



Legislation Text

File #: Res 1051-1999, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1051

Resolution approving the decision of the City Planning Commission on Application No. N 990526 ZRY, an amendment to the text of the Zoning Resolution relating to the modification of the ownership provisions of Large-Scale Developments (LSD) as set forth in Section 12-10 (DEFINITIONS), and amendment of the ownership status for LSD special permits and authorizations as set forth in Sections 74-742 and 78-06 (Ownership) where multiple ownership is consolidated with the involvement of a governmental agency with the power of condemnation (L.U. No. 465).

By Council Members Eisland and McCaffrey

WHEREAS, the City Planning Commission filed with the Council on September 7, 1999 its decision dated September 7, 1999 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 990526 ZRY) (the "Application");

WHEREAS, the Application is related to ULURP Applications C 990098 ZMM (L.U. No. 440), an amendment to the Zoning Map; C 980699 MMM (L.U. No. 441), a change to the City Map; C 990099 (A) ZSM (L.U. No. 443), the modification of a special permit; and C 990100 ZSM (L.U. No. 444), a special permit;

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 5, 1999;

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 March 29, 1999 (CEQR No. 99DCP040Y);

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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; 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 Graytone 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.

* * *

12-10

DEFINITIONS

* * *

Large-scale community facility development

A large-scale community facility development is a development or enlargement used predominantly for community facility uses, on a tract of land containing a single zoning lot or two or more zoning lots which that are contiguous or would be contiguous but for their separation by a street or a street intersection, which tract of land:

(a) has or will have an area of at least three acres; and

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(b) is designated by its owner as a tract, all of which is to be used, developed or enlarged as a unit:

(1) under single fee ownership or alternative ownership arrangements as set forth respectively in the zoning lot definition in Section 12-10 (DEFINITIONS), for all zoning lots comprising the development; or,

(2) under single fee, alternate or separate ownership, either:

(i) in the case of an urban renewal project, if in separate ownership, under the coordination and supervision of the City's urban renewal agency or its agent pursuant to an urban renewal plan for the development of a designated urban renewal area containing such tract of land; or

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation.

Such tract of land may include any land occupied by buildings existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 9, provided that such buildings form an integral part of the large-scale community facility development.

A large-scale community facility development shall be located entirely in a Residence District or in a C1, C2, C3 or C4-1 District and shall in no event be considered as a general large-scale development.

Large-scale development, general

A general large-scale development is a large-scale development or enlargement other than a large-scale residential development or large-scale community facility development. A general large-scale development may be located in any Commercial or Manufacturing District, subject to the restrictions of Section 74-743 (Special provisions for bulk modifications), paragraph (a) (1), on a tract of land containing a single zoning lot or two or more zoning lots which that are contiguous but for their separation by a street or a street intersection, which tract of land:

(a) has or will have an area of at least 1.5 acres; and

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(b) is designated by its owner as a tract, all of which is to be used, developed or enlarged as a unit:

(1) under single fee ownership or alternative ownership arrangements as set forth respectively in the zoning lot definition in Section 12-10 (DEFINITIONS) for all zoning lots comprising the development; or

(2) under single fee, alternate or separate ownership, either:

(i) in the case of an urban renewal project, if in separate ownership, under the coordination and supervision of the City's urban renewal agency or its agent pursuant to an urban renewal plan for the development of a designated urban renewal area containing such tract of land; or

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation.

Such tract of land may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 4, provided that such #buildings# form an integral part of the #general large-scale development#, and provided that there is no #bulk# distribution form a #zoning lot# containing such existing #buildings#.

Large-scale residential development

A #large-scale residential development# is a #development# used predominantly for #residential uses#, on a tract of land containing a single #zoning lot# or two or more #zoning lots# which that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection, which tract of land:

(a) has or will have an area of at least 1.5 acres and a total of at least three principal #buildings#, or an area of at least three acres and a total of at least 500 #dwelling units#; and

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(b) is to be #developed# as a unit;

(1) under single fee ownership or alternative ownership arrangements as set forth in the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #development#, or, ;

(2) under single fee, alternate or separate ownership, either:

(i) in the case of an urban renewal project, if in separate ownership, under the coordination and supervision of the City's urban renewal agency or its agent pursuant to an urban renewal plan for the development of a designated urban renewal area containing such tract of land; or

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation.

* * *

74-74

General Large-Scale Development

* * *

74-742

Ownership

Except as otherwise provided in this Section, for urban renewal projects any #general large-scale development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (General Large-Scale 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 single owner(s) or holder(s) of a written option to purchase. However, no special permit shall be granted for such #development# unless the applicant(s) has acquired actual ownership (single fee ownership or alternative ownership arrangements of 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.

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When such a #general large-scale development# is located within an designated urban renewal area, the urban renewal plan which has been approved by the City Planning Commission, the City?s urban renewal agency, or its agent a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though it such #general large-scale development# does not meet the ownership requirements set forth elsewhere in this Section, provided that all the parcels comprising such tract of land had been previously in City ownership and their conveyance by the City had been subject to the urban renewal controls set forth in the approved urban renewal plan. All parcels comprising such #general large-scale development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

When a #general large-scale development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation, a special permit may be applied for and granted under the provisions of Section 74-74 even though such #general large-scale development# does not meet the ownership requirements set forth elsewhere in this Section.

* * *

Chapter 8

Special Regulations Applying to Large-Scale Residential Developments

* * *

78-06

Ownership

Except as otherwise provided in this Section for urban renewal projects, any #large-scale residential development# for which application is made for and authorization or special permit in accordance with the provisions of this Chapter shall be on a tract of land, which at the time of application is all under the control of the applicant(s) as the single owner(s) or holder(s) of a written to purchase. However, nNo authorization or special permit shall be granted for such #development# unless the

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applicant(s) has acquired actual ownership (single fee ownership or equivalent alternate ownership arrangements of 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.

When such a #development# is part or all of and designated urban renewal project, the development plan of which has been approved by the City Planning Commission and the Board of Estimate, the City?s urban renewal agency, or a person authorized by such agency, may make application for and be granted authorizations or special permit under the provisions of this Chapter, even though it such #large-scale residential development# does not meet the ownership requirements set forth else where in this Section, provided that all the parcels comprising such tract of land shall have been previously in City?s ownership and since they conveyance by the City have remained subject to the urban renewal control set forth in the approved development plan. 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.

When a #residential large-scale development# is to be #developed# or #enlarged# through assemblage by any other governmental agency or its agent, having the power of condemnation, authorizations for a special permit 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 27, 1999, on file in this office.

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City Clerk, Clerk of Council

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