



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1559

Resolution approving the decision of the City Planning Commission on Application No. N 050402 ZRM, an amendment to the text of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), relating to ownership provisions within the former West Side Urban Renewal Area, Borough of Manhattan (L.U. No. 835).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on July 7, 2008 its decision dated July 2, 2008 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Leader House Associates, for an amendment of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), relating to ownership provisions within the former West Side Urban Renewal Area (Application No. N 050402 ZRM), (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 July 21, 2008;

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 August 20, 2007 (CEQR No. 05DCP071M);

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.

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 underlined is new, to be added;
Matter within # # is defined in Section 12-10;

Matter in ~~strikeout~~ is text to be deleted;

*** indicates where unchanged text appears in the zoning resolution

ARTICLE VII
ADMINISTRATION

Chapter 8:
Special Regulations Applying to Large-Scale Residential Developments

* * *

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
CD 7	Queens

(b) Notwithstanding the provisions of paragraph (a) of this Section, the following actions shall be permitted:

(e) (1) 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 may 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 paragraph (a) of 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.

- (2) 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 paragraph, ~~(e)~~ (b)(2), may make application for and may be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), ~~pursuant to and~~ subject to the limitations conditions of paragraph (b) (5) of this Section.

<u>Former Urban Renewal Area</u>	<u>Community Board</u>
<u>West Side Urban Renewal Area</u>	<u>CD7, Manhattan</u>

<u>Borough</u>	<u>Community District</u>	<u>Former Urban Renewal Area</u>
<u>Manhattan</u>	<u>Community District 7</u>	<u>West Side Urban Renewal Area</u>

- (3) The owner(s) of a developed parcel(s) within a large-scale residential development located in a former urban renewal area listed in paragraph (b)(2), where at least 50 percent of such parcel (s) is located within a C1-9 or C2-8 District, may make application for, and may be granted, modifications of authorizations or special permits previously granted under the provisions of this Chapter, in order to utilize available floor area for commercial or community facility uses, subject to the conditions of paragraph (b)(5) of this Section and provided further that:

- (i) no residential use existing prior to (date of enactment) located above the level of the ground floor may be changed to a non-residential use;
- (ii) the enlarged portion of the building shall be restricted to community facility uses and commercial uses listed in Use Groups 6A, 6C and 6F, provided that any ground floor community facility use, and any bank or loan office shall occupy not more than 25 feet of the wide street frontage, measured to a depth of 30 feet from the wide street line, and no community facility use shall be permitted above the level of the second story ceiling;
- (iii) any enlargement fronting upon Columbus or Amsterdam Avenue shall contain a number of establishments, such that the entire block front on Columbus or Amsterdam Avenue shall contain no fewer than three establishments, each with a separate entrance on Columbus or Amsterdam Avenue. The Columbus or Amsterdam Avenue frontage of any one such establishment shall not exceed 100 feet;
- (iv) the ground floor street wall of an enlargement located within C1-9 or C2-8 Districts shall be glazed with transparent materials which may include show windows, glazed

transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor street wall, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area;

- (v) required #open space# with appropriate circulation, seating, lighting and plantings shall be accessible and usable by all residents of the #development#;
- (vi) a plan, including elevations, shall be submitted showing the proposed #building(s)# and modification, and #open space#; and
- (vii) the #enlargement# enhances the streetscape and the design promotes a harmonious relationship with the existing #development# and contiguous blocks within the #large-scale residential development#.

In addition, any significant adverse impacts resulting from a #development# or #enlargement# pursuant to such modifications, considered in combination with #developments# or #enlargements# within the same former urban renewal area listed in paragraph (b)(2), previously the subject of modifications under this paragraph, (b)(3), shall have been avoided or minimized to the maximum extent practicable by incorporating as conditions to the modification those mitigative measures that have been identified as practicable.

The provisions of paragraphs (b)(3)(ii) and (b)(3)(iii) shall not apply to #enlargements# of #community facility uses# and bank or loan offices existing prior to (date of enactment), provided that such #enlargement# does not increase existing street frontage on Columbus or Amsterdam Avenues by more than ten feet.

An application filed pursuant to this paragraph, (b)(3), shall be referred to the affected Community Board, and the Commission shall not grant any modification of an authorization or special permit pursuant thereto prior to 45 days after such referral.

- (4) For any #large scale residential development# located in the Community District(s) listed in this paragraph, (b)(4), the owner(s) of a vacant parcel(s) may make application for and may be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), subject to the conditions of paragraph (b)(5).

<u>Borough</u>	<u>Community District</u>
<u>Queens</u>	<u>Community District #7</u>

- (5) Modifications of authorizations or special permits previously granted under the provisions of this Chapter, as permitted in paragraphs (b)(2), (b)(3) and (b)(4) of this Section, shall not:

- (i) result in the distribution of #floor area# from any #zoning lot# not coextensive with or included within such parcel(s); or

(ii) 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#.

(d) (6) 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 may be 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 July 23, 2008, on file in this office.

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City Clerk, Clerk of The Council