

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, FEBRUARY 11, 1004
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

**Yvette V. Gruel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO	PROJECT NAME	C.P.C. ACTION
1	C 020654 ZMX	9	IHOP	Scheduled to be Heard 2/25/04
2	C 030289 ZMK	2	99 GOLD STREET REZONING	" "
3	N 040220 HAK	3	ROBERT MOORE SENIOR HOUSING	" "
4	N 030228 ZRY	cw	AUDUBON IV	" "
5	C 030229 ZSM	12	" "	" "
6	C 030230 PPM	12	" "	" "
7	C 040164 HAM	10	BRADHURST EARLY CHILDHOOD CENTER	" "
8	N 040197 ZRY	2-6	8,10,11 SMALL SIDEWALK CAFES	" "
9	C 010383 MMQ	12	201 ST PLACE	" "
10	C 040191 PPQ	1,3	7,10,12-14 JFK/LA GUARDIA DISPOSITION	" "
11	C 040128 PPK	15	KINGSWOOD SHOPPING CENTER	Hearing Closed
12	C 040129 ZSK	15	" "	" "
13	C 040121 PPM	9	CITY-OWNED-PROPERTY	" "
14	C 010112 MMQ	11	DOUGLASTON POND	Hearing Closed - RUC*
15	C 030066 ZMX	9	WESTCHESTER AVENUE REZONING	Favorable Report Adopted
16	C 030544 ZSX	10	NYCHA PSA 8	" "
17	N 040146 HAX	7	BRIGGS AVENUE PLAYGROUND	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD: In Favor - Y Oppose - N Abstain - AB Recuse - R														
Calendar Numbers:		14	15	16	17	18	19	20	21	22	23	24	25	26	27	
Amanda M. Burden, AICP, Chair	P	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	
Angela M. Battaglia	P	Y	Y	Y	Y	Y	Y	Y	Y	L	Y	Y	Y	Y	Y	
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y	Y	Y	Y	Y	Y	I	Y	Y	Y	Y	Y	
Richard W. Eaddy	P	Y	Y	Y	Y	Y	Y	Y	Y	D	Y	Y	Y	Y	Y	
Alexander Garvin	P	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	
Jane D. Gol	P	Y	Y	Y	Y	Y	Y	Y	Y	O	Y	R	R	R	Y	
Christopher Kui	P	Y	Y	Y	Y	Y	Y	Y	Y	V	Y	Y	Y	Y	Y	
John Merolo	P	Y	Y	Y	Y	Y	Y	Y	Y	E	Y	Y	Y	Y	Y	
Karen A. Phillips	P	Y	Y	Y	Y	Y	Y	Y	Y	R	Y	Y	Y	Y	Y	
Dolly Williams, Commissioners	A															

MEETING ADJOURNED AT: 12:46 P.M.

CITY PLANNING COMMISSION DISPOSITION SHEET

PUBLIC MEETING:
WEDNESDAY, FEBRUARY 11, 2004
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007

Yvette V. Gruel, Calendar Officer
 22 Reade Street, Room 2E
 New York, New York 10007-1216
 (212) 720-3370

CAL NO.	ULURP NO.	CD NO	PROJECT NAME	C.P.C. ACTION
18	C 040030 HAK	3	QUINCY SENIOR CENTER	Favorable Report Adopted
19	C 040136 HAK	16	BISHOP RICHARD MARTIN SENIOR HOUSING	" "
20	C 040114 HAK	2	344-348 BERGEN STREET	" "
21	C 010691 ZSM	2	148-150 GREENE STREET	" "
22	C 020122 ZSM	2	541 BROADWAY	Laid Over
23	C 030420 ZSM	2	470 BROOME STREET	Favorable Report Adopted
24	C 030214 ZMM	7	2 WEST END AVENUE	" "
25	C 030215 ZSM	7	" "	" "
26	N 030549 ZRM	7	" "	" "
27	C 040057 PCR	2	NEW CREEK BLUEBELT	" "
28	C 030312 PCR	3	GLENWOOD/WOODALE DETENTION BASIN	" "
29	N 030187 RAR	3	622 ROCKAWAY STREET	Authorization Approved
30	N 030487 ZAR	2	81 BENEDICT ROAD	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:											
		In Favor - Y Oppose - N Abstain - AB Recuse - R											
Calendar Numbers:		28	29	30									
Amanda M. Burden, AICP, Chair	P	Y	Y	Y									
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y									
Angela M. Battaglia	P	Y	Y	Y									
Irwin Cantor, P.E.	P	Y	Y	Y									
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y									
Richard W. Eaddy	P	Y	Y	Y									
Alexander Garvin	P	Y	Y	Y									
Jane D. Gol	P	Y	Y	Y									
Christopher Kui	P	Y	Y	Y									
John Merolo	P	Y	Y	Y									
Karen A. Phillips	P	Y	Y	Y									
Dolly Williams, Commissioners	A												

MEETING ADJOURNED AT: 12:46 P.M.

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York
—
CITY PLANNING COMMISSION
—
WEDNESDAY, FEBRUARY 11, 2004
—
MEETING AT 10:00 A.M. AT SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK



Michael R. Bloomberg, Mayor

City of New York

[No. 3]

Prepared by Yvette V. Gruel, Calendar Officer

**To view the Planning Commission Calendar and/or the Zoning Resolution
on the World Wide Web, visit the Department of City Planning (DCP)
home page at: nyc.gov/planning**

A

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

NOTE - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section II, (Public Hearings), and third in Section III, (Reports). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

NOTICE--CALENDARS: City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site (www.nyc.gov/planning). The availability of these documents on-line will occur earlier than the current printed documents.

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below. Any individual or organization that would like to receive paper copies of the aforementioned documents will be able to do so at a fee of \$120.00 annually. Please have the certified check made out to the **City of New York -- Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216.

For Calendar Information: call (212) 720-3368, 3369, 3370.

Note to Subscribers: Notify us of change of address including E-mail by writing to:

City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216

B
CITY PLANNING COMMISSION

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

AMANDA M. BURDEN, *AICP, Chair*
KENNETH J. KNUCKLES, *Esq., Vice Chairman*
ANGELA M. BATTAGLIA
IRWIN G. CANTOR, *P.E.*
ANGELA R. CAVALUZZI, *R.A.*
RICHARD W. EADDY
ALEXANDER GARVIN
JANE D. GOL
CHRISTOPHER KUI
JOHN MEROLO
KAREN A. PHILLIPS
DOLLY WILLIAMS, *Commissioners*
YVETTE V. GRUEL, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a. m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

ORDER OF BUSINESS AND INDEX

WEDNESDAY, FEBRUARY 11, 2004

Roll Call; approval of minutes	1
I. Scheduling of February 25, 2004	1
II. Public Hearings	22
III. Reports	25

**Community Board Public Hearing Notices are available in the
Calendar Information Office, Room 2E, 22 Reade Street,
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for February 25, 2004 at Spector Hall, 22 Reade Street, New York at 10:00 a.m.

C

GENERAL INFORMATION

HOW TO PARTICIPATE:

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials and Community Board Chairpersons will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in opposition and those speaking in support of the proposal.

Length of Testimony: In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Written Comments: If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

**CITY PLANNING COMMISSION
Calendar Information Office - Room 2E
22 Reade Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ Identification No.: _____ CB No.: _____

Position: Opposed _____

In Favor _____

Comments: _____

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

FEBRUARY 11, 2004

APPROVAL OF MINUTES OF Regular Meeting of January 28, 2004

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, FEBRUARY 25, 2004
STARTING AT 10:00 A.M.
IN SPECTOR HALL, 22 READE STREET
NEW YORK, NEW YORK**

BOROUGH OF THE BRONX

No. 1

IHOP

CD 9

C 020654 ZMX

IN THE MATTER OF an application submitted by Jocques Graham pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section Nos. 4b and 7a**, establishing within an existing R5 District a C2-1 District bounded by White Plains Road, a line 290 feet northerly of Bruckner Expressway, a line midway between White Plains Road and Virginia Avenue, and a line 150 feet northerly of Bruckner Expressway, as shown on a diagram (for illustrative purposes only) dated November 3, 2003.

Resolution for adoption scheduling February 25, 2004 for a public hearing.

BOROUGH OF BROOKLYN

No. 2

99 GOLD STREET REZONING

CD 2

C 030289 ZMK

IN THE MATTER OF an application submitted by 99 Gold Street Associates pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 12d**, changing from an M1-2 District to an R6A District property bounded by Front Street, a line 125 feet easterly of Gold Street, a line 100 feet northerly of York Street, and Gold Street, as shown on a diagram (for illustrative purposes only) dated November 3, 2003 and subject to the conditions of CEQR Declaration E-126.

Resolution for adoption scheduling February 25, 2004 for a public hearing.

No. 3

ROBERT MOORE SENIOR HOUSING

CD 3

N 040220 HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for:

1. The designation of property located at 147 Nostrand Avenue and 7 Vernon Avenue (Block 1754, Lots 1 and 86), as an Urban Development Action Area; and
2. An Urban Development Action Area Project for such area;

to facilitate development of a six-story building tentatively known as Robert Moore Senior Housing, with approximately 59 units of housing for senior citizens and one unit for a superintendent, to be developed under the HUD Section 202 Supportive Housing for the Elderly program.

Resolution for adoption scheduling February 25, 2004 for a public hearing.

BOROUGH OF MANHATTAN

Nos. 4, 5 and 6

AUDUBON IV

No. 4

CITYWIDE

N 030228 ZRY

IN THE MATTER OF an application submitted by Columbia University and the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, relating to Article VII, Chapter 4, (Special Permits by the City Planning Commission), to modify the provisions of Section 74-48 concerning height and setback regulations for scientific research and development facilities in C6 Districts.

Proposed Text Amendment of Section 74-48, Scientific Research and Development Facility

Matter in **Underline** is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within *italics* is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution

Article VII – Administration

Chapter 4 – Special Permits by the City Planning Commission

* * *

**74-48
Scientific Research and Development Facility**

In C6 Districts, the City Planning Commission may permit a scientific research and development facility containing laboratories for medical, biotechnical, chemical or genetic research, including space for production, storage and distribution of scientific products generated through research **and may modify height and setback regulations for the facility**. Such facility must conform to the performance standards applicable to M1 Districts and occupy a *zoning lot* that either contains a minimum *lot area* of 40,000 square feet or comprises an entire *block*. No *residential use* is to be located anywhere on a *zoning lot* containing such a facility.

As a condition for granting a special permit, the Commission shall find that the scientific research and development facility:

- (a) will not unduly affect the essential character or impair the future use and development

- of the surrounding areas;
- (b) will be located so as to draw a minimum of vehicular traffic to and through local *streets*; and
- (c) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage.
- (d) **that the modification of such height and setback regulations will not unduly obstruct the access of light and air to adjoining properties or public streets.**

All applications for the grant of a special permit pursuant to this Section shall be referred to the Commissioner of Health of the City of New York or its successor for a report and recommendations on matters relating to health, safety and general welfare of the public with regard to the proposed facility. If the report is received within 45 days from the date of referral, the Commission shall, in its determination, give due consideration to the report and its recommendations. If such agency does not report within 45 days, the Commission may make a final determination without reference thereto.

To minimize traffic congestion in the area, the Commission shall require the provision of off-street loading berths conforming to the requirements set forth in Section 36-62 (Required Accessory Off-Street Loading Berths) for *commercial uses*.

The Commission may also require the provision of *accessory* off-street parking facilities to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such *use*. The size and location of such parking and loading facilities shall comply with the applicable provisions of Section 36-00 (OFF-STREET PARKING REGULATIONS: GENERAL PURPOSES AND DEFINITIONS).

In order to promote and protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance standards where necessary.

Resolution for adoption scheduling February 25, 2004 for a public hearing.

No. 5

CD 12

C 030229 ZSM

IN THE MATTER OF an application submitted by the Trustees of Columbia University in the City of New York and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit pursuant to Section 74-48* of the Zoning Resolution to allow a scientific research and development facility and to allow the modification of the height and setback regulations of**

Section 33-432 to facilitate the development of a 12-story scientific research and development facility on a zoning lot occupying an entire block bounded by West 165th Street, Broadway, West 166th Street and St. Nicholas Avenue (Block 2124, Lot 43), in a C6-2 District, Community District 12, Borough of Manhattan.

* Note: An amendment of Section 74-48 (Scientific Research and Development Facility) is proposed under related application N 030228 ZRY involving the addition of the modification of height and setback regulations.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

Resolution for adoption scheduling February 25, 2004 for a public hearing.

No. 6

CD 12

C 030230 PPM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the removal of the floor area restriction on the property located at West 165th Street and St. Nicholas Avenue (Block 2124, Lot 43), pursuant to zoning.

Resolution for adoption scheduling February 25, 2004 for a public hearing.

No. 7

BRADHURST EARLY CHILDHOOD CENTER

CD 10

C 040164 HAM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 260-262 West 153rd Street (Block 2038, Lots 55 and 57) as an Urban Development Action Area;

- b) an Urban Development Action Area Project for such area; and
 - 2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;
- to facilitate the development of a day care center.

Resolution for adoption scheduling February 25, 2004 for a public hearing.

No. 8

SMALL SIDEWALK CAFES

CD 2,3,4,5,6,8,10,11

N 040197 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York relating to Sections 12-10 (Definitions) and 14-00 (Sidewalk Café Regulations) establishing a new category of unenclosed sidewalk cafes, Small Sidewalk cafes, and permitting such cafes on selected streets in Manhattan where sidewalk cafes are prohibited.

Matter Graytone/Underlined is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter in *italics* or within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE I
General Provisions**

* * *

**Chapter 2
Construction of Language and Definitions**

* * *

**12-10
DEFINITIONS**

* * *

Sidewalk cafe

A "sidewalk cafe" is a portion of an eating or drinking place that is located on a public sidewalk, as defined in Section 20-223, subdivision (a), of the Administrative Code, and is either an enclosed, or unenclosed or small sidewalk cafe, as defined herein.

Sidewalk cafe, enclosed

An "enclosed sidewalk cafe" is a sidewalk cafe that is contained within a structure constructed predominantly of light materials such as glass, slow-burning plastic, or lightweight metal.

Sidewalk cafe, small

A "small sidewalk cafe" is an unenclosed sidewalk café containing no more than a single row of tables and chairs adjacent to the street line where such tables and chairs occupy a space on the sidewalk no greater than 4½ feet from the street line.

Sidewalk cafe, unenclosed

An "unenclosed sidewalk cafe" is a space on the sidewalk that contains readily removable tables, chairs or railings: with no overhead coverage other than umbrellas or a retractable awning that is affixed to the building wall and does not extend further than the width of the unenclosed sidewalk cafe.

* * *

Chapter 4

Sidewalk Cafe Regulations

14-00

GENERAL PURPOSES

The sidewalk cafe regulations as established in this Resolution are city-wide regulations, designed to encourage sidewalk cafes in locations where they are appropriate, discourage them in locations where they are inappropriate, and ~~to~~ promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) To ensure adequate space for pedestrians on the sidewalk adjacent to sidewalk cafes.
- (b) To promote sidewalk cafes as visual amenities ~~which~~ that better relate to the streetscape.
- (c) To preserve and enhance the character of neighborhoods throughout the City.
- (d) To simplify administrative regulations and strengthen enforcement procedures for

sidewalk cafes and ensure that such requirements are effective, efficient and enforceable.

- (e) To promote the most desirable use of land and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

14-01
General Provisions

In harmony with the general purpose and intent of this Resolution, and the general purposes of the #sidewalk cafe# regulations, certain specified regulations concerning area eligibility, sidewalk locational criteria and physical criteria for #sidewalk cafes#, in general, and specifically for #enclosed sidewalk cafes#, are herein established.

The three types of #sidewalk cafes# that are permitted by the regulations of this Chapter and defined in Section 12-10 (DEFINITIONS) are #enclosed sidewalk cafes#, #unenclosed sidewalk cafes# and #small sidewalk cafes#.

The amendments to Article I, Chapter 4, adopted by the City Council on January 29, 2003, shall become effective ~~upon the effective date of legislation March 27, 2003, amending the Administrative Code of the City of New York respecting the approval process for #unenclosed sidewalk cafes#.~~

Physical criteria, including structural and operational requirements for #sidewalk cafes#, and #unenclosed sidewalk cafes# in particular, shall be regulated by the Department of Consumer Affairs and found in Title 6, Chapter 2, Subchapter F., of the Rules of the City of New York. Licenses for all #sidewalk cafes# must be obtained from the Department of Consumer Affairs, or its successor.

14-011
Sidewalk cafe locations

#Sidewalk cafes# may be located in all R10H Districts, in all #Commercial Districts# other than C3 Districts and in all #Manufacturing Districts# other than M1-5A or M1-5B Districts south of Houston Street, except in those areas where #sidewalk cafes# are specifically prohibited or permitted, as provided in Section 14-40 (AREA ELIGIBILITY FOR SIDEWALK CAFES).

The following ~~s~~Sections identify specific #streets#, malls, areas, special districts and malls and or portions of #streets# for which special area eligibility regulations apply:

- Section 14-41 - (Area Restrictions for All Sidewalk Cafes Locations Where Certain Sidewalk Cafes Are Not Permitted)
- Section 14-42 - (Area Restrictions for All Enclosed Sidewalk

		<u>Cafes Locations Where Enclosed Sidewalk Cafes Are Not Permitted</u>
<u>Section 14-43</u>	-	<u>(Locations Where Only Small Sidewalk Cafes Are Permitted)</u>
Section 14-43 <u>14-44</u>	-	<u>(Special Zoning Where Certain Sidewalk Cafes Districts Are Permitted)</u>
Section 14-44 <u>14-45</u>	-	<u>(Street Malls Where Certain Sidewalk Cafes Are Permitted)</u>

#Sidewalk cafes# shall be permitted in Historic Districts or in designated Landmark Buildings only if such #sidewalk cafe# is approved by the Landmarks Preservation Commission.

14-10

ENCLOSED SIDEWALK CAFES

14-11

LOCATIONAL CRITERIA FOR ENCLOSED SIDEWALK CAFES

Locational Criteria for Enclosed Sidewalk Cafes

The regulations of this Section, governing clear path, clearance at intersection of #streets#, clearance from large obstructions and minimum distance between two cafes shall apply to all #enclosed sidewalk cafes#.

(a) Clear path

There shall be a minimum of 8 feet, 0 inches clear distance or 50 percent of the sidewalk width, whichever is greater, free of all obstructions, in order to allow adequate pedestrian movement.

The minimum distance shall be measured from the portion of the #enclosed sidewalk cafe# frontage that is nearest either the curb line or the nearest obstruction. In no event may recesses in the #enclosed sidewalk cafe# frontage be used to satisfy this unobstructed width requirement, except that the corners of the #enclosed sidewalk cafe# may be rounded or mitered. A clearance of 8 feet, 0 inches shall be maintained around the corners of #enclosed sidewalk cafes#, measured in radius.

For the purpose of the minimum clear path, but not the clearance from corners of #enclosed sidewalk cafes#, parking meters, traffic signs, and trees that have gratings flush to grade, without fences or guards, shall not count as obstructions.

In the case of a #street# for which a mall plan or other special plan has been adopted, the clear path requirements pursuant to this Section shall be deemed satisfied if there is not less than an 8 feet, 0 inches clear path.

(b) Clearance at intersections of street line

There shall be a minimum of 9 feet, 0 inches clearance, free of all obstructions with no exception, measured from the outer edge of the #enclosed sidewalk cafe# to the curbside obstacle. The corner of the #enclosed sidewalk cafe# wall may be rounded or mitered. Such distance shall be measured from the outer edge of the #enclosed sidewalk cafe# to either the curb line or the nearest obstruction.

(c) Clearance from large obstructions

All #enclosed sidewalk cafes# shall be a minimum of 15 feet from large obstructions. For the purposes of this Section, large obstructions shall be bus stop shelters, newsstands, subway entrances or any other object greater than 15 square feet in area. The closed end of a subway entrance located along the #front lot line# may abut an #enclosed sidewalk cafe#.

(d) Minimum distance between enclosed sidewalk cafes

There shall be a minimum distance of 40 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor #commercial use#, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

There shall be a minimum distance of 15 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor non-#commercial use#, or a #use# located above or below the ground floor, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

~~14-20~~ 14-12**PHYSICAL CRITERIA FOR ENCLOSED SIDEWALK CAFES****Physical Criteria for Enclosed Sidewalk Cafes**~~14-21~~ 14-121**Structural Requirements for Enclosed Sidewalk Cafes**

The regulations of this Section governing certain structural and operational requirements shall apply to all #enclosed sidewalk cafes#.

(a) Ceiling

The ceiling of an #enclosed sidewalk cafe# shall be of incombustible materials, including colored or colorless safety glass or fabric which has been treated to be fire resistant as approved by the Department of Buildings.

At no point shall the height of the ceiling of an #enclosed sidewalk cafe# be lower than

7 feet, 0 inches above the floor of the #sidewalk cafe#.

(b) Transparency - exterior walls

An #enclosed sidewalk cafe# may provide a base wall of opaque material up to a maximum height of 12 inches from the finished floor level. The base wall shall include any horizontal structural members that support transparent materials above.

All enclosing walls, doors and windows, except for the structural members, above finished floor level or base wall as provided in this Section, up to a height of 7 feet, 0 inches above finished floor level, must be of colorless, untinted, non-reflective, transparent material, as approved by the Department of Buildings. In order to maximize transparency, the horizontal as well as vertical structural members shall not be sized more than 10 inches wide.

At least 50 percent of the walls, up to a height of 7 feet, 0 inches above finished floor level, shall consist of operable transparent windows.

(c) Elevation

The #enclosed sidewalk cafe# floor shall not be more than seven inches above the level of the adjoining sidewalk.

In the event of a major grade change, however, the City Planning Commission may, by certification, permit the floor level to be more than seven inches above the level of the adjoining sidewalk.

(d) Designated boundaries

No portion of #enclosed sidewalk cafes#, such as doors, windows, walls or any objects placed within an #enclosed sidewalk cafe#, shall swing or project beyond the designated exterior perimeter of the #enclosed sidewalk cafe#. However, fire exit doors that are used exclusively as emergency fire exit doors shall be exempt from this provision.

(e) Fixtures

The furnishings of the interior of an #enclosed sidewalk cafe# shall consist solely of moveable tables, chairs and decorative accessories. No objects, except lighting fixtures and HVAC installations, may be permanently affixed onto any portion of the wall of the #enclosed sidewalk cafe#. In no event shall such objects penetrate the exterior perimeter of the wall or the roof of the #enclosed sidewalk cafe# or impede the transparency as required by this Chapter. The exhaust for such HVAC installations on the adjacent walls shall not be less than 10 feet above #curb level#.

(f) Refuse storage area

No structure or enclosure to accommodate the storage of garbage may be erected or placed adjacent to or separate from the #enclosed sidewalk cafe# on the public right-of-way.

~~14-22~~ 14-122

Access for Persons with Physical Disabilities

An #enclosed sidewalk cafe# or its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the #enclosed sidewalk cafe# shall be accessible to persons with disabilities from the interior of the restaurant.

In order to ensure access for persons with physical disabilities:

- (a) at least one door leading into the #enclosed sidewalk cafe# or restaurant from the adjoining sidewalk shall be not less than three feet wide, clear; and
- (b) a ramp with non-skid surface, if there is change of grade, having a minimum width of three feet and a slope of not greater than 1 in 12, shall be provided. Such ramp may be of portable type for #enclosed sidewalk cafes# that are six feet wide or less, except if such #sidewalk cafe# is at least 180 square feet in area.

~~14-23~~ 14-123

Signage

No #signs# are permitted on an #enclosed sidewalk cafe#, except that the name and type of establishment may be placed upon the glass wall but shall not obscure the required transparency.

~~14-24~~ 14-124

Music and Noise Amplification

Musical instruments or sound reproduction devices shall not be operated or used within an #enclosed sidewalk cafe# for any purpose.

~~14-30~~ 14-13

~~**SPECIAL PERMIT MODIFICATIONS OF LOCATIONAL OR PHYSICAL CRITERIA FOR ENCLOSED SIDEWALK CAFES**~~

Special Permit Modifications of Locational or Physical Criteria for Enclosed Sidewalk Cafes

In all #Commercial# or #Manufacturing Districts#, where #enclosed sidewalk cafes# are permitted in accordance with the provisions of this Chapter, the City Planning Commission may permit, upon application, modifications to the locational or physical criteria regulations for #enclosed sidewalk cafes#, except that there shall be no modification of Sections 14-41 (Area Restrictions for All Locations Where Certain Sidewalk Cafes Are Not Permitted), 14-

42 (~~Area Restrictions for All Locations Where Enclosed Sidewalk Cafes Are Not Permitted~~), ~~14-43~~ 14-44 (~~Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted~~) and ~~14-44~~ 14-45 (~~Street Malls Where Certain Sidewalk Cafes Are Permitted~~), provided the Commission finds that:

- (1) the #enclosed sidewalk cafe# is developed consistent with the general purposes and objectives of this Chapter;
- (2) any proposed modification to the requirements of this Chapter will result in good overall design, and enhance the general character of the #street# and the neighborhood;
- (3) any proposed modifications to the requirements of this Chapter will not cause a serious adverse effect on pedestrian traffic;
- (4) the restaurant or #enclosed sidewalk cafe# provides access for persons with disabilities;
- (5) where a proposed #enclosed sidewalk cafe# is located between two existing stoops, it will not project beyond the stoops; and
- (6) modifications to the provisions of paragraph (a) of Section ~~14-10~~ 14-11 (~~Locational Criteria for Enclosed Sidewalk Cafes~~) shall be limited to the minimum clear path for a proposed #enclosed sidewalk cafe# that would be located on a #street# with a special pedestrian plan.

14-20

UNENCLOSED SIDEWALK CAFES

Physical criteria for #unenclosed sidewalk cafes#, including structural and operational requirements, shall be regulated by the Department of Consumer Affairs pursuant to the Rules of the City of New York as described in Section 14-01 (General Provisions). #Small sidewalk cafes#, however, shall also conform to the requirements of Section 14-30.

14-30

SMALL SIDEWALK CAFES

#Small sidewalk cafes# shall be subject to the regulations of Section 14-01 (General Provisions), and, in addition, shall comply with the requirements for the definition of #small sidewalk cafes# in Section 12-10 as well as the following physical criteria:

- (a) no form of serving station or any other type of furniture, other than the single row of tables and chairs set adjacent to the #street line#, may be placed within that space occupied by a #small sidewalk cafe#;

- (b) there shall be no railing, structure or other form of barrier between a #small sidewalk cafe# and the remaining area of the sidewalk; and
- (c) there shall be no overhead coverage other than a retractable awning that is affixed to the building wall and does not extend further than 4½ feet.

#Small sidewalk cafes# are permitted wherever #sidewalk cafes# may be located pursuant to the requirements of 14-011. Section 14-43 (Streets Where Only Small Sidewalk Cafes Are Permitted) lists specific #streets# and areas where no #sidewalk cafes# other than #small sidewalk cafes# may be located.

14-40 **AREA ELIGIBILITY FOR SIDEWALK CAFES**

In addition to the general eligibility criteria for #sidewalk cafes# in Section 14-011 (Sidewalk cafe locations), this Section identifies those locations where specific area eligibility regulations apply, subject to the underlying zoning.

#Enclosed# and #unenclosed sidewalk cafes# are not permitted on the streets and areas listed in Sections 14-41 (Locations Where Certain Sidewalk Cafes Are Not Permitted), and #enclosed sidewalk cafes# are not permitted on the streets listed in 14-42 (Locations Where Enclosed Sidewalk Cafes Are Not Permitted).

In all special zoning districts, #enclosed# and #unenclosed sidewalk cafes#, other than #small sidewalk cafes# pursuant to Section 14-43 (Locations Where Only Small Cafes Are Permitted), shall not be permitted, except as indicated in Section 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted).

In addition to the #streets# where all #sidewalk cafes# may be located as listed in Section 14-011, #small sidewalk cafes# shall be permitted on the #streets#, portions of #streets, areas and special zoning districts listed in Section 14-43.

For the purposes of this Chapter, the length of a #street# shall run the full #block# to the nearest intersections with cross #streets#, unless otherwise stated.

Areas bounded by #streets# shall include both sides of such #streets# and shall be subject to the regulations of this Chapter pertaining to such areas, subject to the underlying zoning. When a #street# forms the boundary of a special district, however, only that side of the street located within the special district shall be subject to the regulations pertaining to the special district.

14-41 **Area Restrictions for All Locations Where Certain Sidewalk Cafes Are Not Permitted**

No ~~#enclosed# or #unenclosed#~~sidewalk cafes# shall be permitted on any of the following ~~#streets#, portions of #streets# and areas, except that #small sidewalk cafes# may be permitted pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).~~

City Wide

1. All ~~#streets#~~ with elevated rail transit lines, ~~unless specifically permitted in Section 14-43.~~

Manhattan

- 1) All streets bounded by 38th Street on the south, 59th Street on the north, Third Avenue on the east and Eighth Avenue on the west, ~~except Central Park South between Fifth Avenue and Avenue of the Americas~~
- 2) ~~All streets bounded by 59th Street on the south, 61st Street on the north, Fifth Avenue on the west and a line 125 feet east of Fifth Avenue on the east~~
- ~~6~~2. Bowery - from East Broadway to Canal Street
- 7-3. Elizabeth Street - from Bayard Street to Canal Street
- 8-4. Pell Street - the entire length
- 9-5. Mott Street - from Park Row to Canal Street
- 10-6. Mulberry Street - from Worth Street to Canal Street
- 11-7. Bayard Street - the entire length
- 12-8. Doyers Street - the entire length
- 13-9. All streets facing Chatham Square
- 3-10. Canal Street - the entire length
- 4-11. Orchard Street - from Canal Street to Houston Street
- 5-12. Delancey Street - from Norfolk Street to Bowery
- 14-13. Eighth Street - from Avenue A to ~~Sixth Avenue of the Americas~~
- 15-14. 14th Street - from Second Avenue to Eighth Avenue
- 16-15. 23rd Street - from the East River to Eighth Avenue
- 17-16. 31st Street - from Fifth Avenue to Eighth Avenue
- 18-17. 32nd Street - from Fifth Avenue to Eighth Avenue
- 19-18. 33rd Street - from Fifth Avenue to Eighth Avenue
- 20-19. 34th Street - from the East River to Eighth Avenue
- 21-20. 42nd Street - from the East River to Eighth Avenue
21. ~~All #streets# or portions of #streets# bounded by 43rd Street on the south, 45th Street on the north, Eighth Avenue on the east and, on the west, a line 150 feet west of Eighth Avenue~~
- 22-22. 57th Street - from the East River to Eighth Avenue
- 23-23. 58th Street - from the East River to Eighth Avenue
- 24-24. 59th Street - from the East River to 5th Avenue
25. ~~59th Street - from Sixth Avenue to Columbus Circle~~
26. All streets bounded by 59th Street on the south, 61st Street on the north, Fifth Avenue on the west and a line 125 feet east of Fifth Avenue on the east

- ~~25:27.~~ 60th Street - from Third Avenue to Fifth Avenue
~~26:28.~~ 61st Street - from Third Avenue to Fifth Avenue
~~27:29.~~ 62nd Street - from Second Avenue to Fifth Avenue
~~28:30.~~ 63rd Street - from Second Avenue to Fifth Avenue
~~29:31.~~ 68th Street - from First Avenue to Fifth Avenue
~~30:32.~~ 72nd Street - from the East River to Fifth Avenue
~~31:33.~~ 77th Street - from First Avenue to Fifth Avenue
~~32:34.~~ 79th Street - from the East River to Fifth Avenue
~~33:35.~~ 86th Street - from the East River to Fifth Avenue
~~34:36.~~ 116th Street - from ~~Lenox Avenue~~ Malcolm X Boulevard to ~~Eighth Avenue~~ Frederick Douglass Boulevard
~~45:37.~~ First Avenue - from 48th Street to 59th Street.
~~35:38.~~ Third Avenue - from 59th Street to 62nd Street
~~36:39.~~ Lexington Avenue - the entire length
~~37:40.~~ Park Avenue - the entire length from 38th Street, northward
~~38:41.~~ Madison Avenue - the entire length
~~39:42.~~ Fifth Avenue - from Washington Square North to 61st Street
~~40:43.~~ Sixth Avenue - from 31st Street to 38th Street
~~43:44.~~ Broadway - from 31st Street to 38th Street
~~41:45.~~ Seventh Avenue - from 31st Street to 38th Street
~~42:46.~~ Eighth Avenue - from 31st Street to 38th Street
~~44:47.~~ Herald Square
~~45.~~ ~~First Avenue - from 48th Street to 59th Street.~~

Brooklyn

1. 13th Avenue - from 39th Street to New Utrecht Avenue
2. 86th Street - from 3rd Avenue to Gowanus Expressway
3. Court Street - from Schermerhorn Street to Montague Street.
4. ~~Ocean Parkway - the entire length.~~

Queens

1. Roosevelt Avenue - from Union Street to Prince Street
2. Austin Street - from Yellowstone Boulevard to Ascan Avenue
3. 82nd Street - from 34th Avenue to 41st Avenue
4. Junction Boulevard - from Northern Boulevard to 41st Avenue.

14-42

~~Area Restrictions for Enclosed Sidewalk Cafes~~ Locations Where Enclosed Sidewalk Cafes Are Not Permitted

No #enclosed sidewalk cafe# shall be permitted on any of the following #streets#:

Manhattan

1. Bleecker Street - from Bank Street to Mercer Street
2. Central Park South - from Fifth Avenue to Avenue of the Americas Sixth Avenue
3. Coenties Slip
- 4.3. Park Avenue South and Park Avenue South - from 31st Street to 38th Street.

14-43**Locations Where Only Small Sidewalk Cafes Are Permitted**

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted, pursuant to Section 14-011 (Sidewalk cafe locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning:

Manhattan

1. Orchard Street - from Canal Street to Houston Street
2. Delancey Street - from Norfolk Street to the Bowery
3. Centre Street - from Canal Street to Spring Street
4. Lafayette Street - from Canal Street to Houston Street
5. Sixth Avenue - from Canal Street to a line 100 feet south of Spring Street
6. Special Union Square Special District*
7. 14th Street - from Second Avenue to Irving Place
8. 14th Street - from a line 100 feet west of University Place to Eighth Avenue
9. 23rd Street - from the East River to Eighth Avenue
10. 31st Street - from Fifth Avenue to a line 200 feet east of Broadway
11. 32nd Street - from Fifth Avenue to a line 200 feet east of Broadway
12. Special Jacob K. Javits Convention Center District
13. 34th Street - from the East River to Fifth Avenue
14. 35th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet east of Sixth Avenue
15. 36th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
16. 37th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
17. 37th Street - from a line 150 feet east of Sixth Avenue to Broadway
18. 38th Street - from Third Avenue to Seventh Avenue
19. 39th Street - from Exit Street to Seventh Avenue
20. 40th Street - from a line 100 feet east of Exit Street to Broadway
21. 41st Street - from a line 100 feet east of Exit Street to Lexington Avenue
22. 42nd Street - from the East River to Third Avenue
23. 42nd Street - from the Fifth Avenue to Sixth Avenue
24. All #streets# bounded by 43rd Street on the south, 46th Street on the north, a line 200 feet east of Third Avenue on the east and Third Avenue on the west
25. All #streets# bounded by 43rd Street on the south, 46th Street on the north, a line 125

- feet west of Madison Avenue on the east and Sixth Avenue on the west
26. 47th Street - from a line 200 feet east of Third Avenue to Lexington Avenue
27. All #streets# bounded by 48th Street on the south, 50th Street on the north, a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
28. 51st Street - from a line 150 feet east of Third Avenue to Eighth Avenue
29. 52nd Street - from a line 160 feet east of Third Avenue to Eighth Avenue
30. 53rd Street - from a line 160 feet east of Third Avenue to Eighth Avenue
31. 54st Street - from a line 150 feet east of Third Avenue to Eighth Avenue
32. 55th Street - from a line 100 feet west of Second Avenue to Eighth Avenue
33. 56th Street - from a line 100 feet west of Second Avenue to a line 200 feet west of Eighth Avenue
34. 57th Street - from the East River to a line 200 feet west of Eighth Avenue
35. 58th Street - from the East River to a line 225 feet east of Columbus Avenue
36. 59th Street - from the East River to Second Avenue
37. 59th Street (Central Park South) - from Sixth Avenue to Columbus Circle
38. 60th Street - from Lexington Avenue to Fifth Avenue
39. 61st Street - from Third Avenue to Fifth Avenue
40. 62nd Street - from Second Avenue to Fifth Avenue
41. 63rd Street - from Second Avenue to Fifth Avenue
42. 86th Street - from the East River to Third Avenue
43. 116th Street - from Malcolm X Boulevard to Frederick Douglass Boulevard
44. First Avenue - from 48th Street to 59th Street
45. Third Avenue - from 38th Street to 62nd Street
46. Lexington Avenue - from a line 100 feet south of 23rd Street to 40th Street
47. Lexington Avenue - the entire length from a line 100 feet north of 96th Street, northward
48. Park Avenue - from 38th Street to 40th Street
49. Park Avenue - from 48th Street to 60th Street
50. Park Avenue - the entire length from a line 100 feet north of 96th Street, northward
51. Madison Avenue - from 23rd Street to 40th Street
52. Madison Avenue - from 59th Street to 6^{1st} Street
53. Special Madison Avenue Preservation District
54. Madison Avenue - the entire length from a line 100 feet north of 96th Street, northward
55. Fifth Avenue - from Washington Square North to 33rd Street
56. Fifth Avenue - from 59th Street to 61st Street
57. Sixth Avenue - from 36th Street to Central Park South
58. Seventh Avenue - from 36th Street to 40th Street
59. Seventh Avenue - from 50th Street to Central Park South
60. Broadway - from 36th Street to 40th Street
61. Broadway - from 50th Street to Columbus Circle
62. Eighth Avenue - from 50th Street to Columbus Circle
63. Columbus Circle - from Eighth Avenue, westward, to Broadway.
- * #Small sidewalk cafes# are not allowed on 14th Street.

14-43 14-44**Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed# #Sidewalk cafes# are shall be permitted, as indicated, in the following special zoning districts, where permitted allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Manhattan	Enclosed Sidewalk Cafe	Unenclosed Sidewalk Cafe
1. Battery Park City District	Yes	Yes
2. Clinton District	Yes	Yes
3. Limited Commercial District	No	No*
4. Lincoln Square District	No	Yes
5. Little Italy District	No	Yes
6. Lower Manhattan District	No	Yes**
7. Transit Land Use District	Yes	Yes
8. Tribeca Mixed Use District	Yes	Yes
9. United Nations Development District	No	Yes

* #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue

** #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway.

Brooklyn	Enclosed Sidewalk Cafe	Unenclosed Sidewalk Cafe
1. Bay Ridge District	Yes	Yes
2. Coney Island Mixed Use District	Yes	Yes
3. Downtown Brooklyn District	Yes	Yes
4. Franklin Street Mixed Use District	Yes	Yes
5. Northside Mixed Use District	Yes	Yes
6. Ocean Parkway District*, except along Ocean Parkway	Yes	Yes
7. Sheepshead Bay District	No	Yes

* #Sidewalk cafes are not allowed on Ocean Parkway

Bronx	Enclosed Sidewalk Cafe	Unenclosed Sidewalk Cafe
1. City Island District	No	Yes

Staten Island	Enclosed Sidewalk Cafe	Unenclosed Sidewalk Cafe
± South Richmond Development District	Yes	Yes

14-45 (1/29/03)

Street Malls Where Certain Sidewalk Cafes Are Permitted

#Sidewalk cafes# are permitted as indicated in the following malls where permitted allowed by the underlying zoning:

Manhattan	Enclosed Sidewalk Cafe	Unenclosed Sidewalk Cafe
± Mulberry Street Mall	No	Yes
± Nassau Street Mall	No	Yes

Brooklyn	Enclosed Sidewalk Cafe	Unenclosed Sidewalk Cafe
± Fulton Street Mall* except DeKalb Avenue	No	Yes
± DeKalb Avenue	Yes	Yes

* #Enclosed sidewalk cafes# are allowed along DeKalb Avenue

Queens	Enclosed Sidewalk Cafe	Unenclosed Sidewalk Cafe
1. Far Rockaway Beach 20th Street	No	Yes

Resolution for adoption scheduling February 25, 2004 for a public hearing.

BOROUGH OF QUEENS

No. 9

201ST PLACE

CD 12

C 010383 MMQ

IN THE MATTER OF an application submitted by by D. E. Center Corp., pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map

involving:

- ! the narrowing of 201st Place between Nashville Boulevard and 120th Avenue;
- ! the adjustment of grades necessitated thereby and any acquisition or disposition of real property related thereto,

Borough of Queens, in accordance with map No. 4967, dated June 24, 2002, revised June 9, 2003 and signed by the Borough President.

Resolution for adoption scheduling February 25, 2004 for a public hearing.

No. 10

JFK/LA GUARDIA DISPOSITION

CDs 1, 3, 7, 10, 12, 13 and 14

C 040191 PPQ

IN THE MATTER OF an application submitted by the City Department of Small Business Services and the City Economic Development Corporation, pursuant to Section 197-c of New York City Charter, **for the disposition to the Port Authority of New York & New Jersey of city-owned properties located at John F. Kennedy & La Guardia airports, restricted to airport uses and uses ancillary thereto.**

A list and description of the properties can be seen in the Queens Office of the Department of City Planning, 120-55 Queens Boulevard, Rm 201, Kew Gardens, NY 11424.

Resolution for adoption scheduling February 25, 2004 for a public hearing.

II. PUBLIC HEARINGS

BOROUGH OF BROOKLYN

Nos. 11 and 12

KINGSWOOD SHOPPING CENTER

No. 11

CD 15

C040128 PPK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, **for the disposition of three city-owned properties located at 1630-42 East 15th Street (Block 6777, lots 17 & 24) and 1730 East 14th Street (Block 6796, lot 9), pursuant to zoning.**

(On January 28, 2004, Cal. No. 1, the Commission scheduled February 11, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

No. 12

CD 15

C 040129 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Kingswood Partners LLC and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter **for the grant to a special permit** pursuant to Section 74-512 of the Zoning Resolution **to allow an unattended public parking garage with a maximum capacity of 257 spaces on a portion of the first floor and in the cellar and sub-cellar of a proposed 2-story retail development to be constructed on property located at 1630-1642 East 15th Street (Block 6777, Lots 17 and 24), in a C4-2 District.**

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On January 28, 2004, Cal. No. 2, the Commission scheduled February 11, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 13

CITY-OWNED-PROPERTY

CD 9

C 040121 PPM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, **for the disposition of two (2) City-owned properties pursuant to zoning.**

<u>Block</u>	<u>Lot</u>	<u>Location</u>
1962	35	434 West 119 th Street
2001	2	Riverside Drive

(On January 28, 2004, Cal. No. 3, the Commission scheduled February 11, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 14

DOUGLASTON POND

CD 11

C 010112 MMQ

PUBLIC HEARING:

IN THE MATTER OF an application, pursuant to Sections 197-c and 199 of the New York City Charter by the Department of Parks and Recreation for an **amendment to the City Map** involving the establishment of an addition to Alley Park; and any **acquisition or disposition of real property related thereto**, located in the Borough of Queens, in accordance with map No. 4957, dated March 7, 2003, and signed by the Borough President.

(On December 17, 2003, Cal. No. 10, the Commission scheduled January 7, 2004 for a public hearing . On January 7, 2004, Cal. No. 17, the hearing was closed. On January 28, 2004, Cal. No. S1, the Commission rescheduled February 11, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

III. REPORTS

BOROUGH OF THE BRONX

No. 15

WESTCHESTER AVENUE REZONING

CD 9

C 030066 ZMX

IN THE MATTER OF an application submitted by Wilfred Arroyo pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 4b:**

- 1. eliminating within an existing R6 District a C1-2 District bounded by Westchester Avenue, a line 60 feet westerly of Pugsley Avenue, a line midway between Benedict Avenue and Westchester Avenue, and Pugsley Avenue; and**
- 2. establishing within an existing R6 District a C2-2 District bounded by Westchester Avenue, a line 60 feet westerly of Pugsley Avenue, a line midway between Benedict Avenue and Westchester Avenue, and Pugsley Avenue;**

as shown on a diagram (for illustrative purposes only) dated September 8, 2003.

(On December 17, 2003, Cal.No. 1, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 5, the hearing was closed.)

For consideration.

No. 16

NYCHA PSA 8

CD 10

C 030544 ZSX

IN THE MATTER of an application submitted by the New York City Housing Authority and the New York City Police Department pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-67 of the Zoning Resolution:

- **to allow a police station in a Residence District; and**
- **to modify the requirements of Sections 23-14 and 23-60 to increase the permitted floor area ratio and the height and setback requirements to that permitted by Sections 24-11 and 24-52, respectively;**

to facilitate the construction of a 4-story, approximately 25,774 square foot police station on a zoning lot located at 650 Buttrick Avenue (Block 5568, Lots 1, 50 and 100), in an R4 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On December 17, 2003, Cal.No. 2, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. 6, the hearing was closed.)

For consideration.

No. 17

BRIGGS AVENUE PLAYGROUND

CD 7

N 040146 HAX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for:

- 1) The designation of property located at 2620 Briggs Avenue (Block 3293, Lot 49) as an Urban Development Action Area;
- 2) An Urban Development Action Area Project for such area;

to facilitate the renovation and continued use of a community playground, tentatively known as Briggs Avenue Playground.

(On December 17, 2003, Cal.No. 3, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 7, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 18

QUINCY SENIOR CENTER

CD 3

C 040030 HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 621-635 Quincy Street and 648 Lexington Avenue (Block 1625, Lots 34, 53-60), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of 627 Quincy Street (Block 1625, Lot 56) to a developer selected by HPD;

to facilitate development of a six-story building tentatively known as Quincy Senior Residence, with approximately 93 units of housing for senior citizens, to be developed under the New York State Housing Trust Fund Program.

(On December 17, 2003, Cal. No. 4, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 8, the hearing was closed.)

For consideration.

No. 19

BISHOP RICHARD MARTIN SENIOR HOUSING

CD 16

C 040136 HAK

IN THE MATTER of an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 1349-1361 East New York Avenue (Block 1474, Lots 53-58) and 1725-1731 Lincoln Place (Block 1474, Lots 59-62) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such properties to a developer selected by HPD;

to facilitate development of a six-story building tentatively known as Bishop Richard B. Martin Senior Housing, with approximately 79 units for low income elderly and elderly handicapped persons and one unit for a superintendent, to be developed under the HUD Section 202 Supportive Housing for the Elderly Program.

(On December 17, 2003, Cal.No. 5 the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 9, the hearing was closed.)

For consideration.

No. 20

344-348 BERGEN STREET

CD 2

C 040114 HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 344-348 Bergen Street (Block 389, Lots 27-29), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of 344 and 348 Bergen Street (Block 389, Lots 27 and 29) to a developer selected by HPD;

to facilitate development of a six-story building tentatively known as 344-348 Bergen Street, with approximately 24 rental units affordable to middle-income families, to be developed under the New York City Housing Development Corporation's New Housing Opportunities Program.

(On January 7, 2004, Cal. No. 1, the Commission scheduled January 28, 2004 for a public hearing. On January 28, Cal. No. 4, the hearing was closed.)

For consideration.

BOROUGH OF MANHATTAN

No. 21

148-150 GREENE STREET

CD 2

C 010691 ZSM

IN THE MATTER OF an application submitted by 150 Greene Street Corp. pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-711 of the Zoning Resolution **to modify the requirements of Section 42-14(D)(2)(a) to allow retail use (Use Group 6 uses) on the ground floor and in a portion of the cellar of an existing 7-story building occupying more than 3600 square feet of lot area located at 148-150 Greene Street** (Block 513, Lot 10), in an M1-5A District, within the SoHo Cast Iron Historic District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On December 17, 2003, Cal. No. 6, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 10, the hearing was closed.)

For consideration.

No. 22

541 BROADWAY

CD 2

C 020122 ZSM

IN THE MATTER OF an application submitted by NOH Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-711 of the Zoning Resolution **to modify the use requirements of Section 42-14(D)(2)(b) to allow retail use (Use Group 6 uses) on portions of the ground floor and cellar floor of an existing 5-story building located at 541 Broadway a.k.a. 112 Mercer Street** (Block 498, Lot 18), in an M1-5B District, within the SoHo Cast Iron Historic District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On December 17, 2003, Cal. No. 7, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 11, the hearing was closed.)

For consideration.

No. 23

470 BROOME STREET

CD 2

C 030420 ZSM

IN THE MATTER OF an application submitted by Intell SoHo LLC pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to allow the modification of the use regulations of Section 42-14D(2)(a) to permit retail uses (Use Group 6 uses) in the cellar, ground floor and mezzanine of an existing 5-story building occupying more than 3,600 square feet of lot area on property located at 470 Broome Street** (Block 486, Lot 32), in an M1-5A District, within the SoHo Cast Iron Historic District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On December 17, 2003, Cal. No. 8, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 12, the hearing was closed.)

For consideration.

Nos. 24, 25 and 26

2 WEST END AVENUE

No. 24**CD 7****C 030214 ZMM**

IN THE MATTER OF an application submitted by 2-10 West End Avenue Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 8c:**

3. changing from an M1-6 District to a C4-7 District property bounded by West End Avenue, West 60th Street, a line 100 feet easterly of West End Avenue, and West 59th Street; and
4. Changing from an M1-6 District to a C6-2 District property bounded by West 60th Street, the westerly boundary line of a Park and its northerly and southerly prolongations, West 59th Street, and a line 100 feet easterly of West End Avenue;

as shown in a diagram (for illustrative purposes only) dated November 3, 2003, and subject to the conditions of CEQR Declaration E-125.

(On December 15, 2003, Cal. No.1, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 13, the hearing was closed.)

For consideration.

No. 25
CD 7**C 030215 ZSM**

IN THE MATTER OF an application submitted by 2-10 West End Avenue Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution** to allow an attended public parking garage with a maximum capacity of 150 spaces on portions of the first floor, cellar and sub-cellar, of a proposed mixed building to be constructed on a zoning lot located at 2-10 West End Avenue (Block 1151, Lots 1, 61 and 63), in a C4-7* District.

*Note: The development site is proposed to be rezoned from an M1-6 District to a C4-7 District under a related application (C 030214 ZMM) for an amendment of the

zoning map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On December 15, 2003, Cal. No. 2, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 14, the hearing was closed.)

For consideration.

No. 26

CD 7

N 030549 ZRM

IN THE MATTER OF an application submitted by 2-10 West End Avenue Associates, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article III, Chapter 4, Sections 34-221 34-226 (Bulk Regulations for Residential Buildings in Commercial Districts), and Section 34-31 (Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts) to allow the inclusionary Housing program to apply in C4-7 districts in Community District 7 in Manhattan.

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.

* * *

34-221

Maximum floor area ratio

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, the maximum #floor area ratio# for a #residential building# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Article II, Chapter 3, except as provided for in the following Sections:

Section 34-223 (Floor area bonus for a residential plaza)

Section 23-224 (Floor area bonus for an urban plaza)

Section 34-225 (Floor area bonus for an arcade)
Section 34-226 (Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan)

* * *

Section 34-226
Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan

In C4-7 Districts within Community District 7 in the Borough of Manhattan, the total #floor area# permitted on a #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING).

* * *

35-31
Maximum Floor Area Ratio for Mixed Buildings
C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building.#

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, such maximum #residential floor area ratio# may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING).

(On December 15, 2003, Cal. No.3, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 15, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 27

NEW CREEK BLUEBELT

CD 2**C 040057 PCR**

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter **for site selection and acquisition of properties** generally bounded by Seaview Avenue, Father Capodanno Boulevard, Lincoln Avenue, and Zoe Street, **for the storage and conveyance of storm water.**

A list and description of the properties may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6th floor, Staten Island, New York, 10301-2511.

(On December 17, 2003, Cal. No. 12, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 19, the hearing was closed)

For consideration.

No. 28

GLENWOOD /WOODALE DETENTION BASIN

CD 3**C 030312 PCR**

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter **for site selection and acquisition of two properties** bounded by Shotwell and Grantwood avenues and Woodrow Road (Block 5676, Lot 1) and Sharon Lane, Alysia Court, and Lemon Creek (Block 7014, Lot 30) **for the storage and conveyance of storm water.**

(On December 17, 2003, Cal. No. 13, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 20, the hearing was closed.)

For consideration.

No. 29

622 ROCKAWAY STREET

CD 3**N030187RAR**

IN THE MATTER OF an application submitted by Robert Urcinoli **for grant of an**

authorization pursuant to Section 107-64 of the Zoning Resolution for removal of trees **and for grant of a certification** pursuant to Section 107-321 of the Zoning Resolution for tree restoration requirements **to legalize unauthorized tree removal at 622 Rockaway Street (Block 7862, Lot 12) within the Special South Richmond Development District**, Borough of Staten Island, Community District 3.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6th floor, Staten Island, New York, 10301.

For consideration.

No. 30

81 BENEDICT ROAD

CD 2

N 030487 ZAR

IN THE MATTER OF an application submitted by Vincent Dimino **for the grant of an authorization** pursuant to Section 105-421 of the Zoning Resolution involving the modification of existing topography **to allow the construction of an in-ground swimming pool located at 81 Benedict Road (Block 867, Lot 24) within the Special Natural Area District (NA-1).**

Plans for the proposal are on file with the City Planning Commission and may be seen at 130 Stuyvesant Place, 6th Floor, Staten Island, New York 10301.

For consideration.
