



## Legislation Details (With Text)

<b>File #:</b>	Res 1629-2008	<b>Version:</b>	*	<b>Name:</b>	LU 837 - Zoning Reso., Whitney Museum of American Art, Manhattan (N080406ZRM)
<b>Type:</b>	Resolution	<b>Status:</b>		<b>In control:</b>	Adopted Committee on Land Use
<b>On agenda:</b>	9/24/2008				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution approving the decision of the City Planning Commission on Application No. N 080406 ZRM, an amendment to the text of the Zoning Resolution of the City of New York, concerning Section 74-92, (Use Group 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts) to facilitate the Whitney Museum expansion, Borough of Manhattan (L.U. No. 837).				
<b>Sponsors:</b>	Melinda R. Katz, Jessica S. Lappin				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Committee Report, 2. Hearing Transcript - Stated Meeting 9/24/08				

Date	Ver.	Action By	Action	Result
9/17/2008	*	Committee on Land Use	Approved by Committee	
9/24/2008	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1629

Resolution approving the decision of the City Planning Commission on Application No. N 080406 ZRM, an amendment to the text of the Zoning Resolution of the City of New York, concerning Section 74-92, (Use Group 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts) to facilitate the Whitney Museum expansion, Borough of Manhattan (L.U. No. 837).

By Council Members Katz and Lappin

WHEREAS, the City Planning Commission filed with the Council on August 18, 2008 its decision dated August 11, 2008 (the "Decision"), on an application submitted by the Whitney Museum of American Art and the Economic Development Corporation, pursuant to Section 201 of the New York City Charter, concerning Section 74-92, (Use Group 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts) to facilitate the Whitney Museum expansion (Application No. N 080406 ZRM), (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 080407 PCM (L.U. No. 838), site selection and acquisition for a facility to be used by the Parks Department in connection with the operation and maintenance of the High Line public open space; C 080408 PPM (L.U. No. 839), disposition of city-owned property to the NYC Economic Development Corporation; C 080409 ZSM (L.U. No. 840), special permit pursuant to the proposed amended Section 74-921(a) to modify use to allow a museum in a M1-5 zoning district; and the proposed Section 74-921(b) to modify bulk in a building containing a museum use in a M1-5 district, located on a zoning lot over which the High Line passes;

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 September 16, 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 April 30, 2008 (CEQR No. 07SBS021M);

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 Greystone is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

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

\* \* \* indicates where unchanged text would appear in the Zoning Resolution.

\* \* \*

4/24/08 - #5

## **74-92**

**Use Groups 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts**

## **74-921**

**Use Groups 3A and 4A community facilities**

### **(a) Use modifications for Use Groups 3A and 4A in M1 Districts**

In M1 Districts, except for houses of worship, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities and, in M1-5 Districts, except in M1-5A, M1-5B and M1-5M Districts, the Commission may permit museums and non-commercial art galleries as listed in Use Group 3A, provided that such community facility is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

- (a) 1) an adequate separation from noise, traffic and other adverse effects of the surrounding non-#residential districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#;

- (b 2) such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# and that such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district;
- (e 3) where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;
- (d 4) in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (e 5) for a Use Group 4A #use#, within the neighborhood primarily to be served by the community facility, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and
- (f 6) such facility will not impair the essential character of the surrounding area.

The provisions of this special permit relating to Use Group 3A museums and non-commercial art galleries shall be inapplicable to the #Special Tribeca Mixed Use District#.

**(b) Bulk modifications for museums in M1-5 Districts**

For a #building# containing a museum #use# listed in Use Group 3A, in an M1-5 District, on a #zoning lot# over which the High Line (as defined in Section 98-01) passes, the Commission may modify height and setback regulations, provided that such modifications:

- (1) provide a better distribution of #bulk# on the #zoning lot#;
- (2) result in a better relationship of the #building# to open areas including the High Line, adjacent #streets# and surrounding #developments#;
- (3) provide adequate light and air for #buildings# on the #zoning lot# and do not adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties; and
- (4) result in a #development# that facilitates the public's use and enjoyment of the High Line.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

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 September 24, 2008, on file in this office.

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City Clerk, Clerk of The Council