



Legislation Text

File #: Res 1113-1999, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1113

Resolution approving the decision of the City Planning Commission on Application No. N 980572 ZRY, amendments to the text of the Zoning Resolution regarding Sections 74-746 and 74-747 concerning development under and over mapped streets in General Large-Scale Developments (L.U. No. 599).

By Council Members Eisland and McCaffrey

WHEREAS, the City Planning Commission filed with the Council on November 12, 1999 its decision dated November 10, 1999 (the "Decision"), on the application submitted by the Department of City Planning Commission, pursuant to Section 201 of the New York City Charter, for amendments to the text of the Zoning Resolution concerning development under and over mapped streets in General Large Scale Developments (Application No. N 980572 ZRY) (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 December 1, 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 June 28, 1999 (CEQR No. 99DCP040Y);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

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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

74-746

Special provision for a tunnel under a street

Within a #general large-scale development#, the City Planning Commission may permit #buildings# to be connected by a tunnel under a #street#, provided that the street volume occupied by such a tunnel is not mapped and owned by the City and provided that the Commission

shall find the structure is used exclusively for vehicular circulation and is necessary to achieve improved vehicle circulation within the #development# and on adjoining #streets.

74-747

Special provisions for development or enlargement over streets in M2 and M3 Districts

Within a #general large-scale development# in M2 and M3 Districts, when the volume air space above a #narrow street#, or portion thereof, has been eliminated, discontinued and is closed and demapped by the City, the City Planning Commission may permit such volume the demapped air space to be considered part of an adjoining #zoning lot# and may allow, within such volume, a #development# or #enlargement# that is part of a #building# or #buildings# in the #general large scale development#. In no event shall such volume contribute to the amount of such demapped air space be considered as #lot area# counted for the purposes of qualifying as a #general large-scale development# or generating any #floor area#. The Commission may also permit in such demapped air space the #enlargement# of an existing #building# on the adjoining #zoning lot#.

(1) The following As a conditions must be met for the granting of a special permit for such construction #development# or #enlargement# to be permitted in such volume suc demapped air space the Commission shall find that:

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(a) the existing #use# on the adjacent #zoning lot# is listed in Use Group 17 or 18 and has existed on such lot for a minimum of five years prior to the date of the application for a special permit;

(b) the #enlargement# is necessary to accommodate the expansion of the existing #use#; requires a floor size and configuration which may be practically achieved only by building in the demapped air space; and may be occupied only by #uses# listed in Use Groups 17 and 18;

(c) the #enlargement# will not have an adverse impact on the essential character or future use or development of the adjacent area;

(d)
(1) a satisfactory ventilation plan consistent with the requirements of the New York City's Departments of Transportation and Environmental Protection is provided for the #street# area below the volume demapped air space; and

(e)
(2) an illumination of at least five foot candles at the #curb level# is provided for the #street# area below the volume demapped air space;.

(f) the #enlargement# will not unduly obstruct any significant scenic view; and

(g) no #Residential# or #Commercial District# boundary is located within 1,000 feet of any portion of the demapped volume of the #street#.

(b) In order to grant the special permit, the City Planning Commission shall find that the #development# or #enlargement# in such volume:

(1) is functionally necessary or will improve the internal circulation within the #general large scale development#, or will improve vehicular or pedestrian circulation on adjacent #streets#;

(2) will not adversely impact the continued use of the #street#;

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(3) will not have an adverse impact on the essential character or future use or development of the adjacent area; and

(4) will not unduly obstruct any significant scenic view.

The City Planning Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the

surrounding area.

74-747

74-748

* * *

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 December 7, 1999, on file in this office.

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City Clerk, Clerk of Council