



Legislation Details (With Text)

**File #:** Res 0489-2014      **Version:** \*      **Name:** LU 146 - Zoning, Special Regulations for 42nd Street Perimeter Area (N 140410 ZRM)

**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Land Use

**On agenda:** 11/25/2014

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

**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 140410 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6, to amend Section 96-21 (Special Regulations for 42nd Street Perimeter Area) of the Special Clinton District to allow automobile showrooms or sales with automobile repair, storage, and preparation for delivery in Community District 4, Borough of Manhattan (L.U. No. 146).

**Sponsors:** David G. Greenfield, Mark S. Weprin

**Indexes:**

**Attachments:** 1. Hearing Transcript - Stated Meeting 11-25-14, 2. Committee Report, 3. Minutes of the Stated Meeting - November 25, 2014

| Date       | Ver. | Action By             | Action                | Result |
|------------|------|-----------------------|-----------------------|--------|
| 11/20/2014 | *    | Committee on Land Use | Approved by Committee |        |
| 11/25/2014 | *    | City Council          | Approved, by Council  | Pass   |

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 489

Resolution approving the decision of the City Planning Commission on Application No. N 140410 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6, to amend Section 96-21 (Special Regulations for 42<sup>nd</sup> Street Perimeter Area) of the Special Clinton District to allow automobile showrooms or sales with automobile repair, storage, and preparation for delivery in Community District 4, Borough of Manhattan (L.U. No. 146).

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on October 24, 2014 its decision dated October 22, 2014 (the "Decision"), pursuant to Section 201 of the New York City Charter, concerning Article IX, Chapter 6, to amend Section 96-21 (Special Regulations for 42<sup>nd</sup> Street Perimeter Area) of the Special Clinton District to allow automobile showrooms or sales with automobile repair, storage, and preparation for delivery (Application No. N 140410 ZRM), Borough of Manhattan (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the New York City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 18, 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 including the negative declaration (CEQR No. 14DCP184M) which was issued on July 7, 2014 (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 140410 ZRM, 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 to be deleted;  
Matter with # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article IX - Special Purpose Districts**

\* \* \*

**Chapter 6  
Special Clinton District**

\* \* \*

**96-20  
PERIMETER AREA**

\* \* \*

**96-21  
Special Regulations for 42nd Street Perimeter Area**

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

Starting 150 feet west of Eighth Avenue, south to the southern boundary of West 41st Street, west to the east side of Twelfth Avenue, north along the eastern border of Twelfth Avenue to 43rd Street, east on West 43rd Street to the eastern side of Tenth Avenue, south along Tenth Avenue to the southern boundary of West 42nd Street, east on West 42nd Street to Ninth Avenue, north along the western boundary of Ninth Avenue to the midblock of 42nd/43rd Street, east to a point 150 feet west of Eighth Avenue, south to the southerly boundary of 41st Street.

- (a) Special #use# regulations ~~for office #use#~~

In the 42nd Street Perimeter Area, as shown in Appendix A of this Chapter, ~~any~~ the following special #use# regulations shall apply:

- (1) Offices

Any #development# or #enlargement# that includes Use Group 6B offices #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

(2) Automobile showrooms and repairs

In Subarea 1, on the #block# bounded by Twelfth Avenue, West 43rd Street, Eleventh Avenue and West 42nd Street, automobile showrooms or sales, with vehicle storage, preparation of automobiles for delivery, and automobile repairs, may be permitted within a #completely enclosed building#, below the level of any floor occupied by #dwelling units#, provided that:

- (i) access for automobiles to the portions of the #building# to be used for vehicle storage, preparation of automobiles for delivery and automobile repairs shall be located on West 43rd Street;
- (ii) areas within the #building# used for vehicle storage, preparation of automobiles for delivery, or automobile repairs shall not be used for #accessory parking# for other uses on the #zoning lot#; except that such areas may be accessed from a curb cut, vehicular ramp, or vehicle elevator that also serves an #accessory group parking facility#; and
- (iii) the portion of the #building# used for the preparation of automobiles for delivery and automobile repairs shall be located entirely in a #cellar# level.

\* \* \*

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 November 25, 2014, on file in this office.

.....  
City Clerk, Clerk of The Council