

## Multi-Board Task Force on East Midtown Rezoning

### Resolution on Special Permits Sought by Green 317 Madison, LLC for One Vanderbilt

At the monthly meeting of Community Board Five on Thursday, December 11, 2014, the Board passed the following resolution with a vote of 33 in favor, 0 opposed, 1 abstaining:

WHEREAS, Green 317 Madison, LLC seeks a special permit (application C 150128 ZSM) to transfer development rights from a landmark building to facilitate construction of an approximately 1.3 million SF mixed-use development called One Vanderbilt between 42nd and 43rd Streets, and Madison and Vanderbilt Avenues; and

WHEREAS, Green 317 Madison, LLC seeks a special permit pursuant to the proposed 81-641 of the Zoning Resolution (application C 150129 ZSM) for a Grand Central Public Realm Improvement Bonus of 12.3 FAR to facilitate a 30 FAR development at One Vanderbilt; and

WHEREAS, Green 317 Madison, LLC seeks a special permit pursuant to the proposed 81-642 of the Zoning Resolution (application C 150130 ZSM) for modification of regulations with respect to street wall, curb cut, height and setback and mandatory district plan elements, and relief from daylighting; and

WHEREAS, Unlike on corridor parcels not fronting 42nd Street, we believe there may be circumstances under which a building on this site might reasonably justify an allowable 30 FAR; and

WHEREAS, Regarding One Vanderbilt, we continue to have areas of concern:

#### Infrastructure and Public Realm:

While the proposed off-site public realm improvements include:

- 1) the creation of a Public Place on Vanderbilt between 42nd and 43rd to be used as a pedestrian plaza;
- 2) a new stair in the cellar of the Pershing Square Building (southeast corner of 42nd and Park) that would connect the Grand Central-42nd Street subway station mezzanine to the 4, 5 and 6 subway platform;
- 3) a new subway entrance with two new street-level subway stairs on the sidewalk at the southeast corner of 42nd and Lexington that would connect to and open an existing 4,100 square foot below-grade passageway;
- 4) modification of columns on the Grand Central – 42nd Street mezzanine to provide more pedestrian circulation space and improve pedestrian flow;

5) 8,475 square feet of an expanded Grand Central – 42nd Street station mezzanine in the cellar of the Grand Hyatt Hotel and the creation of two new stairs from one of the new mezzanine areas to the 4, 5, and 6 subway platform;

6) replacement and widening of an existing street-level subway entrance at the northwest corner of 42nd and Lexington with wider stairs and an elevator;

we are concerned that two off-site improvements (the stair between the mezzanine and platform at the Pershing Square Building and the two stairs at the north end of the platform and the enlargement of the mezzanine there) were identified mitigations for the Flushing line extension and East Side Access and were to be paid for through the capital programs of the MTA and/or the City; and

there are no sidewalk subway entrances on 42nd street from Third Avenue to Madison Avenue, but under this application one is proposed on the southeast corner of 42nd Street and Lexington Avenue; and

we are concerned that nothing in this proposal would improve the connectivity between the 7 Line and the Lexington Lines; and

we continue to have questions and concerns about the nature and maintenance of the Public Place on Vanderbilt between 42nd and 43rd:

this is a narrow block that will need to have passageway for emergency vehicles, which will severely limit the scope of public amenities (seating, plantings, etc.);

currently essential emergency and police vehicles are parked in the proposed Public Place and we are concerned as to where new locations will be found;

we would like to know who will be responsible for the maintenance of this Public Place, and what mechanism will be instituted to guarantee that it will be free of commercial events, concessions and sub-concessions, as well as intrusions from food carts, costume characters and other unintended consequences, that will hamper the flow of pedestrians and negate the intended passive recreational use of this Public Place; and

while the proposed on-site public realm improvements include:

1) a new ground-level subway entrance on East 42nd Street with escalator, elevator and stairways providing access to the Shuttle subway station and providing below-grade connections through the Intermodal Connector to the Nos. 4, 5, 6, and 7 Subway lines at the Grand Central Terminal concourse level and to the Long Island Rail Road at the East Side Access concourse level;

2) a new ground-level Transit Hall (approximately 4,000 square feet) with entrances at East 43rd Street, providing stairway and elevator connections to the new below-grade corridor, with connections to East Side Access, the Shuttle, Grand Central Terminal, and the 4, 5, 6, and 7 subway lines;

3) new elevator and escalator connections from East Side Access through the Development Site that will allow for connection from the East Side Access concourse to street level or the 4, 5, 6, 7, or Shuttle subway lines without the need to traverse the Main Concourse of Grand Central Terminal;

4) the new day-lit, below-grade Intermodal Connector (10,100 square feet) providing connections between Long Island Rail Road (East Side Access), Metro-North Rail Road (Grand Central Terminal), and the 4, 5, 6, 7 and Shuttle subway lines;

we are also concerned about the lack of sidewalk widening on a heavily trafficked East 43rd Street, which leads directly to GCT;

further, the proposed office building lobby dominates and privatizes, along the marginal Transit Hall, almost the entire Vanderbilt Avenue frontage;

we are concerned that the proposed Transit Hall (which should have included seating and public restrooms) at Vanderbilt and 43rd is not optimally located to provide connectivity for passengers to and from the West Side, and propose an entrance hall at Madison and 42nd as well as a B2 level connection from East Side Access to NYC Transit at 42nd and Vanderbilt; and

we believe that the requirements of the Special Midtown District for through-block access to the lobby should be maintained; and

we take note that with the entire site to be excavated, this is a once in a lifetime opportunity to find solutions that will best serve the public at this dense and vital crossroads; and

## B. Sustainability and the Environment

While the Applicant has committed to construct a LEED v4 Certified Gold building, only the highest level of sustainability is acceptable if the goal, as stated, is to keep East Midtown as the premier business district; therefore, the Applicant must commit to a LEED v4 Certified Platinum building which will be designed to perform 30 percent better than ASHRAE 90.1, 2010; and

The proposed building lobby should publicly display a comprehensive building water usage and energy performance dashboard showing where and how energy and water is continuously being conserved; and

We are concerned that the requested modifications to the Special Midtown District Height and Setback regulations (Daylight Compensation and Daylight Evaluation) are excessive, radically lowering daylight levels in Midtown to pre-1916 pre-zoning daylight levels (Daylight Evaluation score is negative 62 % v. 75 % of the sky left open); this reduction in daylight is not adequately addressed by either DCP or the DEIS;

and the magnitude of the reduction in daylight will set a precedent for future development in Vanderbilt Corridor and East Midtown; and

### C. FAR Bonus Size

As with the rest of the Vanderbilt Corridor, any increase in FAR granted by a special permit needs to ensure that public realm improvements, and improvements to the transit network surrounding the site, do more than mitigate existing system deficiencies, but rather look forward to the public needs in the decades to come; and

The Department of City Planning needs to provide a quantifiable measure of how the 12.3 FAR public realm improvement bonus was earned; and

WHEREAS, We praise the Applicant for taking Community Board Five and Six's concerns regarding the harmoniousness of their proposed building with Grand Central Terminal into account and for attempting to resolve them by revising the design, the specific concerns raised by the proposed building's asymmetrical façade, use of glass and cacophonous base have not been alleviated; and

WHEREAS, The Applicant must create a Community Construction Task Force (CCTF) to keep the community stakeholders fully informed and consulted on all aspects of the development and sequencing of changes to the immediate vicinity; and

WHEREAS, This CCTF would meet before the onset of demolition, then hold regular meetings weekly at the outset, then monthly or once a quarter; therefore be it

RESOLVED, Manhattan Community Boards Five and Six recommend denial of the C 150128 ZSM, C 150129 ZSM and C 150130 ZSM special permits unless the following conditions are met:

The development will be LEED v4 Certified Platinum; and

A major public space is created at street and concourse level, through or adjacent to and connecting with the main lobby of One Vanderbilt, and connecting the corner of Madison Avenue and 42 Street and the main concourse of Grand Central; and be it further

RESOLVED, While the following recommendations are not conditions for our approval, we strongly recommend:

Placement of the subway entrance should be within the building at the Southeast corner of 42nd and Lexington and not on the sidewalk; and

Further widening to the extent necessary so that a minimum sidewalk width of 20 feet is achieved for Madison Avenue and East 42nd Street; and widening East 43rd Street to a minimum of 15 feet is achieved; and

Reduce the width of the office lobby on the Public Place and consider pedestrian uses in lieu of the Transit Hall; and

Creation of a Community Construction Task Force; and

The Department of City Planning provide a quantifiable measure of how the 12.3 FAR public realm improvement bonus was earned; and

One Vanderbilt should:

(i) Provide the required 4,200 square feet of mandatory, unbonused pedestrian circulation space required by the Special Midtown District;

(ii) Include a significant improvement to the Terminal City pedestrian circulation system for the privilege of transferring the development rights of the Bowery Savings Bank remotely;

(iii) Not receive a bonus for improvements to the subway station that are mitigations for East Side Access or the extension of the 7 line; and

The Department of City Planning provide a rationale for what amounts to a waiver of the Height and Setback/Daylight regulations which, for example, have resulted in a daylight score for One Vanderbilt of negative 62% (Daylight Evaluation) rather than the Midtown standard of 75% of the sky left open; and be it further

RESOLVED, The conditions listed above are necessary to recommend approval and therefore unless and until these conditions are met, we recommend denial at this time.

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Resolution on Zoning Text Changes Sought by the Department of City Planning for the Vanderbilt Corridor

At the monthly meeting of Community Board Five on Thursday, December 11, 2014, the Board passed the following resolution with a vote of 33 in favor, 0 opposed, 1 abstaining:

WHEREAS, The Department of City Planning (DCP) seeks to rezone a five block area bordered by Vanderbilt and Madison Avenues and 42nd and 47th Streets; and

WHEREAS, DCP seeks to amend (application N 150127 ZRM) sections of the zoning resolution for the Special Midtown District to facilitate commercial development, pedestrian circulation and allow greater opportunities for area landmarks to transfer their unused development rights; and

WHEREAS, DCP seeks a City Map change (application 140440 MMM) to transform the block of Vanderbilt Avenue between East 42nd and East 43rd Streets into a Public Place; and

WHEREAS, The goal of the proposed zoning changes is to strengthen East Midtown's global competitiveness in the 21st Century; and

WHEREAS, An additional goal of the proposed Vanderbilt Corridor is to improve pedestrian circulation and access to transit, including East Side Access; the Vanderbilt Corridor would be located above the future concourse of the Long Island Rail Road, which will be 50 feet below the buildings on the west side of Vanderbilt Avenue; and

WHEREAS, CB5 and CB6 agree that these parcels between Vanderbilt and Madison should be examined and the goal of reinvigorating the area around Grand Central Terminal is necessary and worthy; and

WHEREAS, This proposal will have significant transit, planning, and economic impacts that may set a precedent beyond this defined area; and

WHEREAS, Under the new proposal, DCP mandates that any new development would be subject to a special permit with full public review, and stipulates that public improvements must precede the completion of added density with no Temporary Certificate of Occupancy granted before public improvements are completed, and that responsibility for public improvements are now the required domain of the developer, with no monetary transaction between a developer the City and the MTA; and

WHEREAS, Under this new application, many of the previous objections have been addressed in that there are specified public realm improvements, and all development is under a Special Permit with full public review; and

WHEREAS, While we are appreciative of the ongoing East Midtown visioning process and the Steering Committee that was created under the leadership of Borough President Gale Brewer and Councilmember Dan Garodnick, we believe the planning of the Vanderbilt Corridor should be a part of the Steering Committee conversation; and

WHEREAS, A compelling case has not been made for separating out the entire five blocks of the Vanderbilt Corridor from the review of the greater East Midtown area; and

WHEREAS, In the Vanderbilt Corridor, we propose the following:

#### Infrastructure and the Public Realm

As whatever agreements are established between SL Green and the City at One Vanderbilt will set a precedent for all future agreements in the Corridor and East Midtown, a comprehensive plan identifying all the infrastructure and public space needs in the area is essential prior to the completion of ULURP;

#### Sustainability and the Environment

Any development facilitated through the proposed discretionary special permits must be designed to perform to 30 percent better than ASHRAE 90.1, 2010 and as determined by the methodology prescribed in the most current New York City Energy Conservation Code (NYCECC).

### Daylighting

We are concerned that the requested modifications to the Special Midtown District Height and Setback regulations (Daylight Compensation and Daylight Evaluation) are excessive, radically lowering daylight levels in Midtown to pre-1916 pre-zoning daylight levels (Daylight Evaluation score is negative 62% [-62%] v. 75% of the sky left open); that this reduction in daylight is not adequately addressed by either DCP or the DEIS; and that the magnitude of reduction in daylight will set a precedent for future development in East Midtown;

### Preservation

LPC must determine which sites in the Corridor and in the Greater East Midtown area are considered historic resources and worthy of designation, and those that are deemed landmark-worthy should be calendared prior to the completion of ULURP, and we further request that any new buildings proposed in the Corridor, whether development rights are purchased or not, be reviewed with respect to their compatibility/harmonious relationship to Grand Central Terminal;

### FAR Bonus Size

We are concerned that the criteria for granting of the special permit for a Grand Central Public Realm Bonus (GCPRB) of up to 15 FAR is undefined unlike, for example, what is required for a Covered Pedestrian Space and that there must be more specific design guidelines; and

WHEREAS, Vanderbilt Avenue is considerably narrower than Madison Avenue and the intersecting side streets, we are deeply concerned about the "canyon effect" if a series of 30 FAR buildings were to be permitted along the Vanderbilt Corridor, which, other than at 42nd Street, front on only one wide street and we are also concerned what effect such a canyon of 30 FAR buildings will have as it relates to environmental concerns not only at the Corridor but in the greater midtown area; and

WHEREAS, Additionally, the Vanderbilt Corridor, as proposed could have a detrimental effect on surrounding historic and visual resources for the following reasons:

the massive FAR bonus for transit improvements is far above comparable precedents and could eliminate the need for applicants to purchase development rights from existing landmarks, thus possibly vacating a key mechanism of the landmarks law. FAR bonus from transit improvements must work in tandem with transfers of development rights rather than compete against each other; and

if a 30 FAR can be reached without transfer of development rights, we are concerned about the mechanism under which the existing development rights will be transferred as well as the sites where they can be transferred; and

in the "worst-case" scenario, all five blocks being developed to the maximum possible 30.0 FAR would result in development that is not harmonious or contextual to the adjacent Grand Central Terminal; and

in the "worst-case" scenario, development of the Vanderbilt Corridor would cast substantial shadows on a number of sunlight-sensitive historic resources, including the landmarked Bryant Park and the New York Public Library (cf. DEIS, Chapter 5, pages 7, 8, 21, 22); and

in the "worst-case" scenario, the landmarked Chrysler Building, when considered a visual resource, would be negatively impacted by new buildings that would essentially screen it from many vantage points on the skyline; and

The Yale Club, Roosevelt Hotel and 52 Vanderbilt are located in the Vanderbilt Corridor and are listed in the DEIS as eligible historic resources, according to LPC criteria as well as the criteria of the State and National Register of Historic Places. Unless reviewed and designated by LPC, all three buildings are at heightened risk of being demolished; and

WHEREAS, We are concerned that public space currently required but unbonused by the Special Midtown District could be credited toward the Grand Central Public Realm Improvement Bonus; and

WHEREAS, Given the efforts to look at East Midtown comprehensively, we will not consider any new proposed rezoning of a similar small scale within the East Midtown Study Area; and

WHEREAS, We are also concerned that the requirement for pedestrian circulation space pursuant to the existing 81-625, Transfer of Development Rights by Special Permit, could be modified and result in a decreased public benefit if not carefully considered as part of an overall development plan; therefore be it

RESOLVED, Manhattan Community Boards Five and Six recommend denial of the Department of City Planning's application N 150127 ZRM unless the following conditions are met:

The text amendment is limited to sites for which the City and MTA have a coordinated plan for improvements to the public realm; and

The text amendment provides guidelines for what type of improvements may merit a given FAR percentage increase for the affected zoning lots; and

The text amendment requires that any building granted a Grand Central Public Realm Improvement Bonus be designed to perform 30 percent better than ASHRAE 90.1, 2010 and as determined by the methodology prescribed in the most up-to-date New York City Energy Conservation Code (NYCECC); and

The East Midtown Steering Committee must fully consider the five blocks between 42nd and 47th streets and Vanderbilt and Madison avenues in their decision making; and

The text amendment be specific in requiring LPC to issue a letter in support of the harmonious relationship to the Grand Central Terminal for any proposed building; and

The text amendment specify that a site

- i. fronting on more than one wide street;
- ii. overlooking the Grand Central "air park";
- iii. adjacent to a subway station;
- iv. with access to the pedestrian circulation system of Terminal City and other

sites;

could potentially merit the full 15 FAR bonus pursuant to the proposed GCPRB, but sites not meeting these criteria would not qualify; and be it further

RESOLVED, These conditions are necessary to recommend approval and therefore unless and until these conditions are met, we recommend denial at this time.

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