

## **Chapter 3: Land Use, Zoning and Public Policy, and Social Conditions**

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### **A. INTRODUCTION**

This chapter examines the 50th Street facility's effects on existing land use and development trends, compatibility with surrounding land uses, and consistency with public land use and zoning policies. It also considers two related topics: neighborhood character and community facilities. The analysis discusses existing conditions on the project site and in the immediate area; the study area extends for approximately 400 feet from the project site. It then considers future conditions under each alternative.

The analysis of the land use and zoning characteristics of the study area relies on several sources, including field surveys and land use and zoning maps available from the City of New York. Land use data were derived from New York City Department of Finance Real Property Assessment Data (RPAD) files. Zoning information is based on the *New York City Zoning Resolution*.

As described below, the analysis concludes that neither Alternative B, C, nor Preferred Alternative D would result in any significant adverse impacts on land use, zoning, or public policy. The 50th Street facility's scale in any of these alternatives would be compatible with the other densely developed areas to the east, north, south, and west of the project site. In addition, the facility in all three build alternatives would be consistent with the underlying goals of the New York City Zoning Resolution as it applies to the project site.

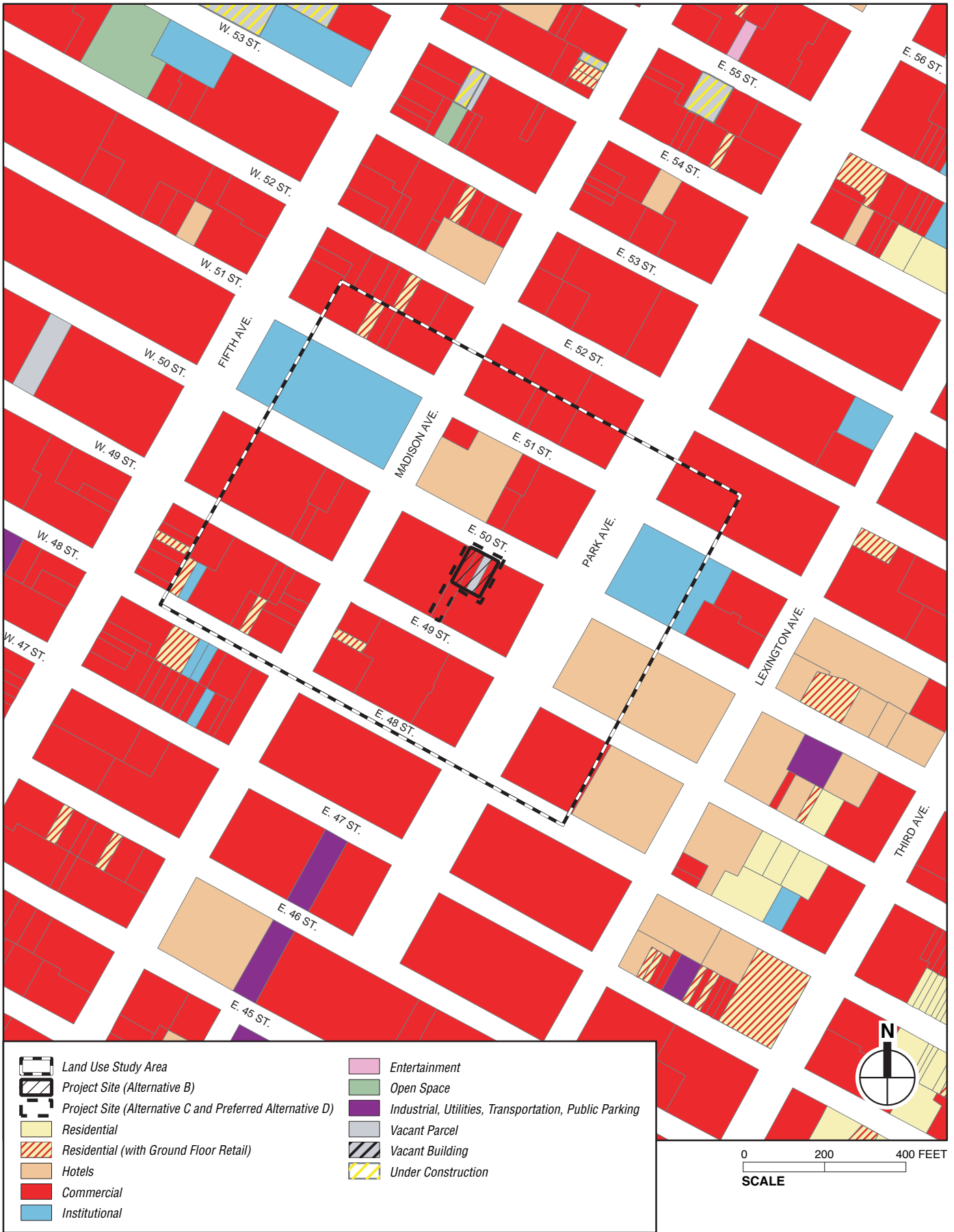
### **B. EXISTING CONDITIONS**

#### **LAND USE**

##### *PROJECT SITE*

The project site is located on East 50th Street between Park and Madison Avenues in a predominantly commercial area (see Figure 3-1). Four low-rise buildings (three five-story buildings and one six-story building) that contain a mix of retail and commercial businesses would be acquired under Alternative B. In Alternative C and Preferred Alternative D these four properties and one additional two-story building fronting on East 49th Street would be acquired.

The westernmost building fronting on East 50th Street is a five-story building at 44 East 50th Street occupied by two ground-floor retail uses: a deli and a wine and liquor store. The upper floors contain a nail salon, a psychic-astrology business, and vacant space. The adjacent five-story building at 46 East 50th Street is occupied by a restaurant on three floors and a duplex residence on the upper two floors. The five-story building at 48 East 50th Street is vacant. The easternmost building on East 50th Street, a six-story building at 50 East 50th Street, is occupied by a restaurant on four floors, with storage and a real estate office on the upper two floors. The two-story building at 45 East 49th Street, which is also part of the project site under the through



drive alternative, contains the ING Direct Café. This is a café run by a bank as a customer amenity, where customers can receive information on banking services. The café also provides support services such as internet access and conference space for office workers.

### *STUDY AREA*

The study area for the land use, zoning, and public policy analysis in this revised supplemental Environmental Assessment (EA) is the area within 400 feet of the project site. This is the area where the proposed project has the greatest potential to affect existing land use, land use trends, and overall neighborhood character. As shown in Figure 3-1, this area extends to 48th Street on the south, midway between 51st and 52nd Streets on the north, almost to Fifth Avenue on the west, and midway between Park and Lexington Avenues on the east. The project site and study area are located in the East Midtown Central Business District (CBD), which is the high-density commercial center of Manhattan that is generally considered to extend from East 40th Street on the south to East 59th Street on the north and from Fifth Avenue to the west and Third Avenue to the east.

This area of East Midtown is part of a premier office district that includes numerous skyscrapers housing the headquarters of *Fortune* 500 companies, as well as notable tourist attractions including St. Patrick's Cathedral and Saks Fifth Avenue, among others. The study area is defined largely by tall office towers. The headquarters of Colgate-Palmolive is located in a 25-story building adjacent to the project site on the east at 300 Park Avenue, on the west side of Park Avenue between East 49th and 50th Streets. The property immediately west of the project site, at 437 Madison Avenue, is a 40-story office tower. Other large commercial buildings in the area include those at the northwest corner of Park Avenue and 50th Street, the southeast corner of 49th Street and Park Avenue, the west side of Madison Avenue between 49th and 50th Streets, and on the interior of the block between 48th and 49th Streets between Madison and Park Avenues. Many of these large buildings have their main entrances on the avenue, with loading docks at street level on the side street. Such freight areas are located directly adjacent to the project site on East 50th Street, on both the east and west, as well as across East 50th Street to the north. Loading docks and entrances to below-ground parking are also located along East 49th Street.

Two large institutional uses—St. Patrick's Cathedral and St. Bartholomew's Church—are located in the area. St. Patrick's Cathedral occupies the entire block bounded by East 50th and 51st Streets from Madison to Fifth Avenue. St. Bartholomew's Church occupies the western half of the block bounded by East 50th and 51st Streets and Lexington and Park Avenues. A smaller church—the Church of Sweden—is located on East 48th Street between Madison and Fifth Avenues.

Saks Fifth Avenue department store, which occupies the eastern side of Fifth Avenue between East 50th and East 49th Streets, is the major retail use in the area. Many other buildings in the area have ground-floor retail uses, such as banks and restaurants. These uses are located along the cross streets as well as along Madison Avenue. Directly opposite the project site is a two-story restaurant on the north side of East 50th Street. Other ground-floor uses on East 50th Street are a bank and gourmet grocery store. A restaurant with outdoor seating is located on East 49th Street, across from the ING Direct Café. A Charles Schwab investment center is located in the ground-floor of the Colgate-Palmolive Building.

Two large hotels are also located in the study area. The New York Palace Hotel is located across from the project site on the north side of East 50th Street. The hotel extends through the block to

51st Street and faces Madison Avenue. The four-story Villard Houses, which faces a courtyard on Madison Avenue, is part of the hotel complex. This commercial building is home to the Municipal Art Society and its Urban Book Center as well as Le Cirque 2000 restaurant. The Waldorf Astoria Hotel is located on the east side of Park Avenue between East 49th and 50th Streets. The study area also includes a small number of residential apartments.

## **ZONING AND PUBLIC POLICY**

### *PROJECT SITE*

The five potentially affected properties are located within the area designated as the Special Midtown District (see Figure 3-2). The Special Midtown District, which was adopted in 1982, generally extends from 31st to 61st Street and from Third to Eighth Avenue (see Figure 3-3). The Special Midtown District is mapped primarily with restricted central commercial districts and high-bulk commercial districts. The district was created to strengthen the Midtown business core by meeting the following goals:

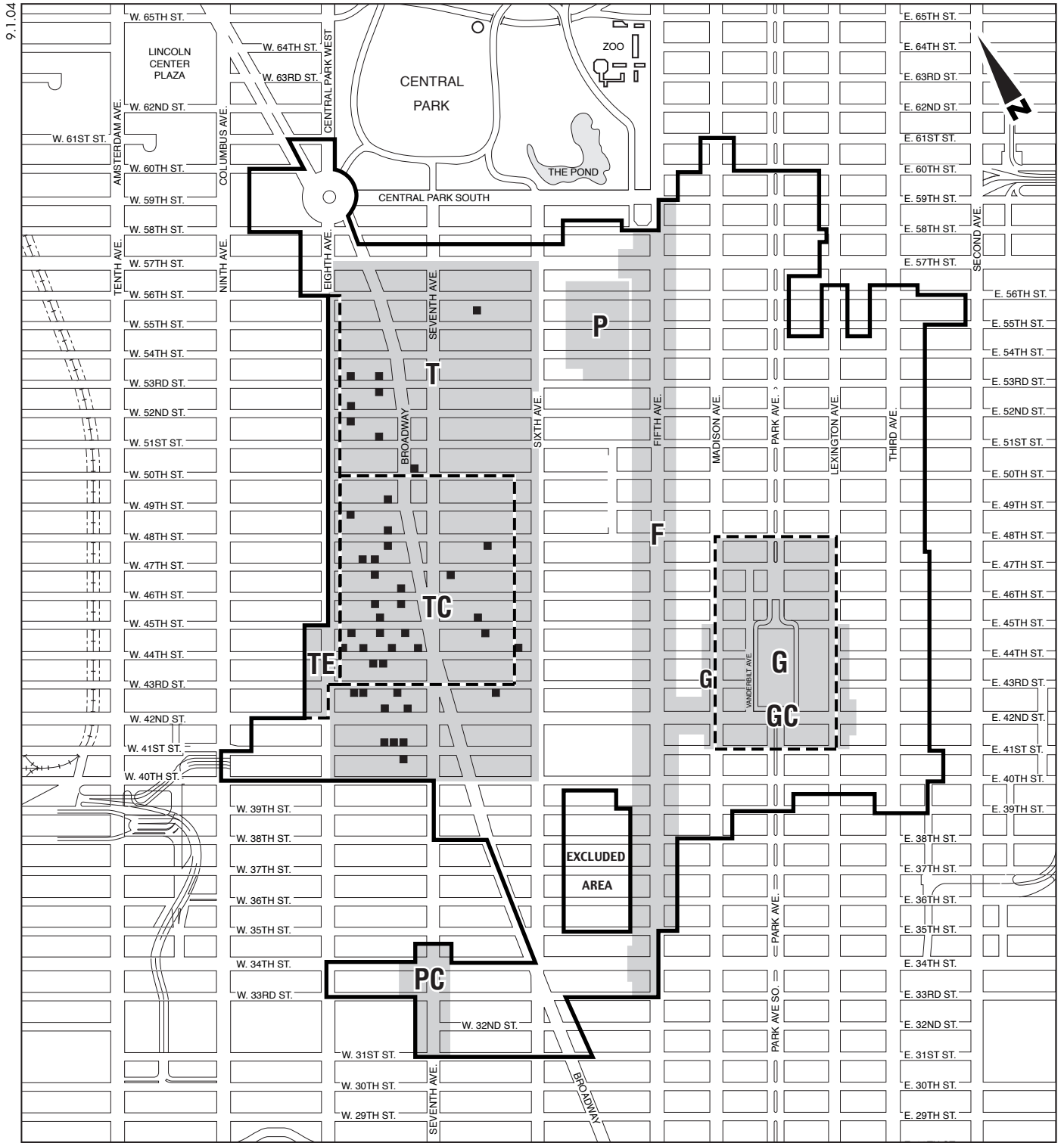
- Strengthening the business core of Midtown Manhattan by improving working and living environments.
- Stabilizing development in Midtown Manhattan and providing direction and incentives for further growth where relevant.
- Controlling the impact of buildings on the access of light and air to the streets and avenues of Midtown.
- Improving pedestrian circulation, pedestrian access to rapid transit, and avoiding pedestrian conflicts with vehicular traffic.
- Preserving the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground-floor uses.
- Continuing the historic pattern of lower building bulk in midblock locations compared to avenue frontages.
- Preserving, protecting, and enhancing the Theater District, Times Square, and the Fifth Avenue shopping district, and expand the retail, entertainment, and commercial character of the area around Penn Station.
- Expanding and enhancing the pedestrian circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and protect the area's special character.

In support of these goals, six special subdistricts were established within the Special Midtown District: Theater Subdistrict, Fifth Avenue Subdistrict, Grand Central Subdistrict, Penn Central Subdistrict, and Preservation Subdistrict. In each of these subdistricts, special regulations apply that do not apply elsewhere in the Special Midtown District.

The Special Midtown District also requires certain pedestrian amenities. Some of these are specific to the six special subdistricts; for example, numerous regulations apply to the provision of pedestrian space in the Theater Subdistrict. In addition, on certain designated avenues and major crosstown streets in the district, building frontage must be allocated for retail or service use. In all areas, the Special Midtown District regulations require new developments of more than 70,000 square feet in floor area that are located on lots of 5,000 square feet or larger to provide pedestrian circulation space, such as arcades, sidewalk widenings, recessed building



Figure 3-2  
Zoning



- Special Midtown District
- F Fifth Avenue Subdistrict
- G Grand Central Subdistrict
- PC Penn Center Subdistrict
- P Preservation Subdistrict
- T Theater Subdistrict
- GC Grand Central Subdistrict Core
- TC Theater Subdistrict Core
- TE Theater Subdistrict Eighth Avenue Corridor
- Listed Theaters

0 400 1000 FEET  
SCALE

entrances, relocation or renovation of subway stairs, or off-street improvement to rail mass transit facility.

As shown in Figure 3-3, the project site does not fall within any of the special subdistricts. It is also not located on one of the streets where continuous retail or service use is required.

The project site is located within a C5-2.5 zoning district. These districts are restricted central commercial districts within the Special Midtown District, intended primarily for commercial uses and retail uses, including large retailers that serve the metropolitan region and for retail areas where continuous retail frontage is desired. C5-2.5 districts are typically developed with department stores, large office buildings, and mixed buildings with residential space above office or commercial floors. The zone permits residential, community facility, and commercial uses, including office buildings, retail and service establishments, and hotels. It also permits certain public service establishments, such as public utility stations, water pumping stations, electric substations that are not larger than 10,000 square feet in floor area, and telephone exchanges or communication equipment structures (these are limited in height to the same bulk regulations that apply to commercial buildings). Certain high-performance manufacturing uses are also permitted, such as custom manufacturing of medical appliances, that benefit from a location in a central business district and that generally do not create nuisances and/or large volumes of truck traffic.

The maximum floor area ratio (FAR) permitted in C5-2.5 districts for commercial uses is 12.0. The FAR is the ratio of building floor area to lot size—with an FAR of 12.0, a building on the site can have a floor area 12 times greater than its lot area. In C5-2.5 districts, the FAR can be as high as 14.4 if certain amenities, such as public plazas, are provided.

The zoning regulations also govern the shape of buildings in the C5-2.5 district. Rear yards of a minimum of 20 feet must be provided. However, buildings constructed on “through” lots (i.e., lots that extend through from one side street to the next) need not retain a rear yard. Buildings’ front walls can rise to a maximum height of 90 feet, at which point they must set back.

The Zoning Resolution also permits provision of off-street loading berths in commercial districts, to restrict the use of streets for such activities and to help relieve traffic congestion in commercial areas of the city. The curb cuts for these loading berths should not be within 50 feet of an intersection.

### *STUDY AREA*

The entire study area is located within the Special Midtown District. Zoning designations in the area around the project site support intense commercial use, with denser development on the wide avenues and lower density uses in the midblocks. Within the study area, C5-2.5 districts are mapped on the midblocks between Fifth and Madison Avenues, Madison and Park Avenues, and Park and Lexington Avenues, while C5-3 districts are mapped along Madison and Park Avenues. Like C5-2.5 districts, C5-3 districts are restricted central commercial districts. These high-bulk commercial districts have a maximum commercial FAR of 15.0 (18.0 with a bonus) and maximum residential FAR of 10.0 (12.0 with a bonus).

An analysis of zoning gives a strong indication of public policy for preferred land uses in a given area. In the study area, existing zoning (the Special Midtown District and underlying zoning) demonstrates how New York City has implemented zoning as a tool to spur commercial development in the East Midtown CBD.

One element of citywide public policy is to find opportunities to allow for future growth. While New York City has sought and will continue to seek broad economic growth, the key to the city and region's economic well-being has been and will continue to be sustaining Manhattan as the region and nation's center of commerce and business. Public policy goals include maintaining Manhattan's important presence in the metropolitan area by retaining existing businesses and providing conditions to facilitate future growth, such as providing transportation infrastructure to support new commercial development.

### **NEIGHBORHOOD CHARACTER**

Community character is defined as an amalgam of a number of traits, including land use, urban design and visual resources, traffic, and noise. These elements are considered together to create a sense of the neighborhood in which a project is proposed, so that the compatibility of the project within its community setting can be presented and assessed.

The project site is located in the East Midtown CBD, part of the larger Midtown CBD. Manhattan's Midtown CBD is the largest CBD in the nation. As noted earlier, East Midtown comprises a premier office district that includes numerous skyscrapers housing the headquarters of *Fortune* 500 companies, as well as notable tourist attractions. This area is characterized by a high level of commercial activity, and is predominantly occupied by large office buildings and side-street retail uses to serve the offices. In addition, there are several major religious and commercial uses in the study area that attract residents from throughout the city as well as tourists. Closest to the project site, these include Saks Fifth Avenue, St. Patrick's Cathedral, and St. Bartholomew's Church. As in most CBDs, the area is heavily traveled and has high levels of pedestrian and vehicular activity that generate noise, particularly during the day. Park Avenue is a wide urban boulevard with a landscaped median and wide plazas fronting on the avenue. These include the plaza at St. Bartholomew's Church, which provides space for an outdoor café during warm weather. East 49th and 50th Streets are crosstown bus routes for the M50 and M27 buses, which head east on 50th Street and return west on 49th Street. These streets also have several loading areas and below-ground parking garages to serve the large commercial buildings on the block.

### **COMMUNITY FACILITIES**

Other than the religious institutions described above, there are no additional community facilities located within the study area. The project site and study area is served by the Midtown North Police Precinct, which is located at 306 West 54th Street. The site is served by Fire Department of New York (FDNY) Engine Company 8/Ladder Company 2, which is located at 165 East 51st Street.

## **C. ALTERNATIVE A (NO ACTION ALTERNATIVE)**

### **LAND USE**

The East Side Access Project design analyzed in the Final Environmental Impact Statement (FEIS) did not require demolition of the existing midblock buildings on 50th Street or 49th Street, since no new above-ground 50th Street facility was proposed. In this alternative, Alternative A, which represents a baseline against which to compare the build alternatives, the buildings on the project site are assumed to remain in place and in their current use. The building at 48 East 50th Street, which is currently vacant, is planned for development as an eye institute

that will specialize in laser eye surgery and other medical procedures. Vacant floors of the other buildings on the project site could be occupied by other commercial uses in the future without the proposed actions, although no specific plans for such occupancy are known at this time.

The study area is fully developed and no changes to land use are expected in the study area in Alternative A. As described in Chapter 2, "Project Alternatives," Alternative A assumes development of a new underground ventilation facility to East 49th and 50th Streets between Park and Madison Avenues. The street-level grates in the sidewalk would be visible to pedestrians on both side streets, and warm air would be exhausted continuously from the grates on 50th Street.

Outside the study area, changes are proposed throughout Manhattan, including the introduction of Long Island Rail Road (LIRR) service to Grand Central Terminal, the development of the Second Avenue Subway, a large-scale rezoning and redevelopment of the far West Side of Manhattan, and rezoning and redevelopment of the Con Edison First Avenue Properties between East 35th and East 41st Streets. Growth from development projects, including the far West Side project and the First Avenue Properties project, would not significantly change conditions in the immediate area of the 50th Street facility.

#### **ZONING AND PUBLIC POLICY**

No zoning changes are anticipated for the project site or study area. Public policy governing development in the 400-foot study area is not expected to change in Alternative A.

#### **NEIGHBORHOOD CHARACTER**

The character of the project site and immediate area would likely remain the same in Alternative A. The streets would continue to be busy with traffic and pedestrians as a part of the city's commercial core.

#### **COMMUNITY FACILITIES**

No changes to the major religious institutions near the project site are expected under Alternative A.

### **D. PROBABLE IMPACTS OF THE BUILD ALTERNATIVES**

#### **ALTERNATIVE B (50TH STREET FACILITY WITHOUT THROUGH DRIVE)**

##### *LAND USE*

With this alternative, the existing midblock buildings on 50th Street would be acquired, demolished, and replaced with a new approximately 153-foot-tall 50th Street facility containing a loading dock, a cooling tower, ventilation equipment, electrical substations and emergency generators for the East Side Access Project. This would change the use of the project site by replacing small businesses, ground-floor retail and restaurant space, and some vacant commercial space with a single, consolidated building housing infrastructure uses.

The 50th Street facility would be generally compatible in use with the densely developed commercial area surrounding the project site. As described in more detail in Chapter 5, "Visual and Aesthetic Considerations," the new facility has been designed to be compatible in

appearance with nearby glass and metal office buildings. As such, it would be constructed of metal and glass in a design similar to that of a modern office building. The uses of the 50th Street facility would also be generally compatible with the land use in the surrounding area. Cooling and ventilation equipment, ancillary substations and emergency generators, and loading docks are all common elements of commercial office building in Midtown Manhattan. Moreover, ventilation buildings and facilities—including those to support New York City’s vast underground transportation network—are located throughout the city wherever underground transit systems are present, including Midtown and specifically the area of Midtown close to Grand Central Terminal. The activities occurring within the facility would not result in significant noise levels outside. The ventilation facilities would emit warm air from the exhaust louvers, as commercial buildings do throughout Midtown. The loading dock activities at street level would be similar to activities already occurring at the numerous loading docks near the project site, including those at buildings on the same block.

Alternative B would result in the loss of a sizeable amount of the ground-floor retail and restaurant space on the project block. These activities would be replaced by a street-level loading dock with roll down gates, similar in use to the two loading docks immediately adjacent to the project site, as well as the loading dock located across 50th Street from the project site. The 50th Street facility would be similar in ground-floor use to many other buildings on Midtown side streets, including the block of East 50th Street between Park and Madison Avenues.

This alternative would be compatible with land use patterns of the surrounding area. It would be compatible with a densely developed Midtown office district and would not conflict with other uses nearby. It also would not affect development trends in the surrounding area.

Based on the analysis presented above, there would be no significant adverse impact to land use as a result of Alternative B.

#### *ZONING AND PUBLIC POLICY*

As an authority of New York State, the Metropolitan Transportation Authority (MTA) is exempt from local requirements, including zoning regulations. Nonetheless, the 50th Street facility is designed to be consistent with zoning requirements to the extent possible. The facility’s design would comply with the height, bulk, and setback requirements specified for commercial buildings in the area, and the new facility would be consistent with the overall goals of the Special Midtown District.

##### *C5-2.5 Zoning District*

Because of its unique nature, the new 50th Street facility is not specifically listed as a permitted use in the C5-2.5 district (nor is it specified in other zoning districts set forth in the Zoning Resolution). However, as noted earlier, the C5-2.5 commercial district permits public service establishments, including utility stations, water pumping stations, electric substations, and telephone exchanges. Off-street loading docks are also permitted, as a means of reducing traffic congestion on Midtown streets. Thus, the facility’s use in Alternative B, with ventilation equipment, a loading dock, cooling equipment, and associated substations, is consistent with those expressly permitted by the Zoning Resolution for the site. The 50th Street facility in Alternative B was designed to comply with the bulk requirements for commercial uses in the site’s C5-2.5 zoning district. The building’s height would be consistent with the height of a commercial facility that meets the maximum FAR of 12.0. The overall floor area of the building in this alternative, with six floors, would be substantially lower than the maximum FAR (see

Figure 3-4). As required by the zoning district, the facility's front facade would have a setback at a height of 90 feet. A rear yard of 20 feet would also be provided.

*Special Midtown Zoning District*

As noted earlier, the Special Midtown District requires provision of certain pedestrian amenities. None of those amenities are required for the 50th Street facility. The project site is not located on a street designated for continuous retail frontage, so this provision does not apply to the site. With six stories on an 8,000-square-foot lot, the 50th Street facility in Alternative B would be smaller than 70,000 square feet in floor area; therefore, the Special Midtown District's requirements for pedestrian circulation space (e.g., arcades, sidewalk widenings, recessed building entrances, relocation or renovation of subway stairs, or off-street improvement to rail mass transit facilities) for buildings of that size and larger do not apply. The project would not result in pedestrian conflicts with vehicular traffic (for more information, see Chapter 7, "Traffic and Transportation"). Moreover, as part of the larger East Side Access Project, the 50th Street facility would facilitate significant improvements to the pedestrian circulation network connecting Grand Central Terminal to the surrounding area and would contribute to the development of off-street improvements to a rail mass transit facility.

The facility would also be consistent with the overall goals of the Special Midtown District. Because the building would be consistent with the bulk requirements of its zoning district, it would meet the district's goals with respect to bulk and would continue the pattern of lower building bulk in midblock locations compared to avenue frontages.

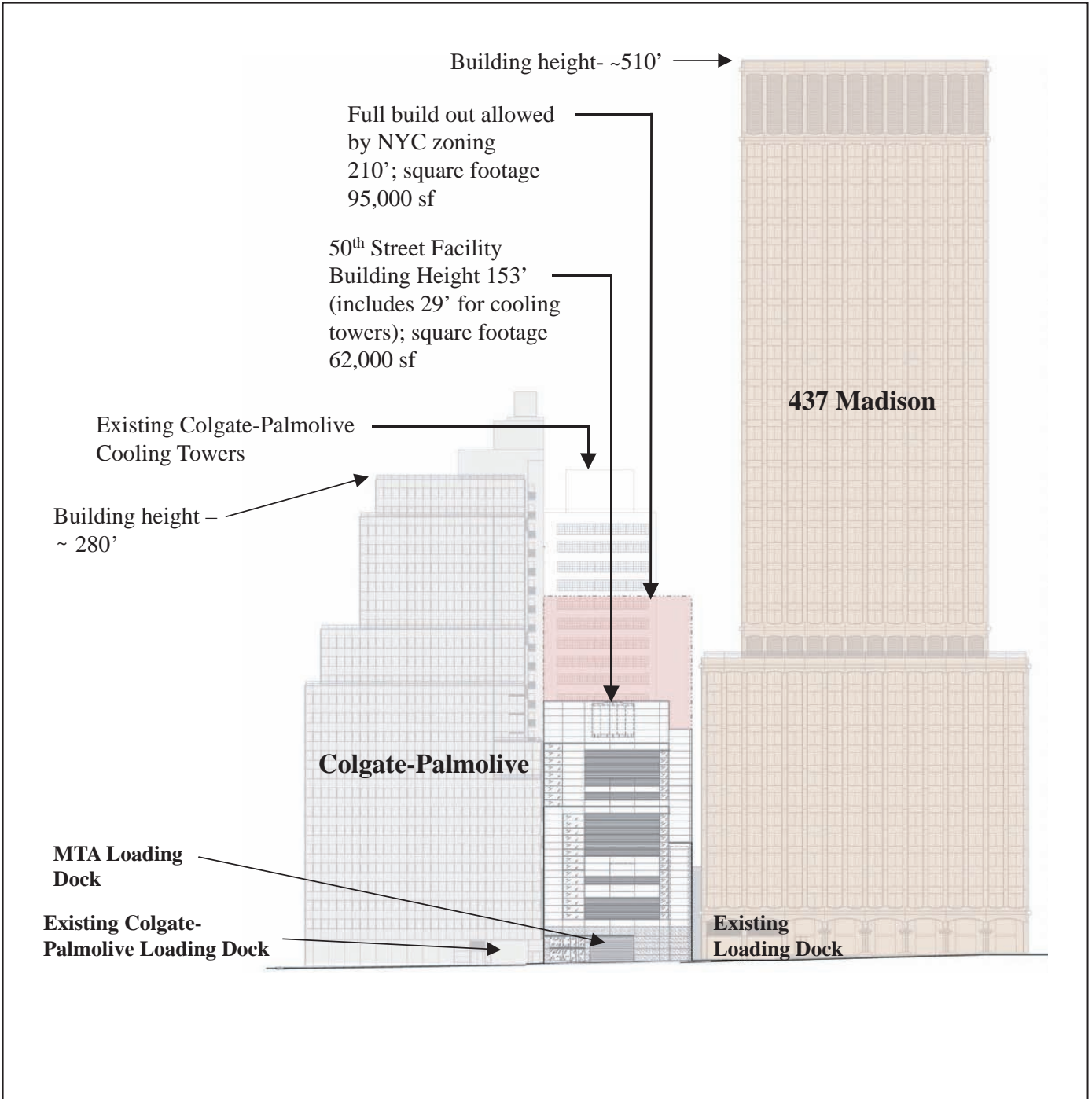
The stated goals of the Special Midtown District are listed below, followed by a discussion of the 50th Street facility's consistency with each goal. Those goals that are specific to designated subdistricts not near the 50th Street site (goals h, i, j, k, m, and o) are not discussed.

- (a) *To strengthen the business core of Midtown Manhattan by improving the working and living environments*

On a local level, the 50th Street facility would not result in adverse impacts on the surrounding area, and therefore would not adversely affect the working and living environments in its vicinity. For Midtown as a whole, the 50th Street facility is a key component of the larger East Side Access Project, which would strengthen the business core of Midtown by facilitating improved transportation access for commuters from Long Island to East Midtown.

- (b) *To stabilize development in Midtown Manhattan and provide direction and incentives for further growth where relevant*

The goal is related to designation of particular use and bulk regulations in the district. The East Side Access Project would support stabilized growth in Midtown Manhattan by providing an economic benefit to this part of Manhattan. As noted earlier, the use of the 50th Street facility is not inconsistent with surrounding uses. The facility's bulk in this alternative would comply with the requirements for commercial buildings in the site's C5-2.5 zoning district.



- (c) *To control the impact of buildings on the access of light and air to the streets and avenues of Midtown*

The impact of buildings on the access of light and air to the streets and avenues is controlled in the Special Midtown District through special bulk controls set forth in the Zoning Resolution. As noted above, the 50th Street facility in Alternative B would comply with the bulk requirements for commercial buildings in the site's C5-2.5 zoning district.

- (d) *To link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic*

To meet this goal, the Zoning District has certain mandatory district plan elements for new buildings related to pedestrian circulation, and provides incentives for development of pedestrian access to certain transit facilities, including Grand Central Terminal. None of the pedestrian circulation elements are required at the 50th Street facility: the site is not located on a site designated for continuous retail frontage or streetwall continuity, so this provision does not apply to the site; the site is not mapped as a location for pedestrian circulation, so this provision does not apply; and the facility would be smaller than 70,000 square feet in floor area, so the requirements for pedestrian circulation space for buildings of that size and larger do not apply. The East Side Access Project would improve pedestrian access to rapid transit facilities by creating a new LIRR terminal at Grand Central Terminal that would be accessible through numerous new entrances near Park Avenue north of Grand Central.

- (e) *To preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground-floor uses, and thus safeguard the quality that makes Midtown vital*

The Midtown Special District has designated subdistricts, including a Preservation Subdistrict and a Fifth Avenue Subdistrict, among others, where the existing scale and character are protected by special streetwall requirements. The 50th Street facility would not be located in any designated subdistrict. As noted earlier, the facility's bulk, including its streetwall, would be consistent with zoning requirements for commercial buildings on the site.

- (f) *To continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages*

Because the 50th Street facility would be consistent with the bulk requirements of its zoning district, it would meet the district's goals with respect to bulk and would continue the pattern of lower building bulk in midblock locations compared to avenue frontages.

- (g) *To improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations*

The Special District mandates ground-floor retail uses in certain locations, and requires provision of pedestrian circulation elements in certain locations. None of these requirements apply to the 50th Street facility project site. In addition, the Zoning Resolution offers incentives (by special permit) for provision of subway station improvements. As part of the larger East Side Access Project, the new facility would facilitate significant improvements to the pedestrian circulation network connecting Grand Central Terminal to the surrounding area and would contribute to the development of off-street improvements to a rail public transit facility, which is consistent with the goals of the zoning district

- (l) *To preserve, protect, and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping*

The 50th Street facility would not adversely affect the character of Fifth Avenue as a shopping district.

- (n) *To expand and enhance the pedestrian circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and protect the area's special character*

As part of the larger East Side Access Project, the 50th Street facility would facilitate significant improvements to the pedestrian circulation network connecting Grand Central Terminal to the surrounding area and would contribute to the development of off-street improvements to a rail mass transit facility, which is consistent with the goals of the zoning district.

- (p) *To provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"*

This goal is implemented in the zoning district through the district's bulk controls. As noted above, the 50th Street facility would comply with the bulk requirements for commercial buildings in the site's C5-2.5 zoning district.

- (q) *To promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues*

The 50th Street facility is part of the larger East Side Access Project, which would bring an important transportation benefit to the region's commuters and to East Midtown. The project would contribute to the economic vitality of Midtown, thereby contributing to the value of land and buildings in Midtown. On a local level, the 50th Street facility would not result in adverse effects to neighborhood character, and therefore would not adversely affect property values.

Overall, therefore, the 50th Street facility would be consistent with the goals of the Special Midtown Zoning District.

Based on the analysis presented above, Alternative B would not have a significant adverse impact in terms of zoning and public policy.

#### *NEIGHBORHOOD CHARACTER*

Introduction of a new 153-foot-tall building with a ground-floor loading dock in Alternative B would change the character of the project site. Four small-scale buildings with ground-floor retail and restaurant uses would be replaced by one unified building that is predominantly commercial in appearance. The 50th Street facility would be similar in character to other buildings on the block. In terms of land use, the facility would contain mechanical equipment that is commonly found in office buildings throughout the surrounding area. Cooling and ventilation equipment, emergency generators, and loading docks are all common elements of commercial office buildings in Midtown Manhattan. As described earlier, the facility's modern glass and metal design would be consistent with nearby modern office buildings, particularly the building at 300 Park Avenue immediately east of the project site. The 50th Street facility would also retain the pattern of shorter buildings on midblocks adjacent to taller buildings on the avenues, which is typical in the study area. As described in Chapter 5, "Visual and Aesthetic Considerations," the facility would not adversely affect views from the surrounding area, including from the tourist attractions on Park or Fifth Avenue. Overall, the facility's design would not adversely affect the character of the project block or of the premier office and tourist district in the surrounding area. Contrary to the concern raised in public meetings on this project, the facility would not result in a "dead zone" on this Midtown block. Rather, the new use would be consistent with land use patterns common throughout Midtown, including elsewhere on the same block.

The 50th Street facility would introduce a new loading dock with two doors on a block that has three other such uses. The limited number of trucks arriving each day at the project site (estimated at 23, as described in Chapter 7, "Traffic and Transportation") would not result in significant adverse impacts to traffic conditions or create pedestrian conflicts. The facility's ancillary functions have been designed to be compatible with other uses on the block, and as noted earlier, would not result in significant noise levels, odors, pollution, or other nuisances (see Chapter 8, "Air Quality," and Chapter 9, "Noise and Vibration," for more information). In normal conditions, the air exhausted from the 50th Street facility's exhaust louvers would be the ambient air from the East Side Access spaces at Grand Central Terminal.

Since the increases in traffic or noise as a result of the Alternative B would not be significant, and because the land use and visual character of the building would be compatible with other uses on the project block and in the study area, there would be no significant adverse impacts to neighborhood character resulting from this alternative.

#### *COMMUNITY FACILITIES*

The 50th Street facility would add few new workers to the study area and thus would not be expected to place a significant demand on any community facilities. No increase to staffing levels at the police or fire departments would be required as a result of the facility.

**ALTERNATIVE C (50TH STREET FACILITY WITH THROUGH DRIVE)**

*LAND USE*

In response to public comments made during review of preliminary designs for the 50th Street facility, Alternative C was developed to minimize the effects of the project on traffic congestion on 50th Street. This alternative, like Alternative B, would replace four low-rise buildings on East 50th Street with a new 153-foot-tall support structure. In addition, a two-story bank café on East 49th Street would be removed and replaced with a gated entrance drive to provide access to the new loading dock. The 50th Street facility in Alternative C would provide the same functions and would have the same general bulk as in Alternative B.

The appearance of the facility under Alternative C would be similar to that of Alternative B, except that Alternative C would have only one loading dock door facing 50th Street and would introduce another gated entrance to the facility on 49th Street (see Chapter 5, “Visual and Aesthetic Considerations”). As with Alternative B, Alternative C would be compatible with surrounding land uses in the study area, and no significant adverse impacts would result.

*ZONING AND PUBLIC POLICY*

The bulk of the project under this alternative would generally be the same as with Alternative B. MTA is not required to follow the city’s zoning regulations, but the 50th Street facility is nonetheless intended to comply with the zoning requirements to the extent possible. As described for Alternative B, the 50th Street facility in Alternative C would strengthen the Midtown district core by facilitating transit to the area, as well as continuing the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages. In addition, Alternative C was specifically designed to minimize any potential for pedestrian or vehicle conflicts, through the use of a drive-through loading dock that allows trucks to head in from 49th Street and head out on 50th Street, and to conduct loading operations entirely within the 50th Street facility. Therefore, Alternative C would not result in any significant adverse impacts in terms of zoning and public policy.

*NEIGHBORHOOD CHARACTER*

As with Alternative B, Alternative C would also bring approximately 23 trucks to the site each day. However, this alternative would divide truck trips between two streets, so that trucks arrive on 49th Street and depart on 50th Street. As both East 49th and East 50th Streets already house loading docks and bus routes, this vehicular activity would be consistent with the character of the blocks, and no significant impacts to traffic or noise are expected from the increased number of vehicles, equipment, and activity on-site. Although the project would result in the loss of a sizeable amount of the ground-floor retail and restaurant frontage on the project block, the appearance of the 50th Street facility would be consistent with the nearby commercial buildings and similar in height to several other buildings located on midblocks in the study area. As neither the increases in traffic or noise as a result of the facility would be significant and as the land use and visual character of the facility would be compatible with other uses on the project blocks and in the study area, Alternative C would not result in significant adverse impacts to neighborhood character.

*COMMUNITY FACILITIES*

The 50th Street facility would add few new workers to the study area and thus would not place significant new demand on any community facilities. An increase in police or fire services is not expected to be necessary with Alternative C.

**PREFERRED ALTERNATIVE D (50TH STREET FACILITY WITH THROUGH DRIVE AND PUBLIC OPEN SPACE)**

*LAND USE*

Preferred Alternative D, developed in response to public comments made on the January 2005 EA, relocates a number of the 50th Street facility's functions either to the East Side Access concourse at Grand Central Terminal, below grade at the 50th Street facility, or to the adjacent Colgate-Palmolive Building at 300 Park Avenue. This alternative would have drive-through access from East 49th Street to the project's loading dock, like Alternative C. As with Alternative C, the 50th Street facility would have a single loading dock door facing East 50th Street.

Several of the elements that were included in Alternatives B and C are relocated in Preferred Alternative D. Specifically, the fuel storage tank and substations would no longer be included in the 50th Street facility in this alternative, the emergency generators would be located below ground, and the generator exhaust and cooling tower units would be on the roof of the adjacent building at 300 Park Avenue. The 50th Street facility in Preferred Alternative D would consist of land uses that are common in Midtown Manhattan, including the loading dock and ventilation equipment. The rooftop cooling tower atop the high-rise Colgate-Palmolive Building would replace the existing cooling tower for that building in the identical location; a new cooling tower would be added elsewhere on the roof of that building to serve the office building below. The new cooling tower units, high atop the office building, would be similar to many other cooling towers found throughout Midtown Manhattan on office buildings.

The 50th Street facility in this alternative would be about half the width and less than half the height of the facility in Alternatives B and C (see Chapter 5, "Visual and Aesthetic Considerations"). It would also have a landscaped public open space, bringing a public amenity to Midtown, where open spaces are scarce. This space would augment the space provided by the existing plaza in front of 437 Madison Avenue.

Overall, Preferred Alternative D, like the other build alternatives, would be compatible with surrounding land uses in the study area, and no significant adverse impacts would result.

*ZONING AND PUBLIC POLICY*

Preferred Alternative D would be substantially smaller in height and bulk than the building proposed in Alternatives B and C, and it would contain fewer project elements. Like those two alternatives, Preferred Alternative D would comply with zoning requirements to the extent practicable, although MTA is not required to follow the city's zoning regulations. The 50th Street facility in Preferred Alternative D would be much smaller than the full build-out allowed for an office building on the project site, and thus would reinforce the pattern of lower buildings on the midblocks still more than Alternatives B and C. As described for Alternatives B and C, the 50th Street facility would strengthen the Midtown district core by facilitating transit to the area, as well as continuing the historic pattern of relatively low building bulk in midblock

locations compared to avenue frontages. Like Alternative C, Preferred Alternative D was designed to minimize any potential for pedestrian or vehicle conflicts, through the use of a drive-through loading dock that allows trucks to head in from 49th Street and head out on 50th Street, and to conduct loading operations entirely within the 50th Street facility. In addition, this alternative, unlike the others, would provide a public open space, one of the public amenities encouraged for the Midtown Special District by the Zoning Resolution. Therefore, Preferred Alternative D would not result in any significant adverse impacts on zoning and public policy.

#### *NEIGHBORHOOD CHARACTER*

Like Alternatives B and C, Preferred Alternative D would be consistent with neighborhood character in the surrounding area. The 50th Street facility's uses would be compatible with land use in the Midtown area, and the design of Preferred Alternative D would be consistent in terms of height and bulk with other midblock buildings in Midtown (as well as similar to the existing buildings on the site that would be demolished for the project). The new public open space would be a visual and open space amenity in an area where publicly accessible open space is scarce, and would likely enliven street life in the immediate area. While the loss of street-level retail space could reduce the amount of pedestrian activity on the block, the presence of the new open space would likely attract pedestrians, so that no change in activity is expected to result overall.

The limited number of trucks that would arrive at the site each day, estimated at 23 trucks over the full day, would arrive on 49th Street and depart on 50th Street. No significant adverse impacts on traffic, air quality, or noise are predicted from this limited amount of vehicular activity. Overall, therefore, Preferred Alternative D would not result in significant adverse impacts on neighborhood character.

#### *COMMUNITY FACILITIES*

The 50th Street facility would add seven new workers to the study area and thus would not place significant new demand on any community facilities. An increase in police or fire services is not expected to be necessary with Preferred Alternative D.

#### **CONCLUSIONS**

Overall, all of the build alternatives would be compatible in use and scale with surrounding land uses in the study area and no significant adverse impacts would result. The increase in traffic and noise as a result of the alternatives would not be significant, and the loading dock activities at street level would be similar to activities already occurring at the numerous docks near the project site, including those at buildings on the same block. The new public open space included in Preferred Alternative D would be a visual and open space amenity in an area where publicly accessible open space is scarce, and would likely enliven street life in the immediate area. As a New York State public authority, MTA is not subject to local zoning requirements. Although the 50th Street facility is not specifically mentioned as a permitted use in the New York City Zoning Resolution, the facility's design under any of the alternatives would comply with the height, bulk, and setback requirements specified by the Zoning Resolution for commercial buildings in the area. The 50th Street facility would therefore not result in any significant adverse impacts on land use, zoning, public policy, or social conditions under Alternative B, Alternative C, or Alternative D.

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