



Legislation Text

File #: Res 2150-2001, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 2150

Resolution approving the decision of the City Planning Commission on Application No. N 010404 ZRY, an amendment to the text of the Zoning Resolution to permit museums and non-commercial art galleries as listed in Use Group 3A in M1-5 Districts (L.U. No. 1163).

By Council Members Eisland and McCaffrey

WHEREAS, the City Planning Commission filed with the Council on November 28, 2001 its decision dated November 21, 2001 (the "Decision"), on the application submitted by the Chelsea Art Museum, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 010404 ZRY) (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 010405 ZSM (L.U. No. 1277), a special permit;

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 December 10, 2001;

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 July 9, 2001 (CEQR No. 01DCP027M);

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 in Greystone is new, to be added;

Matter in Strikeout is old, to be deleted;

Matter within # # is defined in Section 12-10; and

* * * indicates where unchanged text would appear in the Zoning Resolution.

* * *

42-32

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

* * *

M1
Indoor interactive entertainment facilities with eating and drinking* [PRC-D]

M1-5
Museums and non-commercial art galleries

* * *

M1
#Uses# listed in Use Group 4A Community Facilities

* * *

74-92
Use Group 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts

74-921
Use Group 3A and 4A community facilities
In M1 Districts, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities, and, in M1-5 Districts, except in M1-5A, M1-5B, and M1-5M Districts, the Commission may permit museums and non-commercial art galleries as listed in Use Group 3A, provided that such community facility is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

As a condition of granting a special permit for such community facilities, the Commission shall find that:

- (a) within the neighborhood primarily to be served by the proposed facility there is no practical possibility of obtaining a site of adequate size, located in a district wherein it is permitted as of right, because appropriate sites in such districts are occupied by substantial improvements;
- (ba) an adequate separation from noise, traffic and other adverse effects of the surrounding non-#Residential Districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#;
- (cb) such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# and that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district;
- (dc) where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;
- (ed) in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (f) such community facility is not located more than 400 feet from the boundary of a district wherein such facility is permitted as-of-right; and
- (g) such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district.
- (e) for a Use Group 4A #use#, within the neighborhood primarily to be served by the community facility, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and
- (f) such facility will not impair the essential character of the surrounding area.

The provisions of this special permit relating to Use Group 3A museums and non-commercial art galleries shall be inapplicable to the Special Tribeca Mixed Use District. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area..

* * *

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

December 11, 2001, on file in this office.

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City Clerk, Clerk of Council

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