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July 16, 2025 / Calendar No. 24

C 250198 ZSM

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**IN THE MATTER OF** an application submitted by VNO 350 Park Development 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 definition of a qualifying site under Section 81-613 (Definitions) and Section 81-681 (Mandatory requirements for qualifying sites) relating to the publicly accessible space requirements;
2. 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);
3. the floor area distribution requirements of Section 81-612 (Applicability along district boundaries); and
4. the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets) and 32-30 (STREETSCAPE REGULATIONS), Section 81-45 (Pedestrian Circulation Space), and Section 81-47 (Major Building Entrances);

in connection with a proposed commercial building, on property located at 350 Park Avenue (Block 1287, Lots 21, 27, 28 and 33), in C5-3 and C5-2.5 Districts, within the Special Midtown District, Borough of Manhattan, Community District 5.

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This application (C 250198 ZSM) for a zoning special permit was filed by VNO 350 Park Development LLC on February 5, 2025. This application, in conjunction with the related application, would facilitate the development of a new commercial office building at 350 Park Avenue in the Midtown East neighborhood of Manhattan Community District 5.

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## **RELATED ACTIONS**

In addition to the special permit (C 250198 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 250197 ZSM**                      Zoning special permit pursuant to ZR Section 81–645 to permit an increase of 3.0 FAR in conjunction with the provision of a public concourse.

## **BACKGROUND**

A full background discussion and description of this application appears in the report for the related zoning special permit (C 250197 ZSM).

## **ENVIRONMENTAL REVIEW**

This application (C 250198 ZSM), in conjunction with the related application for a special permit (C 250197 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 25DCP055M, and the lead is the City Planning Commission.

A summary of the environmental review appears in the report for the related special permit (C 250197 ZSM),

## **UNIFORM LAND USE REVIEW**

This application (C 250198 ZSM), in conjunction with the related application for a special permit (C 250197 ZSM), was certified as complete by the Department of City Planning on March 17, 2025, and 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 Public Hearing**

Manhattan Community Board 5 held a public hearing on this application (C 250198 ZSM), in conjunction with the related application for a special permit (C 250197 ZSM), on May 8, 2025, and on that date, by a vote of 35 in favor, one opposed, and two abstaining, 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 special permit (C 250197 ZSM).

### **Borough President Recommendation**

On June 12, 2025, the Manhattan Borough President issued a recommendation to approve this application (C 250198 ZSM), in conjunction with the related application for a special permit (C 250197 ZSM), with conditions. A summary of the recommendation appears in the report for the related zoning special permit (C 250197 ZSM).

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

On June 2, 2025 (Calendar No. 6), the City Planning Commission scheduled June 18, 2025, for a public hearing on this application (C 250198 ZSM), in conjunction with the related application for a special permit (C 250197 ZSM). The hearing was duly held on June 18, 2025 (Calendar No. 26).

There were four speakers in favor of the application and none in opposition, as described in the report for the related action (C 250197 ZSM), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning special permit (C 250198 ZSM), in conjunction with a related application for a zoning special permit (C 250197 ZSM), 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 250197 ZSM).

## **FINDINGS**

The City Planning Commission hereby finds, pursuant to Section 81-685 of the Zoning Resolution, that the proposed modifications:

(1) to the definition of qualifying site:

- i. are the minimum extent necessary, and are harmonious with the Subdistrict objective to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers;

(2) to the publicly accessible space requirements in the definition of qualifying sites and paragraph (b) of Section 81-681:

- i. are the minimum necessary to accommodate the proposed building; and
- ii. that any reduction or waiver will result in a better site plan and will not detract from a lively streetscape and pedestrian experience;

(3) to regulations pertaining to zoning lots divided by district boundaries:

- i. will result in better site planning;

(4) 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;

(5) 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, for which a Negative Declaration was issued on March 17, 2025, and a Revised Negative Declaration was issued on June 16, 2025, with respect to this application (CEQR No. 25DCP055M), 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 VNO 350 Park Development 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 definition of a qualifying site under Section 81-613 (Definitions) and Section 81-681 (Mandatory requirements for qualifying sites) relating to the publicly accessible space requirements;
2. 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);
3. the floor area distribution requirements of Section 81-612 (Applicability along district boundaries); and
4. the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets) and 32-30 (STREETSCAPE REGULATIONS), Section 81-45 (Pedestrian Circulation Space), and Section 81-47 (Major Building Entrances);

in connection with a proposed commercial building, on property located at 350 Park Avenue (Block 1287, Lots 21, 27, 28 and 33), in C5-3 and C5-2.5 Districts, within the Special Midtown District, 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 250198 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 AAI Architects, P.C., filed with this application and incorporated in this resolution:

**C 250198 ZSM**

<b><u>Drawing No.</u></b>	<b><u>Title</u></b>	<b><u>Last Date Revised</u></b>
Z-014	Zoning Analysis	5/15/25
Z-015	Zoning Diagrams	05/15/25
Z-019	Zoning Lot Site Plan	5/15/25
Z-021	Zoning Waiver Plan – Ground Floor	5/15/25
Z-040	Zoning Section - East/West Section Looking North	5/15/25
Z-041	Zoning Section - North/South Section	5/15/25

Z-042	Looking West Zoning Section - East/West Section	5/15/25
Z-043	Looking South Zoning Sections - East/West Sections	5/15/25
Z-044	Looking West Transparency Diagram	05/15/25
Z-050	Daylight Evaluation - Viewpoints Key	5/15/25
Z-051	Daylight Evaluation - Viewpoint 1	5/15/25
Z-052	Daylight Evaluation - Viewpoint 2	5/15/25
Z-053	Daylight Evaluation – Viewpoint 3	5/15/25
Z-054	Daylight Evaluation – Viewpoint 4	5/15/25
Z-055	Daylight Evaluation – Viewpoint 5	5/15/25
Z-056	Daylight Evaluation – Viewpoint 6	5/15/25
Z-057	Daylight Evaluation – Viewpoint 7	5/15/25
Z-058	Daylight Evaluation – Viewpoint 8	5/15/25
L.100	Public Concourse – Layout Plan	5/15/25
L.101	Public Concourse – Seating & Amenity Plan	5/15/25
L.200	Public Concourse – Materials & Grading Plan	5/15/25
L.301	Public Concourse – Planting Plan	5/15/25
L.400	Public Concourse – Lighting Plan	5/15/25
L.401	Public Concourse – Photometrics Plan	5/15/25
L.500	Public Concourse – Elevation & Section	5/15/25
L.600	Public Concourse – Typical Details	5/15/25
L.601	Public Concourse – Fixed Bench & Furnishing Details	5/15/25
L.602	Public Concourse – Water Feature Details	5/15/25
L.700	Public Concourse – Site Furnishing Details	5/15/25

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 VNO 350 Park Development 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 250198 ZSM), duly adopted by the City Planning Commission on July

16, 2025 (Calendar No. 24), 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.

**DANIEL R. GARODNICK, Esq.,** *Chair*  
**KENNETH J. KNUCKLES, Esq.,** *Vice Chairman*  
**GAIL BENJAMIN, JOSEPH I. DOUEK,**  
**DAVID GOLD, Esq., LEAH GOODRIDGE, Esq.,**  
**RASMIA KIRMANI-FRYE, ORLANDO MARÍN,**  
**RAJ RAMPERSHAD,** *Commissioners*

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