Legislation Details (With Text)

File #:	Res 1881-2021	**Version:** *	**Name:**	LU 901 - Zoning, 175 Park Avenue, Manhattan (C 210414 ZSM)
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			In control:	Committee on Land Use
On agenda:	12/15/2021			
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Title: Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210414 ZSM, for the grant of a special permit (L.U. No. 901).

Sponsors: Rafael Salamanca, Jr., Francisco P. Moya

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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. 1881

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210414 ZSM, for the grant of a special permit (L.U. No. 901).

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 81-644 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, which in conjunction with the related actions would 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 (ULURP No. C 210414 ZSM) (the “Application”);

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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 210412 ZSM (L.U. No. 899), a special permit pursuant to Zoning Resolution (ZR) Section 81-685 to allow for modifications to the East Midtown Subdistrict regulations; C 210413 ZSM (L.U. No. 900), a special permit pursuant to Zoning Resolution (ZR) Section 81-621 to permit hotel use; 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 Sections 81-644 and 74-634 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

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(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 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 210414 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 210414 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 210414 ZSM

Dwg No.	Title	Last Revised Date
Z-002	Zoning Calculations	10/08/2021 12/13/2021
Z-003	Zoning Lot Site Plan	05/10/2021 12/13/2021
Z-201 Z-202	Zoning Waiver Plan - Ground Floor Zoning Waiver Plan - Level 2	05/10/2021 12/13/2021 05/10/2021 12/13/2021
Z-250	Zoning Waiver Sections	05/10/2021 12/13/2021
Z-300	Daylight Evaluation	05/10/2021 12/13/2021
Z-301	Daylight Evaluation	05/10/2021 12/13/2021
Z-302	Daylight Evaluation	05/10/2021 12/13/2021
Z-303	Daylight Evaluation	05/10/2021 12/13/2021
Z-304	Daylight Evaluation	05/10/2021 12/13/2021
Z-305	Daylight Evaluation	05/10/2021 12/13/2021
Z-306	Daylight Evaluation	05/10/2021 12/13/2021
Z-307	Daylight Evaluation	05/10/2021 12/13/2021
TI-099	Transit Improvements Key Plan - Sub-Cellar 1	05/102021
TI-100 TI-101	Transit Improvements Key Plan - Cellar Transit Improvements Key Plan - Ground Floor	05/10/2021 05/10/2021
TI-110	Transit Improvements - R-238	05/10/2021
TI-120	Transit Improvements - Girder Removal	05/10/2021
TI-130	Transit Improvements - Short Loop	05/10/2021
TI-131 TE-100 TE-110 TE-120	Transit Improvements - Short Loop Transit Easement Site Plan Transit Easement Sections Transit Easement Axonometric	05/10/2021 05/10/2021 05/10/2021 05/10/2021

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.

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

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