Legislation Details (With Text)

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On agenda:	6/10/2009			
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Title: Resolution approving the decision of the City Planning Commission on Application No. N 080253 ZRQ, for an amendment of the Zoning Resolution of the City of New York, modifying special permit regulations pertaining to the Sunnyside Gardens area in Community District 2, and clarifying other regulations in Article X, Chapter 3 (Special Planned Community Preservation District), Borough of Queens (L.U. No. 1082).

Sponsors:

Indexes:

Attachments: 1. Press Release, 2. Committee Report, 3. Hearing Transcript - Stated Meeting 6/10/09

Date	Ver.	Action By	Action	Result
6/10/2009	*	Committee on Land Use	Approved by Committee	
6/10/2009	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 2021

Resolution approving the decision of the City Planning Commission on Application No. N 080253 ZRQ, for an amendment of the Zoning Resolution of the City of New York, modifying special permit regulations pertaining to the Sunnyside Gardens area in Community District 2, and clarifying other regulations in Article X, Chapter 3 (Special Planned Community Preservation District), Borough of Queens (L.U. No. 1082).

By Council Members Katz and Gioia

WHEREAS, the City Planning Commission filed with the Council on April 27, 2009 its decision dated April 22, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning for an amendment of the Zoning Resolution of the City of New York, modifying special permit regulations pertaining to the Sunnyside Gardens area in Community District 2, and clarifying other regulations in Article X, Chapter 3 (Special Planned Community Preservation District), Application No. N 080253 ZRQ, Community District 2, Borough of Queens (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 June 2, 2009;

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 February 11, 2008 (CEQR No. 08DCP037Q):

RESOLVED:

The Council finds that the action described herein will have no significant impact 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 in graytone or underlined is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution.

Article I
General Provisions

Chapter 2
CONSTRUCTION OF LANGUAGE AND DEFINTIONS

12-10
DEFINITIONS

* * *

Special Planned Community Preservation District

The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply to all districts ~~which~~ that are at least 1.5 acres and contain a minimum of three #buildings#~~,~~; were substantially designed and developed as a unit with substantial clustered #open space# and related #commercial uses# available to all residents of the District under the regulations of the Zoning Resolution prior to December 15, 1961~~,~~; ~~which was~~ were considered to be worthy of such preservation by the City Planning Commission and the Board of Estimate, or its successor ~~,~~; and established ~~designated~~ pursuant to Section 103-~~05~~ 01. The Special ~~PC~~ Planned Community Preservation District and its regulations supplement or modify those of the districts on which it is superimposed.

* * *

Article X
Special Purpose Districts
Chapter 3
Special Planned Community Preservation District

103-00
GENERAL PURPOSES

The "Special Planned Community Preservation District" (hereinafter referred to as the "Special District"), established in this Resolution, is designed to promote and protect the public interest, general welfare and amenity. These general goals include, among others, the following specific purposes:

(a) to preserve and protect the Special Districts as superior examples of town planning or large-scale development;

(b) to preserve and protect the character and integrity of these unique communities which, by their existing site plan, pedestrian and vehicular circulation system, balance between buildings and open space, harmonious scale of the development, related commercial uses, open space arrangement and landscaping add to the quality of urban life;

(c) to preserve and protect the variety of neighborhoods and communities that presently exist which contribute greatly to the livability of New York City;

(d) to maintain and protect the environmental quality that the Special District offers to its residents and the City-at-large; and

(e) to guide ~~future~~ development within ~~the~~ each of the Special Districts that is consistent with the existing character, quality and amenity of the Special Planned Community Preservation District.

103-01
~~Definitions~~

~~Special Planned Community Preservation District~~
~~(repeated from Section 12-10)~~

~~The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply to all districts which are at least 1.5 acres and contain a minimum of 3 #buildings#, are substantially designed and #developed# as a unit with substantial clustered #open space# and related #commercial uses# available to all residents of the District under the regulations of the Zoning Resolution prior to December 15, 1961, which was were considered to be worthy of such preservation by the City Planning Commission and the Board of Estimate, or its successor, and were designated pursuant to Section 103-05. The Special PC Planned Community Preservation District and its regulations supplement or modify those of the districts on which it is superimposed.~~

Establishment of Special Planned Community Preservation District

The City Planning Commission has established the #Special Planned Community Preservation District# in areas that:

(a) have a land area of at least 1.5 acres;

(b) contain a minimum of three #buildings#;

(c) were designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961; and

(d) include considerable clustered #open space# and related #commercial uses# available to all residents of the District.

The Commission has found that the existing site plan resulted in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned #residential# community.

103-02
Special Planned Community Preservation District Areas

The #Special Planned Community Preservation District# areas are as follows, and are each indicated by the letters "PC" on the #zoning maps#:

Fresh Meadows in the Borough of Queens

The Harlem River Houses in the Borough of Manhattan

Parkchester in the Borough of the Bronx

Sunnyside Gardens in the Borough of Queens.

103-10
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, ~~and in accordance with the provisions of this Chapter,~~ no new #development#, #enlargement# which may include demolition of #buildings#, or substantial alteration of landscaping or topography, ~~is~~ shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, ~~designated as a #Special Planned Community Preservation District#~~ except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permits for Bulk and Parking Modifications**)** and 103-12 (Special Permit for Landscaping and Topography Modifications).

Special regulations for the Sunnyside Gardens area are set forth in Section 103-20, inclusive.

103-11
Special Permits for Bulk and Parking Modifications

(a) For any new #development#, or #enlargement# which may include demolition, within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:

(1) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;

(2) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;

(3) minor variations in the #yard# regulations required by the applicable district regulations;

(4) minor variations in the height and setback regulations required by the applicable district regulations;

(5) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Lot); or

(6) permitted or required #accessory# off-street parking spaces, driveways or curb cuts to be located anywhere within the #development#, without regard to #zoning lot lines# or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces).

(b) In order to grant such special permits, the City Planning Commission shall make the following findings:

(1) that the new #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design, and that the new #development# will not seriously alter the scenic amenity and the environmental quality of the community;

(2) that the new #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #development#, the landscaping surrounding the new landscaping arrangement, and conditions of the community;

(3) that the new #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic that will diminish the environmental quality of the community; and

(4) that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.

(c) Notwithstanding the provisions of paragraph (a)(6) of this Section, where the requirement for #accessory# off-street parking spaces, driveways or curb cuts can only be accommodated in such a manner that the functioning of the existing planned community is substantially injured, the City Planning Commission shall authorize waiver of all or part of the required parking.

(d) No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I Article 8, of the New York City Administrative Code, or

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its successor, except pursuant to a #development# plan for which a special permit has been granted under the provisions of this Section and Section 103-12.

The City Planning Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit in order to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform with the intentions of the #Special Planned Community Preservation District#.

103-12
Special Permit for Landscaping and Topography Modifications

No substantial modifications of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such modifications are approved by special permit of the City Planning Commission.

~~103-04~~ 103-13
Requirements for Application

An application to the City Planning Commission for the grant of a special permit respecting any #development# or #enlargement# or substantial ~~alteration~~ modification of landscaping or topography to be made within the Special District, shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, building sections and elevation and an appropriate model of the planned community.

103-14
Recordation

At the time of any transfer of development rights which has been authorized by special permit under Section 103-11, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

Notice of the restrictions upon further #development# of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.

~~103-05~~ *(text incorporated into 103-01)*

Designation of Special Planned Community Preservation Districts

The City Planning Commission and the Board of Estimate may designate as # Special Planned Community Preservation Districts# areas of at least 1.5 acres which contain a minimum of three #buildings# designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961, with substantial clustered #open space# and related #commercial uses# available to all residents of the District, where the Commission finds that the existing site plan results in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned #residential# community.

103-06 (*text incorporated into 103-11(a). Portion of paragraph (f) incorporated into 103-11(c).*
Special Permit Provisions

For any new #development# or #enlargement# which may include demolition within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:

(a) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;

(b) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;

(c) minor variations in the #yard# regulations required by the applicable district regulations;

(d) minor variations in the height and setback regulations required by the applicable district regulations;

(e) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Lot);

(f) permitted or required #accessory# off-street parking spaces, driveways or curb cuts to be located anywhere within the #development#, without regard to #zoning lot lines# or the provisions of Section 25-621 (Location of parking spaces in certain districts), and Section 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces). Where such requirement substantially injures the functioning of the existing planned community, waiver of all or part of the required parking may be authorized.

103-061 *(text incorporated into 103-11(b)*
Findings

As a condition precedent to the granting of a special permit under the provisions of Section 103-06, the City Planning Commission shall make the following findings:

(a) that the new #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design; and that the new #development# will not seriously alter the scenic amenity and the

environmental quality of the community;

(b) that the new #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #development#, the landscaping surrounding the new landscaping arrangement, and conditions of the community;

(c) that the new #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community; and

(d) that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.

The City Planning Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit hereunder to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform with the intentions of the #Special Planned Community Preservation Districts#.

103-07 *(text incorporated into 103-11(d)*
Special Provisions for Demolition of Buildings

No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I Article 8 of the New York City Administrative Code, or its successor, except pursuant to a #development# plan for which a special permit has been granted under Section 103-06 (Special Permit Provisions).

103-08 *(text incorporated into 103-12)*
Special Provisions for Alterations of Landscaping or Topography

No substantial alterations of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such alterations are approved by special permit by the City Planning Commission after public notice and hearing and subject to Board of Estimate action.

103-09 *(text renumbered 103-14)*
Recordation

At the time of any transfer of development rights which have been authorized by special permit under Section 103-06, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

~~Notice of the restrictions upon further #development# of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.~~

~~Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.~~

103-20
Special Regulations for Sunnyside Gardens

In order to further protect and enhance the character of the Sunnyside Gardens area within the #Special Planned Community Preservation District#, the regulations of this Section, inclusive, shall supersede the regulations of the #Special Planned Community Preservation District# and the underlying zoning districts, as applicable

The special permit provisions of Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103 -12 (Special Permit for Landscaping and Topography Modifications) shall not apply within the Sunnyside Gardens area of the Special District.

103-21
Special Bulk Regulations

Notwithstanding any other provisions of this Resolution, #bulk# regulations applicable to the underlying #Residential# and #Commercial Districts# or modified within the Special District are hereby further modified to the extent set forth in this Section, inclusive.

103-211
Special Floor Area Regulations

In the Sunnyside Gardens area of the Special District, the #floor area# regulations of the underlying #Residential# and #Commercial Districts# shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #residential#, #commercial# and #community facility uses#, separately or in combination, shall be 0.75, which may be increased by up to 20 percent to a maximum #floor area ratio# of .9, provided that any such increase in #floor area# is located under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance, and the structural headroom of such #floor area# is between five and eight feet.

103-212
Special Density Regulations

In the Sunnyside Gardens area of the Special District, the density regulations of the underlying #Residential# and #Commercial Districts# shall not apply. In lieu thereof, for all #residential developments# or #enlargements#, the density factor for #dwelling units# shall be 900.

103-213
Special Height Regulations

In the Sunnyside Gardens area of the Special District, the height and setback regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply to all #developments# or #enlargements# in #Residential# and #Commercial Districts#.

103-214
Special Yard Regulations

In the Sunnyside Gardens area of the Special District, the #yard# regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply to all #developments# or #enlargements# in #Residential# and #Commercial Districts#

103-22
Special Parking Regulations

In the Sunnyside Gardens area of the Special District, the off-street parking regulations of Article II, Chapter 5, pertaining to R4 Districts, shall be applicable for all #residential# and #community facility uses#, subject to the provisions of Section 103-23 pertaining to curb cuts.

103-23
Curb Cuts

Curb cuts shall not be permitted within the Sunnyside Gardens area of the Special District, except on the east side of 50th Street, within 100 feet of its intersection with 39th Avenue.

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 June 10, 2009, on file in this office.

.....
City Clerk, Clerk of The Council