



## Legislation Text

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**File #:** Res 1241-2003, **Version:** \*

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THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1241

Resolution approving with modification the decision of the City Planning Commission on Application No. N 030489 ZRM, an amendment to the text of the Zoning Resolution relating to Article VII, Chapter 4, Section 74-712 (Developments in Historic Districts) to permit within Historic Districts the modification of use regulations on certain zoning lots located in M1-5A and M1-5B districts (L.U. No. 583).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on November 7, 2003 its decision dated November 5, 2003 (the "Decision"), on the application submitted by WXIV/Broadway Grand Realty, L.L.C., pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 030489 ZRM) (the "Application");

WHEREAS, the Application is related to ULURP Application C 030490 ZSM (L.U. No. 584), grant of a special permit pursuant to Section 74-712 of the Zoning Resolution;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, the SoHo and NoHo communities of the City of New York have long been characterized by their strong association with the production and exhibition of the arts, and

WHEREAS, the encouragement of these historic uses in the SoHo and NoHo communities continue to be the policy of the City of New York, and

WHEREAS, the proposed special permit text could be another tool by which such art related neighborhood character would be encouraged.

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 1, 2003;

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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 June 2, 2003 (CEQR No. 03DCP042M);

**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 with the following modification:

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 within # # is defined in Section 12-10;

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

\*\*\* indicates where unchanged text appears in the Zoning Resolution;

Matter in double-underline is new, to be added by the Council.

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74-712

Developments in Historic Districts

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

(a) In M1-5A and M1-5B Districts, on a #zoning lot# that is vacant, is #land with minor improvements# or where not more than twenty percent of the #lot area# is occupied by existing #buildings# as of (effective date of amendment), the Commission may modify #use# regulations to permit #residential development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Section 32-15 (Use Group 6), provided that:

(1) the #use# modification meets the following conditions:

(i) that #residential development# complies with the requirements of Section 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;

(ii) total #floor area ratio# on the #zoning lot# shall be limited to 5.0;

(iii) that the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet; and

(iv) all #signs# for #residential# or #commercial uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (Sign Regulations) pertaining to C2 Districts; and

(v) eating and drinking establishments of any size as set forth in Use Groups 6A and 12A are not permitted.

(2) the Commission finds that such #use# modifications:

(i) have minimal adverse effects on the conforming #uses# in the surrounding area;

(ii) are compatible with the character of the surrounding area; and

(iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.

(b) In all districts, the modification of #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, that lies within a Historic District designated by the Landmarks Preservation Commission, the City Planning Commission may permit the modification of #bulk# regulations, except #floor area ratio# regulations, provided the Commission shall find that such #bulk# modifications:

(a) (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and

(b) (2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

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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 15, 2003, on file in this office.

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City Clerk, Clerk of The Council

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