



Legislation Text

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File #: Res 0015-2022, Version: \*

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**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 15**

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210453 ZSM, for the grant of a special permit (Preconsidered L.U. No. 5).**

**By Council Members Salamanca and Riley**

WHEREAS, 415 Madison Avenue, 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 81-645 of the Zoning Resolution to allow an increase in the amount of floor area ratio permitted on a qualifying site where an above-grade public concourse, in the form of an open publicly accessible space is provided in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, which in conjunction with the related action would facilitate a new 40-story commercial office building located at 415 Madison Avenue (Block 1284, Lot 21), located in the East Midtown neighborhood of Manhattan, Community District 5 (ULURP No. C 210453 ZSM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on December 13, 2021, its decision dated December 1, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 210454 ZSM (Pre. L.U. No. 6), a zoning special permit pursuant to ZR Section 81-685 to modify height and setback, certain district plan elements, and street wall regulations;

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 81-645 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 January 21, 2022;

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 Negative Declaration issued July 26<sup>th</sup>, 2021 (CEQR No. 21DCP178M) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment as set forth in the 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, C 210453 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 double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 210453 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Skidmore, Owings & Merrill LLP, filed with this application and incorporated in this resolution:

<u>C 210453 ZSM Drawing No.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-01.00	Zoning Analysis	07/26/2021
Z-02.00 Z-04.00 Z	Zoning Lot Site Plan Zoning Diagram	07/26/2021 07/26/2021
-05.00 Z-06.00 Z-11.00 Z	Waiver Plan Zoning Building Sections	07/26/2021 07/26/2021
-12.00 Z-13.00 L-100.00	Zoning Building Sections Daylight	07/26/2021 07/26/2021
L-101.00 L-200 L-	Evaluation Analysis Daylight Evaluation	07/26/2021 07/26/2021
301.00 L-302.00 L-	Analysis - East 48 <sup>th</sup> Street Daylight	<u>02/10/2022</u> 07/26/2021
501.00 L-600 L-601 L-	Evaluation Analysis - Madison Avenue	<u>02/10/2022</u> 07/26/2021
700	Concourse - Layout Plan Concourse - Seating and Amenities Plan Concourse - Materials, Paving and Grading Plan	07/13/2021 07/13/2021 07/26/2021 07/26/2021 07/26/2021 07/26/2021
	Concourse - Lighting Plan Concourse - Photometric Plan Concourse Sections Typical Details Exterior Bench/Planter Plans and Details Signage	

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. 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, sublessee or occupant.

5. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration, to be executed by 415 Madison Avenue LLC, and the terms of which are hereby incorporated in this

resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

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 or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.
  
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.

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 \_\_\_\_\_, 2022, on file in this office.

City Clerk, Clerk of The Council