



**IN THE MATTER OF** an application submitted by Commodore Owner, LLC 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 as follows:

1. to allow an increase in the amount of floor area permitted, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites) where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment on the qualifying site; and
2. to modify the off-street loading berth requirements of Section 36-62 (Required Accessory Off-street Loading Berths) to allow a reduction in the required number of berths;

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, within the Special Midtown District (Grand Central Subdistrict), Borough of Manhattan, Community District 5.

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This application for a zoning special permit was filed by Commodore Owner LLC on May 11, 2021 to allow for approximately 260,000 square feet of bonus floor area in connection with the provision of public concourse improvements, and to modify loading regulations. The proposed action, in conjunction with the related applications, 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.

### **RELATED ACTIONS**

In addition to the zoning special permit that is the subject of this report (C 210415 ZSM), implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- C 210412 ZSM** Special Permit pursuant to Zoning Resolution (ZR) Section 81-685 to allow for modifications to the East Midtown Subdistrict regulations
- C 210413 ZSM** Special Permit pursuant to ZR Section 81-621 to permit hotel use.
- C 210414 ZSM** Special Permit pursuant to ZR Section 81-644 to permit an increase in floor area to allow for transit improvements.
- N 210416 ZRM** Zoning text amendment to amend provisions relating to existing special permits.
- C 210417 PPM** Disposition of non-residential City-owned property.

## **BACKGROUND**

A full background discussion and description of this application appears in the report for the related special permit (C 210412 ZSM).

## **ENVIRONMENTAL REVIEW**

The application (C 210415 ZSM), in conjunction with the applications for the related actions (C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, N 210416 ZRM, and C 210417 PPM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 21DCP057M. The lead is the City Planning Commission.

A summary of the environmental review appears in the report for the related special permit application (C 210412 ZSM).

## **UNIFORM LAND USE REVIEW**

This application (C 210415 ZSM), in conjunction with the applications for the related actions (C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, N 210416 ZRM, C 210417 PPM), was certified as complete by the Department of City Planning on May 17, 2021, and was duly referred to Community Board 5 and the Manhattan Borough President, in accordance with Title 62 of the

Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 210416 ZRM), which was referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Recommendation**

Community Board 5 held a public hearing on this application (C 210415 ZSM) on July 8, 2020, and, on that date, by a vote of 35 in favor, none opposed, and one abstaining, adopted a resolution recommending approval of the application with conditions. A summary of the Community Board's recommendations appears in the report for the related special permit (C 210412 ZSM).

### **Borough President Recommendation**

This application (C 210415 ZSM) was considered by the Manhattan Borough President, who, on August 19, 2021, issued a recommendation to approve the application with conditions. A summary of the Borough President's recommendations appears in the report for the related special permit (C 210412 ZSM).

### **City Planning Commission Public Hearing**

On August 18, 2021 (Calendar No. 18), the City Planning Commission scheduled September 1, 2021 for a public hearing on this application (C 210415 ZSM) and the related applications (C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, N 210416 ZRM, and C 210417 PPM). The hearing was duly held on September 1, 2021 (Calendar No. 39), in conjunction with the public hearing on the application for the related actions.

There were a number of speakers, as described in the report on the related special permit application (C 210412 ZSM), and the hearing was closed.

## CONSIDERATION

The Commission believes that the zoning special permit (C 210415 ZSM), along with the related actions (C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, N 210416 ZRM, and C 210417 PPM), is appropriate. A full consideration and discussion of the issues appears in the report on the related application (C 210412 ZSM).

## FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 81-645 of the Zoning Resolution:

- (1) to the extent practicable, the open or enclosed public concourse will:
  - (i) consist of a prominent space of generous proportions and quality design that is inviting to the public;
  - (ii) improve pedestrian circulation and provide suitable amenities for the occupants;
  - (iii) front upon a #street# or a pedestrian circulation space in close proximity to and within view of, and accessible from, an adjoining sidewalk;
  - (iv) provide or be surrounded by active #uses#;
  - (v) be surrounded by transparent materials;
  - (vi) provide connections to pedestrian circulation spaces in the immediate vicinity; and
  - (vii) be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space;~~and~~
- (2) the public benefit derived from the proposed public concourse merits the amount of additional #floor area# being granted to the proposed #development# or, where permitted, #enlargement#, pursuant to this special permit; and
- (3) with regard to a modification to regulations of this Resolution, other than #floor area ratio# regulations, such modification:

- (i) is the minimum extent necessary and will facilitate an improved public concourse, inclusive of enhancements described in the findings of paragraph (b)(1) of this Section; and
- (ii) will not have adverse effects on the #qualifying site#, surrounding #zoning lots#, or adjacent #streets#.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant adverse impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197–c and 200 of the New York City Charter, that based on the environmental determination and consideration and findings described in this report, the application submitted by Commodore Owner, LLC 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 as follows:

1. to allow an increase in the amount of floor area permitted, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites) where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment on the qualifying site; and
2. to modify the off-street loading berth requirements of Section 36-62 (Required Accessory Off-street Loading Berths) to allow a reduction in the required number of berths;

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, within the Special Midtown District (Grand Central Subdistrict), Borough of Manhattan, Community District 5 is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 210415 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 210415 ZSM**

<b><u>Dwg No.</u></b>	<b><u>Title</u></b>	<b><u>Last Revised Date</u></b>
Z-002	Zoning Calculations	10/08/2021
Z-003	Zoning Lot Site Plan	05/10/2021
Z-201	Zoning Waiver Plan – Ground Floor	05/10/2021
Z-202	Zoning Waiver Plan – Level 2	05/10/2021
Z-250	Zoning Waiver Sections	05/10/2021
Z-300	Daylight Evaluation	05/10/2021
Z-301	Daylight Evaluation	05/10/2021
Z-302	Daylight Evaluation	05/10/2021
Z-303	Daylight Evaluation	05/10/2021
Z-304	Daylight Evaluation	05/10/2021
Z-305	Daylight Evaluation	05/10/2021
Z-306	Daylight Evaluation	05/10/2021
Z-307	Daylight Evaluation	05/10/2021
Z-500	Lexington Passage & Transit Hall – Ground Floor	05/10/2021
Z-510	Lexington Passage & Transit Hall – Sections	05/10/2021
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 Sections	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.

The above resolution (C 210415 ZSM), duly adopted by the City Planning Commission on October 18, 2021 (Calendar No. 4), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**ANITA LAREMONT, *Chair***

**KENNETH J. KNUCKLES, Esq., *Vice Chairman***

**ALLEN P. CAPPELLI, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners***

**DAVID J. BURNEY, *Commissioner, VOTING NO***

**ALFRED C. CERULLO, III, *Commissioner, RECUSED***