Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application Nos: C 140440 MMM, N 150127 ZRM, C 150128 ZSM, C 150129 ZSM, and C 150130 ZSM

Docket Descriptions:

VANDERBILT CORRIDOR

IN THE MATTER OF applications submitted by the New York City Department of City Planning:

C 140440 MMM – pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Vanderbilt Avenue between East 42nd Street and East 43rd Street;
- the establishment of Public Place above a lower limiting plane; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30244 dated October 17, 2014 and signed by the Borough President; and

N 150127 ZRM – pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community Districts 5 and 6.

(See Continued)

COMMUNITY BOARD NO: 5 & 6 BOROUGH: Manhattan

RECOMMENDATION

- ☐ APPROVE
- ■ APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- ☐ DISAPPROVE
- ☐ DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

Gale A. Brewer

BOROUGH PRESIDENT

1/28/2015

DATE

Docket Descriptions, continued:

ONE VANDERBILT AVENUE

IN THE MATTER OF applications submitted by Green 317 Madison LLC and Green 110 East 42nd Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to:

C 150128 ZSM – Section 81-635 of the Zoning Resolution to allow the transfer of 114,050.25 square feet of floor area (2.63 FAR) from property located at 110 East 42nd Street (Block 1296, Lots 1001-1007) that is occupied by a landmark building (Bowery Savings Bank Building) to property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52) ;

C 150129 ZSM – Section 81-641 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in Row A of the Table in Section 81-211* (Maximum floor area ratio for non-residential or mixed buildings) up to a maximum floor area as set forth in Row O of such Table; and

C 150130 ZSM –Section 81-642 of the Zoning Resolution to modify, in conjunction with the special permit pursuant to Section 81-641 (Additional floor area for the provision of public realm improvements):

1. the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-621 (Special street wall requirements);
2. the height and setback requirements of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), and 81-622 (Special height and setback requirements); and
3. the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-45 (Pedestrian Circulation Space) and the requirements of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), 81-47 (Major Building Entrances), 81-623 (Building lobby entrance requirements), and 81-624 (Curb cut restrictions and loading requirements);

to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Community Districts 5 & 6, Borough of Manhattan.

ONE VANDERBILT AVENUE – (A) Application

C 150130(A) ZSM – IN THE MATTER OF an application submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedures for the grant of a special permit pursuant to Section 81-642 of the Zoning Resolution to modify, in conjunction with the special permit pursuant to Section 81-641 (Additional floor area for the provision of public realm improvements):

1. the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-621 (Special street wall requirements);
2. the height and setback requirements of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), and 81-622 (Special height and setback requirements); and
3. the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-45 (Pedestrian Circulation Space) and the requirements of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), 81-47 (Major Building Entrances), 81-623 (Building lobby entrance requirements), and 81-624 (Curb cut restrictions and loading requirements);

to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Community Districts 5 & 6, Borough of Manhattan.

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Gale A. Brewer, Borough President

January 28, 2015

Recommendation on ULURP Application Nos. C 150128 ZSM, C 150129 ZSM, and C 150130 ZSM – One Vanderbilt Avenue by Green 317 Madison LLC and Green 110 East 42nd Street LLC; and Recommendation on ULURP Application Nos. N 150127 ZRM and C 140440 MMM – Vanderbilt Corridor by New York City Department of City Planning

PROPOSED ACTIONS

The New York City Department of City Planning ("Department of City Planning" or "DCP") seeks approval of a text amendment to modify Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) and 81-635 (Transfer of development rights by special permit). The text amendment would create two new special permits in the Zoning Resolution ("ZR") subject to City Planning Commission ("CPC") approval, Sections 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) and 81-642 (Permitted modifications in conjunction with additional floor area). In a related and concurrent application, Green 317 Madison LLC and Green 110 East 42nd Street LLC (the "Applicants") seek approval of three special permits pursuant to ZR Sections 81-635, 81-641, and 81-642, to allow the transfer of floor area from a landmark building, to allow an increase in the maximum floor area ratio up to 30 FAR, and to modify, in conjunction with the increase in FAR in exchange for the provision of public realm improvements, street wall requirements, height and setback requirements, and mandatory plan elements, respectively, to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52) ("1 Vanderbilt"). The site is located in a C5-3 District within the Special Midtown District (Grand Central Subdistrict) in Manhattan Community Districts 5 and 6.

Additionally, DCP seeks an amendment to the City Map pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code to designate the portion of Vanderbilt Avenue between East 42nd Street and East 43rd Street as a public place, dedicated to pedestrian uses, under city ownership and under the jurisdiction of the New York City Department of Transportation (NYCDOT). No floor area will be transferred from this portion to the adjacent, adjoining zoning lots.

In evaluating the text amendment, this office must consider whether the modifications and new special permits are appropriate and beneficial to the community in which the eligible sites and

proposed 1 Vanderbilt project are situated. Any changes to the city map should be evaluated for consistency and accuracy, and given the land use implications, appropriateness for the growth, improvement and development of the neighborhood and borough.

Transfer of Development Rights

In order to obtain a special permit pursuant to ZR § 81-635, the design of the development must include a major improvement of the above or below-grade pedestrian or mass transit circulation network. This improvement must increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network connectivity. In order to allow the transfer of floor area from a granting lot, the requested permit requires that the CPC evaluate the benefits to the general public from the proposed improvement, and find that[1]:

(1) a program for the continuing maintenance of the landmark has been established[2];
(4) for developments or enlargements with a proposed floor area ratio in excess of 21.6 on zoning lots located within the Vanderbilt Corridor, the building has met the ground floor level, building design and sustainable design measures set forth in the applicable conditions and findings of Section 81-641;

Grand Central Public Realm Improvement Bonus

In order to obtain the second special permit pursuant to ZR § 81-641, the design of the development must include on-site or off-site, above or below-grade improvements to the pedestrian or mass transit circulation network, which may be provided in combination. In addition, the development will be evaluated to ensure that the proposed building represents an exceptional addition to the Special Midtown District. In order to allow an increase in the maximum permitted floor area ratio, or grant a floor area bonus, the permit requires that the CPC find that:

(1) for above-grade improvements to the pedestrian circulation network that are located:

(i) on-site, the proposed improvements will, to the extent practicable: consist of a prominent space of generous proportions and quality design that is inviting to the public; provide suitable amenities for the occupants; front upon a street or a pedestrian circulation space in close proximity to and within view of an adjoining sidewalk; provide or be surrounded by retail uses; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the

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[1] Improvements pursuant to findings (2) and (3) of this section are not required. Instead, improvements are provided and discussed in connection with the Grand Central Public Realm Improvement Bonus sought by the applicant under the special permit pursuant to ZR § 81-641. In addition, no modifications of bulk regulations are proposed pursuant this special permit. As such, findings (5) and (6) are not applicable.

[2] Per an Memorandum of Understanding (MOU 16-1080), dated August 6, 2014 with the New York City Landmarks Preservation Commission, a program for continuing maintenance of the Bowery Savings Bank, located at 110 East 42nd Street, a NYC Individual Landmark, has been established.

immediate vicinity, and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; or

(ii) off-site, the proposed improvements to the public right-of-way, to the extent practicable will create: street and sidewalk design that support smooth circulation with comfortable places for walking and resting; opportunities for planting and improvements to pedestrian safety; and a better overall user experience of the above-grade pedestrian circulation network that supports the Grand Central Subdistrict as a high-density business district. Where the area of such improvement is to be established into a pedestrian plaza that will undergo a public design and review process through the Department of Transportation subsequent to the approval of this special permit, the Commission may waive this finding;

(2) for below-grade improvements to the pedestrian or mass transit circulation network, the proposed improvements, whether singularly or in any combination, will provide:

(i) significant and generous connections from the above-grade pedestrian circulation network and surrounding streets to the below-grade pedestrian circulation network;

(ii) major improvements to public accessibility in the below-grade pedestrian circulation network between and within subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfigurations of existing conditions; or

(iii) significant enhancements to the environment of subway stations and other rail mass transit facilities including daylight access, noise abatement, air quality improvement, lighting, finishes, way-finding or rider orientation, where practicable;

(3) the design of the ground floor level of the building:

(i) contributes to a lively streetscape through a combination of retail uses that enliven the pedestrian experience, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the building and adjoining public spaces. Such design shall demonstrate consideration for the location of pedestrian circulation space, building entrances, and the types of uses fronting upon the street or adjoining public spaces;

(ii) will substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous connections to Grand Central Terminal; and

(iii) will be well-integrated with the on-site, above or below-grade improvements required by this Section, where applicable and practicable;

(4) the proposed building:

(i) ensures light and air to the surrounding streets and public spaces through the use

of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the building;

(ii) demonstrates an integrated and well-designed façade, taking into account factors such as street wall articulation and amounts of fenestration, which create a prominent and distinctive building which complements the character of the surrounding area, especially Grand Central Terminal; and

(iii) involves a program that includes an intensity and mix of uses that are harmonious with the type of uses in the surrounding area;

(5) the proposed development or enlargement comprehensively integrates sustainable measures into the building and site design that:

(i) are in keeping with best practices in sustainable design;
(ii) will substantially reduce energy usage for the building as compared to comparable buildings; and

(6) in addition to the foregoing:

(i) the increase in floor area being proposed in the development or enlargement will not unduly increase the bulk, density of population, or intensity of uses to the detriment of the surrounding area;
(ii) the public benefit derived from the proposed above or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional floor area being granted to the proposed development or enlargement pursuant to this special permit; and
(iii) all of the separate elements within the proposed development or enlargement, including above or below-grade improvements, the ground floor level, building design and sustainable design measures, are well-integrated and will advance the applicable goals of the Special Midtown District, described in Section 81-00 (GENERAL PURPOSES).

Modifications in Conjunction with Additional Floor Area

The third special permit, pursuant to ZR § 81-642 allows modifications of the street wall, height and setback regulations, and mandatory plan elements of the Special Midtown District as related to additional floor area. This permit can only be granted in conjunction with the special permit pursuant to ZR § 81-641. In order to allow these modifications, the permit requires that the CPC find that the proposed modifications:

(1) to the mandatory district plan elements will result in a better site plan for the proposed development or enlargement which is harmonious with the mandatory district plan element strategy of the Special Midtown District, as set forth in Section 81-41 (General Provisions); and
(2) to the street wall or height and setback regulations will result in an improved distribution of bulk on the zoning lot which is harmonious with the height and setback goals of the

Special Midtown District, as set forth in Section 81-251 (Purpose of height and setback regulations).

PROJECT DESCRIPTION

The Department of City Planning proposes a text amendment to enable the development of new office space in the Grand Central Subdistrict and to facilitate improvements to the Grand Central Terminal pedestrian circulation network. SL Green proposes a new 30 FAR tower on the block immediately west of Grand Central that will utilize undeveloped floor area from the landmark Bowery Savings Bank building and will include a wide range of on- and off-site public realm improvements to generate a bonus of 12.37 FAR. The proposed public realm improvements would relieve congestion on the 4/5/6 subway line, would provide connections among the future LIRR concourse and the Metro North railroad and the subway system, would create a new Vanderbilt Avenue public plaza, and would create a new "Transit Hall" within the new building that could serve as a waiting area for Grand Central passengers.

Background

The development site and the Vanderbilt Corridor are within a C5-3 district within the Grand Central Subdistrict Core of the Special Midtown District. Established in 1982, the Special Midtown District lowered allowable densities in an effort to stabilize development around Grand Central Terminal and encourage larger developments in Times Square and other parts of Midtown. Adding to the Special Midtown District, the Grand Central Subdistrict was created in 1992 to allow the transfer of development rights from Grand Central Terminal and other landmarks to development sites in the area surrounding the station. The Grand Central Subdistrict consists of a core, which is bounded by Madison and Lexington Avenues, from East 41st to East 48th streets. The full Subdistrict extends beyond the core for an additional width of 125 feet (220 feet at 42nd Street) east of Lexington and west of Madison. Within the Grand Central Subdistrict, a 1.0 FAR transfer of air rights from New York City landmarks is allowed by City Planning Commission ("CPC") certification (ZR § 81-634). In the core area, a special permit (ZR § 81-635) provides a higher density of 21.6 FAR through the transfer of landmark air rights. The special permit additionally requires the provision of a pedestrian improvement, which must be negotiated by developers with the MTA. Only one building, 383 Madison Avenue, has taken advantage of this special permit.

2013 East Midtown Proposal

The area affected by the proposed actions was previously the subject of the proposed East Midtown Rezoning (N 130247 (A) ZRM et al). The proposal was intended to encourage new office development in the neighborhood in order to strengthen the area's role as a premier business district. The proposal would have modified zoning regulations for a 73-block area, which would have superseded the Grand Central Subdistrict. The proposal would have focused development around Grand Central Terminal. New developments that met certain lot size criteria in the area around the Terminal would have been eligible to achieve the highest permitted as-of-right density of 24.0 FAR. In addition, sites around the Terminal, including the Vanderbilt Corridor, would have been able to utilize a special permit for Superior Development in order to

achieve a maximum density of 30.0 FAR. The proposal would have created a mechanism to fund infrastructure improvements. In order to achieve the new, higher densities, developers would have needed to contribute to a District Improvement Fund. Development rights were essentially to have been sold by the City at a cost of $250 per square foot, a value arrived at through an appraisal contracted by the City. Finally, the proposal created a broader process for the transfer of landmark air rights.

There was widespread discussion at the time over whether the proposed mechanisms were the most appropriate for the area. While there was wide agreement that the neighborhood was in need of public realm improvements and new Class A office space, there was significant concern over the use of the District Improvement Bonus and Fund to achieve these goals. During the public review process, many raised concerns over the sale of air rights by the City, and whether the City was unfairly competing with landmarks for the sale of these air rights. Additionally, the money raised by the air rights would have been allocated to transportation and public realm projects, but at the time no transparent process had been set for the disbursement of that funding. Furthermore, the plan would have allowed new development in advance of any improvements funded in association with that development. Finally, concern was raised over the as of right nature of the new densities, and whether more public review should be required for large buildings. Though the City Planning Commission approved the project, it was withdrawn during City Council review.

Concurrent to this application, the East Midtown Steering Committee, co-chaired by the Borough President and Councilmember Daniel Garodnick, is reviewing potential zoning changes to the wider East Midtown neighborhood. That group has been meeting since September 2014 and is expected to release its recommendations this spring. The group is examining a wide range of issues including protecting landmarks, improving the above- and below-grade pedestrian network, urban design, appropriate density levels, and the implementation of its recommendations. While the actions being proposed in this application are not being reviewed by the Steering Committee, the Vanderbilt Corridor plays an important role in the public realm of the entire neighborhood, so the Steering Committee reviewing potential pedestrian and transportation projects in the corridor. Furthermore, the future zoning recommendations of that group could affect properties in the Vanderbilt Corridor.

Area Context

The Vanderbilt Corridor is located in the East Midtown area of Manhattan Community District 5. The neighborhood is one of the densest commercial districts in the city, centered on Grand Central Terminal. The five blocks of the Vanderbilt Corridor are bounded by Madison and Vanderbilt Avenues, directly west of Grand Central Terminal, from East 42nd Street to East 47th Street. Many of the buildings in the Corridor and along the east side of Vanderbilt Avenue were constructed as part of Terminal City following the construction of Grand Central Terminal in 1913. The construction of these buildings, and the emergence of the neighborhood as a premiere office district, was directly correlated to the expansion of the city's rail infrastructure in the late 19th Century. As Cornelius Vanderbilt's New York Central and Hudson Railroads grew, East 42nd Street became the gateway for the majority of the city's travelers. At the turn of the century, the advent of electrified rails and the needs of a rapidly growing city led to the

construction of today's Grand Central Terminal, a modern, multi-level transportation hub. Lowering the previously surface-level tracks below-grade opened up a vast swath of real estate above, between Lexington and Madison Avenues from 42nd to 50th Streets. The railroads sold the development rights to this area as a means of financing the construction of the Terminal. Because these blocks were developed as part of one large project, buildings in the area, with some exceptions, retain a level of consistency in building form that is rare in the city. The majority of the buildings along Vanderbilt Avenue have consistent water table and cornice heights, which directly relate to various elements of Grand Central Terminal. These buildings are typically 20 to 25 stories and built to the lot line without any setbacks.

The Met-Life Building (formerly known as the Pan Am Building) at 200 Park Avenue is a notable exception to this form. Completed in 1963, the 59-story office tower is the second largest office building in the city, with approximately 3.1 million square feet of commercial floor area. The building sits directly north of Grand Central Terminal and consists of an oblong octagonal tower above an eight-story base at the same height as the Terminal.

Transportation

Grand Central Terminal is one of the busiest rail facilities in the country and its subway station is the second most used in the city. Grand Central connects the district via Metro North Railroad to the city's northern suburbs as well as parts of Connecticut. The Metro North Railroad brings over 80,000 daily riders into Grand Central, and the subway station's ridership is twice that amount; on an average weekday in 2013, the Grand Central Subway Station was used by 153,861 riders.[3] The Lexington Avenue (4/5/6) line is the only line that operates over the entire length of the east side of Manhattan, and is consequently one of the most crowded in the City. The line carries over 1.3 million daily riders and operates significantly over capacity.[4]

Transit service to Grand Central is currently being expanded by two major public works projects: East Side Access and the Second Avenue Subway. The Long Island Railroad's ("LIRR") East Side Access project will connect Long Island Railroad commuters to Grand Central and will likely bring an additional 65,000 new riders into Grand Central during the weekday morning peak. Simultaneously, the Second Avenue Subway, currently under construction, will partially alleviate congestion along the Lexington Avenue subway line and will, as a result, provide East Midtown commuters with more transit options.

Grand Central Pedestrian Network

Grand Central Terminal and its associated subway stations form a sprawling underground network of passageways that extend over the entirety of the Vanderbilt Corridor and throughout much of the neighborhood. It is a complex below-grade pedestrian network consisting of platforms, mezzanine levels, and vertical circulation cores. However, the network's inefficiency results in sub-par operations and significant congestion. For example, platform crowding on the

[3] MTA New York City Transit Ridership Data, 2013
[4] Second Avenue Subway FEIS, 2004.

Lexington Avenue lines increases the time that trains must stop at the station, creating a bottleneck that reduces the efficiency throughout the system. Several planned improvements to this network have been identified as mitigation for the LIRR East Side Access project and the No. 7 extension/Hudson Yards redevelopment project.

Area Landmarks

The area around Grand Central contains a number of Landmarks Preservation Commission ("LPC") designated landmarks, most notably the Terminal itself. Other nearby New York City landmarks include the Park Avenue Viaduct, the Bowery Savings Bank (110 East 42nd Street), the Chanin Building (122 East 42nd Street), the Socony-Mobil Building (150 East 42nd Street), the Chrysler Building (395 Lexington Avenue), and the Graybar Building (420 Lexington Avenue). Though all of these landmarks are within the Grand Central Subdistrict, which allows the transfer of unused floor area, only the Bowery Savings Bank and Grand Central Terminal have unused floor area, as the buildings were constructed prior to the existing zoning under regulations that allowed larger buildings. Some of these landmarks have FARs in the realm of those that would be allowed under this proposal. The Chanin Building and the Chrysler Building, for example, are constructed at 29.1 and 27.6 FAR, respectively. In addition to the designated landmarks, the Yale Club, the Roosevelt Hotel, and 52 Vanderbilt, located in the Vanderbilt Corridor, are considered eligible landmarks by the LPC.

Project Area and Project Site

The project area for the proposed zoning text amendment is the five blocks on the west side of Vanderbilt Avenue from East 42nd Street to East 47th Street. The project site for the proposed One Vanderbilt project is the southernmost of those five blocks, between East 42nd and East 43rd Streets. The five blocks affected by the proposed actions are rare in New York in their shape: almost perfect squares 200 feet long on each side. All five blocks sit 50 feet above the future concourse of East Side Access. The five blocks are described in more detail below:

Block 1277:[5] The southernmost block of the corridor, hereafter referred to as the project site, is the site of the proposed One Vanderbilt development. The block is located immediately to the west of Grand Central Terminal, and is bordered at its southern end by the below-grade Shuttle platform underneath East 42nd Street. The block is occupied by four low- and mid-rise buildings with retail on the ground floor and office space above. While all of the buildings on the block are over 80 years old, the Vanderbilt Avenue Building at 51 East 42nd Street, completed in 1913, is the most notable. Designed by the firm Warren & Wetmore, the same architects as Grand Central's façade, the building features a Beaux-Arts limestone lower façade with a cornice at the same level as the Terminal's. The building also features elaborate stone carvings and detailed cast-iron elements that evoke the detailing on Grand Central.

[5] While all of the blocks in the proposed Vanderbilt Corridor are complete blocks, surrounded by four streets, they share block numbers with the wider blocks to the west, between Madison and Fifth Avenues.

Block 1278: The second block of the proposed corridor is developed with one building, the Bank of America Plaza building. This block was originally home to the Biltmore Hotel, also designed by Warren & Wetmore, which was a designated landmark. Despite its landmark status, the building was stripped of its limestone, brick and terra-cotta façade in 1981 and re-clad as a glass curtain wall building. The building is 28 stories tall, and contains 874,734 gross square feet of floor area (approximately 20.2 FAR).

Block 1279: The third block of the corridor contains five commercial buildings and a ventilation building for the under-construction East Side Access project. The five commercial buildings were constructed between 1915 and 1926 and range in height from 13 to 22 stories. Historically notable on the block is the Yale Club at 50 Vanderbilt Avenue. The MTA has offices at 347 Madison Avenue, which are in the process of being vacated, and are the subject of a 2013 Request for Proposals ("RFP") for redevelopment.

Block 1281: The fourth block of the corridor contains one full-block building, the Roosevelt Hotel, which was completed in 1924. The 19-story hotel contains 1,015 rooms and ground-floor retail along each street frontage. The building is considered by the LPC to be a landmark-eligible building. The building is constructed with an FAR of 13.81.

Block 1282: The final block of the proposed corridor, between East 46th and East 47th Streets, is developed with a single building occupied by the office of J.P. Morgan Chase, which opened in 2002. The 47-story building, 383 Madison Avenue, was the only project to use the existing ZR § 81-635 special permit for transfer of landmark air rights.

Proposed Vanderbilt Place: The proposed city map amendment will affect an approximately 12,000 square foot portion of Vanderbilt Avenue between East 43rd Street and East 42nd Street. Vanderbilt Street is currently owned and managed by the New York City Department of Transportation. Under the proposed action, this portion will remain under DOT jurisdiction. Vanderbilt Avenue has a mapped width of 60 feet including sidewalks and provides one-way north-bound vehicular travel with one lane of Citi Bike parking and one lane of vehicle parking.

Proposed Project

SL Green is proposing a 68-story tower on the development site with 1,399,390 square feet of floor area. The tapered office tower would reach a roof height of 1,414 feet with a spire above. Along the base of the building, the massing steps back at the third floor. Above the base followed by a recess, the bulk of the tower above would be cantilevered over the three-story base at a height ranging from 60 to 107 feet. Along East 42nd Street this cantilevered bulk rises from west to east to provide views of the cornice of Grand Central. The tower's façades would be composed of floor to ceiling glass, accented by horizontal sections of terra-cotta between floors. The façade will be additionally articulated by projecting aluminum fins designed to cast shadows.

The ground floor level of the building would allow for sidewalk widenings along Madison Avenue and East 42nd Street. On top of this, the street wall would be set at an angle to East 42nd

Street to create an even wider sidewalk as the building approaches Grand Central. The southeast corner of the building at the base would be cut away to increase space for pedestrian circulation.

Ground Floor Uses

Along East 42nd Street the ground floor will contain retail use at the western portion of the site. Though it is not included in the application materials, the applicant proposes that the tenant of this space will be a bank. At the midblock will be a subway entrance with an escalator to the B2-level Shuttle platform, a stair to the B1 "Intermodal Connector" (to be described in more detail below), and an elevator that will access both levels. There is an existing subway entrance on this site which is being replaced and expanded as part of this proposal. The eastern portion of this frontage will contain two small retail spaces, one of which would connect to a larger space on the B1 level, the other of which would connect to a second floor space. It is proposed that one potential occupant of the lower-level space would be a lobby for a rooftop observation deck, which the applicant is considering including.

Along Madison Avenue, SL Green proposes a 32-foot wide central building lobby, flanked by retail spaces to the north and south. Fronting on the proposed Vanderbilt Avenue Public Place would be 100 feet of building lobby, though only 30 feet of that frontage is proposed as entryway. To the south of the lobby would be the retail facility proposed along East 42nd Street, with no entrance proposed onto the public space. To the north of the lobby the applicant proposes the Transit Hall, to be described in greater detail below, which would have entrances along East 43rd Street, rather than onto the public place. Also on East 43rd Street would be a midblock entrance to two truck elevators which would provide access to the below-grade loading area located on the B3 level. These loading docks would be accessed by a single curb cut of up to 30 feet in width. Adjacent to the loading areas, to the west, would be an entrance to the building's Dock Master Offices and Messenger Center. Finally, to the western edge of this frontage would be the aforementioned retail space, with entrances on Madison Avenue.

Proposed Public Amenities

SL Green proposes a package of on- and off-site improvements to the pedestrian circulation network. As proposed these improvements would generate a bonus of 12.37 FAR. The proposed on-site improvements are as follows:

On-Site:

1. A new subway entrance on East 42nd Street with escalator, elevator and stairways providing access to the shuttle subway station and providing below-grade connections through the Intermodal Connector to the 4, 5, 6, and 7 subway lines at the Grand Central Terminal concourse level and to the Long Island Rail Road at the East Side Access concourse level.
2. A new 4,000 square foot "Transit Hall," with entrances on East 43rd Street, providing stairway and elevator connections to the new Intermodal Connector. The space would include a train schedule information board, seating, and tall tables. While plans are not finalized, it is expected that the Transit Hall would provide a retail use such as a coffee

concession. Portions of the floor within the Transit Hall will be designed with glass plank to provide natural light to the publicly-accessible corridors below.

3. New elevator and escalator connections from East Side Access through the development site that will allow for connection from the East Side Access concourse to street level or the 4, 5, 6, 7, or Shuttle subway lines.
4. A new, "Intermodal Connector" on the B1 level providing connections between the LIRR, Metro-North, and subway lines.

Off-site:

1. Design and improvement of the Vanderbilt Avenue Public Place as a pedestrian plaza with public amenities such as seating and planting. A conceptual design for these improvements has been submitted as part of this application, but final design will be developed in consultation with the Department of Transportation and will be subject to approval by the Public Design Commission following the completion of ULURP.
2. A new stair in the cellar of the Pershing Square Building (located at the southeast corner of East 42nd Street and Park Avenue) that would connect the Grand Central subway station mezzanine to the 4/5/6 platform.
3. A new subway entrance with two new street-level subway stairs in the sidewalk at the southeast corner of East 42nd Street and Lexington Avenue that would connect to and open an existing below-grade passageway to the Grand Central subway mezzanine.
4. Modification of stairs and columns on the 4/5/6 subway platform to provide more pedestrian circulation space and improve flow.
5. Creation of 8,475 square feet of new and expanded Grand Central mezzanine areas in the cellar of the Grand Hyatt Hotel and the creation of two new stairs from one of the new mezzanine areas to the 4/5/6 platform.
6. Replacement and widening of an existing street-level subway entrance at the northwest corner of East 42nd Street and Lexington Avenue with wider stairs and an elevator.

Sustainable Design Measures

The proposed building includes sustainable design measures to reduce the energy use of the building. With these measures, the building will be 14.01 percent more efficient than a baseline building designed pursuant to the American Society of Heating, Refrigerating and Air Conditioning Engineers 90.1 ("ASHRAE 90.1), 2010, standard. The building would be designed to achieve a LEED Gold Certification under the LEED v4 for Core and Shell rating system.

Proposed Actions

DCP and the applicants propose a city map change, a text amendment, and three special permits, respectively, in order to facilitate the commercial development at One Vanderbilt.

City Map Change (C 140440 MMM)

DCP proposes to permanently close a portion of Vanderbilt Avenue to vehicular traffic and designate the area between East 42nd Street and East 43rd Street as a public place ("Vanderbilt

Place"). This action will allow for Vanderbilt Place to be improved as a pedestrian plaza under the DOT plaza program.

Zoning Text Amendment (N 150127 ZRM)

DCP proposes to modify ZR § 81-635 (Transfer of Development Rights by Special Permit) and create two new special permits, §§ 81-64 (Grand Central Public Realm Improvement Bonus) and 81-65 (Special Permit for Transient Hotels).

ZR § 81-635 would be modified to increase the maximum permitted on-site FAR in the Vanderbilt Corridor from 21.6 to 30.0. Sites surpassing the current 21.6 limit would be required to meet the findings in the Grand Central Public Realm Improvement Bonus, discussed below, regarding the design of the proposed building. In order to encourage landmark transfers within the Vanderbilt Corridor, the revised text would remove the existing requirement that each transfer proposal include a major improvement to the transit and public realm network. Similar to the ZR §74-79 special permit, the inclusion of such improvements would be at the CPC's discretion.

The new ZR§ 81-64 (special permit would allow density increases up to a maximum of 30.0 FAR through the provision of transit and public realm improvements in the Grand Central Subdistrict. The amount of floor area to be granted by the CPC would be determined based on the public benefit derived from the proposed improvements. The proposal would require construction of the improvements by the developer prior to the issuance of a temporary certificate of occupancy for the bonused floor area. For each type of improvement (on-site and off, above-grade and below) the special permit includes specific conditions and application requirements to allow the CPC to determine the scope of the proposed improvements. Prior to the grant of a special permit, the applicant would be required execute an agreement setting forth the obligations of the owner to: establish a process for design development and a preliminary construction schedule for the proposed improvements; construct the proposed improvements; establish a program for maintenance; and establish a schedule of hours for public access. These agreements would not be a part of the ULURP application and would therefore not be subject to public review.

In addition to findings related to the proposed improvements, the applicant would be required to meet findings related to the design of the building, including its ground floor, building massing, design, and sustainable design features.

A second, related special permit, ZR § 81-642, would allow modification of bulk and urban design requirements in order to allow the development of the proposed building.

Finally, the proposed text amendment would create a new special permit for transient hotels within the Vanderbilt Corridor, ZR § 81-65. Under the special permit, any new hotel in the Vanderbilt Corridor would be required to meet findings that the hotel is appropriate to the business uses in the area and includes services tailored to business travelers.

Special Permit for Transfer of Development Rights (C 150128 ZSM)

SL Green is applying for a special permit pursuant to ZR § 81-635 for the transfer of 114,050 square feet (approximately 2.63 FAR) of unused development rights from 110 East 42nd Street (the landmark Bowery Savings Bank building). In 2010 the applicants received approval from the Landmarks Preservation Commission for a restoration program and continuing maintenance program for the Bowery Savings Bank building. Under that agreement, the applicant agreed to perform restoration work on that building including façade patching, window restoration, replacement of the main entrance storefront, replication of various historic light fixtures and signs, and restoration of the East 42st Street garage entrance.

Special Permit for Grand Central Public Realm Improvement Bonus (C 150129 ZSM)

The second special permit SL Green is applying for is pursuant to ZR § 81-641. This special permit would allow the basic maximum floor area ratio (FAR) of 15 to be increased by up to 15 FAR, for a total permitted 30 FAR for the commercial building as long as the development provides on-site or off-site, above or below-grade improvements to the pedestrian or mass transit circulation network. The applicant is proposing a combination of improvements, described more fully in the proposed project section of this recommendation. As of right, the total permitted commercial floor area would be 649,695 square feet (15 FAR). The applicant is requesting an additional 535,644.75 square feet in floor area, or 12.37 FAR, for the Grand Central Public Realm Improvement Bonus. If granted, with the transfer of development rights from the Bowery Savings Bank Building, the total maximum permitted FAR for One Vanderbilt would be 30 FAR.

Special Permit for Modifications in Conjunction with Additional Floor Area (C 150130 ZSM)

Thirdly, SL Green is applying for a special permit pursuant to ZR § 81-642 to allow, in conjunction with the special permit pursuant to ZR § 81-641, modifications to height and setback requirements and to the mandatory district plan elements and Grand Central Subdistrict special regulations in order to accommodate any additional floor area granted in exchange for the provision of public realm improvements.

As proposed, the project does not comply with either the height and setback requirements of ZR § 81-26 (Height and Setback Regulations –Daylight Compensation) or ZR § 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), as modified by the subdistrict requirements of ZR § 81-622 (Special height and setback requirements). The areas of encroachment are shown in the Z-300 series of plans dated October 20, 2014 and submitted as part of the certification package.

The modifications to the mandatory district plan elements and subdistrict special regulations are focused on retail continuity, street wall continuity, pedestrian circulation, building entrances, and curb cut regulations. The applicant requests relief from the retail continuity requirements of ZR § 81-42 to allow storefronts to be more than 10 feet from the street line, to allow for different types of ground floor retail than what is otherwise permitted, to allow street frontage to be allocated for access to other retail spaces on the second floor and below-grade and to permit the lobby space,

entrance space and/or building entrances to exceed 40 feet of the total frontage. The applicant also requests relief from the street wall requirements of ZR § 81-43 and ZR § 81-621 to exceed the maximum street wall height without setback along all frontages and to modify the locational requirements of the street wall along the new Vanderbilt Place and East 42nd Street.

While no waivers are requested from the required amount of pedestrian circulation space, a waiver is needed to modify the locational and sidewalk widening requirements of ZR § 81-45 and ZR § 37-50, which require that a minimum of 50 percent of the circulation space should be along a wide street other than 42nd Street and that, where sidewalk widenings are permitted, they should have a width of no less than 5 feet and no more than 10 feet. Less than 50 percent of the required pedestrian circulation space is provided along Madison Avenue. No sidewalk widenings are permitted along East 42nd; a sidewalk widening from zero to 10 feet is provided along this street. In relation to the requirements of building entrances, the applicant requests a modification to ZR § 81-623 to allow for no through block connection between Vanderbilt and Madison Avenues and to allow the Madison Avenue and Vanderbilt Place entrance recesses of 5 feet instead of the minimum depth of 10 feet. Lastly, the applicant requests a waiver of the maximum width requirements of ZR § 81-624 to permit a curb cut width of 51 feet for two-way traffic instead of 25 feet in order to accommodate their loading berths.

The proposed commercial building at One Vanderbilt will conform to all other applicable regulations.

ANTICIPATED IMPACTS

A single Environmental Assessment Statement (EAS) for the all the related actions described above was completed in June 2014. The EAS found that the proposed development at One Vanderbilt and the sites in the Vanderbilt Corridor had the potential for impacts in a number of potential impact areas that would require further analysis in an Environmental Impact Statement (EIS). These categories included:

- land use, zoning and public policy
- socioeconomic conditions,
- open space,
- shadows,
- historic and cultural resources,
- urban design and visual resources,
- hazardous materials,
- water and sewer infrastructure, specifically wastewater and stormwater treatment and conveyance,
- transportation,
- air quality,
- greenhouse gas emissions,
- noise,
- neighborhood character, and
- construction impacts.

In addition, while the proposed project itself did not warrant analysis in the solid waste and sanitation and energy categories, they were analyzed as part of the potential impact from development of the aggregate sites along the Vanderbilt Corridor.

The Draft EIS (DEIS), issued on October 17, 2014, found that no significant adverse impacts were identified for all but two of the aforementioned categories, hazardous materials and transportation. For these two categories, any adverse impacts can be mitigated or were found to be unavoidable adverse impacts. Therefore, the DEIS stated that a public health assessment was not warranted as there was not any unmitigated significant adverse impact identified in the other CEQR analysis areas related to air quality, hazardous materials, or noise.

The assessment for hazardous materials found a potential for subsurface contamination related to on-site petroleum storage, historical railroad usage, and nearby off-site uses. These subsurface contaminates include asbestos, lead-based paint, and PCBs. An (E) Designation will be placed on the site, and a remedial action plan and associated construction health and safety plan will be prepared for implementation during construction.

An anticipated impact was found in the transportation category. Regarding traffic, it is anticipated that there would be the potential for significant adverse impacts at 14 intersections during the weekday AM peak hour, 6 intersections during the weekday midday peak hour, 15 intersections during the PM peak hour, and 2 intersections during the Saturday peak hour. All of the significant adverse traffic impacts, except those identified for the 42nd Street intersections with Third, Madison, Fifth, and Sixth Avenues during various peak periods, could be fully mitigated with standard mitigation measures, including signal timing changes and increasing visibility at intersections through design interventions.

Regarding the impact to transit, operations at two station elements would be expected to deteriorate to levels in excess of the CEQR impact threshold. However, these impacts, when viewed in the context of the transit station improvements as a whole that are part of the proposed One Vanderbilt development, were not considered significant. Otherwise, the proposed improvements would mitigate impacts that would be present even with the no-action scenario.

The last transportation sub-category of note for this proposal were the impacts to pedestrians. Significant adverse impacts were found within the pedestrian network at various times of day, with a peak of nine pedestrian elements (sidewalk, crosswalk, and corners) impacted during the weekday evening rush hour. Potential measures, including relocating sidewalk/corner obstructions, reconstructing an existing newsstand kiosk, extending existing curb lines to provide for additional corner reservoir space, and widening existing crosswalks, were identified to mitigate the projected pedestrian impacts.

However, the proposed mitigation measures for the traffic and pedestrian impacts will be subject to review and approval by DOT. In the event any measures are deemed infeasible by DOT and no other alternative mitigation measures can be identified by the time the FEIS is issued, those impacts would be unmitigated. These impacts would then be referred to as unavoidable adverse impacts outside the parameters of the environmental review.

It is also of note that there were found to be significant adverse impacts to the western windows of Grand Central Terminal, permanently affecting the original design intent to maintain an unobstructed source of sunlight into the Great Hall. However, since the five, clerestory lunette windows on the south side would continue to be unobstructed and the remaining concourse windows would still provide direct and indirect lighting to the interior, the overall impact was considered not significant. Any shadow impacts to the proposed public place were found to be negligible in consideration of the existing conditions of Midtown, and the space's design is proposed to account for the shade by providing shade-tolerant plantings and attempting to site seating in areas expected to receive any direct sunlight that may be available.

Construction of the proposed One Vanderbilt development, in and of itself, was found not to result in significant adverse construction impacts. However, construction mitigation will also be provided to avoid any inadvertent damage during the construction timeframe to the adjacent Grand Central Terminal, a city Individual Landmark and a landmark on the State and National Registers of Historic Places. Measures will also be taken to avoid inadvertent damage to the Pershing Square Building and the Socony-Mobil Building, both of which are city, state, and national landmark eligible.

COMMUNITY BOARD RECOMMENDATIONS

On December 11, 2014, Manhattan Community Board 5 ("CB5") adopted two resolutions by votes of 33 in the affirmative, 0 in the negative, 0 abstaining recommending denial of the application for a text amendment for the proposed Vanderbilt Corridor with conditions and denial of the application for the Special Permits for One Vanderbilt with conditions. On December 10, 2014, Manhattan Community Board 6 ("CB6") adopted two resolutions, identical to those passed by CB5, by a vote of 39 in favor, 0 opposed, and 1 abstaining. The resolutions passed by both Community Boards were developed by the Multi-Board Task Force on East Midtown, which was formed by members of multiple Community Boards during public discussion of the 2013 East Midtown proposal.

The Community Boards noted that many of their earlier objections have been addressed by the text amendment and special permit that is thereby created, which would subject new development within the Vanderbilt Corridor to public review and require any public improvements used to obtain the special permit to be completed prior to the completion of any added density.

However, the Community Boards object to the Vanderbilt Corridor being considered separately from East Midtown as a whole. In addition, the Community Boards raised concerns about the need for the proposed transit improvement FAR bonus to work in tandem with the purchase of development rights from landmarks, the potential "canyon effect" on the area if all developments were to achieve the maximum allowable FAR bonus, and the effects on area landmarks from the proposed text amendment and development which could be permitted thereby.

Based upon these concerns, the Community Boards recommended denial of the Vanderbilt Corridor text unless the following conditions were met:

1. The text amendment only apply to sites for which the City and MTA have a plan for public realm improvements;
2. The text amendment give guidance as to what types of improvements may be used to achieve what amount of FAR bonus;
3. The text amendment require any development granted a Public Realm Improvement bonus be designed to perform 30 percent better than ASHRAE 90.1, 2010;
4. The East Midtown Steering Committee fully consider the five blocks between 42nd and 47th Streets and Vanderbilt and Madison Avenues;
5. The text amendment require a letter from LPC supporting the harmonious relationship between any proposed development and the Grand Central Terminal;
6. The text amendment specify that the only sites potentially qualifying for the full 15 FAR bonus be those that (i) front on more than one wide street; (ii) overlook the Grand Central "air park" (iii) are adjacent to a subway station; and (iv) have access to the pedestrian circulation system of Terminal City.

The second resolution addressed the special permits for the transfer of development rights from a landmark building, the Grand Central Public Realm Improvement Bonus of 12.3 FAR and for the modification of regulations on streetwall, curb cuts, height and setback requirements and mandatory district plan elements. The Community Boards raised concerns about whether the current proposal optimized connectivity and pedestrian flow, whether the Public Plaza would be sufficiently open and appropriately maintained, whether the development achieved a sufficient degree of sustainability and the sufficiency the public realm improvements and the quantifiable nature of the bonus. The Community Boards voted to recommend denial of the special permits unless the following conditions were met:

1. The development was LEED v4 Certified Platinum; and
2. A major public space at street and concourses level connects with the main lobby of One Vanderbilt and connects the corner of Madison Avenue and 42nd Street and Grand Central's main concourse.

The Community Boards also issued several strong recommendations. These were:

1. That the subway entrance should not be on the sidewalk but rather within the building at the southeast corner of 42nd Street and Lexington Avenue;
2. That the Madison Avenue and East 42nd Street sidewalk be widened to at least 20 feet and that the East 43rd Street sidewalk be widened to at least 15 feet;
3. That the width of the office lobby on Vanderbilt Place be reduced and that pedestrian uses be considered in lieu of the Transit Hall;
4. That a Community Construction Task Force be created;
5. That DCP quantify the public realm improvement bonus;
6. That One Vanderbilt (i) provide the 4,200 square feet of mandatory, unbonused pedestrian circulation space required by the Special Midtown District; (ii) include significant improvement to the Terminal City pedestrian circulation system for the ability to transfer the landmark development rights remotely; (iii) not receive a bonus for those improvements to the subway station that constitute mitigation for East Side Access or the extension of the Number 7 line; and

7. That DCP explain why the regulation waivers would allow for a daylight score for One Vanderbilt of negative 62% rather than the Midtown standard score of 75%.

BOROUGH BOARD RECOMMENDATION

On January 15, 2015 the Manhattan Borough Board ("Borough Board") held a public hearing and vote on a resolution relating to the proposed actions. By a vote of 8 in the affirmative, 3 in the negative and 1 abstention (with one member who was present for the meeting but not for the vote on the resolution), the Borough Board recommended conditional disapproval of the actions relating to the One Vanderbilt Development, the text amendment and the City Map amendment, "unless a responsible conclusion is reached on issues of public access and public space relating to the Grand Central Terminal circulation network, the environmental sustainability requirements of the proposed zoning text for the Vanderbilt Corridor, and the language of the zoning text relating to, and the method for, achieving significant FAR bonuses."

BOROUGH PRESIDENT'S COMMENTS

The Department of City Planning is proposing a zoning text amendment that would allow limited development of new, high-density office space near Grand Central Terminal. The text amendment is based on a number of key premises. First, that the East Midtown neighborhood should be retained as a high-value office district because of its unparalleled transportation connections to the entire region. Second, that the aging building stock in the area is unsuitable to the types of firms that would be interested in locating in the neighborhood. And finally, that the existing zoning and the serious congestion of the above- and below-grade public realm are preventing the development of new office space. These principles are reasonable and uncontroversial. DCP has put forward a plan that would allow greater density in the immediate vicinity of mass transit access, but that would require significant improvements to the public realm, or the utilization of unused floor area from landmark buildings, in order to achieve this new density. Unlike the previous East Midtown plan, the proposed action is limited and narrowly targeted, and requires full public review. While at root this is a necessary and reasonable plan, for any action of this magnitude the exact language of the zoning text will determine its success. The proposed text amendment lays out the conditions and findings that must be met in order to achieve increased density, setting a precedent framework that will determine the future landscape of this neighborhood.

Purpose and Need

Grand Central Terminal is essentially the epicenter of the New York City metropolitan area, and it will become even more so when the Long Island Rail Road opens its East Side Access which will open the Terminal up to the almost three million residents of Suffolk and Nassau county, as well as parts of Queens that are poorly served by the subway. Class B and C office space is an important contributor to our region's economy: it provides space for new, innovative, and quickly growing firms that would not be able to afford to rent in brand new, Class A buildings. The area around Grand Central, though, is potentially the most valuable land in the country, and its tenant mix should reflect that. The Vanderbilt Corridor today is home to aging office stock that simply cannot be converted to attract the top, mature firms that need tall ceilings (to

accommodate telecommunications infrastructure), flexible layouts, and built-in, high-capacity internet connectivity. The existing zoning does not allow for the construction of new buildings that meet these needs in the Vanderbilt Corridor, and for this reason the City has put forward this proposal.

Not only does the existing zoning not encourage new development, it does not properly allow for this development to contribute to necessary infrastructure improvements. The existing subway bonus, which allows a 20 percent increase in floor area in exchange for subway improvements is, as its name suggests, narrowly targeted to subway stations and does not allow improvements to Grand Central or the Long Island Railroad. The Grand Central Subdistrict Core allows transfers of landmark air rights allowing buildings up to 21.6 FAR, yet while 1.5 million square feet of landmark development rights remain unsold, only one building has utilized this special permit since 1992. Finally, the underlying regulations of the Special Midtown District do not require, or in some cases even allow for, the type of at-grade pedestrian flow improvements that are necessary in such a congested area. While Mandatory District Plan Elements require some amount of space in new developments be devoted to pedestrian flow, they do not require the level of quality, or coordination with the broader public realm, that is necessary here.

First and foremost, this proposal creates a new mechanism to ameliorate some of the key infrastructure challenges in the area. The most significant of these today is the severe overcrowding of the Grand Central subway station. Platform congestion on the 4, 5, and 6 lines increases train dwell times at the station, slowing the entire line. Connections between the various lines and networks at Grand Central are convoluted and confusing; from many parts of the system connections to the street are lacking. While the job of improving Grand Central Terminal should fall to the MTA, the budget outlook of that Authority is dire. The MTA has an unfunded capital plan for the next five years, and even that includes only modest improvements to pedestrian flows here. Above ground, Madison and Lexington Avenues have sidewalks as narrow as 12 feet, which is nowhere near wide enough for the number of pedestrians in the area. These public realm challenges are not only a drag on the real estate market; they are a daily drag on the hundreds of thousands of commuters who work in the neighborhood.

FAR Bonus and Density

The proposed text amendment would allow buildings up to 30 FAR in the Vanderbilt Corridor. For the SL Green site in particular, there is a very good case to be made for this amount of density. The site sits on two wide streets, is surrounded by street on all four sides, and sits across from the permanently low-scale Grand Central. A 30 FAR building also fits in with the context of the neighborhood. Because of the square blocks in the Corridor, no 30 FAR building could have more than about 1.3 million square feet of floor area. Compared to the three million square foot Met-Life tower across the street, this is relatively small. Additionally, even many of the landmark buildings in the area are of similar sizes – the Chrysler Building and the Chanin Building, both of which are also located on two wide streets, are built at 27.6 and 29.1 FAR, respectively.

The conditions on the One Vanderbilt site are not shared equally by all of the other parcels in the Vanderbilt Corridor. While all sites sit above the future LIRR concourse, and all sites are in

close proximity to Grand Central, the additional open space of East 42nd Street is only adjacent to the southernmost block of the corridor. While development on any site in the Corridor would be subject to public review, the case has not been made that the same level of density is appropriate on all sites in the corridor. While it is certainly possible that an owner of one of the other sites in the corridor could put together a proposal for less density, it is the experience of the Borough President's office that in the vast majority of projects ULURP applicants seek the maximum density. Because of the high land value in the neighborhood it is hard to believe that anyone would seek anything but the maximum. The CPC should thus consider what the aggregate effect on the character of the Corridor would be with at least three 30 FAR buildings, and should carefully consider whether this density is appropriate on all sites.

Furthermore, the proposed project, including its density and its bulk and setback waivers, is appropriate because of its unique site conditions. In considering future applications in the Vanderbilt Corridor, the CPC should look at One Vanderbilt as unique. While these waivers and bonus may be appropriate on East 42nd Street, the same amount of improvements should not translate to an equal amount of bonus on a site that does not share the same innate public benefits.

Determining Bonus Size

While allowing bonuses of up to 15 FAR through the provision of public improvements, the proposed text does not provide a framework for how the public should equate the quality and quantity of the improvements with a specific FAR bonus. The proposed zoning text lays out high standards that any proposed improvement must meet. Above-grade improvements must provide generous space at a prominent location, and off-site improvements must provide for smooth circulation and comfortable places for resting. Below-grade, the improvements must create new connections, improve circulation, and significantly enhance the environment of transit facilities. The proposed text also lays out requirements for the ground floor of any new building. When it comes to determining the appropriate amount of FAR bonus, however, the text simply requires that the Commission find that "the public benefit derived from the proposed above or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional floor area being granted." This does not give the CPC any parameters or factors to consider.

In public discussions about this proposal, Department of City Planning staff and the Chair of the CPC have reiterated the importance of maintaining real *discretion* when creating new discretionary actions. Because any number of things could change in the future, it would be foolish to create a special permit where a simple formula determined whether a set of improvements warrant additional floor area. This would unnecessarily hem the public in when reviewing the actions, and could serve to prevent improvements that are needed in the future because they are not currently known. While additional floor area can be said to have a quantifiable value, in dollars, public improvements can be much more abstract. Improved passenger flows and quality of public spaces cannot be put into dollars.

In SL Green's Statement of Findings, they seem to have similar trouble equating the benefit of the proposed improvements to any particular amount of floor area. When addressing this

particular finding, the applicant lists all of the proposed public realm improvements and how each one will benefit the public. In pulling it all together, however, there is no tie to the amount of floor area being granted. They conclude:

> "The proposed improvements to the above and below-grade circulation networks in and around Grand Central Terminal, in conjunction with the improved throughput on the 4/5/6 subway line that will result, will provide substantial public benefits and will enhance the user experience of the nearly half a million daily transit riders who use Grand Central Terminal.
>
> Accordingly, the public benefits derived from the proposed above and below-grade improvements merit the amount of additional floor area being granted to the Proposed Development."

As justification for a particular amount of floor area, the closest that the applicant can come is a list of improvements, and an unsubstantiated assertion that they merit the amount being granted. Perhaps the focus should be on qualitative measures and improvements, over hard quantities – x stairwells widened, x feet of hallways lengthened.

Despite the difficulty of quantifying improvements and equating them with floor area, that is what the commission must do. In evaluating the current proposal, the Borough President's office is judging the proposed improvements against the wider set of needed improvements, is looking at the number of people that will be affected by the improvements, and is judging the particular improvements against better versions of themselves. There are many ways that one could interpret this finding, however. Though the current administration is expecting a wide array of improvements in exchange for this density, there is nothing in the text to keep future administrations to the same high standard. For this reason, the text should be edited to include a set of factors that should be considered when making the decision about the grant of floor area. This would preserve the discretion of the CPC to evaluate the benefits of the proposed project, but would help to narrow the focus of their analysis to the quality and breadth of the improvements. The edited zoning text could be modeled on the existing subway bonus, which has the commission make the decision based on the extent to which the station is improved in terms of pedestrian flow and connectivity, as well as the quality of the improvements to the station's environment. In the case of this permit, the findings could also include the extent to which neighborhood-wide above-grade pedestrian congestion is reduced.

Ongoing Maintenance of Proposed Improvements

The proposed zoning text amendment is not structured to allow the public to consider ongoing maintenance when evaluating the benefit of the proposed public realm improvements. While most zoning bonuses involve public benefits on land controlled by the applicant, the proposed text amendment will allow off-site improvements to count toward a permanent floor area bonus. When evaluating the benefit to the public of the proposed project, the ongoing cost to the public of improvements to publicly controlled areas must be taken into account. The benefit to the public of a new subway escalator, for example, will be much greater for an escalator that is being maintained in perpetuity by the private sector. In some cases it is quite clear who will maintain

what: the mezzanine improvements on the 4/5/6, for example, will be maintained by the MTA after construction. Others, however, will depend on negotiations between the applicant and the MTA; the East 42nd Street subway entrance proposed by SL Green is within the base of the building, but then leads down a stairwell to what will become essentially an extension of Grand Central. Because the scope of the proposed improvement can and should change as a project progresses through public review, to negotiate all of these agreements prior to certification would be impossible. The zoning text as proposed would require agreements prior to the grant of a special permit. This should be amended, however, to require that at least the intentions of the applicant regarding maintenance be included as part of an application at the time of certification.

Sustainability

In addition to requiring significant public realm improvements in order to achieve higher density, the proposed ZR § 81-64 would require that the overall building design, including sustainable design features, is appropriate to the surrounding neighborhood. This proposal attempts to do that by including conditions and findings which intend for buildings to meet higher standards for efficiency and sustainable design than are required by the Building Code. As written however, the text really only requires buildings to be average. First, in order to be certified an application must include materials showing the degree to which the building's energy performance exceeds the 2011 New York City Energy Conservation Code ("ECC"). Since there is no minimum degree to which buildings must exceed the code included in the application, there is no reason to peg all future applications to the 2011 code. This should be amended to require applications to show the degree to which the proposed building exceeds the minimum requirements at the time of application, rather than the requirements of an out-of-date and less stringent code.

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

Balancing Public Improvements and Landmark Transfers

The proposed text amendment represents an attempt to reconcile competing priorities. On the one hand, there are significant infrastructure needs in the area and the City can leverage new development to meet these needs. On the other hand, there is a large amount of unused floor area from landmark buildings available, and the Grand Central Subdistrict was created explicitly to sell this floor area to enable the preservation of Grand Central Terminal. While currently, landmarks in the Grand Central Subdistrict Core can sell air rights to receiving sites to achieve up to 21.6 FAR through special permit, this proposal would enable landmarks to sell

significantly more, allowing a receiving site to achieve up to 30 FAR. The proposal does, however, introduce competition between the City and landmark air rights holders that did not previously exist. Under existing zoning, development sites could achieve 18 FAR through the subway bonus but could not get to 21.6 without buying from a landmark. In the case of the current special permit application, SL Green is using a combination of a transfer of landmark development rights and the transit improvement bonus to reach the maximum FAR. In addition to the proposed ZR § 81-64 improvements, SL Green has entered in to a restrictive declaration for the perpetual maintenance of the landmark Bowery Savings Bank. The proposal is thus achieving both of the potentially competing goals of the Grand Central Subdistrict. It is conceivable that a future project could propose to increase floor area solely through the new ZR § 81-64 special permit. A way to ensure that all projects in the future balance the preservation needs of the area and the need for transit improvement would be to mandate that the ZR § 81-64 special permit could only be used in conjunction with the ZR § 81-635 special permit.

The current proposal, however, would use up all remaining floor area at the Bowery Savings Bank, leaving the fee owners of Grand Central Terminal as the only holders of landmark air rights in the Grand Central Subdistrict. If the City were to mandate that the two permits be used in conjunction at this point, therefore, it would create the unintended consequence of creating an air rights monopoly that could serve to deter development. As part of the East Midtown Steering Committee there are discussions on air rights transfer mechanisms for the wider East Midtown neighborhood. As part of this discussion the Steering Committee will consider whether these mechanisms should apply in the Vanderbilt Corridor and whether, at that time, the ZR § 81-64 special permit should be modified to mandate some portion of landmark air rights be used.

Future Projects in the Vanderbilt Corridor

The proposed project sits on two wide streets, is directly adjacent to a subway station and sits directly across from Grand Central. The appropriateness of higher density at this site is not at issue, other than the questions regarding the bonus structure itself. What is of potential concern is whether, if a similar level of improvements are proposed and development rights from a landmark are purchased, and the combination thereof is for an equivalent bonus, a 30 FAR building is appropriate density at sites that do not front on two wide streets and are not adjacent to a lower-scale landmark building. A broader catchment area is under consideration for the transfer of landmark development rights, potentially removing a balance in light and air that is achieved when a higher building goes up next to one that is inherently and permanently lower in scale.

In addition, there is some level of concern when evaluating the potential impact of this corridor as to whether the floor area bonus mechanisms would set an unintended precedent for development in the broader East Midtown neighborhood currently under study by the East Midtown Steering Committee. In addition, this new maximum of 30 FAR may work for the particular development proposal at One Vanderbilt, but questions have been raised concerning its appropriateness at the other eligible sites in the Vanderbilt Corridor. The DEIS states that the mechanism, new and expanded, are comparable to existing bonus mechanisms in the Zoning Resolution. The DEIS also states that the other sites that may take advantage of the additional bonus, in order to reach a maximum FAR of 30, would have to be analyzed on a site by site basis

through the special permit and associated environmental review. In the section on neighborhood character, the analysis states that there will be no significant adverse impact since the resulting conditions would be similar "to those seen in high activity urban neighborhoods that define the study area."

One Vanderbilt Proposal

SL Green is proposing a new office tower next to Grand Central Terminal that, while modern, is a fitting complement to Grand Central Terminal. The tower will be constructed with high quality materials, including glazed terra-cotta details that will evoke the Gustavino tile ceilings of the Terminal. At the base of the building the tower will peel away to showcase the cornice of the Terminal, which is currently blocked by the existing buildings on the One Vanderbilt site. Furthermore, the proposal will create a new public space from which residents, visitors, and passers-by can enjoy views of the Terminal and can experience the bustle of life in New York City. The improvements proposed by SL Green will dramatically improve conditions at the Grand Central subway station and will enable new connections between the LIRR and other modes of transit. It is not up to the CPC to decide whether the improvements are good, however, but whether the improvements are good enough to merit the additional floor area. While all of the improvements taken together are quite impressive, when examined individually there is real room for improvement.

Transit Hall

SL Green is proposing a new, 4,000 square foot space along East 43rd Street that will connect directly, via a single staircase, to the heart of Grand Central. The Transit Hall will have easy access to the platforms of both Metro North and the LIRR, making it an ideal location for a waiting area. As a waiting area, it needs to have enough amenities to keep a commuter comfortably there for up to an hour. This means it should have a concession, should have ample seating, and must have bathrooms. In addition, SL Green should ensure that the space is open and accessible to all New Yorkers by including Americans with Disabilities Act-friendly, easy to open doors and other features to make it truly accessible. In a letter to the Borough President, SL Green commits to at least seven benches to seat between 14 and 21 people and to provide a unisex restroom immediately under the Transit Hall.

The plans for this space as of now are undeveloped. The applicant has distributed renderings of the space, which show no seating or a concession. Although illustrative plans attached to the ULURP application do show these things, they stipulate that the plans are for approval of concept only, not design. In order to grant this special permit, this space must, at minimum, have a set concept and design principles. There must be sufficient protections in place to ensure that it remains a comfortable waiting area in perpetuity. The Department of Buildings ("DOB") typically polices privately owned public spaces, but in order to do this DOB needs approved plans showing the location of all the various elements. In discussions with SL Green the Borough President's office was reassured of their intentions for this space as a real amenity. Moving forward, the City Planning Commission must ensure that these intentions are honored with an approved design that reflects the discussions to date. This could be done by updating the approved plans, which will be subject to DOB oversight, to reflect a final design or by creating a

process by which the Chair of the CPC can certify that the final design reflects the intentions of the space as described in the ULURP application.

The proposed building will add new connections between many different below-grade spaces. What it does not do, however, is provide a connection from the mass transit network to the building for use by the future tenants of the building. Because of the wide network of underground spaces, this type of connection is common in the Grand Central Subdistrict. Direct connections to the building would serve to take pedestrians off of the crowded sidewalks of the area, aiding in reducing congestion in the neighborhood. An ideal location for this connection would be off of the Transit Hall, which is directly adjacent to the One Vanderbilt lobby. In discussions with the Borough President's office, SL Green has agreed to include this connection. The CPC should ensure that approved plans for the building include this connection, and prevent it from being removed in the future.

Finally, the proposed Transit Hall will be accessed from East 43rd Street. Coming from the west, pedestrians will pass the building's messenger center, dock master offices, and two loading docks before getting to the new public space. If the Transit Hall is to be a real amenity, the approach to it should not feel like walking down an alley. These back of the house spaces on East 43rd Street should be beautified to match the overall aesthetic of the building so that East 43rd Street feels like an active and attractive place. In discussions with the Borough President the applicant has agreed to use the highest quality materials on the loading docks and building maintenance spaces such that their design will match the overall building.

Vanderbilt Public Place

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

As proposed, the SL Green building will have only one door that exits to the public plaza: that of their office lobby. If this remains the only door, this space may function more as an entryway for SL Green's tenants than a space for the public. The Transit Hall, which is a space for the public, should interact better with the public plaza and should have a door directly onto it, in addition to one off of East 43rd Street. Not only would this help activate the public plaza, the proposed zoning text could be read to require it. In the proposed text, the findings for on-site

improvements to the pedestrian circulation network, which includes the Transit Hall, say that the spaces must "provide connections to pedestrian circulation spaces in the immediate vicinity." There is retail proposed at the southeast corner of the building that also will not open on to the plaza. The proposed zoning text requires that the ground floor of the building "facilitate fluid movements between the building and adjoining public spaces." This is an important finding, and one that will not be achieved unless the building connects to the plaza via exits other than the office lobby.

East 42nd Street Subway Entrance

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

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

As a result of discussions with the Borough President, the applicant has submitted an alternate application that will enable them to adjust the mix of uses on this corner of the building. City Planning has also committed to recommending that the requirement for retail be modified to active uses within the text to provide flexibility and ensure a lively and vibrant streetscape along East 42nd Street and Vanderbilt Place. The applicant has agreed to combine the two retail spaces into one, which will have an entrance onto the Vanderbilt Public Place and a staircase to a larger retail space on the second floor. Further, the applicant has agreed to reduce the linear frontage of the retail space, where it meets the subway entrance, by 24 feet. The Borough President believes that this agreement by the applicant and the opportunity it presents should be used to accommodate a wider, more prominent subway entrance. The CPC and the City Council should further consider whether this reduction will allow adjustments to the design for a more open layout of this entrance, and whether the staircase in the subway entrance can be widened.

Waiver of District Plan Elements

The Special Midtown District requires that all new buildings of a certain size contain public amenities. Of note, these District Plan Elements would require 3,000 square feet of pedestrian circulation space on this site, and would require off-street access to a mass transit facility. The SL Green application and the associated text amendment would allow these elements, which would normally be required, to count towards a floor area bonus. As proposed, however, these elements will be included in a form that is of a much higher quality than would be achieved with the requirement. The zoning text enables these requirements to be waived so that all of the public circulation space can be viewed as a whole. In consideration of whether the proposed improvements merit the additional floor area, the CPC should keep in mind that some amount of transit connection and ground-level public space would have been a part of an as-of-right building. The proposed building includes sidewalk widenings on Madison Avenue and East 42nd Street. On Madison Avenue, the area of widened sidewalk will not be open to the sky, as required by the Mandatory District Plan Elements. The overhang over this portion of sidewalk, however, will not occur until a height of 60 feet and will likely not be noticeable to pedestrians or negatively impact the pedestrian realm. Furthermore, the Special Midtown District requires a through-block connection for buildings with lobby entrances on opposite frontages. As proposed, a connection would not be available through the SL Green lobby and building core. It is not clear in this case that this connection would be beneficial to the public. It is difficult to imagine the need to pass from the midblock on Madison Avenue to the midblock on Vanderbilt Avenue when 42nd and 43rd streets are less than 100 feet away. Given the number of connections that are being provided though this building on the lower levels, the Borough President feels that this waiver is appropriate.

Sustainable Design Elements

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

Though the findings for the proposed special permit require the applicant to show reduced energy use over comparable buildings, the applicant's Statement of Findings compares energy use to a baseline building. In order to effectively evaluate the efficiency of this building, the applicant should provide comparisons to other Class A office buildings that are currently under construction. The CPC should evaluate whether this finding has been met based on improvement over those other buildings. In a letter to the Borough President, the applicant commits to

continue to explore new and additional methods of achieving increased efficiency and to use commercially reasonable efforts to incorporate new technologies to continue to maximize One Vanderbilt's energy efficiency and sustainability. Based on the sustainable measures incorporated in other SL Green buildings, the Borough President feels that this commitment is real, and looks forward to continuing to work with the applicant to achieve this goal.

Access to Light and Air

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

Special Permit for Transfer of Development Rights

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

City Map Amendment

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

Conclusion

Much time has been spent describing the outdated and crumbling nature of both the existing office buildings in this district and the infrastructure that serves them. I do not disagree with this premise. There is need for new, state-of-the-art buildings if this district is to maintain its vitality and significance. However, I strongly believe that a number of buildings in the broader area are eligible for and deserving of landmark designation. Within the Vanderbilt Corridor, I believe that the Roosevelt Hotel and the Yale Club are worthy of such consideration. This proposal creates new opportunities for the redevelopment of those sites, and the CPC should seriously consider the real possibility of the destruction of these landmarks as a consequence of this proposal. I do have confidence, however, that any proposal that would harm these two landmarks would have the full review of the public, and I will use my role in the ULURP process to fight for their preservation. Additionally, the built context of Vanderbilt Avenue is important. The buildings standing there today were the result of a form of comprehensive planning that is rare in the history of New York. These buildings speak to each other and to the development history of this neighborhood as one of the first examples of development based around, and supportive of, mass transit. Any new building in this corridor should fit within the built context of these blocks and should relate harmoniously to the Terminal.

With the incorporation of the changes discussed above, the Vanderbilt Corridor text amendment and related map amendment will produce real benefits to the citizens of New York and will be in keeping with the longstanding goals of the Grand Central Subdistrict. The proposal from SL Green will dramatically improve platform and mezzanine conditions on the 4/5/6 subway line. In fact, the adjustments to the mezzanine will increase the size of Grand Central's subway mezzanine by 38 percent. One Vanderbilt's unique location will allow for new underground corridors that will be fully integrated into Grand Central Terminal. Finally, the proposal will open up new pedestrian-accessible space that will relieve congestion in this busy neighborhood.

BOROUGH PRESIDENT'S RECOMMENDATION

As a result of ongoing discussions, which began following the two Community Board recommendations in December, the Department of City Planning and SL Green sent the Borough President letters committing to adjustments of the proposal.

In a letter from Edith Hsu-Chen, Director of the Manhattan Office, dated January 28, 2015, the Department of City Planning committed to advising the City Planning Commission to make adjustments to the method for determining the Grand Central Public Realm Improvement bonus size, language clarifying the standards for evaluating sustainability, and application requirements relating to ongoing maintenance of proposed improvements.

In a letter from Marc Holliday, Chief Executive Officer of SL Green, dated January 28, 2015, SL Green committed to adjustments to their proposal to ensure maximum public benefit. The applicant committed to working out a final agreement for the maintenance of Vanderbilt Place, and agreed to seed a fund for ongoing capital improvement. They agreed to provide a bathroom at the Transit Hall, to provide at least seven benches within that space, and to continue to refine their design of the space and to work with the Community Boards and Borough President's Office to do so. They have agreed to adjust the retail spaces on East 42nd Street to be combined into a single space that would be reduced in size by 24 linear feet, adjacent to the subway entrance. The retail space would further have an entrance onto the Vanderbilt plaza. Finally, the applicant agreed to beautify the East 43rd Street frontage to minimize the impact of the loading docks on the character of the neighborhood.

Based on these commitments from the applicant the Borough President believes that the proposal will be beneficial to the citizens of Manhattan and entire New York region.

Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. C 140440 MMM, N 150127 ZRM, C 150128 ZSM, C 150129 ZSM, and C 150130 (A) ZSM provided that:

1. **SL Green** honor its stated commitment to:
    a. Consolidation and reduction of retail frontage at Vanderbilt Avenue and East 42nd Street;
    b. Providing for ongoing maintenance of the Vanderbilt Public Place;
    c. Construct and ADA-compliant unisex restroom beneath the Transit Hall
    d. Work with the Department of City Planning, Community Boards 5 and 6, and the Borough President to finalize interior design of the Transit Hall and to enshrine a completed design in the special permit drawings or a future public process;
    e. Install an entrance from the retail space at East 42nd Street and Vanderbilt Avenue onto the Vanderbilt plaza and an entrance from the Transit Hall to the One Vanderbilt lobby;
    f. Continue to improve the energy efficiency of the proposed building as technology improves;
    g. Use every effort to preserve the decorative façade elements of 51 East 42nd Street and to provide for their future display; and

h. Use materials and details on the East 43rd Street façade of the building at grade that are consistent with the overall aesthetic of One Vanderbilt;

2. **The City Planning Commission**, on the recommendation of staff, modify the proposed text amendment to reflect more consistently and clearly the goals of the proposed action, as outlined in the January 28 letter; and
3. **The City Planning Commission** also, in exercising its discretionary approval, approve plans memorializing all key entrances connecting the plaza, transit hall, lobby, and retail use so that building connects to the plaza via exits other than the office lobby and so that the locations of such are not subject to change.

In addition to the above, there are a number of aspects of the proposed actions that the Borough President feels warrant further attention:

1. **The City Planning Commission** should consider whether the findings of the Grand Central Public Realm Improvement Bonus relating to sustainability have been met by the SL Green proposal; and
2. **The City Planning Commission and the City Council** should use the reduction in retail frontage on East 42nd Street to provide for a wider and more open subway entrance at this location;
3. **The City Planning Commission** should consider any recommendations of the East Midtown Steering Committee concerning the use of a public realm improvement bonus in conjunction with the use of landmark development rights to balance the need for transit improvements and historic preservation.
4. **The City Planning Commission** should consider whether plans for the Transit Hall should be revised to include a door directly on to the Vanderbilt Public Place.

Gale A. Brewer
Borough President

Green 317 Madison LLC
c/o SL Green Realty Corp.
420 Lexington Avenue, 19th Floor
New York, NY 10170

January 28, 2015

Honorable Gale A. Brewer
Manhattan Borough President
One Centre Street, 19th Floor
New York, NY 10007

Re: One Vanderbilt
ULURP Nos. 150128 ZSM, 150129 ZSM, 150130 ZSM, 150130(A) ZSM

Dear Madame Borough President:

Thank you for your thoughtful consideration of our special permit applications for the One Vanderbilt project. From our numerous meetings with you and your staff we have received a number of suggestions to improve the proposed development. We have carefully considered these suggestions, and, in response, we are prepared to make the following commitments and modifications:

1. We commit to reach an agreement with the Grand Central Partnership to undertake the long-term maintenance of Vanderbilt Plaza, including provision for capital repairs and replacements. SL Green will also commit to provide $500,000 to a fund which will be established to assure the long-term capital needs of Vanderbilt Plaza.

2. We will construct and maintain an ADA-compliant unisex restroom for use by the public on the B1 level, below the Transit Hall, within the footprint of One Vanderbilt. Together with the additional new restrooms being constructed by the MTA within Grand Central Terminal underneath 335 Madison, these improvements will provide convenient facilities for commuters and other users of the Terminal and the Transit Hall. Further, we will ensure that all public spaces are accessible for people with disabilities.

3. As we progress the interior design of the Transit Hall, we will share our plans with Community Board 5 and the Borough President for review and feedback. We will also work with the Department of City Planning to either update or finalize the special permit drawings to reflect the completed design or include in the project approvals a requirement for a CPC Chairperson certification process with respect to the design of the Transit Hall. Additionally, we commit that the Transit Hall will contain at least seven benches seating 14 to 21 people, which we believe will make the transit Hall more useful and convenient for the public. We will maintain the Transit Hall for the life of the project.

4. We will install an entrance from the retail space at the corner of East 42nd Street and Vanderbilt Avenue directly onto the new Vanderbilt Plaza, which will further activate the plaza. We will also install a direct connection from the Transit Hall into the lobby of One Vanderbilt. These additional connections will help to activate the ground floor of the building and Vanderbilt Plaza. These connections will be open to the public, but we will reserve the right to close them if security matters make that necessary.

5. We will modify the design of the ground floor of One Vanderbilt in order to reduce the retail/amenity space linear frontage east of the MTA Access space on East 42nd Street by 24 feet.

6. As described in detail to your staff, we have made every effort to achieve the maximum energy efficiency and sustainability reasonably permitted by current technology. However, technology changes quickly and we commit to continue to explore new and additional methods of achieving increased efficiency and we will used commercially reasonable efforts to incorporate new technologies to continue to maximize One Vanderbilt's energy efficiency and sustainability.

7. Although the original decorative façade features of 51 East 42nd Street have had extensive exposure to the elements, and, we have been advised by our construction team that their condition may not permit their removal from the building intact and suitable for public display, we will use great care and effort to preserve these features when the building is demolished.

8. We commit to the use of materials and details on the 43rd Street façade of the building at grade that are consistent with the overall aesthetic and quality of One Vanderbilt, including but not limited to the loading dock doors.

These commitments will be included in a restrictive declaration which will be recorded against the development site and will bind successive owners and mortgagees of the property.

We believe these modifications to the design and operation of the project are responsive to the concerns that you and your staff have expressed to us and will improve the quality of the development and the public benefits. We thank you for the assistance you and your staff have provided as we move through the public review process.

Sincerely,

Marc Holliday

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK
Manhattan Office

January 28, 2015

The Honorable Gale A. Brewer
Borough President, Borough of Manhattan
One Center Street, 19th Floor North
New York, NY 10007

RE: Vanderbilt Corridor

Dear Borough President Brewer,

Thank you for your ongoing discussion with our Chairman and for staff-to-staff dialogue on the Vanderbilt Corridor proposal. This zoning text amendment and map change will facilitate commercial development along Madison and Vanderbilt Avenues in Manhattan, improve pedestrian circulation within Grand Central Terminal and its vicinity, and allow greater opportunity for area landmarks to transfer their unused development rights. We appreciate your focus on this critically important proposal to ensure the long-term strength of the area around Grand Central as a world-class business district, dense job center, and transit center for the city of New York.

We understand that in your review of the application, you have made specific recommendations to clarify and improve the text as proposed. We have considered your comments. During the City Planning Commission's upcoming review of the text amendment, the Department staff will recommend to the Commission the following:

- The Grand Central Public Realm Improvement Bonus should be modified to better clarify how the determination of the bonus floor area permitted via the special permit mechanism should be made. We will recommend the text be modified to make clear that additional floor area be granted as a result of consideration of the at-grade and below-grade improvements only, and that additional floor area should not be granted through the findings relating to the building's design and sustainability features. In addition, per your suggestions, we will recommend modifications to the findings for above-grade improvements to include consideration of their improvement to pedestrian circulation in the area, and on-site spaces provide or be surrounded by active uses.

- Regarding sustainability, we will recommend that the findings be modified so that buildings would be required to meet or exceed the best practices in sustainable design and clarify how buildings demonstrate their reduced energy use compared to comparable buildings. We will further recommend that the text be modified to require application materials that demonstrate energy use compared with the then-current New York City Energy Conservation Code.

- On the issue of maintenance of the improvements, the Department agrees that it is in the public's interest for the applicant to identify the expected maintenance plan for

improvements associated with the special permit as part of the public review of future proposals. We will recommend that additional application materials be required to describe the expected maintenance plan for the improvements.

We believe these recommendations to the City Planning Commission, made in response to your input, will improve the Vanderbilt Corridor proposal. Thank you for the thoughtful input you have provided us and others as our proposal moves through the public review process.

Sincerely,

Edith Hsu-Chen
Director, Manhattan
NYC Department of City Planning