CITY PLANNING COMMISSION

December 16, 2024 / Calendar No. 17 C 240343 ZSM

IN THE MATTER OF an application submitted by 455 First Avenue Associates LLC and the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-901 to modify the height and setback requirements of Section 33-432 (In other Commercial Districts) in connection with a proposed development, on property located at 455 First Avenue (Block 932, Lot 17), in a C6-4 District, Borough of Manhattan, Community District 6.

This application for a zoning special permit was filed by 455 First Avenue Associates LLC and the New York City Economic Development Corporation (EDC) on May 3, 2024. This application, in conjunction with related applications for a zoning map amendment (C 240342 ZMM) and a zoning text amendment (N 240344 ZRM) would facilitate the development of a new commercial life sciences development at 455 First Avenue in the Kips Bay neighborhood of Manhattan Community District 6.

RELATED ACTIONS

In addition to the zoning special permit (C 240343 ZSM) that is the subject of this report, the proposed development also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

C 240342 ZMM	Zoning map amendment to change an R8 district and an R8 district with a C2-5 commercial overlay to a C6-4 district.

N 240344 ZRM Zoning text amendment to map a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 240342 ZMM).

ENVIRONMENTAL REVIEW

This application (C 240343 ZSM), in conjunction with the related actions, 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 23DME012M, and the lead is the New York City Mayor's Office of Environmental Coordination (MOEC).

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on June 21, 2024. A full description of the environmental review is included in the report for the related zoning map amendment (C 240342 ZMMC 240342 ZMM).

UNIFORM LAND USE REVIEW

This application (C 240343 ZSM) in conjunction with a related application for a zoning map amendment (C 240342 ZMM), was certified as complete by the Department of City Planning on June 24, 2024, and duly referred to Manhattan Community Board 6 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 text amendment (N 240344 ZRM), which was referred in accordance with the procedures for non-ULURP matters.

Community Board Review

Manhattan Community Board 6 held a public hearing on this application (C 240343 ZSM), in conjunction with related applications for a zoning map amendment (C 240342 ZMM) and a zoning text amendment (N 240344 ZRM), on September 11, 2024, and on that date, by a vote of 40 in favor, one opposed, zero abstaining, and one not entitled, the community board adopted a resolution recommending approval of the application with conditions. A summary of the recommendation appears in the report for the related zoning map amendment (C 240342 ZMM).

Borough President Recommendation

On October 30, 2024, the Manhattan Borough President issued a recommendation to approve this application (C 240343 ZSM), in conjunction with related applications for a zoning map amendment (C 240342 ZMM) and a zoning text amendment (N 240344 ZRM), with conditions. A summary of the recommendation appears in the report for the related zoning map amendment (C 240342 ZMM).

City Planning Commission Public Hearing

On October 16, 2024 (Calendar No. 10), the City Planning Commission scheduled November 6, 2024, for a public hearing on this application (C 240343 ZSM), in conjunction with related applications for a zoning map amendment (C 240342 ZMM) and a zoning text amendment (N 240344 ZRM). The hearing was duly held on November 6, 2024 (Calendar No. 17).

There were seven speakers in favor of the application and none in opposition, as described in the report for the related action (C 240342 ZMM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning special permit (C 240343 ZSM), in conjunction with related applications for a zoning map amendment (C 240342 ZMM) and a zoning text amendment (N 240344 ZRM), is appropriate.

A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related action (C 240342 ZMM).

FINDINGS

The City Planning Commission hereby finds, pursuant to Section 74-901 of the Zoning Resolution, that the bulk modifications:

(1) will not unduly affect the essential character or impair the future use and development of the surrounding area; and
(2) will not unduly obstruct the access of light and air to adjoining properties or public streets.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which Negative Declaration was issued on June 21, 2024, with respect to this application (CEQR No. 23DME012M) the City Planning Commission finds that the actions described herein will have no significant 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 455 First Avenue Associates LLC and the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-901 to modify the height and setback requirements of Section 33-432 (In other Commercial Districts) in connection with a proposed development, on property located at 455 First Avenue (Block 932, Lot 17), in a C6-4 District, Borough of Manhattan, Community District 6, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 240343 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 Ennead Architects, LLP, filed with this application and incorporated in this resolution:

Dwg No.	**Title**	**Last Date Revised**
Z-002.00	Zoning Analysis	6/14/2024
Z-003.00	Zoning Lot Site Plan	6/14/2024
Z-005.00	Waiver Plan	6/14/2024
Z-006.00	Waiver Sections N/S1	6/14/2024
Z-007.00	Waiver Sections N/S 2	6/14/2024
Z-008.00	Waiver Sections N/S 3	6/14/2024
Z-009.00	Waiver Sections E/W 1	6/14/2024
Z-010.00	Waiver Sections E/W 2	6/14/2024

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 confirm to all applicable laws and regulations relating to its construction, operation and maintenance.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such

condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

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 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 herby 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 or such employees or agents failure to act in accordance with the provisions of this special permit.

The above resolution (C 240343 ZSM), duly adopted by the City Planning Commission on December 16, 2024 (Calendar No. 17), 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.

DANIEL R. GARODNICK, Esq., *Chair*
KENNETH J. KNUCKLES, Esq., *Vice Chairman*
GAIL BENJAMIN, ALFRED C. CERULLO III, Esq.,
ANTHONY W. CROWELL, Esq., DAVID GOLD, Esq., RASMIA KIRMANI-FRYE,
ORLANDO MARÍN, JUAN CAMILO OSORIO,
RAJ RAMPERSHAD, *Commissioners*

LEAH GOODRIDGE, Esq., *Commissioner ABSTAINED*