



Legislation Details (With Text)

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Title: Resolution approving the decision of the City Planning Commission on Application No. N 040332 ZRM, amendment to the text of the Zoning Resolution regarding an increase in street wall height within the Ladies' Mile Rezoning Area, the grandfathering of an existing special permit, and a clarification of the zoning text (L.U. No. 220).

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 8/12

Date	Ver.	Action By	Action	Result
8/10/2004	*	Committee on Land Use	Approved by Committee	
8/12/2004	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 544

Resolution approving the decision of the City Planning Commission on Application No. N 040332 ZRM, amendment to the text of the Zoning Resolution regarding an increase in street wall height within the Ladies' Mile Rezoning Area, the grandfathering of an existing special permit, and a clarification of the zoning text (L.U. No. 220).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on July 1, 2004 its decision dated June 23, 2004 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 040332 ZRM) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 040331 ZMM (L.U. No. 219), an amendment of the Zoning Map; C 040333 ZSM (L.U. No. 221) and C 040334 ZSM (L.U. No. 222), special permits;

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 July 19, 2004;

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 March 22, 2004 (CEQR No. 04DCP038M);

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; and

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 underlined is new, to be added;

Matter in ~~strikeout~~ is to be deleted; and

*** represents text for which no change is proposed

Article I, Chapter 1

Section 11-44

Special Permits Granted Prior to (effective date of amendment)

Within the area bounded by West 22 Street, a line 100 feet west of Fifth Avenue, a line midway between West 16 Street and West 17 Street, and a line 100 feet east of Sixth Avenue, any special permit granted by the City Planning Commission may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the #bulk# regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

Article 2

Residence District Regulations

Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

23-633

Street wall location and height and setback regulations in certain districts

R6A R7A R8A R9A R10A R6B R7B R8B R7X R8X R9X R10X

In the districts indicated, #street wall* location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures* shall be measured from the #base plane#. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply, except as otherwise set forth for #buildings# in R10X Districts.

R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A R10X

(b) Setback regulations

In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, setbacks are required for all portions of #buildings# that exceed the maximum base height specified in ~~Table A~~ of the table in this Section. Such setbacks shall be provided in accordance with the following regulations:

R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A R10X

(d) Additional regulations

In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, the following additional regulations shall apply:

(4) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:

(i) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section, or as modified in any applicable Special District.

(ii) the maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section, provided that such height not exceed 150 feet, and provided such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.

~~(ii)(iii)~~ The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

TABLE A

**MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT
AND MAXIMUM BUILDING HEIGHT**

23-663

Require rear setbacks for tall buildings in other districts

R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A R10X

(b) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, no portion of a #building# that exceeds the applicable maximum base height specified in ~~Table a~~ of Section 23-633 shall be nearer to a #rear yard line# than 30 feet.

Article 3

Commercial District Regulations

Chapter 5

Bulk Regulations for Mixed Buildings in Commercial Districts

35-24

35-24

Special Street Wall Location and Height and Setback Regulations in Certain Districts

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5X C4-6Z C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

In the districts indicated, and in other c1 or c2 Districts when mapped within R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A OR R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5X C4-6A C4-7A C5-1A C6-2A C6-3A C6-3X C6-4A C6-4X

(e) Additional regulations

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A OR R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the following additional provisions shall apply to all #developments# or #enlargements#:

(4) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:

(i) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section, or as modified in any applicable Special District.

(ii) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section provided that such height not exceed 150 feet, and provided such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.

~~(ii)~~(iii) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

32-21

Use Group 12

C4 C6 C7 C8

Use Group 12 consists primarily of fairly large entertainment facilities that:

- (1) have a wide service area and generate considerable pedestrian, automotive or truck traffic; and
- (2) are, therefore, appropriate only in secondary, major or central commercial areas.

Certain public service establishments are also included.

A. Amusements

** Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing [PRC-D]

In C4 Districts, a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. In C4 Districts, such establishment shall be a minimum of 100 feet from a #Residence District# boundary, except that within 100 feet from a #Residence District# boundary, such establishment is permitted only by special permit pursuant to Section 73-244.

In C6-1, C6-2, C6-3 and C6-4 Districts, a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. In these districts, the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residential District# boundary.

Historical exhibits, provided such #use# is contained within a #completely enclosed building# [PRC-D]

E. #Accessory Uses#

* In a C4 District, a #use# in Use Group 12, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location).

** In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22th Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, are permitted only by special permit of the Board of Standards and Appeals in accordance with Section 73-244.

32-31

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

C3

Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less [PRC-B]

C2 C3 C4* C6-4**

Eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

- * In C4 Districts, such #use# is permitted within 100 feet from a #Residence District# boundary only as provided in Section 73-244.

** In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, such #use# is permitted only as provided in Section 73-244.

73-244

In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts and the Special Tribeca Mixed Use District

In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the following findings are made:

- (a) that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to the Board to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#;
- (b) that the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary;
- (c) that such #use# will not cause undue vehicular or pedestrian congestion in local #streets#;
- (d) that such #use# will not impair the character or the future use or development of the surrounding #residential# or mixed use neighborhoods;
- (e) that such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code; and
- (f) that the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

Any violation of the terms of a special permit may be grounds for its revocation.

- * In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary.

** In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.

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 August 12, 2004, on file in this office.

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City Clerk, Clerk of The Council