Legislation Details (With Text)

File #:	Res 1526-2008	**Version:**	*	**Name:**	LU 800 - ULURP, West 38th Street LLC, Manhattan (N070462ZRM)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Land Use
On agenda:	6/29/2008				
Enactment date:				**Enactment #:**	

Title: Resolution approving the decision of the City Planning Commission on Application No. N 070462 ZRM, an amendment to the text of the Zoning Resolution of the City of New York, relating to Article XII, Chapter 1 (Special Garment Center District) (L.U. No. 800).

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Recessed Stated Meeting 6-23-08, 3. Hearing Transcript - Stated Meeting 6-29-08

Date	Ver.	Action By	Action	Result
6/25/2008	*	Committee on Land Use	Approved by Committee	
6/29/2008	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1526

Resolution approving the decision of the City Planning Commission on Application No. N 070462 ZRM, an amendment to the text of the Zoning Resolution of the City of New York, relating to Article XII, Chapter 1 (Special Garment Center District) (L.U. No. 800).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on June 6, 2008 its decision dated June 4, 2008 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by West 38th Street LLC, for an amendment of the Zoning Resolution of the City of New York, relating to Article XII, Chapter 1 (Special Garment Center District (Application No. N 070462 ZRM), (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 070463 ZSM (L.U. No. 801), a special permit pursuant to Sections 74-52, 93-80 and 121-40 of the Zoning Resolution of the City of New York to allow an attended public parking garage with a maximum capacity of 400 spaces;

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 June 17, 2008;

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 January 7, 2008 (CEQR No. 08DCP003M);

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.

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 # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

121-32

Height of Street Walls and Maximum Building Height

The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. On a #zoning lot# with frontage of at least 200 feet, up to 20 percent of the #aggregate width of the street wall#, for a maximum width of 50 feet, may be recessed to a maximum depth of 15 feet from the #street line# provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60% of such area be planted with any combination of grass, ground cover, shrubs, trees or other living plant material. Such #street wall# shall rise without setback to a maximum height of 90 feet or the height of the #building#, whichever is less. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of the #development# or #enlargement# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line# or the height of the adjacent #street wall# if higher than 90 feet and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

(a) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-63, as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and

(b) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure

plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c) of Section 23-62, may penetrate the #sky exposure plane#.

* * *

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 29, 2008, on file in this office.

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

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