contains sufficient public amenities while allowing for emergency vehicle access.

Comment 59: Currently, essential emergency and police vehicles are parked in the proposed Public Place, and we are concerned as to where new locations will be found. (CB5 SP Letter, CB6 SP Letter)

Response: The EIS assumes that these vehicles would be relocated to the nearest location, Vanderbilt Avenue between East 43rd and East 44th Streets, which, as a result of the public place, would be converted from two-way to one-way southbound. The final location will be determined by MTA police and DOT.

Comment 60: We would like to know who will be responsible for the maintenance of this Public Place, and what mechanism will be instituted to guarantee that it will be free of commercial events, concessions and sub-concessions, as well as intrusions from food carts, costume characters and other unintended consequences, that will hamper the flow of pedestrians and negate the intended passive recreational use of this Public Place. (CB5 SP Letter, CB6 SP Letter)

Response: In a letter to Gale A. Brewer, Manhattan Borough President, dated January 28, 2015, 317 Madison committed to reach an agreement with the Grand Central Partnership to undertake the long-term maintenance of Vanderbilt Plaza, including provision for capital repairs and replacements. 317 Madison also committed to provide \$500,000 to a fund which will be established to assure the long-term capital needs of Vanderbilt Plaza. The specifics of the design and operation of the Public Place will be determined as part of the public design process that DOT will undertake as part of its Plaza Program.

Comment 61: The proposed public space on Vanderbilt Avenue will add a new publicly controlled open space to a neighborhood that is starved for open space. It will

help relieve congestion at the corner of East 42nd Street and Vanderbilt Avenue, a key access point to the terminal and one with significant pedestrian-vehicular conflict. It is not enough that the space is provided; the design must serve the employees of the new building, the commuters who stream into Grand Central, and neighborhood residents and employees. However, we do not have a design to evaluate. A conceptual design was provided, but there is no guarantee that the final design will resemble this design in any way. Nor, at the time of certification, is a clear mechanism in place for the continued maintenance of this critical space. The challenges to presenting a final design at this time are real, so it is reasonable to wait for a future public process to decide this. At this time, however, we should ensure that the appropriate maintenance of this space is accounted for and that the design of the One Vanderbilt building will serve to activate this space to ensure its role as a real public amenity. (Brewer)

Response: In a letter to Gale A. Brewer, Manhattan Borough President, dated January 28, 2015, 317 Madison committed to reach an agreement with the Grand Central Partnership to undertake the long-term maintenance of Vanderbilt Plaza, including provision for capital repairs and replacements. 317 Madison also committed to provide \$500,000 to a fund which will be established to assure the long-term capital needs of Vanderbilt Plaza. In addition, CPC is considering changes to the application including a series of key design principles that the future design will have to meet, as well as a requirement of a letter of concurrence from CPC Chair at the time of the future design process that states the proposed design meets intent of the said key principles.

SUSTAINABILITY

Comment 62: The applicant proposes to increase the energy efficiency of this building by 14 percent over a baseline building, based on the 2010 standard of measurement. While this is an improvement, it is unclear that this is an improvement worthy of a building of this caliber, or whether this meets the finding that buildings must substantially reduce energy use over comparable buildings. The standards for energy efficiency get more stringent every few years as technology improves and the cost of these new technologies fall. The New York City Energy Conservation Code (ECC) mandates the use of the ASHRAE 90.1-2007 standard to develop a baseline building for energy use comparison. By the time construction of the building is expected to begin, the ECC will have been updated to mandate the ASHRAE 90.1-2010 standard, which is 18.9 percent more efficient than a building based on the 2007 standard. By the time construction on this building is completed in 2020, therefore, there is a significant chance that the building's 14 percent improvement over the 2010 standard will be closer to a baseline building than to an efficient one.

Though the findings for the proposed special permit require the applicant to show reduced energy use over comparable buildings, the applicant's Statement

of Findings compares energy use to a baseline building. In order to effectively evaluate the efficiency of this building, the applicant should provide comparisons to other Class A office buildings that are currently under construction. The CPC should evaluate whether this finding has been met based on improvement over those other buildings. (Brewer)

Response: In a letter to Gale A. Brewer, Manhattan Borough President, dated January 28, 2015, 317 Madison committed to making every effort to achieve the maximum energy efficiency and sustainability reasonably permitted by current technology. However, technology changes quickly, and 317 Madison committed to continue exploring new and additional methods of achieving increased efficiency and using commercially reasonable efforts to incorporate new technologies to continue to maximize One Vanderbilt's energy efficiency and sustainability.

CPC is considering modifications to the text so that buildings would be required to meet or exceed the best practices in sustainable design and clarify how buildings demonstrate their reduced energy use compared to comparable buildings and to require application materials that demonstrate energy use compared with the then-current New York City Energy Conservation Code.

Comment 63: While the Applicant has committed to construct a LEED v4 Certified Gold building, only the highest level of sustainability is acceptable if the goal, as stated, is to keep East Midtown as the premier business district; therefore, the Applicant must commit to a LEED v4 Certified Platinum building which will be designed to perform 30 percent better than ASHRAE 90.1, 2010. (CB5 SP Letter, CB6 SP Letter, MBB, Goshow)

Any development facilitated through the proposed discretionary special permits must be designed to perform to 30 percent better than ASHRAE 90.1, 2010 and as determined by the methodology prescribed in the most current New York City Energy Conservation Code (NYCECC). (CB5 Zoning Letter, CB6 Zoning Letter, MBB)

Response: The applicant has provided detailed information on the sustainability program for the building indicating that it is pursuing a wide range of measures to achieve the maximum practicable LEED rating and maximum practicable energy performance. CPC is considering this proposal in relation to the applicable findings of the special permit.

Comment 64: The proposed building lobby should publicly display a comprehensive building water usage and energy performance dashboard showing where and how energy and water is continuously being conserved. (CB5 SP Letter, CB6 SP Letter)

Response: Comment noted.

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Comment 65: CPC should consider whether the findings of the Grand Central Public Realm Improvement Bonus relating to sustainability have been met by the SL Green proposal. (Brewer)

Response: Comment noted.

LAND USE, ZONING AND PUBLIC POLICY

Comment 66: There is some level of concern when evaluating the potential impact of this corridor as to whether the floor area bonus mechanisms would set an unintended precedent for development in the broader East Midtown neighborhood currently under study by the East Midtown Steering Committee. (Brewer)

Response: As described in Chapter 2, “Land Use, Zoning, and Public Policy,” a comprehensive rezoning of the East Midtown area is currently undergoing consideration as part of a broad planning process. This process will determine the appropriate density for various parts of East Midtown and the rezoning will be subject to its own environmental review.

SHADOWS

Comment 67: In the “worst-case” scenario, development of the Vanderbilt Corridor would cast substantial shadows on a number of sunlight-sensitive historic resources, including the landmarked Bryant Park and the New York Public Library (cf. DEIS, Chapter 5, pages 7, 8, 21, 22). (CB5 Zoning Letter, CB6 Zoning Letter)

Response: The potential shadow impacts of the proposed One Vanderbilt development were thoroughly analyzed in the EIS, and no significant adverse impacts were identified.

HISTORIC AND CULTURAL RESOURCES

Comment 68: SL Green is proposing a new office tower next to Grand Central Terminal that, while modern, is a fitting complement to Grand Central Terminal. The tower will be constructed with high quality materials, including glazed terra-cotta details that will evoke the Guastavino tile ceilings of the Terminal. At the base of the building the tower will peel away to showcase the cornice of the Terminal, which is currently blocked by the existing buildings on the One Vanderbilt site. Furthermore, the proposal will create a new public space from which residents, visitors, and passers-by can enjoy views of the Terminal and can experience the bustle of life in New York City. (Brewer)

Response: Comment noted.

Comment 69: The proposed transfer of unused floor area from the Bowery Savings Bank will enable the perpetual preservation of that landmark and is in keeping with both the goals of the Grand Central Subdistrict and the new Vanderbilt Corridor proposal. A restoration plan for that building has been approved by the LPC, as has a plan for continued maintenance. While there has been some criticism of the proposed text amendment for failing to balance the goals of preservation and improvement of the public realm, the 115,000 square feet of landmark floor area being transferred to One Vanderbilt shows that such balance is possible within the framework of this proposal. (Brewer)

Response: Comment noted.

Comment 70: We praise the Applicant for taking Community Board 5 and 6's concerns regarding the harmoniousness of their proposed building with Grand Central Terminal into account and for attempting to resolve them by revising the design, but the specific concerns raised by the proposed building's asymmetrical façade, use of glass and cacophonous base have not been alleviated. (CB5 SP Letter, CB6 SP Letter)

The building at One Vanderbilt fails to demonstrate a harmonious relationship with Grand Central Terminal. Its scale will overwhelm the elegant Beaux Arts building. The glass base will compete with the Terminal. (Law-Gisiko, Goldwyn)

Response: LPC reviewed Chapter 6, "Historic and Cultural Resources" of the DEIS, which concluded that while the proposed One Vanderbilt development would alter the visual context of the adjacent Grand Central Terminal, it would not result in a significant adverse contextual impact to the Terminal. Further, as noted in the DEIS, the setback of the base from East 42nd Street as it approaches Vanderbilt Avenue and the glass façade allow new views of Grand Central Terminal along the East 42nd Street sidewalk.

Comment 71: LPC must determine which sites in the Corridor and in the Greater East Midtown area are considered historic resources and worthy of designation, and those that are deemed landmark-worthy should be calendared prior to the completion of ULURP. (CB5 Zoning Letter, CB6 Zoning Letter)

Response: The designation of NYCLs is the purview of LPC. LPC reviewed the DEIS as well as the DEIS for East Midtown Rezoning and did not designate additional landmarks or calendar any resources for further review.

Comment 72: We request that any new buildings proposed in the Corridor, whether development rights are purchased or not, be reviewed with respect to their compatibility/harmonious relationship to Grand Central Terminal. (CB5 Zoning Letter, CB6 Zoning Letter)

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Any new development on Vanderbilt Avenue must demonstrate a harmonious relationship with Grand Central Terminal. We ask that CPC request a harmoniousness report to be issued by LPC for all development in the rezoned area, whether or not development rights are being transferred. (MBB, Law-Gisiko)

In the “worst-case” scenario, all five blocks being developed to the maximum possible 30.0 FAR would result in development that is not harmonious or contextual to the adjacent Grand Central Terminal. (CB5 Zoning Letter, CB6 Zoning Letter)

The text amendment must be specific in requiring LPC to issue a letter in support of the harmonious relationship to the Grand Central Terminal for any proposed building. (CB5 Zoning Letter, CB6 Zoning Letter)

Response: CPC is considering modifications to the proposed zoning text to require that, in the future, buildings utilizing the Public Realm Improvement Bonus adjacent to Grand Central Terminal provide a report from LPC on the harmonious relationship of the proposed building to the Terminal, regardless of whether they transfer from that landmark.

Comment 73: The Vanderbilt Corridor, as proposed could have a detrimental effect on surrounding historic and visual resources. (CB5 Zoning Letter, CB6 Zoning Letter)

Response: The conceptual analysis in the DEIS considered the potential impacts of future development in the Vanderbilt Corridor and concluded that significant adverse impacts on historic and cultural resources and potential mitigation measures would be identified during the environmental review for the redevelopment of the MTA site, 52 Vanderbilt Avenue site, and Roosevelt Hotel site. Pursuant to such environmental review, it is expected that a CPP would be developed and implemented to avoid adverse construction-related impacts. In addition, while it is not expected that the development of a 30 floor area ratio (FAR) building on the MTA site or the Roosevelt Hotel site would result in significant adverse contextual impacts on nearby architectural resources, as the architectural resources in the study area largely comprise mid- to high-rise commercial buildings, this determination can only be made conclusively when a specific development proposal is assessed and specific bulk and massing details are available (see Principal Conclusions in Chapter 19, “Conceptual Analysis”).

Comment 74: In the “worst-case” scenario, the landmarked Chrysler Building, when considered a visual resource, would be negatively impacted by new buildings that would essentially screen it from many vantage points on the skyline. (CB5 Zoning Letter, CB6 Zoning Letter)

Response: Potential impacts of the proposed projects on historic and visual resources, including the Chrysler Building, were assessed in Chapter 6, “Historic and Cultural Resources,” and Chapter 7, “Urban Design and Visual Resources.” Views along 42nd Street and from Long Island City were shown in Figures 7-34 through 7-37. As described in Response to Comment 79, no significant adverse impacts were identified. In addition, any future development within the Vanderbilt Corridor would be studied in separate environmental reviews; those reviews would include detailed assessments of the potential for significant adverse urban design and visual resources impacts and would propose mitigation measures for such identified impacts.

Comment 75: The Yale Club, Roosevelt Hotel and 52 Vanderbilt are located in the Vanderbilt Corridor and are listed in the DEIS as eligible historic resources, according to LPC criteria as well as the criteria of the State and National Register of Historic Places. Unless reviewed and designated by LPC, all three buildings are at heightened risk of being demolished. (CB5 Zoning Letter, CB6 Zoning Letter, Law-Gisiko)

CPC should consider the historic preservation concerns here, and at the very least, 51 East 42nd Street should remain standing and the rest of the tower grow up around it. I think the building deserves to be preserved under any standards. (Shapiro)

I strongly believe that a number of buildings in the broader area are eligible for and deserving of landmark designation. Within the Vanderbilt Corridor, I believe that the Roosevelt Hotel and the Yale Club are worthy of such consideration. This proposal creates new opportunities for the redevelopment of those sites, and CPC should seriously consider the real possibility of the destruction of these landmarks as a consequence of this proposal. (Brewer)

We fail to see why LPC is not part of this process, acting in concert with CPC to calendar unprotected historic resources on Vanderbilt Avenue. (Goldwyn, Newman)

Response: Chapter 6, “Historic and Cultural Resources,” assesses the potential impacts of the proposed actions on historic resources. LPC has been part of the process as a reviewer of the DEIS, in accordance with CEQR. The designation of NYCLs is the purview of LPC.

Comment 76: We’re not convinced that the current piecemeal proposals are what’s best for Midtown East and that a plan encompassing all of Midtown East, in conjunction with the designations of landmark quality buildings, wouldn’t be a more rational approach to preserve not only individual buildings, but the rhythm of the diverse and dynamic architecture that, along with transit, makes this a desirable neighborhood. (Goldwyn)

Response: As described in Chapter 2, “Land Use, Zoning, and Public Policy,” a comprehensive rezoning of the East Midtown area is currently undergoing consideration as part of a broad planning process. The environmental review of the rezoning will consider potential impacts to historic resources.

URBAN DESIGN AND VISUAL RESOURCES

Comment 77: In order to accommodate all of the bonus floor area into this small lot, the applicant is seeking significant waivers to the height and setback requirements of the Special Midtown District. These waivers occur on almost every floor and on all four sides of the building. Daylight scoring for One Vanderbilt has an average score of -62.10, with scores ranging from—32.98 along the 42nd Street frontage and a score of -94.37 along the Vanderbilt frontage. While these numbers seem abstract, when the building is constructed they will be readily apparent: for someone standing on the Vanderbilt Public Place, the building will almost entirely fill the sky. In some circles this would be considered abysmal and unreasonable on its face. However, in consideration of the daylight scores, CPC has always had the discretion to determine if the encroachment or degradation of daylight would be acceptable in the evaluation of a benefit to the general public. While that public benefit was traditionally landmark preservation, there is nothing in the zoning text to prevent CPC from weighing the value of transit improvements over landmark preservation, nor to prevent CPC from determining that any loss in one benefit trumps the gains in another. (Brewer)

Response: The daylight analysis referenced by the comment pertains to Section 81-27 of the Zoning Resolution, concerning as-of-right development within the Special Midtown Zoning District. As the proposed One Vanderbilt development is seeking special permits that allow modification to the existing height and setback controls through a discretionary action, it does not need to comply with Section 81-27. The waivers permitted under the proposed special permit text are similar to existing waivers, including under Section 81-066, which allow CPC to waive height and setback rules, provided that certain findings are made with respect to the proposed massing.

Comment 78: We are concerned that the requested modifications to the Special Midtown District Height and Setback regulations (Daylight Compensation and Daylight Evaluation) are excessive, radically lowering daylight levels in Midtown to pre-1916 pre-zoning daylight levels (Daylight Evaluation score is negative 62 % v. 75 % of the sky left open); this reduction in daylight is not adequately addressed by either DCP or the DEIS; and the magnitude of the reduction in daylight will set a precedent for future development in Vanderbilt Corridor and East Midtown. The other sites in the Vanderbilt Corridor do not front on two wide streets or the “air park” above Grand Central Terminal. DCP should provide a

rationale for what amounts to a waiver of the Height and Setback/Daylight regulations which, for example, have resulted in a daylight score for One Vanderbilt of negative 62% (Daylight Evaluation) rather than the Midtown standard of 75% of the sky left open. (CB5 SP Letter, CB6 SP Letter, CB5 Zoning Letter, CB6 Zoning Letter, Kwartler)

The failing sky exposure score of One Vanderbilt (-62, when a passing score is +75) is a major concern. Without seeing serious alternatives it is difficult to understand to what degree the failing scores are the result of fitting too much FAR into the building envelope. But as it stands, the current proposal undermines the access to light and air in streets, plazas, and adjacent buildings that longstanding height and setback rules aimed to protect. The history and purpose of the existing sky exposure regulations, the egregiously failing score for One Vanderbilt, and the impacts on streets and other buildings are not addressed in the ULURP application or in the Draft EIS. This would appear to be a failure to disclose potentially significant impacts. (Gruen)

Response: Chapter 7, “Urban Design and Visual Resources,” of the EIS assesses the potential impacts on urban design of the proposed actions. The Daylight Evaluation framework in the zoning text is calibrated to deliver a passing score for buildings designed to the as-of-right bulk of FAR 15 (ZR 81-211,) on typical lot conditions in Midtown. The square blocks of Vanderbilt Avenue present difficulty for compliance with the regulations at any density, and are particularly challenging for commercial buildings with higher densities. In the case of One Vanderbilt the podium height, not the tower height, has the greatest impact on the Daylight Evaluation score, though this height is in keeping with the scale of buildings found along this section of Madison Avenue, which were developed before these regulations were put into place. The proposed building has been designed to provide for light and air to surrounding streets and sidewalks. The building massing is articulated by a series of nested volumes that taper as they rise up in the building. The nested volumes, which result in recesses at the corners of the building, and the tapering form of the tower, ensures light and air at the surrounding street level and public spaces. Similarly, the recesses at the third floor and the setbacks provided along Madison Avenue and East 42nd Street will ensure light and air at the street level. Thus although the building cannot generate a passing score in the as-of-right framework, the design takes into account its goals of providing for light and air at the street level. The waivers permitted under the proposed special permit text are similar to existing waivers, including under Section 81-066, which allow CPC to waive height and setback rules, provided that certain specific findings are made with respect to the proposed massing.

Comment 79: There has been a recent proliferation of the super tall, but super slender residential towers in Midtown. The building at One Vanderbilt will be commercial and have a slightly broader profile. At the same time, it may

otherwise continue the trend: buildings that will dwarf such iconic structures as the Empire State Building and the Chrysler Building. (Rausse)

Response: As described in Chapter 7, “Urban Design and Visual Resources,” of the EIS, the height of the proposed One Vanderbilt development would be taller than other buildings in the study area but would generally be consistent with the urban design character of Midtown which is famous for its tall buildings, including the 59-story, approximately 769-foot-tall MetLife Building northeast across Vanderbilt Avenue, the 53-story, approximately 671-foot-tall Lincoln Building across East 42nd Street to the south, the approximately 945-foot-tall 51-story (plus approximately 300-foot-tall spire) Bank of America Tower at One Bryant Park two blocks to the west at West 42nd Street and Sixth Avenue, and the approximately 1,046-foot-tall 77-story (plus spire) Chrysler Building located approximately 750 feet east of the One Vanderbilt site on East 42nd Street and Lexington Avenue. Other tall buildings ranging in height from 30 to 69 stories are characteristic of Midtown, as it is a high-density commercial district. Therefore, the introduction of a new tall tower, with either the No-Action building or the proposed One Vanderbilt development, would be in keeping with the urban design character of Midtown and would not adversely affect a pedestrian’s experience of the urban design characteristics of the One Vanderbilt site.

Comment 80: The nearly all glass facades of One Vanderbilt may have the effect of creating visual dead space at street level. Standards on glazed fenestration should be established and enforced. (Rausse)

Response: As described in Chapter 7, “Urban Design and Visual Resources,” of the EIS, the building would have ground-floor and second-floor retail with glazing that would activate the adjacent sidewalks and would provide visual interest to pedestrians. The widened sidewalks on both East 42nd Street and Madison Avenue and the glazed façades would enhance the pedestrian experience of the One Vanderbilt development. The urban design analysis concludes that the proposed project would not have significant adverse impacts on the pedestrian experience.

Comment 81: Vanderbilt Avenue is considerably narrower than Madison Avenue and the intersecting side streets, and we are deeply concerned about the “canyon effect” if a series of 30 FAR buildings were to be permitted along the Vanderbilt Corridor, which, other than at 42nd Street, front on only one wide street. (CB5 Zoning Letter, CB6 Zoning Letter, Garodnick, Newman)

We appreciate that on 42nd Street, with the right considerations pertaining to daylight and sustainability, along with the public improvements at and below grade, a 30 FAR building at the One Vanderbilt site makes sense. However, we can not see any way a series of 30 FAR buildings north of One Vanderbilt,

adjacent to no wide streets nor a vast expanse of greenery, will ever be acceptable public policy. Such a conglomeration of towers, no matter what the public amenities, can not help but create a deadening canyon effect up Madison Avenue. (Task Force)

We are concerned what effect a canyon of 30 FAR buildings will have as it relates to environmental concerns not only at the Corridor but in the greater midtown area. (CB5 Zoning Letter, CB6 Zoning Letter)

Response: The Conceptual Analysis chapter of the EIS includes an assessment of urban design and visual resources. Following *CEQR Technical Manual* methodologies, this assessment analyzed the pedestrian experience of the Vanderbilt Corridor and concluded that the buildings that could be developed with the proposed zoning text amendment would be comparable to the scale and bulk of other existing large buildings in the 400-foot urban design and visual resources study area that characterize this area of East Midtown. The proposed One Vanderbilt development would be taller than other buildings in the study area. However, the proposed One Vanderbilt development and the redevelopment of the three additional projected development sites within the Vanderbilt Corridor would generally be consistent with the urban design character of Midtown which is famous for its tall building, with buildings in the study area ranging from 30 to 69 stories, and the Chrysler building at 77-stories (plus spire), which is located approximately 750 feet east of the proposed One Vanderbilt site. In addition, any future development within the Vanderbilt Corridor would be studied in separate environmental reviews; those reviews would include detailed assessments of the potential for significant adverse urban design and visual resources impacts and would propose mitigation measures for such identified impacts. See Response to Comment 3.

Comment 82: The built context of Vanderbilt Avenue is important. The buildings standing there today were the result of a form of comprehensive planning that is rare in the history of New York. These buildings speak to each other and to the development history of this neighborhood as one of the first examples of development based around, and supportive of, mass transit. Any new building in this corridor should fit within the built context of these blocks and should relate harmoniously to the Terminal. (Brewer)

Response: As described above, any future development within the Vanderbilt Corridor would be studied in separate environmental reviews; those reviews would include detailed assessments of the potential for significant adverse impacts on historic resources, including Grand Central Terminal, and on the urban design visual resources of the study area. Under the proposed text amendment, CPC must make certain specific findings relating to the massing of the building, including that the design “ensures light and air to the surrounding streets and public spaces.”

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Comment 83: Has sufficient attention been paid to view corridors? Try standing on 43rd Street near Fifth Avenue and looking east to take in one of the most magnificent views in Manhattan: the Chrysler Building fully lit and viewed through an intervening dark chasm. Then ask yourselves how new buildings on Vanderbilt, substantially unhampered by sky exposure plane rules, will affect that view, and, no doubt, other equally stunning views. (Gruen)

Response: The EIS includes an assessment of view corridors in Chapter 7, “Urban Design and Visual Resources.” That assessment concludes that with the proposed One Vanderbilt development, views to the Chrysler Building from the south sidewalk of West 42nd Street and Sixth Avenue and also from the south sidewalk of West 42nd Street and Broadway would be obstructed by a new tall building, but views to the Chrysler Building would remain available from many other existing vantage points, including from vantage points closer to the Chrysler Building in views north and south on Lexington Avenue and eastward and westward views from East 42nd and East 43rd Streets. As the proposed One Vanderbilt development would be located west of the Chrysler Building, views to the Chrysler Building from the east would be maintained. While the proposed One Vanderbilt development would be taller than the Chrysler Building, the Chrysler Building, including its architecturally distinguished tower and spire, would remain a prominent visual resource in the Midtown Manhattan skyline from vantage points to the east where wide, open views to this visual resource are available. Therefore, there would be no significant adverse impacts on the Chrysler Building.

CONSTRUCTION

Comment 84: The Applicant must create a Community Construction Task Force (CCTF) to keep the community stakeholders fully informed and consulted on all aspects of the development and sequencing of changes to the immediate vicinity. This CCTF would meet before the onset of demolition, then hold regular meetings weekly at the outset, then monthly or once a quarter. (CB5 SP Letter, CB6 SP Letter, Imbimbo)

Response: As described in Chapter 16, “Construction Impacts,” potential negative impacts from construction will be addressed through construction air emissions reduction measures, a fugitive dust control plan, and construction noise reduction measures. The applicant will also adhere to all applicable rules and regulations governing construction in New York City.

Comment 85: Attention must also be paid to the issue of barriers to walking at the site. In particular, newsstands that are removed for the construction period should not be put back where they block the free flow of pedestrian traffic, notably at the northwest corner at Vanderbilt and 42nd Street. (Sanchez)

Response: Chapter 16, “Construction Impacts,” includes detailed discussions of the One Vanderbilt development’s construction measures, including the use of construction barriers. Chapter 10, “Transportation,” accounts for sidewalk obstructions in the pedestrian analysis and proposes mitigation, where needed.

ALTERNATIVES

Comment 86: The DEIS is silent on the unprecedented reduction of daylight nor does it present alternatives to the proposed development. (Kwartler)

Response: The daylight analysis referenced by the comment pertains to Section 81-27 of the Zoning Resolution, concerning as-of-right development within the Special Midtown Zoning District. As the proposed One Vanderbilt development is seeking special permits that allow modification to the existing height and setback controls through a discretionary action, it does not need to abide by Section 81-27. Chapter 5, “Shadows,” examines potential shadow impacts; no significant adverse impacts were identified. Therefore, examination of an alternative with less shadow is not required. However, both the No Action Alternative and Lesser Density Alternative have less shadow. As stated in the Response to Comments on the Draft Scope of Work, the purpose of the alternatives analysis is to consider a range of reasonable alternatives to the project that have the potential to reduce or eliminate a proposed project’s impacts, while considering the goals and objectives of the proposed actions. The specific alternatives analyzed in the EIS were developed in consideration of the proposed project’s impacts.

Comment 87: There is simply no legitimate policy-based reason for ignoring these two alternatives to the rezoning —1) development under existing zoning and 2) a Public Realm Improvement Bonus of 7.5 FAR and increase in the permitted transfer under ZR 81-635 to 7.5 FAR. The City’s failure even to allude to them in its ULURP and CEQR documentation has already hindered full public consideration of the need for the rezoning, and it will continue to do so. (Selver)

Response: 1) Development under existing zoning is considered in the No-Action Alternative in Chapter 17, “Alternatives” of the EIS. 2) The second suggested alternative is similar to the proposed project in consisting of a combination of a Public Realm Improvement bonus and a transfer of landmark development rights. Development under the second suggested alternative is considered in Chapter 19, “Conceptual Analysis” of the DEIS. Moreover, the EIS studies the incremental development facilitated by the proposed actions, and that increment would be the same regardless of the mechanism used.

Comment 88: The DEIS fails to consider properly the range of alternatives to the rezoning. These must be revised and expanded to include:

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- (1) A fair discussion of the Lesser Density Alternative. The discussion of the Lesser Density Alternative in the DEIS omits the potential use of the City's authority under ZR Section 81-635, even as amended pursuant to the rezoning, to require improvements to the pedestrian circulation system in and around the Terminal. Use of that authority could have produced, in addition to the approximately \$52,000,000 in subway improvements generated by ZR Section 74-634, the Transit Hall and at least \$11,750,000 in other pedestrian circulation improvements.
- (2) No-Action. A No-Action, as-of-right development under existing law using 1 FAR of landmark development rights.
- (3) No Rezoning. A special permit development on the One Vanderbilt site under existing law that maximizes the use of the subway improvement bonus under ZR Section 74-634, utilizes 12 FAR of landmark development rights transferred from the Terminal, and includes amenities comparable to those provided at 383 Madison Avenue. This alternative would offer the public and those charged with deciding whether to approve the rezoning and the Special Permit an opportunity to determine for themselves the extent to which each is needed in light of the substantial improvements that could be generated under current law.
- (4) Full Benefit Rezoning. An amendment to the text of the Zoning Resolution permitting development of up to 30 FAR in the Corridor but providing that no more than one half of the additional floor area may be generated by the Public Realm Improvement Bonus and no more than one half may come from a development rights transfer from a landmark. This alternative would accomplish all three of the City's stated objectives; it would, consistent with the City's land use policy in Special Districts, ensure that the floor area bonus and the development rights transfer complement rather than compete with each other; and it would protect the constitutionality of the Landmark Law and public confidence that the City will continue to foster policies that protect both the physical integrity and financial viability of landmarks.
- (5) Keep the Circulation Improvement Mandatory. An alternative that contains the same provisions as the rezoning other than the elimination of the existing requirement in ZR Section 81-635 for enhancements to the pedestrian circulation system in and around the Terminal. This alternative would be more consistent with the need to provide infrastructure improvements that "address the scope and scale of [the area's] infrastructure challenges." (Selver)

Response: (1) In regard to the Lesser Density Alternative, the commenter seems to be suggesting a higher-density scenario than that studied, or a scenario that includes a mix of existing zoning mechanisms and mechanisms that do not currently exist. The lesser-density alternative studied in the EIS represents a scenario that CPC found to be reasonable for reviewing environmental impacts

of alternative scenarios, whereas the scenarios suggested by the commenter are highly speculative.

(2) The No Action condition on which the No-Action Alternative is based was selected to disclose the maximum impacts of the proposed actions (i.e., the maximum development increment). The No-Action Alternative suggested by the commenter would involve a lesser development increment and, therefore, would be a less conservative baseline for analysis than the No-Action Alternative studied in the EIS.

(3) Regarding a No Rezoning Alternative, there is no obligation under CEQR to analyze alternatives that do not satisfy the goals of the proposed actions. Moreover, it appears that the suggested alternative would be a 30 FAR building achieved through different zoning mechanisms. As the purpose of the EIS is to disclose impacts from development, the same building and development scheme would be studied in either scenario.

(4) Regarding the Full Benefit Rezoning Alternative, Chapter 19, “Conceptual Analysis,” does consider the impacts of developments in the Vanderbilt Corridor using a combination of the Public Realm Improvement Bonus and the landmark transfer mechanism.

(5) In regard to keeping the circulation improvement mandatory, one of the purposes of the proposed actions is to provide more flexibility for transfers for landmarks, in order to facilitate these transfers (which have not been occurring under current zoning). The change of the requirement to being at the discretion of CPC is intended to help achieve this goal.

Comment 89: The DEIS fails to examine a No Rezoning Alternative that includes a development rights transfer from Grand Central Terminal and an alternative in which additional floor area for new developments in the Corridor comes from both landmark development rights transfers and public realm improvements. (Selver)

Response: Chapter 19, “Conceptual Analysis,” of the FEIS has been revised to state that the development of the other sites in the Vanderbilt Corridor could rely on the Public Realm Improvement bonus or the landmark transfer mechanism or a combination of the two as does the proposed One Vanderbilt development. As no public realm improvements were assumed in the Conceptual Analysis, the impacts disclosed in the FEIS are the same as those in the DEIS. Therefore, the development considered in the Conceptual Analysis fully discloses the potential impacts of the suggested alternatives.

MISCELLANEOUS

A number of speakers at the February 4th public hearing and people who submitted written comments during the public comment period commented on aspects of the proposed actions and proposed One Vanderbilt development that were not related to the DEIS.

Comment 90: What is the impact on the Landmarks Law if the transferrable development rights that come with designation can lose their value overnight when the City decides to upzone and sell the newly created FAR in competition with owners of landmarks? This is not just a problem for a particular owner, but a problem of public policy and defense of the Landmarks Law. That Law’s constitutionality was sustained by the leading Penn Central case in which the Supreme Court relied considerably on the availability of TDRs. Might the Supreme Court today view the Landmarks Law differently if the City expresses its willingness to wipe out the value of TDRs? And, even if not, consider the position of the many owners who have consented to Landmark designation on the assumption that they will retain valuable air rights. The proposed zoning substitutes the City as source of development rights in lieu of owners of nearby landmarks. In doing so, it undermines the constitutional basis for the City’s Preservation law, since the ruling in the key case adjudicating the law's constitutionality based its determination in part on the extent to which transferable development rights mitigated the burden imposed by the government on the owners of landmarks. (Gruen)

Response: Comment noted.

Comment 91: Under the City’s Landmarks Law and Zoning Resolution, the basic bargain between the City and the private owner is that the owner is subject to the restrictions that come with historic landmark status, in exchange for the exchange for the ability to transfer unused development rights to nearby landowners. If those rights are instead made essentially worthless, the basic bargain is abrogated and just compensation is owed. The latest proposal reneges on that bargain, by letting a small handful of developers, including SL Green, to redevelop, without transfer of a single Grand Central development right, destroying the basic value of those rights. (Tribe, Selver)

Response: Comment noted.

Comment 92: Under the rezoning and Special Permit, the unused Grand Central development rights are no longer “valuable.” At the time of the Penn Central decision, Grand Central’s unused development rights were “made transferable to at least eight parcels in the vicinity of the Terminal, one or two of which have been found suitable for the construction of new office buildings.” Today, the only buildings “suitable for the construction of new office buildings,” on any reasonable time horizon, are in the Vanderbilt Corridor. For these sites, the rezoning has

eliminated any prospect of Grand Central transferring to these sites in a way that a court might consider “valuable.” Indeed, the Rezoning permits development without use of a single Grand Central development right. Instead, development can achieve maximum possible density through a Public Realm Improvement Bonus, obtainable upon public approval of infrastructure improvements. The City has demonstrated that it will support these improvements, even when they are far less expensive than the fair value of density in the Vanderbilt Corridor. Accordingly, development will proceed in the Vanderbilt Corridor through use of the Public Realm Improvement Bonus, not through any “valuable” transfer of Grand Central’s unused development rights. (Loft, Hess)

Response: Comment noted.

Comment 93: Does the current Vanderbilt proposal overcome the constitutional infirmities of the earlier East Midtown proposal? Doesn't it still fail the Nollan/Dolan tests because it trades on market value rather than on the public burdens created by a developer's construction of additional FAR? How does it meet the proportionality test if the owner is required to contribute substantially to public improvements that are necessitated not by the relatively few visitors to say, One Vanderbilt, but by the needs of tens of thousands of people travelling hourly through this major transportation hub to reach entirely different destinations?

The very premise of the proposed Vanderbilt rezoning is that, when availed of, it will result in greater burdens in terms of density, use of transportation facilities, generation of traffic, and similar impacts which need to be mitigated by contributions to the public realm in the form of improvements to the pedestrian circulation system and the transportation infrastructure. Thus, it is presumed that the public suffers from construction under the new zoning. The public also suffers if, notwithstanding good intentions, a commission which should be devoted, independently and neutrally, to planning the City’s urban environment, and mediating conflicting land use issues through a comprehensive plan and regulatory regime, might actually, even subconsciously, be engaged in large scale fund raising on behalf of other agencies.

The City’s role as a seller and regulator of development rights creates an incentive for pricing these rights below their market value and for misusing zoning as a revenue generator, instead of as a tool in the implementation of comprehensive plans. This incentive draws the City away from its rightful role of balancing private interests and maximizing public benefit.

Because it constitutes a form of exaction, the public benefit required in exchange for an FAR bonus must relate proportionally to the new development resulting from the bonus. Instead of basing the size of the bonus and the public benefit on this principle, the proposed plan bases it on confidential case-by-case

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negotiations with individual landowners, thereby rendering the plan vulnerable to the characterization of unauthorized contract zoning. (Gruen)

Response: Comment noted.

Comment 94: My considered judgment is that the proposal would effect an unconstitutional taking of the Grand Central owner's property that would trigger the obligation to pay just compensation. (Tribe)

Response: Comment noted.

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