



## Legislation Text

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**File #:** Res 1099-2007, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1099

Resolution approving the decision of the City Planning Commission on Application No. N 070468 ZRM, an amendment to the text of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 1, Special Midtown District, concerning Sections 81-212 (Provisions for the Transfer of Development Rights from a Landmark) and 81-81 (General Provisions), and the addition of Section 81-85 (Transfer of Development Rights from a Landmark in the 5th Avenue Subdistrict), Borough of Manhattan (L.U. No. 573).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on September 21, 2007 its decision dated September 19, 2007 (the "Decision"), on the application submitted by 400 Fifth Realty LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution of the City of New York (Application No. N 070468 ZRM), Community District 5, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 070469 ZSM (L.U. No. 574), a special permit pursuant to Section 74-79, the amended Section 81-212 and the new Section 81-85 of the Zoning Resolution to transfer 173,692 square feet of floor area from the landmark zoning lot to the subject zoning lot and modification of Sections 81-27 (Alternative Height and Setback Regulations - Daylight Evaluation), 81-84(a) (Mandatory Regulations and Prohibitions/Pedestrian access to uses), 81-45 (Pedestrian Circulation Space), and 37-07 (Requirements for Pedestrian Circulation Space) of the Zoning Resolution; and C 070470 ZSM (L.U. No. 575) a special permit pursuant to Section 81-277 of the Zoning Resolution to allow for the modification of alternative height and setback regulations - daylight evaluation;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 9, 2007;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 21, 2007 (CEQR No. 06DCP093M);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added

Matter in strikeout is old, to be deleted;

Matter in # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

## **81-212**

### **Special provisions for transfer of development rights from landmark sites**

The provisions of Section 74-79 (Transfer of Development Rights for Landmark Sites) shall apply in the #Special Midtown District#, subject to the modification set forth in this Section and Sections 81-254, 81-266 and 81-277 pertaining to special permits for height and setback modifications, ~~and~~ and Section 81-747 (Transfer of development rights from landmark theaters); and Section 81-85 (Transfer of development rights from landmark sites within the Special Fifth Avenue Subdistrict).

The provisions of Section 74-79 pertaining to the meaning of the term “adjacent lot” in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts are modified to apply in the #Special Midtown District# where the “adjacent lot” is in a C5-3, C6-6, C6-7, C6-5.5, C6-6.5 or C6-7T District.

The provisions of paragraph (c) of Section 74-792 as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section 81-211 on the development rights (FAR) of a landmark “granting lot” for transfer purposes.

Wherever there is an inconsistency between any provision in Section 74-79 and the table in Section 81-211, the table in Section 81-211 shall apply.

Within the Grand Central Subdistrict, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-63, but not both.

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## **81-81**

### **General Provisions**

The regulations of Sections 81-82 to 81-84~~85~~, inclusive, relating to Special Regulations for the Fifth Avenue Subdistrict, are applicable only in the Fifth Avenue Subdistrict, whose boundaries are shown on Map 2 in Appendix A. They supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

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## **81-85**

### **Transfer of development rights from landmark sites**

For new #developments# or #enlargements#, in addition to the provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites) and Section 81-212 (Special provisions for transfer of development rights from landmark sites), the Commission

may modify or waive the requirements of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), inclusive, and the requirements of Section 81-84 (Mandatory Regulations and Prohibitions).

In granting such special permit, the Commission shall find that the permitted transfer of #floor area# and modification or waiver of mandatory plan elements will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with surrounding landmark #buildings or other structures#.

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on October 17, 2007, on file in this office.

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City Clerk, Clerk of The Council