



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

November 17, 2021

City Council
City Hall
New York, NY 10007

Re: 343 Madison Avenue / MTA HQ
ULURP No. C 270369 ZSM
Related Applications: C 210370 ZSM
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated November 12, 2021, from the City Council regarding the proposed modification to the above-referenced application submitted by BP 343 Madison Associates, LLC for special permits pursuant to Sections 81-633 and 81-634 of the Zoning Resolution.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on November 17, 2021, has determined that the City Council's proposed modification does not require additional review of environmental issues or pursuant to Section 197-c of the Charter.

Very truly yours,

A handwritten signature in blue ink that reads "Anita L".

Anita Laremont

c: E. Hsu-Chen D. DeCerbo S. Williamson H. Marcus
S. Amron R. Singer J. Mangin

Anita Laremont, Chair
City Planning Commission
120 Broadway, 31st Fl. - New York, N.Y. 10271
(212) 720-3200
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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

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RMANN@COUNCIL.NYC.GOV

November 12, 2021

Honorable Anita Laremont, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Application Nos.: C 210369 ZSM (L.U. No. 867) and C 210370 ZSM (L.U. No. 868)

343 Madison Avenue-MTA-HQ

Dear Chair Laremont:

On November 10, 2021 the Land Use Committee of the City Council, by a vote of 18-0-0 for Applications **C 210369 ZSM and C 210370 ZSM** recommended modifications of the City Planning Commission's decisions in the above-referenced matters.

With respect to C 210369 ZSM and C 210370 ZSM, the proposed modification reduces the height of the proposed building's streetwall base. The Land Use Committee notes that its modification to C 210370 ZSM is limited to a revision of the approved drawings list, for consistency with C 210369 ZSM. The proposed modifications are fully set forth below.

The attached restrictive declaration will also be modified to reflect revised drawing dates, as shown in double-strikethrough and double-underline text.

Pursuant to Section 197-d(d) of the City Charter I hereby file the proposed modifications with the Commission:

C 210369 ZSM (L.U. No. 867)

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

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- The property that is the subject of this application (C 210369 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following approved plans, prepared by Kohn, Pedersen, Fox Associates, PC and Stantec, filed with this application and incorporated into this resolution:

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

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

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

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5. The Development shall include those mitigation measures listed in the Final Environmental Impact Statement (CEQR No. 21DCP020M) issued on September 10, 2021 and identified as practicable.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.
7. Upon failure of any party having any right, title, or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreement, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
8. Neither the City of New York nor its employees or agents shall have any liability for money damage by reason of the City's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

C 210370 ZSM (L.U. No. 868)

Matter ~~double-struck-out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

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

Drawing No.	Title	Last Date Revised
Z-101	Zoning Calculations	9/20/2021 <u> </u> / <u> </u> /2021

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Z-102	Zoning Lot Site Plan	9/20/2021 / /2021
Z-103	Waiver Plan	9/20/2021 / /2021
Z-104	Ground Floor Waiver Plan	12/15/2020 / /2021
Z-105	Pedestrian Circulation Space Plan	12/15/2020 / /2021
Z-200	Building Sections	9/20/2021 / /2021
Z-300	Daylight Evaluation Analysis	9/20/2021 / /2021
Z-301	Daylight Evaluation Analysis	9/20/2021 / /2021
Z-302	Daylight Evaluation Analysis – VP1	9/20/2021 / /2021
Z-303	Daylight Evaluation Analysis – VP2	9/20/2021 / /2021
Z-304	Daylight Evaluation Analysis – VP3	9/20/2021 / /2021
Z-305	Daylight Evaluation Analysis – VP4	9/20/2021 / /2021
Z-306	Daylight Evaluation Analysis – VP5	9/20/2021 / /2021
Z-307	Daylight Evaluation Analysis – VP6	9/20/2021 / /2021
KP-1	Key Plan Street Level	12/9/2020
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XE-1	Off-Site East End Existing Flushing Line Platform Level	12/9/2020
XE-2	Off-Site East End Existing Sections	12/9/2020
XC-1	Off-Site Center Core Existing Flushing Line Passageway Level	12/9/2020
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XU-1	Off-Site “U” Stairs Existing Lexington Line Platform Level	12/9/2020
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PE-2	Off-Site East End Proposed Sections	12/9/2020

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PC-1	Off-Site Center Core Proposed Flushing Line	12/9/2020
	Passageway Level	
PC-2	Off-Site Center Core Proposed Flushing Line	12/9/2020
	Platform Level	
PC-3	Off-Site Center Core Proposed Sections	12/9/2020
PU-1	Off-Site “U” Stairs Proposed Lexington Line	12/9/2020
	Platform Level	
PU-2	Off-Site “U” Stairs Proposed Flushing Line	12/9/2020
	Passageway Level	
PU-3	Off-Site “U” Stairs Proposed Sections	12/9/2020

2. Such development shall conform to all applicable provisions of the Zoning Resolution except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation, and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached herein as Exhibit A to this report, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the City Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. The Development shall include those mitigation measures listed in the Final Environmental Impact Statement (CEQR No. 21DCP020M) issued on September 10, 2021 and identified as practicable.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.
7. Upon failure of any party having any right, title, or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreement, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and

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not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

8. Neither the City of New York nor its employees or agents shall have any liability for money damage by reason of the City's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

Please feel free to contact me at (917) 999-8054 if you or your staff have any questions in this regard.

Sincerely,



.....
Julie Lubin,
General Counsel

JL:mcs

C: Members, City Planning Commission
Raju Mann, Director, Land Use Division
Amy Levitan, Deputy Director
Jeff Campagna, Deputy General Counsel
Angelina Martinez-Rubio, Deputy General Counsel
Arthur Huh, Assistant General Counsel
Susan Amron, Esq., DCP
James Harris, DCP
Danielle J. DeCerbo, DCP
File