



Legislation Details (With Text)

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**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 080177 ZRM, for an amendment of the Zoning Resolution of the City of New York concerning Article VIII, Chapter 1, Special Midtown District, concerning Section 81-212 (Special provisions for transfer of development rights from landmark sites), Borough of Manhattan (L.U. No. 832).

**Sponsors:**

**Indexes:**

**Attachments:** 1. Press Release, 2. Committee Report, 3. Hearing Transcript - Stated Meeting 8/14/08

Date	Ver.	Action By	Action	Result
8/13/2008	*	Committee on Land Use	Approved by Committee	
8/14/2008	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1589

Resolution approving the decision of the City Planning Commission on Application No. N 080177 ZRM, for an amendment of the Zoning Resolution of the City of New York concerning Article VIII, Chapter 1, Special Midtown District, concerning Section 81-212 (Special provisions for transfer of development rights from landmark sites), Borough of Manhattan (L.U. No. 832).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on July 7, 2008 its decision dated July 2, 2008 (the "Decision"), pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York concerning Article VIII, Chapter 1, Special Midtown District, concerning Section 81-212 (Special provisions for transfer of development rights from landmark sites), Community District 5, Borough of Manhattan (Application No. N 080177 ZRM), (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 080178 ZSM (L.U. No. 833), a special permit pursuant to Sections 74-79, 81-277 and the amended Section 81-212 of the Zoning Resolution of the City of New York to allow the transfer of development rights from designated landmark and to modify bulk and loading berth requirements;

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 August 12, 2008;

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 February 11, 2008 (CEQR No. 08DCP042M);

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.

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 text to be deleted;

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

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

## ARTICLE VIII

### SPECIAL PURPOSE DISTRICTS

#### Chapter 1:

#### Special Midtown District

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#### 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, 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.

For new #developments# or #enlargements# in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify or waive the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and requirements governing the minimum dimensions of a #court#, where:

- (a) the required minimum distance as set forth in Section 23-86 is provided between the #legally required windows# in the new #development# or #enlargement# and a wall or #lot line# on the an adjacent #zoning lot# occupied by the landmark; and
- (b) such required minimum distance is provided by a light and air easement on the #zoning lot# occupied by the landmark, and such easement is acceptable to the Department of City Planning and recorded in the County Clerk’s office of the county in which such tracts of land are located.

For new #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts and with frontage on streets on which curb cuts are restricted pursuant to Section 81-44, the Commission may also modify or waive the number of loading berths required pursuant to Section 36-62 (Required Accessory Loading Berths). In granting such special permit, the Commission shall find that:

- (a) a loading berth permitted by City Planning Commission authorization pursuant to Section 81-44 would have an adverse impact on the landmark #building or other structure# that is the subject of the special permit;
- (b) because of existing #buildings# on the #zoning lot#, there is no other feasible location for the required loading berths; and
- (c) the modification or waiver will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement. For new #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify the dimensions and minimum clear height required for pedestrian circulation space pursuant to Section 81-45 (Pedestrian Circulation Space) and 37-50 (Requirements for Pedestrian Circulation Space). In granting such special permit, the Commission shall find that the modification will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with the landmark #building or other structure# that is the subject of the special permit.

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 August 14, 2008, on file in this office.

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City Clerk, Clerk of The Council