

CITY COUNCIL
LAND USE DIVISION

2015 MAY 20 P 2: 46



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NYC COUNCIL

2015 MAY 20 P 2: 23

SPEAKER'S OFFICE

May 18, 2015

City Council
City Hall
New York, NY 10007

Re: One Vanderbilt Avenue
ULURP No. C 150128 ZSM, C 150129 ZSM, C 150130(A) ZSM
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated May 8, 2015, from the City Council regarding the proposed modifications to the above-referenced applications submitted by 317 Madison LLC for special permits pursuant to ZR 81-635, 81-641 and 81-642 to facilitate the development of a commercial office building at 1 Vanderbilt Avenue.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on May 18, 2015, has determined that the City Council's proposed modifications raise no land use or environmental issues requiring further review.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Weisbrod".

Carl Weisbrod

c: Edith Hsu-Chen D. DeCerbo Frank Ruchala Jr.
A. Laremont J. Harris John Mangin

Carl Weisbrod, Chairman
City Planning Commission
22 Reade Street – 2N, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
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THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
250 BROADWAY, ROOM 1602
NEW YORK, NEW YORK 10007

RAJU MANN
DIRECTOR

PHONE: 212-788-7335
RMann@council.nyc.gov

May 8, 2015

BY HAND

Honorable Carl Weisbrod, Chairman
City Planning Commission
22 Reade Street, 2W
New York, New York 10007-1216

**RE: Applications Nos.: C 150128 ZSM, C 150129 ZSM and C 150130(A) ZSM
(One Vanderbilt Avenue)**

Dear Chairman Weisbrod:

On May 7, 2015, the Land Use Committee of the City Council, by a vote of 20-0-0 recommended modifications of the City Planning Commission's decisions in the above-referenced matters. Pursuant to Section 197-d(d) of the City Charter and Section 11.70 of the Rules of the Council, I hereby file the proposed modifications with the Commission.

The proposed modifications are set forth more specifically below and concern further enhancements and additions to the on-site transportation improvements the applicant will be required to construct. These enhancements and additions will increase the size and visibility of the 42nd Street subway entrance, increase daylight to the below-grade circulation spaces, create a new direct elevator connection from East Side Access to street level, and add a new access corridor to connect East Side Access to the subway system lines.

In addition, enclosed please find the modifications to the Restrictive Declaration dated March 30, 2015, executed by 317 Madison LLC, 51E42 Owner LLC, SLG 48E43 LLC and SGL 331 Madison LLC, as approved by the Land Use Committee.

Matter in ~~double-strikeout~~ is old, deleted by the City Council;
Matter in **bold double-underline** is new, added by the City Council.

C 150128 ZSM

1. The property that is the subject of this application (C 150128 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 Kohn Pedersen Fox Associates, P.C. and Stantec Consulting Ltd., filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Received Date</u>
Z-102	Zoning Calculations	January 23, 2015 <u>05/ /15</u>
Z-103	Zoning Calculations	January 16, 2015 <u>05/ /15</u>
Z-104	Zoning Lot Site Plan	March 25, 2015 <u>05/ /15</u>
Z-105	Ground Floor Plan	March 25, 2015 <u>05/ /15</u>
Z-200	Retail Continuity – South/East 42 nd Street	March 25, 2015 <u>05/ /15</u>
Z-201	Retail Continuity – West/Madison Avenue	January 16, 2015 <u>05/ /15</u>
Z-202	Street Wall and Waivers – Sections	October 20, 2014
Z-203	Street Wall and Waivers – Section	October 20, 2014
Z-204	Street Wall and Waivers – Section	October 20, 2014
Z-205	Street Wall and Waivers – Axons	October 20, 2014
Z-206	Pedestrian Circulation and Waivers	March 25, 2015 <u>05/ /15</u>
Z-207	Building Entrance Recess and Retail Continuity Waivers	March 25, 2015 <u>05/ /15</u>
Z-300	Daylight Compensation Analyses	October 20, 2014
Z-301	Daylight Compensation Analyses	October 20, 2014
Z-302	Daylight Compensation Analysis	October 20, 2014
Z-303	Daylight Compensation Analyses	October 20, 2014
Z-304	Daylight Compensation Analyses	October 20, 2014
Z-305	Daylight Evaluation Analyses	October 20, 2014

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Z-306	Daylight Evaluation Analyses – VP1	October 20, 2014
Z-307	Daylight Evaluation Analyses – VP2	October 20, 2014
Z-308	Daylight Evaluation Analyses – VP3	October 20, 2014
Z-309	Daylight Evaluation Analyses – VP4	October 20, 2014
Z-310	Daylight Evaluation Analyses – VP5	October 20, 2014
Z-311	Daylight Evaluation Analyses – VP6	October 20, 2014
Z-312	Daylight Evaluation Analyses – VP7	October 20, 2014
Z-313	Daylight Evaluation Analyses – VP8	October 20, 2014
Z-400	Transit Hall – Plan	March 25, 2015 <u>05/ /15</u>
Z-401	Transit Hall – Sections	March 25, 2015 <u>05/ /15</u>
Z-402	Transit Hall – Details	March 25, 2015
Z-503	Zoning Envelope – Building Elevations and Sections	March 25, 2015 <u>05/ /15</u>
KP-1	On-site/Key Plan/Ground Level	March 25, 2015 <u>05/ /15</u>
KP-2	On-site/Key Plan/B1 Level	January 16, 2015 <u>05/ /15</u>
KP-3	On-site/Key Plan/B2 Level	October 15, 2014 <u>05/ /15</u>
KP-4	On-site/Key Plan/ESA Level	October 15, 2014 <u>05/ /15</u>
PV-1	On-site/Ground Level	March 25, 2015 <u>05/ /15</u>
PV-2	On-site/B1 Level	January 16, 2015 <u>05/ /15</u>
PV-3	On-site/B2 Level	October 15, 2014 <u>05/ /15</u>
PV-4	On-site/ESA Level	October 15, 2014 <u>05/ /15</u>
PV-5	On-site/Longitudinal Section 1	October 15, 2014 <u>05/ /15</u>
PV-6	On-site/Longitudinal Section 2	January 16, 2015 <u>05/ /15</u>
PV-7	On-site /Transverse Section 3	January 16, 2015 <u>05/ /15</u>
KP-1	Off-site/Key Plan/Ground Level	October 15, 2014

KP-2	Off-site/Key Plan/Mezzanine Level	October 15, 2014
KP-3	Off-site/Key Plan/Platform Level	October 15, 2014
PN-1	Off-site/North End/Ground Level	October 15, 2014
PN-2	Off-site/North End/Mezzanine Level	October 15, 2014
PN-3	Off-site/North End/Platform Level	October 15, 2014
PS-1	Off-site/South End/Mezzanine Level	October 15, 2014
PS-2	Off-site/South End/Platform Level	October 15, 2014
PM-1	Off-site/Mobile Passageway/Ground Level	October 15, 2014
PM-2	Off-site/Mobile Passageway/Mezzanine Level	October 15, 2014

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after (1) the Restrictive Declaration dated March 30, 2015, executed by 317 Madison LLC, 51E42 Owner LLC, SLG 48E43 LLC and SGL 331 Madison LLC, as modified by the New York City Council as of May 7, 2015 and (2) Transfer Instrument and Notice of Restrictions pursuant to NYC Zoning Resolution Section 81-633, attached as Exhibit A to the CPC Decision (C 150128 ZSM), with such administrative changes as are acceptable to Counsel to the City Planning Commission, shall have been recorded in the Office of the Register of the City of New York, County of New York. Such Restrictive Declaration and Transfer Instrument and Notice of Restrictions shall be deemed incorporated herein as a condition of this resolution.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions

of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without 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.

7. 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.

C 150129 ZSM

1. The property that is the subject of this application (C 150129 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 Kohn Pedersen Fox Associates, P.C. and Stantec Consulting Ltd., filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Received Date</u>
Z-102	Zoning Calculations	January 23, 2015 <u>05/ /15</u>
Z-103	Zoning Calculations	January 16, 2015 <u>05/ /15</u>
Z-104	Zoning Lot Site Plan	March 25, 2015 <u>05/ /15</u>
Z-105	Ground Floor Plan	March 25, 2015 <u>05/ /15</u>
Z-200	Retail Continuity – South/East 42 nd Street	March 25, 2015 <u>05/ /15</u>
Z-201	Retail Continuity – West/Madison Avenue	January 16, 2015 <u>05/ /15</u>
Z-202	Street Wall and Waivers – Sections	October 20, 2014
Z-203	Street Wall and Waivers – Section	October 20, 2014
Z-204	Street Wall and Waivers – Section	October 20, 2014

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Z-205	Street Wall and Waivers – Axons	October 20, 2014
Z-206	Pedestrian Circulation and Waivers	March 25, 2015 <u>05/ /15</u>
Z-207	Building Entrance Recess and Retail Continuity Waivers	March 25, 2015 <u>05/ /15</u>
Z-300	Daylight Compensation Analyses	October 20, 2014
Z-301	Daylight Compensation Analyses	October 20, 2014
Z-302	Daylight Compensation Analysis	October 20, 2014
Z-303	Daylight Compensation Analyses	October 20, 2014
Z-304	Daylight Compensation Analyses	October 20, 2014
Z-305	Daylight Evaluation Analyses	October 20, 2014
Z-306	Daylight Evaluation Analyses – VP1	October 20, 2014
Z-307	Daylight Evaluation Analyses – VP2	October 20, 2014
Z-308	Daylight Evaluation Analyses – VP3	October 20, 2014
Z-309	Daylight Evaluation Analyses – VP4	October 20, 2014
Z-310	Daylight Evaluation Analyses – VP5	October 20, 2014
Z-311	Daylight Evaluation Analyses – VP6	October 20, 2014
Z-312	Daylight Evaluation Analyses – VP7	October 20, 2014
Z-313	Daylight Evaluation Analyses – VP8	October 20, 2014
Z-400	Transit Hall – Plan	March 25, 2015 <u>05/ /15</u>
Z-401	Transit Hall – Sections	March 25, 2015 <u>05/ /15</u>
Z-402	Transit Hall – Details	March 25, 2015
Z-503	Zoning Envelope – Building Elevations and Sections	March 25, 2015 <u>05/ /15</u>
KP-1	On-site/Key Plan/Ground Level	March 25, 2015 <u>05/ /15</u>
KP-2	On-site/Key Plan/B1 Level	January 16, 2015 <u>05/ /15</u>

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KP-3	On-site/Key Plan/B2 Level	October 15, 2014 <u>05/ /15</u>
KP-4	On-site/Key Plan/ESA Level	October 15, 2014 <u>05/ /15</u>
PV-1	On-site/Ground Level	March 25, 2015 <u>05/ /15</u>
PV-2	On-site/B1 Level	January 16, 2015 <u>05/ /15</u>
PV-3	On-site/B2 Level	October 15, 2014 <u>05/ /15</u>
PV-4	On-site/ESA Level	October 15, 2014 <u>05/ /15</u>
PV-5	On-site/Longitudinal Section 1	October 15, 2014 <u>05/ /15</u>
PV-6	On-site/Longitudinal Section 2	January 16, 2015 <u>05/ /15</u>
PV-7	On-site /Transverse Section 3	January 16, 2015 <u>05/ /15</u>
KP-1	Off-site/Key Plan/Ground Level	October 15, 2014
KP-2	Off-site/Key Plan/Mezzanine Level	October 15, 2014
KP-3	Off-site/Key Plan/Platform Level	October 15, 2014
PN-1	Off-site/North End/Ground Level	October 15, 2014
PN-2	Off-site/North End/Mezzanine Level	October 15, 2014
PN-3	Off-site/North End/Platform Level	October 15, 2014
PS-1	Off-site/South End/Mezzanine Level	October 15, 2014
PS-2	Off-site/South End/Platform Level	October 15, 2014
PM-1	Off-site/Mobile Passageway/Ground Level	October 15, 2014
PM-2	Off-site/Mobile Passageway/Mezzanine Level	October 15, 2014

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

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4. Development pursuant to this resolution shall be allowed only after the Restrictive Declaration dated March 30, 2015, executed by 317 Madison LLC, 51E42 Owner LLC, SLG 48E43 LLC and SGL 331 Madison LLC, as modified by the New York City Council as of May 7, 2015, shall have been recorded in the Office of the Register of the City of New York, County of New York. Such Restrictive Declaration shall be deemed incorporated herein as a condition of this resolution.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without 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.
7. 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.

C 150130 (A) ZSM

1. The property that is the subject of this application (C 150130 (A) 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 Kohn Pedersen Fox Associates, P.C. and Stantec Consulting Ltd., filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Received Date</u>
Z-102	Zoning Calculations	January 23, 2015 <u>05/ /15</u>

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Z-103	Zoning Calculations	January 16, 2015 <u>05/ /15</u>
Z-104	Zoning Lot Site Plan	March 25, 2015 <u>05/ /15</u>
Z-105	Ground Floor Plan	March 25, 2015 <u>05/ /15</u>
Z-200	Retail Continuity – South/East 42 nd Street	March 25, 2015 <u>05/ /15</u>
Z-201	Retail Continuity – West/Madison Avenue	January 16, 2015 <u>05/ /15</u>
Z-202	Street Wall and Waivers – Sections	October 20, 2014
Z-203	Street Wall and Waivers – Section	October 20, 2014
Z-204	Street Wall and Waivers – Section	October 20, 2014
Z-205	Street Wall and Waivers – Axons	October 20, 2014
Z-206	Pedestrian Circulation and Waivers	March 25, 2015 <u>05/ /15</u>
Z-207	Building Entrance Recess and Retail Continuity Waivers	March 25, 2015 <u>05/ /15</u>
Z-300	Daylight Compensation Analyses	October 20, 2014
Z-301	Daylight Compensation Analyses	October 20, 2014
Z-302	Daylight Compensation Analysis	October 20, 2014
Z-303	Daylight Compensation Analyses	October 20, 2014
Z-304	Daylight Compensation Analyses	October 20, 2014
Z-305	Daylight Evaluation Analyses	October 20, 2014
Z-306	Daylight Evaluation Analyses – VP1	October 20, 2014
Z-307	Daylight Evaluation Analyses – VP2	October 20, 2014
Z-308	Daylight Evaluation Analyses – VP3	October 20, 2014
Z-309	Daylight Evaluation Analyses – VP4	October 20, 2014
Z-310	Daylight Evaluation Analyses – VP5	October 20, 2014
Z-311	Daylight Evaluation Analyses – VP6	October 20, 2014
Z-312	Daylight Evaluation Analyses – VP7	October 20, 2014

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Z-313	Daylight Evaluation Analyses – VP8	October 20, 2014
Z-400	Transit Hall – Plan	March 25, 2015 <u>05/ /15</u>
Z-401	Transit Hall – Sections	March 25, 2015 <u>05/ /15</u>
Z-402	Transit Hall – Details	March 25, 2015
Z-503	Zoning Envelope – Building Elevations and Sections	March 25, 2015 <u>05/ /15</u>
KP-1	On-site/Key Plan/Ground Level	March 25, 2015 <u>05/ /15</u>
KP-2	On-site/Key Plan/B1 Level	January 16, 2015 <u>05/ /15</u>
KP-3	On-site/Key Plan/B2 Level	October 15, 2014 <u>05/ /15</u>
KP-4	On-site/Key Plan/ESA Level	October 15, 2014 <u>05/ /15</u>
PV-1	On-site/Ground Level	March 25, 2015 <u>05/ /15</u>
PV-2	On-site/B1 Level	January 16, 2015 <u>05/ /15</u>
PV-3	On-site/B2 Level	October 15, 2014 <u>05/ /15</u>
PV-4	On-site/ESA Level	October 15, 2014 <u>05/ /15</u>
PV-5	On-site/Longitudinal Section 1	October 15, 2014 <u>05/ /15</u>
PV-6	On-site/Longitudinal Section 2	January 16, 2015 <u>05/ /15</u>
PV-7	On-site /Transverse Section 3	January 16, 2015 <u>05/ /15</u>
KP-1	Off-site/Key Plan/Ground Level	October 15, 2014
KP-2	Off-site/Key Plan/Mezzanine Level	October 15, 2014
KP-3	Off-site/Key Plan/Platform Level	October 15, 2014
PN-1	Off-site/North End/Ground Level	October 15, 2014
PN-2	Off-site/North End/Mezzanine Level	October 15, 2014
PN-3	Off-site/North End/Platform Level	October 15, 2014
PS-1	Off-site/South End/Mezzanine Level	October 15, 2014
PS-2	Off-site/South End/Platform Level	October 15, 2014

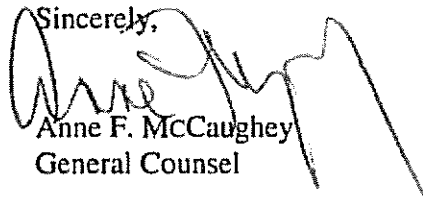
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PM-1	Off-site/Mobile Passageway/Ground Level	October 15, 2014
PM-2	Off-site/Mobile Passageway/Mezzanine Level	October 15, 2014

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the Restrictive Declaration dated March 30, 2015, executed by 317 Madison LLC, 51E42 Owner LLC, SLG 48E43 LLC and SGL 331 Madison LLC, as modified by the New York City Council as of May 7, 2015, shall have been recorded in the Office of the Register of the City of New York, County of New York. Such Restrictive Declaration shall be deemed incorporated herein as a condition of this resolution.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without 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.
7. 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.

Honorable Carl Weisbrod, Chairman
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May 8, 2015
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Please feel free to contact me at (212) 788-7312 if you or your staff has any questions regarding these matters.

Sincerely,

Anne F. McCaughey
General Counsel

RECEIVED BY: _____

DATE: _____

TIME: _____

Encl.

C: Members, City Planning Commission
Raju Mann, Director, Land Use Division
Alonzo Carr, Senior Supervisory Project Manager
Anita Laremont, Esq., DCP
Danielle J. DeCerbo, DCP
File