Legislation Details (With Text)

File #:	Res 0427-2018	**Version:**	*	**Name:**	LU 112 - Zoning, 1568 Broadway-Palace Theatre Text Amendment, Manhattan (N 180184 ZRM)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Land Use
On agenda:	6/28/2018				
Enactment date:				**Enactment #:**	

Title: Resolution approving the decision of the City Planning Commission on Application No. N 180184 ZRM, for an amendment of the Zoning Resolution of the City of New York, modifying the Special Times Square signage requirements and the Special street wall and setback regulations of the Theater Subdistrict in Article VIII, Chapter 1 (Special Midtown District), Community District 5, Borough of Manhattan (L.U. No. 112).

Sponsors:

Indexes:

Attachments: 1. Resolution, 2. May 23, 2018 - Stated Meeting Agenda with Links to Files, 3. Land Use Calendar - Week of May 28, 2018 - June 1, 2018, 4. Hearing Testimony - Zoning 5-30-18, 5. Land Use Calendar - Week of June 18, 2018 - June 22, 2018, 6. Hearing Transcript - Zoning 5-30-18, 7. Land Use Calendar - June 20, 2018, 8. Hearing Transcript - Stated Meeting 6-28-18, 9. Minutes of the Recessed Stated Meeting - June 28, 2018, 10. Minutes of the Stated Meeting - June 28, 2018, 11. Committee Report

Date	Ver.	Action By	Action	Result
6/20/2018	*	Committee on Land Use	Approved by Committee	
6/28/2018	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 427

Resolution approving the decision of the City Planning Commission on Application No. N 180184 ZRM, for an amendment of the Zoning Resolution of the City of New York, modifying the Special Times Square signage requirements and the Special street wall and setback regulations of the Theater Subdistrict in Article VIII, Chapter 1 (Special Midtown District), Community District 5, Borough of Manhattan (L.U. No. 112).

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on May 16, 2018 its decision dated May 9, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Times Square Hotel Owner, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying the Special Times Square signage requirements and the Special street wall and setback regulations of the Theater Subdistrict in Article VIII, Chapter 1 (Special Midtown District), (Application No. N 180184 ZRM), Community District 5, 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 City Charter;

powered by Legistar™

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 30, 2018;

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 issued February 12, 2018 (CEQR No. 18DCP100M) (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 Section 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 180184 ZRM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Midtown District

81-00
GENERAL PURPOSES

* * *

81-10
USE REGULATIONS

81-11
Modifications of Use Regulations in Subdistricts

The #use# regulations of the underlying districts are modified in:

(a) the East Midtown Subdistrict in accordance with the provisions of Section 81-62 (Special Use Provisions), inclusive;

(b) the Theater Subdistrict in accordance with the provisions of Sections 81-72 (Use Regulations Modified) and 81-73 (Special Sign and Frontage Regulations); and

(c) the Fifth Avenue Subdistrict in accordance with the provisions of Section 81-82 (Special Regulations on Permitted and Required Uses).

* * *

81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

* * *

81-73
Special Sign and Frontage Regulations

* * *

81-732
Special Times Square signage requirements

The provisions of this Section shall apply to all #developments# and #enlargements# on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway in the Theater Subdistrict.

* * *

(a) All #developments# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway shall provide #signs# meeting all of the following requirements:

* * *

(2) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 12 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Seventh Avenue or Broadway.

No portion of any #illuminated sign# required under this paragraph (a)(2) shall be located:

(i) further than 40 feet from the Broadway or Seventh Avenue #street line#;

(ii) below a height of 10 feet above #curb level# or above the top of the #street wall# of the #building# before setback as defined in Section 81-75 (Special Street Wall and Setback Requirements).

There shall be a minimum of one #sign# with a #surface area# of not less than 100 square feet for each 25 linear feet, or part thereof, of #zoning lot street# frontage on Seventh Avenue or Broadway.

(3) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 50 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Broadway or Seventh Avenue, except that for any one #zoning lot#, the required minimum aggregate #surface area# shall not exceed 12,000 square feet.

No portion of any #illuminated sign# required under this paragraph (a)(3) shall be located:

(i) further than 40 feet from the Seventh Avenue or Broadway #street line# except that, for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and at least one #narrow street#, the areas of required #signs# specified in paragraph (a)(3)(ii) of this Section may be located without distance limit from the Seventh Avenue or Broadway #street line#;

(ii) below a height of 10 feet or above a height of 120 feet above #curb level#, except that for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and 47th Street, a minimum of 25 percent of the minimum aggregate #surface area# required under this Section or 7,500 square feet, whichever is greater, shall comprise #signs# no portion of which shall exceed 250 feet in height above #curb level#, and each of which shall face the intersection of the center lines of 45th Street and Broadway and shall have its #surface area# measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane; and, for other #zoning lots# with #street# frontage on Seventh Avenue, Broadway and a #narrow street# a maximum of 25 percent of the minimum aggregate #surface area# required under this Section may comprise #signs# located without height limit provided that each such #sign# faces the intersection of the center lines of 45th Street and Broadway and its #surface area# is measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane.

* * *

There shall be a minimum of one #illuminated sign# with a #surface area# of not less than 1,000 square feet for each 50 linear feet, or part thereof, of #street# frontage on Seventh Avenue or Broadway, except that for any one #zoning lot# no more than five #signs# shall be required.

* * *

(v) The provisions of paragraphs (a)(3)(iii) and (iv) of this Section may be modified or waived upon certification by the Chairperson of the City Planning Commission that the dynamic character and attractiveness of the #sign# or #signs# for which the modification or waiver is granted are assured by the proposed design and operation and that the signage on the #zoning lot# will produce an effect at least equal to that achieved through the application of paragraphs (a)(3)(iii) and (iv).

Except for an individual #sign# meeting the illumination requirements of paragraphs (a)(3)(iii) and (iv) for at least 50 percent of its #surface area#, for all of the #signs# required under this paragraph (a)(3), all #surface area# not complying with paragraphs (a)(3)(iii)

powered by Legistar™

and (iv) shall be lighted with an average level of illuminance across the entirety of that #surface area# of 75 foot candles and with an average to minimum illuminance ratio of not greater than 3.0 to 1.0.

(vi) For #zoning lots# that contain 15,000 square feet or more of #lot area#, the provisions of paragraphs (a)(2) and (a)(3)(ii) of this Section may be modified or waived, upon certification by the Chairperson that:

(a) the #sign# or #signs# for which the modification or waiver is granted are affixed to a #building# that contains a "listed theater" as designated in Section 81-742 (Listed theaters), and a portion of such theater is located within 100 feet of the #street line# of Seventh Avenue or Broadway; and

(b) such #sign# or #signs# provide visual interest that furthers the purposes of the #illuminated sign# requirements set forth in Section 81-73 (Special Sign and Frontage Regulations), inclusive, in a manner that is at least equal to that achieved through the application of paragraphs (a)(2) and (a)(3)(ii).

(4) One illuminated marquee and one additional #illuminated# projecting identification #sign# are required for each theater on a #zoning lot#. A group of motion picture theaters under single ownership and operation shall be treated as one theater for the purposes of this requirement.

* * *

81-75
Special Street Wall and Setback Requirements

#Buildings# located on #zoning lots#, or portions of #zoning lots# within the Theater Subdistrict Core or the Eighth Avenue Corridor, shall comply with the regulations of this Section. The height of all #buildings or other structures# shall be measured from #curb level#.

81-751
Special street wall and setback regulations within the Theater Subdistrict Core

#Buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, or located partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor shall comply with the requirements of this Section and, in all other respects related to height and setback, with the provisions of Section 81-25 (General Provisions Relating to Height and Setback of Buildings), and either Section 81-26 (Height and Setback Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation). The #street wall# location rules of Section 81-43 shall also apply, except as modified in this Section.

* * *

For the purposes of this Section, #signs# are permitted as exceptions to the special #street wall# and setback requirements contained herein, except that above the top of a #street wall# before setback required under this Section, no #sign# may be located closer than six feet to the Seventh Avenue or Broadway #street wall# before setback. #Signs# located below the top of a required #street wall# before setback, as defined in this Section,

may project across a #street line# up to 10 feet. Marquees are not subject to the requirements of this Section.

(a) With the exception of #buildings# located on #zoning lots# between Seventh Avenue and Broadway, #buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue or Broadway shall meet the following requirements:

* * *

(3) For #zoning lots# greater than 15,000 square feet in area:

* * *

(iii) Alternatively, if the ~~#zoning~~ ~~lot#~~ #building# contains a "listed theater" designated pursuant to ~~theater listed in the table in~~ Section 81-742 and if any portion of the theater is within 100 feet of the #street line# of Seventh Avenue or Broadway, above the required #street wall# height before setback, the #street wall# shall be set back at least 60 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#, except that a portion of the #building# with aggregate area per floor not exceeding the lesser of 4,500 square feet or 30 square feet for each linear foot of #zoning lot street# frontage on Seventh Avenue or Broadway, may extend forward of the 60 foot #setback line#, provided that no portion is closer than 20 feet to the Seventh Avenue or Broadway #street line#, 15 feet to the #street line# of the #narrow street# on which the theater has frontage and 50 feet to any other #narrow street street line#.

In addition, one or more #signs# affixed to any such #building# may project up to 10 feet across the #street line# and rise to a height of 120 feet above #curb level#. Balconies and terraces, including railings or parapets, may be located within the required setback area behind such #signs#. For the purposes of applying the definition of #floor area# in Section 12-10, #signs# projecting across the #street line# shall not constitute an enclosure, and the requirements of Section 32-41 (Enclosure Within Buildings) shall not apply to such balconies or terraces, provided that a portion of any such balcony or terrace is used for an entertainment-related #use# listed in Section 81-725 (Entertainment-related uses) or an accessory #use#.

* * *

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 June 28, 2018, on file in this office.

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

powered by Legistar™