Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

62-73 - Request to Transfer Title to Certain Waterfront Public Access Areas

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LAST AMENDED
4/22/2009

(a) The owner of a #zoning lot# on a #waterfront block# may, at the owner's option, and prior to commencement of design and construction of #waterfront public access areas#, make a request directed to the Office of the Mayor (Request) to transfer to the City of New York its fee simple absolute interest, free and clear of any encumbrances that are not deemed acceptable by the City, in the #waterfront public access area# on such #zoning lot#.

(1) The City may accept the Request, provided that transfer will be made in a manner acceptable to the Chairperson of the City Planning Commission and the Commissioner of Parks and Recreation, who may specify conditions for transfer including, without limitation, establishment by the owner of an account for the funding of ordinary maintenance of the #waterfront public access area# and a capital reserve or funding mechanism for future capital repair, and adequate guarantees of access to the #waterfront public access area# and, provided further, that transfer is made pursuant to such instruments, which shall be a condition of certification pursuant to Section 62-811 (Waterfront public access and visual corridors), paragraphs (b) and (c), as are necessary for implementation. Where the Request is for transfer of a phase of the #waterfront public access area# pursuant to a phased implementation of required public access areas certified by the Chairperson pursuant to Section 62-811 or authorized by the City Planning Commission pursuant to Section 62-822 (Modification of waterfront public access area and visual corridor requirements), the City shall consider, in determining whether to accept such Request, such factors as the size, location and access for purposes of maintenance, repair and reconstruction, of the phase which is the subject of the Request, and may

require as a condition of acceptance that the owner make binding commitments to the transfer of subsequent phases.

(2) The Department of Parks and Recreation (DPR) shall review and approve the design and construction specifications for the #waterfront public access areas# proposed for transfer, and transfer of such areas shall be made prior to the issuance of any temporary or permanent certificate of occupancy for any part of the #development# for which such areas are required to be constructed, upon determination by the DPR that construction of such areas is complete, as required pursuant to Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), and is in accordance with the previously approved design and construction specifications, except that signage required pursuant to Section 62-654 may be replaced by DPR signage.

(3) The provisions of Section 62-72 (Performance and Maintenance Requirements), paragraphs (a)(2) and (b), shall not apply to any #waterfront public access area# transferred pursuant to this Section.

In the event of a transfer under this paragraph, (a), the #bulk# and parking computations for the #zoning lot# shall include the transferred property. Such transfer shall not be deemed to have created a #non-compliance#.

(b) For parcels identified in Waterfront Access Plan BK-1, the owners of two or more parcels may, either for purposes of certification pursuant to Section 62-811 or at any time thereafter, submit an alternate plan to the Chairperson for the joint maintenance and operation of #waterfront public access areas# on such parcels, through an association or other entity

established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability and any other matters set forth in Section 62-72, as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the #waterfront public access areas#. Such plan and any instruments as are necessary for its implementation may be approved by the Chairperson and the Commissioner of Parks and Recreation upon a determination that:

(1) implementation of the plan would enhance maintenance and operation of the #waterfront public access areas# consistent with the purposes of this Chapter; and

(2) participation in the plan is available to owners of contiguous parcels identified in Waterfront Access Plan BK-1 on an equal basis.