

Application Section 5: Statement of Findings

When the Chair of the City Planning Commission must make findings in order to grant a certification, the applicant must submit an analysis which states specifically how the proposed development will satisfy each of the findings.

Use the Discussion of Findings template below to fill in the brackets [] the appropriate information pertaining to your project.

Finding (c)(2) below refers to the LUCATS database. In order to demonstrate this finding, please visit the web site http://a030-lucats.nyc.gov/lucats/ULURP_Search.aspx, and enter in the Zoning Resolution Section: 132-51 where asked. A search of this information will yield all approved certifications under this zoning section. If any approved certifications fall within the area relevant to your project, you do not meet this finding.

CERTIFICATIONS AND AUTHORIZATIONS (6/28/12)

132-51

Certification to Allow a Limited Increase in Street Wall Width

In #Special Enhanced Commercial District# 2, an establishment may #extend#, thereby exceeding the maximum #street wall# width for non-#residential# establishments set forth in paragraph (b) of Section 132-24, and may reduce the number of establishments required pursuant to 132-23 upon certification by the Chairperson of the City Planning Commission to the Department of Buildings that:

- (a) the proposed establishment does not exceed a maximum #street wall# width of 60 feet; and**

As illustrated in the application attachment, the proposed establishment would expand from 25 feet to 50 feet.

- (b) the applicant has submitted an affidavit attesting to and including information that:**

- (1) at the time of application for #extension#, the #use# has existed within such #building# for a period of one year; and**

The affidavit included in the application attachment attests to the establishment's existence within the building for 4 years and 7 months.

- (2) such existing establishment cannot #extend# without increasing the #street wall# width for such establishment because of:**

(i) physical restrictions created by the #building# design, including, but not limited to, the location of existing structural walls and vertical circulation cores;

(ii) the presence of other #uses# with ongoing or expected occupancy within such #building#; or

(iii) regulatory limitations; and

The affidavit included in the application attachment attests to the establishment's inability to extend without increasing the street wall width because of physical restrictions (i) and regulatory limitations (iii).

- (c) the applicant has demonstrated that at the time of application not more than one non-#residential# establishment has a #street wall# width exceeding 40 feet on either the same #block# frontage containing the applicant's establishment, or on the #block# frontage directly across the #street# from the #block# containing such establishment, or on the #blocks# fronting on the #commercial street# immediately adjacent to the north and south of the #block# containing such applicant's establishment. In order to demonstrate such conditions, the applicant shall:**

- (1) submit photographs or dimensioned elevation drawings to verify compliance with the conditions specified in this paragraph, (c); and**

The annotated photographic attachment to this application demonstrates that no other establishment on my block, the blocks immediately adjacent, or the block directly across the street has a street wall width exceeding 40 feet.

(2) verify that at the time of application, no other approved applications exist for certifications or authorizations under Section 132-50 in the geographic boundaries set forth in this paragraph, (c).

A search was completed using the LUCATS database to verify that no other approved applications exist for certifications or authorizations under Section 132-40 in the geographic boundaries set forth in this paragraph, which would affect the accuracy of the demonstrated findings.

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application the Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

A certification granted pursuant to this Section shall automatically lapse if substantial construction in accordance with the plans for which such certification was granted, has not been completed within one year from the effective date of such certification.