



Legislation Text

File #: Res 0565-2006, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 565

Resolution approving the decision of the City Planning Commission on Application No. N 060426 ZRQ, an amendment to the text of the Zoning Resolution of the City of New York relating to Article VII, Chapter 8 (Large Scale Residential Development), concerning Section 78-06, to modify the ownership provisions (L.U. No. 273).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on September 15, 2006 its decision dated September 13, 2006 (the "Decision"), on the application submitted by Powell Cove Associates 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 060426 ZRQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 020332 MLQ (L.U. No. 192), a landfill of approximately 123,000 cu. yd.;

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 3, 2006;

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 July 24, 2006 (CEQR No. 02DCP036Q);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment, provided it is modified as follows:

For the lots generally located easterly of 121st Street and its northerly prolongation and northwesterly of Lax Avenue (Block 3916, Lots 90, 100, 120, 300 and 400), the applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

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 Section 12-10;

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

* * *

78-06

Ownership

- (a) Except as otherwise provided in this Section, any #large-scale residential development# for which application is made for an authorization or special permit or modification thereto in accordance with the provisions of this Chapter shall be on a tract of land that at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. **Except as otherwise provided in this Section**, no authorization or special permit or modification thereto shall be granted for such #development# unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #development#) of, or executed a binding sales contract for, all of the property comprising such tract.
- (b) Except as otherwise provided in paragraph (c) of this Section with respect to a #large scale residential development# within an urban renewal area or former urban renewal area, for any #large scale residential development# located in the Community District(s) listed in this paragraph, the owner(s) of a vacant parcel(s) may make application for and be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), provided that such modification does not:
- (1) result in the distribution of #floor area# from any #zoning lot# not coextensive with or included within such parcel(s); or
- (2) increase the total allowable #floor area# on any #zoning lot included within such parcel(s) beyond that amount permitted by the applicable district regulations.

Such modifications may include the withdrawal of such parcel(s) from the boundaries of the #large scale residential development#, provided that such modification would not create a non-compliance within the #large scale residential development#.

Community District	Borough
Community District # 7	Queens

- (c) When a #development# is part or all of a designated urban renewal project, the City's urban renewal agency, or a person authorized by such agency, may make application for and be granted authorizations or special permits under the provisions of this Chapter, even though such #large scale residential development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale residential development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

In the event that the urban renewal plan has expired, the owner(s) of a vacant parcel(s) within such #large scale residential development#, if located in a former urban renewal area listed in this ~~Section~~ paragraph, (c), may make application for and be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), ~~provided that such modification does not seek:~~ pursuant to and subject to the limitations of paragraph (b) of this Section.

- (a) ~~the distribution of #floor area# from any #zoning lot# not included within such parcel(s); or~~
- (b) ~~to increase the total allowable #floor area# on any #zoning lot# included within such parcel(s) beyond the amount permitted~~

by the applicable district regulations.

Such modifications may include the withdrawal of such parcel(s) from the boundaries of the #large scale residential development#, provided that such modification would not create a non-compliance within the #large scale residential development#.

Former Urban Renewal Area	Community District
West Side Urban Renewal Area	CD 7, Manhattan

(d) When a #residential large scale residential development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, other than the City's urban renewal agency, or its agent, having the power of condemnation, authorizations or special permits may be applied for and granted under the provisions of this Chapter, even though such #large scale residential development# does not meet the ownership requirements set forth elsewhere in this Section.

* * *

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 11, 2006, on file in this office.

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City Clerk, Clerk of The Council