

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, JULY 12, 2006
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

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

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
1	C 060343 HAK	3	VERNON AVENUE CONDOMINIUMS	Scheduled to be Heard 7/26/06
2	C 060397 HAK	4	295 JEFFERSON STREET	" "
3	C 060515 HAK	4	HIMROD STREET APARTMENTS	" "
4	C 060256 PCK	13	DEPARTMENT OF SANITATION CB 13/15 GARAGE	" "
5	C 060444 PCM	4	BOARD OF ELECTIONS VOTING MACHINE STORAGE FACILITY	" "
6	C 020332 MLQ	7	RIVERVIEW	" "
7	N 060426 ZRQ	7	" "	" "
8	N 060510 HKX	5	LOEW'S PARADISE THEATER LANDMARK	Forward Report to City Council
9	N 060511 HKX	1	ESTEY PIANO COMPANY FACTORY LANDMARK	" "
10	N 060096 NPM	8	CD 8 WATERFRONT 197-a PLAN	Favorable Report Adopted
11	C 040543 ZMM	1	TRIBECA NORTH REZONING/TEXT AMENDMENT	Fav. Report Adopted as Modified
12	C 040545 ZSM	1	" "	Favorable Report Adopted
13	N 040544 ZRM	1	" "	Fav. Report Adopted as Modified
14	C 060323 ZMQ	2	SILVERCUP WEST	Favorable Report Adopted
15	N 060324 ZRQ	2	" "	" "
16	C 060325 ZSQ	2	" "	" "
17	C 060326 ZSQ	2	" "	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:														
		In Favor - Y Oppose - N Abstain - AB Recuse - R														
Calendar Numbers:		8	9	10	11	12	13	14	15	16	17	18	19	20	21	
Amanda M. Burden, AICP, Chair	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Angela M. Battaglia	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	
Alfred C Cerullo, III	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Richard W. Eaddy	A															
Jane D. Gol	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Lisa Gomez	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Christopher Kui	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
John Merolo	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Karen A. Phillips	A															
Dolly Williams, Commissioners	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

MEETING ADJOURNED AT: 11:59 p.m.

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, JULY 12, 2006
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

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

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
18	C 060327 ZSQ	2	SILVERCUP WEST	Favorable Report Adopted
19	N 060328 ZAQ	2	" "	Authorization Approved
20	C 050375 MMQ	2	" "	Favorable Report Adopted
21	N 060504 ZRQ	2	MASPETH/WOODSIDE INCLUSIONARY HOUSING TEXT	" "
22	C 060411 ZMQ	5	MIDDLE VILLAGE REZONING FOLLOW-UP	" "
23	N 060512 HKR	3	THEODORE H./ELIZABETH J. DEHART HOUSE LANDMARK	Forward Report to City Council
24	N 060286 ZAR	2	444 FLAGG PLACE	Authorization Approved
25	C 050256 MMK	18	REMSEN AVENUE DEP MAINTENANCE YARD	Hearing Closed
26	C 060365 PSK	18	" "	" "
27	C 060457 HAK	16	ATLANTIC AVENUE RESIDENCE	" "
28	C 060431 ZSM	5	PLAZA HOTEL	" "
29	C 060431(A) ZSM	5	" "	" "
30	N 060433 ZRM	4, 5	MARTIN BECK THEATER DEVELOPMENT RIGHTS	" "
31	C 060434 ZSM	5	" "	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:												
		In Favor - Y Oppose - N Abstain - AB Recuse - R												
Calendar Numbers:		22	23	24										
Amanda M. Burden, AICP, Chair	P	Y	Y	Y										
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y										
Angela M. Battaglia	P	Y	Y	Y										
Irwin Cantor, P.E.	P	Y	Y	Y										
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y										
Alfred C Cerullo, III	P	Y	Y	Y										
Richard W. Eaddy	A													
Jane D. Gol	P	Y	Y	Y										
Lisa Gomez	P	Y	Y	Y										
Christopher Kui	P	Y	Y	Y										
John Merolo	P	Y	Y	Y										
Karen A. Phillips	A													
Dolly Williams, Commissioners	P	Y	Y	Y										

MEETING ADJOURNED AT: 11:59 p.m.

**COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York**

CITY PLANNING COMMISSION

WEDNESDAY, JULY 12, 2006

**MEETING AT 10:00 A.M. AT SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK**



Michael R. Bloomberg, Mayor

City of New York

[No. 13]

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: in Section I, (Scheduling Dates for Future Public Hearings), in Section II, (Reports), and in Section III, (Public Hearings). 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.*
- ALFRED C. CERULLO, *III*
- RICHARD W. EADDY
- JANE D. GOL
- LISA A. GOMEZ
- 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 10:00a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

ORDER OF BUSINESS

WEDNESDAY, JULY 12, 2006

Roll Call; Approval Of Minutes..... 1

I. Matters To Be Scheduled for Public Hearing..... 1

II. Reports..... 7

III. Public Hearings 42

IV. Schedule Of Meetings: July 1, 2006 - December 31, 2006.....50

**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 July 26, 2006 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 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 support of the proposal and those speaking in opposition.

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: _____

JULY 12, 2006

APPROVAL OF MINUTES OF Regular Meeting of June 21, 2006

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, JULY 26, 2006**

**STARTING AT 10:00 A.M.
IN SPECTOR HALL, 22 READE STREET
NEW YORK, NEW YORK**

BOROUGH OF BROOKLYN

No. 1

VERNON AVENUE CONDOMINIUMS

CD 3

C 060343 HAK

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 119, 121, 123 and 125 Vernon Avenue (Block 1755, Lots 54-57) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area;
- 2) pursuant to Section 197-c of the New York Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of two, 4 story buildings, tentatively known as Vernon Avenue Condominiums, with approximately 16 residential units.

Resolution for adoption scheduling July 26, 2006 for a public hearing.

No. 2

295 JEFFERSON STREET

CD 4

C 060397 HAK

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 295 Jefferson Street (Block 3166, Lot 52) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area;
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a 4-story building, tentatively known as 295 Jefferson Street, with approximately 8 residential units to be developed under the New York State Housing Trust Fund Program.

Resolution for adoption scheduling July 26, 2006 for a public hearing.

No. 3

HIMROD STREET APARTMENTS

CD 4

C 060515 HAK

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 161-171Himrod Street; and 235-237 Central Avenue (Block 3266, Lots 1, 2, 40-44) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such properties to a sponsor to be determined by HPD;

to facilitate the development of a 6-story building, tentatively known as Himrod Street Apartments, with approximately 34 residential units to be developed under the New York State Housing Trust Fund Program.

Resolution for adoption scheduling July 26, 2006 for a public hearing.

No. 4

DEPARTMENT OF SANITATION CB 13/15 GARAGE

CD 13

C 060256 PCK

IN THE MATTER OF an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for site selection and acquisition of property located at 2731 West 12th Street (Block 7247, Lots 13, 106 and 218), for use as a garage.

Resolution for adoption scheduling July 26, 2006 for a public hearing.

BOROUGH OF MANHATTAN

No. 5

BOARD OF ELECTIONS VOTING MACHINE STORAGE FACILITY

CD 4

C 060444 PCM

IN THE MATTER OF an application submitted by the Board of Elections and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 450 West 33rd Street (Block 729, Lot 9001), for use as a storage facility.

Resolution for adoption scheduling July 26, 2006 for a public hearing.

BOROUGH OF QUEENS

Nos. 6 & 7

RIVERVIEW

No. 6

CD 7

C 020332 MLQ

IN THE MATTER OF an application submitted by Powell Cove Associates LLC pursuant to Section 197-c of the New York City Charter, for a landfill of approximately 123,000 cu. yd. in an area generally located easterly of 121st Street and its northerly prolongation and northwesterly of Lax Avenue (Block 3916, Lots 90, 100, 120, 300 and 400), in an R4 District.

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

Resolution for adoption scheduling July 26, 2006 for a public hearing.

No. 7

CD 7

N 060426 ZRQ

IN THE MATTER OF an application submitted by Powell Cove Associates LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article VII, Chapter 8, (Large Scale Residential Development), concerning Section 78-06, to modify the ownership provisions.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution.

* * *

78-06

Ownership

- (a) Except as otherwise provided in this Section, any #large-scale residential development# for which application is made for an authorization or special permit or modification thereto in accordance with the provisions of this Chapter shall be on a tract of land that at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. **Except as otherwise provided in this Section**, no authorization or special permit or modification thereto shall be granted for such #development# unless

the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #development#) of, or executed a binding sales contract for, all of the property comprising such tract.

(b) Except as otherwise provided in paragraph (c) of this Section with respect to a #large scale residential development# within an urban renewal area or former urban renewal area, for any #large scale residential development# located in the Community District(s) listed in this paragraph, the owner(s) of a vacant parcel(s) may make application for and be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), provided that such modification does not:

- (1) result in the distribution of #floor area# from any #zoning lot# not included within such parcel(s); or
- (2) increase the total allowable #floor area# on any #zoning lot# included within such parcel(s) beyond that amount permitted by the applicable district regulations.

Such modifications may include the withdrawal of such parcel(s) from the boundaries of the #large scale residential development#, provided that such modification would not create a non-compliance within the #large scale residential development#.

Community District	Borough
<u>Community District # 7</u>	<u>Queens</u>

(c) When a #development# is part or all of a designated urban renewal project, the City's urban renewal agency, or a person authorized by such agency, may make application for and be granted authorizations or special permits under the provisions of this Chapter, even though such #large scale residential development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale residential development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

In the event that the urban renewal plan has expired, the owner(s) of a vacant parcel(s) within such #large scale residential development#, if located in a former urban renewal area listed in this ~~Section~~ paragraph (c), may make application for and be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), ~~provided that such modification does not seek~~ pursuant to and subject to the limitations of paragraph (b) of this Section.

(a) ~~the distribution of #floor area# from any #zoning lot# not included within such parcel(s); or~~

~~(b) to increase the total allowable #floor area# on any #zoning lot# included within such parcel(s) beyond the amount permitted by the applicable district regulations.~~

~~Such modifications may include the withdrawal of such parcel(s) from the boundaries of the #large scale residential development#, provided that such modification would not create a non-compliance within the #large scale residential development#.~~

Former Urban Renewal Area

Community District

West Side Urban Renewal Area

CD 7, Manhattan

(d) When a #residential large scale residential development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, other than the City's urban renewal agency, or its agent, having the power of condemnation,

authorizations or special permits may be applied for and granted under the provisions of this Chapter, even though such #large scale residential development# does not meet the ownership requirements set forth elsewhere in this Section.

* * *

Resolution for adoption scheduling July 26, 2006 for a public hearing.

II. REPORTS

BOROUGH OF THE BRONX

No. 8

LOEW'S PARADISE THEATER LANDMARK

CD 5

N 060510 HKX

IN THE MATTER OF a communication dated May 25, 2006, from the Executive Director of Landmarks Preservation Commission regarding the landmark designation of Loew's Paradise Theatre, First Floor Interior located at 2405-2419 Grand Concourse aka 2394-2408 Creston Avenue, (Block 3165, Lot 41), by the Landmarks Preservation Commission on May 16, 2006 (List No.1, LP No.2193), Borough of the Bronx, Community District 5.

For consideration.

No. 9

ESTEY PIANO COMPANY FACTORY LANDMARK

CD 1

N 060511 HKX

IN THE MATTER OF a communication dated May 25, 2006, from the Executive Director of Landmarks Preservation Commission regarding the landmark designation of Estey Piano Factory Company located at 112-128 Lincoln Avenue aka 15-19 Bruckner Boulevard, 270-278 East 134th Street, (Block 2309, Lot 1), by the Landmarks Preservation Commission on May 16, 2006 (List No.2, LP No.2195), Borough of the Bronx, Community District 1.

For consideration.

BOROUGH OF MANHATTAN

No. 10

CD 8 WATERFRONT 197-a PLAN

CD 8

N 060096 NPM

IN THE MATTER OF a plan submitted by Manhattan Community Board 8 concerning the open spaces, parks and waterfront access in the Queensboro Bridge area of Community District 8, for consideration pursuant to Section 197-a of the New York City Charter. The proposed plan for adoption is called "The Manhattan Community Board 8 197-a Plan for the Queensboro Bridge Area."

(On May 24, 2006, Cal. No. 1, the Commission scheduled June 7, 2006 for a public hearing. On June 7, 2006, Cal. No. 15, the hearing was closed.)

For consideration.

Nos. 11, 12 and 13

TRIBECA NORTH REZONING/TEXT AMENDMENT

No. 11

CD 1

C 040543 ZMM

IN THE MATTER OF an application submitted by Truffles LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12a:

1. changing from an M1-5 District to a C6-2A District property bounded by Watts Street, Washington Street, Hubert Street and a line 85 feet westerly of Washington Street; and
2. changing from an M1-5 District to a C6-3A District property bounded Watts Street, a line 85 feet westerly of Washington Street, Hubert Street and West Street;

within the Special Tribeca Mixed Use District, as shown on a diagram (for illustrative purposes only) dated February 6, 2006, and subject to the conditions of CEQR Declaration E-162.

(On May 10, 2006, Cal. No. 12, the Commission scheduled May 24, 2006 for a public hearing. On May 24, 2006, Cal. No. 20, the hearing was continued. On June 7, 2006, Cal. No. 16, the hearing was closed.)

For consideration.

No. 12

CD 1

C 040545 ZSM

IN THE MATTER OF an application submitted by Truffles LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 180 spaces on a portion of the ground floor and cellar of a proposed mixed-use building on property located at 34-36 Desbrosses Street (Block 224, Lots 1, 3, 7, 8, 13, 16, and 18), in C6-2A* and C6-3A* Districts, within the Special Tribeca Mixed Use District.

* Note: the site is proposed to be rezoned by changing an M1-5 District to C6-2A and C6-3A Districts under a related application (C 040543 ZMM) 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, NY 10007.

(On May 10, 2006, Cal. No. 13, the Commission scheduled May 24, 2006 for a public hearing. On May 24, 2006, Cal. No. 21, the hearing was continued. On June 7, 2006, Cal. No. 17, the hearing was closed.)

For consideration.

No. 13

CD 1

N 040544 ZRM

IN THE MATTER OF an application submitted by Truffles LLC pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York relating to Section 111-00 (Special Tribeca Mixed Use District), to create a new Area A4 within the special district, and to apply certain use and bulk regulations within the proposed Area A4, in Community District 1, Borough of Manhattan.

Matter in underline is new, to be added

Matter in ~~strikeout~~ is old, to be deleted

Matter within # # is defined in Section 12-10

*** indicates where unchanged text appears in the Zoning Resolution

111-03

District Map

The District Map for the #Special Tribeca Mixed Use District# (Appendix A) identifies special areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Tribeca Mixed Use District#. These areas are as follows:

- Area A1 - General Mixed Use Area
- Area A2 - Limited Mixed Use Area (Commercial and Residential Uses)
- Area A3 - General Mixed Use Area
- ~~Area A4-~~ General Mixed Use Area
- Area B1 - Limited Mixed Use Area
- Area B2 - Limited Mixed Use Area

111-102

Ground floor use restrictions

- (a) Areas A1, ~~and~~ A3 and A4

Ground floor spaces in separate #buildings# may not be combined for #uses# in Use Groups 3, 4, 5 and 6, except in those #buildings# having frontage on Chambers Street, Church Street, Greenwich Street, Hudson Street, ~~or~~ West Broadway or West Street.

* * *

111-103

Additional use regulations

- (a) Areas A1, ~~and~~ A3 and A4

(1) #Uses# in Use Groups 16 and 17 shall be permitted, except the following #uses# are prohibited in all #buildings#:

(i) within Use Group 16A: crematoriums, poultry or rabbit killing establishments, unenclosed automobile, boat, motorcycle or trailer sales, motorcycle rentals;

(ii) all Use Group 16B #uses#, except #automotive service stations# by special permit pursuant to Section 73-21;

- (iii) all Use Group 16C #uses#;
 - (iv) within Use Group 16D: dry cleaning or cleaning or dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment;
 - (v) within Use Group 17B: manufacture of aircraft, automobiles, trucks, trailers, boats, motorcycles or chemicals; and
 - (vi) all Use Group 17C #uses#, except agriculture.
- (2) The following #uses# are prohibited in #buildings# that do not front on Chambers Street, Hudson Street ~~or~~ West Broadway or West Street:
- (i) all Use Group 8A #uses#;
 - (ii) all Use Group 8D #uses#;
 - (iii) all Use Group 10A #uses#, except depositories, photographic or motion picture studios, radio or televisions studios; and
 - (iv) all Use Group 12A #uses#.
- (3) In #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street ~~or~~ West Broadway or West Street, the following retail facilities shall be limited to 20,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allotted to such #uses#, except as otherwise provided in Section 11-40:
- (i) all #uses# in Use Groups 6A and 6C;
 - (ii) all #uses# in Use Group 10 with parking categories B or B1; and
 - (iii) the above #uses# when listed in other use groups.

Separate #buildings# on separate #zoning lots# may not be combined for #uses# in Use Group 6A and 6C and all #uses# in Use Group 10 with parking categories B or B1.

In addition, in #buildings# not fronting on West Street, retail facilities in Use Groups 6A and 6C shall be limited to 10,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allotted to such #uses# , except as other wise provided in Section 11-40.

* * *

(c) Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, as listed in Use Group 12A, in any location within a #building#, shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section 73-244. In Areas A1, A2, ~~and~~ A3 and A4, the Board of Standards and Appeals shall additionally find for establishments of any capacity with dancing, as listed in Use Group 12A, that primary ingress and egress for such #uses# may only be located on Chambers Street, Church Street, Greenwich Street, Hudson Street, ~~or~~ West Broadway, or West Street, with only fire or emergency egress on other #streets#, and that no portion of such #use# may be located more than 100 feet, measured perpendicularly, from the above-listed streets. Furthermore, such #uses# are restricted as provided in paragraph (a)(2) of this Section.

111-104
Special Provisions for Areas A1, A2, A3, A4 and B2

* * *

(d) Area A4

Except as set forth herein, the bulk regulations of the underlying district shall apply.

(1) Table A of Section 35-24 shall be modified in C6-3A districts to permit a maximum base height of 150 feet and a maximum building height of 160 feet within 100 feet of a #wide street#.

(2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Area A-4, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either 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).

(3) For #developments# located on a #zoning lot# containing more than 30,000 square feet, #floor area# and #dwelling units# may be distributed without regard for district boundaries.

~~(d)~~ (e) Area B2

* * *

8/27/98

APPENDIX A
Special Tribeca Mixed Use District Map - Existing



Area A1: General Mixed Use Area
Area A2: Limited Mixed Use Area
Area A3: General Mixed Use Area
Area B1: Limited Mixed Use Area
Area B2: Limited Mixed Use Area

APPENDIX A
Special Tribeca Mixed Use District Map - Proposed



Area A1: General Mixed Use Area
Area A2: Limited Mixed Use Area
Area A3: General Mixed Use Area
Area A4: General Mixed Use Area
Area B1: Limited Mixed Use Area
Area B2: Limited Mixed Use Area

* * *

(On May 10, 2006, Cal. No. 14, the Commission scheduled May 24, 2006 for a public hearing. On May 24, 2006, Cal. No. 22, the hearing was continued. On June 7, 2006, Cal. No. 18, the hearing was closed.)

For consideration.

BOROUGH OF QUEENS

Nos. 14, 15, 16, 17, 18, 19 & 20

SILVERCUP WEST

No. 14

CD 2

C 060323 ZMQ

IN THE MATTER OF an application submitted by Terra Cotta LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b:

- 1) changing from an M1-4 District to an M1-5/R10 District property bounded by the southwesterly boundary line of Queens Bridge Park, Vernon Boulevard, 43rd Avenue, and the U.S. Pierhead and Bulkhead Line of the East River; and
- 2) establishing a Special Mixed Use District* (MX-9) within the area bounded by the southwesterly boundary line of Queens Bridge Park, Vernon Boulevard, 43rd Avenue, and the U.S. Pierhead and Bulkhead Line of the East River;

as shown on a diagram (for illustrative purposes only) dated February 21, 2006, and subject to the conditions of CEQR Declaration E-164.

*Note A Special Mixed Use District (MX-9) is proposed under related application (N 060324 ZRY) for an amendment to Section 123-90 of the Zoning Resolution.

(On May 10, 2006, Cal. No. 4, the Commission scheduled May 24, 2006 for a public hearing. On May 24, 2006, Cal No. 14, the hearing was closed.)

For consideration.

No. 15

CD 2

N 060324 ZRQ

IN THE MATTER OF an application submitted by Terra Cotta LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XII, Chapter 3, (Special Mixed Use District), to establish the Special Mixed Use District MX-9 and establish special permit provisions for signs in the MX-9 District in Community District 2, Borough of Queens.

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

12/10/97

Article XII - Special Purpose Districts

Chapter 3
Special Mixed Use District

12/10/97

123-20
SPECIAL USE REGULATIONS

In #Special Mixed Use Districts#, all #uses# permitted in the designated #Residence District# and all #uses# permitted in the designated M1 District, as set forth in any other provision of this Resolution other than Special Purpose Districts, shall be permitted, except as superseded, modified or supplemented by this Section and provided that #signs# shall comply with the requirements of Section 123-40 (SIGN REGULATIONS).

~~12/10/97~~

123-40
SIGN REGULATIONS

In #Special Mixed Use Districts#, the provisions regulating #signs# in C6-1 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), shall apply for any #sign#. For the purposes of applying such regulations in #Special Mixed Use Districts#, all references to #mixed buildings# shall include #mixed use buildings#.

In the MX-9 District, the provisions of this section shall apply except that the City Planning Commission may permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), provided the Commission finds that such #signs# are consistent with the character of the surrounding area. However, no modification shall be made to the applicable provisions of Section 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts) relating to #flashing signs#.

6/23/05

123-90

SPECIAL MIXED USE DISTRICTS SPECIFIED

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 1: (12/10/97)
Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 9: (effective date)
Northern Hunter's Point Waterfront, Queens

The #Special Mixed Use District# - 9 is established in the Northern Hunter's Point Waterfront in Queens as indicated on the #zoning maps#.

(On May 10, 2006, Cal. No. 5, the Commission scheduled May 24, 2006 for a public hearing. On May 24, 2006, Cal. No. 15, the hearing was closed.)

For consideration.

No. 16

CD 2

C 060325 ZSQ

IN THE MATTER OF an application submitted by Terra Cotta LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 1,400 spaces in a portion of the ground floor, mezzanine, cellar and sub-cellar, in connection with a proposed mixed use development on property generally bounded by the Queensboro Bridge, Vernon Boulevard, 43rd Avenue, and the East River (Block 477, Lots 13, 15, 20 and 24), in an M1-5/R10 District*, within the Special Mixed Use District (MX-9)*.

*Note: A zoning map change is proposed under related application (C 060323 ZMQ) to change the area to an M1-5/R10 (MX-9) District and a Special Mixed Use District (MX-9) is proposed under related application (N 060324 ZRY) for an amendment to Sections 123-40 and 123-90 of the Zoning Resolution.

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

(On May 10, 2006, Cal. No. 6, the Commission scheduled May 24, 2006 for a public hearing. On May 24, 2006, Cal. No. 16, the hearing was closed.)

For consideration.

No. 17

CD 2

C 060326 ZSQ

IN THE MATTER OF an application submitted by Terra Cotta LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-736 of the Zoning Resolution to modify the following Sections of the Zoning Resolution:

1. Section 123-662 and Section 62-341(c)1 to allow the building within an initial setback distance to exceed 65 feet in height for commercial use and to exceed 110 feet in height for residential and community facility use;
2. Section 123-662 and Section 62-341(c)2 to allow the maximum building height to exceed 185 feet in height for commercial use and to exceed 350 feet in height for residential and community facility use;
3. Section 62-341(c)4 to allow the residential story located entirely above the maximum base height to exceed a gross area of 8,100 square feet;
4. Section 62-341(c)5 to allow any story of a building located entirely above a height of 150 feet to exceed 85 percent of the gross area of the highest story of the same building located entirely below a height of 150 feet; and
5. Section 62-341(c)6 to allow the maximum length of a building which faces a shoreline and is entirely above the maximum base height to exceed 100 feet;

in connection with a proposed mixed use development on property generally bounded by Queensboro Bridge, Vernon Boulevard, 43rd Avenue, and the East River (Block 477, Lots 13, 15, 20 and 24), in an M1-5/R10 District*, within the Special Mixed Use District (MX-9)*.

*Note: A zoning map change is proposed under related application (C 060323 ZMQ) to change the area to an M1-5/R10 (MX-9) District and a Special Mixed Use District (MX-9) is proposed under related application (N 060324 ZRY) for an amendment to Sections 123-40 and 123-90 of the Zoning Resolution.

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

(On May 10, 2006, Cal. No. 7, the Commission scheduled May 24, 2006 for a public hearing. On May 24, 2006, Cal. No.17, the hearing was closed.)

For consideration.

No. 18

CD 2

C 060327 ZSQ

IN THE MATTER OF an application submitted by Terra Cotta LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 123-40 of the Zoning Resolution to permit the modification of signage regulations of Section 32-64 (Surface Area and Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs), in connection with a proposed mixed use development on property generally bounded by Queensboro Bridge, Vernon Boulevard, 43rd Avenue, and the East River (Block 477, Lots 13, 15, 20 and 24), in an M1-5/R10 District*, within the Special Mixed Use District (MX-9)*.

*Note: A zoning map change is proposed under related application (C 060323 ZMQ) to change the area to an M1-5/R10 (MX-9) District and a Special Mixed Use District (MX-9) is proposed under related application (N 060324 ZRY) for an amendment to Sections 123-40 and 123-90 of the Zoning Resolution.

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

(On May 10, 2006, Cal. No. 8, the Commission scheduled May 24, 2006 for a public hearing. On May 24, 2006, Cal. No. 18, the hearing was closed.)

For consideration.

No. 19

CD 2

C 060328 ZAQ

IN THE MATTER OF an application submitted by Terra Cotta LLC for the grant of an authorization pursuant to Section 62-722 of the Zoning Resolution to modify the waterfront area design standards of Section 62-60 (Design Standards for the Waterfront Area), in connection with a proposed mixed use development on property generally bounded by the Queensboro Bridge, Vernon Boulevard, 43rd Avenue, and the East River (Block 477, Lots 13, 15, 20 and 24), in an M1-5/R10 District*, within the Special Mixed Use District (MX-9)*.

*Note: A zoning map change is proposed under related application (C 060323 ZMQ) to change the area to an M1-5/R10 (MX-9) District and a Special Mixed Use District (MX-9) is proposed under related application (N 060324 ZRY) for an amendment to Sections 123-40 and 123-90 of the Zoning Resolution.

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

For consideration.

No. 20

CD 2

C 050375 MMQ

IN THE MATTER OF an application, submitted by Terra Cotta LLC c/o Silvercup Studios, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- a change of legal grades in 43rd Avenue between Vernon Boulevard and the East River;

in accordance with Map No.4988 dated February 7, 2006 and signed by the Borough President.

(On May 10, 2006, Cal. No. 9, the Commission scheduled May 24, 2006 for a public hearing. On May 24, 2006, Cal. No. 19, the hearing was closed.)

For consideration.

No. 21

MASPETH/WOODSIDE INCLUSIONARY HOUSING TEXT

CD 2

N 060504 ZRQ

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 of the Zoning Resolution of the City of New York relating to Section 23-90 (Inclusionary Housing), to establish the Inclusionary Housing Program in two new R7X districts in Community District 2, Borough of Queens.

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter in # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

23-141
Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts

R1 R2 R3 R4 R5

Except as otherwise provided in paragraph (a) of Section ~~23-144~~ 23-147 (For non-profit residences for the elderly ~~in R3, R4, R5, R6 and R7 Districts~~), in the districts indicated, the minimum required #open space# or #open space ratio#, the maximum #lot coverage# and the maximum #floor area ratio# for any #building# on a #zoning lot# shall be as set forth in the following tables:

* * *

23-142
In R6, R7, R8 or R9 Districts

R6 R7 R8 R9

Except as otherwise provided in the following Sections:

Section 23-144 (In R6, R7 and R8 Districts where the Inclusionary Housing Program is applicable)
Section 23-145 (For residential buildings developed or enlarged pursuant to the Quality Housing Program) ~~and~~
Section 23-146 (Optional provisions for certain R5 and R6 Districts in Brooklyn), and
~~Sections 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts)~~
Section 23-147 (For non-profit residences for the elderly)

in the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for any #building# on a #zoning lot# shall be as set forth in the following table for #buildings# with the #height factor# indicated in the table.

* * *

23-143
For high buildings in R6, R7, R8 or R9 Districts

R6 R7 R8 R9

Except as otherwise provided in paragraph (a) of Section 23-144 23-147 (For non-profit residences for the elderly ~~in R3, R4, R5, R6 and R7~~ Districts), in the districts indicated, for #buildings# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

* * *

**23-144
In R6, R7 and R8 Districts where the Inclusionary Housing Program is applicable**

In R6, R7 and R8 Districts where the Inclusionary Housing Program is applicable, as listed in the table below, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In R6, R7 and R8 Districts). The locations of such districts are specified in Section 23-922 (Certain R6, R7 and R8 Districts).

Community District	Zoning District
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 7, Brooklyn	R8A
Community District 2, Queens	R7X

**23-145
For residential buildings developed or enlarged pursuant to the Quality Housing Program**

R6 R7 R8 R9 R10

* * *

~~However, the #floor area ratios# in the table in this Section shall be modified in certain R6, R7 and R8A Districts within Community Districts 1 and 7, Borough of Brooklyn, as specified in Section 23-942 (In Community Districts 1 and 7, Borough of Brooklyn).~~

* * *

**23-144 23-147
For non-profit residences for the elderly ~~in R3, R4, R5, R6 and R7~~ Districts**

(a) In R3, R4, R5, R6 and R7 Districts

R3 R4 R5 R6 R7

In the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

Districts	Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#
R3	0.95	66.5
R4	1.29	39.4
R5	1.95	23.1
R6	3.90	17.7
R7	5.01	12.8

However, in R6 or R7 Districts, the minimum required #open space ratio# shall not apply to #non-profit residences for the elderly developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program. Such #developments# or #enlargements# shall be subject to the requirements of R6A or R7A Districts, respectively, as set forth in ~~Section 23-147 (For non-profit residences for the elderly in R6A, R6B, R7A, R7B or R7X Districts).~~ paragraph (b) of this Section.

~~23-147~~

~~For non-profit residences for the elderly in R6A, R6B, R7A, R7B and R7X Districts~~

(b) In R6A R6B R7A R7B R7X Districts

R6A R6B R7A R7B R7X

In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

MAXIMUM LOT COVERAGE AND FAR
 FOR
 NON-PROFIT RESIDENCES FOR THE ELDERLY
 (in percent)

Maximum #Lot Coverage#		Maximum #Floor Area Ratio#	District
#Corner Lot#	#Interior Lot# or #Through Lot#		
80	65	3.90	R6A
80	60	2.00	R6B
80	70	5.01	R7A
80	65	3.90	R7B
80	70	5.01	R7X

* * *

**23-90
INCLUSIONARY HOUSING**

* * *

**23-92
Applicability**

**23-921
R10 Districts**

* * *

**23-922
Community Districts 1 and 7, Borough of Brooklyn
Certain R6, R7 and R8 Districts**

The Inclusionary Housing Program shall apply:

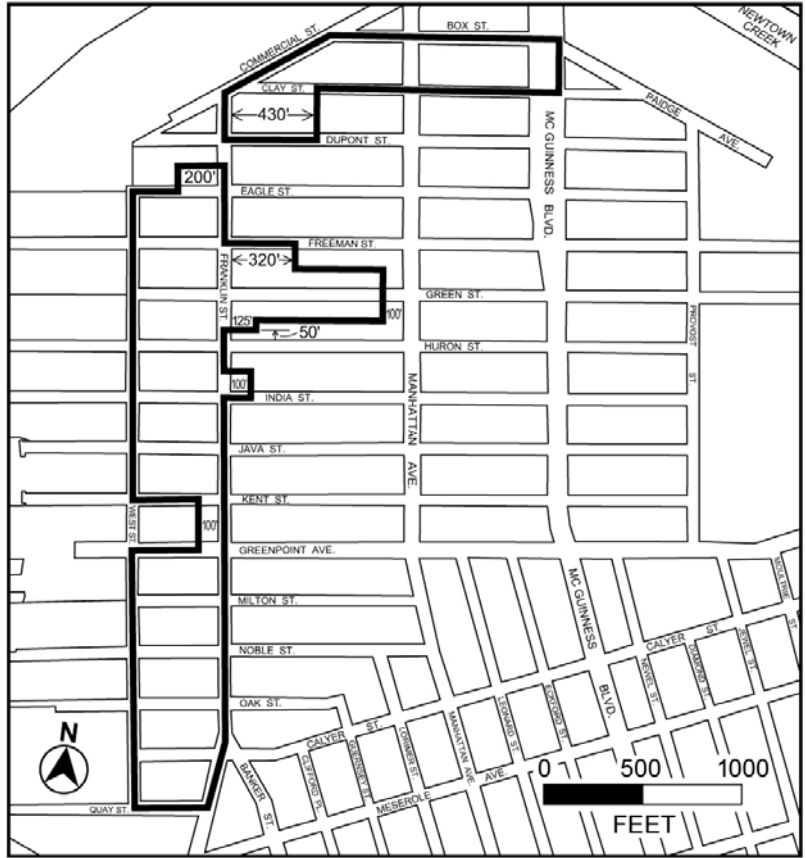
(a) ~~In the following areas of Community District 1, in the Borough of Brooklyn; located in a area bounded by South 5th Street, Grand Street Extension/Borinquen Place, Union Avenue, Metropolitan Avenue, Humboldt Street, Meeker Avenue, Russell Street, Engert Avenue, McGuinness Boulevard, the Newtown Creek and the East River;~~

(1) ~~Waterfront Access Plan BK 1, as set forth in Section 62-352;~~

- ~~(2) all #Special Mixed Use Districts#;~~
- ~~(3) all R6A, R6B and R7A Districts; and~~
- ~~(4) R6 Districts within the following areas: —~~
 - ~~(i) the #block# bounded by Havemeyer Street, North Sixth Street, Metropolitan Avenue and North Fifth Street;~~
 - ~~(ii) the #block# bounded by Roebling Street, North Fifth Street, Havemeyer Street, Metropolitan Avenue and North fourth Street;~~
 - ~~(iii) those #blocks# bounded by Wythe Avenue, Grand Street, Berry Street and South Third Street;~~
 - ~~(iv) those #blocks# and portions of #blocks# bounded by Bedford Avenue, North 1st Street, Driggs Avenue, Fillmore Place, Roebling Street, and a line coincident with the centerline of the long dimension of the #blocks# bounded by Bedford Avenue, Grand Street, Roebling Street and South First Street;~~
 - ~~(v) that portion of the #block# bounded by Havemeyer Street, Hope Street, Marey Avenue and South First Street that is within 100 feet of Grand Street; and~~
 - ~~(vi) that portion of the #block# bounded by Franklin Street, Huron Street, Manhattan Avenue and India Street that is within 100 feet of Franklin Street and 100 feet of India Street.~~

The Inclusionary Housing Program shall apply in the following areas:

- (a) In Community District 1, in the Borough of Brooklyn, in Waterfront Access Plan BK-1, as set forth in Section 62-352, and in the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:

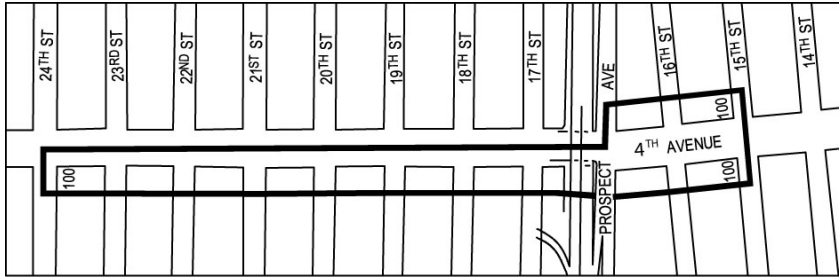


Map 1. Portion of Community District 1 Brooklyn



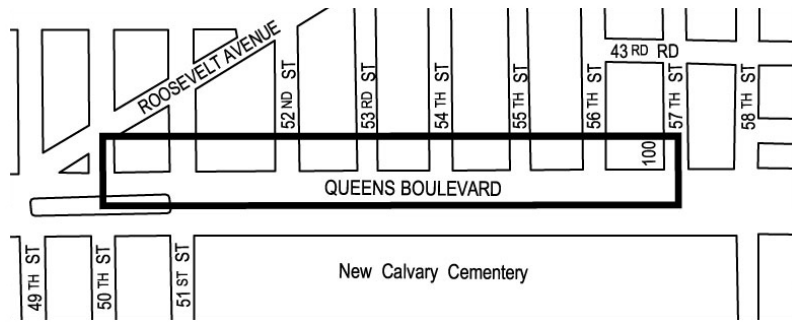
Map 2. Portion of Community District 1, Brooklyn

- (b) In Community District 7, in the Borough of Brooklyn, in ~~all~~ the R8A districts within the area shown on the following Map 3:

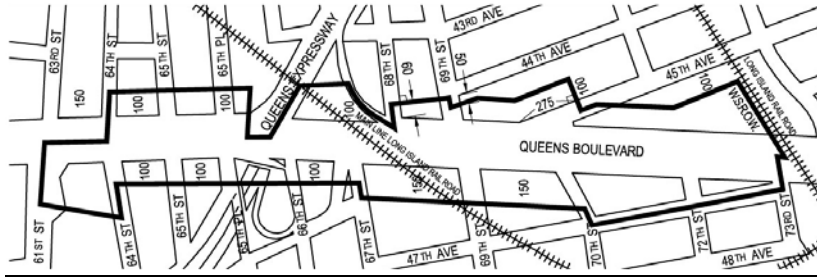


Map 3 Portion of Community District 7, Brooklyn

- (c) In Community District 2, in the Borough of Queens, in the R7X Districts within the areas shown on the following Maps 4 and 5:



Map 4 Portion of Community District 2, Queens



Map 5, Portion of Community District 2, Queens

23-93

Definitions

For the purposes of the Inclusionary Housing program, matter in *italics* is defined either in Section 12-10 (DEFINITIONS) or in this Section.

Administering agent

The "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring compliance with such plan.

The #administering agent# shall be a not-for-profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not-for-profit organization as the #administering agent# was unsuccessful. However, in ~~Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#~~, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to city, state, or federal funding sources, to serve as the #administering agent# during such compliance period.

* * *

Fair rent

At initial occupancy of #lower income housing#, "fair rent" (the "Section 8 Standard") is an annual rent for each such housing equal to not more than either the public assistance shelter allowance if the #family# receives public assistance, or 30 percent of the annual income of the tenant of such housing, provided that such tenant is a #lower income household# at the time of initial occupancy pursuant to the provisions of this program.

Upon renewal of a lease for an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then-current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

- (a) the then-currently applicable "Section 8 Standard"; or
- (b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income household# responsible for the payment of utilities as long as the sum of:

- (1) the initial #fair rent#; and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment do not exceed 30 percent of said #lower income household's# income.

However, in ~~Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#~~, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of #lower income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable Section 8 Standard or the Rent Stabilization Standard.

At initial occupancy of any #lower income housing#, no portion of the #fair rents# shall be for the payment of the principal or interest on any debt, and the #lower income housing# shall not secure any debt and shall be free of all liens, except liens for real estate taxes, water charges and sewer rents and other governmental charges for which payment is not yet due. #Fair rents# may be used for the payment of principal or interest of debt only if such debt was incurred after the date of initial occupancy and is for a capital improvement to such #lower income housing# other than those capital improvements set forth in the #lower income housing plan#.

In ~~Community Districts 1, 2 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#~~, at initial occupancy of any #lower income housing#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-95, paragraph(c), and provided that the lender agrees to enter

into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

Lower income household

A "lower income household" is a #family# having an income equal to or less than the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

~~In Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#,~~ #lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with U. S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

"Lower income housing" are #standard units# occupied or to be occupied by #lower income households#. #Lower income housing# shall not include #standard units# assisted under city, state or federal programs, except where such assistance is in the form of:

- (a) real estate tax abatements and exemptions which are specifically limited to the #lower income housing#; or
- (b) operating assistance that the Commissioner of the Department of Housing Preservation and Development determines will be used to enable households with incomes of not more than 62.5 percent of the "80 Percent of SMSA Limits" to afford such #lower income housing#.

However, ~~in Community Districts 1 and 7, Borough of Brooklyn, in #R6, R7 and R8 designated areas#,~~ #lower income housing# shall include #standard units# assisted under City, State or Federal programs.

Lower income housing plan

* * *

R6, R7 and R8 designated areas

“R6, R7 and R8 designated areas” shall be those areas specified in Section 23-922 (Certain R6, R7 and R8 Districts)

* * *

**23-941
In R10 Districts**

* * *

**23-942
In Community Districts 1 and 7, Borough of Brooklyn
In R6, R7 and R8 Districts**

The provisions of this Section shall apply in the designated areas set forth in Section 23-922, except within Waterfront Access Plan BK-1.

(a) Maximum #floor area ratio#

The #floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased by one and one-quarter square feet for each square foot of #floor area# provided for #lower income housing#, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income housing# required to receive such bonus #floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, in the #building#. In addition, the following rules shall apply:

District	Base #floor area ratio#	Maximum #floor area ratio#
R6*	2.2	2.42
R6**	2.7	3.6
R6A	2.7	3.6
R6B	2.0	2.2
R7A	3.45	4.6
<u>R7X</u>	<u>3.75</u>	<u>5.0</u>
R8A	5.4	7.2

 * for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

** for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

(b) Height and setback

(1) Except in #Special Mixed Use Districts#, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.

(2) In #Special Mixed Use Districts#, where the #residence district# designation has a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to paragraph (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations). Where the #residence district# designation does not have a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

(c) #Lower income housing# requirements

The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements).

**23-95
 Lower Income Housing Requirements**

* * *

(f) Permits and certificates of occupancy

No building permit for the #compensated development# shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any part of the #compensated development# until a temporary certificate of occupancy for each unit of #lower income housing# has been issued or, in ~~Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#,~~ if the #building# has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has

certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.

No permanent certificate of occupancy shall be issued for any part of the #compensated development# until a permanent certificate of occupancy for each unit of the #lower income housing# has been issued or, in ~~Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#~~, if the #building# has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#. Prior to the issuance of any temporary or permanent certificate of occupancy for the #compensated development#, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

(g) Insurance

The #administering agent# of the #lower income housing# shall have said housing insured against any damage or destruction in an amount equal to no less than the replacement value of such housing.

Any insurance proceeds received as a result of damage or destruction of all or part of such housing shall be used first for restoring such damaged or destroyed housing to #lower income housing#, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution. However, in ~~Community Districts 1 and 7, Borough of Brooklyn #R6, R7 and R8 designated areas#~~, the Commissioner of Housing Preservation and Development may modify this requirement to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.

* * *

23-951

On-site new construction option

To qualify for this option, the designated #lower income housing# shall meet the following requirements.

- (a) The #lower income housing# shall be located in newly constructed #floor area# in the #compensated development#. The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.
- (b) #Dwelling units# designated as #lower income housing# shall be distributed throughout the #development#. No #story# shall contain more than two such

units unless at least 80 percent of all #stories# contain two such units. The size of the designated #lower income housing# units shall at least be distributed among the various size units in proportion to the total distribution of unit size within the #building# in the following categories of unit sizes:

under 600 net square feet
 600 - 749 net square feet
 750 - 949 net square feet
 950 - 1149 net square feet
 1150 or more net square feet

In ~~Community Districts 1 and 7, Borough of Brooklyn~~ #R6, R7 and R8 designated areas#, if the #lower income housing# is subject to the requirements of city, state or federal programs assisting the #lower income housing# that have size and distribution requirements conflicting with the size and distribution requirements of this paragraph, (b), then the size and distribution requirements of this paragraph, (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#.

23-952

Substantial rehabilitation and off-site new construction options

To qualify for one or more of these options, the designated #lower income housing# shall meet the following requirements:

- (a) The #lower income housing# shall be located either:
- (1) within the same Community District as the #compensated development#; or
 - (2) within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.

For the new construction option the #lower income housing# shall be in a new #building#. For the substantial rehabilitation options, the #lower income housing# shall be in an existing #building# in which, prior to the submission of the #lower income housing plan# pursuant to this Section, any #residential# portion not in public ownership had been entirely vacant for not less than three years.

Furthermore, in ~~Community Districts 1 and 7, Borough of Brooklyn~~, #R6, R7 and R8 designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the

Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

- (b) The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.
- (c) On-site substantial rehabilitation units shall be those units on the same #zoning lot# as the #compensated development#.

**23-953
Preservation option**

To qualify for this option, the designated #lower income housing# shall meet the following requirements.

- (a) The #lower income housing# shall be located either:
 - (1) within the same Community District as the #compensated development#; or
 - (2) within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.

The #lower income housing# shall be in an existing occupied #residential# or #mixed building#. Only #standard units# occupied by #lower income households# shall be #lower income housing#. For each #standard unit# designated as #lower income housing# the #administering agent# shall verify the income of the household in tenancy.

Furthermore, in ~~Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#~~ the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

* * *

**24-161
Maximum floor area ratio for zoning lots containing community facility and residential uses**

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R6A R6B R7-2 R7A R7B R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the designated areas set forth in Section 23-922 (~~Community Districts 1 and 7, Borough of Brooklyn~~ Certain R6, R7 and R8 Districts), except within Waterfront Access Plan BK-1, the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

* * *

**35-31
Maximum Floor Area Ratio for Mixed Buildings**

C1 C2 C3 C4 C5 C6

* * *

In the designated areas set forth in Section 23-922 (~~Community Districts 1 and 7, Borough of Brooklyn~~ Certain R6, R7 and R8 Districts), except within Waterfront Access Plan BK-1, the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

* * *

ARTICLE XII SPECIAL PURPOSE DISTRICTS

**Chapter 3
Special Mixed Use Districts**

* * *

**123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts**

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the ~~provisions of Sections 23-142 (In R6, R7, R8 or R9 Districts) through 23-144 regulating minimum required #open space ratios# and maximum #floor area ratios#~~ minimum required #open

space ratio# and maximum #floor area ratio# provisions of Sections 23-142, 23-143 and paragraph (a) of Section 23-147 shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-145, or paragraph (b) of Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

However, in designated R6, R7 or R8 Districts where the Inclusionary Housing Program is applicable, as listed below, the maximum permitted #floor area ratio# shall be as set forth in Section 23-942 (In R6, R7 and R8 Districts). The locations of such districts are specified in Section 23-922 (Certain R6, R7 and R8 Districts).

<u>Special Mixed Use District</u>	<u>Designated Residence District</u>
<u>MX 8 Community District 1, Brooklyn</u>	<u>R6 R6A R6B R7A</u>

**123-64
Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings**

(a) Maximum #floor area ratio#

* * *

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# in #Special Mixed Use Districts# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in the designated areas set forth in Section 23-922 (~~Community Districts 1 and 7, Borough of Brooklyn~~ Certain R6, R7 and R8 Districts), except within Waterfront Access Plan Bk-1, the #floor area ratios# of Section 23-942 shall apply.

* * *

(On June 7, 2006, Cal. No. 2, the Commission scheduled June 21, 2006 for a public hearing. On June 21, 2006, Cal. No. 18, the hearing was closed.)

For consideration.

No. 22

MIDDLE VILLAGE REZONING FOLLOW-UP

CD 5

C 060411 ZMQ

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 No. 13d:

1. changing from an R5 District to an R4 District property bounded by:
 - a. a line midway between 67th Road and 67th Drive, 78th Street, 67th Drive, a line 200 feet easterly of 78th Street, 68th Avenue, 78th Street, 69th Road, 76th Street, a line 200 feet southeasterly of 69th Road, 75th Street, 69th Road, a line midway between 75th Street and 76th Street, a line 100 feet southerly of 68th Avenue, and 75th Street; and
 - b. 67th Drive, 79th Street, 68th Avenue, a line 100 feet easterly of 79th Street, a line midway between 68th Avenue and 68th Road, a line perpendicular to the southerly street line of 68th Avenue distant 110 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of 68th Avenue and the westerly street line of 80th Street, 68th Avenue, 80th Street, Cooper Avenue, 69th Drive, a line 100 feet easterly of 79th Street, a line 100 feet northerly of 69th Drive, a line 100 feet northwesterly of Cooper Avenue, 69th Road, a line 100 feet westerly of 80th Street, a line midway between 68th Road and 69th Avenue, a line 100 feet easterly of 79th Street, 69th Road, a line 100 feet westerly of 79th Street, 69th Avenue, a line perpendicular to the northerly street line of 69th Avenue distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of 69th Avenue and the northeasterly street line of 78th Street, a line midway between 68th Road and 69th Avenue, and a line 100 feet westerly of 79th Street;

2. changing from an R5 District to an R4-1 District property bounded by:
 - a. a line 100 feet northerly of Metropolitan Avenue, 71st Street, a line 100 feet southerly of 66th Drive, a line 200 feet westerly of Pleasantview Street, Metropolitan Avenue, and 70th Street;
 - b. a line midway between Metropolitan Avenue and 67th Road, a line 125 feet easterly of 75th Street, 67th Road, and a line 100 feet easterly of 73rd Place;
 - c. 67th Drive, a line 100 feet westerly of 79th Street, a line midway between 68th Road and 69th Avenue, a line perpendicular to the northerly street line of 69th Avenue distant 100 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of 69th Avenue and the northeasterly street line of 78th Street, 69th Avenue, a line 100 feet westerly of 79th Street, 69th Road, a line 100 feet easterly of 79th Street, a line midway between 68th Road and 69th Avenue, a line 100 feet westerly of 80th Street, 69th Road, a line 100 feet northwesterly of Cooper Avenue, a line 100 feet northerly of 69th Drive, a line 100 feet easterly of 79th Street, 69th Drive and its westerly centerline prolongation, a line 200 feet southeasterly of 69th Road, 76th Street, 69th Road, 78th Street, 68th Avenue, and a line 200 feet easterly of 78th Street; and
 - d. 68th Avenue, a line perpendicular to the southerly street line of 68th Avenue distant 110 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of 68th Avenue and the westerly street line of 80th Street, a line midway between 68th Avenue and 68th Road, and a line 100 feet easterly of 79th Street; and
3. changing from an R5 District to an R5B District property bounded by:
 - a. a line 225 feet northerly of Metropolitan Avenue, 70th Street, Metropolitan Avenue, and 69th Street; and
 - b. a line 100 feet southerly of 66th Drive, a line 425 feet easterly of Pleasantview Street, Metropolitan Avenue, and a line 200 westerly Pleasantview Street;

as shown on a diagram (for illustrative purposes only) dated April 3, 2006.

(On June 7, 2006, Cal. No. 3, the Commission scheduled June 21, 2006 for a public hearing. On June 21, 2006, Cal. No. 19, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 23

THEODORE H./ELIZABETH J. DEHART HOUSE LANDMARK

CD 3

N 060512 HKR

IN THE MATTER OF a communication dated May 16, 2006, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Theodore F. and Elizabeth J. DeHart House, 134 Main Street, (Block 8028, Lot 63), by the Landmarks Preservation Commission on May 16, 2006 (List 374/LP-2192).

For consideration.

No. 24

444 FLAGG PLACE

CD 2

N 060286 ZAR

IN THE MATTER OF an application submitted by Dr. Michael Grecco for the grant of authorizations pursuant to Section 105-421 and 105-425 of the Zoning Resolution for modification of topographic features on a Tier I site and modification of botanic environment and tree preservation and planting requirements to facilitate the construction of a single-family detached dwelling with accessory in-ground swimming pool at 444 Flagg Place (Block 899, Lot 87) within the Special Natural Area District.

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

For consideration.

III. PUBLIC HEARINGS

BOROUGH OF BROOKLYN

Nos. 25 & 26

REMSEN AVENUE DEP MAINTENANCE YARD

No. 25

CD 18

C 050256 MMK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Department of Environmental Protection 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 East 91st Street between Avenue D and the Long Island Railroad Right-Of-Way;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

in accordance with Map Nos. X-2692 and X-2693 dated October 28, 2005 and signed by the Borough President.

(On June 21, 2006, Cal. No. 1, the Commission scheduled July 12, 2006 for a public hearing which has been duly advertised.)

Close the hearing.

No. 26

CD 18

C 060365 PSK

PUBLIC HEARING:

IN THE MATTER OF an application by the Department of Environmental Protection and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for site selection of the bed of East 91st Street between the Long Island Railroad Tracts and Avenue D, for use as a maintenance facility.

(On June 21, 2006, Cal. No. 2, the Commission scheduled July 12, 2006 for a public hearing which has been duly advertised.)

Close the hearing.

No. 27

ATLANTIC AVENUE RESIDENCE

CD 16

C 060457 HAK

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 2341-49 Atlantic Ave; 1874, 1870 and 2335 Eastern Parkway and 20-30 Sherlock Place (Block 1571, Lots 1-3, 26-30, 32-36) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2.) pursuant to Section 197-c of the New York City Charter for the disposition of such properties to a sponsor to be determined by HPD;

to facilitate the development of three, 4-story buildings, tentatively known as Atlantic Avenue Residence, with approximately 41 residential units to be developed under the Department of Housing Preservation and Development's Habitat for Humanity Program.

(On June 21, 2006, Cal. No. 3, the Commission scheduled July 12, 2006 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

Nos. 28 & 29

PLAZA HOTEL

No. 28

CD 5

C 060431 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Plaza Accessory Owner LP and Plaza Club Owner LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-10 to allow within an R10-H District Use Group 6 uses (retail/restaurant uses) and Use Group 9 uses (banquet and health club uses) on portions of the sub cellar, cellar floor, ground floor, ground floor mezzanine, 2nd floor and 3rd floor in an existing 21-story mixed use building (Plaza Hotel), on property located at 768 Fifth Avenue (Block 1274, Lot 25), within R10-H and C5-2.5 Districts, partially 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.

(On June 21, 2006, Cal. No. 4, the Commission scheduled July 12, 2006 for a public hearing which has been duly advertised.)

Close the hearing.

No. 29

CD 5

C 060431(A) ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Plaza Accessory Owner LP and Plaza Club Owner LP pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify:

1. the use regulations of Section 22-10 within an R10-H District to allow Use Group 6 uses (retail/restaurant uses) and Use Group 9 uses (banquet and health club uses) on

portions of the sub cellar, cellar floor, ground floor, ground floor mezzanine, 2nd floor and 3rd floor; and

- 2. the sign regulations of Section 22-30 to allow signs in connection with Use Group 6 uses (retail/restaurant uses) and Use Group 9 uses (banquet and health club uses) within the R10-H District;

in an existing 21-story mixed use building (Plaza Hotel), on property located at 768 Fifth Avenue (Block 1274, Lot 25), within R10-H and C5-2.5 Districts, partially 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.

(On June 21, 2006, Cal. No. 5, the Commission scheduled July 12, 2006 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 30 & 31

***MARTIN BECK THEATER DEVELOPMENT RIGHTS
TRANSFER/750 8TH AVENUE PARKING GARAGE***

No. 30

CD 4, 5

N 060433 ZRM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by SJP Residential Properties pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article VIII, Chapter 1, Article VIII, Chapter 7 and Article IX Chapter 6, concerning Sections 81-21 (Floor Area Ratio Regulations), 81-71 (General Provisions), 81-741 (General provisions), 81-744 (Transfer of development rights from listed theaters) and 96-101 (Floor area regulations) to clarify theater transfer provisions in Community District 4 and Community District 5, Borough of Manhattan.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Midtown District

* * *

81-213
Special provisions for transfer of development rights from listed theaters within the Special Clinton District

In C6-2 Districts within the #Special Clinton District#, for #zoning lots# or portions thereof comprised of listed theaters designated in Section 81-742, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots# or portions thereof shall be 6.02.

* * *

81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

81-71
General Provisions

The regulations of Sections 81-72 to 81-75, inclusive, relating to Special Regulations for the Theater Subdistrict, are applicable only in the Theater Subdistrict, of which the Theater Subdistrict Core and the Eighth Avenue Corridor are parts, except that any listed theater designated in Section 81-742, or portion thereof, located outside of the Theater Subdistrict shall be deemed to be a “granting site” pursuant to Section 81-744 (Transfer of development rights from listed theaters).

* * *

81-741
General provisions

(a) Certifications

- (1) ~~In the Theater Subdistrict,~~ The transfer of development rights from any ~~eligible theater~~ “granting site” in accordance with the provisions of Section 81-744 (Transfer of development rights from listed theaters) shall be permitted upon certification by the City Planning Commission.

(2) In the Theater Subdistrict, modifications of the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries) shall be permitted upon certification of the Chairperson of the City Planning Commission.

(b) Authorizations by the City Planning Commission

~~In the Eighth Avenue Corridor, t~~The transfer of development rights from any eligible theater "granting site" in accordance with the provisions of paragraph (b) of Section 81-744 shall be permitted by authorization by the City Planning Commission.

* * *

81-744

Transfer of development rights from listed theaters

* * *

(a) Transfer of development rights by certification

~~Within the Theater Subdistrict, t~~The City Planning Commission shall allow, by certification, a transfer of development rights from a "granting site" to a "receiving site," provided that:

- (1) the maximum amount of #floor area# transferred from a "granting site" is the basic maximum #floor area ratio# established pursuant to Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) or 81-213 (Special provisions for transfer of development rights from listed theaters within the Special Clinton District), as applicable, for such #granting site# as if it were undeveloped, less the total #floor area# of all existing #buildings# or portions of #buildings# on the #granting site# and #floor area# attributed to the "granting site" that has been previously used or transferred;
- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be #developed# on the #zoning lot# containing the "granting site" by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a "receiving site" shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 for such #receiving site# by more than 20 percent;

* * *

(b) Transfer of development rights by authorization

~~Within the Theater Subdistrict,~~ The City Planning Commission shall allow, by authorization, an additional transfer of development rights beyond the amount of #floor area# transfer permitted by certification in paragraph (a) of this Section from a "granting site" to any portion of a "receiving site" located within the Eighth Avenue Corridor, subject to the following conditions:

* * *

ARTICLE IX - SPECIAL PURPOSE DISTRICTS

Chapter 6
Special Clinton District

* * *

96-101
Floor area regulations

For any #development# or #enlargement# within the Preservation Area, the #floor area ratio# for a #residential#, #commercial# or #community facility building#, or portions of a #mixed building# containing such #uses#, shall not exceed the following:

#Uses#	#Floor Area Ratio#
#Residential buildings# or #community facility buildings# or portions of #mixed buildings# containing #residential# or #community facility uses# in the following Districts: R8 C1-45 C2-5 C6-2	4.2
#Commercial buildings# or commercial portion of #mixed buildings# in the following Districts: C1-5 C2-5	2.0
C6-2*	4.2

The maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the commercial portion of such #building# or the community facility portion of such #building# or the #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

* In C6-2 Districts, for #zoning lots# or portions thereof comprised of listed theaters designated in Section 81-742 of the #Special Midtown District#, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots# or portions thereof shall be 6.02.

(On June 21, 2006, Cal. No. 6, the Commission scheduled July 12, 2006 for a public hearing which has been duly advertised.)

Close the hearing.

No. 31

CD 5

C 060434 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by SJP Residential Properties pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 101 spaces on portions of the ground floor and in part of the cellar and sub-cellar of a proposed mixed use building on property located at 750 Eighth Avenue (Block 1018, Lots 1, 3 and 57), in C6-4 and C6-5 Districts, within the Special Midtown District.

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

(On June 21, 2006, Cal. No. 7, the Commission scheduled July 12, 2006 for a public hearing which has been duly advertised.)

Close the hearing.

**IV. CITY PLANNING COMMISSION 2006 SCHEDULE OF MEETINGS
July 1 to December 31**

	SUN	MON	TUE	WED	THU	FRI	SAT	Notes
JULY	2	3	4 <small>INDEPENDENCE DAY</small>	5	6	7	8 9	
	9 <small>REVIEW SESSION</small>	10	11 <small>CPC PUBLIC MEETING</small>	12	13	14	15	
	16	17	18	19	20	21	22	
	23 <small>REVIEW SESSION</small>	24	25 <small>CPC PUBLIC MEETING</small>	26	27	28	29	
	30	31						
AUGUST			1	2	3	4	5	
	6 <small>REVIEW SESSION</small>	7	8 <small>CPC PUBLIC MEETING</small>	9	10	11	12	
	13	14	15	16	17	18	19	
	20 <small>REVIEW SESSION</small>	21	22 <small>CPC PUBLIC MEETING</small>	23	24	25	26	
27	28	29	30	31				
SEPTEMBER						1	2	
	3 <small>LABOR DAY</small>	4	5	6	7	8	9	
	10 <small>REVIEW SESSION</small>	11	12 <small>CPC PUBLIC MEETING</small>	13	14	15	16	
	17	18	19	20	21	22 <small>ROSH HASHANAH</small>	23	
24 <small>REVIEW SESSION</small>	25	26 <small>CPC PUBLIC MEETING</small>	27	28	29	30		
OCTOBER	1 <small>YOM KIPPUR</small>	2	3	4	5	6	7	
	8 <small>COLUMBUS DAY OBSERVED</small>	9 <small>*REVIEW SESSION</small>	10 <small>*CPC PUBLIC MEETING</small>	11	12	13	14	*Review Session will be held on <u>Tuesday, October 10th</u>
	15	16	17	18	19	20	21	
	22 <small>REVIEW SESSION</small>	23	24 <small>CPC PUBLIC MEETING</small>	25	26	27	28	
29	30	31						
NOVEMBER				1	2	3	4	
	5	6	7 <small>ELECTION DAY</small>	8	9	10 <small>VETERANS DAY OBSERVED</small>	11	
	12 <small>REVIEW SESSION</small>	13	14 <small>CPC PUBLIC MEETING</small>	15	16	17	18	
	19	20	21	22	23 <small>THANKSGIVING</small>	24	25	
26	27	28	29	30				
DECEMBER						1	2	
	3 <small>REVIEW SESSION</small>	4	5 <small>CPC PUBLIC MEETING</small>	6	7	8	9	
	10	11	12	13	14	15	16 <small>1ST DAY HANUKKAH</small>	
	17 <small>REVIEW SESSION</small>	18	19 <small>CPC PUBLIC MEETING</small>	20	21	22	23	
	24 <small>31</small>	25 <small>CHRISTMAS</small>	26 <small>1ST DAY KWANZAA</small>	27	28	29	30	

Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 P.M.
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 A.M.