

**CITY PLANNING COMMISSION
DISPOSITION SHEET**

**SPECIAL MEETING:
MONDAY, DECEMBER 21, 1998
1:00 P.M. SPECTOR HALL
22 READE STREET, NEW YORK, N. Y. 10007**

**Rosa R. Romero, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO	C.P.C. ACTION	CAL NO.	ULURP NO.	CD NO	C.P.C. ACTION
1	Proposed Rules	cw	Favorable Report Adopted				

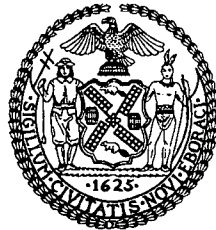
COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD: In Favor - Y Oppose - N Abstain - AB Recuse - R
Calendar Numbers:	1	
Joseph B. Rose, Chairman	P	Y
Victor G. Alicea, Vice Chairman	P	Y
Albert Abney	P	Y
Angela M. Battaglia	P	Y
Amanda M. Burden, A.I.C.P.	P	N
Irwin Cantor, P.E.	P	Y
Kathy Hirata Chin, Esq.	P	Y
Alexander Garvin	P	Y
Anthony I. Giacobbe, Esq.	P	Y
William J. Grinker	P	Y
Brenda Levin	P	N
Edward Rogowsky	A	
Jacob B. Ward, Esq., Commissioners	A	

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York

CITY PLANNING COMMISSION

MONDAY, DECEMBER 21, 1998

SPECIAL MEETING AT 1:00 P.M.
in
SPECTOR HALL
22 READE STREET, MANHATTAN



Rudolph W. Giuliani, Mayor
City of New York
Prepared by Rosa R. Romero, Calendar Officer

CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

JOSEPH B. ROSE, *Chairman*
VICTOR G. ALICEA, *Vice-Chairman*
ALBERT ABNEY
ANGELA M. BATTAGLIA
AMANDA M. BURDEN, A.I.C.P.
IRWIN G. CANTOR, *P.E.*
KATHY HIRATA CHIN, *Esq.*
ALEXANDER GARVIN
ANTHONY I. GIACOBBE, *Esq.*
WILLIAM J. GRINKER
BRENDA LEVIN
EDWARD T. ROGOWSKY
JACOB B. WARD, *Esq.*, *Commissioners*
ROSA R. ROMERO, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a. m. in City Hall, Manhattan, unless otherwise ordered.

REPORT

No. 1

CITYWIDE

IN THE MATTER OF the adoption of a final rule by the City Planning Commission pursuant to Sections 374(b) and 1043(e) of the New York City Charter for determining whether a concession is a major concession.

(Statement of Basis and Purpose of Proposed Major Concession Rule: Section 374 of the New York City Charter requires the City Planning Commission to adopt rules that "either list major concessions or establish a procedure for determining whether a concession is a major concession." This rule provides standards for determining major concessions based upon their land use impacts or implications.)

CHAPTER 7

RULES FOR THE DEFINITION OF MAJOR CONCESSIONS

§7-01 A concession shall be considered a major concession and therefore subject to Sections 197-c and 197-d of the Charter only if:

- (a) it has been determined pursuant to City Environmental Quality Review to require an Environmental Impact Statement, or
- (b) except as provided in §7-03, the concession will cause one or more of the thresholds set forth in §7-02 to be exceeded.

§7-02 A concession shall be considered a major concession if it will cause one or more of the thresholds given for the specific uses listed below to be exceeded:

- (a) marinas with over 200 slips
- (b) a permanent performance or spectator sport use with over 2,500 seats
- (c) for parklands in or adjacent to Community Districts subject to the comprehensive off-street parking regulations, contained in Article I, Chapter 3 of the Zoning Resolution of the City of New York, accessory parking lots with over 150 spaces and, for all other areas, accessory parking lots with over 250 parking spaces on parklands
- (d) a use for which a new building of over 20,000 square feet of gross floor area will be constructed when such building will be located on property other than parkland
- (e) a use for which a new building of more than 15,000 square feet of gross floor area will be constructed when such building will be located on parkland
- (f) an open use which occupies more than 42,000 square feet of open space other than parkland
- (g) an open use which occupies over 30,000 square feet of a separate parcel of parkland
- (h) a use which in total occupies more than 2,500 square feet of floor area or open space and more than 15 percent of the total square footage of a separate parcel of land that has been improved for park purposes, including passive and active recreational use, or was improved for such purposes at any time during the year preceding the date of application for the concession
- (i) a concession comprised of two or more components, no one of which exceeds thresholds set forth in paragraphs (a) through (h) above, where at least two of such elements each exceed 85 percent of the thresholds set forth in such paragraphs.

§7-03 Notwithstanding any other provision of these rules the following shall not be considered major concessions unless an EIS is required:

- (a) A concession for any use which will be operated for 30 days or less
- (b) A concession which is or directly furthers an active recreational use provided that such concession would be available to the general public on a non-discriminatory basis, with or without a fee, and provided further that the area occupied by such recreational use does not exceed both 15 acres and 50 percent of a separate parcel of land, including but not limited to the following:
 - (1) a seasonal covering of recreational facilities
 - (2) a carousel
 - (3) a use intended for active participation sports including playing fields or sports courts (eg. tennis, volleyball, handball, softball), skating rinks, playgrounds, and practice facilities (eg. batting cages, golf driving ranges, miniature golf)
- (c) Reuse of former amusement park lands for amusement or recreational purposes
- (d) Any renewal, reissuance, extension, amendment of an existing concession or issuance of a new concession which continues a currently existing use or which permits a use which existed lawfully on the property at any point in the two years preceding the date of application for the concession, whether operated by a private or public entity, provided that any extension or amendment or the cumulative effect of any amendments or extensions made over any five year period does not include modifications which when added to the existing concession, cause any threshold of Section 7-02 to be exceeded and increase the size of an existing concession by ten percent or more
- (e) A concession for which authorization to use a different procedure was granted or obtained, or which is operated under an agreement executed, prior to the effective date of this major concession rule
- (f) A concession for lines, cables, conduits or underground pipes not used for the transport of people
- (g) A concession on wharf property or waterfront property primarily for purposes of "water front commerce" or in "furtherance of navigation" as such terms are defined in the New York City Charter
- (h) A concession on wharf property for purposes other than "waterfront commerce" or in "furtherance of navigation" which is granted pursuant to §1301.2(h) of the City Charter
- (i) A concession for an open air market which operates two (2) or fewer days per week, or, if a green market, three (3) or fewer days per week.

(On December 20, 1995, notice of a public hearing on February 28, 1996 for the draft major concession rule was duly published in the City Record. On February 28, 1996, the hearing was duly held and closed.)

For consideration.