



Legislation Text

File #: Res 0992-2007, Version: *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 992

Resolution approving with modification the decision of the City Planning Commission on ULURP No. C 070125 ZSM (L.U. No. 402), for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-00 (General Provisions) to allow Use Group 6 uses (Art Gallery) in the cellar, 1st floor, 2nd floor and 3rd floor of an existing 5-story building on property located at 45 East 78th Street (Block 1393, Lot 25), in a R8 District within the Special Limited Height District (LH-1A) and C5-1 District within the Special Madison Avenue Preservation district, within the Upper East side Historic District, Borough of Manhattan.

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on May 25, 2007 its decision dated May 23, 2007 (the "Decision") on the application submitted by L & M Arts, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-00 (General Provisions) to allow Use Group 6 uses (art gallery) in the cellar, 1st floor, 2nd floor and 3rd floor of an existing 5-story building on property located at 45 East 78th Street (Block 1393, Lot 25), in a R8 District within the Special Limited Height District (LH-1A) and C5-1 District within the Special Madison Avenue Preservation District, within the Upper East Side Historic District (ULURP No. C 070125 ZSM), Community District 8, Borough of Manhattan (the "Application");

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-711 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, upon due notice, the Council held a public hearing on June 19, 2007 on the Decision and Application;

WHEREAS, the applicant has represented that the subject property will continue to be used as an art gallery;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration which was issued on February 5, 2007 (CEQR No. 07DCP036M);

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application;

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 New York City Charter and on the basis of the Decision and Application, the Council approves the Decision with the following modification:

That allowable uses within Use Group 6 shall only include:

B. Offices

C. Retail or Service Establishments

Antique Stores [PRC-B]
Art galleries, commercial [PRC-B]
Florist shops [PRC-B]

Gift shops [PRC-B]

Interior decorating establishments, provided that *floor area* used for processing, servicing, or repairs shall be limited to 750 square feet per establishment [PRC-B]

Jewelry or art metal craft shops [PRC-B]
Leather goods or luggage stores [PRC-B]
Stamp or coin stores [PRC-B]

E. Clubs

Non-commercial clubs.

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 July 25, 2007, on file in this office.

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City Clerk, Clerk of The Council