

CITY PLANNING COMMISSION

January 6, 1999/ Calendar No. 10

C 980682 ZSM

IN THE MATTER OF an application submitted by 383 Madison LLC, Gregory Properties Inc., Gregory/Madison LLC, American Premier Underwriters, Inc., The New York and Harlem Railroad Company and the Owasco River Railway, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) of the Zoning Resolution to permit:

- 1) Section 81-635(a): the transfer of development rights from Grand Central Terminal (granting lot) to Block 1282, Lot 21 (receiving lot), resulting in a maximum floor area ratio of not more than 21.6; and
- 2) Section 81-635(d):
 - a. modification of the requirements of Section 81-621 (Special street wall requirements) of street walls greater than 150 feet in height on Vanderbilt Avenue, East 46th Street, Madison Avenue and East 47th Street, and
 - b. modification of the requirements of Section 81-622(b) (Special height and setback requirements) for zoning lots of more than 40,000 square feet of lot area that occupy an entire block;

to allow the development of a 45-story office building at 383 Madison Avenue, on a zoning lot of more than 40,000 square feet occupying an entire block, bounded by Madison and Vanderbilt avenues and East 46th and East 47th streets (Block 1282, Lot 21) within the Grand Central Subdistrict, Special Midtown District, in a C5-3 District, Community District 5, Borough of Manhattan

The application for the special permit was filed by 383 Madison LLC, Gregory Properties, Inc., Gregory/Madison LLC, American Premier Underwriters, Inc., The New York and Harlem Railroad Company and the Owasco River Railway, Inc. on June 5, 1998 to permit the transfer of 285,865 square feet of development rights from a lot occupied by Grand Central Terminal (granting lot) to a lot bounded by Madison Avenue, East 46th Street, Vanderbilt Avenue and East 47th Street (receiving lot) to allow the maximum permitted floor area ratio to be increased by 6.6 FAR from 15 FAR to 21.6 FAR.

RELATED ACTIONS

In addition to the special permit which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. N 980681 ZRM Zoning text amendments related to pedestrian circulation space, certain retail and streetwall frontage requirements and the modification of height and setback regulations
2. N 980683 ZCM Chairperson's certification pursuant to Section 81-48 for off-street improvements to a rail mass transit facility

BACKGROUND

The project site is located on block 1282, lot 21, an entire block in the core area of the Grand Central Subdistrict in the Special Midtown District. The block is bounded by Madison Avenue to the west, East 47th Street to the north, Vanderbilt Avenue to the east and East 46th Street to the south. The project site contains 43,313 square feet of lot area and lies in a C5-3 (15 FAR) district. The basic maximum FAR in this district is 15.0, but that may be increased to 21.6 FAR through Subdistrict-wide incentives. A 12-story commercial building of approximately 560,000 square feet built in 1922 is currently being demolished on the site. That building had been vacant since 1985.

Several development schemes have been proposed, but none realized, in the past 13 years. In 1989, the City Planning Commission disapproved an application for a special permit pursuant to Zoning Resolution ("ZR") Section 74-79 to transfer approximately 800,000 square feet of

development rights from Grand Central Terminal to the project site in order to build a 72-story tower containing 1.6 million gross square feet (C 870193 ZSM). The application was rejected based on a number of findings: that the site did not meet proximity to landmark or chain of ownership requirements and was therefore ineligible for a landmarks transfer; that the maintenance program proposed was inadequate; that the bulk (33 FAR) was excessive; and that the project would have created undesirable traffic impacts.

Another proposal was made for an as-of-right building of 850,000 square feet that did not involve transfer of development rights. That project was not pursued. The most recent proposal, in 1996, involved a request for certification pursuant to ZR Section 81-63 to allow the transfer of 43,313 square feet (1 FAR) by certification (N 960486 ZCM). That application was withdrawn.

Previous Actions Concerning Grand Central Terminal

In 1965, New York City enacted its landmarks law and established the Landmarks Preservation Commission ("Landmarks"). Grand Central Terminal was designated a New York City Landmark by Landmarks on August 2, 1967, and this designation was confirmed by the Board of Estimate on September 21, 1967. In 1968, Section 74-79, which allows the transfer of development rights from landmarks, was added to the Zoning Resolution.

In 1968, the Penn Central Corporation (which was formed in 1965 through a merger of the New York Central and the Pennsylvania Railroad), entered into an agreement with a developer to construct a 55-story office building, designed by Marcel Breuer, atop the terminal. Both Breuer's original design and a revised version would have placed a 500-foot-high slab on the

42nd Street side of the terminal. In addition, the revised design would have stripped the façade off the terminal. Landmarks, which must approve all alterations proposed to landmark buildings, denied Penn Central's application as inappropriate on August 26, 1969. Penn Central filed suit against the city on October 7 of that year in State Supreme Court. Penn Central claimed that by denying the application, the city had in effect "taken" the property without just compensation contrary to the Fifth Amendment of the Constitution.

On June 28, 1978, the United States Supreme Court, in a 6-3 decision, upheld the city's action based on Penn Central's ability to continue to use the building as a terminal. It also recognized that Penn Central could gain revenue through transferring some or all of its development rights under Section 74-79. A factor in the Court's opinion was that Penn Central then owned a number of sites to which it could have transferred Grand Central's development rights.

In 1979, the City Planning Commission and the Board of Estimate approved a special permit (C 780404 ZSM) pursuant to Section 74-79 of the Zoning Resolution to allow the transfer of 74,665 square feet of development rights from the Terminal to Philip Morris, Inc., for a 26-story office development across from the Terminal at East 42nd Street and Park Avenue. That development, which includes a covered pedestrian space and an improved connection to adjacent transit facilities, contains 448,000 square feet of floor area at a floor area ratio of slightly less than 21.6.

In 1982, the City Planning Commission and the Board of Estimate enacted the Special Midtown District, which reduced the maximum permitted floor area ratio in East Midtown,

including the Grand Central area, from 18 FAR (15 FAR as-of-right with a 3 FAR bonus) to 16 FAR (15 FAR as-of-right with a 1 FAR bonus).

Following the denial in 1989 of a special permit application under Section 74-79 to transfer development rights from Grand Central to the 383 Madison Avenue site (C 870193 ZSM), the Department of City Planning (“DCP”) prepared a proposal, issued in report form as the *Grand Central Subdistrict* study, which outlined a plan for a Subdistrict within the Special Midtown District in order to establish realistic opportunities and a more rational method for distributing development rights from Grand Central Terminal while reinforcing the character of the Grand Central area. In 1992, the City Planning Commission and the City Council enacted the Grand Central Subdistrict of the Special Midtown District (N 920260 ZRM). Among other regulations the Subdistrict includes controls to

- ▶ specify bulk and urban design regulations to enhance the neighborhood’s special character;
- ▶ permit the remaining development rights of Grand Central Terminal to be distributed over a wider area defined by the extensive pedestrian circulation network;
- ▶ place a cap on the total amount of development rights which may be transferred to any individual site; and
- ▶ establish a mechanism for evaluating and implementing pedestrian circulation improvements, and especially those which broaden and improve the existing Grand Central underground pedestrian network.

The current application is the first to seek transfer of development rights under the provisions of the Subdistrict.

Report of the Landmarks Preservation Commission

Pursuant to Section 81-631 of the Zoning Resolution, a report from Landmarks is required to

address (1) the continuing maintenance program proposed for the landmark and (2) for receiving sites in the immediate vicinity of the landmark, the harmonious relationship between the development on the receiving site and the landmark.

At a public hearing held on November 18, 1997, following the public meeting of October 21, 1997 and the public hearing of April 30, 1996, Landmarks voted to adopt a resolution approving a continuing maintenance plan for Grand Central Terminal and authorizing the Chair of Landmarks to execute a "Continuing Maintenance Agreement" ("CMA") on behalf of Landmarks. This approval was set forth in Landmarks' December 9, 1997 "Miscellaneous/Amendments" (LPC Report #98-2997). On the same day, the CMA was executed by American Premier Underwriters, Inc., The New York and Harlem Railroad Company, the Metropolitan Transportation Authority and Landmarks. The maintenance and inspection requirements outlined in the CMA are triggered by a transfer of development rights from Grand Central Terminal pursuant to Section 81-63 of the Zoning Resolution.

As Landmarks indicated in its report to the City Planning Commission dated October 14, 1987, concerning an earlier proposed transfer of development rights from Grand Central Terminal to the site, the distance between the landmark and the site precludes a determination on a harmonious relationship between the landmark and the development on the site.

In a letter dated August 3, 1998, the Chair of Landmarks certified the following in accordance with paragraph B, Article 1 of the CMA:

1. A continuing maintenance plan has been approved and established for the landmark;
2. The continuing maintenance program has not been terminated and remains in

effect;

3. The receiving site is not within the immediate vicinity of the landmark and therefore a supplemental report on the harmonious relationship between the development on the receiving site and the landmark is not required.

PROJECT DESCRIPTION

The proposed development is a new 45-story commercial building at 383 Madison Avenue that would rise to a height of 757 feet. The building would be designed to provide state-of-the-art space for the world headquarters of an investment firm in a structure that is compatible with the historic character of the Grand Central area. With the exception of ground floor retail and pedestrian/lobby uses, the entire building would be devoted to general offices, trading, conference, auditorium, dining, and mechanical and support use. The proposed building would contain 935,560 square feet (21.6 FAR) of zoning floor area. Of the total zoning floor area, 649,695 square feet (15 FAR) would be permitted as-of right, the remaining 285,865 square feet (6.6 FAR) would be comprised of transferred development rights from Grand Central Terminal, subject to regulations of the Grand Central Subdistrict. This transfer requires a special permit pursuant to Section 81-635(a), which is the subject of this action.

The building is designed with an octagonal tower rising atop a square base. The square base would be approximately 150 feet high, following prevailing street wall height in the area. The building would set back at the 9th, 12th, 16th, 17th, 44th and 45th floors. At the twelfth floor setback, the building would change from a square to an octagonal floor plan.

The cladding of the building is intended to be primarily stone, or precast concrete designed to resemble stone, with vertical metal ribbing. The relationship of masonry to glass would

change with the building height, with less masonry and more glass as the building height increases. A glass crown would top the building and be illuminated at night.

The main entrance of the proposed building is located at the corner of Vanderbilt and 47th Street, affording it visual frontage onto Park Avenue. The main entrance would be marked by a glass canopy and would be illuminated at night.

The base of the building would occupy virtually the entire site with the exception of the Vanderbilt Avenue frontage, which would be set back 3 feet from the property line. There would be a chamfered main entrance at the northeast corner of the building; and recesses in the façade at pedestrian entrances to the building. The other entrances to the building would be located at the corners of Madison Avenue and 47th Street, Vanderbilt Avenue and 46th Street, and midblocks of 47th Street and Vanderbilt Avenue. The Vanderbilt Avenue side would have a lay-by lane for taxi and black-car service.

Improvements to pedestrian circulation would be required with this proposal pursuant to Section 81-635. The ground floor of the proposed building would provide a fully enclosed, L-shaped, public pedestrian connection from the Vanderbilt and 46th Street entrance to the Madison and 47th Street entrance. Along the Vanderbilt Avenue side of the building is a public passageway designed as an equivalent to a through-block connection. That connection would be open 7:00 am to 8:00 p.m., Monday through Friday, except holidays. The 47th Street side of the proposed building would have a direct connection to the MTA North End Access 47th Street crosspassage by means of two escalators and a stair as part of the project. This entrance would be open the same hours as other North End Access entrances, such as those at

the Chase and Westvaco buildings, from 5.30 am to 11.30 pm., 7 days a week, year round.

The proposal also includes an off-site improvement to the North End Access project as part of the requirements of Section 81-635. North End Access is a major subsurface construction project by Metro North and the MTA designed to improve pedestrian access to and from points north of Grand Central Terminal.

Analysis of pedestrian patterns has shown that the majority of commuters who travel to Grand Central by MTA rail service are destined for locations north of the terminal. Grand Central Terminal is currently configured so that passengers leaving trains must first walk south along the platforms into the main concourse near 42nd Street and then "U-turn" towards their destinations to the north. By providing entrances to the north of the Terminal, the North End Access Project will relieve considerable congestion on platforms and ease passenger commute.

The sub-surface improvements planned as part of North End Access include two north-south spines at platforms 31 and 23 that would connect the main concourse of the Terminal to two cross-passageways below 45th and 47th streets and street-level exit/entrances at Madison and 47th Street and Park and 48th Street. The applicant proposes to enhance the pedestrian network by enclosing both of the north-south spines connecting the concourse of Grand Central Terminal to two cross passageways below 45th and 47th streets and street exits at the sidewalk intersections of Park and 48th and at Madison and 47th. Plans for enclosing the spines were originally included in the MTA's own program of work for rehabilitation of the Terminal, but were eliminated due to budget constraints. The applicant would enclose and finish both spines as part of the project. In a letter dated July 20, 1998 from the Executive Director of the MTA,

the MTA gave conceptual approval to the following elements of the improvements as outlined by the applicant in its original application:

1. enclosure of the westerly pedestrian circulation spine from Grand Central;
2. provision of access to the 47th Street cross-passageway by means of two escalators and a stair.

During the ULURP period, the applicant held discussions with DCP and the MTA and indicated its willingness to build and enclose both the easterly and westerly pedestrian circulation spines in addition to the connection to the North End Access 47th Street crosspassage.

The applicant is also requesting a special permit to waive height and setback requirements pursuant to Section 81-635(d). The waivers are required because the streetwall is slightly higher (by approximately four feet) than permitted and because the proposal does not meet the scoring requirements of the Waldram diagram daylighting regulations. The waivers are necessary due to several unique site conditions. The site is a relatively small block (200' x 215') surrounded on all four sides by streets, three of which are narrow. In addition, more than half the site below grade is occupied by an active railyard. To accommodate the bulk added by the landmark transfer and the displacement of mechanical and other uses that would ordinarily be located in below grade levels, the building exceeds the permitted envelope.

The proposal also requires a Chairperson's certification (N 980683 ZCM) pursuant to Section 81-48, which requires that off-street improvements to rail mass transit facilities meet certain dimensional and design standards, be obstruction-free and satisfy requirements for hours of public accessibility and maintenance.

The development also requires zoning text amendments to provisions of the Special Midtown District and Grand Central Subdistrict concerning qualifications for height and setback waivers, locational requirements for pedestrian circulation spaces and exemptions from retail and streetwall frontage requirements. These amendments are discussed in detail in the accompanying report (N 980681 ZRM) of the related action.

ENVIRONMENTAL REVIEW

This application (C980682ZSM), in conjunction with the applications for the related actions, 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 91 of 1977. The designated CEQR number is 98DCP033M. The lead agency is the City Planning Commission.

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

1. The action, as proposed, may result in significant adverse shadow impacts on publicly accessible open spaces and historic resources in the vicinity of the project site.
2. The action, as proposed, may result in significant adverse impacts to architectural resources in the vicinity of project site.
3. The action, as proposed, may result in significant adverse impacts on archaeological resources in the underground areas of any transit and pedestrian improvements.
4. The action, as proposed, may result in significant adverse impacts on urban design and

visual resources in the vicinity of the project site.

5. The action, as proposed, may result in significant adverse hazardous materials impacts in the underground areas of any transit and pedestrian improvements.
6. The action, as proposed, may result in significant adverse impacts to traffic, parking, transit, and pedestrians at locations within the area bounded by East 51st Street to the north, East 42nd Street to the south, First Avenue to the east, and Sixth Avenue to the west.
7. The action, as proposed, may result in significant adverse mobile source air quality impacts.
8. The action, as proposed, may result in significant adverse mobile source noise impacts.
9. The action, as proposed, may result in construction-related impacts.

A positive declaration was issued on February 10, 1998 and distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Environmental Impact Statement ("DEIS").

The applicant prepared a DEIS and issued a Notice of Completion on July 31, 1998. Pursuant to the the SEQRA regulations and CEQR procedures, a notice of the CEQR public hearing was published on November 6, 1998 and a joint public hearing was held on the DEIS on November 25, 1998 in conjunction with the public hearings on the related actions. The public comment period remained open until December 5, 1998 and a Final Environmental Impact Statement ("FEIS") was completed and a Notice of Completion was issued on December 24, 1998.

The Notice of Completion for the FEIS identified the following potential significant adverse impact, as well as mitigation measures to address that impact.

Potential impacts were identified at the following crosswalks:

AM Peak Period

East crosswalk at Madison Avenue and 47 th Street	Level of Service (“LOS”) E
West crosswalk at Vanderbilt Avenue and 47 th Street	LOS E

Midday Peak Period

East crosswalk at Madison Avenue and 46 th Street	LOS E
East crosswalk at Madison Avenue and 47 th Street	LOS E
West crosswalk at Vanderbilt Avenue and 46 th Street	LOS E

PM Peak Period

West crosswalk at Madison Avenue and 47 th Street	LOS E
East crosswalk at Madison Avenue and 47 th Street	LOS E
West crosswalk at Vanderbilt Avenue and 47 th Street	LOS E

At the five crosswalks that would be adversely affected by the proposed project, mitigation by repainting is proposed to increase the width of the crosswalks by 1 to 5 feet as follows:

East crosswalk at Madison Avenue and 46 th Street	1 foot widening from 12.5’ to 13.5’
West crosswalk at Madison Avenue and 47 th Street	1.3’ widening from 12.7’ to 14.0’
East crosswalk at Madison Avenue and 47 th Street	5.3’ widening from 12.1’ to 17.4’
West crosswalk at Vanderbilt Avenue and 46 th Street	5.2’ widening from 11.5’ to 16.7’
West crosswalk at Vanderbilt Avenue and 47 th Street	4.3’ widening from 10.5’ to 14.8’

With the implementation of the mitigation measures listed above, the project would not result in any significant adverse pedestrian impacts.

UNIFORM LAND USE REVIEW

This application was certified as complete by the Department of City Planning on August 3, 1998 and was duly referred to Community Board 5 and the Borough President in accordance with Article 3 of the ULURP rules, along with the related non-ULURP zoning text change

(N 980681 ZRM), which was referred for review and comment.

Community Board Public Hearing

Community Board 5 held a public hearing on October 9, 1998, and on that date, by a vote of 29 in favor, 0 opposed and 2 abstentions, adopted a resolution recommending disapproval of the application.

The community board opposed the application based on the following reasons:

- ▶ that the improvements to the mass transit infrastructure proposed by the applicant were not “major,” that two pedestrian spines rather than one should be improved and that handicapped accessibility should be provided;
- ▶ that the pedestrian circulation space along Vanderbilt Avenue should include landscaping, sitting areas and other amenities that would attract people to the area;
- ▶ that a plan should be developed by the Department of City Planning to address the number of car service vehicles that are anticipated to be used by tenants at the site; and
- ▶ that the mass transit access improvements should be kept open all hours that Grand Central Terminal is open.

The board also expressed its concern that the Long Island Rail Road, the MTA and City Planning had failed to anticipate the future needs that will be created by the East Side Access proposal to bring the Long Island Rail Road to Grand Central and by the proposed airport access.

Borough President Recommendation

This application was considered by the borough president, who issued a recommendation approving the application with conditions on November 12, 1998.

The Borough President concurred with the Community Board 5 recommendation that the pedestrian circulation space along Vanderbilt Avenue be activated so as to draw pedestrians into the space. The applicant had committed in discussions with the board to activate the space, but due to time constraints, was not able to delineate the ideas fully before the end of the board's review period. The Borough President therefore invited the applicant and the board to continue discussions during her own review period, and a design was formulated and conceptual renderings were produced which described the following:

- ▶ the applicant agreed to commission a well-known glass sculptor to create two glass and light wall sculptures within the space as well as a related ceiling design. The designs would be done in such a way that the light would also spill out onto Vanderbilt Avenue to illuminate the sidewalk;
- ▶ the applicant agreed that along a length of wall which runs for approximately 60 feet parallel to Vanderbilt Avenue, an additional light sculpture will be mounted or other art work selected in consultation with Community Board 5;
- ▶ the applicant agreed to provide a space above the North End Access escalators to house an historic mosaic salvaged from the building being demolished on the site; and
- ▶ the applicant agreed to implement a landscaping plan and program for seasonal planting displays along the Vanderbilt Avenue and 47th Street sides of the project.

The Borough President's recommendation states: "the leadership of the community board believes that these additions are indeed an improvement to the space. The Borough President concurs and commends the applicant for working to create a space that is both a public amenity and has a cultural identity."

The Borough President also pointed out that Community Board 5 had discussed the issue of "abnormally high mechanical space and floor-to-floor height, but acknowledged that this site is appropriate for a large new office building and does not object to the proposal on that basis."

The borough president agreed that "the scale of the building and the extent of the setback

waivers are appropriate,” but felt that the implications of the issue of mechanical space needed to be addressed as more “high-tech” office buildings are developed in business districts throughout the city.

City Planning Commission Public Hearing

On November 12, 1998 (Calendar No. 3), the City Planning Commission scheduled November 25, 1998 for a public hearing on this application. The hearing was duly held on November 25, 1998 (Calendar No. 12) in conjunction with the public hearing on the application for the related text change (N 980681 ZRM). There were three speakers in favor of the application and three in opposition.

The speakers in favor of the application included an attorney representing the applicant, the architect of the proposed building and a traffic consultant employed by the applicant. The attorney representing the applicant outlined the approvals being sought as part of the application and discussed the basic program of the proposed building. The architect described the project’s design and the traffic consultant answered questions from the Commission about pedestrian and vehicular traffic at the site.

The speakers in opposition to the application included the Chair of the Land Use Committee of Community Board 5, a representative of a transportation advocacy group and a member of the Board of the Municipal Art Society.

The representative from Community Board 5 reiterated the Board’s concerns as expressed in its October 9, 1998 resolution. Among the points he raised was a concern about the design of the

pedestrian circulation space along Vanderbilt Avenue, which the board felt was of little utility since it was adjacent to the Vanderbilt Avenue sidewalk and contained no amenities which would draw pedestrians to the site. He also discussed the board's judgment that the proposed subsurface improvements--enclosing and finishing one pedestrian spine and adding an entrance at the site to the 47th Street crosspassage of the North End Access project--were not "major" enough to justify the transfer of development rights from Grand Central. The Board also felt that the ground floor of the development should be left for "future public needs" such as a "new railway terminal" to serve airport access and the East Side Access project designed to bring the Long Island Rail Road to Grand Central.

The representative of a transportation advocacy group discussed a number of the same issues, including the provision of access from the lobby of 383 Madison Avenue directly to the tracks below. His statement also dealt with using the ground floor of the development as a ticket office and waiting area for trains.

The Municipal Art Society representative asked that the Commission "withhold approval of the application until the Buildings Department can reconsider its ruling on the exemption of mechanical space...". She also asked that the architect of the proposed building reconsider the design of the entrance facing Park Avenue to make a "bolder, more sophisticated and more elegant design."

The representative also expressed the MAS's "serious concerns" about the adequacy of the Continuing Maintenance Agreement protecting Grand Central Terminal. Concerns were also expressed about the usefulness of the Waldram diagram as a diagnostic tool for daylighting on

small sites surrounded by narrow streets. The MAS supported the zoning text amendments that are part of the related application. A detailed written statement was submitted into the record.

CONSIDERATION

This application is the first project seeking to transfer air rights from Grand Central Terminal under the provisions of the 1992 Grand Central Subdistrict text. At the time the Subdistrict was created, the Commission laid out a detailed series of requirements for developments asking for the transfer of development rights. While some of those requirements are being changed as part of the related application for zoning text amendments (N 890681 ZRM) because of the unique site conditions at this location, the Commission believes that the proposed development is appropriate for the site and for the area. The proposed project significantly helps advance the Subdistrict's goals of expanding and enhancing the Subdistrict's extensive pedestrian network, while protecting the urban design character of the area and providing for the continuing maintenance of Grand Central Terminal, one of the city's historic architectural treasures.

This site has been the subject of numerous attempts at redevelopment over the years, some of which were withdrawn and one of which was disapproved by the Commission in 1989 because its proposed 33 FAR was far in excess of a reasonable density and did not satisfy standards of care for establishing a workable maintenance plan for Grand Central Terminal.

The current proposal is the appropriate development envisioned in the 1992 Subdistrict zoning. It adds significantly to the Grand Central pedestrian circulation system by providing access directly from the site to the 47th Street crosspassage of Metro-North's North End Access

project by means of two escalators and a stair enclosed within the building at 47th Street and Madison Avenue. And it also restores to the North End Access project a key element of the plan that had been eliminated due to budget constraints--the construction and enclosure of the two long north-south pedestrian circulation spines that connect the crosspassages at 45th and 47th streets and the sidewalk entrances above to the Terminal from the north.

Through the Continuing Maintenance Agreement approved by Landmarks, the development also provides for the maintenance of Grand Central Terminal, helping to ensure that one of the most important goals of the Subdistrict plan is realized.

The Commission notes with approval that the applicant has responded to discussions with the MTA, DCP, the Borough President's office and Community Board 5 during the ULURP process by modifying both the package of amenities that accompanies the proposal and the design of the interior spaces. The subsurface improvements were originally limited to the on-site access to the 47th Street crosspassage and the enclosure of one pedestrian circulation spine. After discussions, the second pedestrian spine was added, a significant addition to the plan and a great benefit to the circulation system. Similarly, after criticism from the Community Board and the Borough President that the pedestrian circulation space within the building was lacking in design amenity, the applicant had the space redesigned to make it welcoming to pedestrians, with large-scale light or art pieces, an historic mosaic salvaged from the 1922 building being demolished at the site, and seasonal plantings.

The Commission considers that the modification of bulk regulations requested in the application is appropriate because of the constraints of the site in terms of size (approximately

200 x 200 feet square) and because of the active railyard below grade, which limits the use of below grade space.

During its consideration of this application, the Commission has carefully examined the issue raised by the Municipal Art Society, Community Board 5 and the Borough President concerning mechanical space. While unique design constraints below grade at the site, including an active railyard taking up a large portion of the below grade area that might otherwise have been devoted to mechanical space, help justify the large percentage of mechanical space above grade in this particular proposal, the Commission agrees that the recent emergence of “smart” buildings with heavy demands for back-up HVAC and other mechanical systems requires close study. The Commission notes that in response to this issue, the Department has undertaken an analysis of mechanical space in buildings and the implications that an increase in the demand for such space has for the height and bulk of new developments.

Among the other issues raised in the community board resolution and its comments at the public hearing was a concern that the number of car service vehicles that serve the building and the effect they will have on parking and transportation be analyzed and addressed. The Commission is confident that the environmental analysis in the EIS accompanying this project demonstrates that there is adequate capacity in available curb-side space to accommodate the number of cars anticipated. In addition, the Commission notes that a two-foot lay-by is being planned along Vanderbilt Avenue to take car service vehicles out of the flow of traffic adjacent to the principal entrance of the new building.

The suggestion was made by several speakers at the public hearing that the ground floor of the development on this site would be a good location for a new terminal, ticket and waiting area for the future needs of the East Side Access project--which would bring the Long Island Rail Road ("LIRR") to Grand Central--and of airport access. The MTA, Metro-North and the LIRR have been closely involved with the Department in reviewing the plans of the subsurface improvements that are a part of this application and the MTA has approved both the scope of work and conceptual plans for the improvements. The MTA's plans for East Side Access and airport access do not include a terminal on the ground floor of a development on this site, and access to Grand Central has been increased significantly along 47th Street by the on-site connection to the 47th Street crosspassage of the North End Access at this site and at the Chase building across the street.

This site has been vacant for 14 years. The Commission believes that the proposed development will activate this important block, re-establish retail continuity along this stretch of Madison Avenue, provide for the continuing maintenance of Grand Central Terminal, a significant addition to its pedestrian circulation system, and add a distinguished design to the skyline of Midtown.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 81-635 of the Zoning Resolution:

- (1) that a program for continuing maintenance of the landmark has been established;
- (2) that the improvement to the surface and subsurface pedestrian circulation network provided by the development increases public accessibility to and from Grand Central Terminal;

- (3) that the streetscape, site design and location of building entrances contribute to the overall improvement of pedestrian circulation within the Subdistrict and minimize congestion on surrounding streets, and that a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the subdistrict;
- (4) that the modification of bulk regulations, regulations governing zoning lots divided by district boundaries; or the permitted transfer of floor area will not unduly increase the bulk of any new development or enlargement on the "receiving lot," density of population, or intensity of use on any block to the detriment of the occupants of buildings on the block or in the surrounding area;
- (5) for developments on zoning lots of more than 40,000 square feet of lot area that occupy an entire block, modifications of bulk regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on December 24, 1998, with respect to this application (CEQR No. 98DCP033M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, 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; and
2. The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

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 617.9(c)(3) 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 383 Madison LLC, Gregory Properties Inc., Gregory/Madison LLC, American Premier Underwriters, Inc., The New York and Harlem Railroad Company and the Owasco River Railway, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) of the Zoning Resolution to permit:

1. Section 81-635(a) the transfer of development rights from Grand Central Terminal (granting lot) to Block 1282, Lot 21 (receiving lot), resulting in a maximum floor area ratio of not more than 21.6;
2. Section 81-635(d)
 - (a) the modification of the requirements of Section 81-621 (Special street wall requirements) of street walls greater than 150 feet in height on Vanderbilt Avenue. East 46th Street, Madison Avenue and East 47th Street, and
 - (b) the modification of the requirements of Section 81-622(b) (Special height and setback requirements) for zoning lots of more than 40,000 square feet of lot area that occupy an entire block;

to allow the development of a 757-foot tall, 45-story office building at 383 Madison Avenue,

on a zoning lot of more than 40,000 square feet occupying an entire block, bounded by Madison and Vanderbilt avenues and East 46th and East 47th streets (Block 1282, Lot 21) within the Grand Central Subdistrict, Special Midtown District, in a C5-3 District, Community District 5, Borough of Manhattan, is approved subject to the following conditions:

1. The property that is the subject of this application (C 980682 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 Skidmore, Owings and Merrill, except for drawing no. 27, which was prepared by the engineering firm of Consoer Townsend Envirodyne Engineers, Inc. ("CTE"), are filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
T-1	Title Sheet	December 18, 1998
S-1	Site Survey	July 10, 1995
Z-1	Zoning Notes	January 4, 1999
Z-2	Ground Floor/Site Plan	December 18, 1998
Z-3	Ground Floor - Retail Continuity and Pedestrian Circulation Space Compliance	December 18, 1998
Z-4	Plans: Foundation, Sub-Cellar and Cellar	December 18, 1998
Z-5	Plans: Ground Floor, Ground Mezzanine, 2 nd , 3 rd Floor--Floor Area Deductions	December 18, 1998
Z-6	Plans: 4 th through 9 th Floors - Floor Area Deductions	December 18, 1998
Z-7	Plans: 10 th through 14 th Floors - Floor Area Deductions	December 18, 1998

Z-8	Plans: 15 th through 18 th Floors - Floor Area Deductions	December 18, 1998
Z-9	Plans: 19 th through 32 nd Floors - Floor Area Deductions	December 18, 1998
Z-10	Plans: 33 rd through 44 th Floors - Floor Area Deductions	December 18, 1998
Z-10a	Plan: 45 th Floor	December 18, 1998
Z-11	Composite Roof Plan	January 4, 1999
Z-12	Building Stacking Diagram	January 4, 1999
Z-13	Building Elevations	January 4, 1999
Z-14	Height and Setback Diagrams - Elevations	January 4, 1999
Z-15	Street Wall Compliance - Vanderbilt Avenue and 46 th Street Partial Elevations	December 18, 1998
Z-16	Street Wall Compliance - Madison Avenue and 47 th Street Partial Elevations	December 18, 1998
Z-17	Daylight Evaluation Chart - Vantage Points 1 and 2	January 4, 1999
Z-18	Daylight Evaluation Chart - Vantage Points 1 and 2, Details	January 4, 1999
Z-19	Daylight Evaluation Chart - Vantage Points 3 and 4	January 4, 1999
Z-20	Daylight Evaluation Chart - Vantage Points 3 and 4, Details	January 4, 1999
Z-21	Daylight Evaluation Chart - Vantage Points 5 and 6	January 4, 1999
Z-22	Daylight Evaluation Chart - Vantage Points 5 and 6, Details	January 4, 1999
Z-23	Daylight Evaluation Chart- Vantage Points 7 and 8	January 4, 1999

Z-24	Daylight Evaluation Chart - Vantage Points 7 and 8, Details	January 4, 1999
Z-25	Daylight Evaluation - Site Plan Key	January 4, 1999
Z-26	Pedestrian Network Circulation Improvements - North End Acces 47 th Street Cross Passageway	December 18, 1998
Z-27	Pedestrian Network Circulation Improvements - Off-Site Improve- ments/East and West Spines	(by CTE) December 10, 1998

2. the 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. the development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. the development shall include those mitigative measures in the FEIS (CEQR No. 98DCP033M) issued on December 24, 1998 (and identified as practicable), as follows:

At the five crosswalks that would be adversely affected by the proposed project, mitigation by repainting is proposed to increase the width of the crosswalks by 1 to 5 feet as follows:

East crosswalk at Madison Avenue and 46 th Street	1 foot widening from 12.5' to 13.5'
West crosswalk at Madison Avenue and 47 th Street	1.3' widening from 12.7' to 14.0'
East crosswalk at Madison Avenue and 47 th Street	5.3' widening from 12.1' to 17.4'
West crosswalk at Vanderbilt Avenue and 46 th Street	5.2' widening from 11.5' to 16.7'
West crosswalk at Vanderbilt Avenue and 47 th Street	4.3' widening from 10.5' to 14.8'

5. All leases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, or occupant.

6. Development pursuant to this resolution shall be allowed only after the attached Continuing Maintenance Agreement, dated December 9, 1997 and the Transfer of Development Rights and Notice of Restrictions dated January 6, 1999, the terms of which are hereby incorporated in this resolution, 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, upon due notice, 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 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 resolution (C 980682 ZSM), duly adopted by the City Planning Commission on January 6, 1999 (Calendar No. 10), 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.

JOSEPH B. ROSE, Chairman

VICTOR G. ALICEA, Vice-Chairman

ALBERT ABNEY, AMANDA M. BURDEN, A.I.C.P. , ALEXANDER GARVIN,

BRENDA LEVIN, EDWARD T. ROGOWSKY, JACOB B. WARD, ESQ., Commissioners

IRWIN G. CANTOR, P.E., KATHY HIRATA CHIN, ESQ., Commissioners, recused.

CITY OF NEW YORK COMMUNITY BOARD SIX MANHATTAN

East 26th Street, New York, NY 10010-1997 (212) 679-0907 Fax 683-3749

September 1998

RE: Proposed Zoning Text Amendment ZR Section 81-60
SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT
ZR Section 81-623 Building Lobby Entrance Requirements

WHEREAS Bear Stearns seeks to build a new world headquarters on the block bounded by Madison Avenue, East 47th Street, Vanderbilt Avenue, and East 46th Street

WHEREAS the proposed building would be the first special permit application to transfer development rights from Grand Central Terminal under the provisions of the Grand Central Subdistrict which was enacted in 1992

WHEREAS various zoning text amendments are required to accommodate the proposed building and be in compliance with the Grand Central Subdistrict provisions of the Zoning Resolution

WHEREAS the proposed text amendments are necessary for the specific requirements of the proposed Bear Stearns building located in CB 5

WHEREAS an amendment to one of the special regulations for for the Grand Central Subdistrict (Section 81-623) is required to permit the proposed through block arcade to be located adjacent to Vanderbilt Avenue in order to qualify as a pedestrian circulation space.

WHEREAS the proposed amendment to Section 81-623 would permit a through block connection on sites between Vanderbilt Avenue and Madison Avenue in order to qualify as pedestrian circulation space regardless of the distance of the through block connection from Vanderbilt Avenue.

WHEREAS the proposed through block connection is proposed to be placed adjacent to Vanderbilt Avenue, and would adversely effect the streetwall continuity along Vanderbilt Avenue. It would create a bland, unadorned enclosed pedestrian connection which would function neither as an effective through block connection as intended by the Zoning Resolution, nor create an interesting and lively street level benefit for Vanderbilt Avenue.

THEREFORE, be it

RESOLVED that CB6 opposes the proposed modification to Section 81-623 The proposed change would result in two non-complementary and adjacent urban spaces (the proposed through block connection, and the street and streetwall uses on Vanderbilt Avenue), and pervert the intended function of a through block connection, and be it further,

RESOLVED that CB6 encourages the addition of pedestrian oriented retail uses along Vanderbilt Avenue.

PASSED: 36 IN FAVOR, 2 OPPOSED, 0 ABSTENTIONS AND 0 PRESENT BUT NOT ELIGIBLE TO VOTE.



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

MUNICIPAL BUILDING
NEW YORK, N.Y. 10007
(212) 669-8300

CITY PLANNING COMMISSION
98 NOV 12 PM 4:03
DEPT. OF CITY PLANNING

C. VIRGINIA FIELDS
BOROUGH PRESIDENT

November 12, 1998

ULURP NOS.

980682 ZSM
980681 ZRM
980683 ZCM

APPLICANT

383 Madison LLC, Gregory Properties Inc. Gregory/Madison LLC, American Premier Underwriters, Inc., the New York and Harlem Railroad Company and the Owasco River Railway Inc.

REQUEST

The applicant requests the following actions:

- A Special Permit (980682 ZSM) pursuant to Section 81-635 (Transfer of development rights by special permit) of the Zoning resolution:

to permit the transfer of development rights from Grand Central Terminal (granting lot) to Block 1282, Lot 21, (receiving lot) resulting in a maximum floor area ratio of not more than 21.6 pursuant to Section 81-635(a); and

to permit modification of Section 81-621(Special street wall requirements) of street walls greater than 150 feet in height on Vanderbilt Avenue, East 46th Street, Madison Avenue and East 47th Street, and the modification of Section 81-622(b) (Special height and setback requirements) for zoning lots of more than 40,000 square feet of lot area that occupy an entire block pursuant to Section 81-635(d);

to allow the development of a 45-story office building at 383 Madison Avenue, on a zoning lot of more than 40,000 square feet occupying the entire block, bounded by Madison and Vanderbilt Avenues and East 46th and East 47th Streets (Block 1282, Lot 21), within the Grand Central Subdistrict, Special Midtown District, in a C5-3 District, Community District 5, Borough of Manhattan.

- A Zoning Text Amendment (980681 ZRM) to add Section 81-635(d) to Article VIII, Chapter 1 of the Zoning Resolution).
- A Chairperson Certification (N980683 ZCM) pursuant to Section 81-49 for the Off-Street Improvements of Access to Rail Mass Transit Facility.

PROJECT BACKGROUND/DESCRIPTION

Project Description

The applicant proposes to build a 45-story building that is 770 feet in height on a full block site bounded by Madison Avenue, Vanderbilt Avenue, East 46th Street and East 47th Street. The site is located within Community Board 5. This 21.6 FAR building (approximately 1.25 million gross square feet) is intended to serve as the Bear Stearns World Headquarters with general offices, trading, communications and support services. Retail uses would occupy portions of the Madison Avenue frontage. The project would allow Bear Stearns to consolidate operations, which are now at several midtown buildings.

The development site is adjacent to the MTA North End Access (NEA) Project. The Project, which is currently under construction and scheduled to be completed in late 1998, will provide pedestrian access to Metro North train platforms from points north of Grand Central Terminal. When completed, the Project will consist of two north-south "spines" located between train platforms and (east-west) passageways on East 45th and East 47th Streets with entrances on or near Park Avenue and Vanderbilt Avenue.

The building would be linked via escalators and a stair to the North End Access passageway along East 47th Street and into the pedestrian circulation network that provides access to and egress from Grand Central Terminal.

Required Actions

The proposed development requires a Special Permit for the transfer of 285,865 square feet (6.6 FAR) of development rights from Grand Central Terminal and for the modification of street wall and height and setback regulations to permit a four-foot increase in the permitted street wall of the building and to accommodate bulk added by the landmark transfer.

According to the application, the Special Permit findings (2 and 3) related to pedestrian circulation and streetscape improvements would be satisfied in the following ways:

- The redevelopment of the site allows for a direct connection from the building to the 47th Street cross passageway that is being created as part of the NEA Project. The applicant proposes to provide two escalators and a stair to its onsite transit access point.

- The western "spine"(approximately 813 feet long) of the North End Access Project would be enclosed and finished. This would include interior renovation, such as creating walls and installing lighting with finishes similar to those of the 47th Street cross passageway. The spine and passageway would be "climatized" so that heat would be provided in winter and fresh air (but not air conditioning) would be provided in hot weather.

- The ground floor of the building has been designed to achieve the pedestrian circulation objectives of the Grand Central Subdistrict, i.e., connecting new developments to the existing subsurface network; providing multiple and direct routes into, out of and through buildings; and minimizing loading and trucking conflicts with pedestrians.

- The continuous public lobby along the north and east frontages has been designed to exceed the standards of a through-block connection to facilitate the distribution of the building's occupants and visitors, but also improve circulation on the public sidewalks. The proposed public lobby provides a fully enclosed connection from Vanderbilt Avenue and East 46th Street to the new entry to the North End Access at Madison Avenue and East 47th Street.

- The lay-by lane proposed along Vanderbilt Avenue is intended to help organize the taxis and black cars serving occupants and visitors to the proposed building and to minimize curbside pick-ups along heavily-trafficked Madison Avenue.

- The entry/exit for the off-street loading area has been located on East 46th Street in order to minimize potential conflicts with the primary pedestrian routes in the area.

In addition, the proposed development requires a Chairperson Certification that the off-street rail mass transit access improvement satisfies the requirements of pedestrian circulation space requirements. According to the application, the onsite entry to the North End Access Project meets the required standards.

The application also includes a Zoning Text Amendment related to pedestrian circulation space, certain retail and street wall frontage requirements and the modification of height and setback requirements.

SUMMARY OF COMMUNITY BOARDS 5 and 6 ACTIONS

Community Board 5

On October 9, 1998, Community Board 5 passed a resolution to oppose the application by a vote of 29 in favor, 0 opposed and 2 abstentions. The Community Board opposed the application based on the following analysis:

- 1) The developer should make additional improvements to the mass transit infrastructure in the area. Most of the improvements to pedestrian circulation in the area

of this development satisfy standard obligations for any large development. The proposed architectural improvements and increased air circulation to one of the "spines" to the east-west cross passageway of the North End Access Project does not constitute a "major" improvement to transit system access and circulation in the Grand Central area. At a minimum the developer should also provide the same improvements to the easternmost "spine" to the North End Access Project and the north-east North End Access Project and, to the extent feasible, air conditioning to both spines. Handicap accessibility to the entire Grand Central transit access and pedestrian circulation infrastructure is woefully inadequate. The developer should provide both onsite and offsite improvements for purposes of accessibility.

2) The pedestrian circulation space along Vanderbilt Avenue should be designed in an architecturally appropriate manner as a destination for midtown office workers. It should include landscaping, sitting areas and other amenities (such as food vendor carts) that would attract people to the area. To the extent that the proposed text amendments can be interpreted to permit a stark hallway running parallel to a north-south street, it should be rejected.

3) A plan should be developed and approved by the Department of City Planning which adequately addresses the significant number of car service vehicles that will be used by the tenants of this building.

4) The Chairperson of the City Planning Commission should make it clear that the mass transit access in the proposed development should be kept open all hours that Grand Central Terminal is open.

In addition, the Board expressed its dismay at the failure of the relevant planning entities (Long Island Railroad, Metropolitan Transportation Authority, and Department of City Planning) to anticipate the future transit needs that will be created by additional passengers coming into Grand Central Terminal from the Long Island Railroad and proposed airport access.

Community Board 6

Community Board 6 commented solely on the Zoning Text Amendment since some of the proposed text changes would be applicable within the entire Grand Central Subdistrict which also includes Board 6. The Community Board opposed the proposed modification to Section 81-623 because it would result in two non-complementary and adjacent urban spaces (the proposed through-block connection, and the street and streetwall uses on Vanderbilt Avenue), and pervert the intended function of a through-block connection.

In addition, Community Board 6 encouraged the addition of pedestrian oriented retail uses along Vanderbilt Avenue.

BOROUGH PRESIDENT ACTION

- ☐ The Manhattan Borough President recommends approval.
- ☐ The Manhattan Borough President recommends disapproval.
- ☒ The Manhattan Borough President recommends approval, subject to the condition/s detailed below.
- ☐ The Manhattan Borough President recommends disapproval, unless the conditions detailed below are addressed as described.

COMMENTS

Bear Stearns Companies, Inc. proposes to build its headquarters at 383 Madison Avenue on a full block within the Grand Central Subdistrict. This proposed development is located within Community Board 5 in Manhattan. After reviewing the project extensively the Community Board voted unanimously to oppose the development based on specific concerns described in their recommendation above. Community Board 6 submitted comments responding to the non-ULURP zoning text amendment application (N980681ZRM) since some of the proposed text changes would be applicable within the entire Grand Central Subdistrict a portion which lies in that community board. Their opposition to specific text changes is also described above.

Both Community Boards 5 and 6 have raised the concern of the through-block connection which in this development runs parallel and adjacent to Vanderbilt Avenue. The proposed text amendment would permit a through-block connection on sites between Vanderbilt Avenue and Madison Avenue to qualify as pedestrian circulation space regardless of the distance of the through-block connection from Vanderbilt Avenue.

Community Board 5 has stated that a through-block connection in the Midtown Area is important to help alleviate pedestrian congestion but has less of a purpose on the shorter blocks to the east and west of Vanderbilt Avenue in the Grand Central Subdistrict. Their concern, also echoed by Community Board 6, is that the proposed pedestrian circulation which is intended as a passageway for people to move quickly through the space has limited utility since it is adjacent to a wide sidewalk along Vanderbilt Avenue.

Therefore, the community board believes that if the circulation space must remain at this location then it would be a much more desirable space if it were activated in some manner to attract and draw the pedestrian into the space. The Borough President concurs. The applicant had committed to activate the space near the end of the community board's

review, but due to time constraints was not able to delineate the ideas. Therefore, the Borough President suggested that the applicant meet with the leadership of Community Board 5 during her review period to explore how the space could be designed to attract the Public. It was understood that it was not possible to place sitting areas or food vendor carts due to the circulation nature of the space and the applicant's intentions for the space. With those parameters, a design was formulated and conceptual renderings were made which describe the following:

- The applicant has agreed to commission the well-known artist, Jamie Carpenter, who is noted for his glass sculptures, to create two light-and-glass wall sculptures within the space as well as a related lighted ceiling design throughout the space. The basis for the light/reflection concept is so that the sculptures can be seen from the street even during the day and in the evening, the light will spill out onto Vanderbilt Avenue in order to illuminate what is presently considered a dark corner in the Subdistrict; and
- The applicant has also agreed that along a length of wall which runs approximately for 60 feet parallel to Vanderbilt Avenue that either an additional piece of light sculpture will occur at that location which is intended to attract pedestrians into the space or a work or works of art will be selected in consultation with Community Board 5 intended for the same purpose; and
- The applicant has agreed to provide a space above the North End Access escalators to house an historic mosaic retained from the current building on the site; and
- The applicant has agreed to implement a landscaping plan and program which provides seasonal flower displays along the windows on the Vanderbilt Avenue and 47th Street sides.

The leadership of the community board believes that these additions are indeed an improvement to the space. The Borough President concurs and commends the applicant for working to create a space that is both a public amenity and has a cultural identity.

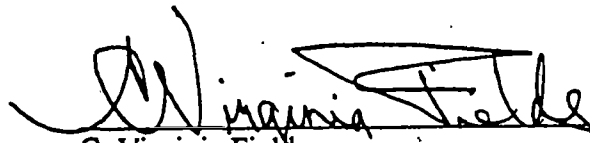
Community Board 5 also discussed in its recommendation an issue regarding the abnormally high mechanical space and floor-to-floor height, but acknowledged that this site is appropriate for a new large new office building and does not object to this proposal on that basis. The Borough President agrees with the community board that the scale of the building and the extent of the setback waivers are appropriate. However, she feels that these types of office buildings do raise issues that should be reviewed and the

implications should be addressed as more "high-tech" office buildings are developed in business districts throughout the City.

Also, Community Board 5 had requested as part of their recommendation that the developer should make additional improvements to the mass transit infrastructure in the area. It is the Borough President's understanding that there is a general concept approval, but that the MTA is still in negotiations with the applicant regarding subsurface improvements. It is the Borough President's expectation that the scope of the improvements will be finalized prior to the vote of the City Planning Commission so the nature of the improvements will be known and can be considered fully.

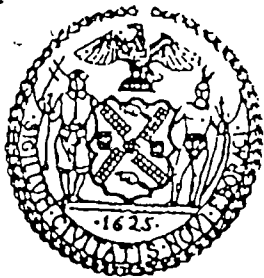
In conclusion, the Borough President recognizes the important economic benefits of this development which includes the construction of the project and the retention of a corporation such as Bear Stearns in the City. Therefore, the Borough President recommends approval of the applications subject to the conditions that the applicant incorporates the design changes and enhancements relating to the pedestrian circulation space as described above.

Report and Recommendation Accepted:



C. Virginia Fields
Manhattan Borough President

ATTACHMENT N



MANHATTAN COMMUNITY BOARD FIVE

450 Seventh Avenue, Suite 2109
New York, NY 10123-2199
(212) 465-0907
fax (212) 465-1628

C. Barry Michaels → Don
Parker
Dobrowski

OFFICE OF THE

Lola Finkelstein, Chairperson

Kathy Kinsella, District Manager

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RECEIVED

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MANHATTAN OFFICE

October 9, 1998

Hon. Joseph B. Rose
Director
Department of City Planning
22 Reade Street
New York, NY 10007

RE: Bear Stearns, 383 Madison Avenue, ULURP Nos.: C980682 ZSM, N980681 ZRM, N980683 ZCM

Dear Director Rose:

At the regularly scheduled monthly meeting of Community Board Five on Thursday, October 8, 1998, the Board passed the following resolution by a vote of 29 in favor; 0 opposed; 2 abstentions:

WHEREAS, Bear Stearns Companies, Inc. proposes to build its headquarters at 383 Madison Avenue on the full block bounded by Madison Avenue, Vanderbilt Avenue, 46th and 47th Streets. The proposed development is a 1.2 million square feet, 45-story structure that will rise to 770 feet. The Floor Area Ratio ("FAR") for the proposed development is 21.6, the maximum permitted for the area by Special Permit. A development of 15 FAR is permitted on the site on an as-of-right basis; and

WHEREAS, The development site is adjacent to the MTA North End Access Project. The Project, which is currently under construction, will provide pedestrian access to Metro North train platforms from points north of Grand Central Terminal. When completed, the Project will consist of two north-south "spines" located between train platforms and cross (east-west) passageways on 45th and 47th Streets with entrances on or near Park Avenue and Vanderbilt Avenues. As a condition of the Special Permit, this development must connect to the area pedestrian network; and

WHEREAS, The 48-story structure is abnormally high at 77 feet and the large amount of mechanical space contributes to the enormity of the building. Any new development of 21.6 FAR will have an enormous impact on the surrounding area, and should always be approached with caution and concern. At the same time, the Board acknowledges that this site is appropriate for a large new office building. The Board does not object to this proposal on the basis of the appropriateness of placing such a large structure in this area of Midtown Manhattan; and

WHEREAS, The development site is within the Grand Central Subdistrict of the Special Midtown District and is eligible for the receipt of air rights from Grand Central Station. Under regulations previously approved by this Board, a portion of the money paid to the station for the air rights is allocated to a fund for the inspection and maintenance of Grand Central Terminal. The New York City Landmarks Preservation Commission has previously held that the distance between Grand Central Terminal and the development site is too great to require an evaluation as to the architectural relationship between the Terminal and the proposed development. The adequacy of payments to the Grand Central Terminal Maintenance fund and the architectural relationship between the Terminal and the proposed development are, therefore not before the Board; and

WHEREAS, The proposed development requires the following discretionary regulatory and legislative approvals:

1) A Special Permit to allow for the transfer of 285,865.8 square feet (6.6 FAR) of development rights from Grand Central Terminal. Under Section 81-635. The transfer is contingent upon satisfaction of the requirements for a program for the continuing maintenance of Grand Central Terminal, which is addressed above. The zoning regulations mandate that the development be connected to the pedestrian network in the area. The development must also increase public accessibility to and from Grand Central Terminal and "contribute to the overall improvement of pedestrian circulation" in the area. The design of the development must include: "a major improvement to the surface and/or subsurface pedestrian circulation network in the [Grand Central] subdistrict." To satisfy this requirement, the applicant proposes to provide two escalators to its onsite transit access point and improve the westernmost north-south "spine" of the North End Access Program;

- 2) A Special Permit for a waiver of height and setback requirements. The waivers would be necessary to permit a 4 foot increase in the permitted street wall of the building and to accommodate bulk added by the landmark transfer;
- 3) Certification of the Chairperson of the City Planning Commission that the off-street mass transit access improvement satisfies the requirements of pedestrian circulation space requirements. The applicant proposes that an onsite entry to the North End Access Project meets the required standards of such access improvements; and
- 4) Zoning text amendments related to the pedestrian circulation space, certain retail and street wall frontage requirements and modification of height and setback regulations; and

WHEREAS, The development site is adjacent to the underground area that will eventually serve as a terminus to trains going to and from JFK and Long Island. Current zoning regulations do not provide for any accommodation for a new railway terminal for this, or any other, project. The site at 383 Madison should be considered a prime site to serve this purpose. We believe that there has been a failure on the part of local and regional planning officials to not appropriate a portion of this site to serve the future transportation needs for the area. The proposed project would be greatly improved if the lobby of the building were moved to the Mezzanine or 2nd level of the building and the ground floor were left for future public needs, such as 270 and 280

Park Avenue. The failure to make such plans is a lost opportunity that will be felt for many years to come and will undoubtedly result in major otherwise unnecessary expenditures; and

WHEREAS, The proposed structure will setback three feet from Vanderbilt Avenue and rise at the lot line along Madison, 46th and 47th Streets. A 2-foot curb layaway lane is also proposed along Vanderbilt Avenue. Vanderbilt Avenue does not have a congested sidewalk or roadway, while Madison Avenue is nearly impassable during rush hours and severely overcrowded during most of the day. The building would work better if the setback was along Madison Avenue rather than Vanderbilt. Vanderbilt Avenue should not be widened; and

WHEREAS, As part of the proposed development, the westernmost "spine" would be enclosed and finished. This would include interior renovation, such as creating walls and installing lighting with finishes similar to those of the 47th cross passageway. The spine and passageway will be "climatized" so that heat would be provided in winter and fresh air (but not air conditioning) would be provided in hot weather. The Board does not believe that this improvement is sufficient to justify the transfer of over a quarter of a million square feet of development rights from Grand Central Terminal. At a minimum, the developer should agree to make similar improvements to the easternmost spine and the east-west cross passageway of the North End Access Project. If it is feasible to provide air conditioning to the spines, that should also be provided by the developer in exchange for utilizing the expanded transfer mechanism available in the area. In addition, handicap access measure should be taken throughout the network.

WHEREAS, The proposed text amendment would modify the locational standards of through block connection that qualify as pedestrian circulation space applicable within the Grand Central Subdistrict. Through Block Connections are mandatory for through lots within the Grand Central Subdistrict but they must be located at least 50 feet from a north-south "wide" street in order to qualify as pedestrian circulation space. The proposed amendment would allow the proposed development to include a through block connection along Vanderbilt Avenue. The amendment might also be applicable to other soft sites in the Grand Central Subdistrict area.

WHEREAS, The Board strongly supports the incorporation of Through Block Connections in every large development site in Midtown Manhattan to help alleviate pedestrian congestion. As a general matter, the Board does not look favorably toward any relaxation in this requirement. The Board also recognizes that such connections have less utility in the shorter blocks to the east and west of Vanderbilt Avenue. The Through Block Connection in the proposed development, however has virtually no utility at all, since it is adjacent to a wide sidewalk along Vanderbilt Avenue. The proposed space is a large hallway designed for people to move quickly through the building. This would be appropriate for a Through Block Connection located in the midblock. The space would be a much more useful and desirable amenity as a destination public area. The Board would be inclined to approve this amendment were it accompanied with a plan to provide landscaping to the area, places for people to sit and perhaps even food vendor carts to persons who would like to enjoy the space; therefore be it

RESOLVED, That Community Board Five does not approve the proposed development based on the following analysis:

- 1) The developer should make additional improvements to the mass transit infrastructure in the area. Most of the improvements to pedestrian circulation in the area of this development satisfy standard obligations for any large development. In this case, they barely work to mitigate the substantial impact of this enormous addition to the area. The proposed architectural improvements and increased air circulation to one of the "spines" to the east-west cross passageway of the North End Access Project does not constitute a "major" improvement to transit system access and circulation in the Grand Central area. At a minimum the developer should also provide the same improvements to the easternmost "spine" to the North End Access Project and the north-east North End Access Project and, to the extent feasible, air conditioning to both spines. Handicap accessibility to

October 9, 1998

the entire Grand Central transit access and pedestrian circulation infrastructure is woefully inadequate. The developer should provide both onsite and offsite improvements for purposes of accessibility.

2) The pedestrian circulation space along Vanderbilt Avenue should be designed in an architecturally appropriate manner as a destination for midtown office workers. It should include landscaping, sitting areas and other amenities (such as food vendor carts) that would attract people to the area. To the extent that the proposed text amendments can be interpreted to permit a stark hallway running parallel to a north-south street, it should be rejected.

3) A plan should be developed and approved by the Department of City Planning which adequately addresses the significant number of car service vehicles that will be used by the tenants of this building.

The Board has no objection to the text amendments (Sections 81-42, 81-43 and 81-49) to permit rail mass transit access improvements to be enclosed and exempt from street wall and retail continuity requirements on designated streets. The Board

notes however, that the Chairperson of the City Planning Commission should make it clear that the mass transit access in the proposed development should be kept open all hours that Grand Central Terminal is open.

In addition, the Board has no objection to the text amendment to Section 81-635 to permit new developments in excess of 40,000 square feet and that occupy a full block to apply for a Special Permit for height and setback waivers. Such waivers are necessary to accommodate the transfer of development rights from Grand Central Terminal. The Board approves of the text amendment for Sections 81-41 and 81-46 to correct and reorganize the text to the extent such reorganization and corrections are consistent with this resolution.

END

Community Board Five's Land Use & Zoning Committee has worked with the project's developer since mid-June. We appreciated their coming to us at an early stage of the process. Therefore, we were disappointed that more progress in achieving what the Board considered vital improvements could not be made.

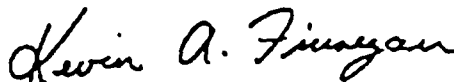
Additionally, it is the desire of the Board to express its dismay at the failure of the relevant planning entities (Long Island Railroad, Metropolitan Transportation Authority and Department of City Planning) to anticipate the future transit needs that will be created by additional passengers coming into Grand Central Terminal from the Long Island Railroad and proposed airport access. We did not feel that this planning element was the responsibility of the developer, and therefore did not feel it appropriate to reject the proposal on that basis. However, the Board felt that this sentiment needed to be expressed to the Department of City Planning.

Thank you for the opportunity to comment on this matter.

Sincerely,



Lola Finkelstein
Chair



Kevin Finnegan
Chair, Land Use & Zoning Committee

cc: Hon. Daniel P. Moynihan
Hon. Alfonse D'Amato
Hon. George E. Pataki
Hon. C. Virginia Fields
Hon. Thomas K. Duane
Hon. Richard Gottfried
Hon. Catherine Abate
Hon. Arnold S. Lehman, CB#6
Samuel H. Lindenbaum, Esq.
E. Virgil Conway, MTA
Thomas Prendergast, LIRR
NYC Planning Commission
Donald N. Nelson, Metro-North Railroad
George Haikalas, Committee for Better Transit