Legislation Details (With Text)

File #:	Res 1016-2011	**Version:**	*	**Name:**	LU 457 - Zoning, Concerning the waiver of accessory off-street loading berths within the Special Lower Manhattan District (N110307ZRM)
Type:	Resolution			**Status:**	Adopted
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On agenda:	9/8/2011				
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Title: Resolution approving the decision of the City Planning Commission on Application No. N 110307 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning the waiver of accessory off-street loading berths within the Special Lower Manhattan District in Community District 1, Borough of Manhattan (L.U. No. 457).

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 9-8-11

Date	Ver.	Action By	Action	Result
9/7/2011	*	Committee on Land Use	Approved by Committee	
9/8/2011	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1016

Resolution approving the decision of the City Planning Commission on Application No. N 110307 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning the waiver of accessory off-street loading berths within the Special Lower Manhattan District in Community District 1, Borough of Manhattan (L.U. No. 457).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on August 12, 2011 its decision dated August 10, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Century 21 Department Stores, LLC, for an amendment to the text of the Zoning Resolution of the City of New York, to allow a waiver of loading berth requirements for buildings that contain both office and department store and are seeking a change of use from office to department store use which would modify the Special Lower Manhattan District (Application No. N 110307 ZRM), Community District 1, 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;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 6, 2011;

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 May 9, 2011 (CEQR No. 11DCP133M);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

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 110307 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 within # # is defined in Section 12-10
*** indicates where unchanged text appears in the Zoning Resolution

* * *

Article IX: Special Purpose Districts

Chapter 1: Special Lower Manhattan District (revised 8/5/11)

* * *

91-50
OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS

* * *

91-53
Waiver of Requirements for Accessory Off-Street Loading Berths

(a) For #zoning lots# containing Use Group 10A department stores and Use Group 6B offices, where not more than 78,000 square feet of such office #use# is changed to department store #use#, the following modifications may be made provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that the conditions in paragraphs (b), (c), (d) and (e) have been met:

(1) waiver of #accessory# off-#street# loading berths required for such department store #use#;

(2) waiver of existing required #accessory# off-#street# loading berths when such waiver is necessary to provide an improved goods receiving and in-store transport system; and

(3) exemption of existing loading berth floor space from the definition of #floor area# as set forth in Section 12-10 when such floor space will be used for such improved goods receiving and in-

store transport system.

(b) A plan for curb side deliveries shall have been approved by the Department of Transportation, as part of the improved goods receiving and in-store transport system for the department store #use#. Such plan shall be based upon a traffic study prepared by a qualified professional and a scope of work, both of which have been approved by the Department of Transportation, establishing that the plan for curbside deliveries shall not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and ~~will~~ shall not interfere with the efficient functioning of nearby public transit facilities;

(c) At least one additional freight elevator and an aggregate of at least 6,000 square feet of staging area for loading and deliveries, exclusive of the area occupied by elevators, shall be provided on the #zoning lot# to be used for the improved goods receiving and in-store transport system for such department store #use#, as depicted on a site plan;

(d) In the event that any existing loading berth floor space is to be exempted from the definition of #floor area# as set forth in Section 12-10, such floor space shall be used for the improved goods receiving and in-store transport system; and

(e) A Declaration of Restrictions shall have been executed, in a form acceptable to the Department of City Planning, binding upon the owners and its successors and assigns, and providing for maintenance and use of the staging areas and additional elevators for the improved goods receiving and in-store transport system, as well as continued compliance with the plan for curbside deliveries, and the site plan. Such declaration shall be filed and recorded in the Office of the City Register of the City of New York against the lots comprising the #zoning lot#. Receipt of proof of recordation in a form acceptable to the Department shall be a precondition to the issuance of this certification, and the recording information shall be included on any temporary or final certificate of occupancy for any #building# or portion thereof, issued after the recording date.

* * *

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 September 8, 2011, on file in this office.

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

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