

**MINUTES OF THE MEETING  
OF THE BOARD OF DIRECTORS  
OF  
PUBLIC REALM IMPROVEMENT FUND GOVERNING GROUP, INC.  
May 1, 2019**

A meeting of the Members and Directors of the East Midtown Public Realm Improvement Fund Governing Group was held at 2:04 p.m. on May 1, 2019 at 120 Broadway, New York, NY 10271.

Public notice of this meeting was given and posted in accordance with the Open Meetings Law.

The meeting was chaired by Council Member Powers, Vice-Chairperson of the Governing Group, on behalf of First Deputy Mayor Dean Fuleihan, Chairperson of the Governing Group. The following Directors and Alternate Directors were present:

The following Members were present:

- Hon. Keith Powers, Council Member for District 4
- Hon. Gale Brewer, Manhattan Borough President
- Dan Garodnick, Designee of Speaker of the Council
- Clayton Smith, Member and Designee of Manhattan Community Board Five
- Sandra McKee, Member and Designee of Manhattan Community Board Six
- Susan Chin, Executive Director of the Design Trust for Public Space

The following Members acted by proxy:

- Dean Fuleihan, Deputy Mayor of Housing and Economic Development
- Marisa Lago, Director of the NYC Department of City Planning
- James Patchett, President of the NYC Economic Development Corporation
- Polly Trottenberg, Commissioner of the NYC Department of Transportation
- Lorraine Grillo, Commissioner of the NYC Department of Design & Construction
- Melanie Hartzog, Director of the NYC Office of Management and Budget
- Vincent Sapienza, Commissioner of the NYC Department of Environmental Protection

The following Directors and Alternate Directors were present:

- Hon. Keith Powers, Council Member for District 4
- Hon. Gale Brewer, Manhattan Borough President
- Dan Garodnick, Designee of the Speaker of the Council
- Clayton Smith, Member and Designee of Manhattan Community Board Five
- Sandra McKee, Member and Designee of Manhattan Community Board Six
- Susan Chin, Executive Director of the Design Trust for Public Space
- Caitlin Lewis, Alternate Director for Deputy Mayor of Housing and Economic Development
- Bob Tuttle, Alternate Director for the Director of the Department of City Planning

- Kim Vaccari, Alternate Director of the President of the Economic Development Corporation
- Lizette Christoff, Alternate Director for the Director of the Office of Management and Budget
- Ed Pincar, Alternate Director of the Department of Transportation
- Jamie Torres-Springer, Alternate Director for the Commissioner of the Department of Design and Construction
- Alyssa Cobb-Konon, Representative for the Commissioner of the Department of Parks and Recreation

The Meeting of Members commenced, a quorum being present.

1. **Directors and Alternate Directors:** It was announced that elections were in order to elect Directors and Alternate Directors of the corporation. Director Lewis noted First Deputy Mayor Fuleihan would serve as the Governing Group’s ex-officio Chairperson until Vicki Been is appointed as the Deputy Mayor of Housing and Economic Development, and that Mayor de Blasio is appointing the Commissioner of the Department of Design and Construction to the Governing Group and removing the Commissioner of the Department of Environmental Protection. There were no questions or comments. Upon a motion made and unanimously carried, a resolution was adopted for the membership sections at issue to elect the following Directors and Alternate Directors.

**Director:**

Dean Fuleihan  
Lorraine Grillo  
Sandy McKee

**Alternate Director:**

Caitlin Lewis  
Jamie Torres-Springer  
Molly Hollister

The Meeting of Directors commenced, a quorum being present.

1. **Adoption of Meeting Minutes:** It was announced that adoption of the meeting minutes from the Meeting of Members and Directors, held on October 30, 2018, was in order. Upon a motion made and unanimously carried, the meeting minutes were adopted.
2. **Adoption of Annual Budget Report:** Director Vaccari presented the annual budget report to the Governing Group. She noted that while the Governing Group has no assets at this time, the Public Authorities Accountability Act requires that a budget be submitted for fiscal years 2019 and 2020. There were no questions or comments. Upon a motion made and unanimously carried, the annual budgets for FY 2019 and FY2020 were approved.
3. **Adoption of By-law Amendments:** It was announced that administrative amendments of the Governing Group’s by-laws were in order. The amendments included: (1) the addition of the Commissioner of the Department of Design and Construction to the Governing Group; and (2) the clarification that the Governing Group’s funds will not be held in an account in the name of the NYCEDC, but rather in an account in the name of the Governing Group that will be administered by the NYCEDC for use in accordance with the concept plan. It was noted that upon the change in the by-laws, the Governing Group account would be opened at PNC

Bank and that the funds from the first contribution to the Public Realm Improvement Fund, in the amount of \$41,672,875.00, would be held in a sweep account until a long-term investment strategy could be determined.

In response to a question from Director Garodnick, Director Lewis explained that the rationale behind replacing the Commissioner of DEP with the Commissioner of DDC was since DDC would be involved in the implementation and construction of pedestrian realm improvement projects on a consistent basis while DEP involvement would be project dependent.

In response to a clarifying question from Director Garodnick, Director Vaccari noted that the Governing Group's funds are currently being held in an NYCEDC account but that the Governing Group should hold its own funds since it is the entity with authority over the funds. She further noted that NYCEDC would continue to perform the financial reporting requirements and disburse funds when instructed. Director Lewis added that the by-law amendment was consistent with the Zoning Resolution, which does not require the funds to be held by NYCEDC.

In response to a question from Hon. Director Brewer, Director Vaccari explained that the bank account could be opened within the next couple of weeks and that NYCEDC will develop a long-term investment strategy for approval by the Governing Group.

There were no further questions or comments. Upon a motion made and unanimously carried, the amendments to the by-laws were adopted.

- 4. Adoption of Concept Plan Amendment:** It was announced that an amendment of the Governing Group's public realm improvement concept plan was in order. The amendment specifies that no reimbursements from the Public Realm Improvement Fund shall be made without written authorization or waiver from the OMB.

In response to a question from Director Chin, Director Christoff noted that no new restrictions would be added to the standard OMB process. The amendment is intended to facilitate fund transfers from a non-City agency to a City agency for capital projects managed by the City.

There were no further questions or comments. Upon a motion made and unanimously carried, the amendment to the concept plan was adopted.

- 5. Development Update:** Director Tuttle provided a development update on some of the larger projects in the area that have completed their review by the CPC recently and projects that may come before the CPC in the coming years.

One Vanderbilt

This project includes the pedestrianization of Vanderbilt Avenue, between the One Vanderbilt tower and Grand Central Terminal, with a public plaza. Additional public realm improvements include on-site and off-site transit network improvements affecting

the 4, 5, 6, 7, and shuttle subway lines, MNR, LIRR, and Grand Central Terminal. The building is anticipated to be tenanted and public realm improvements are expected to be completed by August 2020.

270 Park Avenue (a/k/a JPMorgan Chase Headquarters)

The transfer of landmark development rights from Grand Central Terminal to this site was approved in December 2018. This resulted in an over \$41 million contribution to the Governing Group's fund. Redevelopment of the site includes on-site and off-site improvements to MNR and the LIRR's East Side Access project. The project needs to return to the DCP for a certification regarding its public space design. The building is expected to be tenanted in 2024.

TowerFifth (East 51st and 52nd streets, between Fifth and Madison avenues)

This project is in preliminary stages of planning with DCP. At this stage, it is too early to know the scope of public realm improvements, but the proposed site is large enough that a mandatory public space would be required on-site in accordance with the Greater East Midtown zoning regulations.

Grand Hyatt

This project is in the early stages. It is too early to know the scope of the public realm improvements at this time, but a future development at this location and of the currently proposed lot area would be required to undertake transit improvements and provide an on-site public space.

In response to a question from Hon. Director Powers, Director Tuttle responded that analysis conducted for the Greater East Midtown plan showed that there were approximately 3.6 million square feet of landmark development rights available at the time of the plan's approval in August 2017. Since then, approximately 666,000 square feet were transferred from Grand Central Terminal and approximately three million square feet remain.

Hon. Director Brewer requested clarification regarding the process for certifying the future public space design at 270 Park Avenue. Director Tuttle responded that the design is subject to a CPC Chairperson certification pursuant to the regulations in the Zoning Resolution. In response to questions from Hon. Director Brewer and Director Garodnick, Director Tuttle and Director Lewis explained that a CPC Chairperson certification does not require public review but that the Governing Group could be kept apprised and request that JPMorgan Chase present its design to the Governing Group.

In response to a question from Director Chin, Director Tuttle explained that maintenance obligations for the public space at 270 Park Avenue will be the responsibility of the private property owner. He further noted that DOB inspects these types of spaces and enforces that the required amenities, such as seating and plantings, are present and maintained in good repair.

Director Garodnick requested that JPMorgan Chase present the design for the 270 Park Avenue public space to the Governing Group before the space is approved by the CPC

Chairperson. Upon a motion made and unanimously carried, JPMorgan Chase was invited to present to the Governing Group.

In response to a question from Hon. Director Powers, Director Tuttle explained that additional transit improvements, like those that could be made possible by uniquely located projects such as the Grand Hyatt, can be added to the Zoning Resolution through the City Administrative Procedure Act process.

Hon. Director Brewer inquired as to role the Governing Group has with regard to public spaces generated by private development, such as at the Grand Hyatt. Director Tuttle responded that there is no formal role for the Governing Group in the design and construction of public spaces on private property under the Greater East Midtown zoning regulations. He noted that, depending on the land use actions requested for the project, the purview to approve the public space design is with the CPC or the CPC Chairperson. In response to a follow-up question from the Hon. Director Brewer, Director Tuttle responded that the Governing Group could choose to fund projects it believed would leverage a private investment.

Director Chin noted the importance thinking about how a public space at the Grand Hyatt site could contribute to the network of public spaces in the area, including the Pershing Square plazas and the future One Vanderbilt plaza. Director Tuttle noted that DCP's design review considers how future public spaces will contribute and integrate into the broader network. Director Chin emphasized the importance of spaces being consistent with the brand that the area's BIDs create.

Hon. Director Powers and Director Smith expressed concerns that the negotiation process between JPMorgan Chase and the MTA regarding improvements to LIRR's East Side Access and the MNR train shed was not more transparent.

- 6. Project Updates:** It was announced that DOT and DDC would present an update on several projects within East Midtown. Emily Weidenhof, DOT Director of Public Space, provided an update on two early action items: (1) 43rd Street shared street, and (2) 53rd Street thoroughfare improvements.

43rd Street shared street, between Lexington and Third avenues

The space was refreshed with the painted gravel treatment that denotes pedestrian areas and additional planters. DOT is working with GCPBID to determine a seating and table plan. The target implementation schedule for the refresh with interim materials is by mid-May 2019.

53rd Street thoroughfare improvements

Implementation of the project began this week, which includes planters, signage, and markings for bulbouts and neck downs. The target implementation schedule for the thoroughfare improvements with interim materials is by the end of May 2019.

In response to a question from Director McKee, Ms. Weidenhof explained that a property along East 43rd Street was using parking in front of its building to temporarily stage a trailer with equipment necessary to operate the building while its being renovated. Ms. Weidenhof discussed how shared streets are designed to be flexible so that they can respond to temporary construction issues and loading needs of buildings. In response to a question from Hon. Director Brewer, Ms. Weidenhof noted that DOT is working with the property owner to ensure that the necessary work is being conducted as expeditiously as possible.

Director Torres-Springer, DDC First Deputy Commissioner, provided an update on the capital projects: (1) Pershing Square West plaza, (2) Pershing Square East plaza, (3) 43rd Street shared street, and (4) Lexington Avenue thoroughfare improvements.

Pershing Square West, between East 41st and 42nd streets

The plaza design includes landscaped areas and rain gardens. Construction included trunk water main installation and roadway reconstruction on 42nd Street. Work continues on some custom-made bronze elements, a trench grate, and repairs to pavers and pits. The project cost is \$12 million. The target opening date is by the end of May 2019 with completion anticipated by the end of summer.

Pershing Square East, between East 41st and 42nd streets

The plaza design includes seating areas, small and larger planters, and accommodates a Citi Bike station. Curb lines will be finalized in the coming weeks once the below-grade condition survey is completed. Discussions about perimeter security measures are occurring with the NYPD, FDNY, and GCPBID. The project cost is \$15 million. Input from the community board and Public Design Commission is expected this summer. The target schedule for completion of design is Spring 2020, which will be followed by procurement and an approximately two-year construction period.

43rd Street shared street, between Lexington and Third avenues

The shared street design includes seating and planters, which will permanently extend the boundary of the pedestrian areas. The geometric design, informed by a survey that is underway, is being finalized with DOT in the coming weeks. This will be followed by work to determine the landscape design. Discussions about perimeter security measures are occurring with the NYPD, FDNY, and GCPBID. The project cost is \$17 million. Input from the community board and Public Design Commission is expected this summer. The target schedule for completion of design is Spring 2020, which will be followed by procurement and an approximately two-year construction period.

Lexington Avenue thoroughfare improvements

The thoroughfare improvement project's scope is linked to the 43rd Street shared street project. The project includes bulbouts and neck downs along Lexington Avenue that will decrease pedestrian crossing distances and improve overall circulation in the area. Based on the survey results, a proposed bulbout south of 42nd Street was deemed infeasible due to ConEd infrastructure, and other locations were identified as having significant below-grade utilities that will need to be further discussed with the MTA. The project cost is \$13 million.

Director Torres-Springer noted that some key lessons learned during the Pershing Square West construction include coordination with local stakeholders, sequencing trunk water main installation with plaza construction, using easily-sourced elements that don't require custom retrofitting, and having the front end planning group analyze projects and raise issues early in the process.

In response to a comment by the Hon. Director Brewer about the future redevelopment of the MNR train shed and reconstruction of the Park Avenue medians, Director Pincar confirmed that DOT, MTA, and MNR are in close coordination as to the schedule and sequencing of the train shed repairs. He noted that DOT is hoping to hold visioning workshops with the public in the summer or fall of 2019. Hon. Director Powers and Director Chin noted that the MNR train shed work that will be part of the redevelopment project at 270 Park Avenue is an opportunity to develop best practices with MNR on a more localized project before the larger project begins. Director Pincar stated that DOT could work to define a process regarding how the Governing Group could work with other stakeholders as the MNR train shed reconstruction moves forward. Mr. Cerullo, President and CEO of the GCPBID, noted that GCPBID would be willing to help coordinate that process, particularly around the property owners.

7. **Potential Future Projects:** Ms. Schreiberman, NYCT Senior Director of Strategic Planning, presented a transit improvement at the Lexington Avenue/51st Street station, which serves the 6 subway line. She noted that, of the six stations eligible to receive funds for improvements under the Greater East Midtown plan, Lexington Avenue/51st Street station ranks second in terms of entries and serves 50,000 trips daily. The station has two side platforms with entrances on 51st Street and a southbound entrance at 50th Street. The station, however, has no corresponding northbound entrance at 50th Street. Ms. Schreiberman provided details regarding the location and structural considerations of adding an entrance on the southeast corner of Lexington Avenue and East 50th Street. She noted that additional research would be necessary to produce a cost estimate for the project.

Director Garodnick stated that a necessary next step would be to provide a cost estimate that would enable the Governing Group to determine if it has the funds necessary for the project. Ms. Schreiberman responded that a cost estimate could be produced. Director Chin requested additional information regarding projected passenger volumes at the station. Ms. Schreiberman responded in the affirmative. The Governing Group requested that NYCT return to a future meeting with cost projections and projected passenger counts.

8. **New Business:** Director Garodnick inquired as to whether there were additional pedestrian realm improvements that should be added to the Concept Plan. Director Pincar responded that DOT continues to think about potential opportunities for pedestrian realm improvements. DOT is currently working with elected officials and community boards to improve bus lines along 42nd Street. The project would likely start with interim materials and there could be an opportunity for the Governing Group to fund a portion of the capital improvement. Director Pincar also noted that, of the existing projects in the Concept Plan, the 44th Street shared street proposal is promising as it could contribute to the area's public space network and be

completed with the currently available funds. Mr. Cerullo added that the GCPBID is discussing the shared street concept with stakeholders on the 44th Street block. Director Pincar further noted that other improvements in the Concept Plan along Vanderbilt Avenue and 53rd Street could warrant additional feasibility analysis. Director Chin inquired about opportunities to reprioritize projects in the Concept Plan. Director Pincar responded that it is feasible, particularly through their continued engagement with the community boards.

In response to a question from Hon. Director Powers, Director Pincar stated that bollards for the 43rd Street shared street cost approximately \$6 million. Hon. Director Brewer stated that, while the bollards are required by NYPD, the Governing Group should not have to pay for them. Director Chin discussed exploring alternatives to bollards that could harden the edges of public spaces, possibly using street furnishings and planters. Director McKee added the Community Board 6 members do not like the additional obstructions of bollards on already congested sidewalks.

In response to a question by Director Chin, Hon. Director Powers and Director Lewis responded that adding a public comment portion to the meetings would be discussed.

9. **Adjournment:** There being no further business to come before the meeting, the meeting of the Board of Directors was adjourned at 3:38 p.m.



## COMMON ABBREVIATIONS

**BID** | business improvement district  
**CPC** | NYC City Planning Commission  
**DCP** | NYC Department of City Planning  
**DDC** | NYC Department of Design and Construction  
**DEP** | NYC Department of Environmental Protection  
**DOB** | NYC Department of Buildings  
**EMP** | East Midtown Partnership BID  
**FDNY** | Fire Department of the City of New York  
**GCP** | Grand Central Partnership BID  
**LIRR** | Long Island Rail Road  
**MNR** | Metro-North Railroad  
**MTA** | Metropolitan Transportation Authority  
**NYCEDC** | NYC Economic Development Corporation  
**NYCT** | New York City Transit  
**NYPD** | NYC Police Department  
**OMB** | NYC Office of Management and Budget