



Legislation Text

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File #: Res 0888-2019, Version: \*

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**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 888**

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190180(A) ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 390).**

**By Council Members Salamanca, Jr. and Moya**

WHEREAS, the City Planning Commission filed with the Council on March 29, 2019 its decision dated March 27, 2019 (the "Decision"), on the application submitted by JPMorgan Chase Bank, N.A., pursuant to Section 201 of the New York City Charter, for an amendment of Article VIII, Chapter 1 (Special Midtown District) of the text of the Zoning Resolution of the City of New York, modifying retail continuity, street wall and plaza design requirements for publicly accessible spaces on the development site of the zoning map amendment pursuant to Section 81-681(b) (Mandatory publicly accessible space requirements for qualifying sites) to modify paragraph (b)(1)(iii) and modifications to the design requirements as set forth in paragraph (b) (2) to facilitate a new office building that would be approximately 70 stories tall and would utilize approximately 1,871,764 square feet of floor area, including 666,766 square feet of floor area transferred from Grand Central Terminal at 270 Park Avenue (Block 1283, Lot 21) in the East Midtown neighborhood of Manhattan Community District 5, (Application No. N 190180(A) ZRM), (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 16, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued March 25<sup>th</sup>, 2019 which supersedes the Negative Declaration issued November 13<sup>th</sup>, 2018, and the Revised Environmental Assessment Statement issued March 25<sup>th</sup>, 2019 (CEQR No. 19DCP085M).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration.

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, N 190180 (A) ZRM, 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 underlined is new, to be added;
  - Matter ~~struck-out~~ is to be deleted;
  - Matter within ## is defined in Section 12-10;
  - Matter double struck out is old, deleted by the City Council;
  - Matter double-underlined is new, added by the City Council
- \* \* \* indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE VIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Midtown District**

\* \* \*

**81-681  
Mandatory requirements for qualifying sites**

\* \* \*

(b) Mandatory publicly accessible space requirements for qualifying sites

\* \* \*

(1) Type and minimum size

\* \* \*

(iii) A #qualifying site# with a #lot area# of 65,000 square feet or greater shall provide an open publicly accessible space with an area of not less than 10,000 square feet. Where such #qualifying site# has a #through lot# portion, such #qualifying site# shall provide an open publicly accessible space across the #through lot# portion.

However, for a #qualifying site# with a #lot area# of 80,000 square feet or greater that includes an existing entrance to a rail mass-transit facility located outside the #through lot# portion of the #zoning lot# existing on (date of adoption), such open publicly accessible space may be located so as to include the entrance to a rail mass-transit facility, provided that such open publicly accessible space adjoins a #street# or a required sidewalk widening, as applicable.

(2) Design requirements for publicly accessible spaces

(i) Open publicly accessible space

For open publicly accessible space, the provisions of Section 37-70, inclusive, shall apply, except that the provisions of Section 37-713 (Locational restrictions) shall not apply. In addition, the following modifications or waivers may be applied under certain circumstances:

(a) For #qualifying sites# where an open publicly accessible space is permitted to adjoin a #street# or a required sidewalk widening to accommodate an entrance to a rail mass -transit facility in accordance with paragraph (b)(1)(iii) of this Section, and the majority of the subsurface area of such #qualifying site# is occupied by a railroad right-of-way, thus imposing practical difficulty in configuring the #building# or required publicly accessible space:

(1) the provisions of Sections 81-42 (Retail Continuity Along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets), and 81-671 (Special street wall requirements), paragraph (d) of Section 37-715 (Requirements for major portions of public plazas) need not apply;

(2) where #street wall# requirements are not applied, the provisions of paragraph (a) and (b) of Section 37-726 (Permitted obstructions) may be modified to allow a portion of an open publicly accessible space to be covered by a #building or other structure#, provided that there is an average separation of at least 50 feet between the level of such open publicly accessible space and any portion of #building# above, and further provided that any such portion shall be located no lower than 40 feet above the level of such open publicly accessible space. In addition, such #building or other structure# shall not obstruct more than 60 percent of the area of such open publicly accessible space;

(3) the provisions of paragraphs (a) and (c) of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses) need not apply, where at least one food service kiosk shall abut or be included within such open publicly accessible space. The size limitations of paragraph (a), and the certification requirements of paragraph (c) of Section 37-73 shall not apply to such kiosk.

(4) where the provisions of paragraph (d) of Section 37-715 are not applied, the provisions of paragraph (a) of Section 37-721 (Sidewalk frontage) may be modified to require no more than 40 percent of the area within 15 feet of any such #street line# to be free of obstructions and the provisions of Section 37-741 (Seating), may be modified to exclude the length of any such #street line# from the calculation of the amount of seating required within 15 feet of such #street line#.

(b) For #qualifying sites# where an open publicly accessible space is permitted to adjoin a #street# or a required sidewalk widening to accommodate an entrance to a rail mass-transit facility in accordance with paragraph (b)(1)(iii) of this Section, the Chairperson of the City Planning Commission shall permit modifications to the remaining design provisions of Section 37-70, inclusive, upon certification to the Department of Buildings that such modifications are limited to those that directly address practical difficulties resulting from the presence of the entrance to a rail mass-transit facility within the open publicly accessible space. Any application shall include materials demonstrating the extent of modifications necessary. The Chairperson, in consultation with the Metropolitan Transportation Authority, shall determine the appropriate amount of above-grade pedestrian circulation space into and around the entrance to such rail mass-transit facility.

\* \* \*

Adopted.

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 May 8, 2019, on file in this office.

City Clerk, Clerk of The Council