



## Legislation Text

File #: Res 0699-2004, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 699

Resolution approving the decision of the City Planning Commission on Application No. N 050030 ZRM, an amendment to the text of the Zoning Resolution relating to Section 96-104 (Height Regulations) to limit the height and bulk of new development within 100 feet of a wide street within the Preservation Area of the Special Clinton District, Manhattan (L.U. No. 332).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on October 27, 2004 its decision dated October 20, 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 050030 ZRM) (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 November 16, 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 July 26, 2004 (CEQR No. 05DCP008M);

#### 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 Underline is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

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

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

#### Chapter 6 Special Clinton District

\* \* \*

#### 96-10 PRESERVATION DISTRICT

\* \* \*

96-104

Height regulations

The height regulations of this Section apply to any #development# or #enlargement#. For all #zoning lots# or portions thereof located within 100 feet from the #street line# of a #wide street#, the height and setback regulations of the underlying districts shall apply.

The underlying height and setback regulations shall not apply, except as set forth in Sections 23-62 or 33-42 (Permitted Obstructions), as applicable. In lieu thereof, the height and setback provisions of this Section 96-104 shall apply to all #developments# and #enlargements#. All height shall be measured from #curb level#.

For #zoning lots# with #wide street# frontage, the #street wall# of a #building or other structure# shall be located on the #wide street line# and extend along the entire #wide street# frontage of the #zoning lot#. For #corner lots# with #narrow street# frontage, the #street wall# of the #building# shall be located on and extend along the #narrow street line# within 50 feet of the #wide street#. Ground floor recesses up to three feet deep shall be permitted for access to building entrances. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no such recesses are within 30 feet of the intersection of two #street lines#.

Within 100 feet of a #wide street#, the #street wall# of a #building or other structure# shall rise without setback to a minimum height of 50 feet or the height of the #building#, whichever is less, and a maximum height of 66 feet. A setback shall be provided for all portions of #buildings# that exceed a height of 66 feet. Such setbacks shall be provided at a height not lower than 50 feet and not higher than 66 feet, and shall have a minimum depth of 10 feet, measured from any #street wall# facing a #wide street#, and a minimum depth of 15 feet, measured from any #street wall# facing a #narrow street#. No #building or other structure# shall exceed a height of 85 feet.

The height of a #building or other structure# on a #zoning lot# or portion thereof located more than 100 feet from the #street line# of a #wide street#, shall not exceed 7 #stories# or 66 feet above #curb level#, whichever is less. Beyond 100 feet of a #wide street#, no #building or other structure# shall exceed a height of 7 #stories# or 66 feet, whichever is less.

However, the City Planning Commission, by special permit, may modify the special height restrictions set forth in this Section for any #development# or #enlargement# on such #zoning lots#.

As a condition for such modification, the Commission shall find that the distribution of the #bulk# of the #development# or #enlargement# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height of such #development# or #enlargement# does not exceed 99 feet above #curb level# beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

The Commission may prescribe appropriate conditions and safeguards to protect and minimize any 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 November 23, 2004, on file in this office.

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City Clerk, Clerk of The Council

