



Legislation Text

File #: Res 0508-2006, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 508

Resolution approving the decision of the City Planning Commission on Application No. N 060433 ZRM, an amendment to the text of the Zoning Resolution of the City of New York relating to Article VIII, Chapter 1, Article VIII, Chapter 7 and Article IX Chapter 6, concerning Sections 81-21 (Floor Area Ratio Regulations), 81-71 (General Provisions), 81-741 (General provisions), 81-744 (Transfer of development rights from listed theaters) and 96-101 (Floor area regulations) to clarify theater transfer provisions in Community District 4 and Community District 5, Borough of Manhattan (L.U. No. 190).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on August 14, 2006 its decision dated August 9, 2006 (the "Decision"), on the application submitted by SJP Residential Properties, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 060433 ZRM) (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 060434 ZSM (L.U. No. 191), grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution for an attended public parking garage with a maximum capacity of 101 spaces;

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 September 7, 2006;

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 Revised Negative Declaration, issued on August 9, 2006 (CEQR No. 06DCP093M);

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 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 VIII SPECIAL PURPOSE DISTRICTS

Chapter 1 Special Midtown District

* * *

81-213 **Special provisions for transfer of development rights from listed theaters within the Special Clinton District**

In C6-2 Districts within the #Special Clinton District#, for #zoning lots# or portions thereof comprised of listed theaters designated in Section 81-742, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots# or portions thereof shall be 6.02.

* * *

81-70 **SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

81-71 **General Provisions**

The regulations of Sections 81-72 to 81-75, inclusive, relating to Special Regulations for the Theater Subdistrict, are applicable only in the Theater Subdistrict, of which the Theater Subdistrict Core and the Eighth Avenue Corridor are parts, except that any listed theater designated in Section 81-742, or portion thereof, located outside of the Theater Subdistrict shall be deemed to be a “granting site” pursuant to Section 81-744 (Transfer of development rights from listed theaters).

* * *

81-741 General provisions

(a) Certifications

- (1) In the Theater Subdistrict, ~~the~~ transfer of development rights from any eligible theater "granting site" in accordance with the provisions of Section 81-744 (Transfer of development rights from listed theaters) shall be permitted upon certification by the City Planning Commission.
- (2) In the Theater Subdistrict, modifications of the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries) shall be permitted upon certification of the Chairperson of the City Planning Commission.

(b) Authorizations by the City Planning Commission

In the Eighth Avenue Corridor, ~~the~~ transfer of development rights from any eligible theater "granting site" in accordance with the provisions of paragraph (b) of Section 81-744 shall be permitted by authorization by the City Planning Commission.

* * *

81-744

Transfer of development rights from listed theaters

* * *

(a) Transfer of development rights by certification

~~Within the Theater Subdistrict, the~~ City Planning Commission shall allow, by certification, a transfer of development rights from a "granting site" to a "receiving site," except that any "granting site," or portion thereof, located outside the Theater Subdistrict may not transfer development rights to any portion of a "receiving site" within the Special Clinton District, provided that:

- (1) the maximum amount of #floor area# transferred from a "granting site" is the basic maximum #floor area ratio# established pursuant to Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) or 81-213 (Special provisions for transfer of development rights from listed theaters within the Special Clinton District), as applicable, for such #granting site# as if it were undeveloped, less the total #floor area# of all existing #buildings# or portions of #buildings# on the #granting site# and #floor area# attributed to the "granting site" that has been previously used or transferred;
- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be #developed# on the #zoning lot# containing the "granting site" by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a "receiving site" shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 for such #receiving site# by more than 20 percent;

* * *

(b) Transfer of development rights by authorization

Within the Theater Subdistrict, the City Planning Commission shall allow, by authorization, an additional transfer of development rights beyond the amount of floor area transfer permitted by certification in paragraph (a) of this Section from a "granting site" to any portion of a "receiving site" located within the Eighth Avenue Corridor, except that any "granting site," or portion thereof, located outside the Theater Subdistrict may not transfer development rights to any portion of a "receiving site" within the Special Clinton District, subject to the following conditions:

* * *

ARTICLE IX - SPECIAL PURPOSE DISTRICTS

Chapter 6
Special Clinton District

* * *

96-101
Floor area regulations

For any development or enlargement within the Preservation Area, the floor area ratio for a residential, commercial or community facility building, or portions of a mixed building containing such uses, shall not exceed the following:

<u>Uses</u>	<u>Ratio</u>
Residential buildings or community facility buildings or portions of mixed buildings containing residential or community facility uses in the following Districts: R8 C1-45 C2-5 C6-2	Floor Area 4.2
Commercial buildings or commercial portion of mixed buildings in the following Districts: C1-5 C2-5	2.0
C6-2*	4.2

The maximum floor area in a mixed building shall be the maximum floor area permitted for either the commercial portion of such building or the community facility portion of such building or the residential portion of such building, as set forth in this Section, whichever permits the greatest amount of floor area.

* In C6-2 Districts, for zoning lots or portions thereof comprised of listed theaters designated in Section 81-742 of the Special Midtown District, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum floor area ratio for transfer purposes for such zoning lots or portions thereof shall be 6.02.

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 September 13, 2006, on file in this office.

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City Clerk, Clerk of The Council