



Legislation Text

File #: Res 1102-2007, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1102

Resolution approving the decision of the City Planning Commission on Application No. N 070394 ZRY, an amendment to the text of the Zoning Resolution of the City of New York, relating to Article I, Chapter 5, Section 15-41 (Enlargements of Converted Buildings) to permit the modification of applicable open space and height factor requirements for enlargements of residential conversions of non-residential buildings (L.U. No. 576).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on September 21, 2007 its decision dated September 19, 2007 (the "Decision"), on the application submitted by 150 Charles Street Holdings, LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution of the City of New York (Application No. N 070394 ZRY) (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 October 9, 2007;

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 April 25, 2007 (CEQR No. 07DCP059M);

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 ~~strike out~~ is old, to be deleted;

Matter within # # is defined in Section 12-10 (DEFINITIONS)

*** indicates where unchanged text appears in the Resolution

Chapter 5

Residential Conversion of Existing Non-Residential Buildings

15-00

GENERAL PURPOSES

* * *

15-01

Applicability

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings# or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of this Chapter. In addition, in Manhattan Community District 1, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, the conversion to #dwelling units# of non-#residential buildings#, or portion thereof, erected prior to January 1, 1977 shall be subject to the provisions of this Chapter. Existing floor space used for mechanical equipment and not counted as #floor area# in non-#residential buildings# built prior to January 1, 1977 may be converted to #dwelling units# under the provisions of this Chapter.

However, the conversion to #dwelling units# of non-#residential buildings# that meet all the requirements for new #residential development# of Article II (Residence District Regulations) and are located in R4, R5, R6, R7, R8, R9, R10, C1, C2, C3, C4, C5 or C6 Districts is exempt from the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the applicable zoning districts remain in effect.

New #developments# or #enlargements# shall be in accordance with the applicable requirements of Article II and Article II, except as provided by authorization pursuant to Section 15-41 (Enlargements of Converted Buildings).

* * *

15-02

General Provisions

15-021

Special use regulations

* * *

(c) In M1-5 and M1-6 Districts...

* * *

Where the Chairperson of the City Planning Commission has determined that #floor area# was occupied as #dwelling units# on September 1, 1980, and where such #dwelling units# are located in a #building# which, on the date of application to the Department of City Planning under the provisions of this Section, also has #floor area# which is occupied by a #use# listed in Section ~~15-50~~ 15-60(REFERENCED COMMERCIAL AND MANUFACTURING USES), the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

* * *

- (2) any #use# listed in Section ~~15-50~~ 15-60 which is located on #floor area# to be used for #dwelling units# has been offered a new or amended lease within the #building#, with a minimum term of 2 years from the date of application, at a fair market rental for the same amount of #floor area# previously occupied, and such lease is not subject to cancellation by the landlord;

* * *

15-025

Double glazed windows

All #dwelling units# in #buildings# which contain one or more #uses# listed in Section ~~15-50~~ 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES) and converted under the provisions of this Chapter shall be required to have double glazing on all windows. However, #dwelling units# occupied by #residential# tenants on September 1, 1980, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or in Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, shall not be required to have double glazed windows.

* * *

15-10

REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN RESIDENTIAL AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS

* * *

15-12

Open Space Equivalent

At least 30 percent of the gross roof area of a #building# containing 15 #dwelling units# shall be developed for recreational use. For each additional #dwelling unit#, 100 square feet of additional roof area shall be developed for recreational use, up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to Section 15-30.

* * *

15-20

REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS

* * *

15-21

Use Regulations - Transfer of Preservation Obligations and Conversion Rights

* * *

15-211

Floor area preservation

The amount or configuration of #floor area# to be preserved may be modified in accordance with the provisions of Section 15-215 (Modification for existing dwelling units).

The amount of #floor area# to be preserved for permitted #commercial# or permitted #manufacturing uses# shall be in accordance with Table I of this Section, if the #floor area# to be converted is located in a C6-2M or C6-4M District, and in accordance with Table

II of this Section, if the #floor area# to be converted is located in a M1-5M or M1-6M District, unless modified by the City Planning Commission pursuant to Section ~~15-41~~ 15-51. Such #floor area# shall be comparable to the #floor area# to be converted, as required by Section 15-213.

* * *

15-212

Reduced floor area preservation

Notwithstanding the provisions of Section 15-211, Table I as set forth in this Section may be substituted for Table I in Section 15-211, and Table II in this Section may be substituted for Table II in Section 15-211 governing the amount of #floor area# to be preserved, provided that such preserved #floor area# will be occupied by a #commercial# or #manufacturing use# that has been in occupancy for two years prior to the application for a certification under the provisions of Section 15-21 or by a #use# listed in Section ~~15-50~~ 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES), and subject to the following conditions:

- (a) Where the preserved #floor area# is occupied by an existing #commercial# or #manufacturing use# for two years immediately preceding the date of application for a certification under Section 15-21, or where the preserved #floor area# is occupied by a #use# listed in Section ~~15-50~~ 15-60, the landlord shall present a lease, signed by both the landlord and such tenant, and certified as recorded by the Office of the City Register of New York County.

* * *

- (b) Where the preserved #floor area# is occupied by any such #use# for two years immediately preceding the date of application under Section 15-21, and such occupant is the owner of said #floor area#, the Chairperson of the City Planning Commission shall require that the certificate of occupancy designate the preserved #floor area# for a #use# listed in Section ~~15-50~~ 15-60 for a period of 5 years from the date of such certification.
- (c) Where the preserved #floor area# will be occupied by a #use# listed in Section ~~15-50~~ 15-60 but no such tenant is yet occupying the #floor area#, the owner shall covenant to preserve such #floor area# for a #use# listed in Section ~~15-50~~ 15-60, in the legal commitment required pursuant to Section 15-214.

* * *

15-30

MINOR MODIFICATIONS

* * *

15-40

AUTHORIZATION

15-41

Enlargements of Converted Buildings

In all #commercial# and #residence districts#, for #enlargements# of non-#residential buildings# converted to #dwelling units#, the City Planning Commission may authorize the following:

- (a) A waiver of the requirements of Section 15-12 (Open Space Equivalent) for the existing portion of the #building# converted to #dwelling units#; and
- (b) The maximum #floor area ratio# permitted pursuant to Section 23-142 for the applicable district without regard for #height factor# or #open space ratio# requirements.

In order to grant such authorization, the Commission shall find that:

- (1) The #enlarged building# is compatible with the scale of the surrounding area;
- (2) Open areas are provided on the #zoning lot# that are of sufficient size to serve the residents of the #building#. Such open areas, which may be located on rooftops, courtyards, or other areas on the #zoning lot# shall be accessible to and usable by all residents of the #building#, and have appropriate access, circulation, seating, lighting and paving;
- (3) The site plan includes superior landscaping for all open areas on the #zoning lot#, including the planting of #street trees#, and
- (3) The #enlarged building# will not adversely effect structures or #open space# in the vicinity in terms of scale, location and access to light and air.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

~~15-40~~ 15-50
SPECIAL PERMIT

~~15-41~~ 15-51
Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Sections 15-021 paragraph (e), or 15-21 in accordance with the provisions of Sections 74-711 (Landmark preservation in all districts) or 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

~~15-50~~ 15-60
REFERENCED COMMERCIAL AND 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 October 17, 2007, on file in this office.

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City Clerk, Clerk of The Council