



Legislation Details (With Text)

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In control: Committee on Land Use

On agenda: 2/26/2014

Enactment date: **Enactment #:**

Title: Resolution approving the decision of the City Planning Commission on Application No. N 130232 ZRY, for an amendment of the Zoning Resolution of the City of New York, concerning Article III, Chapter 2 to amend Section 32-421 to permit commercial use on the second floors of buildings in C1 and C2 districts mapped within R9 and R10 districts and in C1-8, C1-9, C2-7, and C2-8 districts, Citywide (L.U. No. 11).

Sponsors: David G. Greenfield, Mark S. Weprin

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 2-26-14, 3. Minutes of the Stated Meeting - February 26, 2014

Date	Ver.	Action By	Action	Result
2/14/2014	*	Committee on Land Use	Approved by Committee	
2/26/2014	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 96

Resolution approving the decision of the City Planning Commission on Application No. N 130232 ZRY, for an amendment of the Zoning Resolution of the City of New York, concerning Article III, Chapter 2 to amend Section 32-421 to permit commercial use on the second floors of buildings in C1 and C2 districts mapped within R9 and R10 districts and in C1-8, C1-9, C2-7, and C2-8 districts, Citywide (L.U. No. 11).

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on January 10, 2014 its decision dated December 18, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 945 Holdings, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, concerning Article III, Chapter 2 to amend Section 32-421 to permit commercial use on the second floors of buildings in C1 and C2 districts mapped within R9 and R10 districts and in C1-8, C1-9, C2-7, and C2-8 districts to facilitate the placement of 1,280 square feet of commercial (restaurant) use on the second story of a four-story building at 945 Second Avenue (Block 1324, Lot 23) (Application No. N 130232 ZRY), all Community Districts, Citywide (the "Application");

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 February 11, 2014;

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, the negative declaration (CEQR No. 13DCP111M) issued on April 22, 2013 (the “Negative Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 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, N 130232 ZRY, incorporated by reference herein, 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 old, to be deleted;

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

* * * indicate where unchanged text appears in the Zoning Resolution

Article III: Commercial District Regulations

* * *

Chapter 2: Use Regulations

* * *

32-421

Limitation on floors occupied by commercial uses

C1 C2 C3

In the districts indicated, in any #building#, or portion of a #building# occupied on one or more of its upper #stories# by #residential uses# or by #community facility uses#, no #commercial uses# listed in Use Group 6, 7, 8, 9 or 14 shall be located above the level of the first #story# ceiling, provided, however, that permitted #signs#, other than #advertising signs#, #accessory# to such #commercial uses# may extend to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill of the second #story#. In any other #building#, or portion thereof, not more than two #stories# may be occupied by #commercial uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14.

Non-residential uses listed in Use Group 6, 7, 8, 9 or 14, where permitted by the applicable district regulations, may occupy the lowest two stories in any building constructed after September 17, 1970 in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts.

However, in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts, non-residential uses listed in Use Group 6, 7, 8, 9 or 14, where permitted by the applicable district regulations, may occupy the lowest two stories in any building constructed after September 17, 1970. For buildings constructed in such districts prior to September 17, 1970 located in Manhattan Community District Six, such non-residential uses may occupy the lowest two stories in such building, provided that:

- (a) the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the second story has not been occupied by a community facility use, a dwelling unit or a rooming unit, notwithstanding the certificate of occupancy, if any, for a continuous period from May 1, 2013 until a certification has been issued pursuant to this Section; and
- (b) the second story of at least one other building on the same block frontage is occupied by a use listed in Use Groups 6, 7, 8, 9, or 14.

End Text

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 February 26, 2014, on file in this office.

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City Clerk, Clerk of The Council