East Midtown Steering Committee Final Report

October, 2015

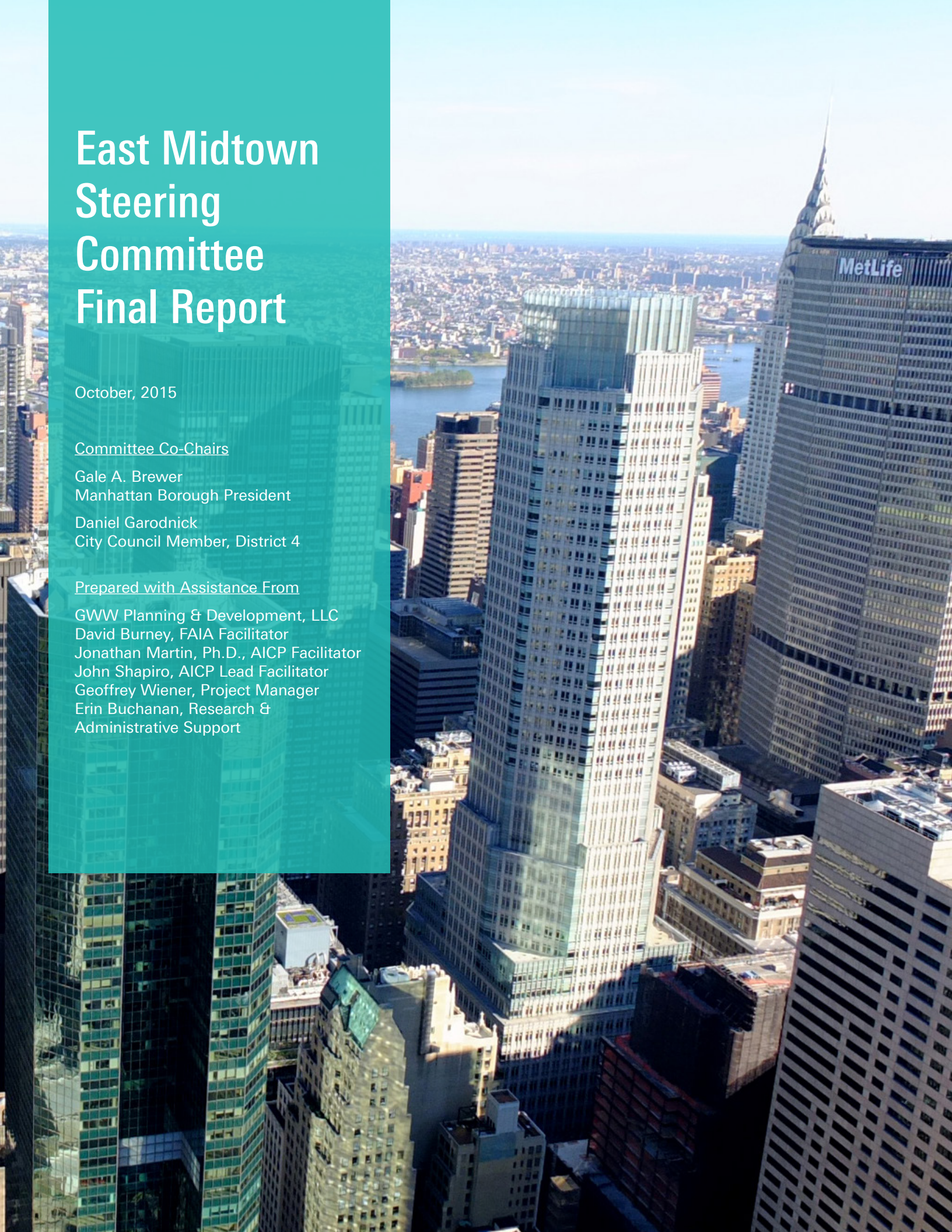
Committee Co-Chairs

Gale A. Brewer
Manhattan Borough President

Daniel Garodnick
City Council Member, District 4

Prepared with Assistance From

GWW Planning & Development, LLC
David Burney, FAIA Facilitator
Jonathan Martin, Ph.D., AICP Facilitator
John Shapiro, AICP Lead Facilitator
Geoffrey Wiener, Project Manager
Erin Buchanan, Research & Administrative Support



The Upper Level Concourse: *Grand Central Terminal copyright Metropolitan Transportation Authority. Used with permission*

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Front Cover – Bird's-eye view of East Midtown towards the southeast: *Jonathan Martin*

Aerial Photo of Study Area: *Google*

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Park Avenue Looking South from 52nd St.:
Municipal Art Society / Nika Taubinsky

East Midtown Steering Committee Members

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Hon. Gale A. Brewer, Co-Chair

Manhattan City Council Member, District 4
Hon. Daniel Garodnick, Co-Chair

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Municipal Art Society
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Regional Plan Association
Chris Jones

Acknowledgements

The first acknowledgments should be to the co-chairs, Gale Brewer and Daniel Garodnick, who provided outstanding leadership, and to the dedicated Steering Committee members who took part with enthusiasm and open minds. Many others also contributed information, ideas, critical perspectives, insights and recommendations regarding East Midtown. Some lent precious time participating in two-hour plus Steering Committee meetings and others contributed at countless smaller consultations and work sessions with the facilitation team. The team gratefully thanks them all and apologize in advance to those who were inadvertently omitted.

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Manhattan Community Board 6	John West
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SUMMARY AND INTRODUCTION

Grand Central Terminal south facade at night: *Eric Baetscher (Creative Commons license)*

Executive Summary of Recommendations

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

LAND USE AND DENSITY

Sites in East Midtown should be entitled to achieve increasingly higher maximum Floor Area Ratios (FARs) depending on the number of site-specific criteria that are present. The criteria fall into two categories: (1) connectivity or immediate proximity to transit; and (2) extra air and light as a result of a variety of factors such as frontage on wide streets and avenues.

Additional FAR should be earned — first by making specified transit improvements (especially to the extent that they are set forth in the Zoning Resolution pursuant to an area-wide plan), and then either through plaza bonuses and/or through air rights transfers from designated Landmarks in East Midtown ("Landmark TDR").

Designated Landmarks in the area should be permitted to transfer their existing unused air rights throughout the entire district.

Landmark TDR should be permitted as-of-right under the Zoning Resolution, and a significant percentage of the sale of each transfer would be made as a contribution into an "Improvement Fund" for area-wide public realm improvements, with a per square foot minimum contribution.

2 NOTE: A glossary of commonly used zoning and other planning terms is found at Appendix A2

Overbuilt sites (where FAR exceeds that now allowed by zoning) should have the ability to build back to their existing FAR as-of-right without transfers or bonuses, if they contribute into the Improvement Fund at a prescribed rate.

All the above should be as-of-right if done in accordance with prior plans approved under the Uniform Land Use Review Procedure (ULURP) addressing both transit and the public realm.

Current regulations should remain in place to preserve light and air; these should be studied by the New York City (NYC) Department of City Planning (DCP) in cooperation with the stakeholders on the Steering Committee, to determine whether any modifications are appropriate for higher density office development on small lots. If the project cannot be completed within height and setback and related regulations, a Special Permit would be required.

To encourage predominantly office buildings through these new mechanisms, sites should be subject to a hotel Special Permit, and a maximum amount of permitted residential floor area in connection with both new development and reuse of older office buildings.

New development taking advantage of the added FAR should also be required to meet a higher environmental standard.

IMPROVEMENT FUND AND PLACEMAKING

Revenue secured through Landmark TDR should be held in the Improvement Fund.

A "Governing Group" with appointees of the Mayor, local elected officials, and representation by Community Boards and other stakeholders should set planning and project management priorities, as well as the use of funding for specific projects once available.

Parameters should be employed to ensure funding for both above- and below-grade improvements over time. One priority is to amplify and celebrate Grand Central Terminal as the centerpiece for East Midtown. Key corridors should receive special attention for placemaking and pedestrian improvements.

LANDMARK DESIGNATION

The NYC Landmarks Preservation Commission (LPC) should calendar and designate as Landmarks as many historic resources as it deems appropriate and do so no later than the certification date of the rezoning of Greater East Midtown.

Formation and Purpose of the Steering Committee

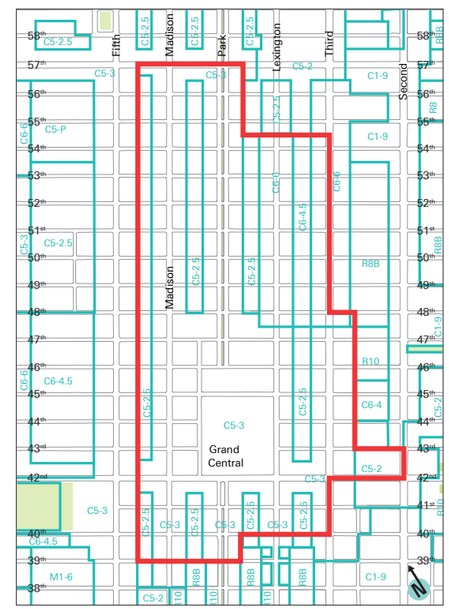
The East Midtown Steering Committee's mission is to identify planning policies to enhance East Midtown's economic competitiveness, public spaces, transit facilities and historic resources so it continues to be the premier office district for the New York region.

The Steering Committee's work builds upon a 2013 rezoning effort by the DCP under then Mayor Michael Bloomberg (the "Bloomberg Proposal") to spur commercial development by permitting higher density development in the area surrounding Grand Central Terminal and to generate a District Improvement Fund for public capital projects within this district, thereby taking full advantage of the incomparable accessibility provided by the Terminal and the upcoming opening of the Long Island Rail Road East Side Access project (for more information see the DCP website at: http://www.nyc.gov/html/dcp/html/east_midtown/index.shtml).

The 2013 proposed rezoning created a new East Midtown Subdistrict (within the Special Midtown District) that extended mostly from Third Avenue to 150 feet east of Fifth Avenue, and from approximately East 40th to East 57th Streets (see Map on page 17). The Bloomberg Proposal was withdrawn prior to City Council consideration amid a lack of public and political support and amidst calls for a more comprehensive and carefully considered approach to planning, developing and upgrading the city's vital but heavily congested business district.

Recognizing the economic and public realm needs that spurred the Bloomberg Proposal, Mayor de Blasio established the East Midtown Steering Committee in May 2014 and requested that Manhattan Borough President Gale Brewer and Manhattan City Council Member Daniel Garodnick serve as co-chairs. The Steering Committee includes representatives from ten stakeholder groups that are fairly evenly distributed among three sets of interests: the local Community Boards, business and real estate interests, and citywide civic and labor organizations. The Steering Committee's first meeting was on September 30, 2014. The Committee was charged with developing a new planning framework for the future of East Midtown that will inform all re-zoning, funding and capital commitments, and other policy decisions there.

UNDERLYNG ZONING AND 2013 PROPOSED REZONING AREA



The announcement of the Steering Committee's formation was accompanied by the following statements expressing some of the aims and aspirations for East Midtown held by the co-chairs as well as the Chair of the NYC City Planning Commission:

"The plan for Greater East Midtown must put the needs of the public at the top of the agenda, including to strengthen the transit network, relieve congestion on our sidewalks, create new open space, and preserve historic resources."

—GALE BREWER, MANHATTAN BOROUGH PRESIDENT (CO-CHAIR)

"The proposal should be for a vibrant 21st century business district and not an isolated set of new skyscrapers, disconnected from the world around them; and for appropriate density and urban design for the entire district."

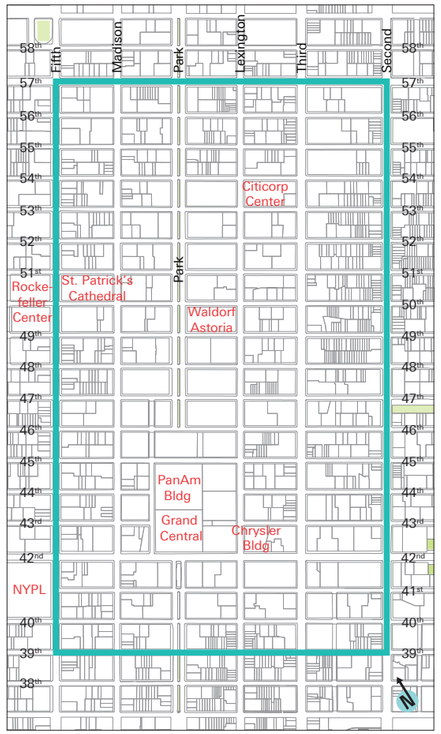
—DANIEL GARODNICK, MANHATTAN CITY COUNCIL MEMBER (CO-CHAIR)

"East Midtown is the engine of our economy, and the office stock is too old to support that. We believe the result will truly be a Greater East Midtown

—CARL WEISBROD, CHAIR, NYC CITY PLANNING COMMISSION

Work Undertaken

STUDY AREA BOUNDARY



Between September 30, 2014 and June 23, 2015 the East Midtown Steering Committee met 19 times to inform itself of the issues, hear from outside stakeholders and subject matter experts, consider alternative planning proposals, and arrive at draft preliminary recommendations. An additional conference call meeting was held July 30, 2015 to solicit feedback on the draft set of recommendations. Meetings lasted two to three hours and were almost perfectly attended. Both Co-chairs were present for every meeting. In total approximately 50 hours were spent in Steering Committee presentations, discussions, and deliberations. The full schedule of Committee meeting agendas is found on page 21.

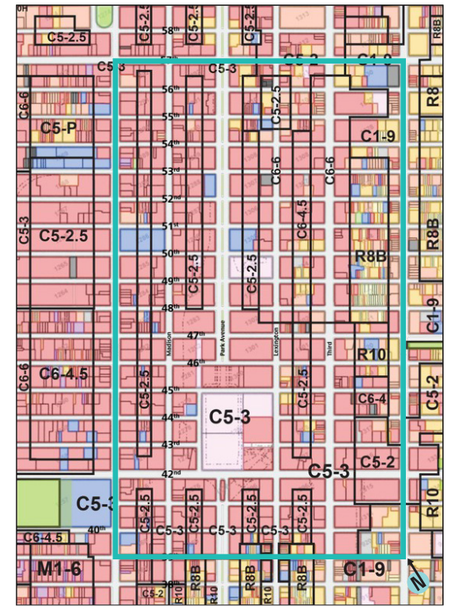
The first order of business was to define the boundaries of the Steering Committee's Study Area. These were drawn more broadly than the 73-block rezoning area defined in the Bloomberg Proposal to ensure that all information relevant to the district would be considered. The Study Area encompasses 90 blocks between East 39th and East 57th Streets from Fifth Avenue to Second Avenue (see map to left). Its land area, excluding streets, is 8.2 million square feet, or approximately 190 acres. There are 830 separate tax lots (with an average size of 10,000 square feet), containing a total of 118 million square feet of building floor area. This yields a current overall FAR of approximately 14.3, which underscores the fact that East Midtown is largely built-out under current zoning.

As shown by the floor area breakdown below and the map on page 19, this part of East Midtown is largely commercial in character, with small areas of mixed commercial and residential development, mainly along its eastern fringe. Only 8.5 percent of its space is residential, with approximately 12,000 dwelling units. Office and other commercial spaces predominate, occupying over 90 percent of all floor area in the district.

TOTAL OF 860 BUILDINGS WITH 118 MILLION SQUARE FEET OF SPACE

87 million sq. ft Office (74 percent)	6 million sq. ft. Retail (5 percent)	12 million sq. ft. Other/Undefined Commercial Uses (10 percent)	10 million sq. ft. Residential (c. 12,000 units) (8 percent)	3 million sq. ft. Other/ Undefined Uses (3 percent)

STUDY AREA LAND USE AND ZONING DISTRICTS



- One & Two Family Res.
- Multi-Family Res. (Walkup)
- Multi-Family Res. (Elevator)
- Mixed Residential & Commercial
- Commercial Use
- Industrial / Manufacturing
- Transportation / Utility
- Public Facilities & Institutions
- Open Space & Recreation
- Parking
- Vacant Land

Small sections of the Study Area are zoned residentially that the Committee determined should stay residential. Another consideration in defining Study Area boundaries was a desire to incorporate the nonresidential portions of the area's two Business Improvement Districts (BIDs): the Grand Central BID and the East Midtown BID. Map 3 shows these in relation to the Steering Committee's proposed rezoning area boundaries and the Study Area. The BIDs cover the majority of the Study Area and almost all of the proposed rezoning area.

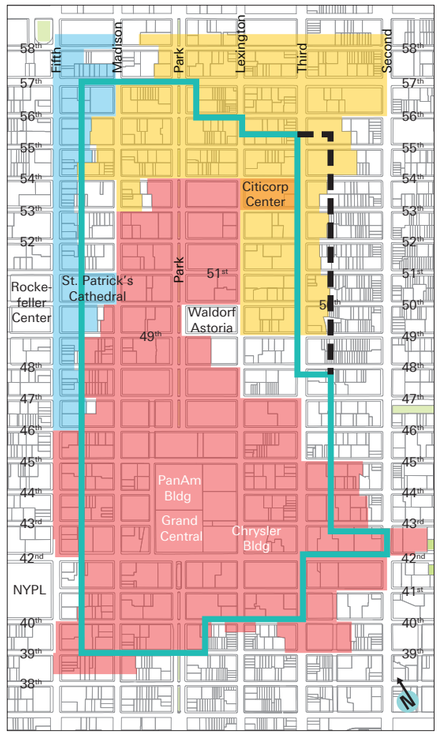
The Steering Committee decided to largely adopt the Bloomberg Proposal's rezoning area boundaries designated as the East Midtown Subdistrict for its own proposed commercial zoning changes. The only substantive modification the Committee recommends be considered is to possibly include the commercially-zoned east side of Third Avenue between East 48th Street and midway between East 54th and East 55th Streets (not included within the 2013 proposal) after more outreach and consultation with the business community and Manhattan Community Board 6. A non-substantive recommended change is to include six properties on the south side of 55th Street between Park and Lexington Avenues (where the Landmarked Central Synagogue is located). This frontage was excluded on the 2013 zoning map, but the zoning text gave these properties the ability to transfer unused Landmark development rights as if they were included.

Steering Committee discussions were organized into five separate, but overlapping, areas of mutual concern:

1. Preserving the district's considerable historic and architectural resources
2. Improving the district's public realm, including streets, sidewalks, plazas, privately owned public spaces (POPS), and the underground network of pedestrian connections, subways, and commuter rail
3. Considering potential revisions to zoning regulations governing development densities, transfers of development rights (TDRs), permitted land uses, and building height and setback controls to preserve light and air
4. Exploring possible ways to fund, prioritize, plan and implement improvements to the public realm including transit prior to, or if necessary coincident with, new development
5. Ensuring East Midtown will be at the forefront of efforts to limit energy consumption and greenhouse gas emissions and embrace environmentally sustainable practices.

A facilitation team of four professional planners served as consultants and advisors to the Steering Committee. All four planners enjoy a relationship with Pratt Institute's graduate City & Regional Planning program, but were employed in a freelance capacity under the direction of GWW Planning & Development, LLC. The facilitators structured the planning process and provided subject matter expertise

BIDS AND PROPOSED 2015 REZONING AREA BOUNDARIES



to offer insights, key up the right conversations, manage expectations, and promote agreement among the Steering Committee members. The work was accomplished in 19 full Steering Committee meetings and over 80 private meetings with stakeholders, as well as the Office of the Mayor of New York City, NYC Department of Transportation (DOT), Landmarks Preservation Commission (LPC), New York State Metropolitan Transportation Authority (MTA), in addition to the Department of City Planning (DCP) as the lead agency for the City of New York.

From the outset, the Steering Committee members were highly engaged and participatory. The sessions were characterized by open and substantive dialogue on the issues, with members thinking broadly of East Midtown's future over the long term, rather than immediate, narrowly defined stakeholder interests. The emphasis was on collectively exploring ways in which the full range of the participants' objectives could be achieved. The Steering Committee recognized that this meant give and take and that no group will see all of its objectives embraced by the resulting consensus recommendations, but that there are opportunities for significant shared benefits if members were willing to compromise.

The Steering Committee also actively sought outside opinions from stakeholders with significant property interests in East Midtown and from outside experts in real estate, planning and sustainable development policies. Approximately halfway through the Steering Committee's nine months of work several panel discussions were arranged with the following groups of invited guests:

- East Midtown commercial property-owners and developers (on January 6, 2015)
- Owners of designated Landmarks with large amounts of unused development rights (on January 20, 2015)
- Sustainable development experts (on February 3, 2015)
- Experts with large-scale regional and international planning/development experience (on February 24, 2015).

These expert panels were in addition to consultation by the facilitation team with experts in the fields of planning, land use law, development and implementation. The panelists and outside experts are listed in the acknowledgements on page 11.

Thus, drawing upon a wide range of outside information sources, the Steering Committee has explored in some detail the district's underlying challenges and their potential solutions. Its recommendations are intended to be sufficiently specific to define both the Steering Committee's policy goals and the ways in which they might be achieved.

MEETING DATES AND MAJOR AGENDA ITEMS

DATE	MAIN AGENDA
September 30, 2014	Introduction to Facilitation Process & SWOT Exercise (Strengths, Weaknesses, Opportunities & Threats posed by 2013 proposed rezoning)
October 21	Historic Resources I
October 28	Public Realm I
November 13	Landmarks Preservation Commission Presentation
December 2	MTA Presentation on Transit
December 16	Public Realm II
January 6, 2015	Panel Discussion with Developer/Owners
January 20	Panel Discussion with Air Rights Owners
February 3	Panel Discussion on Sustainability/Midtown Spec. District Light & Air
February 24	Panel Discussion with Big Thinkers in Planning & Real Estate
March 17	TDR & Earned Bonuses (Plaza, Subway, Transit) I
March 31	Follow-up with LPC/Intro. to New Framework for Density and Bonuses
April 7	TDR, Land Use, New Density & Bonus Proposal II
April 28	Follow-up with MTA/Implementation Strategies
May 5	Reconciliation I (focus on Historic Preservation) & continuation of Implementation Strategies workshop
May 12	Reconciliation II (focus on TDR, Density & Land Use)
May 19	Reconciliation III (focus on Public Realm & Transit)
June 2	Reconciliation IV (focus on Sustainability & Implementation)
June 23	Reconciliation V Wrap-up of Unresolved Issues
July 30 Conference Call Mtg.	Discussion of Draft Recommendations Report

STEERING COMMITTEE TIMELINE

SEPTEMBER 30 2014
Steering Committee Kick-Off Meeting

2014		2015				
OCTOBER	**NOVEMBER & DECEMBER**	**JANUARY, FEBRUARY & MARCH**	**APRIL**	**MAY**	**JUNE & JULY**	**AUGUST**
2 Meetings	3 Meetings	6 Meetings	2 Meetings	3 Meetings	3 Meetings	
Historic Resources	Public Realm & Transportation Improvements	Land Use, Density & Form	Implementation Strategies	Integration & Reconciliation	Drafting, Review & Agency Vetting of Committee Recommendations	Finalization of Recommendations

57 Individual Interviews With Committee Members and Other Stakeholders

39 Agency Work Sessions and Inter-Agency Reviews

Preface to the Recommendations

The Steering Committee has assembled an impressive set of planning principles to guide future policies and government initiatives within East Midtown. They do not rise to the level of draft regulations or legal policies, but suggest implementation mechanisms based on known precedents and the considerable experience of its members and other meeting participants.

Not all of the listed guidelines represent the position of every group on every issue, nor should they be read that way. It would be naïve to expect such a disparate and inclusive group of stakeholders could or should be able to reach such unanimous conclusions. The Steering Committee's crucial achievement is that each of its members has concluded that this package of recommendations is balanced and reasonable and that together will advance the overlapping goals that the Committee was asked to advance. In that sense they incorporate the most important views of ALL stakeholder groups.

While the Steering Committee has been able to achieve significant specificity in its recommendations, it recognizes that some tweaking will be in order based on new information and legal or other considerations. The Steering Committee is aware that principles are only useful to the extent there are practical ways to realize them and that implementation of recommendations can be more problematic than it first appears, requiring modifications. There are a number of places within this document where analysis and refinement of proposals are noted as needed.

All the same, significant departures from what is recommended should be done with renewed consultation with Steering Committee members as well as the public at large; even the smallest detail may in fact loom large in significance. The Steering Committee Co-Chairs are considered the repository and guardian of such tradeoffs.

Three themes run through these guidelines. One is that the City should build upon the successful elements of the Special Midtown District zoning regulations, and upon the extensive past work done by City agencies, the area's two Business Improvement Districts, the MTA, the Tri-Board Task Force, as well as civic organizations – namely the Historic Districts Council, Municipal Art Society, New York Landmarks Conservancy, and Real Estate Board of New York. Indeed, the participation of all of these entities on the Steering Committee assured a more thorough planning process.

The second theme is that the Steering Committee's recommendations must reflect a long (as much as 50-year) timeframe and seek to address East Midtown's acknowledged district-wide public realm shortcomings: a dearth of inviting public spaces and amenities, overcrowded streets and sidewalks, and an overburdened transit network. Future growth within East Midtown must be preceded or accompanied by practical and visionary improvements to the public realm and transit system that go beyond mitigation of immediate impacts from a particular development project or rezoning. The recommended guidelines and their particulars are geared to incentivize the funding and implementation of these improvements over time where they are most needed within the district as new development occurs.

The third theme is that future growth within this already heavily developed and overburdened district must occur within the context of an ongoing process to conceive, prioritize, plan for and project manage accompanying public realm improvements, with the full participation of various public and private stakeholders. New zoning regulations are generally expected to remain in place for 30 to 50 years, but economic cycles, market imperatives and private sector initiatives change every five years or so. A static master plan – however brilliant – will be out-of-date soon after its adoption. But a flexible planning and implementation process guided by sound principles can ensure that the functionality and attractiveness of the district improves continuously, as new land uses, buildings and public improvements are incentivized in a coordinated manner so as to address the challenges that the Steering Committee was formed to tackle.

An underlying belief that permeates all these themes is that East Midtown has an important role to play in New York City and the region as an economic engine and creator of good quality jobs. These will benefit workers in a variety of industries, with varied educational and training backgrounds - not only clerical and office workers, but the personnel on new construction and rehabilitation projects, building maintenance workers, security providers and employees in the retail, restaurant and hospitality trades. As such, it supports households at all economic strata and contributes to a more just and equitable metropolis.

Given the broad scope of the assignment, the complexity of the issues and the diverse views represented on the Steering Committee, it should not be surprising that over 60 wide-ranging recommendations have been developed and that some involve technical zoning proposals. These are presented in three sections of the report following this introduction: Section Two on Historic Resources (its recommendations all have the prefix "A"); Section Three on transfer of development rights, density, land use and sustainable development (with recommendations labeled "B"); and Section Four about placemaking and the public realm, including transit (with recommendations labeled "C"). The report also contains maps, photographs, and illustrations prepared by the facilitation team from publicly-available online information and documents issued by New York City or prepared by the Metropolitan Transportation Authority.

Park Avenue office towers at dusk: *Jonathan Martin*

Conclusion

The Steering Committee discussed early on that it aspires to make East Midtown a place that people want to be, rather than just a place to work or pass through, and in so doing to maintain its position as the economic engine of the city and region. Because of its centrality and its long history as an internationally renowned business, retail and tourist destination, the City should encourage its redevelopment with iconic architecture, world-class amenities, and magnificent pedestrian and transportation infrastructure.

New York City's East Midtown office district is an historic, vibrant and highly profitable business neighborhood. It is fortunate to have terrific transit infrastructure, a number of historic and architectural gems, and robust commercial real estate, retail and hotel markets. But to remain competitive as a world business capital it should also have the ability to modernize its office inventory in tandem with creating an attractive and dynamic public realm of streets, shops, plazas, sitting and walking areas that are inviting seven days a week, 24-hours a day.

What the Steering Committee has found is that achieving all of these qualities is a balancing act. The principles espoused and the specific strategies proposed in its recommendations seek to achieve this balance and offer workable solutions to challenges identified by the stakeholders who gathered around the table.

The Steering Committee is optimistic that the district will continue to thrive and advance if a balance of continuously-improving basic services (like transportation), amenities (like public open spaces), and opportunities to develop state-of-the-art commercial space (that is competitive in world real estate markets) can all be provided. It is necessary but not sufficient to promote new commercial development in the district. East Midtown will continue to be a sought-after location for international and local businesses and visitors only if its streets, subways and pedestrian amenities become increasingly attractive and inviting, rather than merely easy to get to and energetic. It is this balance to which the Committee's recommendations aspire.

Art deco office building entry: *Jonathan Martin*

HISTORIC RESOURCES

The Value of East Midtown's Historic Resources

The preservation of the historic resources of East Midtown is essential for **(1)** safeguarding their intrinsic value as exemplary architecture, in some cases designed by the most important of the city's architects – such as William Van Alen, the designer of the Chrysler Building; **(2)** for providing a record of the development of the district, as exemplified by Terminal City – which was planned as the city's office and hotel hub in conjunction with Grand Central Terminal; and **(3)** for honoring the cultural history and identity of the district – as exemplified by religious edifices such as Saint Patrick's Cathedral.

The historic architecture of East Midtown ranges from intimate row houses dating from when the district was a residential neighborhood to iconic buildings such as the General Electric Building. Presently in East Midtown, 39 buildings are designated as Landmarks under the New York City (NYC) Landmarks Law and five have been calendared to be considered for designation by the LPC (see map on page 29). More buildings are considered by many observers to be worthy of preservation – if not through actual designation as Landmarks, then through incentives, and ideally both.

Preserving East Midtown's historic resources is equally important for urban design and economic development reasons. The checkerboard distribution of historic buildings – which are mostly masonry, often with highly decorative facades – provides welcome architectural eclecticism for a district characterized by large-scale glass boxes. Thirty-seven historic buildings in the Study Area are at a lower scale than that allowed by zoning[2]. Of these underbuilt properties, 24 are existing designated Landmarks and 13 were identified in the Final Environmental Impact Statement (FEIS) for the 2013 proposed rezoning as potentially eligible to be designated Landmarks. Many of these buildings

2 Not all of these underbuilt Landmarks still retain all their unused development rights, however. Of these 24 properties five have been included in zoning lot mergers that allow the transfer of development rights from the Landmark to adjacent properties in order to build a new project with added floor area.

EXISTING LANDMARKS AND LPC CALENDARED PROPERTIES

There are 39 landmarks and 5 LPC Calendared properties in the Study Area.

LPC Landmark

LPC Calendared Property

provide much appreciated light and air to the pedestrian environment as well as to neighboring buildings. While most of the historic buildings have layouts typically unsuited to the large-scale office tenants that pay top rents, in this way they provide the opportunity for a greater diversity of office tenancy at a variety of prices. As their typologies and sizes vary, the historic buildings furthermore support a range of uses that create a more interesting place to work and visit.

Thus, the East Midtown Steering Committee strongly urges the Landmarks Preservation Commission (LPC) to review, calendar and designate as many historic resources as it deems worthy. This is also essential to provide greater clarity in the real estate market place, allowing property owners to better know how to invest in their buildings as well as developers to know what is viable in terms of assemblage and redevelopment. This starts with the LPC ruling without further delay on the five buildings that have already been calendared for review.

The Steering Committee further concludes that the rezoning of the district should be supportive of preservation and restoration of the area's historic resources. The City should work to maintain the architectural merit, land use variety, and economic versatility of East Midtown. The Steering Committee views the goals of promoting historic preservation and encouraging commercial redevelopment as mostly compatible.

HISTORIC RESOURCES: GUIDELINES

A1 The LPC should move with all due speed to Calendar and designate as many of the buildings eligible for designation as it deems appropriate, certainly no later than the introduction of proposed zoning by the NYC Department of City Planning (DCP) under the Uniform Land Use Review Procedure (ULURP). The LPC has surveyed the East Midtown several times and, as part of the FEIS for the Bloomberg rezoning proposal, identified 30 undesignated historic resources that could be eligible for designation. Over the past few years, historic preservation advocacy organizations also surveyed the district and came to agreement on the particular historic and architectural merit of least 17 buildings.

Of the 30 historic resources identified by LPC, five have been calendared for potential designation; note that the NYC Buildings Department alerts LPC before issuing any building permit for work on Calendared buildings. These are: the Benjamin Hotel at 557 Lexington Avenue, the Graybar Building at 420 Lexington Avenue, the Halloran House / Shelton Club Hotel at 525 Lexington Avenue, the Hotel Lexington at 511 Lexington Avenue, and the Pershing Square Building at 120 Park Avenue.

This puts the great majority of potential Landmarks at risk, wherein the property owners can significantly alter or even demolish the buildings. Even if they wished otherwise, property owners are not certain as to what standard to which they should renovate their buildings. Regulatory ambiguity is not good for the public interest or for real estate investment. The best and fastest way to resolve this problem is for the LPC to come to a decision as soon as possible.

A2 The City should provide a robust zoning incentive for the preservation of designated Landmarks that do not have the ability to enjoy the full density and development benefits of their underlying zoning. As fully discussed in Section 3, Landmark Transfer of Development Rights (Landmark TDR) should be employed on a district-wide basis to unlock the ability of designated Landmark owners to generate revenue from the unused development potential of their properties. The Landmark TDR should be contingent on LPC approval of a restoration and long term maintenance plan for the designated Landmark itself, consistent with what is now required in connection with the transfer of development rights from a designated Landmark to immediately proximate sites (Zoning Resolution Section 74-79).

A3 The City should encourage the listing of buildings on the National Register of Historic Places. Property owners – including, but not limited to those owning designated Landmarks – should be encouraged to pursue National Register listing and be informed about the generous Federal and State income tax benefits available in connection with the renovation of commercial buildings listed on the National Register. The thematic, multiple property listings possible on the National Register provides a useful lens through which to consider the buildings remaining from epic periods in East Midtown's development – such as the concentration of masonry buildings from when Terminal City was built as the city's central business district surrounding Grand Central Terminal.

Listing on the National Register requires the approval of the property owner. Proposed work to the property does not involve review by the State Historic Preservation Office (SHPO) unless tax benefits or public dollars are applied for. Buildings listed on the National Register but not designated as Landmarks are never subject to the review of the LPC. In other words, National Register listing is entirely to the benefit of private property owners.

A4 The City should piggyback its own income tax benefit on those provided by the State and U.S. government in connection with the renovation of National Register properties, subject to SHPO approval on a project-by-project basis. Such a City income tax inducement (or alternatively a property tax inducement) might be considered citywide, but it has particular relevance for East Midtown. The Federal and State tax benefits are limited to commercial properties; so should the City tax benefits. Thus the tax inducement would spur reinvestment in the sometimes under-performing historic office buildings and hotels within the district; and it would help forestall the conversion of a number of these historic buildings to ownership housing, which would be to the detriment of the identity of the area as New York City's primary business district. Studies by the consultant facilitation team suggest that 14 million square feet of office and hotel space lend itself to residential conversion.

A5 Ground level views of Grand Central Terminal warrant enhancement as well as protection under zoning. Guidelines that accomplish this purpose should be incorporated into the revised zoning for the Grand Central Subdistrict – which by its nature already recognizes the unique importance and dynamism of the edifice and its context.

Investment in the public realm should aim to celebrate the historic and architectural splendor of Grand Central Terminal. Grand Central Terminal is the structure that confirmed the legal validity of the City's Landmarks Law, now celebrating its fiftieth anniversary. It is the historic architectural epicenter of East Midtown and will be even more so once East Side Access and other transit improvements go forward. It is the predominant element in the Steering Committee's placemaking strategy for East Midtown (Section 4).

Low-rise site on East 57th Street: *Jonathan Martin*

REDEVELOPMENT AND SUSTAINABILITY

Advancing a Dynamic Central Business District

East Midtown has superb accessibility to the region and a distinguished history as one of the world's premier office districts. Yet its competitive position is at risk: the district's prominence is beginning to suffer from age, as well as too few public amenities, pedestrian overcrowding, and overburdened transit facilities.

New construction has lagged in East Midtown. While 35 office buildings were built in the 1980s, only seven were built in the past ten years. There are compounding factors involved. Financing is generally only available once anchor tenants are identified. These tenants are risk-averse and operate on timetables that cannot be readily adapted to the uncertainties inherent in the Uniform Land Use Review Procedure (ULURP). Another factor is that prime tenants prefer large, unencumbered floorplates of at least 15,000 square feet and preferably 25,000 square feet. Sites that can accommodate these footprints are both expensive and hard to come by given the district's built-out character: East Midtown has an overall built Floor Area Ratio (FAR) of 14.3 with a prevailing base zoning density of 15 on the avenues and 12 FAR on mid-block side streets. Finally, it is more difficult to build the high-prestige towers that corporate headquarters and other large anchor tenants prefer compared to opportunities in West Midtown and Hudson Yards, where the as-of-right FARs are significantly higher and/or available sites are larger.

Unless office development is further enabled and incentivized, it is highly likely that residential development will overtake office redevelopment in the district. Housing is easier to finance, feasible on much smaller building sites (10,000 square feet is perfectly adequate, compared to 15,000 square feet for offices), and commands higher land values as a result of the market boom in super-luxury towers. Twelve (12) residential buildings have been developed in the Study Area during the past fifteen years compared to 13 office buildings. While there are only two significant office buildings currently under development in East Midtown (One Vanderbilt Avenue and 425 Park Avenue), a number of residential projects have recently been announced, including an apartment tower on East 47th Street between Lexington and Third Avenues and a Norman Foster-designed residential building at 100 East 53rd Street. These are in addition to the super-tall luxury condominiums sprouting

along both East and West 57th Street at the periphery of the district. Further, six million square feet of older, obsolescent office space and another eight million square feet of hotel space are readily convertible to housing. Even office building icons like the former Sony (former AT&T) Building on Madison Avenue are being entirely or partially converted to residential use where their floor layouts are appropriate and major leases are up.

Crafting changes to the Special Midtown Zoning to maintain its primacy as an office district is challenging and will require a number of elements. The recommendations below are guided by the following strategies:

- A fine-grained, site-specific approach to regulating density that provides new development opportunities
- Allowing East Midtown's designated Landmarks to transfer their considerable unused development rights to these higher density locations
- Funding and project implementation mechanisms to ensure that new development in East Midtown will be accompanied by appropriate improvements to the public realm
- Incentive zoning provisions to ensure that on- and off-site improvements accompany development projects at locations with unique opportunities, such as adjacency to transit facilities
- Limits on the size of residential development in East Midtown.

These changes foresee the creation of a new East Midtown Subdistrict ("East Midtown") within the Special Midtown Zoning District. Its boundaries should be very similar to the East Midtown Subdistrict proposed by the New York City (NYC) Department of City Planning (DCP) as part of the prior Uniform Land Use Review Procedure (ULURP) action in 2013; however the Subareas proposed then are not part of the current recommendations, elements of the current Grand Central Subdistrict might be modified, and there is the possibility (requiring further community and business interest input) to enlarge the area to include the east side of Third Avenue between 48th and 55th Streets.

It should be emphasized that the Steering Committee concluded that East Midtown's strength as a business district is due to its variety, not its ability to accommodate any one building prototype. The earlier, Bloomberg administration proposal for enabling only large-scale development has been put aside; and the inducements for maintaining and renovating existing older office stock have been augmented.

Furthermore, the historic preservation and public realm improvement recommendations (discussed in Sections 2 and 4) are not just necessary for mitigating the immediate impacts of new development; they are far more ambitious. East Midtown's density of use is nearing the breaking point both in terms of the human experience of the place and its competitiveness compared to the more amenity-rich business districts being created not just elsewhere in New York City but also in other world-class cities such as London. Additional redevelopment is warranted to replace some of the office buildings that exceed current zoning limits with modernized spaces; and additional density (beyond current limits and overbuilt sites) is warranted only if it provides mechanisms to improve the entire public realm inclusive of historic resources, transit and placemaking. The land use and development recommendations presented below build on this principle.

The individual recommendations are grouped as follows:

- Land use
- Transfers of development rights (TDR) from designated Landmarks
- Density limits and locations
- Overbuilt buildings
- Sustainability.

Pedestrians clogging sidewalks

Land Use

East Midtown can and should thrive as a premiere business district where offices vastly predominate but other uses – retail, hotel, and a modicum of housing – add a more 24-hour-a-day / seven-day-a-week ("24/7") quality that enlivens the district in a manner that complements offices.

Specifically, corporate-oriented hotels comprise a necessary ingredient within internationally competitive business districts. Stores and restaurants are a necessary amenity for any successful office district and in many parts of East Midtown retail uses are in short supply relative to demand. Hotels, entertainment, and cultural sites support stores by adding retail demand at times other than weekday business hours.

Housing presents more complex tradeoffs. However beneficial in terms of land use diversity and supporting the demand for retail, housing in today's real estate market could supplant office redevelopment in East Midtown; and housing simply does not generate nearly the number of jobs or tax revenues of commercial development. As East Midtown is, first and foremost, one of the city's primary engines for economic development, the priority must be on the expansion and renewal of commercial space, ensuring that office buildings continue to be the predominant use and are an even greater economic engine for New York City than they currently are.

LAND USE: GUIDELINES

B1 Stores, restaurants and entertainment venues should be promoted, especially on busy pedestrian corridors. Highly trafficked block-fronts (such as those near Grand Central Terminal) should be considered for retail continuity requirements in addition to those block-fronts currently mapped.

B2 The current prohibition against retail above residential should be waived in East Midtown. This leniency will allow for more creative projects, including more restaurants and bars that feature aerial views of the skyline. This will help to make East Midtown more of a retail and entertainment destination.

B3 The DCP should explore ways to promote a variety of store sizes and formats. This might be through indirect measures that provide greater opportunity for smaller and eclectic retail that keeps East Midtown from being "anywhere U.S.A."

B4 Hotel development should be encouraged, but subject to Special Permit. In East Midtown, the most desirable hotels are those that have the scale to support full corporate services – meeting rooms, health clubs, banquet facilities and restaurants – that provide further amenities for the East Midtown office sector. In addition, the unique pedestrian, vehicular, and loading access requirements associated with hotels as major traffic generators should be considered individually.

B5 New residential construction should continue to be limited to 12 FAR. This is the current cap set by the New York State (NYS) Multiple Dwelling Law. Should this limit be raised citywide, the 12 FAR cap should remain enforced in East Midtown as a check on residential development in the city's commercial core. The Steering Committee concluded that a modicum of housing (certainly no greater than what is now allowed) was suitable to creating a mixed-use environment, recognizing that housing would likely to be built only as part of a mixed-use scenario if commercial FARs start at 15 and go much higher (as recommended).

B6 The cap on residential use should also apply to conversions of existing buildings, except by Special Approval with findings that show why the residential space in excess of this limit cannot be developed for commercial use. At present, residential conversions are not constrained by the 12 FAR limit set by the NYS Multiple Dwelling Law. There are estimated to be 14 million square feet of commercial space in East Midtown buildings that would lend themselves to residential conversion. While not fully competitive as modern office space due to lower ceilings and inefficient layouts, the district's Class B office space and its lower but still lucrative rents contribute to the variety of tenants that can be accommodated in the district, generating both jobs and tax revenue. The Steering Committee concludes that maintaining the variety of office space is as important as providing opportunity for new office development in East Midtown. The 12 FAR cap will make it less likely that property owners will replace the Class B offices with housing, thus maintaining that variety. In addition, given capacity constraints of existing infrastructure, the impact of these residential conversions needs to be taken into account.

Yet, many of these buildings are historic in nature, and could suffer from disinvestment or be demolished unless adaptive reuse is allowed. The 12 FAR cap would also be a new restriction. The requirement for some type of Special Approval was in this context viewed as a compromise. In addition, given the aforementioned capacity constraints of existing infrastructure, the impact of these residential conversions needs to be taken into account.

B7 No development rights transferred from designated Landmarks should be used for residential or to create predominantly residential developments. As discussed next, the Steering Committee recommends that designated Landmarks have the ability to transfer unused floor area, district-wide, but this privilege is only in connection with commercial development and is tied to a contribution to improve the public realm. A building utilizing any such development rights, or any other new or current density bonus mechanism, should also have no more than a prescribed percentage of its floor area devoted to residential uses. Further DCP analysis is called for in this regard; as a point of departure, the Steering Committee recommends a mix of at least 80 percent commercial and no more than 20 percent housing.

TDR From Landmarks

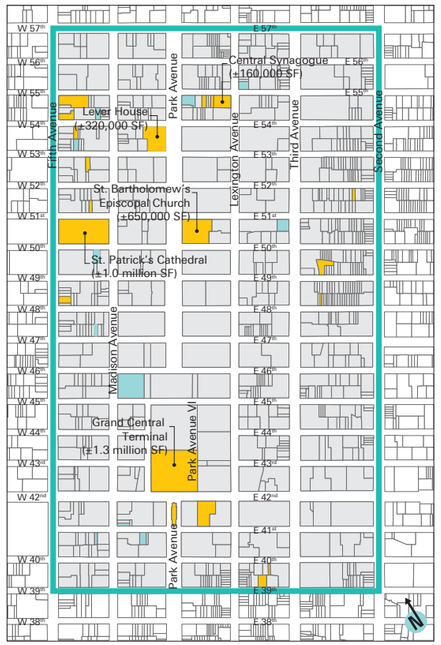
The historic resources of East Midtown, in addition to their intrinsic cultural and aesthetic value, play an important role in the district's economic vitality. They contribute to the light and air and scenic views afforded nearby streets and buildings; to the incomparable architectural variety of the district; and to the wide diversity of land uses and even the range of office space types available to tenants. They are an intrinsic part of the public realm and identity of East Midtown, and improvements to the public realm would enhance their identity and public appreciation. The prime example of this reciprocity is embedded in proposals for improvements to the public realm at and around Grand Central Terminal.

East Midtown provides a particular opportunity to align preservation and development interests. After deducting what is built from what is allowed under zoning, there are approximately 3.5 million square feet of unused development rights associated with 19 of the buildings designated as Landmarks by the Landmarks Preservation Commission (LPC). The district's potential Landmarks yield another 350,000 square feet of unused development rights associated with 12 buildings, creating a Landmark TDR pool of nearly four million square feet. The map on page 30 shows the locations of these 31 properties and highlights the existing landmarks that hold the huge majority of unused development rights available for transfer. These are: Grand Central Terminal, Saint Patrick's Cathedral, St. Bartholomew's Church, Lever House and Central Synagogue.

Under City regulations, designated Landmarks can transfer their development rights to immediately proximate sites subject to a LPC-approved plan for the designated Landmark's long-term maintenance (Zoning Resolution Section 74-79). The policy benefits of affording designated Landmarks this privilege include: (1) offsetting the restrictions on the ability of owners to demolish and redevelop cherished designated Landmarks, and (2) the increased likelihood that they will be restored and maintained in good condition. Regrettably within the East Midtown Study Area, almost 90 percent of the available unused FAR from designated Landmarks has nowhere to go due to surrounding development, preventing property owners from enjoying the economic benefit of such transfers. This is where the area-wide rezoning recommended by the Steering Committee can innovate.

St. Patrick's Cathedral surrounded by commercial buildings: *Jonathan Martin*

LANDMARKS AND POTENTIAL LANDMARKS WITH UNUSED FAR



19 Landmarks & 12 Potential Landmarks hold ±3.8 million square feet of unused FAR.

LPC Landmark with Available FAR

Potential Landmark with Available FAR

TDR: GUIDELINES

B8 All designated Landmarks with unused development rights in East Midtown should be able to transfer these rights to receiving sites of any size throughout the district. The Steering Committee has not limited transfers to receiving sites of any minimum size; under the prior East Midtown rezoning proposal only very large sites of at least 20,000 or 25,000 square feet qualified as receiving sites. While such large footprint office developments are desirable to attract major office tenants to East Midtown for economic development (and is incentivized as described later), the Steering Committee's view is that one of the key assets of East Midtown – especially in relationship to say Hudson Yards – is the variety of its office space market.

B9 Use of Landmark TDRs should be as-of-right in East Midtown, conditioned only on a restoration and long-term maintenance plan for the sending site approved by the LPC. Currently, the requirement to obtain a Special Permit discourages TDR even when immediately proximate receiving sites do exist. As-of-right transfers will also be more valuable to developers, meaning that there will be more revenue for the owners of the designated Landmark and for investment in the public realm (under the following guideline B10).

The use of Landmark TDR should nonetheless be subject to approval by the LPC of a program of restoration and continuing maintenance of the designated Landmark, consistent with what is now required for TDRs to immediately proximate sites (Zoning Resolution Sections 74-711 and 74-79).

B10 All transfers of Landmark TDR should be subject to a contribution to a fund dedicated to the district-wide improvement of the public realm of East Midtown ("Improvement Fund"). The transfer of unused Landmark floor area will create concentrations of commercial density in areas unanticipated by the 1982 Special Midtown District. The contribution granted by each transfer will allow for area-wide improvements that will help accommodate this new density and will further enhance the value of future air rights sales. These improvements will help pay for needed upgrades of vital pedestrian and transportation infrastructure in accordance with an overall plan. As the improvements will be district-wide, it will also not unduly restrict the use of funds to specific projects in the vicinity of receiving sites, which would be highly problematic to administer. (A detailed discussion and suggested structure for the Improvement Fund's governance is outlined in Section 4 of the recommendations.) One further advantage is that the City would not sell air rights in competition with designated Landmarks – which was one of the criticisms leveled against the earlier Bloomberg Proposal.

B11 Contributions to the Improvement Fund in connection with sale of Landmark TDRs should be robust. The exact split requires further consideration of legal issues and other policy initiatives. The Steering Committee's view is that the contribution should be on the order of 20 to 40 percent of the consideration paid for such Landmark TDR, with a floor per square foot based on recent development site sales.

This robust range is put forth in light of the City forgoing both the direct sale of development rights as per the earlier Bloomberg Proposal, and particularly its right to insist on various actions in connection with Special Permit approvals, similar to current practices. The current Special Permit requirement (under Zoning Resolution Section 74-79) is largely justified by the need to ensure that immediate impacts of the density transfer are addressed on the micro-level. The proposed regime is for as-of-right transfers with the generation of Improvement Fund revenue to address impacts by improving the public realm of the entire district in conformance with an overall Concept Plan. Without an ample Improvement Fund, Landmark TDR would logically need to be by Special Permit to address its impacts. It would thus be subject to the delays, uncertainties, and extra costs associated with the Special Permit process, greatly reducing the demand for and value of Landmark TDRs – perhaps as much as, if not more than, the set-aside for an Improvement Fund.

A "floor" contribution figure or some other mechanism is needed to ensure the established percentage is not circumvented through other means. This is an issue that should be addressed by DCP in a specific rezoning proposal. So should the issue of potential speculation and hoarding of Landmark TDRs, which would thwart the objective of ensuring a fluid market. The floor price should be adjusted by appraisal every few years, or indexed to an established and reliable indicator of prevailing rents for newly constructed offices in East Midtown.

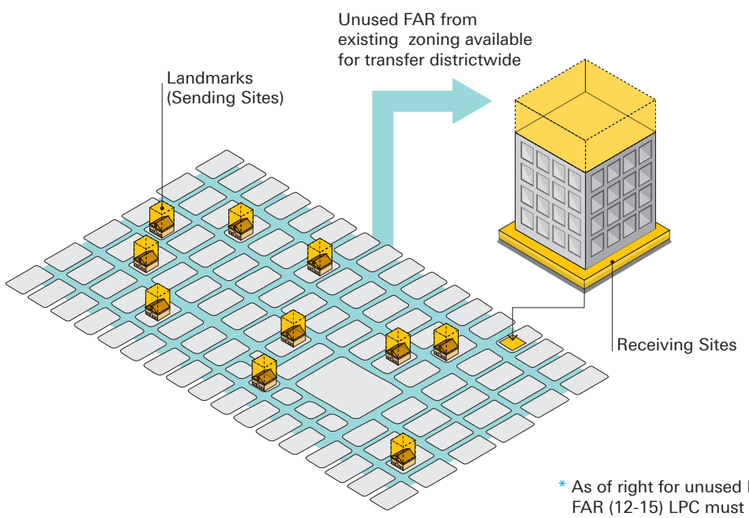
The Steering Committee heard opinions from market and development experts to the effect that the value of TDRs for commercial development can easily be $400 per square foot or more under the current requirement for a special permit. It is expected that the ability to transfer Landmark TDRs as-of-right, widely within the district will be highly advantageous to designated Landmark owners, even after accounting for the costs of a continuing maintenance program and the contribution to the Improvement Fund.

The recommendations above were informed by discussions with property owners, developers and development experts. Some questioned the justification for what designated Landmark property owners may as a class view as a burden. The prevailing outlook within the Steering Committee, based on the information at hand, was that the designated Landmark owners would be granted a rarely exercised privilege (i.e., to date only in connection with the Theater District and the High Line) that would generate millions of square feet of development in an area that can accommodate that additional development only if significant improvements are carried out. The Steering Committee's other Earned FAR categories are similarly constructed, as they are tied to improvements to transit and above ground public realm.

Finally, there are sufficient receiving sites to assure that the sales price of TDR will remain both balanced and competitive. A study by HR&A Advisors concluded that in East Midtown TDR sales prices per square foot typically approximate those of land sales provided there are ample receiving sites. In that regard, four separate soft site analyses prepared and reviewed by the consultant facilitation team suggest that these potential development sites could generate a demand for somewhere in the area of four to six million square feet of Landmark TDR after discounting for the ability of developers to use the generous bonus provisions for plazas and subway / rail mass transit improvements proposed by the Steering Committee (described in Section 4). This amount compares to the four million square feet of unused development rights currently associated with designated Landmark and potential Landmark sites, thus assuring the long-term viability of the Landmark TDR marketplace.

We further note that the Committee talked with representatives from five of the primary Landmark TDR owners (who together hold well over 80 percent of the available development rights associated with current and potential Landmark sites) and all expressed their intention to "bank" their development rights and sell them at a moderate pace over a long period of time consistent with securing greater revenue and the long-term maintenance concerns of their designated Landmark buildings. This temperance is called for to prevent a "buyer's market" especially immediately after implementation of the Landmark TDR recommendation.

ONLY FOR UNUSED FAR OF LANDMARKS*



* As of right for unused FAR of Landmarks based on current zoning FAR (12-15) LPC must approve Long Term Maintenance Plan

Bird's eye view of East Midtown facing northeast: *Jonathan Martin*

Density

Substantial office redevelopment will be needed to achieve meaningful modernization of the office space inventory in East Midtown, forestall housing incursions and conversions, create receiving sites for Landmark TDR, and generate funds to improve the public realm – all of which are necessary to assure East Midtown's prominence in the international office market.

Significant, targeted upzoning is therefore called for. Because East Midtown is largely built out, developers need a meaningful financial justification to invest the time and money to assemble feasible sites, forgo revenue from the existing buildings for a period of several years, tear down what are often sizable buildings, and construct new buildings at hard costs as much as $500 per square foot. While the realistic potential for new development need not be more than a fraction of the total amount of roughly 118 million built square feet in East Midtown (of which 90 million square feet is office space), it must still be in the millions to absorb the available unbuilt development rights associated with designated Landmarks and provide bonuses for current and prospective site-specific public realm and transit improvements.

Where then should this development be directed?

Over the past 100 years East Midtown was built up in compliance with several sets of zoning rules that responded to differing market conditions and building technologies, as well as policy priorities. Each of the resulting building typologies has been layered on top of the other, yielding an eclectic built form. The result is that East Midtown has no consistent density or urban form, such as for example the west side of Sixth Avenue in West Midtown or the master-planned neighborhood of Hudson Yards. And the district's patchwork of density will certainly persist due to the dispersed pattern of property assemblages suitable for potential redevelopment ("soft sites").

Yet, two patterns are in evidence. The first is the concentration of density along corridors, responding to the greater width of avenues and major crosstown streets (42nd and 57th) that allow for both more light and air and greater visibility along with prestige. Park Avenue particularly stands out, not only as the borough's widest avenue, but also as Manhattan's premiere boulevard and real estate address. The second

pattern is the inherent value of immediate proximity to transit. This is evident in the very idea of Terminal City as the corporate hub of the entire metropolis because it adjoins Grand Central Terminal.

Considering these factors together – the heterogeneous pattern of built form and density; the historic importance placed on light and air and visibility; and the desirability as well as the greater marketability of sites immediately proximate to both commuter rail transit and subway – means that a fine-grained, site-specific approach to regulating future development is needed rather than a blanket upzoning.

DENSITY: GUIDELINES

B12 The maximum density for new development within East Midtown should be based on the following three factors in combination:

- Retention as the **"Base FAR"** of the density permitted now under current zoning; for commercial uses, that is generally 15 FAR along avenues and 12 FAR at mid-block locations;
- A **"Potential FAR"** (representing the maximum above the Base FAR) calculated for each site based on density suitability criteria defined below; and
- An **"Earned FAR"** (above the Base FAR; and up to the Potential FAR) based on the extent to which future development employs Landmark TDRs and/or undertakes bonusable improvements to the public realm including transit.

Under the Steering Committee's recommendations, exceeding a site's Base FAR partially or entirely up to its Potential FAR is contingent on Earned FAR. The purpose of this mechanism is to accommodate more modern commercial development in tandem with improvements to the public realm, inclusive of the historic architecture of the district, which both addresses the added density and safeguards, if not enhances the overall value of East Midtown.

B13 The Potential FAR should exist for each zoning lot based on its degree of compliance with locational criteria recognized as being compatible with higher density development. These include two criteria indicating public transit accessibility, three criteria indicating access to light and air, and one criterion that provides the greatest opportunity for on-site amenities and additions to the public realm. The criteria are as follows:

1. Immediate proximity to a subway station's entry/exit or below-grade network
2. Additional immediate proximity to commuter rail at Grand Central Terminal
3. The extra light and air due to frontage on all of the north / south avenues (except Vanderbilt), East 42nd Street, or East 57th Street, which are significantly wider than other crosstown streets (100 feet vs. 60 feet).

Six Planning Criteria for Density

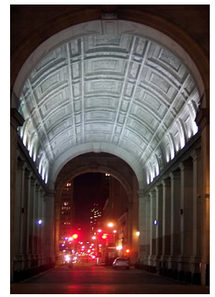
Higher density should be permitted at sites with suitable characteristics, such as…

1. IMMEDIATE PROXIMITY TO A SUBWAY STATION

- Density where there is…
  - Access
  - Investment
- Precedent
  - Zoning Res. Section 74-634 FAR bonus of <20 percent
  - Zoning Res. Section 81-46 off-street relocation or renovation of a subway stair
- Urban design
  - Imperative, opportunities
  - MTA placemaking opportunity

Credit: Google Earth all images unless noted otherwise

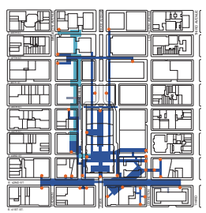
Credit: Wikipedia



Credit: Wikipedia

2. IMMEDIATE PROXIMITY TO COMMUTER RAIL AT GRAND CENTRAL TERMINAL

- Density where there is…
  - Access
  - Investment
- Precedent
  - Zoning Res. Section 74-634 FAR bonus of <20 percent
  - Zoning Res. Section 81-48 off-street improvement of access to rail mass transit facility
- Urban design imperative
  - Above ground placemaking
  - MTA placemaking



Credit: Department of City Planning

Credit: Grand Central Partnership

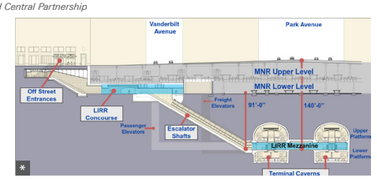
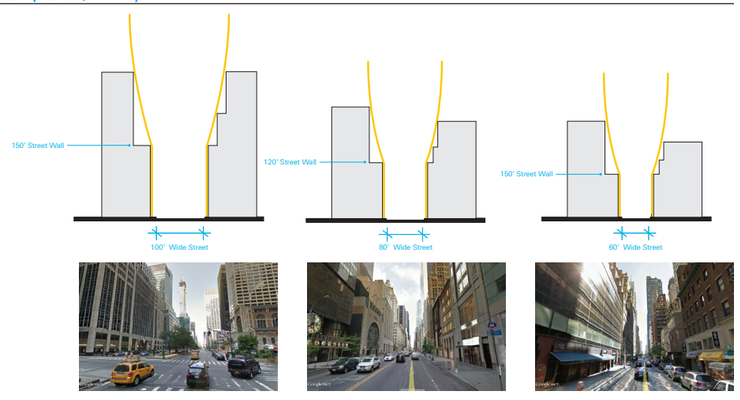


*Image copyright Metropolitan Transportation Authority. Used with permission.

3. FRONTAGE ON ONE AVENUE OR WIDE STREET (42ND, 57TH)

- Better office address
- The wider the road, the more light & air
- Generally afforded >FAR (precedent)



4. FRONTAGE ON PARK AVE OR AT AN INTERSECTION OF A WIDE STREET AND AN AVENUE

Same advantages and:

- Even more light & air
- Greater flexibility
- Urban design opportunity of corners to…
  - Provide amenity
  - "Hold the corner"
  - Or both

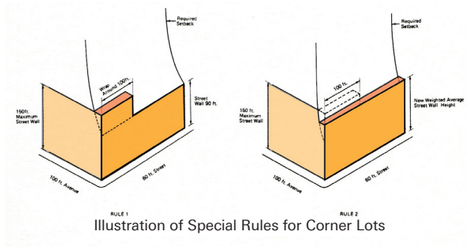
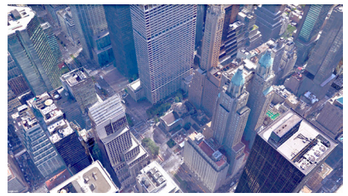
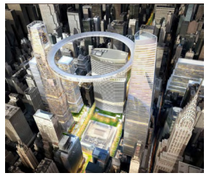


Illustration of Special Rules for Corner Lots

5. ADJACENCY TO SIGNIFICANT LIGHT & AIR CREATED BY A LOW-RISE LANDMARK

- Builds off precedent
  - Zoning Res. Section 74-79 LPC Landmark transfer of FAR
  - GCT "airpark" conditions
  - History
- Urban design
  - More light & air
  - Built form diversity
  - Views



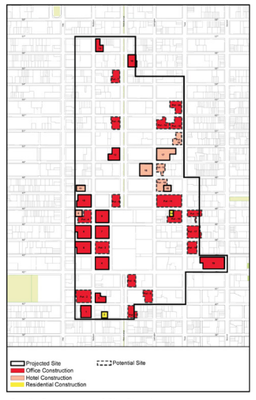


Credit: Municipal Art Society / Skidmore Owning & Merrill

Credit: Jonathan Martin

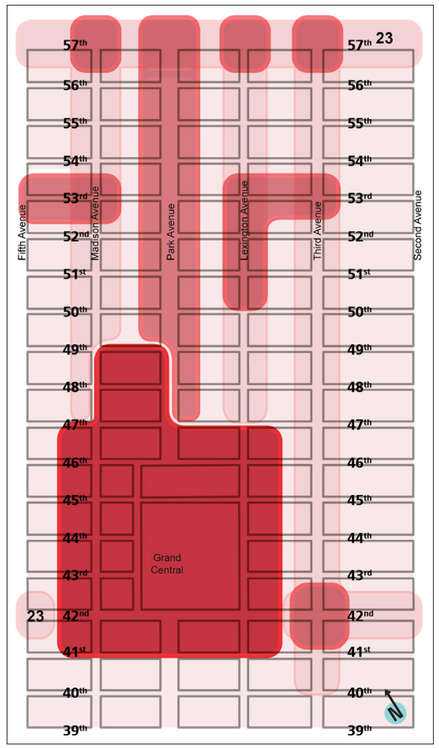
6. LARGE SITE OF 25,000 + SQUARE FEET WITH FULL BLOCK FRONTAGE

- Light & Air
  - Full blocks open up views from surrounding streets
  - Full blocks provide more ways to mass floor area to preserve light and air
- Efficiency/usable space
  - Large, open floors lose less area to cores and mechanical spaces
  - Floor layouts can be tailored to efficiently meet many types of space needs



Credit: Department of City Planning

LOCATIONS POTENTIALLY SUITABLE FOR HIGHER DENSITY



4. The further light and air due to either frontage on Park Avenue, which is a double-wide avenue and/or a site location at the intersection of one of the avenues and either East 42nd or East 57th Street, which are extra-wide streets

5. Being next to a low-rise NYC Landmark of significant size, affording additional access to light and air to the street and nearby buildings ("Light & Air Commons")

6. Being a large site of 25,000 square feet or more with full avenue block frontage, thus providing the opportunity for meaningful sidewalk widening as well as ample room for on-site public realm elements.

The "cartoon" diagram opposite shows a generalized picture of the pattern of potential future density. The highest densities would be clustered around Grand Central Terminal, Park Avenue, major intersections of wide streets and at transit access points, which is where they make the most sense. It is intended for illustrative purposes only and cannot be relied upon at the individual parcel level because there is still much uncertainty as to exactly how these criteria will be incorporated into a rezoning and the way in which they will be calibrated to determine how much additional density is permitted in each case. However, it provides a high level view of where higher densities are more likely under this proposed scheme. To a large extent it reflects the existing development pattern. The map on the next page shows how this scheme is also quite consistent with the relative maximum densities currently permitted in different portions of East Midtown under existing zoning, although the absolute maximum FAR at favored locations would increase significantly, as discussed below.

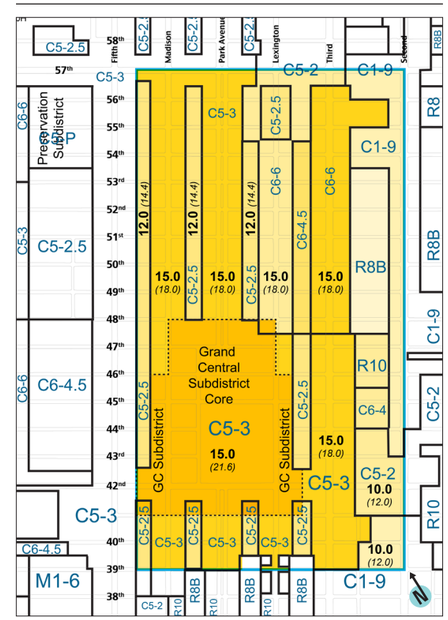
Once the six criteria were identified, varying ranges of additional FAR were ascribed to each one after extended analysis and consideration by the Steering Committee. Conceptually, equal weight was placed on immediate proximity to transit (criteria 1 and 2) and access to light and air (criteria 3, 4, 5 and 6). While a few sites may actually meet all of the criteria and in theory achieve 31 FAR (16 FAR on top of a Base FAR of 15), the Steering Committee's view is that the density of One Vanderbilt – at 30 FAR – should be the maximum FAR for any other new development in East Midtown.

By way of illustration, the Potential FAR could be determined as follows:

DENSITY CRITERIA*	MAXIMUM ADD'L. FAR
TRANSIT	
Within specified proximity to an existing or potential subway access point*	up to 5
Within specified proximity to an existing or new access point to the above- or below-grade Grand Central Terminal pedestrian network*	up to 2
LIGHT AND AIR	
Building frontage on an avenue or wide street (75' – 120')	up to 3
Additional credit for frontage on Park Avenue (140' wide) or at the intersection of an avenue and wide street	up to 3
Adjacency to a "Light & Air Commons" created by a NYC Landmark	up to 1
SITE SIZE AND OPPORTUNITY	
On a site equal to or larger than 25,000 square feet, site that has full block frontage	up to 2
TOTAL	up to 15**

* These criteria are discussed further in Section 4 of this report.
** While the maximum additional FAR could add up to 16, a cap of 15 is still recommended.

MAXIMUM FARS UNDER CURRENT ZONING



The maximum Potential FAR for each site is the sum of the FAR increase for each criterion that exists at that site and will vary based on the extent of locational and other characteristics that are generally recognized as providing greater capacity for higher density. This individualized approach spreads around the impacts of added floor area, and better assures that the eclectic massing of East Midtown remains, with tall buildings often alternating with lower buildings, and new buildings in a checkerboard with historic buildings. Note also that assemblages are incentivized, because in general larger sites end up with more permitted FAR under these criteria.

B14 The DCP should calibrate the amount of Potential FAR based on the amount of frontage on avenues and wide streets, as well as the volume of light and air afforded by any adjoining designated Landmark. The specific calculations will require study. They are necessary to maintain proportionality between the amount of FAR that should be allowed at a site based on its specific characteristics.

For example, in order to take advantage of the full Potential FAR associated with the avenue or wide street criterion, it would seem a defined minimum percentage of the site's perimeter should front the avenue or wide street. It should not be possible to gain extra development rights in connection with a "flag lot" wherein a mid-block development has a narrow appendage leading to an avenue. Similar frontage requirement would apply to sites at the intersection of an avenue and wide street, as well as to sites adjoining or across from a Light & Air Commons.

Delving further into the Light & Air Commons criterion, in East Midtown some designated Landmarks are large in lot area but relatively low in height, thereby introducing considerable light and air to the public realm and providing enhanced views for nearby buildings. The prime example and planning precedent is the so-called "air park" created by Grand Central Terminal. Other examples include Saint Patrick's Cathedral, and Saint Bartholomew's Episcopal Church (St. Bart's). But most other local designated Landmarks are small buildings affording narrow shafts of light and air. A number of existing and potential Landmarks are even overbuilt (i.e., exceed in floor area what is allowed current zoning) and further characterized by built forms that provide less light and air than their counterparts in size built under later zoning regimes. For this criterion, a sliding scale should likely be employed based on the unbuilt volume associated with the designated Landmark: the more unbuilt volume, the greater the Potential FAR for the adjoining sites.

B15 The Earned FAR for each zoning lot should be conditioned on benefits provided to the public realm. These benefits fall into two general categories: **(1)** purchase of Landmark TDRs resulting in the restoration and long-term maintenance of designated Landmark(s), as well as a contribution to the Improvement Fund (as provided for above); and/or **(2)** construction at the developer's expense of on-site or off-site improvements to the public realm (approved as appropriate by the DCP, the NYC Department of Transportation (DOT), and/or the Metropolitan Transportation Authority (MTA)) each having an associated increase in FAR. Only sites that are in the vicinity of subway stations or of the Grand Central Terminal underground network (thus granting them additional Potential FAR for adjacency to transit) will be entitled to earn additional FAR through subway or rail mass transit facility access improvements. These requirements are further discussed in Recommendation C27.

The DCP should develop more specific criteria to determine the precise FAR bonus for individual development projects, with the goal being to specify certain public realm improvements with pre-determined as-of-right FAR bonuses that developers can use for planning purposes. After much deliberation but still as a point of departure, the Steering Committee suggests the following public realm improvement categories and associated maximum additional FARs:

PUBLIC REALM IMPROVEMENT CATEGORIES*	MAXIMUM ADD'L. FAR
Subway improvements	up to 5
Mass transit facility access improvements to Grand Central Terminal*	up to 2
Public Plaza / POPS or pedestrian improvements at Grand Central Terminal	up to 2
Additional FAR from Landmark TDR Purchases	no specific limit

*These categories are discussed further in the Section 4 of this report.

B16 DCP should further study the appropriate FAR bonus in connection with transit improvements. DCP and the MTA should have through ULURP the option to propose higher FARs than the generic ones proposed above, for instance, where a development project offers the opportunity to realize extraordinary on-site improvements worth more FAR, or where a significant improvement at the adjacent station cannot be split into smaller pieces that do not exceed the above limits due to the large size and indivisibility of the construction project. The right balance must also be struck between Potential and Earned FAR in connection with creating both transit improvements and a fluid Landmark TDR market. When reviewing MTA proposals DCP should ensure that the FAR bonus is also no higher than necessary to achieve both goals.

B17 In order for this density to be as-of-right, all new development must still adhere to East Midtown's bulk and other regulations that preserve light and air. With higher as-of-right permitted densities introduced this will be difficult to achieve on some sites, particularly those of less than 15,000 square feet. The constraints of current setback, bulk and other light and air ("daylight") standards may necessitate going through the Special Permit process in many cases to obtain waivers. The DCP should explore how modifications of the daylight standards associated with East Midtown's zoning provisions can be implemented to permit as-of-right commercial buildings, especially on smaller lots. The modifications would increase the number of receiving sites suitable for commercial buildings and discourage smaller sites from being developed as residential. The modifications should be made only where they are needed, since these regulations, while complicated, have been shown to engender innovative and diverse massing schemes for large-scale developments that do not overwhelm.

One possible option for further study the Steering Committee discussed was to modify Height & Setback Regulations – Daylight Compensation (Zoning Resolution Section 81-27), which is one method that developers may choose to comply with light and air regulations. These could be amended to allow an overall passing daylight score of 66 percent instead of the present 75 percent. The 66 score represents the current average for East Midtown. The earlier Bloomberg Proposal also contained recommendations dealing with light and air that deserve renewed analysis and close review by the community and citywide civic organizations.

B18 The DCP should explore with Manhattan Community Board 6, the business community and others the potential for including the east side of Third Avenue between East 48th Street and the mid-block of East 54th / East 55th Streets in the proposed East Midtown Subdistrict. While the majority of the land use pattern in this area is like the office / hotel district to the west, the east side of Third Avenue is also a transition zone to the residential neighborhood of Turtle Bay. The rezoning along Third Avenue should therefore be contingent on an adopted plan (i.e., subject to ULURP) that assures that public realm improvements and other amenities incentivized by or enabled by the rezoning and attendant Improvement Fund serve the residential area as well as the business district. Two further considerations are the urban design character of this portion of Third Avenue, and the timing of development in relation to completion of this portion of the Second Avenue subway line. The DCP should consider these questions in its elaboration of the Steering Committee's work.

Overbuilt Buildings

There are 137 buildings, mostly built before the 1961 Zoning Resolution, that exceed the allowable floor area under the current zoning rules ("overbuilt buildings"). Some are commercial buildings that are obsolete for today's highest value office users due to their inefficiencies: lower ceilings, smaller or irregular floorplates, and disruption by interfering pillars and structural walls.

Mindful of the priority on economic development in East Midtown, such obsolete spaces should be redeveloped as modern office buildings, though there are planning-related trade-offs. On the one hand, their redevelopment provides the opportunity to redress the noncompliance of overbuilt buildings with light and air regulations, and to provide additional amenities through bonus zoning – such as those associated with transit improvements and Privately Owned Public Spaces (POPS). On the other hand, these buildings contribute to the historic character of East Midtown and its architectural variety, though not necessarily rising to the level of importance needed for designation as a Landmark by the LPC. The greater efficiencies associated with newer space design and construction also equate with higher office occupancies. Traditionally, office designers employed 250 square feet per worker as the measure for older office space; this figure approximates 150 square feet in connection with more modern and open office spaces. This higher density adds greater burdens on the public realm and transit.

The Steering Committee concludes that the benefits of redevelopment of overbuilt buildings that are not designated Landmarks outweigh the loss of historic character, provided that needed public improvements are incorporated into the projects.

OVERBUILT BUILDINGS: GUIDELINES

B19 An overbuilt building (where its floor area exceeds that allowed by the current zoning) should be permitted to rebuild up to its current density as-of-right. In East Midtown, this redevelopment should not be contingent on retaining 25 percent of the building, as is the general rule under current zoning. Consistent with earlier recommendations limiting residential redevelopment, this privilege should be as-of-right only in connection with primarily commercial redevelopment with a maximum of 20 percent of the space for housing.

B20 Redevelopment of overbuilt buildings should proceed in connection with a contribution to the Improvement Fund. The contribution should be determined as a set fraction of the floor established for sales of Landmark TDR. Further study by DCP is required as to what is appropriate. As a point of departure, the Steering Committee recommends the contribution be set at 50 percent of the Landmark TDR floor. If the site is within the vicinity of a subway station or the Grand Central Terminal underground network, the developer would also be able to provide improvements to these facilities for all or part of the contribution, as discussed in Section 4.

Such a policy recognizes that overbuilt buildings, in general, place greater demands on the public realm compared with buildings that conform to existing density limits, and that higher occupancy levels from improved office space efficiencies in replacement buildings would further increase the demands placed on the public realm.

B21 Overbuilt buildings should enjoy the same privileges and requirements indicated earlier in connection with bonus provisions and Landmark TDR, up to the Potential FAR mark. Such "overbuilds" should be allowed to (1) earn FAR in connection with transit and subway improvements, with the obligation to enter into discussions with the MTA as to the necessity for such improvements under all conditions and before taking advantage of the plaza bonus or Landmark TDR; (2) earn FAR in connection with POPS or with other public realm improvements consistent with ULURP-adopted plans (refer to Section 4); as well as (3) purchase Landmark TDR.

The proviso is that the resulting building must not exceed the ceilings set under the Potential FAR criteria discussed earlier, including an absolute limit of 30 FAR. This way, each redevelopment project provides the maximum opportunity to yield public benefits that address the improvements needed to accommodate additional density in East Midtown.

Sustainability

From the Seagram Building and Lever House to the AT&T Building, Midtown Manhattan led the world in the design of the post-war office skyscraper. But now the buildings of that era need to be rethought in terms of 21st century imperatives, especially combating global warming. The East Midtown Steering Committee believes that East Midtown should lead New York City in developing the buildings and infrastructure required to achieve Mayor de Blasio's goal of reducing citywide carbon emissions by 80 percent by 2050 ("80 by 50 Plan").

To achieve the 80 by 50 Plan, studies indicate that the city will need to reduce energy consumption from new construction by 60 to 80 percent within the next few decades, and from the city's entire building stock by an average of 40 to 60 percent by 2050. Developing the right package of requirements for East Midtown requires balancing the ambitious with the achievable. The numbers listed below provide a starting place for discussion, with the most ambitious scheme stepping to where the studies indicate we need to be by 2030 in order to achieve the City's 80 by 50 goals.

The United States Green Building Council's *Leadership in Energy & Environmental Design* (LEED) provides a good conceptual starting place because it promotes the full range of sustainable best practices – from water consumption to toxicity – and is widely accepted as an industry standard. LEED represents a set of rating systems for the design, construction, and operation of "green buildings." While at first it employed a one-shoe-fits-all scoring system, there are now differentiated LEED standards for new construction, existing buildings, tenants, etc.

To achieve the City's ambitious energy efficiency targets, it is necessary to require buildings to achieve specific LEED Energy and Atmosphere credits, especially for multi-tenant office buildings. This is especially important in order to address efficiency in tenant spaces and building operations, and also address the "split incentive" issue in which the tenants only have the incentive to save energy that they pay for (such as electric service), but landlords pay for at least a base level of hot and cool water, air conditioning and heating under most commercial leases.

The proposals outlined below address these issues and include requirements for new construction, for more ambitious "stretch" construction, for renovations of existing buildings, and to reduce the negative environmental impact on the neighborhood from extensive demolition and construction. (A more detailed set of recommendations prepared by the Urban Green Council in response to conversations with the facilitation team is found in Appendix A4.)

The City recently created the 80 by 50 Task Force to make energy recommendations in connection with the larger *One City Built to Last* initiative. The Task Force is comprised of experts, stakeholders and public officials who are now grappling with the complexities associated with improving energy efficiency of tenants, among other topics. These complexities include the fact that different densities and types of office tenants have different energy consumption patterns; just as different uses have differing patterns (hotels, housing, retail, etc.). The Steering Committee is not naïve as to the complications and complexity of these recommendations, particularly with regard to tenants, monitoring and enforcement. The Steering Committee offers up specific standards as a way of emphasizing that East Midtown – as the city's premiere business district – should lead the way; and that surely the Steering Committee's proposed zoning incentives provide the financial wherewithal and moment in time to do so.

SUSTAINABILITY: GUIDELINES

B22 Ideally all new construction and certainly that which takes advantage of the zoning incentives should be subject to standards that go beyond current requirements, consistent with East Midtown doing its part to meet the Mayoral goal of an 80 percent reduction in carbon emissions by 2050. These standards should exceed LEED v4 Gold (or LEED Gold by a later version of LEED, at the discretion of the building owner) for the core and shell of buildings and for large tenant spaces, notwithstanding difficulties particularly with regard to tenants.

The following policies were suggested by sustainability experts consulted by the Steering Committee:

1. With regard to buildings, LEED points for Optimized Energy Performance should be required to ensure that new buildings perform (perhaps as soon as by 2017) at up to 20 percent better than the code referenced in LEED v4, and step up (perhaps by 2032) to be up to 50 percent better than that same code. Specifically, Energy and Atmosphere LEED credits for new construction and core and shell should be required, such as:

   - Enhanced Commissioning: six points, including enhanced and monitoring based commissioning, and envelope commissioning

   - Optimizing Energy Performance: nine points in 2016 (19 percent improvement for core and shell; 22 percent for new construction) increasing six percent per three year cycle, and achieving 18 points by 2031 (47 percent reduction for core and shell; 50 percent for new construction)

   - Advanced Energy Metering Credit.

2. With regard to large tenant spaces in buildings taking advantage of the zoning incentives, the Steering Committee calls for something along the lines of an initial 10 percent improvement over code referenced in LEED v4, stepping up to 28 percent by 2032.

3. Other specific LEED Energy and Atmosphere credits should be required to ensure that the building and the tenant systems are performing as they were designed, and that metering has been installed so that performance can be monitored.

B23 The City should explore incentives to stretch new construction to incorporate higher energy efficiency standards. The incentives should relate to taxes and fees, not to use and density. They would be tied to additional energy efficiency requirements, especially more efficient building envelope designs.

B24 The City should provide incentives for sustainability enhancements to existing office buildings. Again, the incentives should be with regard to taxes and fees, not use and density. The goal should be to reduce energy consumption by 40 percent, after adjusting for occupancy. The standards should be the equivalent of either LEED v4 Gold for the core and shell as well as large tenant spaces, or LEED for Existing Buildings: Operations & Maintenance (EBOM). The standards should be similar to the LEED points, as listed in Recommendation B21 that will ensure better building performance.

B25 The City should explore means for reducing the local environmental impacts of construction and demolition. This might involve new demolition strategies that reduce noise and dust, reduce light pollution by turning off construction lights after hours, and recycle common construction materials.

Bus and taxis on Lexington Avenue near 42nd Street: *Jonathan Martin*

PLACEMAKING

Paley Park: *Jonathan Martin*

Creating a Vibrant Public Realm

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

For the past 100 years, East Midtown has owed its prominence as a business district to its extraordinary concentration of both subways and commuter rail. According to the Metropolitan Transportation Authority (MTA), every day, about 645,000 trips to and from East Midtown are made by subway and 300,000 people take Metro-North to and from Grand Central Terminal. Once the Long Island Rail Road connection to Grand Central is complete (projected by 2022), East Side Access will generate an additional 160,000 trips per day. Looking to the future, East Midtown will fail to flourish unless its transit works on every level – meaning that it must be ample, convenient, easy to use, attractive, and comfortable.

And for East Midtown to flourish as a first class business destination, its above-grade system of public spaces must likewise be convenient, attractive and compelling. In the past ten years, there has been a paradigm shift in what makes a competitive downtown and city, from a primary focus on buildings to a focus on the spaces between buildings—the "public realm." Central business districts and cities now compete less for which has the tallest tower, and more for which offers the best quality of life for its workers. Rather than allowing public spaces to be formed as an afterthought of building design, "placemaking" seeks the creation of successful public spaces as the starting point, which in turn dictates the siting and design of other components of the urban fabric.

Transit access and public spaces work in tandem. At the smallest scale, the union of transit entries and pedestrian spaces create the most successful places in East Midtown as well as Midtown, with Grand Central Terminal, Rockefeller Center and the Citigroup Center as exemplars. At the largest scale, East Midtown's system of transit, sidewalks, plazas, etc. defines the experience of East Midtown.

This quality is at risk due to extreme congestion, and will be more so as development goes forward. The Steering Committee believes that this same development, if wisely linked to transit and public realm improvements, can yield a more convenient, attractive and compelling business district in total – a place where workers, residents and tourists want to be.

Below are individual recommendations, grouped as follows:

- Placemaking & Project Management
- Placemaking Principles
- Placemaking Ideas
- Plazas & POPS
- Transit.

Placemaking and Project Management

Significant revenue, projected to exceed $300 million, will over time be generated for an East Midtown "Improvement Fund" in connection with the Landmark TDR and redevelopment. This revenue is to be directed to enhancing the public realm of East Midtown. A governance mechanism is needed to ensure the best use of these funds. Currently no vehicle exists to take on this function. While a number of entities can and should play a role, no single one is alone equipped to plan and carry out a broad public space capital plan over time and over the entire district. The New York City (NYC) City Planning Commission's earlier rezoning proposal recognized this fact and the Commission's report of September 2013 indicates that different projects would have different sponsors and lead agencies.

There are a multitude of public agencies each of which has some logic to serve as the lead; and they also share limitations, the greatest of which is that none of them have the authority over the others needed for a fully coordinated placemaking effort. As to the private sector: the district's two Business Improvement Districts (BIDs) – the Grand Central Partnership and the East Midtown Partnership – must be involved for reasons of expertise, experience, and geography (together they cover 85 percent of the Study Area's land); and they can be asked to play a coordinating role on specific projects. But the BIDs cannot be obligated to plan, design, build and maintain the public realm.

With regard to similarly large, place-based endeavors, various public benefit corporations have been created to serve as the lead agency for decision-making, planning and implementation. At Times Square, for instance, it was the 42nd Street Development Corporation, created by the State; in the rezoned far west Midtown area it is the Hudson Yards Development Corporation, created by the City of New York; and of course it is the New York State (NYS) Metropolitan Transportation Authority (MTA) for subways and commuter rail projects. Within the Steering Committee and among the experts and agencies consulted, there was exploration of the practicalities of a public benefit corporation. This included a discussion as to whether it is reasonable – especially from a precedent point of view – to create a new entity just for East Midtown, notwithstanding the large sums of funding and ambitions attendant to the placemaking plan.

In this regard, the Steering Committee concludes that (1) the governing entity should reflect a private/public collaboration so as to reconcile East Midtown's overlapping but diverse contributions to the city, business interests, and local residential community; (2) the governing entity should be charged with and responsible for planning and project management in cooperation with City agencies; (3) planning must precede, coincide with and continue after the rezoning, and ensure meaningful business and resident community input; and (4) improvements to the public realm must be in advance of or simultaneous with development.

PROJECT MANAGEMENT: GUIDELINES

C1 Authority for allocating the East Midtown Improvement Fund (created under zoning and endowed through Landmark Transfer of Development Rights (TDR) transactions) should be granted to a new governing entity. This authority (hereafter referred to as the "Governing Group") should be created under the revised zoning, and should be charged with the allocation, selection and prioritization of funding of public realm projects. The Governing Group should have an independent board. It is not intended to duplicate the functions of any public agency, department or private entity working in East Midtown – but to coordinate and work alongside those agencies and entities, which certainly need be engaged in the planning and placemaking activities.

C2 The Governing Group's membership should balance Mayoral authority with significant input from other elected officials; as well as balance government and highly qualified outside voices. It is appropriate that the Mayor appoint the majority of the Governing Group's members, and that involved City agencies be represented, such as the Department of City Planning (DCP), Department of Design & Construction (DDC), Department of Transportation (DOT), Landmarks Preservation Commission (LPC), and NYC Economic Development Corporation (EDC). The Mayor has the authority to ensure the necessary public agency buy-in and coordination, and s/he bears ultimate responsibility for the success of the Improvement Fund since it is generated through zoning. The Mayoral appointments should represent a bare majority of the Governing Group's members, so as to assure that the Governing Group does not take on any of the characteristics of a rubber-stamp organization.

The additional, non-Mayoral members should include representation by the Office of the Manhattan Borough President, the local Manhattan City Council Member, Manhattan Community Boards 5 and 6, and the business community (including but not limited to the two BIDs). It is recommended that the Governing Group also include representatives of the citywide civic community. The non-government appointments should be highly qualified professionals with the technical background in planning, landscape architecture, design, and project management to provide meaningful input and inform decisions. All of the Governing Group members should serve pro bono.

C3 The Governing Group should be governed by bylaws and procedures that ensure transparency and accountability to the community as well as to public officials; this includes a "lock box" for the Improvement Funds. Following the example of the Grand Central Partnership, the Governing Group should be required to hold at least one public meeting every year where public comment is invited. A public process (though more streamlined than the Uniform Land Use Review Procedure (ULURP)) should be employed in connection with the Governing Group developing and revising the Concept Plan, potential project lists and design guidelines (all of which are described later in this Section). Part of the reason for varied membership including highly qualified people from outside of government is to ensure public scrutiny.

C4 The Governing Group should have staff and the mandates necessary to carry out its mission. The Governing Group would be responsible for oversight of capital improvements but not ongoing programming and maintenance. The Governing Group should also have the authority to contract with design and construction professionals to carry out its functions. The heavy design, engineering, cost estimating and construction work can and should be conducted by a variety of agency personnel such as the NYC Department of Design and Construction (DDC) for the above-ground public realm and of course the MTA for transit-related projects.

It is therefore expected that the Governing Group can operate on a skeletal staff most of the time, bringing on consultants and technical staff only as needed. One particularly useful role would be providing technical assistance and possibly design services to owners of plazas and privately owned public spaces (POPS) who wish to redo those spaces, but are discouraged from doing so by the work associated with the public review process.

Ultimately, the revenue accruing from the Landmark TDR will fund the Governing Group staff. However, on an interim basis, the City should provide any necessary operating funds for the Governing Group, to be repaid once Landmark TDR-generated funds are available.

C5 The Governing Group and its staff should have the full support of a City agency and should report to a Deputy Mayor. The Steering Committee feels strongly that the most logical locale is in the Mayor's Office or in one of the Deputy Mayors' Offices. Experience, such as with regard to the recent redesign of Times Square, has proven that mayoral authority is necessary to coordinate agencies that for reasons of scale and precedent tend to operate independently of one another. The Steering Committee's outlook is that only the Mayor's (or a Deputy Mayor's) Office can properly guide this operation.

C6 The Governing Group and its staff should be charged with engaging stakeholders in the planning, design and construction process on an ongoing basis. Incremental, area-by-area project management allows for focusing discussion and providing full stakeholder consultation especially including those property owners and users directly affected by specific public space improvements. The Governing Group is the ideal entity to carry out or commission this work, since unlike any of the relevant public agencies, it will not have competing and citywide priorities, and it can be more nimble in balancing interests.

C7 To ensure that priority projects have been defined and vetted by the time the Landmark TDR revenue stream starts, the City should take this opportunity to develop an initial Concept Plan for public space in East Midtown. The Concept Plan should be subject to the Uniform Land Use Review Procedure (ULURP) in tandem with the proposed rezoning. The ULURP action should indicate the mechanisms and public process (not necessarily involving ULURP) for the Concept Plan to be revised by the Governing Group.

How would a "concept plan" differ from a master plan? A master plan would closely resemble the *Places for People: A Public Realm Vision Plan for East Midtown* (a public space plan commissioned in conjunction with the Bloomberg rezoning proposal) in its level of specificity. The Concept Plan would instead identify the range of projects that the Governing Group will consider for funding, as well as the criteria for prioritizing projects. It would incorporate the Placemaking Principles highlighted by the Steering Committee below, which should be refined in light of further MTA, DOT and DCP study. In short, the first draft of the Concept Plan can and should simply embody the Steering Committee's placemaking principles and ideas.

The Concept Plan's purpose is to provide predictability to the entire community (real estate interests, businesses, residents, and others) as to what the Governing Group will focus on in its initial years. Most importantly, the Concept Plan would assure that public improvements are well vetted and recognized, as well as cumulative in their positive impacts.

C8 The Concept Plan should be supplemented by a draft list of ready-to-go and near ready-to-go projects that have considerable stakeholder support. The projects should include those put forward by the MTA, DOT, and others. The projects should also include consideration of plazas, including but not limited to POPS created through incentive zoning provisions. The projects should represent different levels of intervention and cost, and be located throughout the district.

C9 The Concept Plan should also be supplemented by design guidelines that provide greater surety with regard to public realm improvements. The design guidelines would address, among many topics, placemaking in the underground transit network; lighting in public spaces, along streets, of Landmarks, etc.; provision of outdoor amenities such as canopies and heaters that allow the enjoyment of spaces in the rain or in the cold; designs that create islands of respite (such as the use of fountains and berms to create an oasis in the center island of Columbus Circle); and recommendations for indoor plazas that go beyond those embodied in zoning. The design guidelines should not necessarily seek uniformity of design, but instead emphasize performance. The design guidelines would ideally be completed within the next two years and would be included in the ULURP action; but they might instead be left to the Governing Group to commission and approve in its first year.

ENSURING TDR FUNDS IMPROVE PUBLIC SPACE ASSUMPTIONS & PRINCIPLES

1. Improving the experience of Midtown streets, transit and other public spaces will help attract new companies and retain existing firms.
2. Funds will be apportioned among transit, vehicular and pedestrian circulation, and public spaces serving the multiple groups that use East Midtown.
3. A long-term, planning perspective and governance structure must be established to provide continuity under multiple City administrations.
4. The priorities of diverse stakeholders (City agencies, the MTA, the BIDS, Community Boards and other interest groups) must be represented throughout planning and implementation of improvements.

Sidewalk scene with green trees and a reflection: *Jonathan Martin*

Placemaking Principles

The Steering Committee firmly believes that the Improvement Funds amassed through the Landmark TDR should be spent consistent with well-reasoned and well-informed plans that the entire community – including businesses, real estate interests, local residents, and civic advocates – has participated in formulating.

Thinking ahead, the Steering Committee arrived at several principles that should underscore the use of the Improvement Funds, as described below:

PLACEMAKING PRINCIPLES: GUIDELINES

C10 The Improvement Fund should be spent only in connection with (1) any of the subway stations serving East Midtown, as identified in the zoning and Uniform Land Use Review Procedure (ULURP) action (even if outside of East Midtown proper), (2) in fulfillment of a plan approved under ULURP, or (3) within the immediate vicinity of the receiving site(s). The ULURP-approved plan(s) can originate with the City, the Governing Group, the MTA, or the relevant Community Board.

C11 Specific public realm improvements should build on the successes of the City, Grand Central Partnership, and the private sector in general. The recent One Vanderbilt approvals have set in motion a major plaza-style improvement on Vanderbilt Avenue between East 42nd and East 43rd Streets. Pershing Square Plaza is currently under construction at Park Avenue between East 41st and East 42nd Streets under joint sponsorship by the City and The Grand Central Partnership. The Partnership also successfully spearheaded a placemaking effort that created Library Way along East 41st Street between Fifth Avenue and Park Avenue, among other projects. A number of private corporations and developers have created exciting plaza and public spaces, including 6-½ Avenue – the stretch of mid-block all-season internal plazas from West 51st to West 57th Streets, and the 50th Street Commons – a new and well-designed pocket park constructed in conjunction with the East Side Access project. Such successes should be celebrated, emulated, enlarged upon, and wherever possible linked to create a whole that is greater than its parts.

C12 The public realm improvements should include components that aspire to "Midtown at Night," "Midtown in Winter," and other initiatives that expand the temporal enjoyment of the district's public realm. The intent is to make the public realm of East Midtown a well-rounded experience to the benefit of local residents, workers, students, visitors and tourists. While it is understandable that most plazas and other public spaces will be designed with primary thought to summer weekday use to accommodate office workers, a truly vibrant public realm requires that public spaces are popular on weekends as well as work days, at night as well as day, in inclement weather as well as fair weather, and at least in the shoulder seasons of spring and fall in addition to summer.

C13 The public realm improvements should include wayfinding for East Midtown. The concentration of transit hubs, destinations, and icons calls for a wayfinding program. East Midtown tends to be disorienting for the uninitiated because of the district's short avenue blocks, the absence of open views with sky and sun, and its verticality, in addition to transit riders being befuddled as they exit the below-grade maze of corridors and stairs. The wayfinding should ideally be interactive and should certainly highlight transit options, landmarks (which help to orient people), as well as plazas and other places of respite.

C14 The public realm improvements should incorporate public art and support for cultural enhancements. The City's Percent for Art law requires that one percent of the budget for eligible City-funded construction projects is spent on public art. This can and should be amplified through the Improvement Fund, mindful of how East Midtown's value as a business district depends on its image in addition to its actual accessibility and comfort. Public art and programming on the High Line has, for instance, helped transform the image of the Meatpacking District and West Chelsea, and has reinforced the area's image as a cultural mecca thereby attracting creative industry businesses.

C15 Over time, no less than one-third and no more than two-thirds of the Improvement Funds should be employed for above-grade placemaking; and no less than one-third and more than two-thirds should be employed for transit. Major transit improvements, while more necessary in the long-term, are well beyond the wherewithal of the Landmark TDR revenue stream and could absorb all of the Improvement Funds. Thus, while Landmark TDR revenue is sufficient to address one essential need (placemaking), it can only play a supportive role in the other (transit).

Some flexibility is needed with regard to other uses of the funds, such as to provide an endowment to fund maintenance and periodic replacement of certain public spaces. The MTA, for example, requires a reserve fund be established in connection with a new privately owned subway entrance to provide for the cost replacing capital improvements at the end of their useful lives. As the revenue stream and projects will be irregular, the "over time" requirement might be enforced through a five-year moving average or similar mechanism.

C16 Planning consideration should be given to other infrastructure improvements in addition to the pedestrian and transit public realm. The zoning changes for East Midtown will certainly require a Generic Environmental Impact Statement (GEIS) or a Supplemental GEIS building on the one prepared in connection with the original Bloomberg Proposal. These environmental studies should evaluate what can be done with water and sewer, electricity and other utilities and how to improve these elements in tandem with public realm and transit improvements. The fact that the NYC Department of City Planning (DCP) once again has capital budget review for the City both illustrates the value of such considerations, and assures that the DCP, as the Lead Agency for the GEIS, is in a position to shape the City's response to the findings of the GEIS.

Placemaking Ideas

The Steering Committee further agreed on certain area-specific notions that should provide the foundation for future planning and Improvement Fund allocations. These are not immutable priorities; conditions change. But their credibility is bolstered by the fact that four separate plans – prepared by the City, business community, a citywide civic organization and the resident community – focused on many of the same sites and ideas, dating to 40 years ago when East Midtown suffered from disinvestment as well as now when property values are soaring.

The four plans are as follows:

- The Grand Central Partnership in 1987, during a time of disinvestment in East Midtown: *New Life for a Midtown Business District: A Draft Master Plan for Reviving the Public Face of New York's Grand Central District*
- Jonathan Rose Companies in 2013, on behalf of the NYC Department of City Planning (DCP): *Places for People: A Public Realm Vision Plan for East Midtown*
- The Municipal Art Society in 2013: *East Midtown: A Bold Vision for the Future*
- Multi-Board Task Force on East Midtown in 2013: *Statement in Response to Department of City Planning proposed Zoning Text Amendment (N 130247 ZRM) and Zoning Map Amendment (C 130248 ZMM) to amend the Special Midtown District of the NYC Zoning Resolution*

PLACEMAKING IDEAS: GUIDELINES

C17 Public realm improvements should amplify and celebrate Grand Central Terminal as one of the great public spaces of the world, and the centerpiece of East Midtown. Whereas most public realm improvements in East Midtown will be incremental and cumulative (e.g., pop-ups in parking lanes, improved plazas, more pedestrian-friendly crosswalks), the approach to the public realm at Grand Central Terminal should be aspirational. The multi-purpose, high-design quality of Rockefeller Center should serve as the inspiration.

STREET IMPROVEMENTS CONCEPT MAP

Yet, unlike Rockefeller Center with its single owner, this vision cannot be realized through a single real estate development project. The City, MTA and Governing Group should explore the full range of options with adjoining property owners, among others. For sure, the improvements should be designed mindful of the historic character of Grand Central Terminal and Terminal City, and should be conducted in a way that maximizes access to and amenities (such as day-lighting) for the below-grade pedestrian network. These linkages would provide for a richer experience for commuters, pedestrians, tourists, visitors and shoppers alike.

A number of specific ideas surfaced during the Steering Committee's deliberations and in the earlier studies listed above. However, none of these has been fully developed and vetted with stakeholders, partly because no definite funding sources were identified. This is needed and would be part of inclusive planning for use of the East Midtown Improvement Fund to be run by the Governing Group as proposed in recommendations C6 through C9 above.

C18 The thoroughfares of Madison, Park, Lexington and Third Avenues, as well as 42nd Street, are the lifelines for all modes of transportation serving East Midtown (pedestrian, bus, taxi / limo, etc.); they must be managed in an integrated and balanced way. This includes reconciling the need for citywide bicycle networks with the reality that bicycles in congested areas like East Midtown can be problematic. It also includes thinking ahead to consider:

- The varying impacts of "e-hail apps"
- Changes to on-street parking regulations with traffic in mind
- New software that allows automobile drivers to find the closest available parking to their destination
- The possible outcomes of congestion pricing
- The potential for night delivery of goods as done in the central business districts of other major metropolises such as London

The first step is for the NYC Department of Transportation (DOT) to prepare a thorough traffic analysis and interactive modeling tool for East Midtown. The Steering Committee has prepared a draft Scope of Work for this effort and recommends that it be funded over the next two fiscal years (see Appendix 5). The Scope of Work should certainly consider the viability of ideas raised in the plans cited above.

C19 The north / south avenues of East Midtown should be rebalanced with the pedestrian and beautification in mind. Widening **Lexington Avenue's** sidewalks is a particular priority given their dangerously mobbed condition during weekday rush hours. Multiple plans have called for reducing the roadway by one lane with concurrent sidewalk widening. Another idea includes setting aside space for drop-offs in front of the hotels prevalent between East 44th and East 51st Streets and in front

of Grand Central Terminal – which would improve traffic flow by reducing the traffic-inducing "friction" caused by double-parking. In concert with attractive pavers at these drop offs, articulated crosswalks, neck-downs at the crossings, required building setbacks, and especially the mandate for retail along the avenue, Lexington Avenue can become not only safer and more comfortable for commuters, but also an attractive street for shopping during times other than the rush hours.

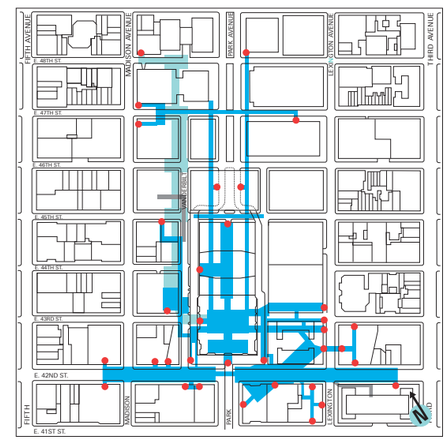
At 100 feet, **Third Avenue** is second in width only to Park Avenue and is a major barrier for residents from the east going to and from East Midtown. It also has a pronounced mixed-use character, with significant residential as well as office development, and a growing number of hotels. Third Avenue's crosswalks should receive particular attention (e.g., articulated crosswalks and neckdowns) to make them more commodious to pedestrians; and, as with Lexington Avenue, special consideration should be given to what happens in front of hotels.

On the one hand, **Park Avenue** is the most attractive and least congested of East Midtown's thoroughfares. On the other hand, Park Avenue still presents the opportunity for more inspirational landscaping, featuring grander art and lighting in the median, more landscaping on the sidewalks (as per North Michigan Avenue in Chicago), and coordinated improvements to the adjoining plazas. The Steering Committee recommends continuing to consider such ideas for the long-term, while prioritizing other, more pressing placemaking initiatives. The DCP should also consider how street wall and plaza regulations might be adjusted to create more dynamic architecture and public places along Park Avenue.

C20 Two key east / west corridors should receive special attention: 42nd Street and East 53rd Street. These are East Midtown's most important pedestrian routes traversing all of Midtown and connecting multiple subway stations as well as major destinations.

The Steering Committee recommends a full-scale analysis of how to improve transit and the pedestrian experience along 42nd Street, river to river. One idea involves streetscape improvements and sidewalk widening. A more radical idea is a dedicated bus or tram right-of-way as part of a continuous loop that includes 34th Street and runs river to river, thus connecting an impressive roster of important destinations: Grand Central Terminal, the New York Public Library, Bryant Park, the Theater District, Times Square, the Port Authority Bus Terminal, the Intrepid Sea, Air & Space Museum, the Circle Line, the Hudson River ferry at West 39th Street, the Jacob Javits Convention Center, Pennsylvania Station, Madison Square Garden, Macy's, Madison Square, the Empire State Building, the NYU Medical Center, the East River ferry at East 35th Street, the United Nations, Tudor City, and the Chrysler Building, before returning to Grand Central Terminal. This idea has been on the table for decades and has earned its share of skeptics due to the many hurdles to implementation. Its current incarnation is known as "Vision 42."

GRAND CENTRAL UNDERGROUND NETWORK



Credit: Department of City Planning

- Existing Circulation Network
- East Side Access Expansion
- Closed Passageway
- Street Entrance

The recommended, full-fledged study should explore a range of options, predicated on the outlook that the current condition of this vital pedestrian and transit corridor is at present unworthy of the aspirations of a connected and flourishing Midtown in general, and that imaginative improvements could likely be a boon to tourism as well as local workers and residents. Note that the improvement of 42nd Street goes well beyond the geography of East Midtown; the Improvement Fund should not pay for related studies or capital budget items except to the extent that it will benefit this stretch of the entire corridor.

A much "lower hanging fruit" would be pedestrian improvements for East 53rd Street, from the improvement transit stop at East 53rd Street and Third Avenue west to the Museum of Modern Art (MoMA) between Fifth and Sixth Avenues and possibly to Broadway. These improvements should be designed in cooperation with local property owners as well as the full range of Midtown constituencies. The improvements would foresee enhanced landscaping, crosswalks, lighting, wayfinding highlighting the destinations along and close to this route, and perhaps sidewalk widening.

C21 The narrower streets, especially those that are not through-streets, should be prioritized for pedestrian-minded improvements and amenities. These streets provide the greatest opportunity for relief from the intensity of East Midtown – important to workers, residents and visitors, alike. The Zoning Resolution should be modified to mandate retail on more of these streets, and to deploy design guidelines and/or manipulate bulk regulations mindful of the variety of uses (especially retail) promoted by smaller footprint buildings. These streets should be targeted for tree planting and other landscape improvements. Also, developers taking advantage of zoning-related plaza incentives should be allowed to provide these plazas in the immediate proximity to the development site, e.g., on the same block (discussed below).

C22 All public realm improvements (including those discussed later with regard to transit) should be designed with operating and maintenance costs in mind. There is a shortsighted tendency to take maintenance for granted on the assumption that one City agency or another, or one of East Midtown's two Business Improvement Districts, or the adjoining property owner(s) will take responsibility for the maintenance and programming of new public realm elements. The outreach, planning, design, project management and implementation of the projects should anticipate how to keep such costs at levels that are sustainable, with clear operating authority and maintenance responsibility discussed and delineated from the start. This is one of the reasons why a multi-party, Mayoral-led Governing Group is needed.

Plazas and POPS

East Midtown – with 600,000 people working, living, attending school or staying in local hotels – has among the highest densities of development and activity in the hemisphere; yet there are no true public parks in East Midtown. Technically, the Park Avenue malls are under the jurisdiction of the NYC Department of Parks & Recreation; but in addition to providing safer crossings for pedestrians, they are a visual feature only. Open space is a needed amenity throughout the district.

Instead of public parks, private plazas are pervasive in East Midtown. Most but not all were created through zoning incentives where a Floor Area Ratio (FAR) bonus was provided in connection with the creation of a privately owned public space (POPS). Some plazas are quite beautiful and heavily used. Others are beautiful but not used for reasons of functionality (e.g., they are hard to see or get to, or there are no good places to sit). Still others are plain yet heavily used for similar reasons (e.g., they are prominently located, or provide a place to smoke). Too many are plain and desolate. The overwhelming majority of the failed plazas were either created before the current, much improved set of rules for plaza bonuses, if not the original plaza bonus legislation in 1961.

Variety of space is an issue. Though the half-million office, retail, hotel and other workers dominate East Midtown's population, there are also 10,000 students, close to 30,000 hotel guests, 20,000 other visitors, and 40,000 residents (equivalent to four-fifths the population of Hoboken, New Jersey). The plazas are for the most part associated with office developments or luxury housing developments, and are entirely passive in nature.

These spaces need to be maximized as public amenities. It is cost-prohibitive for the City to buy property for public parks in what is among the world's most expensive real estate locales. Every effort should be made to maximize the number, variety, quality and utility of East Midtown's plazas inclusive of their siting, design, management and programming.

PLAZA AND POPS LOCATIONS

Privately Owned Public Space (POPS)

PLAZAS AND POPS: GUIDELINES

C23 The one FAR plaza bonus in East Midtown should be changed back to its earlier incarnation with up to two additional FAR. The initial 1.0 FAR bonus should be largely in connection with outdoor plazas and can continue to be allowed by certification by the DCP. The current, relatively new rules for outdoor plazas have by and large resulted in much better plazas than earlier rules.

An additional 1.0 FAR should be allowed only through Special Permit or through a preapproved plan involving ULURP – similar to what was recommended for transit bonuses. It should be tied to higher expectations, e.g., indoor or other types of all-season plazas, or plazas that incorporate cultural destinations, or plazas that provide features and activities that will generate evening or weekend use, or plazas that are part and parcel of significant transit improvements such as day-lighting the below-grade transit network.

C24 The DCP should improve the current plaza guidelines with regard to indoor plazas. The POPS legislation adopted in 2007 represents a great enhancement of the preceding legislation dating to 1961, and new plazas are by all accounts generally successful. The exception seems to be with regard to indoor plazas, which too often are virtually indistinguishable from office lobbies, not inviting to passersby, and/or bereft of the amenities that attract users from outside the building. Recommendations for improved indoor plaza regulations should accompany the next iteration of the City's proposed rezoning for East Midtown. As a fallback, until such time as the relevant legislation is improved, all indoor plazas should be approved by Special Permit.

C25 POPS, under the plaza bonus legislation, should be allowed offsite on immediately proximate sites. Consideration should be given to promoting the location of plazas on mid-block side streets where the area's more intimate public spaces are located (such as Paley Park, a private plaza created by the William S. Paley Foundation and located on East 53rd Street just off of Fifth Avenue), and to merging adjacent POPS to create larger contiguous park-sized spaces.

A number of conditions should be required so as to avoid any offsite plazas from being orphaned – i.e., from being poorly maintained by a property owner who perhaps sees little benefit to maintaining them once the development bonus is realized. There must be an endowment to assure maintenance of the offsite plazas; the precedent is the replacement reserve required by the MTA in connection with some transit improvements made in return for FAR bonuses.

C26 There should be a streamlined process and incentives for private owners to renew their POPS and plazas. The focus should be on POPS built before 2007 when highly successful plaza design guidelines were put in place, but incentives could also be offered for upgrades of plazas built before 1961 when the plaza bonus was first enacted. The Steering Committee notes that many of the plazas most in need of upgrading from a user point of view are now, at 50-plus years, coming of age materially as well as functionally and aesthetically.

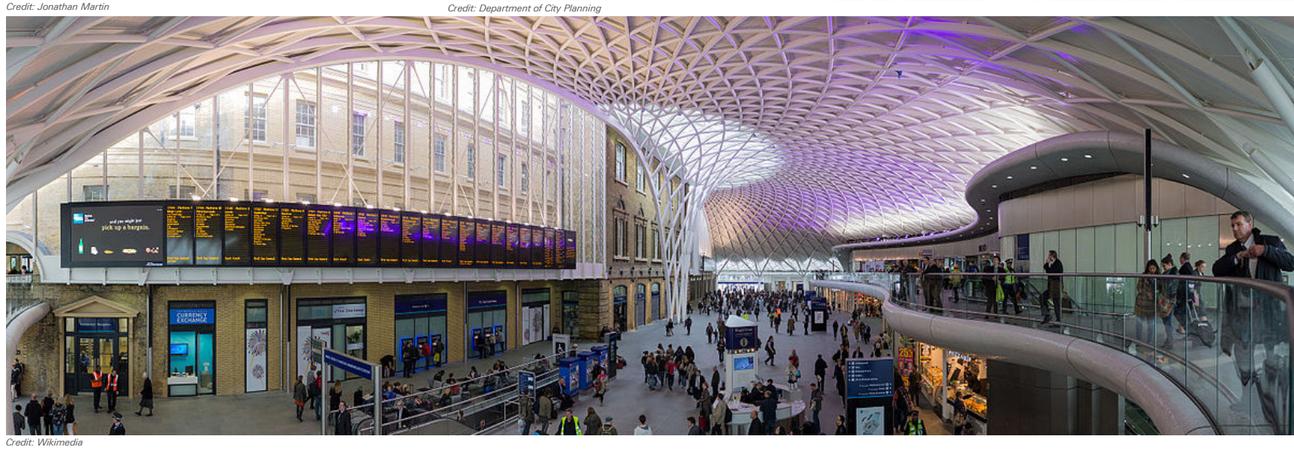
The approval process should involve expedited review and approval for owners who wish to better comply with the current DCP guidelines in connection with plaza bonuses; total compliance need not be the standard. The Improvement Fund could be a source of matching grants for capital improvements. In addition, the Governing Group's staff or consultants could be made available to assist with or even carry out the designs and/or to manage the approvals process in connection with the improvement of privately owned plazas. For the most part, East Midtown property owners can well-afford to undertake the improvements. However, there will be some who would welcome the extra revenue and aid so as to employ higher design standards.

Credit: Department of City Planning

Credit: Department of City Planning

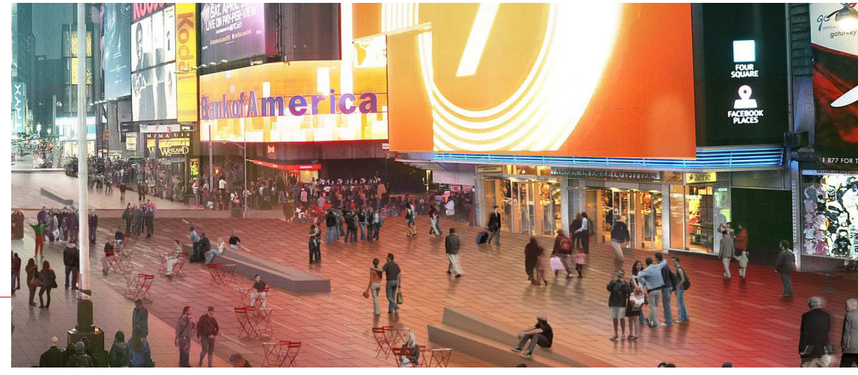
Credit: Jonathan Martin

Credit: Department of City Planning



Credit: Wikimedia

Credit: Department of Transportation



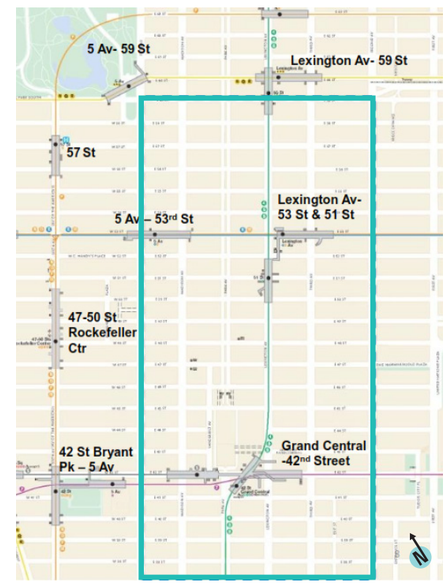
Credit: Snohetta

Transit

With 80 percent of trips to East Midtown occurring via public transit, the experience of the district as a place to visit, work and pass through is heavily determined by the functionality and physical qualities of the pedestrian-related components of transit. Many elements contribute to the user experience of transit facilities as pleasing and welcoming places of arrival and departure, or as unpleasant spaces to endure or avoid. The level of congestion at locations such as stairs, and the ease with which people can enter and leave stations and platforms are critical to the passenger experience. In addition to functionality, emphasis must be placed on design qualities of spaciousness, inviting materials and finishes, letting in natural daylight, pleasing artificial lighting, and amenities such as comfortable seating, public art, access to convenience retail and other amenities. These below-grade features should also complement improved above-grade public spaces for maximum impact.

The NYS Metropolitan Transportation Authority (MTA) capital program for the stations serving East Midtown does not and cannot address all of these goals for the below-grade public realm. Below-grade improvements are generally much more expensive, with many more design and engineering complications than improvements to above-grade streets, sidewalks and plazas because of the need to relocate utilities, acquire easements, and reconstruct structural systems to hold up surface improvements above. In most cases the engineering and construction risks cannot be determined without extensive studies, making cost estimating more difficult and advance planning more needed. The MTA capital program for the stations serving East Midtown does not and cannot address all of the goals for the below-grade public realm. They should be eligible to benefit from the Improvement Fund. However, the third phase of the Second Avenue Subway, which will one day hopefully serve portions of East Midtown, should not be funded by contributions from the Improvement Fund, as these would represent an insignificant "drop in the bucket" for a project of this magnitude.

SUBWAY NETWORK SERVING EAST MIDTOWN



- Grand Central—42nd Street
- 5 Av—53rd St
- Lexington Av—53rd St and 51st St
- 5th Av—59th St
- Lexington Av—59th St
- 47-50 St—Rockefeller Center
- 42nd St—Bryant Park, 5th Av
- 57th St

Map credit: Metropolitan Transportation Authority

The MTA has helped the Steering Committee to consider a number of functional priorities that would improve subway access to and from East Midtown. These focus on circulation capacity at seven subway stations serving the district in addition to Grand Central Terminal. Five of these subway stations are located one or two blocks outside of the Steering Committee's official Study Area, but accommodate huge numbers of travelers to and from the district, as follows from north to south: (1) Lexington Avenue and East 59th / 60th Streets; (2) Fifth Avenue and 59th Street; (3) Sixth Avenue and West 57th Street; (4) Sixth Avenue and West 47th to 50th Streets, at Rockefeller Center; and (5) Fifth Avenue and West 42nd Street, at Bryant Park. The MTA also identified improvements to Grand Central Terminal's subway stations that will not be undertaken by SL Green in connection with its One Vanderbilt project. The Steering Committee recommends that Special Midtown District bonus provisions for subway station improvements and rail mass transit access improvements be strengthened in order to provide multiple sources of investment in the below-grade public realm for the current network.

TRANSIT: GUIDELINES

C27 In East Midtown, the subway and rail mass transit improvement bonuses in the NYC Zoning Resolution should be fine-tuned to provide increased support for transit projects. As described earlier in Section 3, the Steering Committee posits that the Potential FAR and as-of-right Earned FAR for development both be increased at subway stations and at the Grand Central Terminal underground network.

C28 Also in East Midtown, transit bonuses should be allowed on sites within the immediate vicinity of subway stations and rail mass transit facilities, not just contiguous sites. The Steering Committee discussed the application of the following three criteria: (1) sites adjoining the existing or planned underground transit/pedestrian network (building on the precedent of the zoning for Grand Central Terminal); (2) sites on the same blockfront as an existing or potential exit/entry to the underground transit network; and (3) sites on the opposite side of the street from that blockfront. Employing this criteria, the Facilitation Team estimates that nearly one-out-of-four of the potential soft sites where redevelopment may occur in East Midtown are in the immediate vicinity of subway stations or the Grand Central Terminal underground network.

There may be reasons to vary these criteria depending on the transit nodes in the vicinity of a site, based on further study by the NYC Department of City Planning (DCP) and the input of the MTA. These should be coordinated with the Concept Plan for public realm improvements and could even be spelled out in the proposed rezoning for East Midtown. For instance, the Court Square Subdistrict of the Special Long Island City Mixed-Use District (Zoning Resolution Section 117-42) included defined subway improvements as part of an as-of-right framework.

However, the Steering Committee is against the concept of allowing sites further removed from subway and rail mass transit facilities to take advantage of these bonuses because this would put at risk the ability of designated Landmarks to sell their Landmark TDRs in a fluid market. As outlined in the TDR discussion at Recommendation B11, soft site analyses prepared by the Facilitation Team indicate it is likely that four to six million square feet of capacity at potential receiving sites would still exist after accounting for full use of the proposed subway and mass transit facility access bonuses by sites within the immediate vicinity of these networks. The possible erosion of this market for Landmark TDR caused by wider use of transit bonuses would undermine the balance of interests the Steering Committee wants to strike.

C29 The Zoning Resolution should be modified to provide priority support for transit projects in East Midtown. The DCP must certify that developers of all projects in the locales indicated have met their obligations to provide transit-related improvements set forth in the Concept Plan before the developer can utilize any additional FAR through the Landmark TDR or plaza bonus zoning provisions. The same should be true for buildings that are overbuilt relative to current zoning. This policy of "transit first" is to recognize that very often redevelopment of a site near transit offers a once-in-a-generation opportunity to improve the public realm that should not be lost.

In addition, if all of the as-of-right FAR possible to be earned under the limits set forth in Recommendation B15 cannot be earned through construction of needed improvements at the immediately adjacent station, the MTA can specify that an improvement at another of the listed stations serving East Midtown be built in connection with that bonus (provided that improvement is in the MTA's approved Concept Plan). This locational flexibility is necessary and appropriate for several reasons.

First, from a nexus perspective, the district is small enough that improvements to any of these stations will benefit riders to the site receiving the bonus. Not all of the people travelling to the new development will necessarily use the closest station (depending on the most convenient line given the trip origin) and, furthermore, many of them would benefit from improvements at a nearby station that they use as a transfer point. For example, a rider whose final destination is at the Grand Central Terminal subway and commuter complex may also depend on transferring from the E or M train to the 6 train at Lexington Avenue and East 53rd Street.

Secondly, the high priority improvements at the adjacent station may have already been made in connection with previous nearby development that earned subway and/or mass transit facility access bonuses and an appropriately-sized high priority improvement project at another station can be accomplished using the available bonus FAR.

Nevertheless, if there are station improvement and underground placemaking opportunities possible within the development site itself, the MTA cannot prioritize improvements at another station until these on-site improvements have been addressed. The purpose of this stipulation is to ensure that all of the improvements made feasible as a result of construction at that site be fully exploited, including underground placemaking opportunities that will not exist once the new building is up.

C30 The transit bonus zoning should be structured so as to maximize the opportunity for approvals through certification by the DCP and MTA, as opposed to the Uniform Land Use Review Procedure (ULURP). The DCP and MTA should submit plans through ULURP that spell out specific transit improvements tied to the higher FAR incentives (described above), on a site-by-site basis.

C31 The new zoning should encourage and incentivize below-grade placemaking in connection with MTA plans and projects in East Midtown. To retain and enhance East Midtown's long-term value as the city's economic development engine, the district's transit infrastructure needs to aspire to a world-class level of amenity, including subway entrances within plazas and day-lighting of waiting areas.

The Steering Committee therefore fashioned its recommendations to maximize the revenue available to transit so as to provide greater wherewithal for transit improvements inclusive of related placemaking. The major purpose of allowing FAR bonuses by certification is to generate far more revenue than would be the case under the current Special Permit regime. Improvement Funds could cover budgetary shortfalls, as well as studies and designs for projects that go beyond operational improvements – inclusive of ULURP and related expenses especially including significant outreach to the business, residential and civic communities. The idea here is to create a win-win condition: the MTA gets funding for necessary operational improvements, while the business district and community are assured of additional funding for underground placemaking.

The recently opened Fulton Center in Lower Manhattan incorporates placemaking to provide a truly grand entrance, vastly improved circulation and retail space to nine subway lines and trans-Hudson PATH trains. This aspirational project was made possible with federal, post-9/11 money. The Improvement Fund can play the same role in East Midtown, though most likely in different formats (e.g., incorporated into indoor and outdoor plazas in association with new office buildings, as done at One Vanderbilt).

C32 The MTA and City should consider how to upgrade relevant East Midtown bus routes as redesigned transitways, perhaps involving bus rapid transit (BRT). In this regard, the Steering Committee focused on Madison Avenue because, with more than 200 buses and 8,000 pedestrians traveling on the avenue per hour at peak times, Madison is one of the city's prime transitways. Improvements might include a separated bus lane on Madison using flexible bollards; consideration of the type of service and features associated with BRT; as well as further pedestrian enhancements to the sidewalks and crosswalks. One ambitious idea would be, during specified rush hours, to restrict Madison Avenue to buses, taxis and vehicles accommodating the physically disabled.

C33 The MTA, City, and Port Authority of New York and New Jersey should explore airport access from East Midtown to the area's airports, particularly LaGuardia Airport. The current privately owned and operated Midtown / airport service is expensive. The concentration of transit and also business traveler destinations in Midtown argue for Grand Central Terminal as the most appropriate site within Manhattan for locating this service. Some of the ideas that were surfaced include both direct MTA bus service to LaGuardia Airport via the RFK / Triborough Bridge, and a potential extension of the elevated N and Q train to Astoria at either Ditmars Avenue (the last stop) or branching off above the Grand Central Parkway near Astoria Boulevard. As with the earlier 34th / 42nd Street loop idea, the Improvement Fund might pay for a fair share of the studies required to move forward with airport access.

Credit: Google Earth

Credit: David Burney

Credit: Wikimedia

Lexington looking north at 'hotel row': *Department of City Planning photo*

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A2–Glossary of Planning Terms

NOTE: Italicized words in the definitions below refer to terms found as separate glossary entries.

Air Rights/Unused Development Rights: When the actual built floor area on a *zoning lot* is less than the maximum permitted floor area, the difference is referred to as unused development rights, commonly also referred to as "air rights."

Anchor Tenant: In commercial buildings an anchor tenant is a financially secure, long-term, usually risk-averse tenant that occupies a significant quantity of space, generally prefers large, unencumbered floorplates and provides the economic stability lenders seek before granting financing to owners and developers.

As-of-right Development: As-of-Right development complies with all applicable zoning regulations and does not require any discretion¬ary action by the *City Planning Commission* or *Board of Standards and Appeals*. Most developments and enlargements in the city are as-of-right.

Blockfront: A blockfront is that portion of a block (a tract of land bounded on all sides by streets or by a combination of streets, public parks, waterways, etc.) consisting of all *zoning lots* fronting on a single street.

Board of Standards and Appeals (BSA): The BSA, composed of five commissioners, reviews and grants applications for certain *special permits*, as prescribed in the *Zoning Resolution*, The BSA also grants variances for *zoning lots* with irregular physical conditions where construction might not otherwise be possible. (See also "*special permit*")

Business Improvement District (BID): In New York City a BID is a public/private partnership that helps revitalize neighborhoods and catalyze economic development. BIDs invest in programs and in services in neighborhoods across the five boroughs. The NYC Department of Small Business Services is responsible for managing the City's relationship with each BID and works to ensure BIDs carry out services efficiently.

"Calendared by LPC": Calendaring is the process by which *LPC* makes official its intent to consider a building or district for *Landmark* status. A building that has been "calendared" is not necessarily guaranteed such status; calendaring means only that *LPC* has voted to add a public hearing date to its public meeting calendar to consider *Landmark* designation.

City Environmental Quality Review (CEQR): Pursuant to state law, the City Environmental Quality Review (CEQR) is a disclosure process by which New York City agencies determine what effect, if any, a proposed discretionary action (such as a zoning amendment) may have upon the environment if enacted. CEQR is a disclosure process and not an approval process in and of itself. Completion of an environmental review supports other decisions made by agencies such as approvals of rezoning or variance applications, funding, or issuance of discretionary permits. Ministerial actions, such as the issuance of a building permit, are not subject to environmental review. (See also "*Final Environmental Impact Statement*")

City Planning Commission (CPC): The CPC is a 13-member panel responsible for the conduct of planning relating to the orderly growth and development of the city. The Commission meets regularly to hold public hearings and review and vote on applications related to the use an improvement of land, subject to city regulation and a consideration of environmental impacts. The Department of City Planning (DCP) provides the technical support for the work of the Commission.

"Concept Plan": for the purposes of this report a frequently updated plan that identifies the range of projects that will be considered for funding, as well as the criteria for prioritizing projects. A Concept Plan's purpose is to provide predictability to the entire community (real estate interests, businesses, residents, and others) as to what projects are most likely to be realized over time (subject to funding and other factors).

Final Environmental Impact Statement (FEIS): The purpose of an environmental impact statement (EIS) is to enable the public and decision-makers to understand the nature and consequences of specific environmental impacts that can be reasonably anticipated as a result of proposed actions. It is issued first as a draft to allow for public comment on its analysis and findings. The FEIS consists of the Draft Environmental Impact Statement (DEIS), a summary of public comments and lead agency responses, and any revisions, including further studies, in response to comments. It must also identify the specific mitigation measures to be used, together with written agreement to their implementation from applicable agencies.

Floor Area Ratio (FAR): FAR is the principal bulk regulation controlling the size of buildings. FAR is the ratio of total building floor area in relation to the area of its *zoning lot*. Each zoning district has an FAR which, when multiplied by the lot area of the *zoning lot*, produces the maximum amount of floor area allowable on that *zoning lot*. For example, on a 10,000 square foot *zoning lot* in a district with a maximum FAR of 1.0, the floor area on the *zoning lot* cannot exceed 10,000 square feet.

Green Building: This term refers to a holistic concept that starts with the understanding that the built environment can have profound effects, both positive and negative, on the natural environment, as well as on the people who inhabit buildings every day. A green building is one where the positive effects are amplified and the negative effects are mitigated throughout its entire life cycle, i.e. in its planning, design, construction, and operations. Foremost are consideration of energy use, water use, indoor environmental quality, quantities and types of construction materials and finishes used, carted away or recycled, and the building's effects on its site.

Indoor Plaza: Indoor space that require arrangements of functional and visual amenities, such as a variety of seating (including benches and chairs), tables, plantings, kiosks and art works for the purpose of providing the public with a respite from busy streets. The spaces must be easily accessible from the street and provide a place to sit and rest and perhaps get something to eat.

Landmark: A New York City Landmark is a structure that has significant historical, architectural, or cultural meaning and that has been given legal protection from alteration and destruction by the NYC *Landmarks Preservation Commission*.

Landmarks Law: This refers to the New York City law first enacted on April 19, 1965 to safeguard the buildings and places that represent New York City's cultural, social, economic, political, and architectural history and thereby stabilize and improve property values; foster civic pride; protect and enhance the City's attractions to tourists; strengthen the economy of the City; and further the education, pleasure and welfare of the people of the City.

Landmarks Preservation Commission (LPC): LPC is the city agency responsible for protecting New York City's architecturally, historically, and culturally significant buildings and sites by granting them Landmark or Historic District status, and regulating them once they are designated. The agency is comprised of a panel of 11 commissioners who are appointed by the Mayor and supported by a staff of approximately 67 preservationists, researchers, architects, historians, attorneys, archaeologists and administrative employees.

Leadership in Energy & Environmental Design (LEED): LEED is the *green building* certification program administered through the US Green Building Council that recognizes environmental building strategies and practices. To receive LEED certification, building projects satisfy prerequisites and earn points to achieve different levels of certification (called "silver, gold and platinum"). Prerequisites and credits differ for each level, and owners and developers choose the level that best fits their project. (See also "*green building*")

LEED for Existing Buildings: Operations & Maintenance (EBOM): EBOM is the certification tool for ongoing operations and maintenance of commercial and institutional buildings. The certification system identifies and rewards current best practices and provides an outline for how buildings can minimize energy, water and natural resource consumption; improve the indoor environment; and uncover operating inefficiencies.

"Light & Air Commons": A term coined for the purpose of this report to describe the light and air access at the street level and in adjacent buildings created by a low-rise historic Landmark of significant size.

Multiple Dwelling Law: This is the common name for New York State laws that set minimum standards for light and air, fire protection and safety, and sanitation and health in various classes of dwellings with multiple housing units.

National Register of Historic Places: The National Register (as it is commonly called) is the official list of the nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.

Overbuilt Building: An overbuilt building is one that exceeds the allowable floor area under the current zoning rules.

Placemaking: placemaking is an urban planning methodology that seeks to improve the livability of cities by a people-centered approach; beginning with the creation of successful and vibrant public space. Placemaking involves government, communities, property owners and other stakeholders collectively reimagining and reinventing existing public spaces (and creating new ones) to reflect the needs of their local community. Strengthening the connection between people and the places they share, placemaking refers to the collaborative process by which the *public realm* can be shaped to create a more "livable" city. Successful "places" provide space for activities that may include pedestrian, vehicular and public transit; cultural activities such as art and performances; eating, relaxing, socializing, strolling, people-watching; as well as commercial activity such as retail vendors, restaurants and public markets.

Privately Owned Public Space (POPS): A POPS is a publicly accessible amenity provided and maintained by a property owner for public use, usually in exchange for additional floor area. Located mainly in the high-density, central business districts of Manhattan, these spaces typically take the form of an arcade or a public plaza with seating and landscaping and may be located within or outside a building.

Public Realm: The public realm includes all exterior, indoor above and below-grade places and linkages that are physically and/or visually accessible to the public regardless of ownership. These include, but are not limited to: streets, pedestrian ways, bikeways, bridges, plazas, nodes, squares, public transportation facilities, gateways, parks, waterfronts, natural features, view corridors, landmarks and building interfaces.

Soft Site: This real estate term refers to a property or cluster of adjoining properties with characteristics that make new development potentially feasible and economically rewarding.

Special Permit: A special permit is a discretionary action by the *City Planning Commission*, subject to *ULURP* review, or the *Board of Standards and Appeals* which may modify use, bulk or parking regulations if certain conditions and findings specified in the *Zoning Resolution* are met. Special permits under *CPC* jurisdiction generally concern modifications with potential for greater land use impacts than those reviewed by *BSA*.

State Historic Preservation Office (SHPO): The SHPO is a state agency that helps communities identify, evaluate, preserve, and revitalize their historic, archeological, and cultural resources. It administers programs authorized by both the National Historic Preservation Act of 1966 and the New York State Historic Preservation Act of 1980. The SHPO also maintains a State Register of Historic Resources.

Subdistrict: The Department of City Planning can propose the creation of a subdistrict within an existing special purpose zoning district (in this case the Special Midtown District) in anticipation of future development opportunities in an area. Subdistrict regulations provide the planning framework necessary to ensure a desired functional and aesthetic environment within a distinct portion of the larger district.

Tax Inducement: This term refers to a tax credit or reduction program at the federal, state or local level, designed to spur investment in qualified buildings (in this context, historic properties).

Transfer of Development Rights (TDR): TDR allows for the transfer of *air rights* from one *zoning lot* to another in limited circumstances, usually to promote the preservation of historic buildings, open space or unique cultural resources. For such purposes, a TDR may be permitted where the transfer could not be accomplished through a *zoning lot* merger. In the case of a *Landmark* building, currently a transfer may be made only by *CPC* special permit from the *zoning lot* containing the designated *Landmark* to an adjacent *zoning lot* or one that is directly across a street or, for a corner lot, another corner lot on the same intersection.

Uniform Land Use Review Procedure (ULURP): ULURP is the public review process, mandated by the City Charter, for all pro¬posed zoning map amendments, special permits and other actions such as site selections and acquisitions for city capital projects and disposition of city property. ULURP sets forth a time frame and other requirements for public review at the Community Board, Borough Board and Borough President levels, and for the public hearings and determinations of the Community Boards, Borough Presidents, *City Planning Commission* (CPC) and City Council.

Unused Development Rights: See *Air Rights*

Wayfinding: A strategy that encompasses all of the ways in which people orient themselves in physical space and navigate from place to place. At its simplest, wayfinding is spatial problem solving - knowing where you are, where you want to go, and the best route to get there. Wayfinding programs typically provide a clear visual language, graphic standards and readily accessible information resources (such as signs, maps, color schemes, interactive navigational software, etc.) that can be easily and quickly understood.

Zoning Incentive (or Incentive zoning): A zoning tool that provides a bonus, usually in the form of additional floor area, in exchange for the provision of a public amenity or affordable housing. The *Zoning Resolution* provides incentive bonuses for the provision of public plazas (privately owned public spaces), visual or performing arts spaces, subway improvements, theater preservation, FRESH food stores and affordable housing (Inclusionary Housing Program).

Zoning Lot: The *Zoning Resolution* uses this term to describe a legally defined tract of land that is the base unit for zoning regulations. It is comprised of a single tax lot or two or more adjacent tax lots within a block. A zoning lot with multiple tax lots generally allows the transfer of permitted building bulk across its tax lot boundaries. *Unused development rights* may be shifted from one lot to another, as-of-right, only through a zoning lot "merger."

Zoning Resolution: The text of the New York City Zoning Resolution consists of 13 articles that establish zoning districts and set forth the regulations governing land use and development. Articles I through VII contain the use, bulk, parking and other applicable regulations for each zoning district. The three major articles include Article II, with regulations for residence districts, Article III for commercial districts, and Article IV for manufacturing districts. Articles VIII through XIII set forth the purpose and regulations for Special Purpose Districts. Each article contains a number of chapters and each chapter contains many sections, each with a four-, five- or six-digit number. The digits before a hyphen indicate the article and chapter; the digits following the hyphen indicate the section number. For example, Section 123-62 references Article XII, Chapter 3, and Section 62.

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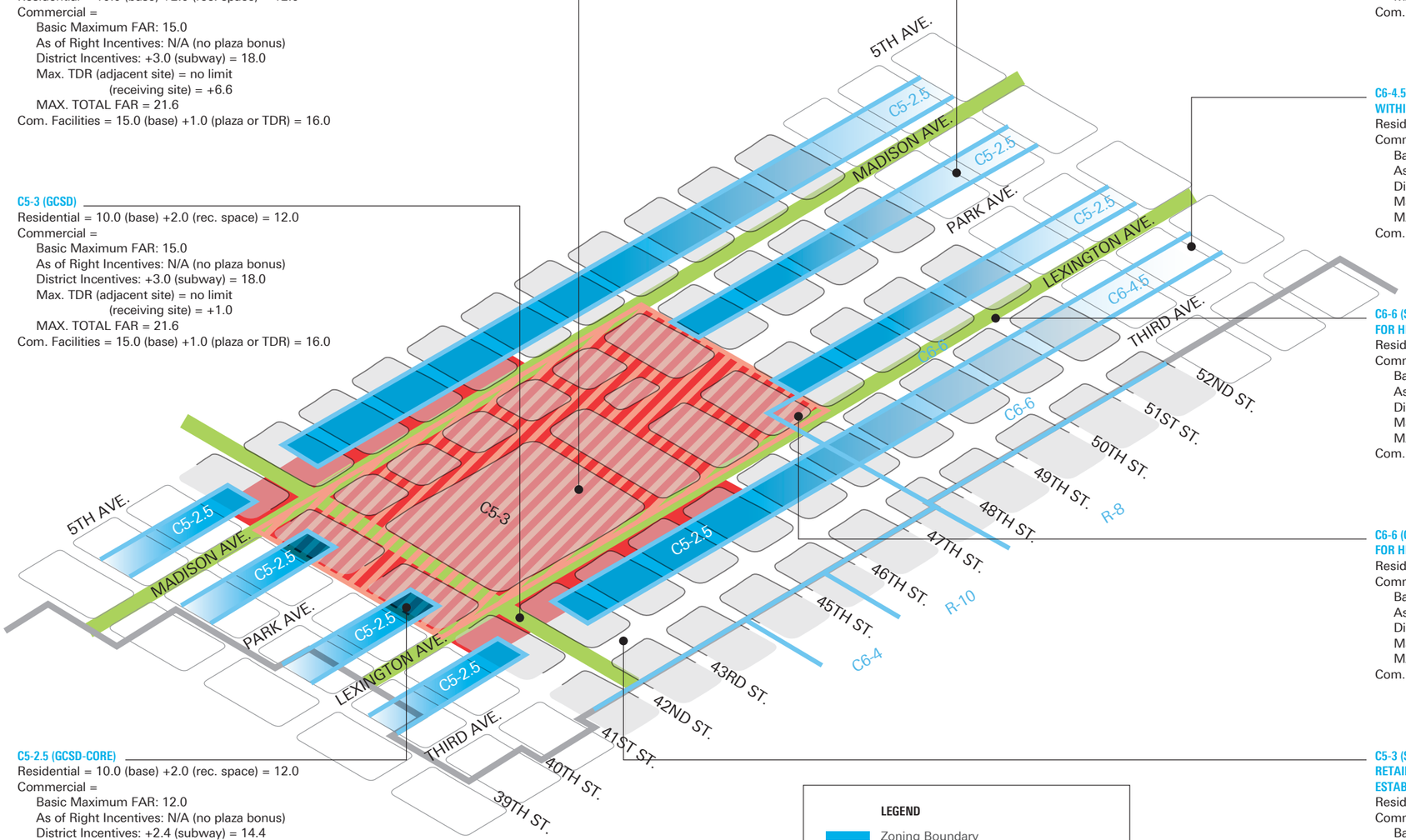
Saint Patrick's and Olympic Tower: *Jonathan Martin*

A3–Underlying Zoning District Summary

C5-3 (GCSD-CORE)
Residential = 10.0 (base) +2.0 (rec. space) = 12.0
Commercial =
Basic Maximum FAR: 15.0
As of Right Incentives: N/A (no plaza bonus)
District Incentives: +3.0 (subway) = 18.0
Max. TDR (adjacent site) = no limit
(receiving site) = +6.6
MAX. TOTAL FAR = 21.6
Com. Facilities = 15.0 (base) +1.0 (plaza or TDR) = 16.0

C5-3 (GCSD)
Residential = 10.0 (base) +2.0 (rec. space) = 12.0
Commercial =
Basic Maximum FAR: 15.0
As of Right Incentives: N/A (no plaza bonus)
District Incentives: +3.0 (subway) = 18.0
Max. TDR (adjacent site) = no limit
(receiving site) = +1.0
MAX. TOTAL FAR = 21.6
Com. Facilities = 15.0 (base) +1.0 (plaza or TDR) = 16.0



C5-2.5 (GCSD-CORE)
Residential = 10.0 (base) +2.0 (rec. space) = 12.0
Commercial =
Basic Maximum FAR: 12.0
As of Right Incentives: N/A (no plaza bonus)
District Incentives: +2.4 (subway) = 14.4
Max. TDR (adjacent site) = +2.4
(receiving site) = +9.6
MAX. TOTAL FAR = 21.6
Com. Facilities = 12.0 (base) +1.0 (plaza or TDR) = 13.0

LEGEND
- Zoning Boundary
- Special Midtown District Boundary
- Grand Central Subdistrict Boundary
- Grand Central Subdistrict Core Boundary
- Req. Retail Frontage

C5-2.5 (SMD) RESTRICTED CENTRAL COMMERCIAL DISTRICTS WITHIN THE SPECIAL MIDTOWN DISTRICT.
Residential = 10.0 (base) +2.0 (rec. space) = 12.0
Commercial =
Basic Maximum FAR: 12.0
As of Right Incentives: +1.0 (plaza) = 13.0
District Incentives: +2.4 (subway) = 14.4
Max. TDR (adjacent site) = +2.4
MAX. TOTAL FAR = 14.4
Com. Facilities = 12.0 (base) +1.0 (plaza or TDR) = 13.0

C6-4.5 (SMD) CENTRAL COMMERCIAL DISTRICTS WITHIN THE SPECIAL MIDTOWN DISTRICT
Residential = 10.0 (base)
Commercial =
Basic Maximum FAR: 12.0
As of Right Incentives: +1.0 (plaza) = 13.0
District Incentives: +2.4 (subway) = 14.4
Max. TDR (adjacent site) = 2.4
MAX. TOTAL FAR = 14.4
Com. Facilities = 15.0 (base) +1.0 (plaza or TDR) = 16.0

C6-6 (SMD) COMMERCIAL DISTRICT FOR HIGH-BULK COMMERCIAL USES.
Residential = 10.0 (base) +2.0 (rec. space) = 12.0
Commercial =
Basic Maximum FAR: 15.0
As of Right Incentives: +1.0 (plaza) = 16.0
District Incentives: +3.0 (subway) = 18.0
Max. TDR (adjacent site) = no limit
MAX. TOTAL FAR = no limit
Com. Facilities = 15.0 (base) +1.0 (plaza or TDR) = 16.0

C6-6 (GCSD) COMMERCIAL DISTRICT FOR HIGH-BULK COMMERCIAL USES.
Residential = 10.0 (base) +2.0 (rec. space) = 12.0
Commercial =
Basic Maximum FAR: 15.0
As of Right Incentives: +1.0 (plaza) = 16.0
District Incentives: +3.0 (subway) = 18.0
Max. TDR (adjacent site) = no limit
MAX. TOTAL FAR = no limit
Com. Facilities = 15.0 (base) +1.0 (plaza or TDR) = 16.0

C5-3 (SMD) CENTRAL COMMERCIAL DISTRICT WITH CONTINUOUS RETAIL FRONTAGE INTENDED FOR OFFICE, HOTEL, AND RETAIL ESTABLISHMENTS THAT SERVE THE ENTIRE METROPOLITAN REGION.
Residential = 10.0 (base) +2.0 (rec. space) = 12.0
Commercial =
Basic Maximum FAR: 15.0
As of Right Incentives: +1.0 (plaza) = 16.0
District Incentives: +3.0 (subway) = 18.0
Max. TDR (adjacent site) = no limit
MAX. TOTAL FAR = no limit
Com. Facilities = 15.0 (base) +1.0 (plaza or TDR) = 16.0

A4–Urban Green Council Recommendations

OVERVIEW

From the Seagram Building and Lever House to the AT&T Building, midtown Manhattan led the world in the design of the post-war office skyscraper. But now the buildings of that era need to be rethought in terms of 21st century imperatives, especially combating global warming. If mid-town Manhattan – the ultimate symbol of post-war modernity – were to be the cauldron for the design of the energy efficient skyscraper of the future, it would capture the imagination of the world. And it would lead New York in developing the skills required to achieve Mayor de Blasio's goal of reducing citywide carbon emissions by 80 percent by 2050.

To achieve 80 by 50, studies indicate that we will need to reduce energy consumption from new construction by 60 percent to 80 percent within the next few decades and from our entire building stock by an average of 40 percent to 60 percent by 2050. This is a very tall order, and it's not clear that we know how to accomplish all of this now; therefore we are proposing a stepped approach that gradually moves the industry toward the necessary efficiencies. But how much is feasible by what point? Developing the right package of requirements for mid-town will require balancing the ambitious and the achievable, with the right experts at the table providing advice. The numbers listed below provide a starting place for discussion, with the most ambitious scheme stepping to where the studies indicate we need to be by 2030 in order to achieve the City's 2050 goals.

LEED provides a good starting place because it promotes the full range of sustainable best practices – from water consumption to toxicity – and is widely accepted as an industry standard. However, to achieve the City's ambitious energy efficiency targets, it is necessary to supplement LEED with additional energy requirements, especially for multi-tenant office buildings, in order to address split incentive issues, efficiency in tenant spaces, or building operations . The proposal outlined below addresses these issues and includes requirements for new construction, for more ambitious "stretch" construction, for renovations of existing buildings, and to reduce the negative environmental impact on the neighborhood from extensive demolition and construction.

SUMMARY OF PROPOSED REQUIREMENTS

ALL NEW CONSTRUCTION

- LEED v4 Gold for Core and Shell and for large tenant spaces
- Cut energy consumption in half by 2030
- Best practices to address the split incentive issues and plug loads
- Smart building technologies to optimize operations and enable continuous commissioning,
- Continuous improvement requirements

"STRETCH" NEW CONSTRUCTION – REQUIREMENTS WITH ADDITIONAL INCENTIVES TBD.

- Required to meet all the baseline requirements for new construction, plus:
- Additional energy efficiency requirements
- Efficient building envelope design

EXISTING OFFICE BUILDINGS – TAX INCENTIVES FOR SUSTAINABILITY UPGRADES

- LEED v4 Gold for Core and Shell and large tenant spaces; or LEED Existing Buildings: Operations and Maintenance (EBOM)
- Reduce energy consumption by 40 percent, adjusting for occupancy
- Best practices to address the split incentive issues and plug loads
- Smart building technologies to optimize operations and enable continuous commissioning
- Require efficiency upgrades in buildings that sell/ transfer their air rights

REDUCE LOCAL ENVIRONMENTAL IMPACTS OF CONSTRUCTION AND DEMOLITION

- Consider requiring new demolition strategies that reduce noise and dust
- Reduce light pollution by turning off construction lights after hours
- Recycle common construction materials

APPENDIX: DRAFT OF DETAILED REQUIREMENTS – TO BE REFINED

NEW CONSTRUCTION – BASELINE REQUIREMENTS FOR MID-TOWN EAST

1. CORE AND SHELL AND BASE BUILDING SYSTEMS

– LEED v4 Gold for Core and Shell

– Stepped energy requirements, starting with 20 percent better than base code in 2015 and stepping up to 50 percent better by 2030 in most ambitious scheme; medium scheme to be 18 percent stepping to 40 percent; most modest scheme to be 15 percent stepping to 35 percent; always to be at least 10 percent more stringent than the current NYC Energy Code

– Energy-Aligned Clause to be used in all leases

– Smart building technologies to optimize operations and enable continuous commissioning and "real time" software fault detection based on "fully trended" building management system (BMS) data

– Building to be designed to turn to utilize no more than 0.4 watts per square foot in the unoccupied state

2. TENANT SPACES

– >10,000 square feet: LEED v4 Gold for Commercial Interiors

– Energy requirements:

- Lighting and HVAC energy requirements : Stepped requirements, starting with 10 percent better than base code in 2015, stepping up to 35 percent by 2030 in most ambitious scheme, to 30 percent in medium scheme, to 25 percent in most modest scheme; always to be better than NYCECC by at least 10 percent; Lights off after hours when spaces are unoccupied
- Plug loads: Agreement in place between owner and tenant regarding efficiency of equipment; equipment to go into "sleep" mode when not in use
- Data centers to be designed using "Best Practices" Metering, Billing, and Benchmarking
- >5000 sf for office and >1000 sf for retail: billed according to usage (meter or sub-meter); for office tenants, real-time sub-meters for data centers and each energy system
- Energy using equipment in tenant spaces to be to be inter-connected with base building BMS or provided with an independent BMS sufficient to facilitate ongoing commissioning of HVAC, lighting, etc.
- Annual benchmarking of tenant spaces once a tool is available.

– Peak load:

- Peak load reduction agreement with building owner
- "Use it or lose it" language (modeled off the Empire State Building language) regarding electrical load

3. OPERATIONS AND CONTINUOUS IMPROVEMENT

– Regime in place for fault detection/ continuous commissioning

– Real time metering and monitoring requirement

– Common areas (lobby, hallways, bathrooms) not cooled below 78 degrees

– Required to perform all individual upgrades identified in the Local Law 87 audits that pay for themselves within seven years; or regularly certify as LEED Existing Buildings Operation & Maintenance Gold; or LEED dynamic plaque

– Achieve minimum Energy Star Score of 85 within three years of Temporary Certificate of Occupancy ?

"STRETCH" NEW CONSTRUCTION – REQUIREMENTS WITH ADDITIONAL INCENTIVES TBD.

1. REQUIRED TO MEET ALL THE BASELINE REQUIREMENTS FOR NEW CONSTRUCTION, PLUS

2. ADDITIONAL ENERGY REQUIREMENTS: A STEP AHEAD

– Core and Shell: starting with 25 percent better than base code and stepping up to 60 percent better by 2030 in most ambitious scheme; medium scheme to be 22 percent stepping to 50 percent; most modest scheme to be 20 percent stepping to 40 percent; always to be better than NYCECC by at least 15 percent

– Tenant spaces: Lighting and HVAC energy requirements: Stepped requirements, starting with 15 percent better than base code, stepping up to 40 percent by 2025 in most ambitious scheme, to 35 percent in medium scheme, to 30 percent in most modest scheme; always to be better than NYCECC by > 15 percent

3. MANDATORY REQUIREMENTS ON BUILDING ENVELOPE

– Maximum peak heating and cooling loads within the perimeter zone, or

– Requirements for thermal transmissivity, shading coefficients, and shading

EXISTING OFFICE BUILDINGS – TAX INCENTIVES FOR SUSTAINABILITY UPGRADES

1. LEED V4 GOLD FOR CORE AND SHELL & TENANT SPACES > 10,000 SQUARE FEET; OR LEED EBOM

2. ENERGY CONSUMPTION REDUCED BY 40 PERCENT, USING A REASONABLE STANDARD (TBD) THAT TAKES INTO ACCOUNT DENSIFICATION, CHANGES OF USE, AND DATA CENTERS, SUCH AS A 40 PERCENT REDUCTION PER FULL-TIME EMPLOYEE ACROSS THE TENANT SPACE.

3. REQUIREMENTS FOR TENANT SPACES AND OPERATIONS AND MAINTENANCE TO BE AS IN BASE CASE FOR NEW CONSTRUCTION

4. CONSIDER REQUIREMENTS TO UPGRADE BUILDINGS THAT SELL THEIR AIR RIGHTS

REDUCE LOCAL ENVIRONMENTAL IMPACTS OF CONSTRUCTION AND DEMOLITION

– Consider requiring bottom up or top-cap demolition, as has been done in Tokyo (http://www.nytimes.com/2013/06/18/science/tricky-ways-to-pull-down-a-skyscraper.html?pagewanted=all&_r=0),with the following benefits to the neighborhood:

- Reduced noise, by 20 Decibels
- 90 percent less dust
- Set up is more expensive, but the demolition takes less time

– Reduce light pollution: Construction lights to turn off at night, except for means of egress lights

– Diversion rate of 95 percent and recycling of gypsum, carpet, and ceiling tiles

A5–Traffic & Pedestrian Study Draft Scope

UNDERLYING VISION

East Midtown is on the move, whether by public transit, car, truck, bike, or foot. As part of its charge the East Midtown Steering Committee is looking at ways to improve the district's public realm, which consists largely of the surface streets and sidewalks where this movement takes place. The Committee has concluded that further planning for these elements requires more data and analysis of existing conditions, projection of future conditions and transportation modeling for various public realm alternatives. A comprehensive study is needed to identify which ideas would be feasible and the extent of the trade-offs associated with each in terms of capacity, congestion, traffic impacts on other routes, etc.

The aspirational goal of this study is to evaluate the transportation implications of strategies to improve the public realm, while seeking to alleviate congestion, strengthen key corridors and enhance connections among the district's transit nodes, businesses, cultural institutions, residences and public spaces - both from east-to-west and north-to south. The underlying vision is world-class streets that are vibrant, attractive destinations for pedestrians; improve mobility via multiple modes; and provide greater safety for pedestrians, cyclists and motorists alike.

GUIDING PRINCIPLES

Prior discussions by the Steering Committee have resulted in a number of observations and proposed principles to guide development of public realm recommendations. These include:

- Streets and sidewalks must be studied as a network; restricting flow in one corridor diverts traffic to another.
- Addressing the balance between vehicular, pedestrian and bicycle spaces is challenging, especially given the narrow public right-of-ways and sidewalks in many locations.
- While East Midtown's streets and sidewalks are mainly pedestrian and vehicular thoroughfares; they are also public spaces used by people to socialize, relax, work, sightsee and just enjoy being outdoors.
- The allocation and design of space in the public streets should reflect actual numbers of people (not necessarily vehicles) travelling by car, taxi, bus, cycle or on foot.
- Opportunities should be sought to reallocate underutilized space to facilitate pedestrian flows.
- Bicycle routes are not easily accommodated in congested districts such as East Midtown, but must be considered in the context of the City's overall bicycle network.
- Design of above-grade spaces should include better connections and possible extensions of the underground pedestrian networks connected to subway stations, the Metro-North commuter rail at Grand Central Terminal and, eventually, LIRR East Side Access.
- Because delivery vehicles have a disproportionate impact on the pedestrian experience and vehicular congestion, the study should incorporate the NYC DOT Office of Freight Mobility's preliminary analysis of the district's delivery issues, its recommendations and its proposed areas for further study.

GENERAL SCOPE OF WORK

Collect and analyze data on existing vehicular and pedestrian volumes and network capacity within the East Midtown Study Area and use it to model a variety of capital improvements to streets, sidewalks, public plazas and traffic management systems. The study should provide a clear picture of the tradeoffs involved with projects that impact vehicular access, circulation, or loading in order to create new pedestrian plazas and amenities. Traffic modeling should be able to inform decision-makers how selected projects may affect one another -- and what cumulative impacts they may have on the traffic network as a whole.

FOCUS AREAS AND POTENTIAL CONCEPTS TO BE TESTED

The Steering Committee anticipates refining the scope of this study based on DOT's input, but, as a starting point, has listed below the streets and avenues of particular interest for potential improvements and preliminary ideas for changes to them suggested by stakeholders. These are candidates for further refinement and testing as part of this study, but other concepts or modifications of these by DOT are welcomed as part of the scoping process. In addition, it may be advisable to break the study into several phases, whereby various proposals can be modified, eliminated or supplemented, depending upon what has been learned. Some of the recommended improvements and their descriptions have been adapted from the 2013 joint DCP-DOT study *Places for People: A Public Realm Vision Plan for East Midtown.*

1. VANDERBILT CORRIDOR AND APPROACHES

Pedestrian priority zones on Vanderbilt Avenue between - East 43rd and 45th Streets and 43rd and 44th Streets between Madison and Vanderbilt Avenues using techniques, such as (a) access restrictions (taxi drop-offs and delivery vehicles), (b) roadway narrowing and gradual changes in grade (c) distinctive pavement materials and patterns (d) bollards (e) pedestrian amenities (e.g., planting, lighting, fixed and moveable seating, wayfinding signage, Wi-Fi hotspots, and mobile charging stations).

2. LEXINGTON AVENUE AND 43RD/44TH STREETS EAST OF GRAND CENTRAL TERMINAL

- Lexington Ave. between East 42nd and 45th Streets - expanded sidewalk; consolidated street furniture; bulb-outs and high-visibility crossings at all intersections
- East 43rd Street between Lexington and Third Avenues - widened sidewalk to provide space for additional seating and planters; a pedestrian priority zone, possibly to accommodate an outdoor marketplace (could be limited hours)
- East 44th Street between Lexington and Third Avenues - expanded sidewalk adjacent to existing POPS with seating and planters; bulb-outs with planting and wayfinding signage

3. PERSHING SQUARE VICINITY

- Expanded crosswalks to link Pershing Square to Grand Central Terminal
- Expanded pedestrian plazas on Park Avenue east & west surface roads to possibly include all blocks between 40th and 42nd Streets

4. LIBRARY WAY

Library Way consists of the two blocks of 41st St. between Pershing Square and the New York Public Library on Fifth Ave. Identifying signage, plaques and banners have been installed, but more can be done to strengthen this connection and celebrate its views. Carving out a handful of small seating areas along the north and south sides of East 41st street (in parking/standing lanes) similar to the Boulevard 41 plan for 41st St. between 6th and 7th Aves. would allow pedestrians to enjoy vistas to the landmark Library, while protected from busy sidewalk and street traffic.

5. MADISON AVENUE

Heavy bus traffic, lack of queuing space for bus passengers and generally narrow, congested sidewalks make this corridor unattractive if not unsafe for pedestrians, especially on the east side. At one of our meetings with DOT it was explained that limiting bus and car/taxi traffic was probably infeasible, but that re-spacing of express bus stops, limited sidewalk bulb-outs, turn restrictions at congested intersections and consolidation of street furniture and could improve the pedestrian environment. These should be explored. This should begin with a street furniture audit to determine opportunities for furniture removal, consolidation, and replacement (e.g., replace security planters with bollards).

6. PARK AVENUE NORTH OF 46TH STREET

Three different possibilities have been suggested:

- Seating, decorative plantings, and public art at the intersections, similar to the Broadway malls on the Upper West Side
- Widening the medians and adding left turn lanes (would eliminate one traffic lane)
- Corner bulb-outs and mid-block standing zones where needed for pick-ups/drop-offs

7. LEXINGTON AVENUE NORTH OF 45TH STREET

- Possible widened sidewalks (would eliminate one traffic lane)
- Corner bulb-outs and mid-block standing zones where needed for pick-ups and drop-offs adjacent to hotels

8. THIRD AVENUE - possible widened sidewalks (would eliminate one traffic lane)

9. 42ND STREET CORRIDOR

- Make 42nd Street one way, widen sidewalks and add exclusive transitway for buses, or eventually, light rail (with elimination of traffic lanes)
- Roadway and sidewalk improvements that would permit Select Bus Service without a dedicated transitway
- Widened sidewalks from Fifth Avenue to Lexington or Third Avenue only

10. 53RD STREET CORRIDOR

East 53rd Street is an important crosstown pedestrian corridor for several reasons. These include (a) the E & M line subway with entrances at Third, Lexington, Madison and Fifth Avenues, (b) several cultural treasures, including the Seagram Building, Lever House, Paley Park, public art on Park Avenue and the Museum of Modern Art and (c) six existing pedestrian plazas along 53rd St. that provide badly-needed open space. Thus, it makes sense to provide streetscape improvements focused on widened pedestrian zones, with particular focus on nodes outside subways and existing plazas, complemented by amenities, such as planting, lighting, fixed and moveable seating, wayfinding signage, Wi-Fi hotspots, and mobile charging stations.