

CITY PLANNING COMMISSION DISPOSITION SHEET

PUBLIC MEETING:
WEDNESDAY, MARCH 24, 2004
10:00 A.M. KLITGORD AUDITORIUM
285 JAY STREET, BROOKLYN, NEW YORK 11201

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 040218 HAX	1	PETER CINTRON APARTMENTS	Scheduled to be Heard 4/14/04
2	C 040124 ZMK	16	AM & G WATERPROOFING	" "
3	C 040125 PPK	16	" "	" "
4	C 030470 ZSM	5	WEST 57 TH STREET GARAGE	" "
5	C 020146 ZSQ	8	VAISHNAV TEMPLE	" "
6	C 040032 HAM	10	BRADHURST AVENUE OPEN SPACE	Hearing Closed
7	C 040116 ZSM	4	505 WEST 47 TH STREET	" "
8	C 030225 ZSQ	2	SUNNYSIDE GARDENS PORCH	" "
9	C 980627 MMQ	14	B60TH STREET DEMAPPING	" "
10	C 990135 MMK	7	4 TH AVENUE BRIDGE	" "
11	C 030514 MMK	2	DOWNTOWN BROOKLYN DEVELOPMENT	" "
12	C 030515 MMK	2	" "	" "
13	C 030516 MMK	2	" "	" "
14	C 030517 MMK	2	" "	" "
15	C 040171 ZMK	2	" "	" "
16	N 040172 ZRK	2	" "	" "
17	C 040173 HUK	2	" "	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		30	31	32	33	34	35	36	37	38	39	40	41	S1	S2
Amanda M. Burden, AICP, Chair	P	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
Angela M. Battaglia	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	W	W	Y	Y	Y
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	I	I	Y	Y	Y
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	T	T	Y	Y	Y
Richard W. Eaddy	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	H	H	Y	Y	Y
Alexander Garvin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	D	D	Y	Y	Y
Jane D. Gol	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	R	R	Y	Y	Y
Christopher Kui	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	A	Y	Y	Y
John Merolo	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	W	W	Y	Y	Y
Karen A. Phillips	P	Y	N	Y	Y	Y	N	N	N	Y	N	N	Y	Y	Y
Dolly Williams, Commissioners	P	Y	N	Y	Y	Y	Y	Y	Y	Y			Y	Y	Y

MEETING ADJOURNED AT: 5:25 P.M.

Note: The public record for the Eis hearing on Downtown Brooklyn remains open until April 7, 2004.

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, MARCH 24, 2004
10:00 A.M. AT KLITGORD AUDITORIUM
285 JAY STREET, BROOKLYN, NEW YORK 11201**

**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 040174 HUK	2	DOWNTOWN BROOKLYN DEVELOPMENT	Hearing Closed
19	C 040175 HUK	2	" "	" "
20	N 040176 HGK	2	" "	" "
21	C 040177 HDK	2	" "	" "
22	C 040178 HDK	2	" "	" "
23	C 040179 HDK	2	" "	" "
24	C 040180 PPK	2	" "	" "
25	C 040181 ZSK	2	" "	" "
26	C 040182 ZSK	2	" "	" "
27	C 040183 ZSK	2	" "	" "
28	C 040184 ZSK	2	" "	" "
29	C 040185 PSK	2	" "	" "
	N O T I C E	2	" "	" "
30	C 020654 ZMX	9	IHOP	Favorable Report Adopted
31	C 030289 ZMK	2	99 GOLD STREET REZONING	" "
32	N 040220 HAK	3	ROBERT MOORE SENIOR HOUSING	" "
33	N 040295 HKK	2	THOMPSON METER	Forward Rep't to City Council

COMMISSION ATTENDANCE: Present (P) Absent (A) Calendar Numbers:		COMMISSION VOTING RECORD: In Favor - Y Oppose - N Abstain - AB Recuse - R
Amanda M. Burden, AICP, Chair		
Kenneth J. Knuckles, Esq., Vice Chairman		
Angela M. Battaglia		
Irwin 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		

MEETING ADJOURNED AT:

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York
—————
CITY PLANNING COMMISSION
—————
WEDNESDAY, MARCH 24, 2004
—————
MEETING AT 10:00 A.M. AT
THE NEW YORK
CITY COLLEGE OF TECHNOLOGY, 285 JAY STREET
BROOKLYN, NEW YORK



Michael R. Bloomberg, Mayor

City of New York

[No. 6]

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, MARCH 24, 2004

Roll Call; approval of minutes	1
I. Scheduling of April 14, 2004	1
II. Public Hearings	5
III. Reports	56

**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 April 14, 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: _____

MARCH 24, 2004

APPROVAL OF MINUTES OF Regular Meeting of March 10, 2004

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, APRIL 14, 2004
STARTING AT 10:00 A.M.
IN SPECTOR HALL, 22 READE STREET
NEW YORK, NEW YORK**

BOROUGH OF THE BRONX

No. 1

PETER CINTRON APARTMENTS

CD 1

C 040218 HAX

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 403, 407, 411, 413 and 415 East 157th Street, 404 and 412 East 158th Street, and 768 and 776 Melrose Avenue (Site12) within the Melrose Commons Urban Renewal Area (Block 2379, Lots 1, 6, 7, 9, 12, 34- 38), 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 property, to a developer selected by HPD;

to facilitate construction of a nine story building tentatively known as Peter Cintron Apartments, with approximately 162 units of housing for low-income families and one unit for a superintendent, to be developed under the 421-a Affordable Housing Program.

Resolution for adoption scheduling April 14, 2004 for a public hearing.

BOROUGH OF BROOKLYN

Nos. 2 and 3

AM & G WATERPROOFING

No. 2

CD 16

C 040124 ZMK

IN THE MATTER OF an application submitted by ERMA Realty, LLC and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 17a:**

1. eliminating from an existing R6 District a C2-3 District bounded by the southerly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), Saratoga Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 150 feet westerly of Saratoga Avenue; and
2. changing from an R6 District to an M1-1 District property bounded by the southerly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), Saratoga Avenue, a line midway between Atlantic Avenue and Pacific Street, and Howard Avenue,

as shown on a diagram (for illustrative purposes only) dated January 26, 2004 and subject to the conditions of CEQR Declaration E-127.

Resolution for adoption scheduling April 14, 2004 for a public hearing.

No. 3

CD 16

C 040125 PPK

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to 197-c of the New York City Charter, **for the disposition of five (5) city-owned properties** pursuant to zoning.

Block	Lot	Address/Location
1432	5	2076 Atlantic Avenue
1432	6	2078 Atlantic Avenue

1432	7	2080 Atlantic Avenue
1432	9	2084 Atlantic Avenue
1432	10	2088 Atlantic Avenue

Resolution for adoption scheduling April 14, 2004 for a public hearing.

BOROUGH OF MANHATTAN

No. 4

WEST 57TH STREET GARAGE

CD 5

C030470 ZSM

IN THE MATTER OF an application submitted by Carnegie House Tenants Corporation 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 the continued use of an attended public parking garage with a maximum capacity of 214 spaces including 65 accessory spaces on portions of the ground floor, cellar and sub-cellar of an existing mixed use building on property located at 100 West 57th Street** (Block 1009, Lot 29), in C5-3 and C6-6 Districts, within the Special Midtown 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.

Resolution for adoption scheduling April 14, 2004 for a public hearing.

BOROUGH OF QUEENS

No. 5

VAISHNAV TEMPLE

CD 8

C 020146 ZSQ

IN THE MATTER OF an application submitted by the Vaishnav Temple of New York pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-901 of the Zoning Resolution **to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed 2-story and cellar approximately 4,420 square foot enlargement of an existing church on property located at 196-43 Foothill Avenue (Block 10509, Lot 221), in an R1-2 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.

Resolution for adoption scheduling April 14, 2004 for a public hearing.

II. PUBLIC HEARINGS.

BOROUGH OF MANHATTAN

No. 6

BRADHURST AVENUE OPEN SPACE

CD 10

C040032 HAM

PUBLIC HEARING:

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 28 and 28A Bradhurst Avenue (Block 2044, Lots 4 and 122) 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 28A Bradhurst Avenue (Block 2044, Lot 122) to a developer to be selected by HPD;

to facilitate the development of a playlot/garden accessory to an adjacent residential building located at 30 Bradhurst Avenue.

(On March 10, 2004, Cal. No. 21 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 7

505 WEST 47TH STREET

CD 4

C 040116 ZSM

PUBLIC HEARING

IN THE MATTER OF an application submitted by West 47th St. Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit pursuant to Section 74-681(a)(1) of the Zoning Resolution to permit portions of a railroad right-of-way that will be completely covered over by a permanent platform to be included in the lot area for a residential development of two seven-story buildings on a through lot located west of Tenth Avenue with frontage on West 47th Street and West 48th Street** (Block 1076, Lot 24) in an R8 District, within the Special Clinton District (Area A).

(On March 10, 2004, Cal. No. 22 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

BOROUGH OF QUEENS

No. 8

SUNNYSIDE GARDENS PORCH

CD 2

C 030225 ZSQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Ciaran Staunton pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 103-06 of the Zoning Resolution **to allow a one-story, 88.5 square foot enlargement of an existing one-family residential building located at 39-36 46th Street** (Block 154, Lot 74), in an R4 District, within the Special Planned Community Preservation District (Sunnyside Gardens).

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 March 10, 2004, Cal. No. 23 the Commission scheduled March 24, 2004 for a public

hearing which has been duly advertised.

Close the hearing.

No. 9

B60TH STREET DEMAPPING

CD 14

C 980627 MMQ

IN THE MATTER OF an application submitted by Antwest Associates and Baldon Associates pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination of a portion of Beach 60th Street, between Rockaway Beach Boulevard and Arverne Boulevard,
 - the elimination, discontinuance and closing of a portion of Arverne Boulevard
 - the adjustment of grades necessitated thereby,
 - and any acquisition or disposition of property related thereto,
- Borough of Queens, in accordance with map No.4944, dated March 3,1999 and signed by the Borough President.

(On March 10, 2004, Cal. No. 24 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

BOROUGH OF BROOKLYN

No. 10

4TH AVENUE BRIDGE

CD 7

C 990135 MMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Transportation (DOT), pursuant to Sections 197-c and 199 of the New York City Charter **for an amendment to the City Map** involving the adjustment of grades in 4th Avenue between 37th and 39th streets, Borough of Brooklyn, in accordance with Map No. X-2621, dated August 15, 2003 and signed by the Borough President.

(On March 10, 2004, Cal. No. 1 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.



Nos. 11 - 29

DOWNTOWN BROOKLYN DEVELOPMENT

No. 11

CD 2

C 030514 MMK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Department of City Planning

pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et. seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Pearl Street between Willoughby Street and Fulton Street;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto;

in accordance with Map Nos. V-2663 and V-2664 dated November 20, 2003 and signed by the Borough President.

(On March 10, 2004, Cal. No. 2 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 12

CD 2

C 030515 MMK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et. seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Red Hook Lane between Boerum Place and Fulton Street;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto;

in accordance with Map Nos. X-2665 and X-2666 dated November 20, 2003 and signed by the Borough President.

(On March 10, 2004, Cal. No. 3 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 13

CD 2

C 030516 MMK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the widening of Willoughby Street between Albee Square and Flatbush Avenue Extension;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto;

in accordance with Map No. X-2667 dated November 20, 2003 and signed by the Borough President.

(On March 10, 2004, Cal. No. 4 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 14

CD 2

C 030517 MMK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et. seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Fair Street between Prince Street and Fleet Place and Prince Street between Myrtle Avenue and Flatbush Avenue Extension;
- the establishment and widening of Fleet Place between Willoughby Street and Myrtle Avenue;
- the widening of Myrtle Avenue between Flatbush Avenue Extension and Fleet Place;
- the modification of a sewer easement at Fleet Place;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto;

in accordance with Map Nos. Y-2668 and X-2669 dated November 20, 2003 and signed by the Borough President.

(On March 10, 2004, Cal. No. 5 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 15

CD 2

C 040171 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 12d and 16c:**

1. **eliminating from an existing R6 District a C1-3 District bounded by** a line 200 feet northerly of Myrtle Avenue, Prince Street, Myrtle Avenue, a line 100 feet easterly of Prince Street**, Fair Street**, Fleet Place, a line 85 feet southerly of Fair Street**, Prince Street**, the westerly centerline prolongation of Fair Street**, Flatbush Avenue Extension, and Gold Street;
2. **changing from an R6 District to an R7-1 District property bounded by** Myrtle Avenue, Ashland Place, the easterly centerline prolongation of former Fair Street**, and Fleet Place**;
3. **changing from an R6 District to a C6-4 District property bounded by** a line 200 feet northerly of Myrtle Avenue, Prince Street, Myrtle Avenue, Fleet Place**, Willoughby Street, a line midway between Fleet Street and the former Prince Street** and its southerly prolongation, a line 85 feet southerly of the former Fair Street**, the former Prince Street** and its southerly centerline prolongation, the westerly centerline prolongation of the former Fair Street**, and Flatbush Avenue Extension;
4. **changing from a C5-4 District to a C6-4.5 District property bounded by** Willoughby Street, Jay Street, a line 200 feet northeasterly of Fulton Street, Duffield Street, Fulton Street, Smith Street, Livingston Street, and Boerum Place;
5. **changing from a C6-1 District to a C6-2 District property bounded by:**
 - a. the westerly centerline prolongation of Lafayette Avenue, Flatbush Avenue, State Street, and 3rd Avenue; and
 - b. Atlantic Avenue, 5th Avenue, and Flatbush Avenue;
6. **changing from a C6-1 District to a C6-4 District property bounded by:**
 - a. Tillary Street, Bridge Street, Johnson Street/Tech Place, and Adams Street;
 - b. Willoughby Street, the easterly street line of the former University Plaza, a line 230 feet northerly of Dekalb Avenue, the northerly centerline prolongation of Hudson Avenue, Dekalb Avenue, a line 250 feet westerly of the westerly street line of Rockwell Place, Fulton Street, Flatbush Avenue Extension, and Fleet Street; and
 - c. Livingston Street, Bond Street, Fulton Street, Flatbush Avenue, the westerly centerline prolongation of Lafayette Avenue, Schermerhorn Street, and Smith Street;
7. **changing from a C6-1 District to a C6-4.5 District property bounded by** a line 125 feet northerly of Willoughby Street, a line midway between Jay Street and Lawrence Street, a line 175 feet northerly of Willoughby Street, Lawrence Street, a line 250 feet northerly of Willoughby Street, Duffield Street, Willoughby Street,

Gold Street, a line 200 feet northerly of Willoughby Street, Flatbush Avenue Extension, Fulton Street, Duffield Street, a line 200 feet northeasterly of Fulton Street, and Jay Street;

8. **changing from a C6-1A District to a C6-4 District property bounded by** Johnson Street/Tech Place, the southerly centerline prolongation of Bridge Street, a line 150 feet southerly of Johnson Street/Tech Place, a line 215 feet easterly of Jay Street, a line 360 feet southerly of Johnson Street/Tech Place, and Jay Street;
9. **changing from a C8-2 District to a C6-4 District property bounded by** the westerly centerline prolongation of the former Fair Street**, the former Prince Street** and its southerly centerline prolongation, a line 85 feet southerly of the former Fair Street**, a line midway between Fleet Street and the former Prince Street** and its southerly prolongation, Willoughby Street, Fleet Street, and Flatbush Avenue Extension;
10. **changing from an M1-1 District to a C6-4 District property bounded by** Tillary Street, Gold Street, a line 225 feet southerly of Tillary Street, Prince Street, a line 200 feet northerly of Myrtle Avenue, and Flatbush Avenue Extension;
11. **changing from an M1-4 District to a C6-4 District property bounded by** Tillary Street, Prince Street, a line 225 feet southerly of Tillary Street, and Gold Street; and
12. **establishing a Special Downtown Brooklyn District (DB) bounded by** Myrtle Avenue, Ashland Place, the centerline of the former Fair Street** and its easterly prolongation, and the centerline of former Prince Street**;

as shown on a diagram (for illustrative purposes only) dated December 1, 2003, and subject to the conditions of CEQR Declaration E-124.

** Note: Fleet Place is proposed to be mapped and Fair Street and Prince Street are proposed to be demapped under a related application (C 030517 MMK) for a change in the City Map. (On March 10, 2004, Cal. No. 6 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

PUBLIC HEARING:

IN THE MATTER OF an application filed by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendments of the Zoning Resolution of the City of New York, relating to Section 37-03 (Off Street Relocation or Renovation of a Subway Stair), Article VII, Chapter 4 (Special Permits by the City Planning Commission) and Article X, Chapter 1 (Special Downtown Brooklyn District).

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

**Article III
Commercial District Regulations**

**Chapter 7
Special Regulations**

* * *

**37-03
Off-Street Relocation or Renovation of a Subway Stair**

Where a #development# or #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-44, the #Special Union Square District# as listed in Section 118-60 and those stations listed in the following table...

* * *

**Article VII
Administration**

**Chapter 4
Special Permits by the City Planning Commission**

* * *

74-634

Subway station improvements in Downtown Brooklyn and in commercial zones of 10 FAR and above in Manhattan

The City Planning Commission may grant, by special permit, a #floor area# bonus not to exceed 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations, and may waive or modify the provisions of Article III, Chapter 7 (Special Regulations), and the #street wall# continuity provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) ~~or~~, Section 91-31 (Street Wall Regulations) or Section 101-41 (Special Street Wall Location Regulations), for #developments# or #enlargements# located on #zoning lots# where major improvements to adjacent subway stations are provided in accordance with the provisions of this section. For the purposes of this section, “adjacent” shall mean that upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway. Subway stations where such improvements may be constructed are those located within the #Special Midtown District# as listed in Section 81-511 (Subway station improvements), the #Special Lower Manhattan District# as listed in Section 91-43 (Special permit for subway station improvements), the #Special Downtown Brooklyn District# as listed in Section 101-211 (Special permit for subway station improvements), the #Special Union Square District# as listed in Section 118-60 and those stations listed in the following table:

* * *

(d) Findings

* * *

- (3) In determining modifications to the #street wall# continuity provisions of Section 81-43 in the #Special Midtown District#, ~~or~~ Section 91-31 of the #Special Lower Manhattan District# or Section 101-41 of the #Special Downtown Brooklyn District#, the Commission shall find that the modifications will permit the proposed design to provide for access of daylight and air to the subway platform, mezzanine or concourse and that the advantages of such access outweigh the disadvantages incurred by the interruption of #street wall# and retail continuity.

* * *

**Article X
Special Purpose Districts**

Chapter 1

Special Downtown Brooklyn District

101-00
GENERAL PURPOSES

* * *

101-03
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Downtown Brooklyn District# Plan.

The District Plan includes the following ~~six~~ eight maps:

Map 1 Special Downtown Brooklyn District and Subdistricts

Map 2 Ground Floor Retail Frontage

Map 3 Ground Floor Transparency Requirements

Map ~~3~~ 4 Street Wall Continuity and Mandatory Sidewalk Widening

Map ~~4~~ 5 Curb Cut Restrictions

Map ~~5~~ 6 Street Tree Planting

Map ~~6~~ 7 Schermerhorn Street height Limitation Area

Map 8 Subway Station Improvement Areas

* * *

101-04
Subdistricts

In order to carry out the provisions of this Chapter, two subdistricts are established within the #Special Downtown Brooklyn District#. In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Downtown Brooklyn District#. The subdistricts are outlined on Map 1 (Special Downtown Brooklyn District and Subdistricts) in Appendix E of this Chapter. Special regulations set forth in Sections ~~101-20 through 101-252, 101-60 through 101-632~~ inclusive, shall apply to the Fulton Mall Subdistrict. Special regulations set forth in Sections ~~101-30 through 101-36, 101-70 through 101-75~~ and Appendices A, B, C and D, inclusive, shall apply to the Atlantic Avenue Subdistrict. The subdistricts are also subject to all other regulations of the #Special Downtown Brooklyn District# and the underlying districts except as otherwise specified in the subdistrict regulations.

101-10

SPECIAL USE ~~AND FENESTRATION~~ REGULATIONS

(Delete Sections 101-10 and 101-11)

101-11

Special Ground Floor Use Regulations

(new text that consolidates existing special use regulations from Fulton Mall and Atlantic Avenue Subdistricts. No changes to allowed uses in Fulton Mall or Atlantic Avenue Subdistricts, except that libraries, museums and non-commercial art galleries are added as allowed uses throughout Downtown Brooklyn.)

Map 2 in Appendix E of this Chapter (Ground Floor Retail Frontage) specifies locations where the special ground floor ~~use#~~ frontage regulations of this Section apply.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 50 feet of the #streetline# shall be limited to #commercial uses# listed in Use Groups 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C, where such #uses# are permitted by the underlying district. In addition, libraries, museums and non-commercial art galleries shall be permitted. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations. However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage provided such #street# frontage is not subject to curb cut restrictions as shown on Map 4 (Curb cut restrictions).

In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 30 feet or 50 percent of the building's total #street# frontage, whichever is less.

The regulations of this Section 101-11 are modified as follows:

(a) **Fulton Mall Subdistrict**

For #buildings in the Fulton Mall Subdistrict, use group 6A shall not include post offices, dry cleaning, laundry, or shoe and hat repair establishments. Use group 6C shall not include automobile supply establishments, electrolysis studios, frozen food lockers, loan offices, or locksmiths. Use Group 8A shall not include billiard parlors, pool halls, bowling alleys or model car hobby centers. Use Group 9 shall be prohibited except for typewriter stores. Use Group 10 shall not include depositories for office records, microfilm or computer tapes. Use groups 6D, 7A, 7B, 8B, 8D, 11, 12A and 12C shall be prohibited. Furthermore, no bank or off-track betting establishment shall occupy more than 30 feet of frontage at the ground floor of any #development# along the #street line# of Fulton Street. Any establishment which fronts on the #street line# of Fulton Street for a distance greater than 15 feet shall provide an entrance on Fulton Street.

(b) **Atlantic Avenue Subdistrict**

Automotive service stations are not permitted. No bank, loan office, business or

professional office or individual use in Use Group 9 shall occupy more than 50 feet of linear frontage on Atlantic Avenue. Moving and storage uses in Use Group 7 are permitted on the ground floor of a #building# only if such #use# is located at least 50 feet from the front wall of the #building# in which the #use# is located. Any new #development# or #enlargement# on a #zoning lot# of 3,500 square feet or more shall have a minimum of 50 percent of the ground #floor area# of the #building# devoted to permitted #commercial uses# in Use Group 6, 7 or 9, except that this requirement shall not apply to any new #development# or #enlargement# occupied entirely by #community facility use#.

In any #development# or #enlargement# within the Atlantic Avenue Subdistrict, the provisions of Section 32-421 (Limitation on floors occupied by non-residential uses) restricting the location of non-#residential uses# listed in Use Groups 6, 7, 8, 9 or 14 to below the level of the first #story# ceiling in any #building# occupied on one of its upper stories by #residential# or #community facility uses#, shall not apply. In lieu thereof, such non-#residential uses# shall not be located above the level of the second #story# ceiling.

101-12 **Transparency Requirements**

Map 3 in Appendix E (Ground Floor Transparency Requirements) specifies locations where the following transparency requirements apply:

For any new #development# or #enlargement#, each ground floor #street wall# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk. Where such glazed area is required to occupy at least 70 percent of the area of the ground floor #street wall#, up to 20 percent of the area of the ground floor #street wall# may be glazed with translucent materials. #Show windows# shall have a sill height not more than 2 feet, six inches above #curb level#.

For all locations specified on Map 3, security gates installed after (the effective date of this amendment) that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

101-13 **Sign Regulations**

(new text. Sign regulations for Fulton Mall and Atlantic Avenue remain unchanged except that banners and 2-faced signs as per 101-131 will be permitted throughout Downtown Brooklyn)

In the #Special Downtown Brooklyn District#, except as modified by the provisions of Section 101-131, the regulations of Section 32-60, et. seq., pertaining to #signs#, shall apply. Further regulations for the Fulton Mall Subdistrict and the Atlantic Avenue Subdistrict are set forth in Section 101-60, inclusive, and Section 101-70, inclusive.

101-131

Permitted projection

The provisions of Section 32-652 (Permitted projection in all other Commercial Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

No permitted #sign# shall project across a #street line# more than 12 inches, except as provided below.

Banners for theaters may project across a #street line# for a maximum distance of four feet, provided such banners are separated at least 25 feet apart, and further provided that such banners are located between 12 feet and 40 feet above #curb level#.

For each establishment located on the ground floor, #non-illuminated# double-faced #signs# may project perpendicularly across a #street line# for a maximum distance of 40 inches, provided that: no more than two such #signs#, separated at least 25 feet apart, are permitted along each #street# on which such establishment fronts, and further provided that any such #sign# shall not exceed a surface area of 24 by 36 inches, and shall not be located above the sill level of the second #story# windows.

101-20

SPECIAL BULK REGULATIONS

(delete Sections 101-12, 101-13, 101-131, 101-132, 101-133, 101-134, 101-14 and 101-15. Sections 101-21 through 101-223 are new text).

101-21

Special Floor Area and Lot Coverage Regulations

R7-1 C5-4 C6-1 C6-4.5

(a) In R7-1 Districts

In R7-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Sections 23-142, 23-143 and 23-144 shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 4.0, except that for #non-profit residences for the elderly# the maximum #floor area ratio# shall be 5.01. The maximum #lot coverage# for #residential

buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #non-profit residences for the elderly# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 80 percent.

(b) In C6-1 Districts

In C6-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Sections 23-142, 23-143 and 23-144 shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 3.44, except that for #non-profit residences for the elderly# the maximum #floor area ratio# shall be 5.01. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #non-profit residences for the elderly# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 80 percent. For #buildings developed# or #enlarged# pursuant to the Quality Housing Program, the underlying #floor area ratio# and #lot coverage# regulations shall apply.

(c) In C6-4.5 Districts

In C6-4.5 Districts, the maximum permitted #commercial# or #community facility floor area ratio# shall be 12, and no #floor area# bonuses are permitted.

101-211

Special Permit for Subway Station Improvements

Within the Special Downtown Brooklyn District, the City Planning Commission may grant, by special permit, a #floor area# bonus for #buildings# that provide subway station improvements, pursuant to the provisions of Section 74-634 (Subway station improvements in Downtown Brooklyn and in commercial zones of 10 FAR and above in Manhattan).

The total additional #floor area# permitted on the #zoning lot# shall not exceed 20 percent of the basic maximum #floor area# permitted by the underlying district regulations.

For the purposes of the Special District, the #zoning lot# for the development# or #enlargement# that will receive the #floor area# bonus shall be adjacent to a subway station where major improvements have been provided. Upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway.

The subway stations where such improvements are permitted are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix E.

<u>Station</u>	<u>Line</u>
<u>Jay St Borough Hall</u>	<u>6th Ave IND/ 8th Ave IND</u>
<u>Court Street</u>	<u>Broadway BMT</u>
<u>Borough Hall</u>	<u>Broadway-7th Ave IRT</u>
<u>Hoyt Street</u>	<u>Broadway-7th Ave/ Lexington Ave IRT</u>
<u>DeKalb Avenue</u>	<u>6th Ave IND/ Broadway BMT</u>
<u>Nevins Street</u>	<u>Broadway-7th Ave IRT/ Lexington Ave IRT</u>
<u>Hoyt-Schermerhorn Street</u>	<u>8th Ave IND, Brooklyn-Queens IND</u>

101-22
Special Height and Setback Regulations

The provisions of Section 101-221 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District.

In R7-1, C5-4, C6-1, and C6-4 Districts, except C6-1A Districts, the underlying height and setback regulations shall not apply. In lieu thereof, all #developments# or #enlargements# shall comply with the provisions of Section 101-222 (Standard height and setback regulations), or, as an option where applicable, Section 101-223 (Tower regulations). #Developments# or #enlargements# within the Schermerhorn Street Height Limitation Area shall comply with the provisions of Section 101-30 (SPECIAL REGULATIONS WITHIN THE SCHERMERHORN STREET HEIGHT LIMITATION AREA). However, the underlying height and setback regulations shall apply to any #building developed# or #enlarged# pursuant to the Quality Housing Program, except that the Quality Housing Program shall not be applicable within any R7-1 District mapped within a C2-4 District.

101-221
Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other #accessory# mechanical equipment (including enclosures) may penetrate a maximum height limit provided the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

101-222
Standard height and setback regulations

R7-1 C5-4 C6-1 C6-4

In the districts indicated, except C6-1A Districts, a #building or other structure# shall not exceed the applicable maximum building height set forth in the following table. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

MAXIMUM BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS
IN C2-4/R7-1, C5-4, C6-1 AND C6-4 DISTRICTS

<u>District</u>	<u>Maximum Base Height</u>		<u>Maximum Building Height</u>	
	<u>Beyond 100 feet of a #wide street#</u>	<u>Within 100 feet of a #wide street#</u>	<u>Beyond 100 feet of a #wide street#</u>	<u>Within 100 feet of a #wide street#</u>
<u>C2-4/R7-1</u>	<u>85</u>	<u>85</u>	<u>160</u>	<u>160</u>
<u>C6-1 C5-4 C6-4</u>	<u>125</u>	<u>150</u>	<u>185</u>	<u>210</u>
<u>C6-4.5</u>	<u>125</u>	<u>150</u>	<u>250</u>	<u>250</u>

101-223

Tower regulations

C5-4 C6-1 C6-4

In the districts indicated, except C6-1A Districts, the provisions of this Section shall apply as an alternative to the provision of 101-222 (Standard height and setback regulations).

(a) Setback requirements for residential towers

For #developments# or #enlargements# that contain #residential floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet. Such portions of #buildings# shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

(b) Setback requirements for commercial or community facility towers

For #developments# or #enlargements# that contain #commercial# or #community facility floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet. For #zoning lots# that do not

exceed a #lot area# of 15,000 square feet, such portions of #buildings# shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#. For #zoning lots# that exceed an area of 15,000 square feet, such portions shall be set back at least 20 feet from any #street line#.

However, setbacks shall not be required for any portion of a #building# fronting upon the south side of Willoughby Street between Gold Street and Flatbush Avenue Extension, or upon that portion of Flatbush Avenue Extension between Willoughby Street and DeKalb Avenue within 250 feet of Willoughby Street.

(c) Lot coverage requirements for towers

All #developments# or #enlargements#, or portions thereof, shall have a maximum #lot coverage# of 65 percent of the #lot area# of the #zoning lot# above a height of 150 feet, up to a height of 300 feet. Above a height of 300 feet, all #developments# or #enlargements#, or portions thereof, shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#. However, any #development# or #enlargement# containing #residential floor area# shall have, above a height of 150 feet, a maximum #lot coverage# of 40 percent of the #lot area# of the #zoning lot#, or, for #zoning lots# less than 20,000 square feet, the percentage set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

<u>Area of #Zoning Lot# (in sq ft)</u>	<u>Maximum Percentage of #Lot Coverage#</u>
<u>10,500 or less</u>	<u>50</u>
<u>10,501 to 11,500</u>	<u>49</u>
<u>11,501 to 12,500</u>	<u>48</u>
<u>12,501 to 13,500</u>	<u>47</u>
<u>13,501 to 14,500</u>	<u>46</u>
<u>14,501 to 15,500</u>	<u>45</u>
<u>15,501 to 16,500</u>	<u>44</u>
<u>16,501 to 17,500</u>	<u>43</u>
<u>17,501 to 18,500</u>	<u>42</u>
<u>18,501 to 19,999</u>	<u>41</u>

(d) Maximum building height

In C6-1 Districts, the maximum height of a #building or other structure developed# or #enlarged# pursuant to this Section 101-223 shall be 495 feet. No height limit shall apply within a C5-4 or C6-4 District.

101-30
SPECIAL PROVISIONS FOR SCHERMERHORN STREET HEIGHT LIMITATION AREA

The provisions of this Section shall apply within the Schermerhorn Street Height Limitation Area, as shown on Map 7 in Appendix E of this Chapter.

(a) Urban plaza prohibition

No #urban plazas# shall be permitted within Area B.

(b) Height and setback regulations

The tower provisions of Section 101-223 shall not apply. The standard height and setback regulations of Section 101-222 shall apply within Area A, and are modified to limit maximum #building# height to 140 feet within Area B, and to permit a maximum #building# height of 250 feet within Area C. For #buildings developed# or #enlarged# pursuant to the Quality Housing Program, the underlying height and setback regulations shall apply, except that the maximum height of a #building# shall be as specified on Map 6, or as specified pursuant to the Quality Housing Program, whichever is less.

(c) Rear yard modification

The provisions of Section 23-533 (Required rear yard equivalents) shall not apply to any #through lot#. In lieu thereof, an open area with a minimum depth of 60 feet, midway, or within 10 feet of being midway between the two #street lines# upon which such #through lot# fronts, shall be provided. Such #rear yard# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

101-40
MANDATORY DISTRICT PLAN ELEMENTS

101-41
Special Street Wall Location Regulations

Map 4 in Appendix E of this Chapter (Street Wall Continuity and Mandatory Sidewalk Widening) specifies locations where the special #street wall# location regulations of this

Section apply. However, such regulations shall not apply along the #street# frontage of that portion of any #zoning lot# occupied by existing #buildings# to remain.

(a) Fulton Mall Subdistrict

Within the Fulton Mall Subdistrict, the #street wall# of any #building# shall be located on the #street line# and shall extend along the full length of the #street line# for that portion of the #development# within the subdistrict, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. Such required #street walls# shall extend to a minimum height of 60 feet above #curb level# or the height of the #building#, whichever is less, and a maximum height of 85 feet. Above a height of 85 feet, the provisions of Section 101-222 (Standard height and setback regulations) or 101-223 (Tower regulations) shall apply.

(b) Atlantic Avenue Subdistrict

Within the Atlantic Avenue Subdistrict, the underlying height and setback regulations shall apply, except that the front wall of any #development# or #enlargement# shall be coincident with the #street line# for a minimum height of 16 feet above #curb level#, and, in a C2-4 District mapped within an R6A District, a maximum height of 50 feet above #curb level#, or, in a C2-4 District mapped within an R7A District, a maximum height of 60 feet above #curb level#.

(c) Willoughby Square

For #developments# or #enlargements# fronting upon Willoughby Square, at least 70 percent of the #streetwall# of that portion of the #building# fronting upon Willoughby Square shall be located on the #streetline# and extend to a minimum height of 80 feet and a maximum height of 85 feet. Above a height of 85 feet, the provisions of Section 101-223 (Tower regulations) shall apply.

(d) All other areas

On all other #streets# shown on Map 4, at least 70 percent of the #aggregate width of #street walls# of any #development# or #enlargement# shall be located within eight feet of the #street line# and extend to at least a height of 40 feet in R7-1 Districts mapped within C2-4 Districts and at least a height of 60 feet in all other districts, or the height of the #building#, whichever is less, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less.

Mandatory Sidewalk Widening

Map 4 in Appendix E of this Chapter (Street Wall Continuity and Mandatory Sidewalk Widening) specifies locations where the sidewalk widening regulations of this Section apply. Such regulations shall apply to all #developments#, and to those #enlargements# where the #enlarged# portion of the #building# contains a #floor area ratio# of 3.0 or more.

All #buildings# that front upon the southerly #street line# of Willoughby Street between Adams Street and Flatbush Avenue Extension shall provide a five foot deep sidewalk widening along the full frontage of the #zoning lot# along Willoughby Street. Such sidewalk widening shall be improved as sidewalks to Department of Transportation standards, be at the same level as the adjoining public sidewalk, and be accessible to the public at all times. For the purposes of applying the height and setback regulations of Section 101-22, inclusive, and the #street wall# location requirements of Section 101-41, the sidewalk widening line shall be considered to be the #street line#.

101-43 Street Tree Planting Requirements

Map 6 in Appendix E of this Chapter (Street Tree Planting) specifies #streets# where the tree planting requirements of this Section shall apply:

All #buildings# located on the #streets# specified on such map shall provide and maintain trees of not less than four-inch caliper, at the time of planting, in the sidewalk adjacent to the #zoning lot#. Such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#. Such trees shall be planted at maximum intervals of 25 feet and at a distance from the curb consistent with existing tree plantings, except where the Commissioner of Parks determines that such tree planting would be infeasible. These trees shall be provided with metal guards in accordance with Department of Parks and Recreation guidelines.

101-44 Off-Street Relocation or Renovation of a Subway Stair

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair).

The subway stations where such improvements are required are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix E.

<u>Station</u>	<u>Line</u>
<u>Jay St Borough Hall</u>	<u>6th Ave IND/ 8th Ave IND</u>
<u>Court Street</u>	<u>Broadway BMT</u>

Borough Hall
Hoyt Street
DeKalb Avenue
Nevins Street
Hoyt-Schermerhorn Street

Broadway-7th Ave IRT
Broadway-7th Ave/ Lexington Ave IRT
6th Ave IND/ Broadway BMT
Broadway-7th Ave IRT/Lexington Ave IRT
8th Ave IND, Brooklyn-Queens IND

101-45
Indoor Bicycle Parking

C6-1 C6-5 C6-4

In the districts indicated, a designated area for bicycle parking shall be provided for commercial #developments# or #enlargements# with a minimum #floor area ratio# of 5.0. Such designated area shall be provided at a ratio of one square foot per 1,000 square feet of #floor area#, but in no event shall more than 400 square feet be required. Such facility shall be enclosed, accessible and secure. Up to 25 percent of the designated bicycle parking area may be used for #accessory# facilities.

~~101-16~~ 101-50

OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

101-51
Parking Requirements in R7-1 Districts

In R7-1 Districts, the provisions of Article 2 Chapter 5 (ACCESSORY OFF-STREET PARKING AND LOADING FACILITIES) shall apply, except that Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require #accessory# off-#street# parking spaces for at least 50 percent of the total number of new #dwelling units#.

101-52
Curb Cut Restrictions
(Existing Section 101-16)

Along the #streets# specified on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter, no curb cuts for parking facilities or loading berths shall be permitted. However, the City Planning Commission may, by authorization, permit a curb cut on a #street# specified on Map 5 in Appendix E, for parking facilities and loading berths on a #zoning lot# that does not have access or egress on another #street#, provided that such curb cut will not unduly inhibit surface traffic or result in conflict between pedestrian and vehicular circulation, and will result in a good overall site plan.

~~101-17~~
Street Tree Planing Regulations
(Move to Section 101-43)

~~101-20~~ **101-60**
FULTON MALL SUBDISTRICT

~~101-201~~ **101-601**
General Purposes of the Fulton Mall Subdistrict

* * *

~~101-202~~ **101-602**
General Provisions for the Fulton Mall Subdistrict

Within the Fulton Mall Subdistrict, any change of #use# to another #use# listed in the same or another Use Group shall be subject to the special #use# regulations of Section ~~101-21, inclusive, 101-10,~~ the special #sign# regulations of Section ~~101-22, 101-61,~~ inclusive, and the special ~~storefront~~ transparency provisions of Section ~~101-241~~ 101-12.

On application, the City Planning Commission may authorize minor modifications of the regulations of Sections ~~101-22, inclusive, 101-61, inclusive, Section 101-12, and 101-24~~ 101-62, inclusive, governing #signs#, transparency and facades within the Fulton Mall Subdistrict, upon the Commission's finding that the proposed modifications are in conformity with the principles of good design and are not inconsistent with the purposes of this Chapter.

(Delete Sections 101-21 (Special Use Regulations for the Fulton Mall Subdistrict), Section 101-210 (Ground floor use restrictions), Section 101-211 (Use Group FM), and Section 101-212 (Restrictions on frontage and location).

~~101-22~~ **101-61**
Special Sign Regulations for the Fulton Mall Subdistrict

Any erection of a new #sign#, or alteration (including a change in graphic representation on an existing #sign#), reconstruction or replacement of an existing #sign#, shall be subject to the special #sign# regulations of this Section, inclusive.

~~101-221~~ **101-611**
Area of permitted signs

Except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), All permitted #signs# in the Fulton Mall Subdistrict shall be subject to the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions), this Section ~~101-222~~ 101-611 and 101-612 (Sign band) and this Section.

101-222 101-612
Sign band

* * *

101-223 101-613
Special sign content regulations

* * *

101-224
Permitted projection of signs

Except as otherwise permitted in Section 32-653 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 12 inches. Double or multifaced #signs# are not permitted.

101-225 101-614
Sign illuminations

* * *

101-226 101-615
Temporary signs

* * *

101-227 101-616
Removal of existing signs with change of use

* * *

101-228 101-617
"For sale" or "for rent" signs

* * *

101-229 101-618
Termination of certain non-conforming signs

* * *

101-62

Special Bulk Regulations

~~101-231~~

~~**Mandatory street wall**~~

(Delete entire Section; incorporated into paragraph (a)(1) of Section 101-23)

~~101-24~~ 101-621

Special Regulations Concerning Building Facades

* * *

~~101-242~~ 101-622

Special provisions for building facades above the ground floor

* * *

~~101-25~~ 101-63

Modification of Accessory Off-Street Parking and Loading Requirements

~~101-251~~ 101-631

Restricted access and prohibition on curb cuts

* * *

~~101-252~~ 191-632

Waiver of off-street parking and loading requirements

The Commissioner of Buildings may waive any requirement in this Chapter that #accessory# off-street parking or loading berths be provided where the Commissioner finds that the required parking or loading cannot be provided consistent with Section ~~101-251~~.101-631.

~~101-30~~ 101-70

ATLANTIC AVENUE SUBDISTRICT

~~103-301~~ 103-701

General purposes

* * *

~~101-302~~ 101-702

Definitions specific to the Atlantic Avenue Subdistrict

* * *

~~101-303~~

General provisions for the Atlantic Avenue Subdistrict

(Move text to Section 101-744)

~~101-32~~ 101-71

Sign Regulations

* * *

~~101-321~~ 101-711

Total surface area of signs

The total #surface area# and number of all permitted #signs#, including non-#illuminated# and #illuminated signs#, shall not exceed the limitations set forth for non-#illuminated signs# in Section ~~101-322~~ 101-712 (Area of non-illuminated signs).

~~101-322~~ 101-712

Area of non-illuminated signs

The total #surface area# (in square feet) of non-#illuminated signs# on a #zoning lot# shall not exceed three times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 150 square feet for #interior# or #through lots# or 150 square feet on each frontage for #corner lots#. Each commercial establishment shall be permitted not more than one #sign#. The vertical dimension of any #sign# shall not exceed 3 feet, 0 inches. The provisions of this Section shall not apply to projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection)

~~101-323~~ 101-713

Area of illuminated signs

* * *

~~101-324~~ 101-714

Permanent window graphics

* * *

~~101-325~~ 101-715

Location of signs

If more than one #commercial# establishment is located on the same floor of a #building#, the #signs accessory# to all such establishments, except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), shall be of equal height and mounted or painted on a common #sign# board. All #signs# or common #sign# boards shall be located as follows:

* * *

~~101-326~~ 101-716
Sign materials and colors

* * *

~~101-33~~ 101-72
Modification of Bulk Regulations

~~101-331~~ 101-721
Height and setback

* * *

101-34 101-73
Special Provisions

~~101-341~~ 101-731
Special provisions for certain existing buildings

Any alteration, #incidental alteration# or minor work (including any change in, addition to or removal from the parts or materials of a #building#, including finishes) done to the front wall of any #building# of the #specified building type# shall comply with the following standards:

- (a) Alteration or reconstruction of storefronts shall comply with the provisions of Section ~~101-344~~ 101-734 (Special provisions for storefronts).

* * *

- (c) Front walls which are replaced shall have windows at each floor, the area of which shall comply with the provisions of Section ~~101-343~~ 101-733 (Special provisions for new development and enlargement). Such windows shall have stone or precast lintels and sills having a minimum height of six inches and extending at least four inches beyond the window opening on either side. Existing window openings above the ground floor may not be reduced in size but may be completely sealed if the window area provisions of Section ~~101-343~~ 101-733 are met. Such openings shall be completely sealed with masonry recessed at least two inches behind the wall and

finished to match the wall. New windows shall be double-hung, fixed or casement sash finished in an approved manner, as indicated in Appendix D of this Chapter.

- (d) No existing cornice shall be removed unless required by the Department of Buildings. A cornice which must be removed shall be replaced by a new cornice having the same height, length and projection beyond the surface of the wall and finished in an approved color, as indicated in Appendix D of this Chapter.

~~101-342~~ 101-732

Special provisions for other existing buildings

Any alteration, ~~incidental alteration~~ or minor work done to the front wall of any ~~building~~ not of the ~~specified building type~~, shall comply with the following standards:

- (a) alteration or replacement of storefronts shall comply with the provisions of Section ~~101-344~~ 101-734 (Special provisions for storefronts); and
- (b) alteration or replacement of front walls shall comply with the provisions of Sections ~~101-331~~ 101-721 (Height and setback) and ~~101-343~~ 101-733 (Special provisions for new development and enlargement).

~~101-343~~ 101-733

Special provisions for new development and enlargement

The front wall of any new ~~development~~ or ~~enlargement~~ shall be built to comply with the following standards:

- (a) The front wall shall extend along the full length of the Atlantic Avenue ~~street line~~. It may be interrupted at the ground level by entrances or exits for off-street parking or loading spaces permitted ~~under the provisions of Section 101-311 (Restricted and special permit uses)~~, pursuant to Section 101-744 (Special permit for public parking garages or public parking lots).

Front wall recesses are permitted for architectural purposes provided that the aggregate length at the level of any ~~story~~ does not exceed 25 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed three feet. No recesses are permitted within 20 feet of the intersections of two ~~street lines~~ forming an angle of 100 degrees or less.

- (b) ~~Windows or glazed doors shall occupy at least 45 percent of that area of the ground floor wall not occupied by storefronts. (For the purposes of calculation, the height of the ground floor wall shall be measured between #curb level# and the ground floor ceiling).~~
- ~~(c)~~(b) Windows shall occupy at least 35 percent of the wall area at the level of any ~~story~~

above the ground floor. (For the purposes of calculation, the wall height at any #story# shall be measured between the floor and ceiling of that #story#).

- (d)(c) Window and door framing trim shall be finished in an approved color as indicated in Appendix D.

~~101-344~~ 101-734

Special provisions for storefronts

No storefront of the #specified storefront type# shall be demolished unless its demolition is required by the Department of Buildings. Reconstruction or repair of storefronts of the #specified storefront type# shall be done in such a manner as to retain or restore the original design and materials, except that plate glass may be replaced by transparent plastic. Such storefronts shall be finished in an approved manner, as indicated in Appendix D of this Chapter.

In addition to the transparency requirements of Section 101-12, new storefronts installed in any existing or new #building# shall comply with the following standards:

- (a) A store front installed in a #building# of the #specified building type# shall occupy at least the same area of the front wall as the original storefront. A storefront installed in any other #building# shall occupy the entire frontage of the front wall devoted to #commercial uses#.
- ~~(b) A minimum of 50 percent of the storefront area shall be glazed with transparent materials and may include #show windows#, glazed transoms or glazed portions of doors. The storefront area shall be measured horizontally between the outermost framing elements and vertically between #curb level# and the bottom of any cornice or fascia. #Show windows# shall have a sill height of not more than 2 feet, 6 inches above #curb level# and a total height of not less than 10 feet, 0 inches above #curb level#.~~
- (c)(b) Storefront entrance doors shall be set back a minimum of 2 feet, 0 inches behind the vertical surface of the #show windows#. A minimum of 50 percent of the door area shall be transparent glazed.
- (d)(c) In the case of existing #buildings#, no existing cornice above a storefront shall be demolished unless required by the Department of Buildings. A cornice which is removed shall be replaced by a cornice having the same length, height and projection beyond the surface of the front wall. In any #building# of the #specified building type# where the original cornice above the storefront has been previously removed, any new storefront shall incorporate a cornice or fascia extending the full length of the store front and having a minimum height of 2 feet, 0 inches.
- ~~(c) If rolling security doors or grilles are installed, they shall be incorporated into the storefront in such a manner that no part of the door or grille or its enclosure or~~

~~operating mechanism projects more than 10 inches beyond the surface of the #show windows#.~~

- ~~(f)~~(d) All framing elements, trim elements, doors, etc. of the storefront shall be finished in an approved manner, as indicated in Appendix D.
- ~~(g)~~(e) Any awning or canopy attached to a #building# with a storefront which incorporates a cornice shall be attached in such manner as not to obscure or cover the cornice.

**101-35 101-74
Modification of Accessory Off-Street Parking and Loading Requirements**

~~101-351~~ **101-741
Accessory off-street parking**

* * *

~~101-353~~ **101-742
Screening**

* * *

~~101-352~~ **101-743
Accessory off-street loading**

* * *

~~101-311~~ **101-744
Restricted and special permit uses
Special permit for public parking garages or public parking lots**

The City Planning Commission may grant a special permit for #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in Sections 36-53 (Location of Access to the Street), 36-55 (Surfacing) and ~~104-073~~ 36-56 (Screening), are met and that no roof parking is permitted. The Commission may permit floor space on one or more #stories#, and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

* * *

~~101-36~~ **101-75
Special Provisions for Demolition of Buildings**

* * *

APPENDIX A

Atlantic Avenue Subdistrict: Buildings Conforming to the Specified Building Type

The following list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# that conform to the definition of #specified building type# contained in Section ~~101-302~~ 101-702.

* * *

APPENDIX B

Atlantic Avenue Subdistrict: Storefronts Conforming to the Specified Storefront Type

The following list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# which contain storefronts conforming to the definition of #specified storefront type# contained in Section ~~101-302~~ 101-702.

* * *

APPENDIX C

Atlantic Avenue Subdistrict: Permitted Wall Finishes for Street Walls

* * *

APPENDIX D

Atlantic Avenue Subdistrict: Permitted Trim Finishes (for storefronts, cornices, window sash, shutters or trim)

* * *

APPENDIX E

Special Downtown Brooklyn District Maps

Map 1 Special Downtown Brooklyn District and Subdistricts



- Special Downtown Brooklyn District
- AA Atlantic Avenue Subdistrict
- FM Fulton Mall Subdistrict

Map 2 Ground Floor Retail Frontage



- Special Downtown Brooklyn District
- - - Retail Continuity Required

Map 3 Ground Floor Transparency Requirements

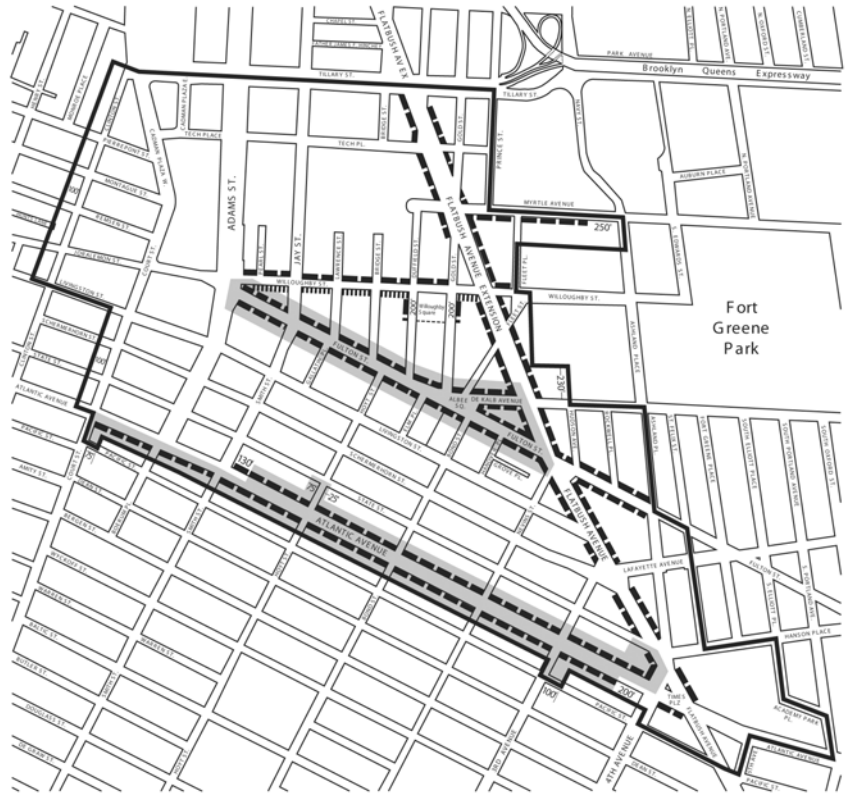


— Special Downtown Brooklyn District

- - - 50% of the Area of the
Ground Floor Street Wall
to be Glazed

▨ 70% of the Area of the
Ground Floor Street Wall
to be Glazed

Map 4 Street Wall Continuity



- Special Downtown Brooklyn District
- Street Wall Continuity Required
- Street Wall Continuity Required, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict
- Street Wall Continuity and Sidewalk Widening Required

Map 5 Curb Cut Restrictions



- Special Downtown Brooklyn District
- Curb Cut Prohibition
- Curb Cut Prohibitions, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict

Map 6 Street Tree Planting

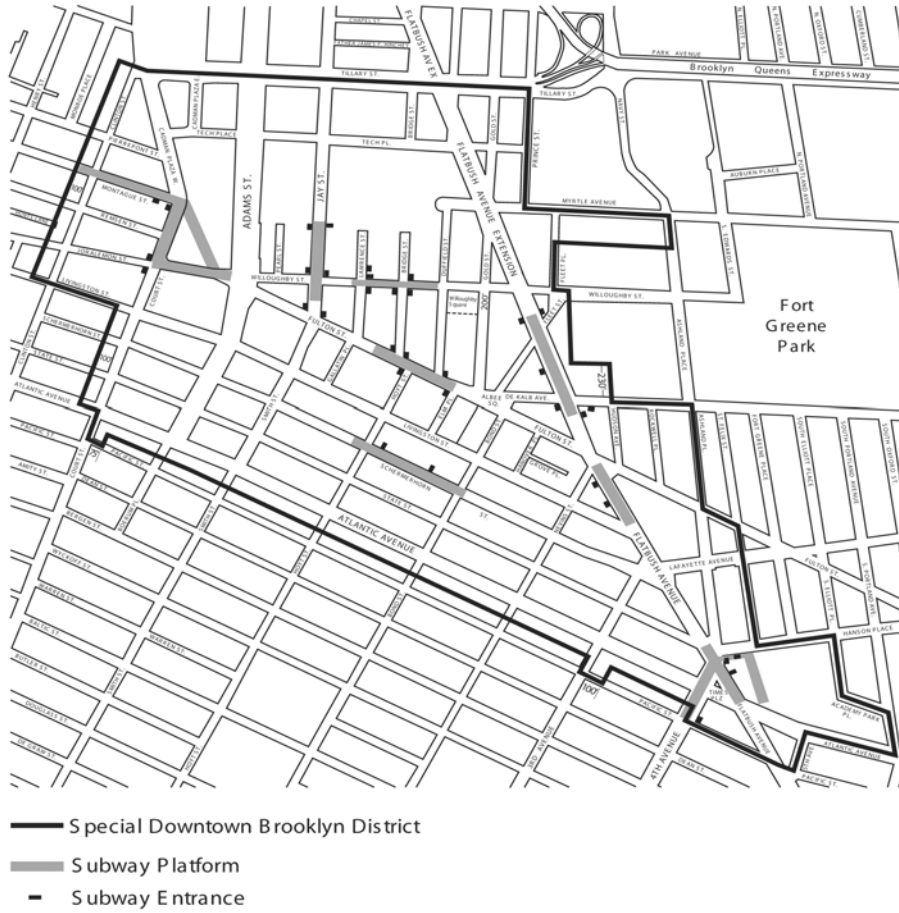


Map 7 Schermerhorn Street Height Limitation Area



- A** Schermerhorn Street Limited Height Area: Height Restriction of 210 Feet
 - B** Schermerhorn Street Limited Height Area: Height Restriction of 140 Feet
 - C** Schermerhorn Street Limited Height Area: Height Restriction of 250 Feet
- Special Downtown Brooklyn District

Map 8. Subway Station Improvement Areas



(On March 10, 2004, Cal. No. 7 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 17

CD 2

C 040173 HUK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the 5th amendment to the Brooklyn Center Urban Renewal Plan for the Brooklyn Center Urban Renewal Area.

The proposed plan amendment, in tandem with the rezoning and changes to the City Map will allow the development of new residential, commercial, public parking and public open space uses.

(On March 10, 2004, Cal. No. 8 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 18

CD 2

C 040174 HUK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development(HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the 2nd amendment to the MetroTech Urban Renewal Plan for the MetroTech Urban Renewal Area.

The proposed plan would facilitate development of open space on Block 2060, Lot 8.

(On March 10, 2004, Cal. No. 9 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 19

CD 2

C 040175 HUK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the 10th amendment to the Atlantic Terminal Urban Renewal Plan for the Atlantic Terminal Urban Renewal Area.

The proposed Plan Amendment will facilitate residential development on Site 6A and development of a public library and other community facility use with below grade parking on Site 20.

(On March 10, 2004, Cal. No. 10 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 20

CD 2

N 040176 HGK

IN THE MATTER OF an amendment to Brooklyn Center Urban Renewal Area, designating additional property as an area appropriate for urban renewal, pursuant to Section 504 of Article 15 of the General Municipal Law (Urban Renewal Law) of New York State, as follows:

Block	Lot	Address	UR Site No
*153	3	11 COURT SQUARE	14
*153	14	348 FULTON STREET	14A
*153	15	350 FULTON STREET	14A
*154	5	356-58 FULTON STREET	15
*154	11	360 FULTON STREET	15
*154	12	362 FULTON STREET	15
*154	1	131 LIVINGSTON STREET	15A
*154	36	129 LIVINGSTON STREET	15B
*154	37	127 LIVINGSTON STREET	15B
*154	38	125 LIVINGSTON STREET	15B
*154	39	123 LIVINGSTON STREET	15B

*154	40	117 LIVINGSTON STREET	15B
*144	1	405-21 FULTON STREET	16
*150	1	435-437 FULTON STREET	17
*150	6	427 FULTON STREET	17
*150	10	425 FULTON STREET	17
*150	11	423 FULTON STREET	17
*150	19	34 WILLOUGHBY STREET	17
*145	8	391-393 BRIDGE STREET	18
*145	26	216 DUFFIELD STREET	18
*145	32	228 DUFFIELD STREET	18
*145	10	387-39 BRIDGE STREET	18A
*145	13	385 BRIDGE STREET	18A
*145	14	383 BRIDGE STREET	18A
*145	15	381 BRIDGE STREET	18A
*145	16	88 WILLOUGHBY STREET	18A
*145	18	92 WILLOUGHBY STREET	18A
*145	19	94 WILLOUGHBY STREET	18A
*145	20	96 WILLOUGHBY STREET	18A
*145	21	98 WILLOUGHBY STREET	18A
*145	22	100 WILLOUGHBY STREET	18A
*146	18	213-21 DUFFIELD STREET	19
*146	23	213 WILLOUGHBY STREET	19
*146	37	414 ALBEE SQUARE	19
*146	29	116-12 WILLOUGHBY STREET	19A
*146	34	402 ALBEE SQUARE	19A
*146	35	404 ALBEE SQUARE	19A
*146	36	406 ALBEE SQUARE	19A
*146	2	245 DUFFIELD STREET	19B
*146	7	237 DUFFIELD STREET	19B
*146	11	235 DUFFIELD STREET	19B
*146	12	233 DUFFIELD STREET	19B
*146	13	231 DUFFIELD STREET	19B
*146	14	229 DUFFIELD STREET	19B
*146	15	227 DUFFIELD STREET	19B
??	16	225 DUFFIELD STREET	19B
*146	17	223 DUFFIELD STREET	19B
*146	18	213-21 DUFFIELD STREET	19B
*146	37	414 ALBEE SQUARE	19B

*146	41	416 ALBEE SQUARE	19
*146	42	418 ALBEE SQUARE	19B
*146	43	420 ALBEE SQUARE	19B
*146	46	426 ALBEE SQUARE	19B
*146	47	428 ALBEE SQUARE	19B
*146	48	430 ALBEE SQUARE	19B
*146	50	434 ALBEE SQUARE	19B
*146	51	436 ALBEE SQUARE	19B
*146	52	438 ALBEE SQUARE	19B
*2060	1	270 FLATBUSH AVENUE	20
*2060	4	385 GOLD STREET	20
*2061	1	180 MYRTLE AVENUE	21

* Newly designated lot and proposed for disposition.

Block	Lot	Address	UR Site No
***153		Red Hook Lane	14
***2061		Fair Street	21
***150		Pearl Street	17
***2062		Prince Street	12 and 21

*** The street beds of the following Streets are for new designation and proposed for disposition:

- Red Hook Lane, between Fulton Street and Boerum Place
- Fair Street, between Prince Street and Fleet Place
- Pearl Street, between Fulton Street and Willoughby Street
- Prince Street, between Flatbush Avenue Extension and Myrtle Avenue

(On March 10, 2004, Cal. No. 11 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

CD 2

C 040177 HDK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned properties within the Brooklyn Center Urban Renewal Area.

A list and description of the properties may be seen at the Brooklyn Office of the Department of City Planning, 16 Court Street, Room 705, Brooklyn, NY 11241.

(On March 10, 2004, Cal. No. 12 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 22

CD 2

C 040178 HDK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property located at 242 Flatbush Avenue (Block 2060, Lot 8), Site SW, within the MetroTech Urban Renewal Area.

(On March 10, 2004, Cal. No. 13 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 23

CD 2

C 040179 HDK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned properties within the Atlantic Terminal Urban Renewal Area.

A list and description of the properties may be seen at the Brooklyn Office of the Department of City Planning, 16 Court Street, Room 705, Brooklyn, NY 11241.

(On March 10, 2004, Cal. No. 14 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 24

CD 2

C 040180 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 one city-owned property** located at 370 Jay Street (Block 140, lot 111), pursuant to zoning.

(On March 10, 2004, Cal. No. 15 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 25

CD 2

C 040181 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by 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 74-52 of the Zoning Resolution **to allow an unattended public parking garage with a maximum capacity of 694 spaces on a portion of the ground level, in the cellar and three sub-cellars on property located on the southerly side of Willoughby Street between Duffield Street and Gold Street** (Block 146, Lots 17, 18, 23, 29, 34, 35, 36, 37 and p/o Lot 16), in a C6-4.5** District.

** Note: The site is proposed to be rezoned from a C6-1 District to a C6-4.5 District under a related application (C 040171 ZMK) for a change in 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 March 10, 2004, Cal. No. 16 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 26

CD 2

C 040182 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Brooklyn Academy of Music Local Development Corporation 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 74-52 of the Zoning Resolution **to allow an attended public parking garage with a maximum capacity of 465 spaces on a portion of the first floor and in the cellar of a**

proposed mixed use development to be constructed on property generally bounded by Fulton Street, Ashland Place, Lafayette Street and Rockwell Place (Block 2107, Lots 2, 15, 24, 30, 36, 40 and 41), in a C6-4 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 March 10, 2004, Cal. No. 17 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 27

CD 2

C 040183 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Brooklyn Academy of Music Local Development Corporation 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 74-52 of the Zoning Resolution **to allow an attended public parking garage with a maximum capacity of 466 spaces on a portion of the first floor, in the cellar and the sub-cellar of a proposed mixed use development to be constructed on property bounded by Lafayette Avenue, Ashland Place and Flatbush Avenue** (Block 2110, Lot 3), in a C6-1 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 March 10, 2004, Cal. No. 18 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 28

CD 2

C 040184 ZSK

IN THE MATTER OF an application submitted by 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 74-52 of the Zoning Resolution **to allow an unattended public parking garage with a maximum capacity of 457 spaces on portions of the cellar, ground floor, 2nd floor and 3rd floor and to allow the floor area below a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS) on property bounded by Myrtle Avenue, Fleet Place***, Willoughby Street and Flatbush Avenue Extension** (Block 2060, Lots 22,23,24,25,26,27, and 32, Block 2061, Lots 1,80, and 100, Block 2062, Lots 1,5,6,17,18,19,21,23 and 103, and the beds of Fair Street*** and Prince Street***), in a C6-4** District.

** Note: The site is proposed to be rezoned from R6 and C8-2 Districts to a C6-4 District under a related application (C 040171 ZMK) for a change in the Zoning Map.

*** Note: Fleet Place is proposed to be mapped and Fair Street and Prince Street are proposed to be demapped under a related application (C 030517 MMK) for a change in the City 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. 1000

(On March 10, 2004, Cal. No. 19 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

No. 29

CD 2

C 040185 PSK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Brooklyn Public Library and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for site selection of property located on block 2110, lot 3, on the block bounded by Flatbush Avenue, Lafayette Avenue and Ashland Place, Community District 2, Borough

of Brooklyn, for use as a public library.

(On March 10, 2004, Cal. No. 20 the Commission scheduled March 24, 2004 for a public hearing which has been duly advertised.

Close the hearing.

NOTICE

On Wednesday, March 24, 2004, at 10:00 a.m., a public hearing is being held at the New York City College of Technology, Klitgord Auditorium, at 285 Jay Street (between Tillary and Johnson streets), Brooklyn, New York, by the Office of the Deputy Mayor For Economic Development and Rebuilding in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) and a Supplemental Environmental Impact Statement (SEIS) concerning zoning map and text changes, street mapping changes, urban renewal actions, the disposition of City-owned property, special permits for public parking facilities, and related land use actions to facilitate the Downtown Brooklyn Development plan, a public planning effort to create opportunities for stimulating and integrating commercial, academic, cultural, and residential development in the Downtown Brooklyn area, Community District 2.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 03DME016K.

III. REPORTS

BOROUGH OF THE BRONX

No. 30

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.

(On February 11, 2004, Cal. No. 1, the Commission scheduled February 25, 2004 for a public hearing. On February 25, 2004, Cal. No. 3, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 31

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.

(On February 11, 2004, Cal. No. 2, the Commission scheduled February 25, 2004 for a public hearing. On February 25, 2004, Cal. No. 4, the hearing was closed.)

For consideration.

No. 32

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.

(On February 11, 2004, Cal. No. 3, the Commission scheduled February 25, 2004 for a public hearing. On February 25, 2004, Cal. No. 5, the hearing was closed.)

For consideration.

No. 33

THOMPSON METER

CD 2

N 040295 HKK

IN THE MATTER OF a communication dated February 19, 2004, from the Executive Director of the Landmarks Preservation Commission regarding **the landmark designation of the Thompson Meter Company Building**, 100-110 Bridge Street, (Block 66, Lot 18), by the Landmarks Preservation Commission on February 10, 2004 (List 350/LP2139), Borough of Brooklyn, Community District 2.

For consideration.

No. 34

AMENDED WILLIAMSBURG HOUSES

CD 1

N 040311 HKK

IN THE MATTER OF a communication dated February 19, 2004, from the Executive Director of the Landmarks Preservation Commission regarding **the landmark designation of the Williamsburgh Houses**, 142-190 Leonard Street (a.k.a. 86-120 Maujer Street), (Block 3024 Lot 1), by the Landmarks Preservation Commission on June 24, 2003 (List 348/LP-2135), Borough of Brooklyn, Community District

For consideration.

BOROUGH OF MANHATTAN

Nos. 35, 36 and 37

AUDUBON IV

No. 35

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.

(On February 11, 2004, Cal. No. 4, the Commission scheduled February 25, 2004 for a public hearing. On February 25, 2004, Cal. No. 6, the hearing was closed.)

For consideration.

No. 36

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.

(On February 11, 2004, Cal. No. 5, the Commission scheduled February 25, 2004 for a public hearing. On February 25, 2004, Cal. No. 7, the hearing was closed.)

For consideration.

No. 37

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.

(On February 11, 2004, Cal. No. 6, the Commission scheduled February 25, 2004 for a public hearing. On February 25, 2004, Cal. No. 8, the hearing was closed.)

For consideration.

BOROUGH OF QUEENS

No. 38

201ST PLACE

CD 12

C 010383 MMQ

IN THE MATTER OF an application submitted 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.

(On February 11, 2004, Cal. No. 9, the Commission scheduled February 25, 2004 for a public hearing. On February 25, 2004, Cal. No. 11, the hearing was closed.)

For consideration.

No. 39

NYPD AUTO CRIME DIVISION - This application has been withdrawn

CD 7N 040302 PXQ

IN THE MATTER OF a Notice of Intent to Acquire Office Space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at **109-15 14th Avenue** (Block 4031, Lot 1) (Police Department's Auto Crime Division and Management Information Division).

(On February 26, 2004, the Commission duly advertised March 10, 2004 for a public hearing. On March 10, 2004, Cal. No. 27, the hearing was closed.)

For consideration.

No. 40

NYPD QUEENS NARCOTICS DIVISION - This application has been withdrawn

CD 7N 040303 PXQ

IN THE MATTER OF a Notice of Intent to Acquire Office Space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at **14-04 111th Street** (Block 4045, Lot 1) (Police Department's Queens Narcotics Division and Queens Warrant Squad Division).

(On February 26, 2004, the Commission duly advertised March 10, 2004 for a public hearing. On March 10, 2004, Cal. No. 28, the hearing was closed.)

For consideration.

No. 41

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

#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 <u>Sidewalk Cafe</u>	Unenclosed <u>Sidewalk Cafe</u>
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 <u>Sidewalk Cafe</u>	Unenclosed <u>Sidewalk Cafe</u>
1- Bay Ridge District	Yes	Yes
2- Coney Island Mixed Use District	Yes	Yes
3- Downtown Brooklyn District	Yes	Yes

For consideration.

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 Sheephead Bay District	No	Yes

* #Sidewalk cafes are not allowed on Ocean Parkway

Bronx	Enclosed <u>Sidewalk Cafe</u>	Unenclosed <u>Sidewalk Cafe</u>
1 City Island District	No	Yes

Staten Island	Enclosed <u>Sidewalk Cafe</u>	Unenclosed <u>Sidewalk Cafe</u>
1 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 <u>Sidewalk Cafe</u>	Unenclosed <u>Sidewalk Cafe</u>
1 Mulberry Street Mall	No	Yes
2 Nassau Street Mall	No	Yes

Brooklyn	Enclosed <u>Sidewalk Cafe</u>	Unenclosed <u>Sidewalk Cafe</u>
1 Fulton Street Mall* except DeKalb Avenue	No	Yes
2 DeKalb Avenue	Yes	Yes

* #Enclosed sidewalk cafes# are allowed along DeKalb Avenue

Queens	Enclosed <u>Sidewalk Cafe</u>	Unenclosed <u>Sidewalk Cafe</u>
1. Far Rockaway Beach 20th Street	No	Yes

(On February 11, 2004, Cal. No. 8, the Commission scheduled February 25, 2004 for a public hearing. On February 25, 2004, Cal. No. 10, the hearing was closed.)

For consideration.