



October 18, 2021 / Calendar No. 3

C 210414 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 81-644 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, within the Special Midtown District (Grand Central Subdistrict - Grand Central Transit Improvement Zone Subarea), 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 approximately 610,000 square feet of bonus floor area in exchange for the provision of improvements to the subway station at 42nd Street-Grand Central and the rail mass transit facility at Grand Central Terminal. 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 210414 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:

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|---------------------|---|
| 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 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 210414 ZSM), in conjunction with the applications for the related actions (C 210412 ZSM, C 210413 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 210414 ZSM), in conjunction with the applications for the related actions (C 210412 ZSM, C 210413 ZSM, C 210415 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 210414 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 210414 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. 17), the City Planning Commission scheduled September 1, 2021 for a public hearing on this application (C 210414 ZSM) and the related applications (C 210412 ZSM, C 210413 ZSM, C 210415 ZSM, N 210416 ZRM, and C 210417 PPM). The hearing was duly held on September 1, 2021 (Calendar No. 38), 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 210414 ZSM), along with the related actions (C 210412 ZSM, C 210413 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 81-644 and 74-634 of the Zoning Resolution:

1. In determining the amount of #floor area# bonus, the City Planning Commission has considered the degree to which
 - i. The general accessibility and security of the subway station will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators; and
 - ii. Significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the street level entryway into the development or enlargement will occur.
2. Not applicable
3. Not applicable

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 81-644 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, within the Special Midtown District (Grand Central Subdistrict - Grand Central Transit Improvement Zone Subarea), 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 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

<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
TI-099	Transit Improvements Key Plan – Sub-Cellar 1	05/10/2021
TI-100	Transit Improvements Key Plan – Cellar	05/10/2021
TI-101	Transit Improvements Key Plan – Ground Floor	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	Transit Improvements – Short Loop	05/10/2021
TE-100	Transit Easement Site Plan	05/10/2021
TE-110	Transit Easement Sections	05/10/2021
TE-120	Transit Easement Axonometric	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 210414 ZSM), duly adopted by the City Planning Commission on October 18, 2021 (Calendar No. 3), 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*