# THE COUNCIL

**JOINT REPORT OF THE LAND USE COMMITTEE**

**AND THE**

**SUBCOMMITTEE ON ZONING AND FRANCHISES**

**L.U. Nos. 899 through 904**

**(Res. Nos. 1879 through 1884)**

**By Council Members Salamanca and Moya**

## SUBJECT

**MANHATTAN CB-5 – SIX APPLICATIONS RELATED TO 175 PARK AVENUE**

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

 City Planning Commission decision approving an application submitted by Commodore Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, in conjunction with a special permit pursuant to 81-64 (Special Floor Area Provisions for Qualifying Sites), to modify:

1. the qualifying site definition of Section 81-613 (Definitions) to include two or more zoning lots that are contiguous and in include the zoning lot occupied by Grand Central Terminal;
2. the requirement that a development exceed the basic maximum floor area ratio set forth in Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) as a pre-condition to an increase in floor area pursuant to such table, where a qualifying site includes the zoning lot occupied by Grand Central Terminal;
3. the street wall regulations of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements);
4. the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation) and Section 81-66 (Special Height and Setback Requirements);

5. the mandatory district plan elements of Section 81-42 (Retail Continuity along Designated Streets), and 81-45 (Pedestrian Circulation Space), Section 81-674 (Ground floor use provisions) & Section 37-53 (Design Standards for Pedestrian Circulation Space);

6. the requirement that the publicly accessible space required pursuant to Section 81-681 (Mandatory Requirements for Qualifying Sites), comply with the provisions of Section 37-70 (Public Plazas); and

7. the requirements of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to extend the time period not to exceed 10 years, for substantial construction to be completed prior to the lapse of any special permit granted for the qualifying site;

in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001, and 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

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

City Planning Commission decision approving an application submitted by Commodore Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-621 of the Zoning Resolution to allow Use Group 5 uses (transient hotel), on property located at 175 Park Avenue (Block 1280, Lot 30), in a C5-3 District, within the Special Midtown District (East Midtown Subdistrict).

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

City Planning Commission decision approving an application submitted by Commodore Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-644 of the Zoning Resolution to allow an increase in the amount of floor area permitted, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites) where subway station and/or rail mass transit facility improvements are made in accordance with the provisions of Section 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict - Grand Central Transit Improvement Zone Subarea).

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

City Planning Commission decision approving an application submitted by Commodore Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-645 of the Zoning Resolution as follows:

1. to allow an increase in the amount of floor area permitted, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites) where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment on the qualifying site; and

2. to modify the off-street loading berth requirements of Section 36-62 (Required Accessory Off-street Loading Berths) to allow a reduction in the required number of berths;

in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

**N 210416 ZRM (L.U. No. 903)**

City Planning Commission decision approving an application submitted by Commodore Owner, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying the provisions of the East Midtown Subdistrict in Article VIII, Chapter 1 (Special Midtown District).

**C 210417 PPM (L.U. No. 904)**

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the disposition of a city-owned property located at 175 Park Avenue aka 109 East 42nd Street (Block 1280, Lot 30), pursuant to zoning.

## INTENT

 To grant an approval of the special permit pursuant to ZR Section 81-685 to allow for modifications to the East Midtown Subdistrict regulations; approval of the special permit pursuant to ZR Section 81-621 to permit hotel use; approval of the special permit pursuant to ZR Section 81-644 to permit an increase in floor area to allow for transit improvements; approval of the special permit pursuant to ZR Section 81-645 to permit an increase in floor area to allow for public concourse improvements and modify loading regulations; amend zoning text to amend provisions relating to existing special permits; and approve the disposition of non-residential City-owned property to facilitate the development of a 2.25 million-square-foot hotel and office tower, located at 175 Park Avenue (Block 1280, Lot 30), in the East Midtown neighborhood of Manhattan, Community District 5.

## PUBLIC HEARING

 **DATE:** November 9, 2021

 **Witnesses in Favor:** Seventeen **Witnesses Against:** None

## SUBCOMMITTEE RECOMMENDATION

 **DATE:** December 7, 2021

 The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 903 and 904, and approve with modifications the decisions of the City Planning Commission on L.U. Nos. 899 through 902.

**In Favor: Against: Abstain:**

Moya None None

Levin

Reynoso

Grodenchik

Borelli

**COMMITTEE ACTION**

 **DATE:** December 7, 2021

 The Committee recommends that the Council approve the attached resolutions.

**In Favor: Against: Abstain:**

Salamanca None None

Gibson

Barron

Koo

Levin

Reynoso

Treyger

Grodenchik

Diaz, Sr.

Riley

Brooks-Powers

Feliz

Borelli

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

            The City Planning Commission filed a letter dated \_\_\_\_\_\_\_\_\_, 2021, with the Council on \_\_\_\_\_\_\_\_\_\_, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.