



Legislation Details (With Text)

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Title: Resolution approving decision of the City Planning Commission on Application No. N 140407 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 to create a special permit in Section 96-32 (Special Regulations in R9 Districts) for the purposes of waiving the applicable height and setback regulations of Sections 23-633 and 23-663, planting regulations of Section 23-892 and permitted obstruction within rear yard regulations of Section 23-44, in Community District 4, Borough of Manhattan (L.U. No. 189).

Sponsors:

Indexes:

Attachments: , , , ,

Date	Ver.	Action By	Action	Result
4/15/2015	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
4/28/2015	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 683**

Resolution approving decision of the City Planning Commission on Application No. N 140407 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 to create a special permit in Section 96-32 (Special Regulations in R9 Districts) for the purposes of waiving the applicable height and setback regulations of Sections 23-633 and 23-663, planting regulations of Section 23-892 and permitted obstruction within rear yard regulations of Section 23-44, in Community District 4, Borough of Manhattan (L.U. No. 189).

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on March 9, 2015 its decision dated March 4, 2015 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 1818 Nadlan, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 to create a special permit in Section 96-32 (Special Regulations in R9 Districts) for the purposes of waiving the applicable height and setback regulations of Sections 23-633 and 23-663, planting regulations of Section 23-892 and permitted obstruction within rear yard regulations of Section 23-44. The proposed action, in conjunction with the other related actions, would facilitate the development of a 15-story residential building with segments along both West 43rd Street and West 44th Street over an open rail cut in the Special Clinton District (Application No. N 140407 ZRM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 140408 ZSM (L.U. 190), a special permit

pursuant to Section 74-681 of the Zoning Resolution to allow development over a railroad transit right-of-way; and C 140409 ZSM (L.U. No. 191), a proposed special permit pursuant to Section 96-32(c), special regulations in R9 districts to modify height, setback, planting and rear yard requirements;

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 March 24, 2015;

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 revised negative declaration (CEQR No. 14DCP183M) issued on March 2, 2015, which reflects the application as modified by the Commission (the “Revised Negative Declaration”) and the CEQR Technical Memorandum dated April 16, 2015 (the “CEQR Technical Memorandum”);

RESOLVED:

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

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 the report, N 140407 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 old, to be deleted;
- Matter in # # is defined in Section 12-10;
- * * * indicate where unchanged text appears in the Zoning Resolution

Article IX - Special Purpose Districts

* * *

**Chapter 6
Special Clinton District**

* * *

**96-30
OTHER AREAS**

* * *

96-32

Special Regulations in R9 Districts

In R9 Districts in Western Subarea C2, the provisions of Section 23-633 (Street wall location and height and setback regulations in certain districts) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.

* * *

(c) **Height and setback modification**

For any #development# or #enlargement# subject to the provisions of Section 74-681 (Development within or over a railway or transit right-of-way or yard), the City Planning Commission may permit the modification of the applicable height and setback regulations, the open area planting requirements of Section 23-892 (In R6 through R10 Districts) and the permitted obstructions in #rear yard# or #rear yard equivalent# regulations of Section 23-44, provided that:

- (1) such modification of height and setback regulations will:
 - (i) result in a #building# that has a maximum #building# height of 155 feet;
 - (ii) result in a better distribution of #bulk# on the #zoning lot#; and
 - (iii) permit adequate access of light and air to surrounding #streets# and adjacent properties;
- (2) such modification of planting requirements will facilitate access to Department of Transportation bridge structures, and that the area between the #street wall# and #street line# of the #buildings# shall be improved with moveable planters; and
- (3) any obstruction permitted in a #rear yard# or #rear yard equivalent# pursuant to this Section is necessary to accommodate the ventilation needs of a railroad or transit facility. In addition, such obstruction shall be fully screened by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting and of a type that is expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

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

* * *

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 April 28, 2015, on file in this office.

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City Clerk, Clerk of The Council