

CLE UPDATE: ZONING AND DEVELOPMENT ANALYSIS

To an unprecedented degree, real estate professionals can now access basic zoning information and estimate development potential utilizing their personal computers.

Armed with a street address or block and lot, the first stop in cyberspace is often the Property Shark website, www.propertyshark.com. This private site offers basic information regarding existing improvements, lot size, zoning district, FAR and unused floor area.

This information should always be cross-checked and supplemented utilizing the Department of Buildings and Department of City Planning websites, both of which can be accessed through www.nyc.gov. The DOB website includes the Building Information System, which provides a Property Profile containing a summary of construction activity and filings since the late 1980's, a link to the current and prior Certificates of Occupancy, an indication of landmark status, and a history of complaints and violations. The City Planning website, besides explaining zoning and highlighting current zoning changes, includes a feature called GeoQuery, which allows access to NYC.gov CityMap. By clicking on Lot Info, information including lot dimensions, number of floors, gross building area and zoning district can be found. This site also links to the text and maps of the NYC Zoning Resolution.

Once basic information, including lot area, existing improvements and zoning district has been compiled, the Zoning Handbook, published by the Department of City Planning in 2006, may be utilized for an overview of the basic use, bulk and parking regulations. The Handbook even includes several hypothetical zoning analyses. However, for a more reliable analysis, the relevant provisions of the Zoning Resolution must be consulted.

The complexity of the Zoning Resolution should never be underestimated. While the above sources may be utilized to provide a first cut at a site and its development potential, there is no substitute for a comprehensive zoning analysis prepared by an experienced professional willing to stand behind his or her work.

— Howard Goldman

Howard Goldman presented "Land Use Due Diligence" on Nov. 6, 2008.

design of the project, including the use of sustainable building materials, photovoltaic panels, and the roof gardens.

Review Process

Lead Agency: HPD, Neg. Dec.
Comm. Bd.: BX 1, App'd, 20-0-0
Boro. Pres.: App'd
CPC: App'd, 12-0-0
Council: Pending

CPC: Via Verde (C 080522 HAX – UDAAP); (C 080517 ZMX – rezoning); (N 080518 ZRY – text amend.); (C 080519 ZSX – spec. perm., dev. over rail right-of-way); (C 080520 ZSX spec. perm. - height and setback); (C 080521 PQX – acq. of prop.); (N 080523 HCX – amend. URP) (Oct. 7, 2008).

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Rezoning/Special Permit

Whitestone, Queens

Queens residential development plan approved

Commission and Council Member Avella pleased with developer's decision to reduce proposed number of units from 114 to 52. On October 29,

2008, the City Planning Commission approved 151-45 Sixth Road Whitestone Partners LLC's plan to develop 52 single-family homes in the Whitestone neighborhood of Queens, just south of the East River between the Whitestone and Throgs Neck Bridges.

Whitestone Partners originally sought to develop the 12.8 acre parcel with 114 detached, semi-detached, and attached residential units and provide 132,500sq.ft. of open space. In response to the Commission and community's concerns, Whitestone Partners reduced the number of units from 114 to 52, and modified its plan so that all units would be single-family and detached. The developer also proposed 503,000sq.ft. of open space, including 130,345sq.ft. of publicly accessible common open space guaranteed through a restrictive declaration.

Despite a reduction in the project's parameters, the development still required a zoning map amendment to change the area from M1-1 to R3-2, a City Map amendment to eliminate a portion of 152nd Street,

and a special permit to waive a distances between buildings requirement. The special permit was necessary because 38 of the 52 units would not meet the 45ft. window-to-window distance requirement.

Paul Selver of Kramer Levin, speaking on behalf of Whitestone Partners at the Planning Commission's September 24th public meeting, stated that the waivers would allow for construction of all 52 units on one zoning lot with common open space. This design would allow Whitestone Partners to place homes further away from the flood hazard zone and provide publicly accessible open space along the waterfront.

Council Member Tony Avella complimented the developer for reaching out to the community. He remarked that the revisions were significant improvements upon the original plan, and supported the new development because it would eliminate "obnoxious manufacturing uses" that create truck traffic in residential sections of Whitestone.

The Commission approved the plan without modification. The Commission found that the M1-1