APPENDIX A

PROPOSED ZONING TEXT AMENDMENT

PROPOSED

HUDSON RIVER PARK

TEXT AMENDMENT

April 22, 2016

Matter underlined is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article I: GENERAL PROVISIONS

Chapter 1 - Title, Establishment of Controls and Interpretation of Regulations

* * *

11-122
Districts established

* * *

Special Purpose Districts

* * *

Establishment of the Special Hillsides Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 9, the #Special Hillsides Preservation District# is hereby established.

Establishment of the Special Hudson River Park District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 9, the #Special Hudson River Park District# is hereby established.

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Establishment of the Special Hudson Square District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 8, the #Special Hudson Square District# is hereby established.

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Chapter 2 – Construction of Language and Definitions

12-10
DEFINITIONS

* * *

Special Hillsides Preservation District

The "Special Hillsides Preservation District" is a Special Purpose District mapped in Staten Island designated by the letters "HS" in which special regulations set forth in Article XI, Chapter 9, apply.

Special Hudson River Park District

The "Special Hudson River Park District" is a Special Purpose District designated by the letters "HRP" in which special regulations set forth in Article VIII, Chapter 9, apply.

Special Hudson Square District

The "Special Hudson Square District" is a Special Purpose District designated by the letters "HSQ" in which special regulations set forth in Article VIII, Chapter 8, apply.

* * *

Article VIII: SPECIAL PURPOSE DISTRICTS

Chapter 9: Special Hudson River Park District

89-00
GENERAL PURPOSES

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The "Special Hudson River Park District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

(a) to facilitate the repair and rehabilitation of piers, bulkheads and infrastructure within Hudson River Park, and facilitate their maintenance and development, through the transfer of development rights within the Special Hudson River Park District;

(b) to promote an appropriate range of uses that complements Hudson River Park and, to the extent housing is included, to serve residents of varied income levels; and

(c) to promote the most desirable use of land and development in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

89-01
General Provisions

The provisions of this Chapter shall apply within the #Special Hudson River Park District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

89-02
Definitions

For the purposes of this Section, matter in italics is defined in Section 12-10 (DEFINITIONS) or within this Section.

Granting site

Within the #Special Hudson River Park District#, the "granting site" is the #zoning lot#, as identified as "A1" on the map in the Appendix, upon which development is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Special District and from which floor area may be transferred.

Receiving site

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Within the #Special Hudson River Park District#, the "receiving site" is the #zoning lot#, as identified as "A2" on the map in the Appendix, to which floor area of the #granting site# may be transferred.

89-03
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Hudson River Park District# Plan. The District Plan includes the map, "Special Hudson River Park District" in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

89-10
USE AND BULK REGULATIONS

The #use# and #bulk# regulations applicable to the #receiving site# shall be modified as follows:

(a) C6-4 Districts

The #use# and #bulk# regulations of the C6-4 District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M1-5 District shall apply.

(b) C6-3 and M1-5 Districts

The #use# and #bulk# regulations of the C6-3 and M1-5 Districts shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-4 District shall apply.

However, on a #receiving site#, for any #development# or #enlargement# that is the subject of a special permit granted by the City Planning Commission pursuant to Section 89-21 (Transfer of Floor Area from Hudson River Park), the #use# and #bulk# regulations of the underlying C6-3, C6-4 or M1-5 District shall only apply to such approved #development# or #enlargement#.

89-20
SPECIAL PERMITS

89-21
Transfer of Floor Area from Hudson River Park

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The City Planning Commission may permit a transfer of #floor area# from a #granting site# to a #receiving site#, may permit distribution of total allowable #floor area# of a #receiving site# without regard for zoning district boundaries and may permit that such #receiving site# be treated as a single #zoning lot# for all purposes of this Resolution, and may modify #bulk# regulations for a #development# or #enlargement# located on such #receiving site#.

(a) Application requirements

All applications for a special permit pursuant to this Section shall include the following:

(1) a survey of the #granting site# illustrating existing #buildings# to remain on the #granting site# and zoning calculations indicating the #floor area# on the #granting site# and within such #buildings#;

(2) a survey of the #receiving site# and a site plan illustrating the proposed #development#, #enlargement# or #conversion# on such lot, and associated zoning calculations demonstrating compliance with the conditions and limitations set forth in this special permit;

(3) drawings that illustrate any proposed #bulk# modifications for the proposed #development#, #enlargement# or #conversion# on the #receiving site#; and

(5) a statement from the Hudson River Park Trust identifying improvements to be made to Hudson River Park, and indicating that the transfer of #floor area# pursuant to this Section, in combination with any other available funding, would be sufficient, according to the Trust's estimate, to complete such identified improvements.

(b) Conditions and limitations

All applications for a special permit pursuant to this Section shall comply with the following conditions:

(1) the maximum #floor area# that may be transferred from the #granting site# shall be the maximum #floor area# permitted for the #granting site# under the applicable district regulations if it were undeveloped, less the #floor area# of all #buildings# on such #granting site#;

(2) the increase in #floor area# on the #receiving site# allowed by the transfer of #floor area# to such #receiving site# shall in no event exceed 20 percent of the

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maximum #floor area# permitted on such #receiving site# by the underlying district;

(3) the transfer, once completed, shall irrevocably reduce the amount of #floor area# that can be utilized by the #granting site# by the amount of #floor area# transferred;

(4) the #granting site# and location of identified improvements to be made to the Hudson River Park in connection with the proposed transfer of #floor area# are located in the same Community District as the #receiving site#, or within one-half mile of the #receiving site#;

(5) if the proposed #development#, #enlargement# or #conversion# on the #receiving site# includes #residential floor area#, it shall provide #affordable housing# in accordance with Section 23-90 (Inclusionary Housing);

(6) the portion of the #receiving site# located over West Houston Street shall not generate #floor area#, and no #floor area# shall be located directly above West Houston Street; and

(7) the height and setback requirements of the applicable district shall apply to the portions of the #receiving site# located on each side of the mapped #street lines# of West Houston Street.

(c) Findings

The Commission may grant the transfer of #floor area# and any associated #bulk# modifications, provided that:

(1) such transfer of #floor area# will facilitate the repair, rehabilitation, maintenance and development of Hudson River Park, including its piers, bulkheads and infrastructure; and

(2) the transfer of #floor area# will support the completion of improvements to Hudson River Park as identified in the statement submitted to the Commission by the Trust as part of this application; and

(3) for the #receiving site#:

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(i) the proposed configuration and design of #buildings#, including any associated structures and open areas, will result in a superior site plan; such #buildings# and open areas will relate harmoniously with one another and with adjacent #buildings# and open areas;

(ii) the location and quantity of the proposed mix of #uses# will complement the site plan;

(iii) the proposed transfer of #floor area# and any modification to #bulk# regulations will not unduly increase the #bulk# of any #building# on the #receiving site# or unduly obstruct access of adequate light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks#, or of people using the public #streets# and other public spaces;

(iv) such transferred #floor area# and any proposed modifications to #bulk# are appropriate in relation to the identified improvements to Hudson River Park; and

(v) any #affordable housing#, as defined in Section 23-90 (Inclusionary Housing), that is provided as part of the project will support the objectives of the Inclusionary Housing Program.

(d) Additional requirements

The City Planning Commission shall receive a copy of a transfer instrument legally sufficient in both form and content to effect such a transfer of #floor area#. Notices of the restriction upon further #development#, #enlargement# or #conversion# of the #granting site# and the #receiving site# shall be filed by the owners of the respective #zoning lots# in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the Chairperson of the City Planning Commission, in a form acceptable to the Chairperson.

Both the transfer instrument and the notices of restriction shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting site# and the #receiving site# that are a party to such transfer.

On a #receiving site#, for any #development# or an #enlargement# that is the subject of a special permit granted by the Commission pursuant to Section 89-21 (Transfer of Floor Area from Hudson River Park), the Department of Buildings shall not:

(1) issue a building permit until the Chairperson of the Commission has certified that the owner of the #receiving site# and the Hudson River Park Trust have jointly executed documents sufficient to facilitate a payment schedule associated with the transfer of #floor area#; or

(2) issue a temporary certificate of occupancy until the Chairperson of the Commission has certified that the Hudson River Park Trust has submitted a letter to the Chairperson confirming that payment of all required funds has been made by the owner of such #receiving site# to the Hudson River Park Trust, and that all required funding tools and/or payments are in satisfactory compliance with the executed payment schedule.

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

APPENDIX

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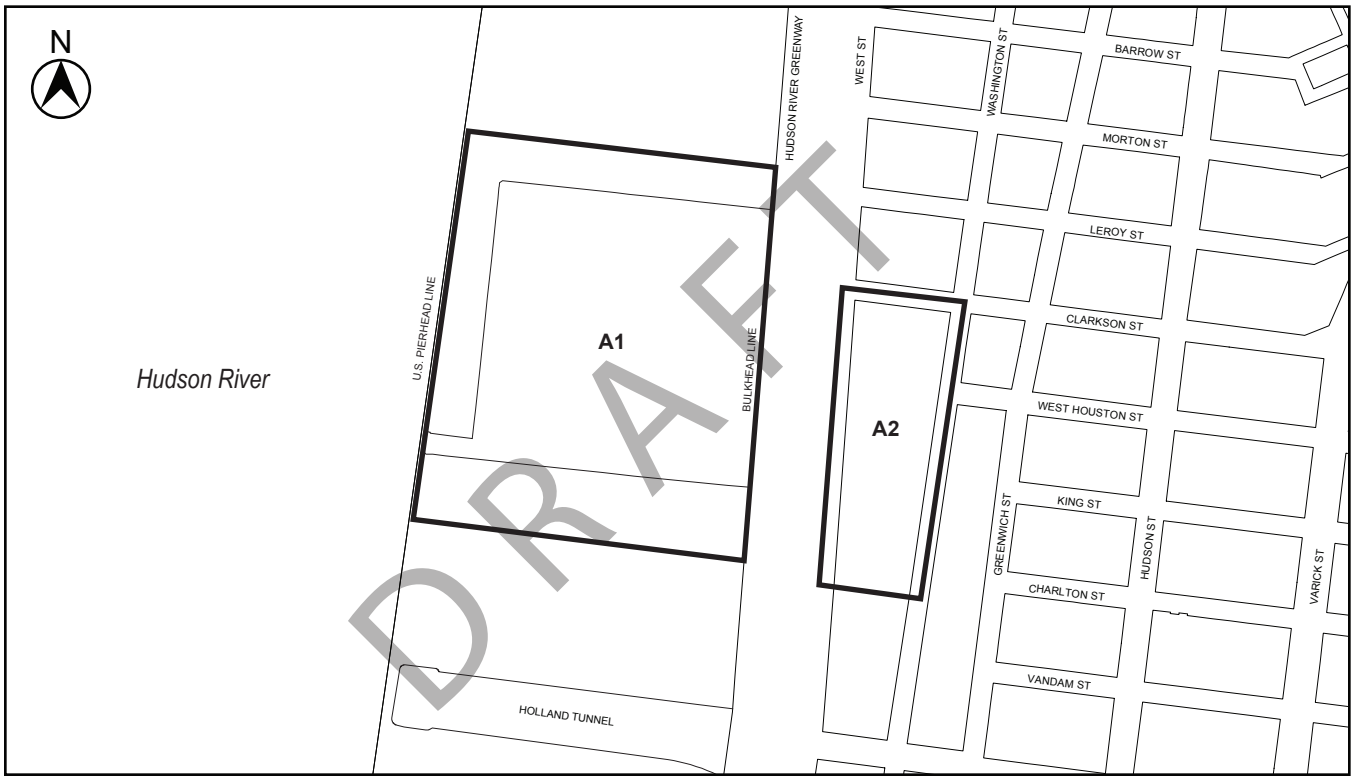
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(date of adoption)

Appendix
Special Hudson River Park District

Manhattan Community District 2

Map 1 - Granting and Receiving Sites



Special Hudson River Park District