



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

December 15, 2021

City Council  
City Hall  
New York, NY 10007

Re: 175 Park Avenue  
C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, C 210415 ZSM  
Related Applications: N 210416 ZRM, C 210417 PPM  
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated December 7<sup>th</sup>, from the City Council regarding the proposed modifications to the above-referenced applications submitted by Commodore Owner LLC for Special Permits pursuant to Sections 81-685, 81-621, 81-644 and 81-645 of the Zoning Resolution.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on December 15, 2021, has determined that the City Council's proposed modifications do 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  
S. Amron

D. DeCerbo  
R. Singer

E. Moser  
J. Mangin

H. Marcus

Anita Laremont, Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Fl. - New York, N.Y. 10271  
(212) 720-3200  
[www.nyc.gov/planning](http://www.nyc.gov/planning)



**THE COUNCIL  
THE CITY OF NEW YORK  
LAND USE DIVISION  
250 BROADWAY - ROOM 1602  
NEW YORK NEW YORK 10007**

**RAJU MANN  
DIRECTOR**

**TEL.: 212-788-7335  
[RMANN@COUNCIL.NYC.GOV](mailto:RMANN@COUNCIL.NYC.GOV)**

December 7, 2021

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

**Re: Application Nos.: C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, C 210415  
ZSM (L.U. Nos. 899-902)  
Related Application Nos.: N 210416 ZRM, C 210417 PPM (L.U. Nos. 903-904)**

**175 Park Avenue**

Dear Chair Laremont:

On December 7, 2021 the Land Use Committee of the City Council, by a vote of 13-0-0 for Applications **C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, C 210415 ZSM**, recommended modifications of the City Planning Commission's decisions in the above-referenced matters.

With respect to **C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, and C 210415 ZSM**, the proposed modification reduces the maximum height of the proposed building. The Land Use Committee notes that its modifications to **C 210413 ZSM, C 210414 ZSM, and C 210415 ZSM** are limited to revisions of the approved drawing lists, for consistency with **C 210412 ZSM**. The proposed modifications are fully set forth below.

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

**C 210412 ZSM (L.U. No. 899)**

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

**Honorable Anita Laremont, Chair**

**Application Nos.: C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, C 210415 ZSM**

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1. The property that is the subject of this application (C 210412 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 Skidmore, Owings and Merrell LLP, filed with this application and incorporated in this resolution:

**C 210412 ZSM**

<b><u>Dwg No.</u></b>	<b><u>Title</u></b>	<b><u>Last Revised Date</u></b>
Z-002	Zoning Calculations	<del>10/08/2021</del> <u>12/13/2021</u>
Z-003	Zoning Lot Site Plan	<del>05/10/2021</del> <u>12/13/2021</u>
Z-201	Zoning Waiver Plan – Ground Floor	<del>05/10/2021</del> <u>12/13/2021</u>
Z-202	Zoning Waiver Plan – Level 2	<del>05/10/2021</del> <u>12/13/2021</u>
Z-250	Zoning Waiver Sections	<del>05/10/2021</del> <u>12/13/2021</u>
Z-300	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-301	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-302	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-303	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-304	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-305	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-306	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-307	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-500	Lexington Passage & Transit Hall – Ground Floor	05/10/2021
Z-510	Lexington Passage & Transit Hall – Sections	05/10/2021
Z-511	Lexington Passage & Transit Hall – Sections	05/10/2021
Z-512	Lexington Passage & Transit Hall – Sections	05/10/2021
Z-513	Lexington Passage & Transit Hall – Sections	05/10/2021
Z-601	Public Concourse Improvements – Ground Floor	05/10/2021
Z-602	Public Concourse Improvements – Level 2	10/08/2021

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Z-603	Public Concourse Improvements – Level 3	10/08/2021
Z-620	Public Concourse Improvements – Landscape Sections	10/08/2021
Z-621	Public Concourse Improvements – Landscape Sections	10/08/2021
Z-701	Publicly Accessible Space – Ground Floor	05/10/2021
Z-702	Publicly Accessible Space – Level 2	10/08/2021
Z-730	Publicly Accessible Space – Landscape Sections	10/08/2021

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 hereto as Exhibit A, 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 Register of the City of New York, County of New York. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any

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**Application Nos.: C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, C 210415 ZSM**

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such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

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

**C 210413 ZSM (L.U. No. 900)**

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 210413 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 Skidmore, Owings and Merrell LLP, filed with this application and incorporated in this resolution:

**C 210413 ZSM**

<u>Dwg No.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-002	Zoning Calculations	<del>10/08/2021</del> <u>12/13/2021</u>
Z-003	Zoning Lot Site Plan	<del>05/10/2021</del> <u>12/13/2021</u>
Z-201	Zoning Waiver Plan – Ground Floor	<del>05/10/2021</del> <u>12/13/2021</u>
Z-202	Zoning Waiver Plan – Level 2	<del>05/10/2021</del> <u>12/13/2021</u>
Z-250	Zoning Waiver Sections	<del>05/10/2021</del> <u>12/13/2021</u>
Z-300	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-301	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-302	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-303	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-304	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>

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**Application Nos.: C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, C 210415 ZSM**

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Z-305	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-306	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-307	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>

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 hereto as Exhibit A, 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 Register of the City of New York, County of New York. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
7. Neither the City of New York nor its employees or agents shall have any liability for money

**Honorable Anita Laremont, Chair**

**Application Nos.: C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, C 210415 ZSM**

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damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

**C 210414 ZSM (L.U. No. 901)**

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 210414 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 Skidmore, Owings and Merrell LLP, filed with this application and incorporated in this resolution:

**C 210414 ZSM**

<u>Dwg No.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-002	Zoning Calculations	<del>10/08/2021</del> <u>12/13/2021</u>
Z-003	Zoning Lot Site Plan	<del>05/10/2021</del> <u>12/13/2021</u>
Z-201	Zoning Waiver Plan – Ground Floor	<del>05/10/2021</del> <u>12/13/2021</u>
Z-202	Zoning Waiver Plan – Level 2	<del>05/10/2021</del> <u>12/13/2021</u>
Z-250	Zoning Waiver Sections	<del>05/10/2021</del> <u>12/13/2021</u>
Z-300	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-301	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-302	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-303	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-304	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-305	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-306	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-307	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
TI-099	Transit Improvements Key Plan – Sub-Cellar 1	05/10/2021
TI-100	Transit Improvements Key Plan – Cellar	05/10/2021

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TI-101	Transit Improvements Key Plan – Ground Floor	05/10/2021
TI-110	Transit Improvements – R-238	05/10/2021
TI-120	Transit Improvements – Girder Removal	05/10/2021
TI-130	Transit Improvements – Short Loop	05/10/2021
TI-131	Transit Improvements – Short Loop	05/10/2021
TE-100	Transit Easement Site Plan	05/10/2021
TE-110	Transit Easement Sections	05/10/2021
TE-120	Transit Easement Axonometric	05/10/2021

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 hereto as Exhibit A, 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 Register of the City of New York, County of New York. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning

**Honorable Anita Laremont, Chair**

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Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

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

**C 210415 ZSM (L.U. No. 902)**

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 210415 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 Skidmore, Owings and Merrell LLP, filed with this application and incorporated in this resolution:

**C 210415 ZSM**

<b><u>Dwg No.</u></b>	<b><u>Title</u></b>	<b><u>Last Revised Date</u></b>
Z-002	Zoning Calculations	<del>10/08/2021</del> <u>12/13/2021</u>
Z-003	Zoning Lot Site Plan	<del>05/10/2021</del> <u>12/13/2021</u>
Z-201	Zoning Waiver Plan – Ground Floor	<del>05/10/2021</del> <u>12/13/2021</u>
Z-202	Zoning Waiver Plan – Level 2	<del>05/10/2021</del> <u>12/13/2021</u>
Z-250	Zoning Waiver Sections	<del>05/10/2021</del> <u>12/13/2021</u>
Z-300	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-301	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-302	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-303	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>

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Z-304	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-305	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-306	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-307	Daylight Evaluation	<del>05/10/2021</del> <u>12/13/2021</u>
Z-500	Lexington Passage & Transit Hall – Ground Floor	05/10/2021
Z-510	Lexington Passage & Transit Hall – Sections	05/10/2021
Z-511	Lexington Passage & Transit Hall – Sections	05/10/2021
Z-512	Lexington Passage & Transit Hall – Sections	05/10/2021
Z-513	Lexington Passage & Transit Hall – Sections	05/10/2021
Z-601	Public Concourse Improvements – Ground Floor	05/10/2021
Z-602	Public Concourse Improvements – Level 2	10/08/2021
Z-603	Public Concourse Improvements – Level 3	10/08/2021
Z-620	Public Concourse Improvements – Landscape Sections	10/08/2021
Z-621	Public Concourse Improvements – Landscape Sections	10/08/2021
Z-701	Publicly Accessible Space – Ground Floor	05/10/2021
Z-702	Publicly Accessible Space – Level 2	10/08/2021
Z-730	Publicly Accessible Space – Landscape Sections	10/08/2021

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.

**Honorable Anita Laremont, Chair**

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4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, 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 Register of the City of New York, County of New York. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

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

**Honorable Anita Laremont, Chair**

**Application Nos.: C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, C 210415 ZSM**

**December 7, 2021**

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Sincerely,



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Julie Lubin,  
General Counsel

JL:kg

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  
Edith Hsu-Chen, DCP  
File