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**IN THE MATTER OF** an application submitted by the Madison 45 Broad Development LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 91-251 and 74-634 of the Zoning Resolution to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio for a development located on a zoning lot where major improvements to adjacent subway stations are provided in accordance with the provisions of Section 74-634, in connection with a proposed mixed-use development on property located at 45 Broad Street (Block 25, Lots 7 and 10), in a C5-5 District, within the Special Lower Manhattan District, Borough of Manhattan, Community District 1.

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This application for the grant of a special permit pursuant to Sections 91-251 and 74-634 of the Zoning Resolution (ZR), to allow a floor area bonus of up to 20 percent of the basic maximum floor area ratio (FAR), was submitted by Madison 45 Broad Development LLC on August 24, 2017. It would facilitate the development of a mixed-use development on property located at 45 Broad Street in connection with proposed subway improvements to the Broad Street J/Z station and the Wall Street 4/5 station in Manhattan Community District 1.

## **BACKGROUND**

The applicant seeks a special permit to facilitate a new mixed-use building at 45 Broad Street (Block 25, Lot 7, the “development site”). The proposed building would be 80 stories high, with approximately 274,568 square feet of residential floor area above 59,749 square feet of commercial floor area.

The development site is a vacant lot with frontage on the east side of Broad Street between Exchange Place and Beaver Street in downtown Manhattan. It is an irregularly-shaped lot with 12,602 square feet of lot area. The development site has been merged to be a single zoning lot (the “project site”) with the adjacent parcel to the north at 35-41 Broad Street (Block 25, Lot 10). The area of Lot 10 is 11,195 square feet, and the total lot area of the project site is approximately 23,797 square feet. Lot 10 is improved with an 11-story, approximately 93,894-square-foot building occupied by the Leman Manhattan Preparatory School.

The project site is adjacent to the Broad Street subway station, which is the terminal station of the Nassau Street J/Z lines in downtown Manhattan. The Nassau Street station is connected by

an underground passageway to the Wall Street station of the 4/5 lines.

In 2015, the applicant approached the Metropolitan Transportation Authority's (MTA) New York City Transit (NYCT) regarding potential bonus-eligible improvements for the Broad Street station, in response to which NYCT identified the need for elevators to provide Americans with Disabilities Act of 1990 (ADA) -compliant access, allowing for handicap-accessible use of the J and Z trains further into downtown Manhattan. NYCT also identified the need to improve ingress and egress at two control areas at the Wall Street Station of the 4/5 subway lines. At the Broad Street station, the Nassau Street line tracks are located beneath the roadbed of Broad Street, with the northbound platform on the east side of the street and the terminal platform for southbound trains on the west. In consultation with NYCT and the New York City Department of Transportation (DOT), it was determined that, due to the location of these subway platforms and the adjacent non-ticketed platform-level areas, as well as the locations of utility pipes and equipment surrounding the station, the optimal placement of the elevators would be in locations at the northeast and southwest corners of the intersection of Broad Street and Exchange Place. These locations would require construction of curb "bump-outs" within the street bed of Broad Street, which is part of an individually landmarked street grid designated by the Landmarks Preservation Commission (LPC) as the Street Plan of New Amsterdam and Colonial New York. Accordingly, the applicant sought LPC approval for the proposed locations. LPC granted the approval in a Binding Report issued on August 30, 2016.

The project site and surrounding area are mapped within a C5-5 zoning district within the Historic and Commercial Core of the Special Lower Manhattan District. Three blocks southeast of the site, a C6-9 district and the Water Street Subdistrict of the Special Lower Manhattan District are mapped along Water Street. Three blocks west of the site, a C6-9 district within the Special Lower Manhattan District is mapped between Greenwich Street and West Street. Within the Special Lower Manhattan District, C5-5 and C6-9 districts permit a base maximum FAR of 15.0 for commercial or community facility uses, with a maximum base FAR of 10.0 for

residential uses. The maximum base FAR may be increased up to a total of 18.0 FAR via as-of-right floor area bonuses for providing a public plaza, or via special permits permitting the transfer of floor area from an individual landmark, or providing a floor area bonus for the provision of covered pedestrian spaces or subway station improvements. The maximum residential FAR may be increased to 12.0 as-of-right by providing recreation space in accordance with requirements set forth in ZR Section 91-23.

Pursuant to Appendix A, Map 7 of the Special Lower Manhattan District regulations, the project site is within a Subway Station Improvement Area adjacent to the Broad Street station, which is identified as Station 2 on Map 7 and listed as a subway station where improvements may be provided to obtain a floor area bonus pursuant to ZR Section 91-251. The northern portion of the project site (Lot 10) is adjacent to the southern portion the Broad Street station platform; the southernmost entrance stair on the east side of Broad Street is immediately north of Lot 10. The Wall Street station is identified as Station 13 on Map 7 and also listed in ZR Section 91-251 as a subway station eligible for improvements. The stations' adjacency makes the project site eligible for a floor area bonus of up to 20 percent of the basic maximum FAR, or 3.0 FAR (71,391 square feet), for improvements to both stations.

Land uses in the area around the project site and within the Special Lower Manhattan District are predominantly commercial, with limited residential uses concentrated in the area immediately adjacent to and northeast of the site. A 31-story office building is located immediately south of the project site, a 21-story residential building is immediately to the north, and a 20-story office building and 47-story, predominantly residential building border the project site to the east, with frontage on William Street. Across Broad Street from the project site are commercial office buildings ranging from 20 to 46 stories and a 31-story mixed-use building with apartments beginning on the eighth story.

The project site is located within the Financial District's Frozen Zone, the area bounded by Pine

Street to the north, William Street to the east, Beaver Street to the east and Broadway to the west. The Frozen Zone serves as a security perimeter for the New York Stock Exchange, allowing only authorized vehicles to enter the area and providing 3,000 above- and below-ground security cameras in the area.

In addition to the Street Plan of New Amsterdam and Colonial New York, which includes Broad Street, there are numerous individual landmarks in the surrounding area, including the Broad Exchange Building at 25 Broad Street, the J.P. Morgan & Co. Building at 15 Broad Street, the New York Stock Exchange at 2 Broad Street and the American Bank Note Company Office Building at 70 Broad Street. The Stone Street Historic District is two blocks to the south of the Project Site, and the Fraunces Tavern Block Historic District is three blocks to the south.

The proposed development would consist of the construction of the proposed building on the development site and improvements to the Broad Street station and the Wall Street station.

The proposed building would comprise approximately 334,317 square feet of total floor area, of which 59,749 square feet would be commercial office floor area and 274,568 square feet would be residential floor area. Following construction of the proposed building, the total floor area on the project site, including the 93,894-square-foot existing building on Lot 10, would be 428,211 square feet (17.99 FAR). Of the total floor area on the project site, 71,391 square feet (3.0 FAR) would be generated in connection with the proposed subway improvements.

The proposed 80-story building would rise to a total roof height of 1,115 feet. The first 10 stories of the proposed building, containing office use as well as the residential lobby, would be at the street line up to a height of 144 feet, at which point a 15-foot setback would be provided. One floor of mechanical equipment would be located immediately above the setback. Floors 12 and 13 would be residential amenity floors, and 206 market-rate residential apartments would be provided on floors 14-33, 35-51, and 53-76 (floors 34, 52 and 77-80 would be mechanical

floors). The proposed building would include two windbreaks, at floors 33 and 53, which would include landscaped areas accessible to residents. No parking would be required or provided.

NYCT identified the need for ADA-compliant elevators to provide access to the northbound and southbound (terminal) platforms of the Broad Street station to extend the accessibility of the J and Z trains further into downtown Manhattan and to ensure access at both terminal stations. 2015 ridership data indicates that the J and Z trains carry an average of 14,000 commuters to and from the Broad Street station each workday via the Nassau Street line in Manhattan. The Jamaica Center-Parsons/Archer Station in Jamaica, Queens is the other terminal station for these trains. Out of the 30 subway stations served by the J and Z trains, five currently provide handicap access in compliance with the ADA, including the Jamaica Center-Parsons/Archer terminal station, the Marcy Avenue station in Williamsburg, Brooklyn, and the Fulton Street station in downtown Manhattan. The Broad Street station does not currently provide ADA-compliant access, and no funds are allocated to such improvements in MTA's current five-year capital plan.

In consultation with NYCT and DOT, the applicant identified the following areas as optimal locations of the proposed elevators:

- On the northbound platform, the proposed elevator would be located in a four-foot-wide curb bump-out at the northeast corner of Exchange Place and Broad Street. This location would allow for handicap access between the sidewalk of Broad Street and the non-ticketed area of the subway station at platform level.
- On the southbound (terminal) platform, the proposed elevator would be located in a 12-foot-wide curb bump-out at the southwest corner of Exchange Place and Broad Street. This location would facilitate handicap egress from the non-ticketed area of the station at platform level (because Broad Street is the terminal southbound station, access to the ticketed platform is not available from this portion of the station).

At platform level, in conjunction with the construction of the proposed elevators, the existing turnstile areas would be reconfigured to facilitate better pedestrian flow to and from the northbound platform, and from the southbound (terminal) platform.

At street level, the proposed curb bump-outs would elevate and reuse portions of the existing bed of Broad Street, which is paved with Belgian block and a granite curb, to maintain the appearance of the historical roadbed. To accommodate required turn radiuses for emergency vehicles, an existing bump-out at the southeast corner of the intersection would be reduced in size by two and a half feet. The proposed elevator kiosks at street level would utilize a design previously approved for subway station elevators by the NYC Public Design Commission and would be located partially within the bump-outs and partially on the existing sidewalk, leaving a clear path at least 10 feet wide between the kiosks and adjoining buildings. Because the proposed elevators and curb bump-outs are within the landmarked Street Plan of New Amsterdam and Colonial New York, LPC approval is required to locate the elevators within the streetbed. LPC approved the location on August 30, 2016.

In addition to the proposed elevators at the Broad Street station, NYCT has identified the need for improvements to ingress and egress equipment at two control areas at the Wall Street station. These control areas, identified as R204B and R204A, have seven High Exit and Entrance Turnstiles (HEET), each of which allows for a maximum of 17 persons per minute (ppm) to enter and 36 ppm to exit. In order to increase both ingress and egress in normal station functioning and emergency egress, NYCT has requested that each HEET be replaced with one typical Automatic Fare Control (AFC), for a total of seven new AFC units. Each AFC unit increases passenger movement to 27 ppm to enter and 43 ppm to exit, markedly reducing the time it takes for passengers to leave the station after discharging from the train.

At the Wall Street station, control area R204B has three HEETs, accommodating 51 ppm entering and 108 ppm exiting the control area; and control area R204A has four HEETs, accommodating 68 ppm entering and 144 ppm exiting the control area. In consultation with NYCT, the applicant proposes to replace each of these HEETs with AFCs, which will increase the ingress and egress capacity at the Wall Street station as follows:

- Control Area R204B: 81 ppm entering (+30 ppm over existing); 129 ppm exiting (+21 ppm over existing).
  
- Control Area R204A: 108 ppm entering (+40 ppm over existing); 172 ppm exiting (+28 ppm over existing).

These proposed improvements would reduce the time it takes for passengers to leave the station after discharging from the train. In addition, NYCT has requested that as part of this work, the control area railings be removed and replaced with ones more consistent with the main control areas, which reflect the historic nature of the station.

This special permit requires the applicant to record a restrictive declaration against the site to ensure that stringent deadlines for performance of its obligation to construct the bonused subway improvements are met. The subway improvements at the Broad Street station must be substantially complete, and the improvements at the Wall Street station must be funded, before a temporary certificate of occupancy is issued for the bonused floor area of the proposed building. The subway improvements at the Broad Street station must be 100 percent complete before a permanent certificate of occupancy is issued for any space within the proposed building.

These deadlines ensure that the public will benefit from the amenity at the same time, or before, the applicant benefits from the occupancy of the bonused portion of the proposed building.

## **ENVIRONMENTAL REVIEW**

This application (C 180063 ZSM), in conjunction with 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 18DCP063M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, as described in the Environmental Assessment Statement (EAS), a Negative Declaration was issued on November 27, 2017.

## **UNIFORM LAND USE REVIEW**

This application (C 180063 ZSM) was certified as complete by the Department of City Planning on November 27, 2017 and was duly referred to Manhattan Community Board 1 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application (C 180063 ZSM) on January 23, 2018 and on that date, by a vote of 42 in favor, one in opposition, and one abstention, adopted a resolution not opposing the application on the condition that New York Police Department Counterterrorism Unit studies the potential risk on the New York Stock Exchange area from individuals entering the New York Stock Exchange area from the elevators.

### **Borough President Recommendation**

This application (C 180063 ZSM) was considered by the Manhattan Borough President, who issued a recommendation approving the application on March 6, 2018.

### **City Planning Commission Public Hearing**

On February 28, 2018 (Calendar No. 3), the City Planning Commission scheduled March 14, 2018 for a public hearing on this application (C 180063 ZSM). The hearing was duly held on March 14, 2018 (Calendar No. 17). There were 11 speakers testifying in support and one speaker in opposition.

Three members of the applicant team, including the land use attorney and the project architect, spoke in favor of the project. The land use attorney stated that the full 3.0 FAR, 71,391-square-foot bonus is appropriate because the proposed improvements will provide significant public benefit, including improved accessibility. The land use attorney said that the requested bonus is consistent with the pre-identified subway improvements in the Special East Midtown District, which grants a 40,000-square-foot bonus for the provision of ADA access to one level, stating that the proposed improvements will include ADA access to both the north and southbound platforms from the street level at the Broad Street station, in addition to the fare array improvements at the Wall Street station. The project architect described the proposed subway improvements as well as the programming and design of the proposed building.

A representative from the New York City Transit Riders Council, an advocacy group, spoke in favor of the project. The speaker noted that there is currently only one other ADA accessible station downtown, the Fulton Street station, and that providing ADA accessibility at the Broad Street station would provide an alternative method for access to downtown.

The president of Disabled in Action of Metropolitan New York, an advocacy group, spoke in favor of the project. The speaker said that there is a great need for ADA accessibility in the NYC subway system, particularly in Lower Manhattan. The speaker also noted that the addition of elevators at the Broad Street station would benefit not only the disabled community, but many others, including the elderly and people with packages, injuries or strollers.

The president of the 504 Democratic Club, an advocacy group, spoke in favor of the project, stating that people with disabilities are the largest minority group and limiting their access to the subway system is a civil rights issue. The speaker further stated that the NYC subway system is a long way from being fully ADA accessible, but the addition of ADA access to the Broad Street station brings it one step closer.

Another representative of the 504 Democratic Club spoke in favor of the project, stating that the addition of ADA accessibility at the Board Street station would help people with disabilities get jobs by providing transportation to Lower Manhattan.

The Executive Director of the Center for Independence of the Disabled NY, an advocacy group, spoke in favor of the project. The speaker said that the lack of ADA accessibility in the subway system contributes to a low employment rate for people with disabilities.

A representative from the Manhattan Borough President's office spoke in favor of the project, stating that the Borough President believes that the findings for the proposed special permit area are met by providing faster and safer access to Wall Street, noting that the next-closest station with ADA accessibility is at Fulton Street, which is a 10-minute walk along cobblestone streets. The speaker also said that the Borough President believes that installing elevators would not increase security risk or encourage people who plan to do harm. Finally, the representative stated that the design of the elevator bulkheads does not fit into the surrounding historical context, and the Borough President advocate for the design of proposed subway improvements to receive greater consideration in future applications.

A representative from Rise and Resist, an advocacy group, spoke in favor of the project, stating that the project would benefit everyone and will have a positive impact on the economy.

A representative from 32BJ SEIU, a labor union, spoke in opposition of the project unless the applicant commits to providing high quality jobs.

There were no other speakers and the hearing was closed.

## **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 180063 ZSM) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 17-162.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that the grant of the special permit is appropriate and merits the full 20 percent floor area bonus as requested.

The Commission has carefully considered the proposed subway station improvements and believes that the general accessibility of the Broad Street and Wall Street stations will be significantly improved by providing ADA accessible elevators to the north and southbound platforms of the Broad Street station on the J/Z line and replacing fare arrays in two control areas on the southbound platform of the Wall Street station on the 4/5 line. Only five of the 30 stations served by the J and Z trains currently provide ADA-compliant access. The closest station in Lower Manhattan that provides ADA-compliant access is the Fulton Street station, which is approximately a 10-minute walk for able-bodied people from the Broad Street station. Furthermore, replacing seven existing HEETs with seven AFC turnstiles at two control areas in the Wall Street station will increase passenger flow and reduce the amount of time it takes for passengers to leave the station after discharging from the train.

The Commission also believes that the proposed improvements will result in significant improvements to rider orientation, as new wayfinding signage within the Broad Street station will direct passengers to the elevators. Further, replacing the turnstiles at the Wall Street station

will provide riders with increased visibility, and improved security, as the AFC turnstiles are half of the height of the existing HEETs.

The Commission understands that the improvements will not be physically integrated into the proposed building, as the proposed locations of the elevators were determined to be the optimal locations in consultation with NYCT and DOT due to the location of the platforms and utility equipment surrounding the station.

Concerns about potential security risk from the installation of the proposed elevators were raised during public review. Specifically, there was a concern that the proposed elevators would encourage individuals who intend to do harm. The Commission notes that the applicant team has provided a report, on March 14, 2018, from a private security group indicating that the installation of the elevators would not result in an increased security risk. Further, the Commission notes that there is a significant security camera presence in the area and only authorized vehicles are permitted to enter the area as the project site is located within the Financial District's Frozen Zone.

## **FINDINGS**

The City Planning Commission hereby finds that the amount of the #floor area# bonus requested is appropriate pursuant to Sections 91-251 and 74-634 of the Zoning Resolution:

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

2. not applicable;
3. not applicable.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

**RESOLVED**, that the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on environmental determination and the consideration and findings described in this report, the application submitted by the Madison 45 Broad Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 91-251 and 74-634 of the Zoning Resolution to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio for a development located on a zoning lot where major improvements to adjacent subway stations are provided in accordance with Section 74-634, in connection with a proposed mixed-use development on property located at 45 Broad Street (Block 25, Lots 7 and 10), in a C5-5 District, within the Special Lower Manhattan District, Borough of Manhattan, Community District 1, is approved, subject to the following conditions:

1. The application that is the subject of this application (C 180063 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

CetraRuddy Architecture, DPC, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC-Z1	Zoning Site Plan	11/20/2017

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 April 23, 2018 executed by Madison 45 Broad Development LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded in the Office of the City Register, New York County.
5. In the event that the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
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 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.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the City's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 180063 ZSM), duly adopted by the City Planning Commission on April 23, 2018 (Calendar No. 13), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*  
**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*  
**RAYANN BESSER, ALFRED C. CERULLO, III,**  
**MICHELLE R. DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY,**  
**CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,**  
**ORLANDO MARIN, LARISA ORTIZ** *Commissioners*

COMMUNITY BOARD #1 –MANHATTAN  
RESOLUTION

DATE: JANUARY 23, 2018

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	13 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	42 In Favor	1 Opposed	1 Abstained	0 Recused

RE: 45 Broad Street, application 180063 ZSM for Special Permit for FAR bonus in relation to transportation improvements

WHEREAS: An application has been submitted by Madison 45 Broad Development LLC for the grant of a special permit to allow a floor area for a development located on a zoning lot where major improvements to adjacent subway stations are provided, in connection with a mixed-use development on property located at 45 Broad Street; and

WHEREAS: The project site is adjacent to the Broad Street Station, which is the terminal station of the Nassau Street J/Z subway line into Downtown Manhattan, and which is connected by an underground passageway to the Wall Street Station; and

WHEREAS: In 2015, the applicant approached the MTA regarding potential bonus-eligible improvements for the Broad Street Station, in response to which MTA identified the need for elevators to provide ADA-compliant access, allowing for handicap-accessible use of the J/Z trains further into Downtown Manhattan; and

WHEREAS: MTA also identified the need to improve ingress and egress at two control areas at the Wall Street Station, in the form of replacing existing turnstiles to increase the number of people able to pass through per minute; and

WHEREAS: In consultation with MTA and DOT, it was determined that due to the location of these subway platforms and the adjacent non-ticketed platform-level areas, as well as the locations of utility pipes and equipment surrounding the station, the optimal placement of the elevators would be in locations at the northeast and southwest corners of the intersection of Broad Street and Exchange Place, in front of 15 and 30 Broad Street; and

WHEREAS: These locations will require curb “bump-outs” within the historic street bed of Broad Street. CB1 adopted a resolution objecting to the elevators within the historic street bed, but LPC approval was granted in August 2016; and

WHEREAS: The special permit sought by the applicant would grant a 71,391 square foot bonus to the building at 45 Broad Street; and

WHEREAS: The building height and envelope would not be affected by the FAR bonus. If granted the bonus, the ceiling heights would be adjusted to fit more commercial square footage into the base of the building and some residential square footage on the upper floors; and

WHEREAS: The proposed building at 45 Broad Street would be approximately 334,317 square feet of total floor area, of which 59,749 square feet would be commercial office floor area and 274,568 square feet would be residential floor area; and

WHEREAS: The building would be 80 stories at a height of 1,115 feet. The first 10 stories would be commercial office as well as the residential lobby. 206 market-rate residential apartments would be provided on floors 14-33, 35-51, and 53-76 (floors 34, 52 and 77-80 would be mechanical floors). The building will include two windbreaks at floors 33 and 53 which will include landscaped areas accessible to residential occupants of the building. No parking will be provided; and

WHEREAS: During review of this application, CB1 heard from many residents of the immediate area who had concerns over the siting of the elevators and potential security threats over additional access points within the New York Stock Exchange security zone; and

WHEREAS: CB1 questioned both the MTA and NYPD on the security implications of the two elevators and both agencies stated that they do not believe the elevators would increase security risk in the New York Stock Exchange area; and

WHEREAS: NYPD did not deem the elevators a threat since the New York Stock Exchange area was originally established to prevent car bombs; and

WHEREAS: CB1 also heard from constituents representing the disabled who expressed the critical importance of ADA accessibility since so few stations throughout NYC provide such access, and the elevators that do exist in other stations are frequently out of service; now

THEREFORE

BE IT

RESOLVED

THAT: While CB1 remains disappointed over the aesthetic element of the two subway elevators, we acknowledge the important human rights issue and prioritize the ADA access that would be provided by the elevators; and

BE IT

FURTHER

RESOLVED

THAT: CB1 commends the applicant for voluntarily choosing to employ private garbage pickup; and

BE IT  
FURTHER  
RESOLVED

THAT: CB1 does not oppose this special permit application for an FAR bonus in exchange for transportation improvements, conditional that NYPD Counterterrorism studies potential risk on the New York Stock Exchange area from individuals entering the New York Stock Exchange area from the elevators; and

BE IT  
FURTHER  
RESOLVED

THAT: CB1 urges that the MTA and the applicant work to create an elevator bulkhead that blends with the contextual historical architecture of the neighborhood as has been done in the past, such as off the Franklin Street subway stop. If the MTA and the applicant are incapable to design a contextual match, CB1 will help facilitate a city-wide design competition.

# Borough President Recommendation

**City Planning Commission**  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
Fax # (212) 720-3488

## INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Applications: C 180063 ZSM

### Docket Description:

**IN THE MATTER OF** an application submitted by Madison 45 Broad Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 91-251 and 74-634 of the Zoning Resolution to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio for a development located on a zoning lot where major improvements to adjacent subway stations are provided in accordance with the provisions of Section 74-634, in connection with a proposed mixed-use development on property located at 45 Broad Street (Block 25, Lots 7 and 10) in a C5-5 District, within the Special Lower Manhattan District, Borough of Manhattan, Community District 1.

COMMUNITY BOARD NO:

1

BOROUGH: Manhattan

## RECOMMENDATION

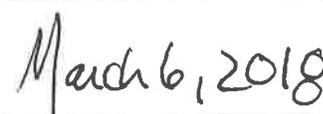
- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached



BOROUGH PRESIDENT



DATE



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

1 Centre Street, 19th floor, New York, NY 10007  
(212) 669-8300 p (212) 669-4306 f  
431 West 125th Street, New York, NY 10027  
(212) 531-1609 p (212) 531-4615 f  
[www.manhattanbp.nyc.gov](http://www.manhattanbp.nyc.gov)

**Gale A. Brewer, Borough President**

March 6, 2018

**Recommendation on ULURP Application No. C 180063 ZSM – 45 Broad Street  
By Madison 45 Broad Development, LLC c/o Madison Equities**

**PROPOSED ACTION**

Madison 45 Broad Development, LLC (“the applicant”) seeks a special permit pursuant to Sections 91-251 and 74-634 of the Zoning Resolution (“ZR”) to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio for a development located on a zoning lot where major improvements to adjacent subway stations are provided in accordance with the provisions of Section 74-634. This special permit for such bonus is sought in connection with a proposed mixed-use development on property located at 45 Broad Street (Block 25, Lots 7 and 10) in a C5-5 District, within the Special Lower Manhattan District in Community Board 1, Manhattan.

Pursuant to ZR § 91-251, applicants may request a special permit for a floor area bonus for subway station improvements, as identified pursuant to the provisions of ZR § 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan). In order for the City Planning Commission (“CPC”) to consider a floor area bonus, the applicant must first meet the following conditions:

- The total additional floor area permitted on the zoning lot shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Maximum Floor Area Ratio) or 91-22 (Floor Area Increase Regulations);<sup>1</sup>
- For the purposes of the Special Lower Manhattan District, the zoning lot that will receive the floor area bonus shall be located within a commercial district with a floor area ratio of 10.0 or above and shall be adjacent to a subway station where major improvements have been provided. Upon completion of the improvement, the zoning lot will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway;<sup>2</sup>
- Such improvements shall be subject to the approval of the Metropolitan Transportation Authority (“MTA”), New York City Transit (“NYCT”) and the City Planning

<sup>1</sup> If the total floor area requested is granted, the site will have 428,111 square feet of floor area, or 17.99 FAR. A maximum FAR of 18.0 is permitted in the C5-5 District.

<sup>2</sup> The zoning lot is located within a C5-5, commercial, District, which has a base FAR of 15.0. It is adjacent to an entrance and mezzanine of the Broad Street Station of the Nassau Street (J/Z) line. This station is connected via an underground passageway to the Wall Street Station of the Lexington Avenue (4/5) subway line. Both stations are identified as eligible for improvement.

Commission and shall comply with all applicable design standards of the current station planning guidelines of New York City Transit;<sup>3</sup>

- The requirements for the submission of schematic or concept plans for the proposed improvement to the Metropolitan Transportation Authority, New York City Transit and the City Planning Commission has been satisfied;<sup>4</sup> and that
- The application shall include a letter from New York City Transit to the City Planning Commission containing conceptual approval of the improvement and a statement of any special considerations regarding New York City's future operation of the improvement.<sup>5</sup>

Further, in order to grant the special permit, the applicant shall submit all information and justification sufficient to enable the CPC to:

- (1) Evaluate the benefits to the City; and
- (2) Determine the appropriate amount of floor area.<sup>6</sup>

Additionally, the CPC, pursuant to § 74-634 (d)(1), must consider the degree to which:

- (i) The general accessibility and security of the subway station will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators; and
- (ii) Significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the street level entryway into the development or enlargement will occur.

Lastly, a restrictive declaration or similar instrument is required, and the CPC may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

## PROJECT DESCRIPTION

The applicant proposes to construct an 80-story mixed use building, approximately 1,115 feet in height, with 206 market-rate residential units on a currently vacant mid-block property located at 45 Broad Street, located between Exchange Place and Beaver Street, in Lower Manhattan. The new building would contain approximately 334,317 square feet of total floor area, of which 59,749 square feet would be commercial office and 274,568 square feet would be for residential use. The ground floor will contain office use and the residential lobby. The office use is proposed

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<sup>3</sup> The MTA and NYCT has identified the need for two elevators to be provided at the Broad Street Station in order to provide handicap access in compliance with the Americans with Disabilities Act of 1990 (ADA) and the replacement of fare arrays to increase ingress and egress capacity at the Wall Street Station.

<sup>4</sup> Prior to the special permit application, the applicant developed a schematic plan for proposed improvements at the J/Z Broad Street and the 4/5 Wall Street Station. The plans were refined with input from the MTA and NYCT along with DOT for the elevator street bed installation.

<sup>5</sup> A letter dated March 29, 2017 from NYCT to the CPC indicating conceptual sign off and describing the benefits of such improvements was submitted.

<sup>6</sup> No waivers to street wall continuity are requested, therefore § 74-634(b)(3) does not apply.

for the first 10 stories, before the building sets back 15 feet from the street. Floors 12-13 will be for mechanical equipment along with floors 34, 52, and 77-80. Residential amenity space, including recreation space, will be provided, including two windbreaks with landscaped areas accessible to the residents at floors 33 and 53. This recreation space will be provided in accordance with the provisions of ZR § 91-253 and result in an as of right floor area increase for residential use. All other floors will be for residential units. No parking is proposed.

The zoning lot also contains an existing 9-story building, fully occupied by the Lehman Manhattan Preparatory School, with 93,894 square feet of community facility (Use Group 3) floor area. With the proposed building, the total floor area for the zoning lot will be 428,111 square feet of floor area, or 17.99 FAR.

The zoning lot is adjacent to an entrance and mezzanine of the Broad Street Station of the Nassau Street (J/Z) line. This station is connected via an underground passageway to the Wall Street Station of the Lexington Avenue (4/5) subway line. Both stations are identified by NYCT and the MTA as eligible for improvement. Associated with the proposal, and described further below under “Proposed Action,” are proposed improvements at both of these stations.

#### **Area Context**

The project site is located in the heart of the Financial District neighborhood of Lower Manhattan, Community Board 1 in the Borough of Manhattan. The site is located within the Historic and Commercial Core of the Special Lower Manhattan District; its underlying zoning district is C5-5. Most of the surrounding blocks are within this core, and the blocks to the north, west and south are also zoned C5-5. Easterly, there is a C6-9 District as well. In both C5-5 and C6-9 districts, the base maximum floor area ratio (FAR) is 15.0 for commercial or community facility uses, and 10.0 for residential uses. The maximum base may be increased up to 18.0 FAR through the utilization of an as-of-right FAR bonus mechanism for the provision of a public plaza. The maximum base may also be increased through a special permit for the transfer of development rights from a New York City landmark or through the provision of covered pedestrian spaces or subway station improvements. In addition, the residential maximum may be increased to 12.0 FAR as of right through the provision of recreation space in accordance with the requirements set forth in ZR § 91-23 (Floor Area Increase for Provision of Recreation Space).

The area’s land use is predominately high density commercial, with a number of mixed-use commercial and residential structures and multi-family high rises. The buildings typically range in height from historically significant institutional buildings at 3-10 stories to commercial buildings over the last 150 years ranging in heights from 20 – 47 stories. Within the immediate vicinity of the project site are multiple New York City Individual Landmarks and sites listed on the State/National Register of Historic Places. These are the William Beaver House, Federal Hall, Broad Exchange Building, the New York Stock Exchange, J.P. Morgan and Co. Building, and the Manhattan Company Building. In the surrounding blocks, landmarks include the American Bank Note Company Office Building, Delmonico’s, City-Bank Farmer’s Trust Building, National City Bank Building, (Former) Bank of New York & Trust Company Building, the Equitable Building and dozens of others. The nearest Historic District is Stone

Street. Lastly, the site itself fronts a street included in the designated landmark known as the Street Plan of New Amsterdam and Colonial New York.

The area is also incredibly well served by mass transit. Immediately adjacent to the site is the terminating station for the Nassau Street (J/Z) line, with entrances along Broad and Exchange Place. At William and Wall Street, one block north, are entrances to the Broadway-Seventh Avenue (2/3) line. One block west along Broadway are the entrances to the Wall Street Station for the Lexington Avenue (4/5) line, and a few blocks farther west are entrances to the Rector Street Station for the Broadway Local (R/W) lines. Access to the M55 and express service bus lines to Staten Island are available to the west along Broadway between Exchange Place and Rector Street. Citibike stations are located at Bowling Green, Hanover Square, and at William and Cedar Street, all within a five minute walk of the site. Fulton Street Station, with access to the A, C, 2, 3, 4, 5, J, Z, R, and W lines is an approximately 10 minute walk over a 20 foot grade change.

### **Site Description**

The Project Site is a currently a vacant lot located at 45 Broad Street (Block 25, Lot 7) in a C5-5 zoning district within the Historic and Commercial Core of the Special Lower Manhattan District. C5-5 districts are an R10 equivalent and permit a maximum floor area ratio (FAR) of 10.0 for residential use and 15.0 FAR for commercial uses. The permitted uses in a C5-5 zoning district are residential, community facility, local and destination retail, hotels, and wholesale uses such as custom manufacturing (Use Groups 1 through 6 and 9 through 11).

The zoning lot also contains an existing 9-story building fully occupied by the Lehman Manhattan Preparatory School and located at 41 Broad Street (Block 25, Lot 10).

### **Proposed Action**

The applicant seeks a special permit pursuant to ZR § 91-251 and ZR § 74-634 to allow a floor area bonus of 3.0 FAR, resulting in 71,931 square feet of additional floor area, to the basic maximum floor area ratio of 15.0 for a mixed-use development located on a zoning lot (Block 25, Lots 7 and 10), where major improvements to adjacent subway stations at Broad Street and Wall Street are provided in accordance with the provisions of Section 74-634. If approved, the maximum floor are permitted on the project site would be 428,346 square feet, or 18.0 FAR. The applicant proposes a maximum floor area of 428,211 or 17.99 FAR.

As previously stated, the zoning lot is adjacent to an entrance and mezzanine of the Broad Street Station of the Nassau Street (J/Z) line. This station is connected via an underground passageway to the Wall Street Station of the Lexington Avenue (4/5) subway line. Both stations are identified by NYCT and the MTA as eligible for improvement. Conceptual plans have been signed off on by the MTA and NYCT per a letter dated March 29, 2017 to the City Planning Commission (CPC). A restrictive declaration will be recorded which contains complete drawings of the improvements and setting forth the obligations by the owner and developer to construct and provide capital maintenance for the improvements, establish a construction schedule and provide a performance bond for completion of the improvements.

### *Broad Street Station*

For the Broad Street station, NYCT has identified the need for the construction of elevators to provide ADA compliant access to the northbound and southbound terminal platforms of the Nassau Street line. Three potential elevator access points were analyzed, and the MTA expressed concerns about points that would be reliant on passageways of significant length. For the northbound platform, the proposed elevator would be located at the northeast corner of Exchange Place and Broad Street. On the southbound terminal platform, the proposed elevator would be located at the southwest corner of Exchange Place and Broad Street. Portions of the existing street bed Belgian block pavers and granite curb of Broad Street would be elevated and reused to create the bump outs at grade, and the elevator and shaft are proposed to be constructed with safety glass. The disturbance and reuse plan of pavers of the Colonial Street Plan was approved by the Landmarks Preservation Commission on August 30, 2016.

### *Wall Street Station*

NYCT has also identified the need for improvements to ingress and egress of equipment at two control areas at the Wall Street Station, which is connected via an underground passageway to Broad Street. The control areas, identified as R204B and R204A, have seven high exit and entrance turnstiles (“HEET”), each of which allows for a maximum of 17 persons per minute to enter and 36 persons per minute to exit. Each HEET would be replaced with one typical automatic fare control (“AFC”), for a total of seven new AFC units. Each AFC unit increases capacity from 17 to 27 persons per minute to enter and from 36 to 43 persons per minute to exit. In aggregate, for Control Area R204B this would result in 81 persons per minute to enter and 129 persons per minute to exit and for Control Area R204A for 108 persons per minute to enter and 172 persons per minute to exit.

In addition, NYCT has requested that as part of this work, the control area railings are removed and replaced with ones more consistent with the main control areas and reflective of the historic nature of the station.

### **COMMUNITY BOARD RECOMMENDATION**

At its full board meeting on January 23, 2018, Manhattan Community Board 1 (“CB1”) recommended approval of this application with conditions for the applicant, NYPD and MTA. The vote was 42 in favor, 1 opposed, and 1 abstention.

The resolution noted the board’s disappointment over the aesthetic elements at grade of the two subway elevator bulkheads, and recommended that the MTA and the applicant work together to create an elevator bulkhead more contextually appropriate to the historic architecture of the immediate vicinity. In response to security concerns raised during their review timeframe, the board requested that NYPD Counterterrorism study potential risks to the New York Stock Exchange area from individuals entering from the elevators.

### **BOROUGH PRESIDENT COMMENTS**

In judging whether the findings are met for this special permit, the City Planning Commission must make the decision based on the extent to which the station is improved in terms of

pedestrian flow and connectivity, as well as the quality of the improvements to the station's environment. This decision must be made while more generally considering the benefit to the City of such improvements and what amount of floor area bonus is appropriate based on that benefit.

This is no easy task. Only a handful of developers in Manhattan have sought this particular floor area bonus under ZR § 74-634 – in 1988 at the 50<sup>th</sup> Street Station at 8<sup>th</sup> Avenue, pre-ADA requirements, in 2002 for Columbus Circle, and in 2015 for the 15 Penn Plaza proposal, which the CPC just renewed and the improvements have yet to be realized. The One Vanderbilt proposal, delivering a package of improvements to the Grand Central subway and LIRR system and connections, had slightly different, though comparative considerations before the CPC. All of these special permit applications share a request for the maximum floor area bonus that can be granted, and all were granted the maximum floor area bonus permitted under the zoning.

While the project site is incredibly well served by mass transit, it is important to note that 80 percent -355 out of 472 - of subway stations are NOT compliant with ADA. In some instances, the next accessible stop can be as far as 8 stations away. This number also does not include stations that continually have elevators out of service. To travel to the next available accessible station can be a challenge as well, given the state of the city's sidewalks and curb cuts. In the Manhattan Borough President's July 2015 report, *Accessible Manhattan: Making Sidewalks Safe and Navigable for All*, we found that fewer than 10% of curb cuts along Broadway were fully compliant with ADA, and we believe that this statistic is likely to hold for any city street. More problematic is that we found 142 curb cuts completely missing, just along Broadway.<sup>7</sup>

The stations at Broad Street and Wall Street, those that are most adjacent to the project site, fall within the non-accessible category. Fulton Street, which is fully accessible, is a 10 minute walk over a path with a 20 foot change in grade, with cobble stones and some of the narrowest sidewalks in the city, reflective of its significant colonial street plan. The Borough President does not believe such a distance is actually accessible to those in a wheel chair or pushing a stroller, or those of any age who have difficulty walking.

While the MTA is working to increase the number of accessible stations to 144 by 2020, therefore making about 31 percent of the entire subway system accessible, this is an expensive and difficult undertaking. At the MTA and NYCT's current rate of progress, the entire subway system won't be accessible until 2100. As such, with so few developers utilizing the subway improvement bonus, we believe it is fair to grant the bonus in its entirety given that the J/Z terminating station will be made fully accessible, bringing the number of accessible stations on this line to 6 out of its 30 stations.

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<sup>7</sup> DOT disagrees with the assessment, claiming that 96.8% of the city's 162,355 corners have had curb cuts installed. DOT also informed the office that they plan to install another 50-100 each year. The city began installing curb cuts where they didn't exist before only as a result of a 2002 settlement that forced them to bring the city's corners up to ADA standards. Yet, 14 years later, we have yet to see 100% of the city's curb cuts fully installed. Assuming for a moment that DOT is correct that we only have 800 curb cuts left to install in Manhattan, the city won't fully complete this work for another 8-16 years if they only install 50-100 curb cuts each year at the current pace of work. The work would obviously take even longer if there are more than 800 curb cuts still missing, as our report would suggest. These numbers do not take into account the time needed for curbs that need to be repaired.

The Borough President also strongly believes that improvements to access qualify as improvements to the station in terms of the level of connectivity and access, and as an overall improvement to the station. Lastly, the changes in the fare arrays for the Wall Street station for ingress and egress represent a significant increase and are beneficial to the city in terms of ensuring faster and safer entry and exit from a heavily utilized station.

Safety concerns were brought up by various local residents before and throughout the public review process. Specifically, the concern was whether the elevator would enable an individual to more easily bring to this significant financial and historic hub an instrument of destruction. We do not wish to dismiss the concerns, but only to frame them in practical probability. This hub has significant security camera presence, and the area is already blockaded against vehicular access of any kind. Elevator access from the subway or street does not diminish or increase the ability of an individual's access, and unfortunate experience has shown us that if the instrument is heavy enough to require mechanical assistance to transport, it is likely going in a vehicle, and if the instrument is portable, it is most likely going in a bag. Elevators are not likely to encourage those with intent to do harm, but elevators will make a substantial difference to commuters with mobility challenges.

More generally, we do take issue that the exterior design, versus engineering standards, of the kiosk structure was not presented as part of Commission purview given that the Commission has the right to "evaluate the benefits to the city." The Borough President believes that the benefit should not be limited to the cost of the improvement and the Zoning Resolution does not limit or define benefit in monetary terms. In the case of One Vanderbilt, cited at the November 27, 2017 Review Session, the zoning text allowed CPC to similarly exercise significant discretion in weighing "the public benefit" when determining the amount of bonus for transit improvements.<sup>8</sup> Ultimately for One Vanderbilt, the Borough President and CPC agreed that while the financial benefit to the city was a significant criteria and something that could be quantified in assessing the benefit derived from the improvements, the quality of the improvements, including design, merited consideration as well.

For this special permit in this historic corridor, recognized as historic in the Zoning Resolution and on the city, state, and federal level, the assessment of the benefit should have included the improvements' relationship to these historic surroundings. The exterior design at street level should have been on the table from the start as a consideration of the CPC given that the CPC is also asked to evaluate the "satisfactory integration of street level entry into the development."<sup>9</sup> Lastly, the CPC may "prescribe additional conditions and safeguards to enhance the character of the surrounding area" which the adjacent individual landmarks and historic street certainly merit.

It is our understanding that the process in place by the MTA today does not make it practically feasible at this time to condition approval on significant changes. However, the Borough

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<sup>8</sup> When it comes to determining the appropriate amount of FAR bonus in East Midtown, the text states that the Commission find that "the public benefit derived from the proposed above or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional floor area being granted." This does not give the CPC any parameters or factors to consider.

<sup>9</sup> In this instance, the MTA asked for a stand-alone structure but satisfactory integration with the street should still be a primary consideration.

President strongly cautions for the future that the City and MTA consider the streetscape and historic and other specific locational characteristics of future improvements in a more holistic fashion from the beginning, instead of presenting a structure as a fait accompli from the start of public review.

We believe this can be accomplished within the parameters of the existing special permit text as a matter of good public policy to show real responsiveness during the city's Uniform Land Use Review Procedure (ULURP). ZR § 74-634 states that a submission of schematic or concept plans for the proposed improvement to the Metropolitan Transportation Authority, New York City Transit and the City Planning Commission must be submitted prior to submitting an application for the special permit itself; the CPC should be free to raise and incorporate feedback related to the design, streetscape, and context concerns raised in this proposal. In addition, since New York City Transit must also receive approval from the Landmarks Preservation Commission (LPC) in addition to the approval from the Public Design Commission for improvements in historic districts, there is no reason not to have the appropriate design context discussion at that time as well. We would also remind all parties that the only requirement for certification is conceptual approval, not final, and that such conceptual sign off was granted on March 29, 2017. Almost a year has passed without any design change. Again, a degree of flexibility should be accepted as standard practice during ULURP in which public feedback is requested and required.

Notwithstanding the concerns on design which should be addressed in future applications, the Manhattan Borough President believes the conditions and findings have been met for the requested special permit.

#### **BOROUGH PRESIDENT'S RECOMMENDATION**

**Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 180063 ZSM.**



Gale A. Brewer  
Manhattan Borough President