



October 18, 2021 / Calendar No. 2

C 210413 ZSM

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 81-621 of the Zoning Resolution to allow Use Group 5 uses (transient hotel), on property located at 175 Park Avenue (Block 1280, Lot 30), in a C5-3 District, within the Special Midtown District (East Midtown Subdistrict) Borough of Manhattan, Community District 5.

This application for a zoning special permit was filed by Commodore Owner LLC on May 11, 2021 to allow for hotel use in the East Midtown Subdistrict. 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 210413 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 210414 ZSM | Special Permit pursuant to ZR Section 81-644 to permit an increase in floor area to allow for transit improvements. |
| C 210415 ZSM | 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 | 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 210413 ZSM), in conjunction with the applications for the related actions (C 210412 ZSM, C 210414 ZSM, C 210415 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 210413 ZSM), in conjunction with the applications for the related actions (C 210412 ZSM, C 210414 ZSM, C 210415 ZSM, and 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 210413 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 210413 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.16), the City Planning Commission scheduled September 1, 2021 for a public hearing on this application (C 210413 ZSM) and the related applications (C 210412 ZSM, C 210414 ZSM, C 210415 ZSM, N 210416 ZRM, and C 210417 PPM). The hearing was duly held on September 1, 2021 (Calendar No. 37), 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 210413 ZSM), along with the related actions (C 210412 ZSM, C 210414 ZSM, C 210415 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 81-621 of the Zoning Resolution:

- (1) that the transient hotel is appropriate to the needs of businesses in the vicinity of the East Midtown area; and

- (2) that the transient hotel provide on-site amenities and services that will support the area's role as an office district. Such business-oriented amenities and services shall be proportionate to the scale of the transient hotel being proposed, and shall include, but shall not be limited to, conference and meeting facilities, and telecommunication services.

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 81-621 of the Zoning Resolution to allow Use Group 5 uses (transient hotel), on property located at 175 Park Avenue (Block 1280, Lot 30), in a C5-3 District, within the Special Midtown District (East Midtown 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 210413 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 210413 ZSM

| <u>Dwg No.</u> | <u>Title</u> | <u>Last Revised Date</u> |
|-----------------------|-----------------------------------|---------------------------------|
| 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 |

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 210413 ZSM), duly adopted by the City Planning Commission on October 18, 2021 (Calendar No. 2), 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*