



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1128

Resolution approving the decision of the City Planning Commission on Application No. N 050281 ZRM, an amendment to the text of the Zoning Resolution relating to Sections 111-02 (General Provisions), 111-111 (Loft Dwelling Requirements), and 111-50 (Special Permit for Enlargement of Buildings Contain Loft Dwellings) regarding the enlargement of buildings containing loft dwellings in the Special TriBeCa Mixed-Use District (Area B1) (L.U. No. 536).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on July 29, 2005 its decision dated July 13, 2005 (the "Decision"), on the application submitted by One York Property LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 050281 ZRM) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 050282 ZSM (L.U. No. 537), special permit pursuant to Section 111-50 to permit the conversion to loft dwellings of an existing building; C 050283 ZSM (L.U. No. 538), special permit pursuant to Section 111-51(b) (a new section) to permit the enlargement of a building containing loft dwellings; C 050284 ZSM (L.U. No. 539), special permit pursuant to Section 74-921 to permit Use Group 4A community facility use on the first, second and third floors in an M1-5 zoning district; and C 050285 ZSM (L.U. No. 540), special permit pursuant to Section 13-561 to permit an accessory parking garage with 47 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 August 15, 2005;

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 Conditional Negative Declaration, issued on March 28, 2005 (CEQR No. 05DCP037M);

RESOLVED:

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 to be deleted;

Matter within # # is defined in the Zoning Resolution;

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

SPECIAL TRIBECA MIXED USE DISTRICT REGULATIONS

111-02

General Provisions

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed, and changes in #uses# within the Special District.

#Loft dwellings# and #joint living-work quarters for artists# are permitted #uses# within the Special District, ~~subject to the #bulk# regulations of Section 111-11 (Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living-Work Quarters for Artists)~~, and #loft dwellings# are the only permitted #residential use# in #buildings# designed for non-#residential use# and erected prior to December 15, 1961. #Loft dwellings# and #joint living-work quarters for artists# converted under the provisions of this Chapter, are not subject to the provisions of Section 32-42 (Location within Buildings).

#Buildings# designed for non-#residential use# and erected prior to December 15, 1961, that have not since been #enlarged# may be converted to #loft dwellings#, subject to the #bulk# regulations of Section 111-11 (Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living-Work Quarters for Artists).

#Buildings# designed for non-#residential use# and erected prior to December 15, 1961, that have since been #enlarged# may be converted to #loft dwellings#, and #buildings# designed for non-#residential use# and erected prior to December 15, 1961 may be #enlarged# for #loft dwellings#, provided that such conversion or #enlargement# shall be made only by special permit of the City Planning Commission pursuant to Section 111-51 (Special permit for Enlargements of Buildings Containing Loft Dwellings).

111-111

Loft dwelling requirements

(e) No #building# in Areas B1 and B2 containing #loft dwellings# or #joint living-work quarters for artists# shall be #enlarged#, except that such #buildings# containing #loft dwellings# may be #enlarged# by special permit of the City Planning Commission pursuant to Section 111-51. Mezzanines shall be permitted as provided in paragraph (d) of this Section.

111-50

SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING-WORK QUARTERS FOR ARTISTS

The City Planning Commission may permit, in Areas B1 and B2, the modification of the #use# provisions of Sections 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living-work quarters for artists), Section 111-102 (Ground floor use restrictions), paragraph (b), or 111-103 (Additional use regulations), paragraph (b), to allow #loft dwellings# or #joint living-work quarters for artists# on any #story# in any #building#, provided the Commission finds that:

- (a) the conversion will not harm the commercial and manufacturing sectors of the City's economy;
- (b) the conversion will not harm the commercial and manufacturing character of the surrounding area;
- (c) the process of conversion will not unduly burden #commercial# and #manufacturing uses# in the #building#; and
- (d) the neighborhood in which the conversion is taking place will not be excessively burdened by increased #residential# activity.

All #loft dwellings# or #joint living-work quarters for artists# permitted by this special permit shall meet the standards of the applicable district for such units or quarters. The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requiring the preservation of #floor area# for #commercial# or #manufacturing uses#.

111-51

Special Permit for Enlargements of Buildings Containing Loft Dwellings

In Area B1, outside of historic districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit:

(a) #loft dwellings# in #buildings# designed for non-#residential use# and erected prior to December 15, 1961, that have since been #enlarged#; or,

(b) the #enlargement# of #buildings# designed for non-#residential use# and erected prior to December 15, 1961, for #loft dwellings#, provided that:

(1) all #loft dwellings# comply with the requirements of Section 111-111 or have received a certification pursuant to Section 111-20(b);

(2) the #bulk# regulations of an M1-5 District shall apply, except that the #enlarged# portion of the #building# shall comply with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) applicable to R8 Districts; and

(3) the maximum #floor area ratio# for all #loft dwellings# shall not exceed 5.0.

(c) In order to grant a special permit, the City Planning Commission shall find that:

(1) the process of #enlargement# will not unduly burden #commercial# and #manufacturing uses# in the #building# and

(2) the neighborhood in which the #enlargement# is taking place will not be excessively burdened by increased #residential# activity.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requiring the preservation of #floor area# for #commercial# or #manufacturing uses#.

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 August 17, 2005, on file in this office.

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City Clerk, Clerk of The Council

