



IN THE MATTER OF an application submitted by 415 Madison Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the related special permit pursuant to Section 81-645, the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, to modify:

1. the height and setback requirements of Section 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation), as modified by Section 81-66 (Special Height and Setback Requirements);
2. the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets); and
3. the mandatory street wall requirements of Sections 81-43 (Street Wall Continuity Along Designated Streets) and 81-671 (Special Street Wall Requirements);

in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, within the Special Midtown District (Southern Subarea), Borough of Manhattan, Community District 5.

This application (C 210454 ZSM) for a zoning special permit pursuant to Section 81-685 of the Zoning Resolution (ZR) was filed by 415 Madison Avenue LLC on May 17, 2021 to modify height and setback, certain district plan elements, and street wall regulations. The special permit, along with the related action would allow for the development of a new 40-story commercial office building at 415 Madison Avenue (Block 1284, Lot 21) located in the East Midtown neighborhood of Manhattan, Community District 5.

RELATED ACTIONS

In addition to the special permit that is the subject of this report (C 210454 ZSM), the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

C 210453 ZSM

Zoning special permit pursuant to ZR Section 81–645 to allow an increase in the amount of floor area ratio permitted for the provision of an above-grade public concourse on a qualifying site.

BACKGROUND

A full background discussion and project description appears in the report on the related zoning special permit application (C 210453 ZSM).

ENVIRONMENTAL REVIEW

This application (C 210454 ZSM) 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 21DCP178M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on July 26, 2021.

UNIFORM LAND USE REVIEW

This application (C 210454 ZSM), in conjunction with the application for the related action (C 210453 ZSM), was certified as complete by the Department of City Planning on July 26, 2021, and was duly referred to Manhattan 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).

Community Board Review

Manhattan Community Board 5 held a public hearing on this application (C 210454 ZSM) on September 1, 2021, and, on September 9, 2021, by a vote of 34 in favor, none against, and one abstaining, adopted a resolution recommending approval of the application.

Borough President Review

This application (C 210454 ZSM) was considered by the Manhattan Borough President, who, on October 14, 2021, issued a recommendation to approve the application with the following conditions:

- “• That the Applicant work to incorporate arts programming to activate the proposed public concourse; and
- That the Applicant ensure that the retail space in the proposed building be operated by a local business.”

City Planning Commission Public Hearing

On October 06, 2021 (Calendar No. 6), the CPC scheduled October 20, 2021 for a public hearing on the application (C 210454 ZSM). The hearing was duly held on October 20, 2021 (Calendar No. 33), in conjunction with the public hearing on the application for the related action.

There were a number of speakers, as described in the report on the related special permit application (C 210453 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit (C 210454 ZSM), along with the related action (C 210453 ZSM), is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appear in the report for the related special permit application (C 210453 ZSM).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 81-685 of the Zoning Resolution:

- (1) The proposed modifications to the mandatory district plan elements:
 - i. will result in a better site plan for the proposed development or enlargement that is harmonious with the mandatory district plan element strategy of the Special Midtown District, as set forth in Section 81-41 (General Provisions);
 - ii. any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented uses along the boundaries of any open or enclosed public areas within the zoning lot;
- (2) The proposed modifications to the street wall or height and setback regulations:
 - i. are necessary due to constraints or conditions of the development or enlargement and conditions imposed by the configuration of the site;
 - ii. will not unduly obstruct the access of light and air to surrounding properties;
 - iii. will result in an improved distribution of bulk on the zoning lot that is harmonious with the height and setback goals of the Special Midtown District set forth in Section 81-251 (Purpose of height and setback regulations); and
 - iv. the overall design of the building demonstrates an integrated and well-considered facade, taking into account factors such as street wall articulation, and fenestration, that creates a prominent and distinctive building which complements the character of the surrounding area and constitutes a distinctive addition to the Midtown Manhattan skyline.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on July 26, 2021 with respect to this application (CEQR No. 21DCP178M), 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 the consideration and findings described in this report, the application submitted by 415 Madison Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the related special permit pursuant to Section 81-645, the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, to modify:

1. the height and setback requirements of Section 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), as modified by Section 81-66 (Special Height and Setback Requirements);
2. the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets); and
3. the mandatory street wall requirements of Sections 81-43 (Street Wall Continuity Along Designated Streets) and 81-671 (Special Street Wall Requirements);

in connection with a proposed commercial building, on property located at 415 Madison Avenue (Block 1284, Lot 21), in a C5-3 District, within the Special Midtown District (Southern 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 210454 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:

C 210454 ZSM

| <u>Drawing No.</u> | <u>Title</u> | <u>Last Revised Date</u> |
|---------------------------|---------------------|---------------------------------|
| Z-01.00 | Zoning Analysis | 07/26/2021 |

| | | |
|---------|-------------------------------------|------------|
| Z-02.00 | Zoning Lot Site Plan | 07/26/2021 |
| Z-04.00 | Zoning Diagram Waiver Plan | 07/26/2021 |
| Z-05.00 | Zoning Building Sections | 07/26/2021 |
| Z-06.00 | Zoning Building Sections | 07/26/2021 |
| Z-11.00 | Daylight Evaluation Analysis | 07/26/2021 |
| | Daylight Evaluation Analysis – East | |
| Z-12.00 | 48 th Street | 07/26/2021 |
| | Daylight Evaluation Analysis – | |
| Z-13.00 | Madison Avenue | 07/26/2021 |

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. 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.

The above resolution (C 210454 ZSM), duly adopted by the City Planning Commission on December 01, 2021 (Calendar No. 18), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

ANITA LAREMONT, *Chair*
KENNETH J. KNUCKLES, Esq., *Vice-Chairman*
DAVID J. BURNEY, ALLEN P. CAPPELLI,
JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN,
LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

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