



Legislation Text

File #: Res 0831-2015, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 831

Resolution approving the decision of the City Planning Commission on Application No. N 150267 ZRM, for an amendment of the Zoning Resolution of the City of New York, to allow for open space being developed within the West Village Residences Large Scale General Development to be mapped as park and conveyed to the City of New York, Community District 2, Borough of Manhattan (L.U. No. 265).

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on July 17, 2015 its decision dated July 1, 2015 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by West Village Residences, LLC and the New York City Department of Parks and Recreation for an amendment of the text of the Zoning Resolution of the City of New York, to allow for open space being developed within the West Village Residences Large Scale General Development to be mapped as park and conveyed to the City of New York (Application No. N 150267 ZRM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to application C 150203 MMM (L.U. No. 264), an amendment to the City Map involving the establishment of a park and modification of block dimensions and legal grades;

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 August 11, 2015;

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, including the Final Environmental Impact Statement ("FEIS"), for which a Notice of Completion was issued on January 12, 2012 (CEQR No. 10DCP003M), the CEQR Technical Memoranda dated March 22, 2012, March 24, 2012, December 17, 2012 and revised February 1, 2013, August 18, 2014 and February 17, 2015 (the "CEQR Technical Memoranda");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment pursuant to the FEIS and CEQR Technical Memoranda.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and

Application, and based on the environmental determination and consideration described in this report, N 150267 ZRM, incorporated by reference herein, 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 underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

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

ARTICLE VII ADMINISTRATION

CHAPTER 4 Special Permits by the City Planning Commission

* * *

74-741 Requirements for application

An application to the City Planning Commission for the grant of a special permit pursuant to Section 74-74 for a #large-scale general development# shall include a site plan showing the boundaries of the #large-scale general development# and the proposed location and #use# of all #buildings or other structures# on each #zoning lot# comprising the #large-scale general development#.

However, for applications proceeding pursuant to the ownership provisions of paragraph (e) of Section 74-742, such site plan need only show the applicable portion of the #large-scale general development# as set forth in paragraph (e)(1) or (e) (2) of Section 74-742.

74-742 Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-Scale General Development) shall be on a tract of land which 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. No special permit shall be granted 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 #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

* * *

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

* * *

- (d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Halletts Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:
- (1) tracts of land in State or City ownership; or
 - (2) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the #bulkhead# line; or
- (e) within Manhattan Community District 2, where the Commission has approved a special permit under Section 74-74 (Large-Scale General Development) for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then the consent or authorization of any owner or party in interest:
- (1) to such #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to property within the #large-scale general development# other than the #public park#; and
 - (2) to property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#.

However, the consent or authorization of the owners and any party in interest to the other property shall be required if the proposed modification would impose an additional obligation or increase the degree of an obligation existing as of the date of the application for the modification on any such owner or any such party in interest.

74-743

Special provisions for bulk modification

- (a) For a #large-scale general development#, the City Planning Commission may permit:

* * *

- (b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

* * *

Within Manhattan Community District 2, within the former Washington Square Southeast Urban Renewal

Area, within Manhattan Community District 2, where the Commission has approved a #large-scale general development#, and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

In addition, within Manhattan Community District 2, where the Commission has approved a #large-scale general development# located partially within a C2-7 District, if any #open space# approved pursuant to paragraph (a) (4) of Section 74-743 is subsequently mapped as a park and transferred to City ownership, the #open space# requirement approved for such #large-scale general development# pursuant to paragraph (a) (4) of Section 74-743 shall be reduced by the area of such #public park#.

Within Community District 1 in the Borough of Queens, the Commission may prescribe additional conditions to ensure that the purpose of the Inclusionary Housing program as set forth in Section 23-92 (General Provisions) is achieved in a #large-scale general development#. The Commission may establish procedures resulting in limiting the amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (b)(1) of Section 23-953. Any such procedures established by the Commission shall be set forth in the restrictive declaration required in connection with the grant of a special permit for such #large-scale general development#.

For a phased construction program of a multi-#building# complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #large-scale general development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

* * * END * * *

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 August 13, 2015, on file in this office.

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City Clerk, Clerk of The Council