Legislation Details (With Text)

File #:	Res 1879-2021	**Version:**	*	**Name:**	LU 899 - Zoning, 175 Park Avenue, Manhattan (C 210412 ZSM)
Type:	Resolution			**Status:**	Adopted
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Title: Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210412 ZSM, for the grant of a special permit (L.U. No. 899).

Sponsors:

Indexes:

Attachments: 1. Res. No. 1879, 2. October 21, 2021 - Stated Meeting Agenda with Links to Files, 3. Hearing Transcript - Stated Meeting 10-21-21, 4. Calendar of the Zoning Subcommittee Meeting - November 9, 2021, 5. REVISED - Calendar of the Zoning Subcommittee - November 9, 2021, 6. Calendar of the Subcommittee Meetings and Land Use Meeting - December 7, 2021, 7. December 15, 2021 - Stated Meeting Agenda with Links to Files, 8. Restrictive Declaration, 9. LOCATING ENVIRONMENTAL REVIEW MATERIALS FOR CERTAIN LAND USE APPLICATIONS, 10. City Planning Commission Approval Letter, 11. Committee Report, 12. Hearing Transcript - Stated Meeting 12-15-21, 13. Minutes of the Stated Meeting - December 15, 2021

Date	Ver.	Action By	Action	Result
12/7/2021	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
12/15/2021	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1879

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210412 ZSM, for the grant of a special permit (L.U. No. 899).

By Council Members Salamanca and Moya

WHEREAS, Commodore Owner, LLC, filed an application 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 the qualifying site definition of Section 81-613 (Definitions); 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); the street wall regulations of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements); 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); 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); 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 the requirements of Section 11-42 (Lapse of

Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) 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, which in conjunction with the related actions would facilitate the development of an approximately 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 (ULURP No. C 210412 ZSM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 18, 2021, its decision dated October 18, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 210413 ZSM (L.U. No. 900), a special permit pursuant to Zoning Resolution (ZR) Section 81-621 to permit hotel use; C 210414 ZSM (L.U. No. 901), a special Permit pursuant to ZR Section 81-644 to permit an increase in floor area to allow for transit improvements; C 210415 ZSM (L.U. No. 902), a 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; N 210416 ZRM (L.U. No. 903), a zoning text amendments to amend provisions relating to existing special permits; and C 210417 PPM (L.U. No. 904), a disposition of non-residential City-owned property;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 81-685 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 9, 2021;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration, issued November 20th, 2020 (CEQR No. 21DCP057M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 7, 2021, which identified significant adverse impacts related to air quality and noise would be avoided through the placement of (E) designations on the project site. The proposed project as analyzed in the FEIS, identified significant adverse impacts with respect to transportation (vehicular traffic, transit, pedestrian) and construction (transportation) and the identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 16 "Mitigation" of the FEIS. To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration. The Council has also considered the Technical Memorandum dated December 14, 2021.

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and

(3) Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the action[s] is [are] one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

(4) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated October 7, 2021, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS and the Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210412 ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter double struck out is old, deleted by the City Council;
Matter <u>double-underlined</u> is new, added by the City Council

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		
Dwg No.	**Title**	**Last Revised Date**
Z-002	Zoning Calculations	10/08/2021<u>12/13/2021</u>
Z-003	Zoning Lot Site Plan	05/10/2021<u>12/13/2021</u>
Z-201 Z-202	Zoning Waiver Plan - Ground Floor Zoning Waiver Plan - Lev	05/10/2021<u>12/13/2021</u> <u>12/13/2021</u>
Z-250	Zoning Waiver Sections	05/10/2021<u>12/13/2021</u>
Z-300	Daylight Evaluation	05/10/2021<u>12/13/2021</u>
Z-301	Daylight Evaluation	05/10/2021<u>12/13/2021</u>
Z-302	Daylight Evaluation	05/10/2021<u>12/13/2021</u>
Z-303	Daylight Evaluation	05/10/2021<u>12/13/2021</u>
Z-304	Daylight Evaluation	05/10/2021<u>12/13/2021</u>
Z-305	Daylight Evaluation	05/10/2021<u>12/13/2021</u>
Z-306	Daylight Evaluation	05/10/2021<u>12/13/2021</u>
Z-307	Daylight Evaluation	05/10/2021<u>12/13/2021</u>
Z-500 Z-510	Lexington Passage & Transit Hall - Ground Floor Lexington P	05/10/2021 05/10/2021

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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	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 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.

Adopted.

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Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on _____, 2021, on file in this office.

City Clerk, Clerk of The Council