

CITY COUNCIL
LAND USE DIVISION

2019 MAY -8 A 10: 45



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NYC COUNCIL
SPEAKER'S OFFICE
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2019 MAY -8 A 10: 29

May 8, 2019

City Council
City Hall
New York, NY 10007

Re: 270 Park Text Amendment
ULURP No. N 190180 (A)ZRM
Related Applications: N190080 ZCM
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated May 7, 2019, from the City Council regarding the proposed modification to the above-referenced application submitted by JPMorgan Chase Bank, N.A. for a text amendment to ZR Section 81-681 to facilitate an alternate public space design at 270 Park Avenue in East Midtown, Community District 5, Manhattan.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on May 8, 2019, has determined that the City Council's proposed modification raises no land use or environmental issues requiring further review.

Very truly yours,

A handwritten signature in blue ink that reads "Marisa Lago".

Marisa Lago

c: E. Hsu-Chen D. DeCerbo B. Tuttle S. Williamson A. Fabre
A. Laremont R. Singer D. Rubin-Vega H. Marcus

Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Fl. - New York, N.Y. 10271
(212) 720-3200
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THE COUNCIL
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May 7, 2019

Honorable Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Application No.: N 190180(A) ZRM (L.U. No. 390)

270 Park Avenue Text Amendment

Dear Chair Lago:

On May 7, 2019 the Land Use Committee of the City Council, by a vote 15-0-0 for Application **N 190180(A) ZRM**, recommended modifications of the City Planning Commission's decision in the above-referenced matter.

Pursuant to Section 197-d(d) of the City Charter and Section 11.70 of the Rules of the Council, I hereby file the proposed modifications with the Commission:

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

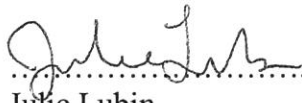

#street line# from the calculation of the amount of seating required within 15 feet of such #street line#.

- (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.

* * *

Please feel free to contact me at (212) 482-5185 if you or your staff have any questions in this regard.

Sincerely,

 / by 
.....
Julie Lubin,
General Counsel

Honorable Marisa Lago, Chair
Application No.: N 190180(A) ZRM (L.U. No. 390)
May 7, 2019
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JL:mcs

RECEIVED BY: Suba Sheer

DATE: May 7, 2019

TIME: 1:40 PM

- 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
- Chelsea Kelley, Project Manager
- Susan Amron, Esq., DCP
- Danielle J. DeCerbo, DCP
- File