



## Legislation Details (With Text)

**File #:** Res 0430-2010      **Version:** \*      **Name:** LU 161 - Zoning, 401 Hotel REIT, LLC and 401 Commercial, L.P. (C100049ZSM)  
**Type:** Resolution      **Status:** Adopted  
**In control:** Committee on Land Use

**On agenda:** 8/25/2010

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving the decision of the City Planning Commission on ULURP No. C 100049 ZSM (L.U. No. 161), for the grant of a special permit pursuant to the following Sections 81-066(b) and 81-254 of the Zoning Resolution: to modify the height and setback regulations of Section 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation); and to modify the Mandatory District Plan Elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets), 81-45 (Pedestrian Circulation Space), 81-47 (Major Building Entrances), and the design standards for pedestrian circulation spaces of Section 37-53(f) (Sidewalk Widening); in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District, within the Special Midtown District (partially within the Penn Center Subdistrict), Borough of Manhattan.

**Sponsors:** Leroy G. Comrie, Jr., Mark S. Weprin

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 8/25/10

Date	Ver.	Action By	Action	Result
8/25/2010	*	Committee on Land Use	Approved by Committee	
8/25/2010	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 430

Resolution approving the decision of the City Planning Commission on ULURP No. C 100049 ZSM (L.U. No. 161), for the grant of a special permit pursuant to the following Sections 81-066(b) and 81-254 of the Zoning Resolution: to modify the height and setback regulations of Section 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation); and to modify the Mandatory District Plan Elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets), 81-45 (Pedestrian Circulation Space), 81-47 (Major Building Entrances), and the design standards for pedestrian circulation spaces of Section 37-53(f) (Sidewalk Widening); in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District, within the Special Midtown District (partially within the Penn Center Subdistrict), Borough of Manhattan.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on July 19, 2010 its decision dated July 14, 2010 (the "Decision"), on the application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to the following Sections 81-066(b) and 81-254 of the Zoning Resolution:

1. to modify the height and setback regulations of Section 81-27 (Alternative Height and Setback

Regulations-Daylight Evaluation); and

2. to modify the Mandatory District Plan Elements of Sections 8 1-42 (Retail Continuity along Designated Streets), 8 1-43 (Street Wall Continuity Along Designated Streets), 81- 45 (Pedestrian Circulation Space), 8 1-47 (Major Building Entrances), and the design standards for pedestrian circulation spaces of Section 37-53(f) (Sidewalk Widening).

in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District, within the Special Midtown District (partially within the Penn Center Subdistrict), (ULURP No. C 100049 ZSM), Community District 5, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100047 ZMM (L.U. No. 159), a zoning map amendment from a C6-4.5 district to a C6-6 district; N 100048 ZRM (L.U. No. 160), a zoning text amendment to Sections 81-066 and 81-254 to allow an application for a Special Permit to modify height and setback for sites wholly or partially in the Penn Center Subdistrict of the Special Midtown District and an amendment to Section 81-541 to modify the procedure for obtaining a transit bonus in the Special Midtown District and permit the reservation of bonus floor area obtained via the transit bonus; C 100050 ZSM (L.U. No. 162), a special permit pursuant to Sections 74-634 and 81-541 regarding a floor area bonus for transit related improvements; and C 100237 PQM (L.U. No. 163), a City acquisition of easements related to the transit improvements;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 81-066 (b) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on August 23, 2010;

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 Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 2, 2010 (CEQR No. 09DCP019M);

RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a

Restrictive Declaration, dated July 13, 2010, those mitigative measures that were identified as practicable;

- (4) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11 (d).

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100049 ZSM, incorporated by reference herein, the Council approves the Decision.

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 25, 2010, on file in this office.

City Clerk, Clerk of The Council