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September 22, 2021/ Calendar No. 22

C 210370 ZSM

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**IN THE MATTER OF** an application submitted by BP 347 Madison Associates, LLC and the Metropolitan Transportation Authority pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-633 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in the Table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea) up to a maximum floor area as set forth in such Table, in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea), Borough of Manhattan, Community District 5.

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This application (C 210370 ZSM) for a zoning special permit pursuant to Section 81-633 of the Zoning Resolution (ZR), was filed by BP 343 Madison Associates, LLC and the Metropolitan Transportation Authority (MTA) on April 15, 2021. The special permit, along with the related action would allow additional floor area through the provision of improvements to the pedestrian mass transit circulation network. The special permit, along with the related action, would enable the development of a commercial building on the property at 317-341 Madison Avenue (Block 1279, Lots 23, 24, 25 and 48), in the East Midtown neighborhood of Manhattan Community District 5.

#### **RELATED ACTIONS**

In addition to the special permit the subject of this report (C 210370 ZSM), the following applications are being considered concurrently with this application:

<b>C 210369 ZSM</b>	Zoning special permit pursuant to ZR Section 81-634 to modify certain district plan elements, street wall, height and setback, loading and curb cut regulations.
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## **BACKGROUND**

In 2014, the Department of City Planning (DCP) proposed a plan for the area bound by East 47<sup>th</sup> Street to the north, Vanderbilt Avenue to the east, 42<sup>nd</sup> Street to the south and Madison Avenue to the west, in Manhattan. The plan, adopted in May 2015 (N 150127 ZRM), sought to facilitate commercial development in this high density corridor, improve pedestrian circulation within Grand Central Terminal and its vicinity and allow greater opportunity for area landmarks to transfer unused development rights. The corridor was identified due to its aging building stock, high density surroundings and excellent connectivity to transit. The adoption of the plan created the Vanderbilt Corridor, which would later become known as the ‘Vanderbilt Corridor Subarea’, following the consequent adoption of the zoning framework for Greater East Midtown in August 2017 (N 170186A ZRM).

The Vanderbilt Corridor Subarea is mapped with a C5-3 zoning district, with a permitted as-of-right floor area ratio (FAR) of 15.0 for commercial development. The zoning resolution permits the floor area of buildings within these boundaries to be increased via special permit up to a maximum FAR of 30.0 for commercial development. This increase may occur via special permit where either development rights are transferred from an eligible landmark (ZR Section 81-632), or transit improvements are being made in parallel with the development (ZR Section 81-633). The text also provides a special permit in anticipation of the need for waivers to street wall, height and setback and various mandatory district plan elements, where arranging the maximum FAR on a site may be prevented by such regulations, and where a better site plan may be otherwise facilitated (ZR Section 81-634). This ability to use waivers for certain regulations also allows for specific consideration of site context that may otherwise result in an impractical or inferior design outcome.

The area surrounding the development site (Block 1279, Lots 23, 24, 25 and 48) is located in the East Midtown area of Manhattan. Land uses within the area include a mix of commercial, residential, institutional, and transportation uses. The area is densely developed and is characterized by a mix of office towers and mid-rise office buildings located around Grand Central Terminal. The terminal, located immediately to the east of the Vanderbilt Corridor, is

served by both subway and Metro North commuter train lines. A new concourse known as East Side Access (ESA), located 50 feet beneath Vanderbilt Avenue, will bring Long Island Railroad (LIRR) commuter service to the area upon opening, currently expected in 2022. Open space is provided at Bryant Park and at several privately owned public spaces interspersed throughout the area. Pershing Square, located directly south of Grand Central Terminal, includes a pedestrian plaza, approved by the New York City Department of Transportation, within the roadway between East 41st and East 42nd streets.

The development site and much of the surrounding area is mapped with a C5-3 zoning district, which has a base maximum FAR of 15.0 for non-residential use and 10.0 for residential use. C5-2.5 zoning districts are mapped north and west of the development site, with a base maximum FAR of 12.0 for non-residential use and 10.0 for residential use. In the Vanderbilt Corridor Subarea, the maximum commercial floor area may be increased up to an FAR of 30.0 by special permit. Within the East Midtown Subdistrict, the maximum commercial floor area may be increased by certification up to an FAR of 25.0 in the Park Avenue Subarea, 21.6 in the Southern Subarea, and 27.0 in the Grand Central Transit Improvement Zone Subarea, among others. In both C5-3 and C5-2.5 zoning districts within the East Midtown Subdistrict, the maximum residential floor area may be increased to a maximum FAR of 12.0 by providing publicly accessible recreation space.

The development site is located centrally within the zoning subarea known as the Vanderbilt Corridor, immediately to the west of Grand Central Terminal. The block containing the development site is bounded by 45<sup>th</sup> Street to the north, Vanderbilt Avenue to the east, 44<sup>th</sup> Street to the south and Madison Avenue to the west. The site is situated one block north of the recently completed 1 Vanderbilt, a 1401-foot-tall, 1,299,000-square-foot commercial office development that was the first to utilize the Vanderbilt Corridor's Grand Central public realm improvement special permit.

The development site comprises the eastern half of the block. The remainder of the block is shared with 50 and 52 Vanderbilt Avenue, both adjoining to the east. The building at 50

Vanderbilt Avenue is known as The Yale Club, a 22-story mixed use building that was constructed in 1915, in the renaissance revival style. The building has a distinctive green cornice framing the top of the street wall and is a listed New York City landmark (LP-2579). The building at 52 Vanderbilt is a 20-story commercial office building.

The development site has a lot area of 25,104 square feet, with primary frontage on Madison Avenue and secondary frontages on 44<sup>th</sup> and 45<sup>th</sup> streets. The Madison Avenue frontage of the site (Lots 23, 24 and 48) is currently occupied by three commercial buildings ranging between 13 and 20 stories in height. The three buildings were formerly used by the MTA as their headquarters between 1974 and 2014. The MTA vacated the buildings in 2014 and they have not been occupied since. All three buildings are currently undergoing demolition, which was approved separately by the Department of Buildings, independent of the current application. Also occupying part of the development site (lot 25) is a five-story ventilation structure, with frontage along 44<sup>th</sup> Street. The structure functions as a ventilation outlet in case of emergencies occurring on the ESA concourse below. It was constructed in 2014 and is the only existing structure on the zoning lot that will remain as part of the proposed development.

The project area includes the development site at 341 – 347 Madison Avenue (Block 1279, Lots 23, 24, 25 and 48), in addition to three locations where the applicant proposes offsite improvements to the subgrade transit network as part of the proposed development. Those three locations include: a stair at the western-most end of the Flushing (7) Line subway platform at the 42<sup>nd</sup> Street / Grand Central station, located subgrade, below the level of 42<sup>nd</sup> Street; the center of the Flushing Line subway platform and a corresponding pedestrian corridor, at the 42<sup>nd</sup> Street / Grand Central station, located subgrade, below the level of 42<sup>nd</sup> Street; and a stair at the eastern-most end of the Flushing Line subway platform at the 42<sup>nd</sup> Street / Grand Central station, located subgrade, below the level of 42<sup>nd</sup> Street.

### **The proposed development**

The MTA, the owner of the development site, intends to enter into a 99-year ground lease with its development partner, Boston Properties, who was selected via a public tender process. The

two parties propose to construct a new commercial office building with an overall height of 1050 feet and 753,560 square feet of zoning floor area on the development site, accompanied by extensive improvements to the pedestrian circulation network in the vicinity of Grand Central Terminal.

The building program planned for construction on the development site would contain 748,618 square feet of office space, 2,130 square feet of retail uses and 2,372 square feet assigned to an onsite mass-transit entrance hall with connection to the ESA concourse below grade. In addition to works on the development site, the applicant proposes to make offsite improvements in connection with the project to the Flushing Line platform at the 42<sup>nd</sup> Street / Grand Central station, located a short distance to the south-east of the development site.

As part of facilitating the proposed development, a number of waivers are requested to enable the proposed design and its arrangement of bulk on the site, in the interest of a better site plan. Specifically, the design is inclusive of a street wall height reaching 321 feet, where the regulation of ZR Section 81-43 permits 150 feet. Height and setback waivers are also requested to ZR Section 81-27, in connection with the design's performance against the daylight evaluation criteria. The proposed lobby entrance and retail frontage on Madison Avenue, a designated retail street, provides a balance that results in a longer lobby length and shorter retail length than the regulation of ZR Section 81-42 permits. Additionally, servicing the site is a loading dock with three truck bays accessed from 44<sup>th</sup> Street. Waivers are requested to enable the loading bay's curb cut, which exceeds the length of the regulation of ZR 81-675(b) and 81-44, as well as the direction in which vehicles would enter the site, which necessitates reversing into the loading bay rather than a head-in, head-out arrangement called for by ZR Section 81-675(a).

### **Improvements to the pedestrian circulation network**

Onsite improvements to be constructed in connection with the proposed building include a 2,372-square-foot, double height entrance hall within the ground floor for ESA. The space would serve as one of several entry and exit points for the concourse, allowing a high volume ADA

pedestrian connection direct from Madison Avenue to the new concourse, with the construction of three new escalators, a stair and elevator.

Offsite improvements to the surrounding pedestrian and transit network would also be undertaken in connection with the proposed development. Improvements are located on and in the vicinity of the Flushing Line platform of the 42nd Street / Grand Central station, serviced by the 7 train. The proposed offsite improvements can be categorized into three individual components.

The first offsite improvement would involve widening two sets of stairs, (known as U2/U4 and U6/U8), that connect the uptown Lexington Line platform to an existing passageway that provides access to the existing Flushing Line platform stairs. The proposed widening would increase the aggregate number of pedestrian lanes from two to three.

The second offsite improvement would involve constructing a new extension of the existing Flushing Line transfer passageway and constructing two new five-foot wide stairs (PL7 and PL8) between the passageway extension and the Flushing Line platform. The new stairs would land centrally on the platform, approximately 109 feet east of the eastern-most existing platform stair, significantly reducing the distance between the platform stairs and stairs PL-9A/B/C at the eastern end of the platform.

The third proposed improvement offsite would involve widening two platform stairs, (known as PL-9A/B), at the east end of the Flushing Line platform, with associated structural modifications to support the widened stairs. These stairs connect to an at-grade subway entrance within the existing building at 150 East 42nd Street. The proposed widening would increase the aggregate number of pedestrian lanes from four to six.

### **Requested actions**

To facilitate the proposed development discussed above, the applicant is requesting two special permits that apply to the Vanderbilt Corridor Subarea.

The first special permit is proposed pursuant to ZR Section 81-633, for Grand Central Public Realm Improvements. The special permit would allow an increase in the maximum permitted FAR from 15.0 allowed as-of-right, to a total FAR of 30.0, or 753,560 square feet of floor area, on the development site. This increase would be granted in connection with the on-site and off-site improvements to the pedestrian mass transit circulation network described above. This action is the subject of this report (C 210370 ZSM).

The second special permit is proposed pursuant to ZR Section 81-634, for modifications in conjunction with additional floor area to allow flexibility in height and setback, building entrance, curb cut, loading berth and mandatory district plan regulations. The request for these waivers, discussed in more detail above, is associated with the design of the proposed development, enabling a response to surrounding context and specific site constraints that would enable a better site plan. This related action is the subject of the supplemental report (C 210369 ZSM).

## **ENVIRONMENTAL REVIEW**

The application (C 210370 ZSM), along with the related application (C 210369 ZSM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 21DCP020M. The lead is the City Planning Commission ('the Commission').

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on July 23, 2020, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on July 24, 2020. A public scoping meeting was held on August 27, 2020. A Final Scope of Work was issued on May 3, 2021.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on May 3, 2021. On August 18, 2021, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS) reflecting the comments made during scoping and the public hearing on the DEIS was completed and a Notice of Completion for the FEIS was issued on September 10, 2021.

Significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of an (E) designation (E-584) on the Development Site as specified in Chapters 7, 10 and 12.

The Proposed Development as analyzed in the FEIS identified significant adverse impacts with respect to transportation (traffic, transit and pedestrians). The identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 16, Mitigation. To ensure implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration.

## **UNIFORM LAND USE REVIEW PROCEDURE**

This application (C 210370 ZSM), in conjunction with the application for the related action (C 210369 ZSM), was certified as complete by DCP on May 3, 2021, and was duly referred to Community Boards 5 and 6, and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), in accordance with the procedures for ULURP matters.

### **Community Board Public Hearing**

Manhattan Community Boards 5 and 6 both considered the application (C 210370 ZSM) and the related action (C 210369 ZSM). The development site is located within the geography of Community Board 5, however the proposed improvements to the Flushing Line at the 42<sup>nd</sup> Street / Grand Central station sit within the geographies of both Community Board 5 and Community Board 6.



Community Board 5 considered the application and the related action at its Land Use Committee Meeting of May 5, 2021, and on June 10, 2021, by a vote of 35 in favor, none opposed and one abstaining, voted to disapprove the application with conditions.

Community Board 6 considered the application at its Land Use and Waterfront Committee Meeting of May 24, 2021, and on June 9, 2021, by a vote of 40 in favor, none opposed and five abstaining, voted to disapprove the application with conditions.

The community boards provided separate statements outlining their concerns with the proposal to support their recommendation. The overall concerns can be categorized as: the sufficiency of transit improvements being provided, and the extent of waivers proposed with respect to the building bulk controls such as daylight evaluation criteria and street wall. Concerns were also raised regarding the proposed lobby width on Madison Avenue, which was requested to be reduced in favor of more retail. It was also expressed that the building enclosure should surpass the requirements of the 2020 NYC Energy Code and additionally, rental income collected from the project for the MTA should be used for improvements in the immediate area of the project.

Both recommendations are appended to this report.

### **Borough Board Recommendation**

The Manhattan Borough Board considered the application (C 210370 ZSM) and the related action (C 210369 ZSM). On July 15, 2021, the Borough Board adopted a resolution to disapprove the applications with conditions. The Borough Board's conditions echoed those put forward by Community Boards 5 and 6.

The full recommendation is appended to this report.

### **Borough President Recommendation**

The application (C 210370 ZSM) and the related action (C 210369 ZSM) were considered by the Manhattan Borough President. The Borough President provided a recommendation of support

with conditions for the application, on August 3, 2021. The recommendation expresses the following:

“This recommendation is contingent upon the Applicants’ completion of the following commitments:

- Work with DOT to fund and, at the discretion of DOT, design and construct a sidewalk widening along the north side of 44th Street between Vanderbilt and Madison Avenues as consistent with the East Midtown Governing Group Concept Plan and in consideration of the needs of the Yale Club;
- Provide opportunities for artists to gain exposure through installations in the on-site transit entrance, under MTA’s Arts for Transit Program;
- Provide free “pop-up” space for artists within available retail space prior to rent-up; and
- Provide space within the building for use by artists or New York-based arts organizations, at a cost to the tenant equivalent to the local commercial tax rate in addition to utility expenses. The space will be at least 500 square feet if at grade or 1,000 square feet in other locations, to be offered for a period of five years from initial rent up of the building.

In addition to these conditions, I urge the Applicants to consider the following recommendations put forth by the Manhattan Borough Board in their resolution dated June 17, 2021:

- That the proposed building meet the daylighting, street wall, and setback requirements of the current zoning;
- That the Applicants enhance the proposed transit improvements on-site and off-site to justify the requested additional floor area;
- That the Applicants reduce the width of the proposed lobby to accommodate retail frontage requirements along Madison Avenue in the Vanderbilt Corridor Subarea;
- That the proposed building meet or exceed the 2020 New York City Energy Code;
- That the proposed loading facilities be relocated to maintain consistent retail frontage; and

- That any rent generated on site be committed to local transit improvements.”

The full recommendation is appended to this report.

### **City Planning Commission Public Hearing**

On July 28, 2021 (Calendar No. 20), the City Planning Commission scheduled August 18, 2021, for a public hearing on the application (C 210370 ZSM). The hearing was duly held on August 18, 2021 (Calendar No. 56). Nine speakers testified in favor of the application and none in opposition.

The applicant team, comprised of the land use attorney, a representative from the MTA, a representative of the developer, and the project architect, presented an overview of the project, and provided a description of the site. The team described the proposed development and the need for the requested special permits. The team described the attributes of the site that have been the catalyst for the design, including the relatively small size of this site for office floor plates, the presence of the vent building on 44<sup>th</sup> Street, and the need for the ESA entrance hall on Madison Avenue and 45<sup>th</sup> Street, and explained how these attributes have informed the approach to site planning. As a result of these unique site factors, the applicant stated that the building would cantilever above the vent building, use a side core on the eastern edge of the building and specifically recess the building to the Madison Avenue and 45<sup>th</sup> Street corner, in order to emphasize the new ESA entrance.

The proposed transit improvements were described by the representative of the MTA as having been long planned for in conjunction with the redevelopment of this site. In describing the improvements, the new ESA entrance was noted for the uniquely beneficial location this site presents to facilitating access for commuters. The proposed connection would allow the only direct line of connection from Madison Avenue to the new concourse, and would be in line with the largest bank of escalators connecting the concourse to the southern-most end of the train at the platform 160 feet below Park Avenue. The line of travel is consequently the most direct and desirable for many commuters. The complexity involved in the connection’s construction,

including excavation through bedrock to 50 feet below grade, was emphasized. In addition to the improvements, the MTA highlighted their Request For Proposals (RFP) and competitive bidding process, explaining that the redevelopment of this asset would create a critical ongoing funding mechanism to support the MTA's capital budget via the lease and collection of taxes.

The Manhattan Borough President testified in favor of the project. The Borough President noted the proposed density would be capable of being absorbed by transit-rich areas like East Midtown and further, the project's proposed improvements to the transit network would be pivotal. It was also noted that, through separate conversations with the applicant, the Borough President had received commitments to widen the 44th Street sidewalk between Madison and Vanderbilt avenues as part of the project. Additionally, the developer had agreed to provide art installation opportunities for local artists in both the on-site transit and retail spaces, as well as dedicated, affordable arts space on-site for New York-based arts organizations. The Borough President's testimony further encouraged the applicant to provide opportunities for local retail at the ground floor, with accessible, small plan and affordable office layouts in the office space above. A desire for a dedicated funding stream for the proposed off-site improvements was also expressed.

Representatives from the Grand Central Partnership, Building and Construction Trades Council of Greater New York and 32BJ all described support for the pandemic recovery component of the project, which would include additional capacity for several thousand jobs on the development site, as well as many construction jobs. They also underscored how the project's accompanying transit improvements would benefit the transit and pedestrian experience throughout the area.

A representative for 335 Madison Avenue, the building located to the south of the development site across 44<sup>th</sup> Street, indicated support for the project, however raised questions with the respect to the transportation analysis from the DEIS and the potential for vehicular and pedestrian traffic implications to arise on 44<sup>th</sup> Street. The southern neighbor has a commercial parking garage entry and a loading dock opposite the proposed loading dock location.

There were no other speakers and the hearing was closed.

Subsequent to the hearing, additional written testimony was provided by six members of the public.

Supportive written testimony was received from the Association for a Better New York, the Riders Alliance, the New York Building Congress, and the Building and Construction Trades Council of Greater New York. Each described support for the transit improvement, employment and economic recovery aspects of the proposal.

The Commission also received written correspondence from neighboring properties 335 Madison Avenue to the south, and 50 Vanderbilt Avenue, also known as The Yale Club, to the east. The testimony on behalf of 335 Madison Avenue elaborated on verbal testimony made at the hearing, again supporting the project but raising questions about the transportation analysis undertaken in respect of the complex loading, pedestrian and traffic conditions on 44<sup>th</sup> Street, the unique traffic and pedestrian conditions on Vanderbilt and Madison avenues, and the need for alternatives or mitigations to address potential transportation impacts created by these conditions.

Correspondence from The Yale Club outlined concerns over the need for active retail on the corner of 44<sup>th</sup> Street and Madison Avenue, the need to widen the sidewalk on 44<sup>th</sup> Street and the need to coordinate deliveries at the proposed loading dock to minimize interruptions to The Yale Club's operations.

## **CONSIDERATION**

The Commission believes that this application for a special permit (C 210370 ZSM), along with the related action (C 210369 ZSM), is appropriate.

The project is located in the heart of East Midtown, in close proximity to Grand Central Terminal. The area is rich in public transit access and characterized by some of the city's largest commercial office buildings. The Commission believes that this project will contribute to and be consistent with many of the City's goals associated with the rezoning of the Vanderbilt Corridor,

including promoting the principle of transit oriented development via provision of contemporary office stock in the immediate vicinity of the Grand Central Terminal transit hub.

### Transit improvements

The proposed development is inclusive of a variety of much needed improvements to pedestrian circulation in the transit network serving the area. The improvements stand to significantly improve the safety, access and navigability experience for commuters using both the future ESA concourse, as well as the Flushing Line platform at 42<sup>nd</sup> Street / Grand Central Station, serving the 7 line. The improvements have all been specifically identified by the MTA as high priority projects.

Specific to the onsite improvements, the redevelopment of 343 Madison Avenue is inclusive of a major new transit connection to the ESA concourse, at the corner of Madison Avenue and 45<sup>th</sup> Street. The entrance hall has been designed as a generous space of double height, offering high volume ADA access to the ESA concourse, deep below the site. The new hall will fulfill an important connection function for commuters, while presenting an inviting space to the general public complete with high quality finishes, amenities and signage.

The location of 343 Madison Avenue is uniquely positioned to provide this significant new connection to the new ESA concourse, offering direct access to the southern-most end of the LIRR platforms. The provision of this necessary connection would be prohibitive without the participation of this site, given its position relative to the concourse. Testimony from the MTA confirmed that the connection of a new elevator, three custom escalators and a stair represents a significant level of complexity that the Commission considers to merit a substantial amount of the discretionary floor area bonus the applicant is seeking as part of the special permit.

Substantial improvements are also proposed offsite, concentrated on alleviating congestion on the Flushing Line, with upgrades to the 42<sup>nd</sup> Street Grand Central Station platform serving the 7 train. This platform has been identified by the MTA as a priority for upgrade, attributed to its increasingly high volume of commuters. The improvements target difficult pinch-points

identified by the MTA, that include widening the two primary points of access to the platform at the eastern and western ends, as well as enabling better distribution of commuters across the length of the platform through the addition of a new tunnel and mid-platform stair. Each of these improvements is a delicate and complex construction and engineering exercise within the below-grade network, which would prove difficult and costly for the MTA without the direct assistance of this project.

As required by the ZR, the proposed building will also see a widening of the sidewalk on Madison Avenue and 45<sup>th</sup> Street adjacent the building, achieving 20 feet and 15 feet in total sidewalk width, respectively. The Commission also notes the applicant has committed to working with the Borough President to widen the sidewalk on 44<sup>th</sup> Street. While this is not required by zoning, the Commission encourages this improvement in the interest of further enhancing pedestrian mobility around the future building.

#### Building density and design

The proposed special permit involves additional density, amounting to an FAR of 15.0 or 376,560 square feet, for a total FAR of 30.0. This level of density is comparable to recent development in the surrounding area and is consistent with the density envisioned for the Vanderbilt Corridor. The recently completed 1 Vanderbilt development, the first to utilize this special permit, is built to a total FAR of 30.0. 1 Vanderbilt is a substantially larger and taller building than that proposed, as its lot size is much larger than 343 Madison Avenue's lot.

The location and spatial attributes of the site, in conjunction with major surrounding built form elements, are complementary. The proposed tower will benefit from separation provided by its immediate neighbors from the existing dominant features of the skyline, such as 383 Madison Avenue and the future 270 Park Avenue to the north, the landmark former Pan Am building at 200 Park Avenue to the east and 1 Vanderbilt to the south. Some of the most notable buildings of East Midtown encompass a variety of architectural styles, from the flat-topped Seagram Building and Lever House to the spired crowns of the Chrysler Building and the new One Vanderbilt. The design of the proposed development will integrate with this cluster of larger commercial

buildings that surround Grand Central Terminal, contributing a distinct variation in height, form and materials to the Midtown skyline that frames it.

The proposed development will be designed to achieve LEED Platinum Certification, will exceed the requirements of the New York City Energy Conservation Code and comply with the provisions enacted under Local Law 97. Additionally, the building design will include a number of design features that exceed the benchmarks set by recent developments such as 1 Vanderbilt and the Special Hudson Yards District, reflecting advances in sustainable building design. These measures include high efficiency HVAC systems with heat recovery and demand control ventilation through CO2 monitoring; energy efficient LED lighting with motion activation, vacancy sensors and automatic timing controls; water efficient landscaping with storm water reclamation; high efficiency boilers; and variable frequency drives on base building machines.

#### Waivers

Pursuant to ZR Section 81-634, and as proposed by the related action (C 210369 ZSM), the Commission may grant waivers to the Mandatory District Plan elements, the street wall requirements, and height and setback controls required for as-of-right buildings in the Special Midtown District. The proposed design seeks waivers to each of these attributes so as to effectively arrange the proposed density on the site for a better site plan. The Vanderbilt Corridor text created this mechanism recognizing that incentivizing the renewal of commercial office buildings in the area accompanied by public benefits would necessitate a level of density that the underlying Special Midtown District regulations did not anticipate at the time of drafting. With this in mind, the Vanderbilt Corridor text provides this mechanism for new development to vary certain regulations in order to efficiently arrange floor area on the site and respond to the built context.

#### CPC modification to the proposed street wall

The Commission heard testimony regarding building bulk and shares the concerns expressed by DCP, the Borough President and Community Boards regarding the proposed street wall height.



At 321 feet, the building's street wall is not informed by any prominent physical attribute of the surrounding built context.

In response to these concerns, the applicant submitted modified plans dated September 20, 2021. The modified plans seek a reduced street wall of 295 feet, a height that is directly informed by the cornice of the Yale Club, a prominent and landmarked feature adjoining the proposed development immediately to the east. The modification will ensure the development presents a generally consistent street wall height to 44<sup>th</sup> Street when viewed from Vanderbilt and Madison avenues. This height is also similar to the cornice of 52 Vanderbilt, allowing the entire block to be perceived with a consistent bulk when viewed from surrounding streetscapes.

The street wall will still require a waiver at this height, which the Commission believes is appropriate, as it results in a better distribution of bulk on the site. The applicable street wall regulations are reflective of a prevailing street wall height across the greater Midtown area. Madison Avenue in this location is defined by a much stronger street wall than is typical of Midtown. It is noted that in providing a strong street wall to integrate with the prevailing context of Madison Avenue, the design sees increasing non-compliance with the height and setback regulations, resulting in the request for a waiver. The need for this waiver is an outcome that is typical of the area, where the existing character and zoning promote large floor plate commercial office buildings. It is in this context that the proposed building design will contribute to the harmonious relationship with its surroundings, with a massing that reflects the features of the existing built form. The Commission supports the modified plan that amends the distribution of bulk across the site to ensure it is integrated with the physical built form characteristics of the neighborhood.

The Commission also notes that the building's program includes a mix of uses harmonious with the type of uses prevalent in the surrounding area. The proposed commercial uses, comprising office and retail, are consistent with the City's goal of strengthening the commercial core of Midtown Manhattan, activating the streetscape and promoting job creation.

Various modifications to the regulations at ground floor level are proposed to facilitate the project, including building entrance, retail, curb cut and loading requirements. These modifications will facilitate access and servicing while ensuring streetscape activation.

The ground floor level program balances lobby, retail, mass transit entrance and building servicing, all within a constrained footprint. In doing so, the design significantly improves circulation on the sidewalk with widenings proposed to Madison Avenue and 45<sup>th</sup> Street adjacent to the building. The plan integrates the new ESA pedestrian hall on the prominent corner of Madison Avenue and 45<sup>th</sup> Street that will activate the adjacent streetscape, while creating a generous new transit connection through the site. Retail will occupy the midblock on 45<sup>th</sup> Street and the alternate corner of Madison Avenue and 44<sup>th</sup> Street. This corner tenancy will provide activation to both street frontages as well as within the lobby, where it is designed to bleed into the movement and function of the lobby, with a porous footprint that projects retail activity into the lobby beyond its physical footprint, one that is otherwise confined by the essential functions of access to and servicing of the building. The recessed lobby and internal space for occupants of the building seek to provide sufficient entry space for the building occupants, with consideration provided to expected post-pandemic needs of queuing, temperature checking and health screening of workers before entering elevators. Each component is effectively balanced in the floor plan and will contribute to what the Commission considers to be a better site plan, that enables a lively streetscape with improved access around, through and within the building.

#### Building servicing and loading

With respect to curb cut and loading attributes of the proposal, waivers are also sought to facilitate the practical servicing of the building. The Commission considered testimony from the neighboring properties regarding the use of 44<sup>th</sup> Street for these functions and concerns around disruption to their own operations. The location proposed on 44<sup>th</sup> Street is noted as the only viable place for this site to be practically serviced, including in the as-of-right scenario. The ZR prohibits the use of Madison Avenue and 45<sup>th</sup> Street for this function, and requires curb cuts to be at least 50 feet from the avenue, leaving only the proposed location. Further, for the site to support head-in, head-out loading requires dimensions large enough to support the turning circle

of vehicles that will service it. The site is not large enough for such a turning circle, particularly once a building core is accounted for.

The loading and curb cut waivers proposed will facilitate the efficient servicing of the future building from a lower intensity street, where it will be co-located with the loading and vehicular access arrangements of the southern neighbor. The proposed curb cut width and loading direction waivers are not expected to result in significant impacts on the pedestrian environment of 44<sup>th</sup> Street and are a reasonable expectation of the centralized servicing that occurs with any commercial building that is characteristic of the area. The ZR requires a sidewalk width of 15 feet, which is achieved in the existing circumstance. The associated impacts upon the traffic flow of 44<sup>th</sup> Street were studied as part of the EIS prepared for the project and no impacts requiring mitigation were identified. It is appropriate that the applicant and neighbors work together on how each may service its site in a fashion that is coordinated to minimize disruption to the operations of the other, and the neighborhood.

The Commission heard testimony from the Community Boards and Borough President regarding the proposed transit improvements, suggesting that they do not merit the amount of bonus floor area requested, drawing parallels with the benchmarks set within the more recent Greater East Midtown text. The Commission understands that the independent and discretionary nature of the Vanderbilt Corridor Special Permit requested is designed to take into account the immediate context of the Vanderbilt Corridor Subarea, with its specific density and transit-oriented characteristics. The proposed combination of on and offsite improvements stands to have an outsized impact on access in the area in which the project is being undertaken. The MTA has attested to the necessity and complexity of the improvements, along with the urgency of the upgrades. It is noted that the applicant will be required to complete the proposed improvements before the bonus floor area can be occupied.

It is within this consideration that the Commission believes the proposed development and accompanying improvements are appropriate. The realization of these improvements represents a level of public benefit that merits the proposed 376,560 square feet in additional floor area

sought via the proposed action (C 210370 ZSM). The Commission further believes the project, bringing new class A office space, will have significant beneficial effects on the East Midtown area and the City's pandemic recovery efforts.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 81-633 of the Zoning Resolution:

- 1) For a development or enlargement not located on two wide streets, the amount of additional floor area being granted is appropriate based on the extent to which any or all of the following physical factors are present in the development or enlargement;
  - i) Direct access to subway stations and other rail mass transit stations
  - ii) The size of the zoning lot
  - iii) The amount of wide street frontage; and,
  - iv) Adjacency of open area above Grand Central Terminal.
  
- 2) 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; improve pedestrian circulation and provide suitable amenities for the occupants; front upon a street or a pedestrian circulation space in close proximity to and within view of and accessible from an adjoining sidewalk; provide or be surrounded by active uses; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the 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) [This finding is not applicable; no above-grade improvements are proposed off-site.]

- 3) Below-grade improvements to the pedestrian circulation network provide:
  - i) Significant and generous connections from the above grade pedestrian circulation network to the below grade pedestrian circulation network.
  - ii) Major improvements to the below grade pedestrian circulation network within a subway station in the vicinity of Grand Central Terminal, through the provision of new connections and the enhancement of existing connections.
  - iii) [This finding is not applicable; improvements to the environment within subway stations are not proposed.]
  
- 4) The public benefit derived from the proposed above and below grade improvements to the pedestrian mass transit circulation network is substantial and merits the amount of additional floor area being granted to the proposed development.
  
- 5) The design of the ground floor level of the building:
  - i) Will contribute 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. The proposal demonstrates consideration for the location of pedestrian circulation space, building entrances and the types of uses fronting upon the street.
  - ii) Will substantially improve the accessibility of the overall pedestrian circulation networks, helping reduce points of pedestrian congestion and will establish more direct and generous pedestrian connections to Grand Central Terminal, via connection to the East Side Access concourse.
  - iii) Will be well integrated with on-site above and below grade improvements being provided in conjunction with this section.
  
- 6) The design of 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 distinct 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 fenestration, that creates a prominent and distinctive building, which complements the character of the surrounding area, especially Grand Central Terminal;
  - iii) Involves a program that involves an intensity and mix of uses that are harmonious with the type of uses in the surrounding area.
- 7) The proposed development comprehensively integrates sustainable design measures into the building and site design that:
- i) Meet or exceed best practices in sustainable design, and;
  - ii) Will substantially reduce energy usage for the building, as compared to comparable buildings.
- 8) In addition:
- i) The increase in floor area being proposed in the development will not unduly increase the bulk and density of population or intensity of uses to the detriment of the surrounding area.
  - ii) All of the separate elements within the proposed development includes above and 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).

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 10, 2021, with respect to this application (CEQR No. 21DCP020M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

- 1) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
- 2) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval pursuant to the Restrictive Declaration, attached as Exhibit A hereto, all as acceptable to Counsel to the Department, is executed by BP 347 Madison Associates LLC and the Metropolitan Transit Authority, or its successors, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York, those project components related to the environmental and mitigation measures that were identified as practicable and the placement of (E) designations (E-357) for Hazardous Materials, Air Quality, and Noise, which form part of the action.
- 3) No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning, is executed by BP 347 Madison Associates, LLC, or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

The report of the City Planning Commission, together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration and findings described in this report, the application submitted by BP 347 Madison Associates, LLC and Metropolitan Transportation Authority pursuant to Sections 197-c and 200 of the New York City Charter for the grant of a special permit pursuant to Section 81-633 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in the Table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt

Corridor Subarea) up to a maximum floor area as set forth in such Table, in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea), Borough of Manhattan, Community District 5, is approved as modified subject to the following terms and conditions:

1. The property that is the subject of this application (C 210370 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following approved plans, prepared by Kohn, Pedersen, Fox Associates, PC and Stantec, filed with this application and incorporated into this resolution:

<b>Drawing No.</b>	<b>Title</b>	<b>Last Date Revised</b>
Z-101	Zoning Calculations	9/20/2021
Z-102	Zoning Lot Site Plan	9/20/2021
Z-103	Waiver Plan	9/20/2021
Z-104	Ground Floor Waiver Plan	12/15/2020
Z-105	Pedestrian Circulation Space Plan	12/15/2020
Z-200	Building Sections	9/20/2021
Z-300	Daylight Evaluation Analysis	9/20/2021
Z-301	Daylight Evaluation Analysis	9/20/2021
Z-302	Daylight Evaluation Analysis – VP1	9/20/2021
Z-303	Daylight Evaluation Analysis – VP2	9/20/2021
Z-304	Daylight Evaluation Analysis – VP3	9/20/2021
Z-305	Daylight Evaluation Analysis – VP4	9/20/2021
Z-306	Daylight Evaluation Analysis – VP5	9/20/2021
Z-307	Daylight Evaluation Analysis – VP6	9/20/2021
KP-1	Key Plan Street Level	12/9/2020
KP-2	Key Plan ESA Concourse & Lexington Line Platform Level	12/9/2020
KP-3	Key Plan Flushing Line Platform & Passageway Level	12/9/2020
PM-1	On-site Ground Level	12/9/2020
PM-2	On-Site Cellar 1 Level 1	12/9/2020
PM-3	On Site ESA Concourse Level	12/9/2020
PM-4	On-Site Sections 1 of 2	12/9/2020
PM-5	On-Site Section 2 of 2	12/9/2020
XE-1	Off-Site East End Existing Flushing Line Platform Level	12/9/2020



XE-2	Off-Site East End Existing Sections	12/9/2020
XC-1	Off-Site Center Core Existing Flushing Line Passageway Level	12/9/2020
XC-2	Off-Site Center Core Existing Flushing Line Platform Level	12/9/2020
XC-3	Off-Site Center Core Existing Sections	12/9/2020
XU-1	Off-Site "U" Stairs Existing Lexington Line Platform Level	12/9/2020
XU-2	Off-Site "U" Stairs Existing Flushing Line Passageway Level	12/9/2020
XU-3	Off-Site "U" Stairs Existing Sections	12/9/2020
PE-1	Off-Site East End Proposed Flushing Line Platform Level	12/9/2020
PE-2	Off-Site East End Proposed Sections	12/9/2020
PC-1	Off-Site Center Core Proposed Flushing Line Passageway Level	12/9/2020
PC-2	Off-Site Center Core Proposed Flushing Line Platform Level	12/9/2020
PC-3	Off-Site Center Core Proposed Sections	12/9/2020
PU-1	Off-Site "U" Stairs Proposed Lexington Line Platform Level	12/9/2020
PU-2	Off-Site "U" Stairs Proposed Flushing Line Passageway Level	12/9/2020
PU-3	Off-Site "U" Stairs Proposed Sections	12/9/2020

2. Such development shall conform to all applicable provisions of the Zoning Resolution except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation, and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached herein as Exhibit A to this report, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the City Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. The Development shall include those mitigation measures listed in the Final Environmental Impact Statement (CEQR No. 21DCP020M) issued on September 10, 2020 and identified as practicable.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.
7. Upon failure of any party having any right, title, or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreement, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
8. Neither the City of New York nor its employees or agents shall have any liability for money damage by reason of the City's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 210370 ZSM), duly adopted by the City Planning Commission on September 22, 2021 (Calendar No. 22), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**KENNETH J. KNUCKLES, ESQ.,** *Vice Chairman*  
**DAVID BURNEY, RICHARD W. EADDY, HOPE KNIGHT,**  
**ANNA HAYES LEVIN, ORLANDO MARIN,**  
**LARISA ORTIZ, RAJ RAMPERSHAD** *Commissioners*

**ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,** *Commissioners, Recused.*



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> 343 Madison Avenue / MTA HQ	
<b>Applicant:</b> Boston Properties	<b>Applicant's Administrator:</b> Zachary Bernstein
<b>Application #</b> 210370ZSM	<b>Borough:</b> Manhattan
<b>CEQR Number:</b> 21DCP020M	<b>Validated Community Districts:</b> M05

**Docket Description:**

CD 05                                C 210370 ZSM

IN THE MATTER OF an application submitted by BP 347 Madison Associates, LLC and Metropolitan Transportation Authority pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-633 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in the Table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea) up to a maximum floor area as set forth in such Table, in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Conditional Favorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:**

Recommendation submitted by	MN BP	Date: 8/3/2021 11:10 AM
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OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN  
THE CITY OF NEW YORK

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**Gale A. Brewer, Borough President**

August 3, 2021

**Recommendation on ULURP Application Nos. C210369ZSM and C210370ZSM  
343 Madison Avenue – Metropolitan Transportation Authority Headquarters  
By Boston Properties and the Metropolitan Transportation Authority**

**PROPOSED ACTIONS**

Boston Properties and the Metropolitan Transportation Authority (“the Applicants”) are seeking two Zoning Special Permits from the City Planning Commission (“CPC”) to facilitate the redevelopment of a site located at 341-347 Madison Avenue (“the Project Site”). The special permits follow provisions of the Vanderbilt Corridor Subarea within the East Midtown Subdistrict of the Special Midtown District, allowing both additional floor area and related modifications of certain district plan requirements and zoning restrictions in exchange for on-site and off-site improvements to the mass transit circulation network of Grand Central Terminal. These special permits are pursuant to ZR § 81-633 and ZR § 81-634 respectively.

Pursuant to ZR § 81-633, a development or enlargement may be granted floor area in excess of the maximum base floor area ratio (“FAR”) up to an FAR of 30.0 if improvements are made to the pedestrian or mass transit circulation network above- or below-grade, as well as to the ground floor level of the building, with particular attention paid to building design and sustainable design measures. Any floor area in excess of the maximum base FAR is subject to a special permit by the CPC with specific findings laid out in ZR § 81-633(b).

Pursuant to ZR § 81-634, a development or enlargement may also be granted certain modifications related to the additional floor area, including modifications to street walls, height, and setback regulations as well as mandatory plan elements. Any such modifications are subject to an additional special permit by the CPC with specific findings laid out in ZR § 81-634(c).

**BACKGROUND**

**Area Context**

The Project Site is located within the Vanderbilt Corridor Subarea of the East Midtown Subdistrict of the Special Midtown District. The Vanderbilt Corridor was established in 2015 (Application No. N150127ZRM) in order to facilitate the development of modern commercial

space around Grand Central Terminal while also addressing transit and pedestrian infrastructure challenges, and allowing transfers of unused development rights of landmark buildings within the special district. In 2017, the Vanderbilt Corridor was incorporated into the East Midtown Subdistrict without substantive changes to its original provisions.

The Project Site is located in Manhattan Community Board 5, while part of the proposed transit improvements are located in Community Board 6. The surrounding area is characterized by high-density commercial office buildings, consistent retail and street walls, transit infrastructure centered around Grand Central Terminal, and some scattered institutional and residential uses. Nearby building heights average several hundred feet, with some reaching a maximum of up to 800 feet, and One Vanderbilt reaching 1,400 feet in height.

Much of the surrounding East Midtown Subdistrict is zoned as C5-3, a commercial district with a base maximum FAR of 15.0 for non-residential use and 10.0 for residential use. C5-2.5 is also mapped west of the Project Site, with a base maximum FAR of 12.0 for non-residential use and 10.0 for residential use, with options for floor area increases in exchange for recreation space. Floor area may be increased within the Vanderbilt Corridor Subarea through improvements to adjacent subway stations, transfer of development rights from landmark buildings, or through the provision of transit and public realm improvements.

### **Site Description**

The Project Site, currently owned by the Metropolitan Transportation Authority (“MTA”), is located on the western portion of Manhattan Block 1279, bounded by Madison Avenue, East 44<sup>th</sup> Street, Vanderbilt Avenue, and East 45<sup>th</sup> Street, and consists of four tax lots, numbered 23, 24, 25, and 48. The Project Site has a lot area of 25,104 square feet, and is zoned C5-3, allowing as-of-right a total zoned floor area of 376,560 square feet. Current uses of the site include a 13-story office building on Lot 23, a 19-story office building on Lot 24, a 5-story utility building on Lot 25, and a 20-story office building on Lot 48. The eastern portion of the block also includes a 22-story landmarked building containing the Yale Club of New York City, and a 20-story office building.

In addition to the Project Site, the proposal includes off-site improvements to the Flushing Line platform at the Grand Central / 42<sup>nd</sup> Street subway station located beneath Grand Central Terminal. The Flushing Line currently serves the 7 train, with transfer access at this station to the 4, 5, 6, and S trains, as well as Metro North lines running through Grand Central Terminal.

### **Project Description**

The Applicants are seeking to construct a 1,050-foot-tall commercial building with a total floor area of 925,630 square feet and a total zoned floor area of 753,120 square feet (or 30.0 FAR). The base of the building would be 321 feet, with a setback on all frontages and a cantilever over the utility building on Lot 25. The building’s lobby as well as ground floor retail spaces would

front Madison Avenue, while the proposed East Side Access transit entrance will be located at the corner of Madison Avenue and East 45<sup>th</sup> Street.

On-site transit improvements, pursuant to ZR § 81-633, would consist of the following:

- Three new 40-inch wide escalators connecting the corner entry at street level to the East Side Access concourse level;
- A new 6-foot wide stair adjacent to the new escalators;
- A new elevator connecting the corner entry at street level to the East Side Access concourse level, in full compliance with the Americans with Disabilities Act;
- A new MTA back-of-house space beneath the Project Site accessible by the new elevator; and
- A new double-height, 2,372-square-foot entrance area at the northwest corner of the Project Site.

Off-site transit improvements, pursuant to ZR § 81-633, would consist of the following:

- Widening two platform stairs at the east end of the Flushing Line platform at Grand Central Terminal by approximately four feet and nine inches;
- Widening two sets of stairs that connect the uptown Lexington Line platform to an existing passageway providing access to the existing Flushing Line platform stairs by approximately one foot and three inches each; and
- Constructing a new extension of the existing Flushing Line transfer passageway, as well as two new 5-foot-wide stairs and a 10-foot, 8-inch wide stair connecting the passageway extension and the Flushing Line platform.

Pursuant to the request for proposals (“RFP”), originally issued by the MTA in June of 2013, the MTA will ground lease the property to Boston Properties, who in exchange will pay the MTA both a base rent and a payment in lieu of taxes (“PILOT”), both negotiated between the MTA and Boston Properties. While the PILOT will go directly to the MTA, revenue generated through the base rent will be used to fund the off-site transit improvements listed above. The base rent was calculated by the MTA in order to both meet a reasonable rent price as well as incorporate expected costs of the off-site transit improvements.

## **COMMUNITY BOARD RECOMMENDATIONS**

Manhattan Community Boards 5 and 6 were both briefed by the Applicants during May and June of 2021. Both boards were given a 60-day referral period to opine and present a resolution recommending approval or disapproval of the application with or without conditions.

Manhattan Community Board 5 was briefed at their Joint Land Use, Housing, and Zoning and Transportation and Environment Committee meetings during May and June of 2021. At these two meetings, several concerns were raised, including the increase in shadows and decrease in

sky exposure caused by the proposed development, the height of the street wall as proposed, increases in traffic and pedestrian volume that would come with this project, funding coming from revenue on the site and not separately from the developer, and the improvements as not commensurate with the bonus granted. On June 10, 2021, Manhattan Community Board 5 submitted a resolution recommending disapproval of the application with the following conditions:

- Require the project to meet the daylighting requirements of the current zoning;
- Enhance the proposed below-grade public transit improvements so as to justify the additional floor area requested;
- Lower the street wall height of the proposed building; and
- Reduce the width of the proposed lobby to accommodate the required retail frontage on Madison Avenue.

Manhattan Community Board 6 was briefed at their May Land Use and Waterfront meeting, where several concerns were raised, including the increase in shadows and decrease in sky exposure caused by the proposed development, funding coming from revenue on the site and not separately from the developer, and the improvements as not commensurate with the bonus granted. On June 10, 2021, Manhattan Community Board 6 submitted a resolution recommending disapproval of the application with the following conditions:

- Require the project to meet the daylighting requirements of the current zoning;
- Require the project to meet the street wall and setback requirements of the current zoning;
- Ensure that the revenue generated from rent on the site be used for improvements to transit infrastructure benefiting the community where the building is located;
- Relocate the loading facilities on East 45<sup>th</sup> Street to maintain retail frontage and pedestrian interest at street level; and
- Require the project team to develop a building enclosure that surpasses the requirements of the 2020 New York City Energy Code.

## **BOROUGH BOARD RECOMMENDATION**

The Manhattan Borough Board received a presentation from the Applicants about this application at its July 15, 2021 meeting. Manhattan Borough Board members raised questions and concerns which were fielded by representatives of the Applicants.

Informed by this discussion, as well as by the meetings and resolutions of individual Manhattan community boards, the Manhattan Borough Board voted to recommend disapproval of the application with the following conditions:

- Require the proposed building to meet the daylighting, street wall, and setback requirements of the current zoning;

- Enhance the proposed transit improvements on-site and off-site to justify the requested additional floor area;
- Reduce the width of the proposed lobby to accommodate retail frontage requirements along Madison Avenue in the Vanderbilt Corridor Subarea;
- Require the proposed building to meet or exceed the 2020 New York City Energy Code;
- Require the proposed loading facilities on East 45<sup>th</sup> Street to be relocated to maintain consistent retail frontage; and
- Commit any rent generated on site to local transit improvements.

## **BOROUGH PRESIDENT'S COMMENTS**

I believe the Applicants have presented a thorough and thoughtful proposal for a development that will provide transit improvements that are pivotal for East Midtown, a crucial transit hub. However, the local community boards have raised substantive issues with the proposed project. I have considered every concern raised by both Manhattan Community Boards 5 and 6, as well as by the Manhattan Borough Board, and conveyed their issues and others with the MTA and the developer in numerous discussions. On July 27, 2021, I visited the sites of the off-site improvements at Grand Central Terminal with the MTA to fully understand the scope of these projects, the logic behind the original RFP, and the continued commitment by the MTA to mass transit infrastructure in East Midtown.

I still have several concerns:

### **Floor Area Bonus Rationale**

The Applicants have laid out a clear rationale for the floor area bonus they are proposing. However, aspects of the argument extend a rationale of the Zoning Resolution beyond its intended purpose, leaving room for debate as to whether the proposed transit improvements are truly commensurate with the bonus being sought. As the local community boards have recognized, I find that a further assessment is needed to determine whether such a proposal is consistent and justifiable.

The provision allowing such a floor area bonus through CPC special permit is found in ZR § 81-633, where certain findings are required to be met in order for the CPC to approve of such an application. These findings include appropriateness related to mass transit access, zoning lot size, wide street frontage, and adjacency to open areas above Grand Central Terminal; significance and quality of both above- and below-grade circulation improvements; significance of the public benefit created by the project; and quality of design of the building. While the proposed project poses concerns regarding light and air quality on adjacent streets, I believe the Applicants have made a case for meeting these requirements. Whether the public benefit merits the floor area bonus, however, requires further analysis.

The rationale of the Applicants primarily references the Priority Improvement List found in ZR § 81-682. While the site in question is located in the Vanderbilt Corridor Subarea, and this list



technically applies only to sites located in either the Grand Central Transit Improvement Zone Subarea or the Other Transit Improvement Zone Subarea, the application proposes transit improvements which are specifically laid out in the list with equivalent floor area bonuses for each by type. For the project's off-site improvements, the Applicants have proposed 160,000 square feet in bonus floor area as is consistent with the list. The Applicants then argue that the rationale of this list should be extended to the on-site improvements proposed. The similarities between the East Side Access entrance and those within the Priority Improvement List may be reasonably understood as similar. The Applicants propose that the East Side Access entrance consists of three "Type 1" improvements and one "Type 3" improvement, totaling 240,000 square feet in bonus floor area.

A variety of factors were considered in developing the Priority Improvement List. To extend such a rationale to a separate on-site improvement was certainly not the intention of this provision. Not only is the East Side Access entrance not relevant to the list, but as an on-site improvement, it provides a public benefit valued differently from improvements to existing off-site transit infrastructure. As this improvement does not exist within the Priority Improvement List, the Applicants can argue for any number of equivalent floor area bonuses. For example, as "Type 1" improvements include "new or expanded off-street entrances," one may argue that only 40,000 bonus square feet should be awarded for this improvement. The 240,000 bonus square feet proposed is arguably overgenerous given the extent of the East Side Access improvement.

There is a plethora of existing needs in the local mass transit system and public realm. These needs include items listed on the Priority Improvement List, as well as the list of projects identified by the East Midtown Governing Group Concept Plan. Given the significance of this project and the floor area bonus being sought, I believe that the public benefit to the local community should be maximized to be truly justified.

The Applicants have made the following commitment to my office regarding improvement to the public realm:

- Work with the New York City Department of Transportation ("DOT") to fund and, at the discretion of DOT, design and construct a sidewalk widening along the north side of 44<sup>th</sup> Street between Vanderbilt and Madison Avenues as consistent with the East Midtown Governing Group Concept Plan and in consideration of the needs of the Yale Club.

### **Dedicated On-Site Space for the Arts**

I strongly believe that new developments like this one offer unique opportunities to support and highlight the New York arts community. Too often we miss that opportunity. This project should contain a significant art component accessible to the public, and commensurate with the scale of the proposed building and its site.

The Applicants have made the following commitments to my office regarding arts in the building:

- Provide opportunities for artists to gain exposure through installations in the on-site transit entrance, under MTA’s Arts for Transit Program;
- Provide free “pop-up” space for artists within available retail space prior to rent-up; and
- Provide space within the building for use by artists or New York-based arts organizations, at a cost to the tenant equivalent to the local commercial tax rate in addition to utility expenses. The space will be at least 500 square feet if at grade or 1,000 square feet in other locations, to be offered for a period of five years from initial rent up of the building.

### **Accessible Office Layouts**

Related to a commitment to the arts, this office tower could better support smaller businesses and nonprofit tenants. Not every business can afford floorplates as large as the ones proposed in this project. Availability of office space in this city is an ongoing issue, and a proactive strategy to facilitate use of these spaces by smaller tenants is essential. Programs like Durst Ready, an initiative of the Durst Organization, work to support tenants in office buildouts and through other services that ensure the success of small and large businesses alike. Continuing an innovative approach to commercial development, property owners must do more to support their tenants and recognize the symbiotic nature of their relationships.

I urge the Applicants to divide floorplates and price spaces in ways that invite and support small businesses and nonprofits struggling in a competitive real estate environment.

### **Rent and PILOT Structure**

As this project involves proposed on- and off-site transit improvements, funding on the part of the developer must be allocated to cover these improvement costs. It is my understanding that when a private developer is required through a special permit like this one to provide any public benefit as part of the proposal, the developer must allocate dedicated funds for those improvements. However, in this case, the RFP distributed by the MTA proposes a funding stream that is not set aside but built into the rent structure for the ground lease on this site. Therefore, part of the rent generated at 343 Madison Avenue will be used to fund the off-site improvements proposed at Grand Central Terminal.

I understand that the base rent for the site was calculated to incorporate this cost, and that it would be lower if funding for the improvements were not included. I also understand that a payment in lieu of taxes (“PILOT”) structure is required by the RFP, and that both the PILOT- and rent-generated revenue that is not already dedicated to the off-site improvements will be directed to the MTA’s Capital Program, covering capital project costs across the MTA system. However, I remain concerned that the funding for these off-site improvements is conflated with

the rent generated through the ground lease, and I believe that special permits like this one intend for a separate pot of money to go toward any public benefits attached to a project. This is a unique project in that the MTA remains owner of the property, and I recognize that the revenue structure was developed by the MTA and not Boston Properties. I agree that the MTA should carry out the construction of these improvements, as they are best suited to oversee improvements to their own system, and I urge the Applicants to consider a revenue structure that separates funds generated through rent dedicated to the Capital Program, and funds intended for off-site improvements specific to this project.

## **BOROUGH PRESIDENT'S RECOMMENDATION**

I therefore recommend **approval of the application with conditions**. This recommendation is contingent on the Applicants' completion of the following commitments:

- Work with DOT to fund and, at the discretion of DOT, design and construct a sidewalk widening along the north side of 44<sup>th</sup> Street between Vanderbilt and Madison Avenues as consistent with the East Midtown Governing Group Concept Plan and in consideration of the needs of the Yale Club;
- Provide opportunities for artists to gain exposure through installations in the on-site transit entrance, under MTA's Arts for Transit Program;
- Provide free "pop-up" space for artists within available retail space prior to rent-up; and
- Provide space within the building for use by artists or New York-based arts organizations, at a cost to the tenant equivalent to the local commercial tax rate in addition to utility expenses. The space will be at least 500 square feet if at grade or 1,000 square feet in other locations, to be offered for a period of five years from initial rent up of the building.

In addition to these conditions, I urge the Applicants to consider the following recommendations put forth by the Manhattan Borough Board in their resolution dated June 17, 2021:

- That the proposed building meet the daylighting, street wall, and setback requirements of the current zoning;
- That the Applicants enhance the proposed transit improvements on-site and off-site to justify the requested additional floor area;
- That the Applicants reduce the width of the proposed lobby to accommodate retail frontage requirements along Madison Avenue in the Vanderbilt Corridor Subarea;

- That the proposed building meet or exceed the 2020 New York City Energy Code;
- That the proposed loading facilities be relocated to maintain consistent retail frontage;  
and
- That any rent generated on site be committed to local transit improvements.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style with a large initial 'G'.

Gale A. Brewer  
Manhattan Borough President



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 343 Madison Avenue / MTA HQ	
<b>Applicant:</b> Boston Properties	<b>Applicant's Primary Contact:</b> Zachary Bernstein
<b>Application #</b> 210369ZSM	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP020M	<b>Validated Community Districts:</b> M05

**Docket Description:**

IN THE MATTER OF an application submitted by BP 347 Madison Associates, LLC and Metropolitan Transportation Authority pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the grant of a special permit pursuant to 81-633 of the Zoning Resolution (Special permit for Grand Central public realm improvements), the grant of a special permit pursuant to Section 81-634 to modify:

1. the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements);
2. the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations - Daylight Evaluation); and
3. the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets), Section 81-45 (Pedestrian Circulation Space), Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), Sections 81-47 (Major Building Entrances), Section 81-674 (Ground floor use provisions), Section 81-44 (Curb Cut Restrictions), and Section 81-675 (Curb cut restrictions and loading berth requirements);

in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271.

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Unfavorable</b>			
<b># In Favor:</b> 35	<b># Against:</b> 0	<b># Abstaining:</b> 1	<b>Total members appointed to the board:</b> 43
<b>Date of Vote:</b> 6/10/2021 12:00 AM		<b>Vote Location:</b> Virtual	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 6/10/2021 6:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Virtual

**CONSIDERATION:** CB5 Resolution attached.

Recommendation submitted by	MN CB5	Date: 7/1/2021 4:44 PM
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# MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109  
New York, NY 10123-2199  
212.465.0907 f-212.465.1628

Marisa Maack, District Manager

June 14, 2021

Marisa Lago  
Chair of the City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: 341-347 Madison Ave, an application by BP 343 Madison Associates LLC, in partnership with the MTA, for two Vanderbilt Corridor Special Permits to facilitate the redevelopment of the site at 341-347 Madison Ave..**

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, June 10, 2021, the following resolution passed with a vote of 35 in favor; 0 opposed; 1 abstaining:

WHEREAS, BP 347 Madison Associates LLC (the developer of the site and an affiliate of Boston Properties) and the Metropolitan Transportation Authority (MTA), jointly the applicant (the "Applicant"), have applied for a set of waivers and special permits related to the redevelopment of the properties at 341-347 Madison Avenue between East 44th and 45th Streets, collectively known as 343 Madison Avenue, aka MTA HQ; and

WHEREAS, The current building on the site was constructed in 1917, and beginning in 1979 served as the headquarters for the MTA that subsequently moved out of the buildings in 2014 with a request for proposals (RFP) in 2013, seeking a partner to redevelop the site for the purpose of generating revenue to the MTA; and

WHEREAS, In 2016, after a bidding process, the MTA selected Boston Properties for a 99 years ground lease and to develop the site; and

WHEREAS, In 2020, in accordance with the rules of the Vanderbilt Corridor subdistrict, the Applicant put forward this proposal to obtain special permits and waivers to facilitate the development; and

WHEREAS, The proposed building would comprise approximately 753,120 square feet, with a base 15 FAR and a 15 FAR bonus for transit and public realm improvements, reaching the maximum authorized density of 30.0 FAR on a 25,104 square foot parcel, with a height of approximately 1,050 feet; and

WHEREAS, To qualify for a bonus FAR, the Applicant is proposing the following transit upgrades:

- On site site improvements:
  - Construction of 1 stair, 3 escalators and an elevator from corner of Madison Avenue and East 45th Street to East Side Access (ESA) concourse
- Off site improvements:
  - Widening two platform stairs at the east end of the Flushing Line (7) platform

- Widening two sets of stairs that connect the Uptown Lexington Line to an existing passageway that provides access to existing Flushing Line platform stairs
- Constructing a new extension of the existing Flushing Line passageway and three new stairs that would connect the passageway extension and the Flushing Line platform; and

WHEREAS, On-site transit improvements would be performed at the expense of Boston Properties; and

WHEREAS, Off-site transit improvements would be funded via bonds issued by the MTA, and the MTA would service these new bonds with the monies the agency receives from the developer in the form of ground lease payments and payments in lieu of taxes (PILOT); and

WHEREAS, The Applicant proposes to widen the sidewalk on East 45th Street from approximately 10 feet to 15 feet wide; and

WHEREAS, The proposed building would abut two buildings to the east, the Yale Club and 52 Vanderbilt Avenue, a commercial building, and would cantilever over the East Side Access vent building along East 44th Street next to the Yale Club; and

WHEREAS, The Applicant has recently engaged the Yale Club in substantive discussions to address concerns about the impact of the proposed new building on the Club's operations and representatives of the Club testified to the progress of those discussions; and

WHEREAS, The proposed project would produce important economic benefits for New York City as it recovers from the pandemic in both the construction and operations of the building, as was testified to in the public hearing; and

WHEREAS, The building as proposed could not be constructed as of right and would require the following special permits and waivers in order to do so

- Special permit pursuant to ZR Section 81-633 to authorize: Bonus floor area of 376,560 sf (15.0 FAR) for on-site and off-site improvements to the mass transit circulation network in the vicinity of Grand Central Terminal.
- Special permit pursuant to ZR Section 81-634 to modify:
  - Street wall regulations;
  - Height and setback regulations;
  - Retail continuity requirements;
  - Ground floor use provisions;
  - Building entrance and recess requirements;
  - Curb cut and loading berth provisions; and

WHEREAS, A special permit is requested to increase the base 15.0 FAR to 30.0 FAR in connection with the on-site and off-site public transit improvements; and

WHEREAS, The proposed off-site transit improvements under the East Midtown Special District would qualify for a 6.4 additional FAR bonus, which leaves 8.6 FAR for consideration beyond the bonus generated by these off-site transit improvements; and

WHEREAS, Community Board Five recognizes that development around major transit hubs such as Grand Central is generally appropriate in principle and that the proposed transit improvements are essential additions to the area; and

WHEREAS, Community Board Five, however, does not believe these improvements as proposed are sufficient to justify the additional FAR requested given the substantial density the building will bring to

the area and the resulting increased demands on public transit in a corridor that already is experiencing a significant increase in density from the East Midtown and Vanderbilt Corridor rezonings; and

WHEREAS, the building massing is not compliant with the Vanderbilt Corridor daylight evaluation requirements, causing the sidewalks to be darker than a compliant massing would, and Community Board Five believes the building massing should comply with the requirements of the existing zoning, to minimize the encroachment on the sky exposure plane; and

WHEREAS, Retail frontage on Madison Avenue is a priority to maintain a vibrant and welcoming street experience for pedestrians, and the proposed lobby width is unnecessary and should be reduced to comply with the existing zoning; and

WHEREAS, CB5 recognizes that a street wall height in excess of the compliant 150 feet may be appropriate, the proposed 321 foot street wall height is excessive and should be lowered; and

WHEREAS, CB5 does not object to the special permits requested related to entrance recess, curb cut, loading berth, and street wall design to accommodate the entrance to East Side Access; therefore be it

**RESOLVED**, Community Board Five **recommends denial** of the special permits requested in this application **unless** the above concerns are addressed, specifically enhanced below grade public transit improvements, a lower street wall height, compliant daylight evaluation score, and a reduction in lobby width to accommodate the required retail frontage on Madison Avenue.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero  
Chair



Layla Law-Gisiko  
Chair, Land Use, Housing and Zoning Committee  
Committee



E.J. Kalafarski  
Chair, Transportation/Environment

CC: Hon. Corey Johnson, Council Speaker  
Hon. Brad Hoylman, State Senate, District 27  
Hon. Liz Krueger, State Senator, District 28  
Hon. Keith Powers, Councilmember, District 4  
Manhattan Borough President, Gale Brewer  
Sarah Carroll, Chair, Landmarks Preservation Commission  
Edward Pincar Jr., Department of Transportation  
Alfred C. Cerullo, III, President/CEO Grand Central Partnership  
Sarah Feinberg, MTA New York City Transit





# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 343 Madison Avenue / MTA HQ	
<b>Applicant:</b> Boston Properties	<b>Applicant's Primary Contact:</b> Zachary Bernstein
<b>Application #</b> 210369ZSM	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP020M	<b>Validated Community Districts:</b> M05

**Docket Description:**  
 IN THE MATTER OF an application submitted by BP 347 Madison Associates, LLC and Metropolitan Transportation Authority pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the grant of a special permit pursuant to 81-633 of the Zoning Resolution (Special permit for Grand Central public realm improvements), the grant of a special permit pursuant to Section 81-634 to modify:

1. the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements);
2. the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations - Daylight Evaluation); and
3. the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets), Section 81-45 (Pedestrian Circulation Space), Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), Sections 81-47 (Major Building Entrances), Section 81-674 (Ground floor use provisions), Section 81-44 (Curb Cut Restrictions), and Section 81-675 (Curb cut restrictions and loading berth requirements);

in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271.

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Unfavorable</b>			
<b># In Favor:</b> 40	<b># Against:</b> 0	<b># Abstaining:</b> 5	<b>Total members appointed to the board:</b> 45
<b>Date of Vote:</b> 6/9/2021 12:00 AM		<b>Vote Location:</b> On Zoom	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 5/24/2021 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	On Zoom, see <a href="https://cbsix.org/meetings-calendar/">https://cbsix.org/meetings-calendar/</a> for link

**CONSIDERATION:** Please see attached resolution for more details, but the gist of the comment is as follows:

Manhattan Community Board Six disapproves of this application unless the following are addressed:

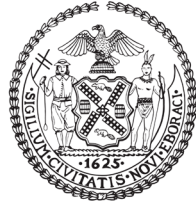
- that the project meet the daylighting requirements of the current zoning
- that the project meet the current zoning requirements for street wall and setback requirements
- that the rental monies generated be used for improvements to transit infrastructure benefiting the community where the building is located
- that the loading facilities on East 45th Street be relocated to maintain retail frontage and pedestrian interest at street level
- that the project team develop a building enclosure that surpasses the requirements of the 2020 New York City Energy Code;

BE IT FURTHER RESOLVED that even though CB6 is supportive of the transit improvements, CB6 requests an updated design that addresses the community's concerns enumerated above.

Recommendation submitted by	MN CB6	Date: 6/14/2021 2:34 PM
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KYLE ATHAYDE  
CHAIR

SANDRO SHERROD, FIRST VICE CHAIR  
MARK THOMPSON, SECOND VICE CHAIR



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD SIX  
211 EAST 43RD STREET, SUITE 1404  
NEW YORK, NY 10017

JESÚS PÉREZ  
DISTRICT MANAGER

BRIAN VAN NIEUWENHOVEN, TREASURER  
BEATRICE DISMAN, ASST. TREASURER  
SEEMA SHAH, SECRETARY  
MATT BONDY, ASST. SECRETARY

## **VIA E-MAIL**

June 10, 2021

Marisa Lago, Chair  
City Planning Commission  
120 Broadway, 31st Floor  
New York, NY 10271

### **Resolution on a ULURP application by BP 343 Madison Associates LLC and the MTA for two Vanderbilt Corridor special permits (ZR 81-633 and 81-634) to redevelop 341-347 Madison Ave**

At the June 9, 2021 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

**WHEREAS**, at the May 24, 2021 Land Use meeting of Manhattan Community Board Six, the committee was presented with the application for 343 Madison Avenue;

**WHEREAS**, this is an application by BP 343 Madison Associates LLC, in partnership with the MTA, for two Vanderbilt Corridor special permits (ZR 81-633 and 81-634) to facilitate the redevelopment of the site with a maximum 30.0 FAR commercial building located at 341-347 Madison Ave, in the East Midtown neighborhood of Manhattan Community District 5, with transit improvements located in Community Districts 5 and 6;

**WHEREAS**, the Applicant is requesting a Special Permit for Grand Central Public Realm Improvements based on transit improvements;

**WHEREAS**, improvements on site include a double-height entrance to the LIRR East Side Access terminal at the intersection of Madison Avenue and East 45th Street, with three new escalators, a new stair, and an elevator providing public access from street level to the East Side Access mezzanine;

**WHEREAS**, the project includes the following off-site transit improvements: widening the existing platform stairs at the eastern end of the Flushing Line Platform; widening two stairs that lead from the uptown Lexington Line (4/5/6) platform to a passageway connecting to the Flushing Line platform via two existing stairs; and constructing a new transfer passageway as an extension of the existing passageway and constructing two

new 5-foot wide Flushing Line platform stairs and a 10-foot, 8-inch wide stair connecting the platform and the passageway extension;

**WHEREAS**, the Applicant seeks a special permit under 81-633 that would increase the maximum permitted floor area from the 15 FAR allowed as of right to 30 FAR;

**WHEREAS**, the Applicant seeks a special permit under 81-634 that would modify certain mandatory district plan elements, street wall height, height and setback regulations, and curb cut regulations;

**WHEREAS**, the proposed street wall will rise to nearly 322 feet at the street line prior to setback, more than double the street wall maximum of 150', before setback required without a special permit;

**WHEREAS**, the proposed project will have a weighted daylight score of -108.9, whereas a daylight score of 75 is required without a special permit;

**WHEREAS**, the City Planning Commission must find that "street wall or height and setback regulations will result in an improved distribution of bulk on the zoning lot that is harmonious with the height and setback goals of the Special Midtown District" (ZR 81-634 (c)(2));

**WHEREAS**, the purpose of these regulations "is to offer maximum design flexibility while setting reasonable but firm standards to protect access of light and air to public streets and adjacent buildings" (ZR 81-251);

**WHEREAS**, the proposed daylight evaluation score of -108.9 constitutes a substantial variation from the "reasonable but firm" daylighting standard and will severely impair access to light and air in the surrounding area;

**WHEREAS**, in 2017 the passing score for daylighting in East Midtown outside the Vanderbilt Corridor was weakened to 66 and this proposal significantly fails either measure;

**WHEREAS**, the project intends to lease the land for 99 years, and instead of paying taxes proposes a Payment in Lieu of Taxes (PILOT); where funds from the PILOT will be used to fund the proposed transit improvements;

**WHEREAS**, the substantial transit improvements proposed by this project will ultimately be paid for through a PILOT, and not from developer's funds, which brings into question the purpose of providing the additional 15 FAR allowed by Special Permit;

**WHEREAS**, "reasonable but firm standards" that can be so easily waived are not standards at all;

**WHEREAS**, a higher daylight evaluation score can be achieved with a lower street wall, standard setback, smaller floor plate or some combination thereof, and still provide a desirable building that is less impactful to the character of the area;

**WHEREAS**, the language of the proposed City Planning Commission findings that justifies the substantial variance from the daylighting standard is unconvincing and could be used to justify nearly any building that produces any daylighting score;

**THEREFORE, BE IT RESOLVED** that Manhattan Community Board Six disapproves of this application unless the following are addressed:

- that the project meet the daylighting requirements of the current zoning
- that the project meet the current zoning requirements for street wall and setback requirements
- that the rental monies generated be used for improvements to transit infrastructure benefiting the community where the building is located
- that the loading facilities on East 45th Street be relocated to maintain retail frontage and pedestrian interest at street level
- that the project team develop a building enclosure that surpasses the requirements of the 2020 New York City Energy Code;

**BE IT FURTHER RESOLVED** that even though CB6 is supportive of the transit improvements, CB6 requests an updated design that addresses the community's concerns enumerated above.

**VOTE: 40 In Favor 0 Opposed 5 Abstention 1 Not Entitled**

Best regards,



Jesús Pérez  
District Manager

Cc: Hon. Gale Brewer, Manhattan Borough President  
Hon. Keith Powers Council Member  
Adam Hartke, Chair, CB6 Land Use & Waterfront Committee  
Azka Mohyuddin, City Planner, NYC Department of City Planning  
Scott Williamson, City Planner, NYC Department of City Planning  
Applicant



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 343 Madison Avenue / MTA HQ	
<b>Applicant:</b> Boston Properties	<b>Applicant's Primary Contact:</b> Zachary Bernstein
<b>Application #</b> C210370ZSM	<b>Borough:</b> Manhattan
<b>CEQR Number:</b> 21DCP020M	<b>Validated Community Districts:</b> M05

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Unfavorable</b>			
<b># In Favor:</b>	<b># Against:</b>	<b># Abstaining:</b>	<b>Total members appointed to the board:</b>
<b>Date of Vote:</b> 7/15/2021 7:00 PM		<b>Vote Location:</b>	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

**CONSIDERATION:**

Recommendation submitted by	MN BP	Date:
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## **MANHATTAN BOROUGH BOARD RESOLUTION**

**July 15, 2021**

### **RECOMMENDING DISAPPROVAL FOR AN APPLICATION BY BOSTON PROPERTIES AND THE METROPOLITAN TRANSPORTATION AUTHORITY FOR TWO SPECIAL PERMITS: APPLICATIONS NUMBER C210369ZSM AND C210370ZSM – 343 MADISON AVENUE, THE METROPOLITAN TRANSPORTATION AUTHORITY HEADQUARTERS**

WHEREAS, Boston Properties and the Metropolitan Transportation Authority (“MTA”) (“the Applicants”) seek two special permits from the City Planning Commission (“CPC”) pursuant to Sections 81-633 and 81-634 of the Zoning Resolution (“ZR”), facilitating the development of a 1,050-foot-tall office, retail, and residential tower at 341-347 Madison Avenue, the site of the former MTA headquarters, accompanied by on-site and off-site transit improvements relating to accessibility and circulation of the East Side Access and Flushing Line stations connected to Grand Central Terminal; and

WHEREAS, at their May 5 and June 2, 2021 meetings, the Applicants briefed the Joint Land Use, Housing, and Zoning and Transportation and Environment Committees of Manhattan Community Board 5 on the application, where several issues were raised, including: the increase in shadows and decrease in sky exposure caused by the proposed development, the height of the street wall, increases in traffic and pedestrian volume that would come with this project, funding coming from revenue on the site and not separately from the developer, and the improvements as not commensurate with the bonus granted; and

WHEREAS, at their May 24, 2021 meeting, the Applicants briefed the Land Use and Waterfront Committee of Manhattan Community Board 6, where several issues were raised, including: the increase in shadows and decrease in sky exposure caused by the proposed development, funding coming from revenue on the site and not separately from the developer, and the improvements as not commensurate with the bonus granted; and

WHEREAS, on June 10, 2021, Manhattan Community Board 5 adopted a resolution recommending disapproval of the application with conditions, including: enforcement of daylighting requirements under the current zoning, enhancement to the proposed below-grade public transit improvements so as to justify the additional floor area requested, lowering the street wall height of the proposed building, and reduction of the width of the proposed lobby to accommodate the required retail frontage on Madison Avenue; and

WHEREAS, on June 10, 2021, Manhattan Community Board 6 adopted a resolution recommending disapproval of the application with conditions, including: enforcement of daylighting requirements under the current zoning, enforcement of street wall and setback requirements under the current zoning, a requirement that the revenue generated from rent generated on the site be used for improvements to transit infrastructure benefiting the community where the building is located, relocation of the loading facilities on East 45<sup>th</sup> Street to maintain retail frontage and pedestrian interest at street level, and a requirement that the project team

develop a building enclosure that surpasses the requirements of the 2020 New York City Energy Code; and

WHEREAS, on July 15, 2021, the Applicants briefed the Manhattan Borough Board, followed by discussion and a vote on the application.

THEREFORE, BE IT RESOLVED, that the Manhattan Borough Board supports all recommendations made by Manhattan Community Boards 5 and 6 in their respective resolutions, and recommends disapproval of Land Use Application C210370ZSM unless the following conditions are met:

1. That the proposed building meet the daylighting, street wall, and setback requirements of the current zoning;
2. That the Applicants enhance the proposed transit improvements on-site and off-site to justify the requested additional floor area;
3. That the Applicants reduce the width of the proposed lobby to accommodate retail frontage requirements along Madison Avenue in the Vanderbilt Corridor Subarea;
4. That the proposed building meet or exceed the 2020 New York City Energy Code;
5. That the proposed loading facilities on East 45<sup>th</sup> Street be relocated to maintain consistent retail frontage; and
6. That any rent generated on site be committed to local transit improvements.



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Gale A. Brewer  
Manhattan Borough President  
Chair of the Manhattan Borough Board