



## Legislation Text

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**File #:** Res 1101-2007, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1101

Resolution approving the decision of the City Planning Commission on ULURP No. C 070470 ZSM (L.U. No. 575), for the grant of 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 to facilitate the development of a 57-story mixed use building on property located at 400-404 Fifth Avenue (Block 838/ Lots 42, 45, 46, 47 and 48), in a C5-3 District, within the Special Midtown District (Fifth Avenue Subdistrict), Borough of Manhattan.

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 and 401 Fifth LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of 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 to facilitate the development of a 57-story mixed use building on property located at 400-404 Fifth Avenue (Block 838/ Lots 42, 45, 46, 47 and 48), in a C5-3 District, within the Special Midtown District (Fifth Avenue Subdistrict), Community District 5, Borough of Manhattan (ULURP No. C 070470 ZSM) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers N 070468 ZRM (L.U. No. 573), a text amendment to Sections 74-79, 81-212, and 81-85 (new section) to allow modification of Sections 81-40 (Mandatory District Plan Elements of the Special Midtown District), 37-07 (Requirements for Pedestrian Circulation Space), and Section 81-84 (Mandatory Regulations and Prohibitions of the Fifth Avenue Subdistrict); and 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;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 81-277(b) of the Zoning Resolution;

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 October 9, 2007 on the Decision and Application;

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

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

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the New York City Charter and on the basis of the Decision and Application, 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 October 17, 2007, on file in this office.

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City Clerk, Clerk of The Council