



CITY PLANNING COMMISSION

October 28, 2002/ Calendar No. 1

C 020397 ZSM

IN THE MATTER OF an application submitted by The Hearst Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-292 (Subway station improvements) and 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) of the Zoning Resolution to allow a 120,501 square-foot floor area bonus in connection with the proposed enlargement of an existing 6-story building on a zoning lot at 959 Eighth Avenue (Block 1047, Lot 36) where major improvements to adjacent subway stations are to be provided in accordance with the provisions of Section 74-634, in a C6-6 District, within the Special Midtown District, Borough of Manhattan, Community District 4.

The application for the special permit was filed by the Hearst Corporation on February 15, 2002 to permit the addition of a 36-story tower on a lot occupied by an existing 6-story building, and to allow the maximum permitted floor area ratio to be increased by 3 FAR from 15 FAR to 18 FAR.

BACKGROUND

The project site is located on Block 1047, Lot 36. It occupies the eastern end of the block bounded by West 57th Street, Eighth Avenue, West 56th Street, and Ninth Avenue. It contains the six-story Hearst Magazine Building, a New York City Landmark, which has been the headquarters of Hearst since it was constructed in 1928. Immediately adjacent to the site is the residential 48-story Sheffield Tower.

The area is zoned C6-6, which has a base FAR of 15.0. The applicant is seeking a special permit pursuant to Sections 81-292 and 74-634 of the Zoning Resolution (the "ZR") for a floor area bonus of 3.0 FAR. The site is within the Special Midtown Zoning District and adjacent to the Columbus Circle subway station, one of the listed stations in ZR Section 81-292.

The site is located at the juncture of Midtown and Clinton, and on the West 57th Street corridor, a major Manhattan through street. The built form in the area ranges from the large commercial and residential towers of Midtown to the east to the low- and medium-rise residential and institutional buildings in the Clinton neighborhood. Directly east of the project site, across Eighth Avenue, is the 26-story Fisk Building, housing mainly arts- and entertainment-related uses. To the north of the Fisk Building is 1775 Broadway (Columbus Tower), which contains the headquarters of *Newsweek*. With the construction of the 2.1 million-square-foot AOL/Time-Warner Center on the Circle itself, the Columbus Circle area is becoming a significant media district.

To the north at Columbus Circle is the Merchants Gate entrance to Central Park. In addition to AOL/Time Warner, which will contain office, hotel, residential, retail, and entertainment uses, including the new home of Jazz at Lincoln Center, significant buildings around the Circle include the Trump International Hotel and Tower, a mix of hotel, residential and retail uses in the converted Gulf and Western office tower, 2 Columbus Circle, the former home of the Department of Cultural Affairs and originally the site of the Huntington Hartford Museum, and 240 Central Park South, a residential tower.

PROJECT DESCRIPTION

The proposed building would be 42 stories and approximately 595 feet in height, contain 723,000 square feet of floor area, including approximately 17,400 square feet of retail uses on the ground and second floors. Without the bonus, the building could contain approximately

603,000 square feet of floor area. The exterior of the existing 6-story landmark building will be restored and will serve as the entrance of the new building. The building will include both ground-floor and elevated lobbies for office use, and several mezzanine levels containing an auditorium, cafeteria, exhibition space, and meeting rooms.

SUBWAY IMPROVEMENTS

In exchange for improvements to the general accessibility and security of a subway station through the provision of new connections, additions to or reconfigurations of circulation space (including provision of elevators or escalators) and significant improvements to the station environment by provision for direct daylight access or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the street level entryway into the development or enlargement, the City Planning Commission (the "Commission") may grant a floor area bonus, not to exceed 20 percent of the basic maximum floor area ratio pursuant to ZR Sections 81-292 and 74-634.

The Columbus Circle station complex was built over time and the different lines and levels are not well-integrated, particularly in terms of circulation and orientation. The proposed package of improvements seeks to remedy the circulation problems and to make the station for the first time handicapped-accessible.

Proposed Improvements

The applicant proposes to make the following improvements to the Columbus Circle station:

1. Construct and maintain three elevators compliant with the Americans with Disabilities Act (“ADA”)

- a. Elevator #1: 3-stop ADA elevator from IND mezzanine to downtown IND platform and downtown IRT platform, located by the top of the ramp on the southern station mezzanine;
- b. Elevator #2: 2-stop ADA elevator from IND Lower Mezzanine to uptown IND platform, located on the southern side of the mezzanine;
- c. Elevator #3: 2-stop ADA elevator from IND Upper Mezzanine level to uptown IND platform, located on the northern side of the mezzanine;

2. Construct a ten-foot-wide stair between uptown IND platform and IND mezzanine level;

3. Reconfigure the turnstile array from its current dog-leg configuration to a straight line, and relocate control booth at the 58th Street Lower Mezzanine;

4. Relocate southerly end-of-platform stairs from both the downtown and the uptown IRT platforms to the Lower Mezzanine;

5. Relocate and reconfigure mid-mezzanine stairways to improve circulation between the mezzanine and platforms;

6. Relocate existing stair P4 between the Lower Mezzanine and the downtown IRT platform on the southern side on the mezzanine;

- 7.- Construct a new stair between the Upper Mezzanine IRT downtown platform and the downtown IND platform;
8. Construct new stair from Lower Mezzanine to IND northbound platform ; and
9. Construct new subway entrances within the restored base of the Hearst Magazine Building.

This package was given conceptual approval by New York City Transit on November 27, 2001 (with a 40-inch escalator instead of the ten-foot stair in item 2), and final approval on October 25, 2002..

Landmarks Approval

The proposed tower would be constructed on top of the existing Hearst Magazine Building, a six-story structure designed by Joseph Urban and built in 1928 for William Randolph Hearst. The Hearst Building is a designated New York City Landmark. When it was designed, it was contemplated that a tower would be placed above the base, but the 1929 Stock Market crash halted plans for the addition. The proposed building and a restoration plan for the landmark was granted a Certificate of Appropriateness by the Landmarks Preservation Commission on November 27, 2001.

ENVIRONMENTAL REVIEW

This application (C 020397 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 02DCP031M. The lead agency is the City Planning Commission. The City Planning Commission conducted a coordinated environmental review with the New York City Industrial Development Agency (IDA), in connection with the applicant's request for approval of financial incentives by the IDA.

It was determined that the proposed actions may have a significant effect on the environment and that an environmental impact statement would be required for the following reasons:

1. The proposed actions would result in approximately 858,557 gross square feet of commercial development and approximately 20,000 gross square feet of retail development which could alter existing land use patterns by introducing new commercial and retail uses to the area.
2. The proposed actions would result in approximately 858,557 gross square feet of commercial development and approximately 20,000 gross square feet of retail development. This has the potential to alter economic conditions in the area.
3. The proposed actions would result in approximately 858,557 gross square feet of commercial development and approximately 20,000 gross square feet of retail

development that would introduce a new population of workers which could potentially increase demand on community facilities.

4. The proposed actions would bring additional workers and visitors into the area which could place additional demands on available open space resources.
5. The proposed actions would result in the construction of an approximately 595 foot tall building on a site south of West 59th Street which could potentially cast shadows on Columbus Circle and Central Park, therefore, requiring an assessment of potential shadow impacts.
6. The proposed actions would result in new construction which could result in soil disturbance in archaeologically sensitive portions of the affected area, and could affect the context of existing historic structures in the area.
7. The proposed actions would result in a 42-story office tower which would differ from existing urban design elements in the affected area, and may alter the urban design character and visual resources of the surrounding area.
8. The proposed actions would result in new commercial and retail development which could alter existing neighborhood character by affecting urban design, noise, traffic, socioeconomic conditions, and historic resources.

9. The proposed actions would result in demolition and construction on the project site and at the project's subway improvement areas which could potentially expose construction workers and the public to hazardous materials.
10. The proposed actions would result in new commercial development which could place additional demands on infrastructure.
11. The proposed actions would result in new commercial development which would result in the generation of solid waste, and which would require sanitation services.
12. The proposed action would result in new commercial development which would increase demand for energy in the affected area.
13. The proposed actions would increase office-type employee travel which would result in additional vehicular, pedestrian, and transit trips, and additional parking demand in the vicinity of the affected area.
14. The proposed actions would result in new commercial development which could result in increased mobile source (vehicular) and stationary source (HVAC system) emissions.
15. The proposed actions could potentially result in noise impacts due to the presence of sensitive receptors, including nearby residential uses.

16. The proposed actions would result in new development that would involve demolition and construction activities which could result in construction-related impacts.

A Positive Declaration was issued on February 26, 2002, and distributed, published and filed, and the applicant was asked to prepare or to have prepared a Draft Environmental Impact Statement (DEIS). A public meeting on the Draft Scope of Work for the DEIS was held on April 1, 2002, and the Final Scope of Work for the DEIS was issued on May 30, 2002.

The applicant prepared a DEIS and a Notice of Completion for the DEIS was issued on June 21, 2002. Pursuant to SEQRA regulations and the CEQR procedures, a public hearing was held on the DEIS on September 18, 2002, in conjunction with the public hearing on the related Uniform Land Use Procedure (ULURP) item (C 020397ZSM).

The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion for the FEIS was issued on October 17, 2002. The Notice of Completion for the FEIS identified the following significant, adverse impacts and proposed the following mitigation measures:

IMPACTS

Hazardous Materials

Because of the potential presence of hazardous materials on the Hearst building site and subway improvements area, the proposed project could increase pathways of exposure and result in a significant adverse hazardous materials impact.

Traffic

Vehicular Traffic

With the proposed project, there would be increases in traffic volumes at the study area intersections. The proposed project would result in 12 impacts at 9 intersections in the AM peak period, 10 impacts at 8 intersections in the midday peak period, and 10 impacts at 9 intersections in the PM peak period. Following are the impacted intersections:

- Fifth Avenue and West 57th Street
- Broadway and West 56th Street
- Broadway and West 57th Street
- Seventh Avenue and West 57th Street
- Eighth Avenue and West 54th Street
- Eighth Avenue and West 55th Street
- Eighth Avenue and West 56th Street
- Eighth Avenue and West 57th Street
- Eighth Avenue and West 58th Street
- Eighth Avenue and Columbus Circle
- Central Park West and West 65th Street
- Central Park West and West 66th Street
- Ninth Avenue and West 57th Street
- Tenth Avenue and West 57th Street
- Eleventh Avenue and West 57th Street

Traffic Safety

Three intersections in the traffic study area are listed as high pedestrian/vehicle accident locations in the *2001 CEQR Manual (Appendix - 1)*. These intersections are located along West 57th Street at Sixth Avenue, Eighth Avenue, and Broadway, respectively. The intersection of Eighth Avenue at West 57th Street would experience the highest level of project-generated pedestrian activity, while the intersection of Sixth Avenue at West 57th Street would experience minimal project-generated pedestrian activity. Based on the project-generated pedestrian activity, the increases in the traffic and pedestrians generated by the proposed project would result in significant traffic safety impacts at the intersections of Eighth Avenue and Broadway at West 57th Street.

Transit

Bus Operations

The proposed project would generate 202 bus trips in the morning peak hour and 241 bus trips in the evening peak hour. Three bus lines—the M10, M31, and M57—would operate over their guideline capacities during both the AM and PM peak periods. According to the *CEQR Technical Manual*, increases in bus load levels to above their maximum capacity at any load point is defined as a significant impact. Bus mitigation is generally done by increasing the frequency of service on existing bus lines.

MITIGATION

Hazardous Materials

To mitigate the potential hazardous materials impact, the applicant has entered into a restrictive declaration obligating itself to conduct additional testing pursuant to a New York City Department of Environmental Protection (DEP)-approved protocol and a HASP prior to construction of the proposed project to determine the extent of any potential hazardous materials contamination in the soil/groundwater on the project site. Should the testing identify any significant hazardous materials contamination requiring remediation, the restrictive declaration would obligate the applicant to perform the remediation work recommended by DEP.

The declaration would serve as a mechanism to ensure that the potential for hazardous materials contamination would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction) and is binding on the property's successors and assigns. Any environmental remediation required to implement the subway improvements would be performed by the New York City Transit Authority (NYCT) or by The Hearst Corporation in accordance with the terms of the Subway Agreement that will be recorded as a condition of the special permit. All activities would be undertaken in accordance with all applicable Federal, State, and local regulations and guidelines.

Traffic

Vehicular Traffic

To mitigate the project's traffic impacts, the following mitigation measures would be required:

1. The impact at the westbound approach at the intersection of Fifth Avenue and West 57th Street during the midday peak hour could be mitigated by shifting 1 second of green time from the southbound phase to the east/westbound phase.
2. The impact at the westbound approach of the Seventh Avenue and West 57th Street intersection during the midday peak hour could be mitigated by shifting 1 second of green time from the southbound phase to the east/westbound phase.
3. The impact at the eastbound approach of the Broadway and West 56th Street intersection during the AM peak hour could be mitigated by shifting 1 second of green time from the southbound phase to the eastbound phase. The impact at the eastbound approach at this intersection during the PM peak hour could be mitigated by shifting 2 seconds of green time from the southbound phase to the eastbound phase.
4. The impact at the westbound approach of the Broadway and West 57th Street intersection during the midday peak hour, and the impact at eastbound approach at this intersection during the PM peak hour could be mitigated by shifting 1 second of green time from the southbound phase to the east/westbound phase.
5. The impact at the northbound approach at Eight Avenue and West 54th Street intersection during the AM peak hour could be mitigated by shifting 1 second of green time from the eastbound phase to the northbound phase.

6. The impact at the northbound approach at the Eighth Avenue and West 55th Street intersection during the AM peak period could be mitigated by striping the westbound approach with an exclusive right-turn lane for approximately 150 feet and two through lanes and by shifting 1 second of green time from the west- to northbound phase. Approximately 7 on-street parking spaces would be lost from 7 PM to 7 AM on the north side of westbound approach due to the proposed mitigation measure.

7. The impact at the northbound approach at the Eighth Avenue and West 56th Street intersection during the AM peak period could be mitigated by striping the eastbound approach with an exclusive left-turn lane for approximately 150 feet and two through lanes and by shifting 1 second of green time from the east- to the northbound phase. The impact at the eastbound approach at this intersection during the PM peak period could be mitigated by prohibiting the parking on the north side of eastbound approach and striping it with an exclusive left-turn lane for approximately 150 feet and two through lanes. With the proposed mitigation measure, approximately 7 on-street vehicular parking spots would be lost.

8. The impacts at the westbound approach at the Eighth Avenue and West 57th Street intersection during the AM peak hour; and the impacts at the eastbound and westbound approaches at this intersection during the midday and PM peak hours could be mitigated by shifting 1 second of green time from the northbound phase to the eastbound/westbound phase.

9. The impact at the northbound approach at the Eighth Avenue and West 58th Street intersection during the PM peak hour could be mitigated by restriping the northbound approach with five lanes. This mitigation measure would not result in the loss of any legal on-street-parking spots on the east side of the northbound Eighth Avenue approach.
10. The impact at the northbound approach at the Eighth Avenue and Columbus Circle intersection during the PM peak hour could be mitigated by shifting 1 second of green time from the exclusive bus phase to the northbound phase.
11. The impact at the northbound approach at the Central Park West and West 65th Street intersection during the AM, midday, and PM peak hours could be mitigated by shifting 1 second of green time from the eastbound phase to the northbound/southbound phase.
12. The impact at the northbound approach at the Central Park West and West 66th Street intersection during the midday and PM peak hours could be mitigated by developing a new signal timing plan with a lagging northbound phase.
13. The impacts at the eastbound, westbound, and southbound approaches of the Ninth Avenue and West 57th Street intersection during the AM peak hour could be mitigated by restriping the southbound approach to provide an exclusive left-turn lane for approximately 150 feet and by shifting 1 second of green time from the southbound phase to the exclusive westbound phase and 1 second of green time from the southbound phase to the eastbound/westbound phase.

The impacts at the westbound and southbound approaches at this intersection during the midday peak hour could be mitigated by prohibiting the parking on the east side of southbound approach to provide an exclusive left-turn lane for approximately 150 feet and by shifting 1 second of green time from the southbound phase to the exclusive westbound phase.

The impact at the westbound approach at this intersection during the PM peak hour could be mitigated by restriping the southbound approach to provide an exclusive left-turn lane for approximately 150 feet and by shifting 1 second of green time from the southbound phase to the exclusive westbound phase. Due to the proposed mitigation measure approximately 6 on-street metered parking spaces would be lost during the midday peak hour.

14. The impacts at the eastbound and westbound approaches of the Tenth Avenue and West 57th Street intersection during the AM peak hour and the impact at the eastbound approach at this intersection during the midday peak hour, could be mitigated by shifting 1 second of green time from the northbound phase to the eastbound/westbound phase.
15. The impact at the westbound left-turn movement of the Eleventh Avenue and West 57th Street intersection during the AM peak hour could be mitigated by prohibiting parking on the southbound approach for approximately 150 feet and by restriping it with two shared through-and left-turn lanes and an exclusive right-turn lane (10 feet wide). Also

shift 1 second of green time from the northbound/southbound phase to the eastbound/westbound phase. Approximately five on-street metered parking spaces would be lost on the southbound approach during the AM, midday, and PM peak hours.

With the proposed mitigation measures in place, the significant, adverse impacts would be fully mitigated. These measures would be subject to review and approval by NYCDOT.

Traffic Safety

The intersections of Eighth Avenue and Broadway at West 57th Street would experience significant safety impacts. To mitigate the safety impact at the intersection of Eighth Avenue and West 57th Street, a high visibility crosswalk as per *Manual on Uniform Traffic Control Devices (MUTCD)* specifications with white diagonal lines at 45 degree angles to the line of crosswalk should be provided. To mitigate the safety impact at the intersection of Broadway and West 57th Street, regulatory sign “Turning Traffic Must Yield to Pedestrians” and warning sign W11-2 as per *MUTCD* specifications should be installed at all the approaches. These mitigation measures would improve safety at these intersections.

Transit

Bus Operations

The proposed project would cause a significant impact on the M10, M31, and M57 bus lines during the AM and PM peak periods. The NYCT regularly monitors bus transit ridership, modifies service to reflect ridership changes, and maintains service standards. Therefore, no project-sponsored mitigation is required to address this bus impact

UNIFORM LAND USE REVIEW

This application was certified as complete by the Department of City Planning on June 24, 2002 and was duly referred to Community Board 4 and the Borough President in accordance with Article 3 of the ULURP rules.

Community Board Public Hearing

Community Board 4 held a public hearing on July 24, 2002, and on that date, by a vote of 32 in favor, 0 opposed and 1 abstention, adopted a resolution recommending approval subject to the following conditions:

1. The Subway Improvement Program should be modified to (i) require that the work at and near the 58th Street entrance be accelerated so that its completion coincides with the opening of the AOL Time Warner Center, and (ii) reverse the proposed P-14 stair.
2. In consultation with the Board, the applicant should establish a program for controlled public access to the building.

Borough President Recommendation

This application was considered by the borough president, who issued a recommendation approving the application with conditions on August 21, 2002. The conditions were identical with the conditions in the Community Board resolution.

City Planning Commission Public Hearing

On September 4, 2002 (Calendar No. 4), the City Planning Commission scheduled September 18, 2002 for a public hearing on this application. The hearing was duly held on September 18, 2002 (Cal. No. 4). There were eleven speakers in favor of the application and none in opposition.

The speakers in favor of the application included an attorney representing the applicant, an engineering consultant for the subway improvements, an architect for the building, six representatives in support of the applicant, including the CEO of Hearst, a representative of the New York City Partnership, a representative of Community Board 4 and a resident of the Upper West Side. The attorney outlined the approval being sought as part of the application and discussed the building's basic program. The architect described the design of the building and the engineering consultant described the subway improvements. The representative of the Partnership and the community board representative expressed support for the design and praised the dramatic improvement to the subway station.

The hearing was closed.

CONSIDERATION

The Commission believes the grant of a special permit is appropriate.

Improvements at the Columbus Circle subway station have been under study for the last twenty years. With this project, a major portion of those improvements will finally be realized.

The Columbus Circle area is beginning to fulfill its immense potential as a major new center of commercial, media, and mixed-use development. The construction of the AOL/Time Warner

Center, which will be completed in 2003, plans for a new Museum of Contemporary Art and Design at 2 Columbus Circle, and the recent approval by the Art Commission of the landscape design for the Circle itself, have set a high standard for future development. The design of the new Hearst Building has met that standard. It will make a significant contribution to the architectural vitality of Midtown, and through its improvements to the Columbus Circle subway complex, it will make the station environment easier to navigate and, for the first time, fully accessible to the mobility-impaired. In conjunction with planned rehabilitation by NYCT at the station in the next few years, these improvements will help create a station worthy of the great civic space of the Circle and of the developments around it.

Zoning-related transit improvements have played a significant role over the last 15 years in transit station improvement and rehabilitation, including the connection of the E/F and #6 lines at 53rd Street and Lexington Avenue (599 Lexington Avenue), a new entrance and escalator at 53rd Street and Third Avenue (885 Third Avenue [the Lipstick Building]), mezzanine improvements at the 50th Street and Eighth Avenue C/E station (Worldwide Plaza), improvements to the Metro-North circulation system at Grand Central Terminal (383 Madison Avenue), significant mandatory special district improvements at Citibank at Court Square in Long Island City, and at the Rector and Fulton street stations in Lower Manhattan through the now-defunct Greenwich Street Special District regulations. There were also numerous off-street relocations of sidewalk stairs required by the Special Midtown District regulations and reservations of easements for the Second Avenue subway through the Midtown and Transit Use special districts.

Several technical issues about the subway improvements arose during the course of the public review of the project, and the applicant has responded by investigating alternative options with the Department and with NYCT.

The proposed subway improvement program includes a new stair from the IRT Upper Mezzanine to the IND Southbound platform. Community Board 4 and the Manhattan Borough President suggested that the direction of the stair be reversed in order to ensure a more direct flow for passengers transferring from IRT Southbound trains. The applicant's engineer analyzed the stair orientation proposed by the community board and the borough president. Although there is no physical impediment to reversing the stair, the engineer found that there were safety issues raised by the reversal. NYCT informed the applicant that the original orientation was preferable.

The community board and the borough president also asked that the reconfiguration of the 58th Street entrance fare array be implemented as early as possible to accommodate new pedestrian traffic from the AOL/Time Warner Center, set to open in 2003. The applicant responded by preparing a phasing plan which moved the fare array construction to an earlier phase of the project, making its redesign closer by several months to the opening of the AOL/Time Warner Center.

The Commission has carefully considered the station improvement program in light of the requirements of the Zoning Resolution to qualify for a floor-area bonus. Both general accessibility and security will be improved in the new design through the provision of new elevators and stairs, and through improved circulation and better sightlines as part of the re-

orientation of the 58th Street entrance. The provision of new entrances at street level into the Hearst Building from the station will better integrate the project with the station. Throughout the station rider orientation will be improved with the addition of circulation elements that make connections between subway lines within the station more direct and comprehensible.

The extensive improvements as proposed justify a full 20% floor area bonus for the project.

An issue raised by the community board and the borough president in their resolutions, and also by the Commission during its consideration of the project, had to do with public access to space on the third floor of the Hearst Building. This space was designed as a soaring, 75-foot-high atrium. In the aftermath of September 11, 2001, security concerns led the applicant to restrict access to the third floor space, which contains an employee cafeteria, meeting rooms and an auditorium. In response to the concerns expressed by the Commission, the community board and the borough president, however, the applicant has committed to providing opportunities for the public to experience the architecture of the building. First, the design of the cut-out in the third floor lobby has been changed to improve visual access to the atrium space from the ground floor entry, to which the public will have access. Next, a program of guided tours will be provided, and the auditorium within the atrium will periodically be made available to Community Board 4 and charitable organizations. Finally, in accordance with the U.S. Green Building Council LEED Model Building Program, an educational outreach program, possibly involving local high schools and universities, will be organized to focus on the environmentally responsible aspects of the building's design.

Increasingly, public access to privately owned space will require a delicate balance of security concerns with the public's desire to enjoy and appreciate the great interior architectural spaces that the city offers. The Commission encourages the applicant to work closely with Community Board 4 and other local groups to develop a program that allows the widest possible public access to this significant architectural space, and to examine ways to expand access consistent with the building's legitimate security needs.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Sections 81-292 and 74-634 of the Zoning Resolution:

- (1) In determining the amount of *floor area bonus*, the City Planning Commission shall consider the degree to which:
 - (i) the general accessibility and security of the subway station will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators, and
 - (ii) significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the *street* level entryway into the *development* or *enlargement* will occur.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on October 17, 2002, with respect to this application

(02DCP031M), the City Planning Commission finds that the requirements of Part 617, New York State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
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 those mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitute 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 the consideration and findings described in this report, an application submitted by the Hearst Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-292 (Subway station improvements) and 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) of the Zoning Resolution to allow a 120,501 square-foot floor area bonus in connection with the proposed enlargement of an existing 6-story building on a zoning lot at 959 Eighth Avenue (Block 1047, Lot 36) where major

improvements to adjacent subway stations are to be provided, in accordance with the provisions of Section 74-634, in a C6-6 District, within the Special Midtown District, Borough of Manhattan, Community District 4, is approved with the following conditions:

1. The property that is the subject of this application (C 020397 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by the architecture firm of Foster and Partners, London, England, are filed with this application and incorporated in this resolution:

Drawing Number	Title	Last Date Revised
Z-2	Site Plan & Zoning Calculations	14 October 2002
Z-6A	Subway Improvement Plan	14 October 2002
Z6-B	Subway Improvement Plan	14 October 2002
Z6-C	Subway Improvement Plan	14 October 2002.

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. The development shall include the mitigation measures identified as practicable in the Final Environmental Impact Statement, issued on October 17, 2002, unless (a) DEP, DOT, or other agency of relevant jurisdiction has allowed further study to determine whether such mitigation is necessary or determines at a later date, based upon further study or investigation, that a mitigation is not warranted either in whole or in part; and (b) the Commission is advised in writing of such determination. Without limiting the foregoing, and subject to the conditions set forth therein, the Commission finds that in order to ensure adoption of the following mitigation measures, such measures shall be implemented as follows:

Hazardous Materials

To mitigate the potential hazardous materials impact, the applicant has entered into a restrictive declaration obligating itself to conduct additional testing pursuant to a New York City Department of Environmental Protection (DEP)-approved protocol and a HASP prior to construction of the proposed project to determine the extent of any potential hazardous materials contamination in the soil/groundwater on the project site. Should the testing identify any significant hazardous materials contamination requiring remediation, the restrictive declaration would obligate the applicant to perform the remediation work recommended by DEP.

The declaration would serve as a mechanism to ensure that the potential for hazardous materials contamination would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction) and is binding on the property's successors and assigns.

Any environmental remediation required to implement the subway improvements would be performed by the New York City Transit Authority (NYCT) or by The Hearst Corporation in accordance with the terms of the Subway Agreement that will be recorded as a condition of the special permit. All activities would be undertaken in accordance with all applicable Federal, State, and local regulations and guidelines.

Traffic

Vehicular Traffic

To mitigate the project's traffic impacts, the following mitigation measures would be required:

1. The impact at the westbound approach at the intersection of Fifth Avenue and West 57th Street during the midday peak hour could be mitigated by shifting 1 second of green time from the southbound phase to the east/westbound phase.
2. The impact at the westbound approach of the Seventh Avenue and West 57th Street intersection during the midday peak hour could be mitigated by shifting 1 second of green time from the southbound phase to the east/westbound phase.
3. The impact at the eastbound approach of the Broadway and West 56th Street intersection during the AM peak hour could be mitigated by shifting 1 second of green time from the southbound phase to the eastbound phase. The impact at the eastbound approach at this intersection during the PM peak hour could be mitigated by shifting 2 seconds of green time from the southbound phase to the eastbound phase.
4. The impact at the westbound approach of the Broadway and West 57th Street intersection during the midday peak hour, and the impact at eastbound approach at this intersection during the PM peak hour could be mitigated by shifting 1 second of green time from the southbound phase to the east/westbound phase.

5. The impact at the northbound approach at Eight Avenue and West 54th Street intersection during the AM peak hour could be mitigated by shifting 1 second of green time from the eastbound phase to the northbound phase.
6. The impact at the northbound approach at the Eighth Avenue and West 55th Street intersection during the AM peak period could be mitigated by striping the westbound approach with an exclusive right-turn lane for approximately 150 feet and two through lanes and by shifting 1 second of green time from the west- to northbound phase. Approximately 7 on-street parking spaces would be lost from 7 PM to 7 AM on the north side of westbound approach due to the proposed mitigation measure.
7. The impact at the northbound approach at the Eighth Avenue and West 56th Street intersection during the AM peak period could be mitigated by striping the eastbound approach with an exclusive left-turn lane for approximately 150 feet and two through lanes and by shifting 1 second of green time from the east- to the northbound phase. The impact at the eastbound approach at this intersection during the PM peak period could be mitigated by prohibiting the parking on the north side of eastbound approach and striping it with an exclusive left-turn lane for approximately 150 feet and two through lanes. With the proposed mitigation measure, approximately 7 on-street vehicular parking spots would be lost.
8. The impacts at the westbound approach at the Eighth Avenue and West 57th Street intersection during the AM peak hour; and the impacts at the eastbound and westbound approaches at this intersection during the midday and PM peak hours could be mitigated by shifting 1 second of green time from the northbound phase to the eastbound/westbound phase.
9. The impact at the northbound approach at the Eighth Avenue and West 58th Street intersection during the PM peak hour could be mitigated by restriping the northbound approach with five lanes. This mitigation measure would not result in the loss of any legal on-street-parking spots on the east side of the northbound Eighth Avenue approach.
10. The impact at the northbound approach at the Eighth Avenue and Columbus Circle intersection during the PM peak hour could be mitigated by shifting 1 second of green time from the exclusive bus phase to the northbound phase.
11. The impact at the northbound approach at the Central Park West and West 65th Street intersection during the AM, midday, and PM peak hours could be mitigated by shifting 1 second of green time from the eastbound phase to the northbound/southbound phase.
12. The impact at the northbound approach at the Central Park West and West 66th Street intersection during the midday and PM peak hours could be mitigated by developing a new signal timing plan with a lagging northbound phase.
13. The impacts at the eastbound, westbound, and southbound approaches of the Ninth Avenue and West 57th Street intersection during the AM peak hour could be mitigated by restriping the southbound approach to provide an exclusive left-turn lane for approximately 150 feet and by shifting 1 second of green time from the southbound phase to the exclusive westbound phase and 1 second of green time from the southbound phase to the eastbound/westbound phase.

The impacts at the westbound and southbound approaches at this intersection during the midday peak hour could be mitigated by prohibiting the parking on the east side of southbound approach to provide an exclusive left-turn lane for approximately 150 feet and by shifting 1 second of green time from the southbound phase to the exclusive westbound phase.

The impact at the westbound approach at this intersection during the PM peak hour could be mitigated by restriping the southbound approach to provide an exclusive left-turn lane for approximately 150 feet and by shifting 1 second of green time from the southbound phase to the exclusive westbound phase. Due to the proposed mitigation measure approximately 6 on-street metered parking spaces would be lost during the midday peak hour.

14. The impacts at the eastbound and westbound approaches of the Tenth Avenue and West 57th Street intersection during the AM peak hour and the impact at the eastbound approach at this intersection during the midday peak hour, could be mitigated by shifting 1 second of green time from the northbound phase to the eastbound/westbound phase.
15. The impact at the westbound left-turn movement of the Eleventh Avenue and West 57th Street intersection during the AM peak hour could be mitigated by prohibiting parking on the southbound approach for

approximately 150 feet and by restriping it with two shared through-and left-turn lanes and an exclusive right-turn lane (10 feet wide). Also shift 1 second of green time from the northbound/southbound phase to the eastbound/westbound phase. Approximately five on-street metered parking spaces would be lost on the southbound approach during the AM, midday, and PM peak hours.

With the proposed mitigation measures in place, the significant, adverse impacts would be fully mitigated. These measures would be subject to review and approval by NYCDOT.

Traffic Safety

The intersections of Eighth Avenue and Broadway at West 57th Street would experience significant safety impacts. To mitigate the safety impact at the intersection of Eighth Avenue and West 57th Street, a high visibility crosswalk as per *Manual on Uniform Traffic Control Devices (MUTCD)* specifications with white diagonal lines at 45 degree angles to the line of crosswalk should be provided. To mitigate the safety impact at the intersection of Broadway and West 57th Street, regulatory sign "Turning Traffic Must Yield to Pedestrians" and warning sign W11-2 as per *MUTCD* specifications should be installed at all the approaches. These mitigation measures would improve safety at these intersections.

Transit

Bus Operations

The proposed project would cause a significant impact on the M10, M31, and M57 bus lines during the AM and PM peak periods. The NYCT regularly monitors bus transit ridership, modifies service to reflect ridership changes, and maintains service standards. Therefore, no project-sponsored mitigation is required to address this bus impact

5. All leases, subleases, or other agreement for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the attached Agreement between Hearst Communications, Inc. and the New York City Transit Authority, dated October 25, 2002, executed by Hearst Communications, Inc., shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
7. Upon the 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, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without consent of any other party, and following consultation with NYCT, 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 damages 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 020397 ZSM), duly adopted by the City Planning Commission on October 28, 2002 (Calendar No. 1), 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.

Amanda M. Burden, AICP, Chair
Kenneth J. Knuckles, Esq., Vice Chairman
Angela M. Battaglia, Angela R. Cavaluzzi, R.A., Richard W. Eaddy, Alexander Garvin,
Jane D. Gol, John Merolo, Karen Phillips, Commissioners

Irwin G. Cantor, P.E., Commissioner, Recused
Dolly Williams, Commissioner, Abstained



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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CITY PLANNING COMMISSION
2002 AUG 22 PM 12:31
DEPT. OF CITY PLANNING

SIMONE SINDIN
Chair

ANTHONY M. BORELLI
District Manager

July 31, 2002

Hon. Amanda M. Burden
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

**Re: Hearst Tower – 959 Eighth Avenue, between West 56th and West 57th Streets
ULURP Application No. C 020397 ZSM**

Dear Chair Burden:

At its regularly scheduled monthly full board meeting held on July 24, 2002, Manhattan Community Board No. 4 held a duly noticed public hearing on ULURP application number C 020397 ZSM and adopted the following resolution (by roll call vote 32 in favor, 0 opposed, 0 present but not eligible to vote and 1 abstentions):

The Project and the Application

The Hearst Corporation proposes to construct a new office tower above the Hearst Magazine Building at 959 Eighth Avenue at West 57th Street. The existing building is 6 stories tall and a designated New York City landmark. It was designed as a base for a larger structure that was never built or, apparently, even designed. With the addition of the tower, the building would be 42 stories and approximately 595 feet tall, with a total FAR of 18.0 (including bonus).

The design of the proposed tower was the subject of this Board's letter to the Landmarks Preservation Commission dated November 26, 2001, a copy of which is attached. In that letter, we expressed support for the design proposal in concept. The proposed tower was subsequently approved by the Landmarks Preservation Commission.

This application seeks approval of a special permit for a subway improvement bonus pursuant to Sections 81-292 and 74-634 of the Zoning Resolution for a floor area bonus of 3.0. The zoning lot, which is in a C6-6 zoning district with a base FAR of 15.0, is eligible for a subway improvement bonus since it is adjacent (as defined in ZR Section 74-634) to the Columbus Circle subway station.

The Hearst Subway Improvement Program

The scope of the Subway Improvement Program for which the bonus is being sought includes the following elements:

1. Designing, installing and funding maintenance of 3 elevators that, in conjunction with the street-to-mezzanine elevator being constructed at the AOL Time Warner Center, will make all the station's platforms ADA-accessible.
2. Designing, installing and maintaining a new escalator connecting the uptown IRT mezzanine level and the uptown IND platform.
3. Reconfiguring and moving northward the turnstile array and relocating accordingly the existing token booth at the 58th Street lower mezzanine.
4. Relocating and/or reconfiguring several existing stairs and constructing a new mezzanine-to-platform stair between the downtown IRT upper mezzanine level and the downtown IND platform (identified in the plans as the P-14 stair).
5. Constructing new subway entrances within the restored base of the Hearst Tower (relocating and widening the existing subway entrance at the building's main entrance on Eighth Avenue and providing a new subway entrance along the 57th Street frontage).

These access and circulation improvements will dramatically improve accessibility and circulation in the station and will be significant improvements to the station's environment, thus satisfying the two findings required by ZR Section 74-634(d) for the bonus. The scope of these improvements and the resulting benefits to the City amply justify the requested floor area bonus.

However, two aspects of the Subway Improvement Program require further consideration:

1. The 58th Street entrance to the station will experience a substantial increase in usage when the AOL Time Warner Center opens in 2004. Although Hearst would not normally be required to complete the Subway Improvement Program until the Hearst Tower is complete, it would seem essential to require that the work in the neighborhood of the 58th Street entrance be accelerated to coincide with the opening of the AOL Time Warner Center.
2. The proposed P-14 stair appears to us to be headed in the wrong direction. As noted in the application, one of the station's largest congestion points is the queue on the P-4 stair, as a flood of riders transfers between the southbound IRT platform and the southbound IND platform, which now requires a u-turn to access the stair. This congestion will be relieved by relocating and reversing the direction of the existing P-4 stair and by adding the proposed P-14 stair, but orienting the P-14 stair as presently proposed will create a new problematic u-turn traffic pattern. The designer's explanation is that placing the top of the stair furthest from the IRT track would minimize the possibility of unsafe queuing. We believe that this will create a confused traffic flow that could also be unsafe, that there is ample space on the platform to reverse the stair and safely place it in a location that would minimize the problem, presumably farther from the IRT track and perhaps with additional guiding or protective railings, and that this decision should therefore be reconsidered.

Other MTA Work in the Station

The Columbus Circle subway station is sorely in need of additional work beyond the Hearst Subway Improvement Program. This includes noise abatement, especially at the IRT level; improved ventilation or other measures to reduce the appalling summer temperatures; improved lighting and signage; and final surfaces. Creating direct access to the downtown IRT platform from the west side of Broadway, if the structural and landmarks problems can be resolved, and addressing the dangerously steep stair at the entrance adjacent to the Trump International Plaza should also be priorities. It has been suggested that a passage could be created between the upper/north and lower/south mezzanines via the now unused central IND platform. This suggestion seems attractive to us as an inexpensive measure to improve connections between the south end of the station and the uptown IRT and should be further considered. The MTA has been studying all of this work for some time. It is time to stop studying and start planning and construction.

Columbus Circle Redesign

A related area of needed work is the redesign of Columbus Circle. The community has been left largely uninformed about the status of this important project. We are concerned that there is inadequate coordination of the multitude of construction projects in the area, and inadequate planning for the increased focus they will place on Columbus Circle itself. The City should not find itself in the position of having to tear up the Circle to begin work on its redesign just as work on the AOL Time Warner Center, the Hearst Subway Improvement Program, the Hearst Tower and possibly even 2 Columbus Circle is being completed. We urge City Planning and the other relevant city agencies to accelerate and coordinate work on the redesign of Columbus Circle so that this important public space can be made worthy of the substantially improved private spaces surrounding it by the time the major developments on the Circle are opened.

The Hearst Tower

The subway improvement bonus would add approximately 6 stories (80 feet) to the tower that could be built as-of-right. The proposed tower would be the same height as One Central Park Place, the residential tower across 57th Street from the Hearst site, and would be surrounded by other high density buildings in the immediate area. Though the proposed tower would be prominent in surrounding views due to its height and striking design, it would not unduly obstruct existing views from the surrounding streets or create bulk that is out of context for the area. The shadow studies indicate that the proposed tower would create minimal increases in shadows on open space in the area.

One of the Board's concerns reflected in our letter to the Landmarks Preservation Commission is that the third-floor atrium, though intended for use exclusively by Hearst employees, promises to be one of the City's great spaces and should be made available to the public in an appropriate manner. In discussions with the Board, the applicant has committed itself to working with us to develop a program for controlled public access to the atrium, including use of the auditorium by established community-based organizations and perhaps group tours of the tower's architectural features.

The applicant has committed itself to participating in a construction liaison group to be coordinated by the Board to ensure that disruption in the neighborhood during construction is minimized.

The Hearst Corporation has acknowledged the legitimate quality of life concerns expressed by its neighbors at the public hearing in regards to the collection, processing and transportation of office waste. Therefore, the Hearst Corporation has agreed to use its best efforts to collect their office waste within the confines of their building and to transport the same in an expedient and unobtrusive fashion.

Therefore Be It Resolved, that Manhattan Community Board 4 recommends approval of this ULURP application, subject to the following conditions:

1. The Subway Improvement Program should be modified to (i) require that the work at and near the 58th Street entrance be accelerated so that its completion coincides with the opening of the AOL Time Warner Center, and (ii) reverse the proposed P-14 stair.
2. In consultation with the Board, the applicant should establish a program for controlled public access to the building.

Sincerely,



Simone Sindin
Chair
Manhattan Community Board No. 4



Anna Hayes Levin
Chair
Clinton Land Use & Zoning Committee

This letter was passed at Manhattan Community Board No. 4's July 24, 2002 full board meeting.

Encl.

cc: Hon. Michael Bloomberg, Mayor
Hon. C. Virginia Fields, Manhattan Borough President
Hon. Jerrold Nadler, United States Representative
Hon. Eric Schneiderman, State Senator
Hon. Richard Gottfried, State Assemblymember
Hon. Scott Stringer, State Assemblymember
Hon. Gale Brewer, City Councilmember
Hon. Christine Quinn, City Councilmember
Hon. Adrian Benepe, NYC Parks & Recreation
Manhattan Community Boards Nos. 5 & 7
MTA / NYC Transit
Landmarks Preservation Commission
Hearst Corporation
Robert Flahive, Kramer Levin Naftalis & Frankel LLP

STATUS



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

CITY PLANNING COMMISSION

2002 AUG 21 PM 4:27

DEPT. OF CITY PLANNING

C. VIRGINIA FIELDS
BOROUGH PRESIDENT

August 21, 2002

ULURP NO:

C 020397 ZSM

APPLICANT:

The Hearst Corporation
959 Eighth Avenue
New York, NY 10019

REQUEST:

IN THE MATTER OF an application submitted by The Hearst Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-292 and 74- 634 of the Zoning Resolution to allow a 120,501 square-foot floor area bonus in connection with the proposed enlargement of an existing 6-story building on a zoning lot at 959 Eighth Avenue (Block 1047, Lot 36) where major improvements to adjacent subway stations are to be provided in accordance with the provisions of Section 74-634, in a C6-6 District, within the Special Midtown District, Borough of Manhattan, Community District 4.

PROJECT BACKGROUND/DESCRIPTION:

The Hearst Corporation seeks a special permit for a floor area bonus of 3.0 FAR in order to construct a new corporate headquarters. The project involves the construction of an office tower above the landmarked, 6-story Hearst Magazine Building at 959 Eighth Avenue. The total lot area is approximately 40,167 square feet and is located within a C6-6 zoning district that permits a basic maximum FAR of 15 and a total FAR of 18 with bonuses. A bonus of up to 3 FAR is permitted for a qualifying subway improvement.

The proposed building would alter and add a new tower above the existing Hearst Magazine Building, a designated New York City Landmark that was originally built to serve as the base of a future tower. The Landmarks Preservation Commission granted a Certificate of Appropriateness for the proposed building and approved the details of a storefront master plan and restoration of the base.

The proposed building would be 42 stories and approximately 595 feet in height and would comply with all regulations of the Special Midtown District. The development would contain 723,006 square feet of floor area, including approximately 17,411 square feet of retail space on the ground floor and portions of the second floor. The exterior of the existing building will be restored and will serve as the entrance and retail base of the new building. The building would include both ground-floor and elevated lobbies for the office space and several mezzanine levels containing an auditorium, cafeteria, exhibition space, and meeting areas.

This project is eligible for a subway improvement bonus since it is adjacent to the Columbus Circle Station, a major transfer point between the Eighth Avenue IND line and the Broadway – Seventh Avenue IRT line. Circulation improvements would provide significant benefits to the increasing numbers of riders who will use this station when tenants occupy the numerous office buildings now under construction throughout the area.

The scope of the Subway Improvement Program for which the bonus is being sought includes the following elements:

1. Designing, installing and funding maintenance of 3 elevators that, in conjunction with the street-to-mezzanine elevator being constructed at the AOL Time Warner Center, will make all the station's platforms ADA-accessible.
2. Designing, installing and maintaining a new escalator connecting the uptown IRT mezzanine level and the uptown IND platform.
3. Reconfiguring and moving northward the turnstile array and relocating accordingly the existing token booth at the 58th Street lower mezzanine.
4. Relocating and/or reconfiguring several existing stairs and constructing a new mezzanine-to-platform stair between the downtown IRT upper mezzanine level and the downtown IND platform (identified in the plans as the P-14 stair).
5. Constructing new subway entrances within the restored base of the Hearst Tower (relocating and widening the existing subway entrance at the building's main entrance on Eighth Avenue and providing a new subway entrance along the 57th Street frontage).

SUMMARY OF COMMUNITY BOARD ACTION:

At a regularly scheduled board meeting on July 24, 2002, Manhattan Community Board 4 recommended approval of this application by a vote of 32 in favor, 0 opposed, and 1 abstention, subject to the following conditions:

- 1- The Subway Improvement Program should be modified to (i) require that the work at and near the 58th Street entrance be accelerated so that its completion coincides with the opening of the AOL Time Warner Center, and (ii) reverse the proposed P-14 stair.
- 2- The Community Board stated that the applicant should consult with the Board in order to establish a program for controlled public access to the building.

According to Community Board 4, these access and circulation improvements will dramatically improve accessibility and circulation in the station and will be significant improvements to the station's environment, thus satisfying the two findings required by ZR Section 74-634(d) for the

bonus. The scope of these improvements and the resulting benefits to the City could justify the requested floor area bonus.

However, two aspects of the Subway Improvement Program require further consideration:

1. The 58th Street entrance to the station will experience a substantial increase in usage when the AOL Time Warner Center opens in 2004. Although Hearst would not normally be required to complete the Subway Improvement Program until the Hearst Tower is complete, it would seem essential to require that the work in the neighborhood of the 58th Street entrance be accelerated to coincide with the opening of the AOL Time Warner Center.
2. The proposed P-14 stair appears to us to be headed in the wrong direction. As noted in the application, one of the station's largest congestion points is the queue on the P-4 stair, as a flood of riders transfers between the southbound IRT platform and the southbound IND platform, which now requires a u-turn to access the stair. This congestion will be relieved by relocating and reversing the direction of the existing P-4 stair and by adding the proposed P-14 stair, but orienting the P-14 stair as presently proposed will create a new problematic u-turn traffic pattern. The designer's explanation is that placing the top of the stair furthest from the IRT track would minimize the possibility of unsafe queuing. Community Board Four believes that this will create a confused traffic flow that could also be unsafe, that there is ample space on the platform to reverse the stair and safely place it in a location that would minimize the problem, presumably farther from the IRT track and perhaps with additional guiding or protective railings, and that this decision should therefore be reconsidered.

BOROUGH PRESIDENT ACTION:

The Manhattan Borough President recommends approval.

The Manhattan Borough President recommends disapproval.

- X The Manhattan Borough President recommends approval, subject to the conditions detailed below.

The Manhattan Borough President recommends disapproval, unless the conditions detailed below are addressed as described

COMMENTS:

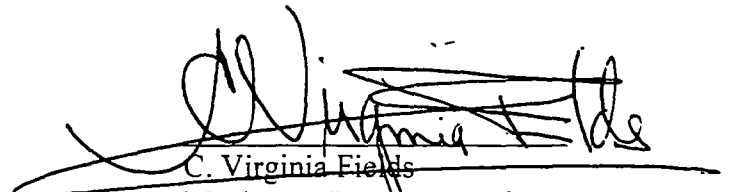
The Borough President views this improved use of a historical building as a win-win for all. Originally planned to be much taller, the current six-story, landmarked Hearst tower provides a unique base, representative of an earlier time, for a 21st century building skillfully designed by Lord Norman Foster. This symbiotic relationship of cast-stone, adorned with allegorical statues and fluted columns, combined with glass encased steel will convey the best of the old and modern New York City.

While the Borough President proudly supports this innovative project, she shares the Community Board's concerns. In meeting with the applicant, this office has seen the great lengths and the enormous amount of creativity that has been poured into this project. It is for this reason that our office believes the applicant will work with all interested parties to make their best efforts to expedite the commencement of subway construction so as to accommodate the massive addition of new riders with the completion of the AOL Time Warner Building. Moreover, the applicant has agreed to work with Community Board Four to decide the best direction of the proposed P-14 staircase, as well as establishing a program for controlled public access, such as for architectural historians and community board meetings, to this great building.

The Manhattan Borough President therefore recommends approval of this application with the following recommendations:

- 1- The Subway Improvement Program should be modified to require that the work at and near the 58th Street entrance be accelerated so that its completion coincides with the opening of the AOL Time Warner Center;
- 2- Reverse the proposed P-14 stair; and
- 3- The applicant consults with Community Board 4 to establish a program for controlled public access to the building.

Report and Recommendation
Accepted:



C. Virginia Fields
Manhattan Borough President

CITY PLANNING COMMISSION
2002 AUG 21 PM 4:26
DEPT OF CITY PLANNING