

CAL. NO.	C.P. NO.	REPORTS		REMARKS	CAL. NO.	C.P. NO.	REPORTS		REMARK
		TO	FROM				TO	FROM	
1	MINUTES			Approved	48	C 840528	ZSQ		Withdraw
2	C 840617	ZMM		Sched. 7/25/84	49	C 840686	- 695 PPK		Hearing Cls
3	C 840616	ZRM		" "	50	C 840737	- 747 PPK		" "
4	C 840788	PPM		" "	51	C 840769	- 770 PPK		" "
5	C 840804	PNM		" "	52	C 840719	PPK		" "
6	C 840562	MMM		" "	53	C 840224	HUK		Cont. to 7/1
7	C 840563	ZSM		" "	54	C 840224	HUK (A)		" "
8	C 840566	GFM		" "	55	C 830537	HAK		" "
9	N 840 914	ZRM		" "	56	N 840869	BDK		Hearing Cls
10	N 840541	ZRM		" "	57	N 840870	BDK		" "
11	C 840054	PSQ		" "	58	C 840253	HAX		" "
12	C 840055	ZMQ		" "	59	C 840491	GFX		" "
13	C 830308	MMQ		" "	60	C 840681	- 685 PPX		" "
14	C 840791	- 800	PPK	" "	61	C 840730	- 736 PPX		" "
15	C 840815	- 825	PPK	" "	62	C 840765	- 768 PPX		" "
16	C 840864	HDK		" "	63	C 840661	ZSX		" "
17	C 840514	ZMK		" "	64	ASSIGNMENTS			" "
18	C 830572	MMK		" "	65	C 830300	ZMR		Fast Rept.
19	C 840789	- 790	PPX	" "	66	C 830313	PSR		" "
20	C 840813	- 814	PPX	" "	67	N 831078	RAR		" "
21	C 840849	- 853	PPX	" "	68	N 840902	RAR		" "
22	C 840866	HDX		" "	69	C 840549	PPM		Laid Over
23	C 840868	HDX		" "	70	C 831971	ZSM		Fast Rept
24	C 840194	ZSX		" "	71	C 840530	ZSM		Fast Rept.
25	C 840844	ZMX		" "	72	N 840427	ZRM		" "
26	C 840872	HDX		" "	73	C 840900	ZSM		" "
27	N 840428	ZRY (A)		" "	74	N 840113	ZRM		" "
28	N 840674	ZRY		" "	75	C 840518	PPQ		Rept Adopted
29	N 840560	ZRY		" "	76				
30	C 840354	PPR		Withdrawn	77				
31	C 840701	- 703	PPR	Hearing Closed	78				
32	C 840750	PPR		" "	79				
33	C 820 142	GFM		" "	80				
34	C 840680	PPM		" "	81	PRESENT			
35	C 840696	PPM		" "	82	H. Sturz, Chairman			
36	C 840 227	HAM		" "	83	M. Gallent, Vice Chairman			
37	C 840228	HAM		" "	84	M. Bond, Commissioner			
38	C 840229	HAM		" "	85	J. Gulino, "			
39	C 840230	HAM		" "	86	S. Motley, "			
40	C 840231	HAM		" "	87	T. Teah, "			
41	C 840373	ZSM		Cont. to 7/25	88	D. Scheinberg "			
42	C 840374	ZSM		" " "	89				
43	C 830019	MMQ		Hearing Closed	90	Adjourned at 11:45 AM.			
44	C 840697	- 698	PPQ	" "	91				
45	C 840748	PPQ		" "	92				
46	C 840749	PPQ		" "	93				
47	C 840527	PSQ		Withdrawn	94				

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

CITY PLANNING COMMISSION

WEDNESDAY, June 20, 1984

**MEETING AT 10 A.M.
in the
CITY HALL**



Edward I. Koch, Mayor

City of New York

[No. 10]

**For information about the course of the hearings during the meeting in City Hall,
Manhattan, please call 566-8510**

Prepared by Lory R. Alcalá, Calendar Officer

CITY PLANNING COMMISSION

**GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS**

1. A quorum shall consist of four members.
2. Final action by the Commission shall be by the affirmative vote of not less than four members.
3. Except by unanimous consent, matters upon which public hearings 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.
5. All proposals scheduled for public hearings shall be duly advertised in accordance with charter provisions, i.e., the Commission shall afford the public an opportunity to be heard at a time and place to be specified in a notice of hearing to be published in THE CITY RECORD for ten days of publication of THE CITY RECORD immediately preceding and including the date of hearing. (Detailed information on items appearing in this calendar may be obtained by contacting the Department of City Planning.)

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.

CALENDARS: Any member of a Community Planning Board, any civic association or non-profit organization may write the Calendar Officer of the Commission to be placed on the mailing list to receive the Comprehensive City Planning Calendar which consists of the City Planning Commission Public Meeting Calendar, Supplemental Calendar and Special Meeting Calendar, and Community Board Public Hearing Notices. Calendars are also available to the public in the Calendar Information Office, 2 Lafayette Street, Room 1614, New York, N.Y. 10007. Any other individual or organization wishing to be placed on the calendar mailing list (\$60.00 for a two year subscription prorated) may do so by contacting the Calendar Information Office, 566-8510.

CITY PLANNING COMMISSION

2 Lafayette Street, New York, N.Y. 10007

HERBERT STURZ, *Chairman*

MARTIN GALLENT, *Vice Chairman*

MAX BOND,

JOHN P. GULINO,

R. SUSAN MOTLEY,

DENISE M. SCHEINBERG,

THEODORE E. TEAH, *Commissioners*

LORY R. ALCALA, *Calendar Officer*

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

ORDER OF BUSINESS AND INDEX

WEDNESDAY, June 20, 1984

Calendar No. 10

Roll Call; approval of minutes.....	1
I. Scheduling July 25, 1984.....	1
II. Public Hearings.....	64
III. Reports.....	81

Community Board Public Hearing Notices are available in the
Calendar Information Office, Room 1614, 2 Lafayette Street, New York, N.Y. 10007

The next regular public meeting of the City Planning Commission is scheduled for
July 25, 1984, in City Hall, Room 16, Manhattan, at 10:00 a.m.

GENERAL INFORMATION

HOW TO PARTICIPATE:

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public Hearings" 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 written statement and/or other documents please submit 10 sets of each.

Anyone wishing to present facts or to inform the Commission of their views on an item in this calendar, but who cannot or do 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 1614
2 Lafayette Street, New York, N.Y. 10007

(Extra copies of this form may be obtained in the Calendar Information Office—Room 1614, 2 Lafayette Street).

Subject

Date of Hearing Calendar No.:

Borough Identification No.:

CB No.:

Position:

Opposed

In Favor

Comments:

.....
.....
.....
.....
.....

Name:

Address:

Organization (if any)

Address Title:

WEDNESDAY, MAY 30, 1984

APPROVAL OF MINUTES OF
Special Meeting of April 23 1984
and Regular Meeting of May 16, 1984

**I PUBLIC HEARINGS ON THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, JULY 25, 1984
STARTING AT 10 A.M.
in CITY HALL, MANHATTAN**

BOROUGH OF MANHATTAN

No. 2 and 3

*[Proposed amendment of the zoning map establishing two new general Commercial Districts with-
in the Little Italy/Chinatown/Lower East Side Neighborhoods and related proposed zoning text
amendments to prohibit as-of-right residential conversions in all manufacturing and commercial
buildings and grandfather all floor area in such buildings which was in residential use on April 1,
1984]*

No. 2

CB 2 and 3

C 840617 ZMM

IN THE MATTER OF of a zoning change, pursuant to Sections 197-c and 200 of the New York City Charter, involving an amendment of the Zoning Map, Sections Nos. 12c and 12d (a) changing from C6-1 and C6-2 Districts to C6-1G and C6-2G Districts property bounded by a line 100 feet south of Kenmare Street, Bowery, a line 100 feet south Delancey Street, a line midway between Chrystie Street and Bowery, Grand Street, Orchard Street, a line 150 feet south of Grand Street, Allen Street, Canal Street, Division Street, a line 100 feet east of Pike Street, East Broadway, Pike Street, Henry Street, Market Street, a line 100 feet south of East Broadway, Oliver Street, Park Row, Mott Street, a line 100 feet north of Chatham Square, Doyers Street, Bowery, a line 100 feet north of Bayard Street, a line midway between Mott and Elizabeth Streets, a line 100 feet south of Canal Street, Baxter Street, Grand Street and Centre Street, in the Borough of Manhattan as shown on a diagram dated April 16, 1984.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 3

CB 2,3

C 840616 ZRM

IN THE MATTER OF an amendment, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to Sections 11-12, 15-00, 15-021 and 74-782, as follows:

Matter in Bold Type is new;

Matter in brackets [], is old, to be omitted;

Matter in *italics* is defined in Section 12-10

11-12

Establishment of Districts

* * *

Commercial Districts

* * *

C6-1 General Central Commercial District

C6-1A General Central Commercial District

C6-1G General Central Commercial District

C6-2 General Central Commercial District

C6-2G General Central Commercial District

C6-2M General Central Commercial District

* * *

15-00

GENERAL PURPOSES

* * *

- (c) To protect important job producing industries, particularly those with a unique social or economic relationship to the surrounding community;

* * *

15-021

Special Use Regulations

* * *

- (e) In C6-1G and C6-2G districts, in all *manufacturing* and *commercial* buildings except police stations, courthouses and firehouses, or portions thereof, erected prior to December 15, 1961, *residential use* shall not be permitted unless the City Planning Commission has granted a special permit pursuant to Section 74-782 (Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts). However, if the Chairman of the City Planning Commission determines that *floor area* in such *buildings* was occupied for *residential use* on April 1, 1984, such *residential use* shall be permitted to remain and no special permit shall be required, provided that a complete application for determination of occupancy is filed by the owner of the *building* or the occupant of a *dwelling unit* in such *building* not later than April 17, 1985.

74-782

Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M districts, the City Planning Commission, subject to the approval of the Board of Estimate, may permit modification of the requirements of Section 15-21: in M1-5A and M1-5B districts the City Planning Commission subject to the approval of the Board of Estimate, may permit the modification of the requirements of Section 12-14D-1 by and in the LMM Special Purpose District the City Planning Commission, subject to the approval of the Board of Estimate, may permit the modification of the requirements of Section 111-103, provided that the Commission finds that:

- (a) The conversion will not harm the industrial sector of the City's economy;
- (b) The applicant for the Special Permit or a predecessor in title has made a good faith effort to rent such space to a mandated *use* at fair market rentals. Such effort shall have been actively pursued for a minimum of one year immediately preceding the application. A good faith effort shall include, but not be limited to, advertising in local and city-wide press, listing the space with brokers doing business in the industrial real estate market, notifying the New York City Office of Economic Development, and informing local and City-wide industry groups. The applicant shall provide records showing the specific efforts to rent such space.
- (c) There is sufficient alternative space to meet the needs of *commercial* and *manufacturing uses* in the area. The vacancy rate of industrial space in the area shall be one evidentiary element to prove the availability of alternative space;
- (d) City, state and federal economic development programs, to the extent applicable, had been explored and found not suitable;
- (e) The commercial and industrial tenants were given the opportunity by the applicant or predecessor in title to remain in the spaces at fair market rentals and the property owner or predecessors in title did not cause the vacating of the space for the additional conversion;
- (f) The neighborhood in which the conversion is taking place will not be excessively burdened by increased residential activity; and
- (g) All *dwelling units* or *joint living-work quarters for artists* permitted by this special permit meet the standards of the applicable district for such units or quarters.

If the Commission determines that *floor area* in the *building*, or portion thereof, was occupied as *dwelling units* or *joint living-work quarters for artists* on September 1, 1980, findings (b), (c), (d), and (e) shall not be required for the grant of a special permit for such *floor area*, provided that a complete application to prove occupancy as a *dwelling unit* or *joint living work quarters for artists* is submitted to the City Planning Commission by the owner of the *building* or the occupant of a *dwelling unit* or *joint living-work quarters for artists* in such *building* not later than June 21, 1983. In addition, the Commission must find that there is no substantial evidence that the landlord forced commercial or manufacturing tenants to vacate such *floor areas* through harassment, non-renewal of leases, or the charging of rents in excess of the then fair market value. Notwithstanding anything to the contrary above, the Commission shall not grant or deny a special Permit pursuant to the provisions of this section unless an application for such Special Permit has been submitted by the owner of the *building*.

The Commission shall request a report from the Office of Economic Development regarding information useful in making findings 'a', 'b', 'c', 'd', and 'e'. Said report is to be provided within 30 days of the Commission's request.

The applicant shall provide a copy of any application for a Special Permit under this section to the *Industrial Loft Advisory Council* c/o Mayor's Office of Economic Development.

In granting the special permit under this Section, the Commission shall require the preservation of the maximum amount of *floor area for commercial or manufacturing uses* that the Commission deems feasible.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 4

CB 11

C 840788 PPM

IN THE MATTER OF an application by the Division of Real Property for the **disposition of one City-owned property** pursuant to Section 197-c of the New York City Charter.

ULURP #	C.B.	Block	Lot	Location
840788 PPM	11	1638	69	106-110 E. 111th Street

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 5

CB 3

C 840804 PNM

IN THE MATTER OF an application by the Division of Real Property for the **disposition of one City-owned property** pursuant to Section 197-c of the New York City Charter.

ULURP #	C.B.	Block	Lot	Location
840804 PNM	3	390	53	205 East 7th Street

Resolution for adoption scheduling July 25, 1984 for a public hearing.

Nos. 6, 7, and 8

[Proposed Zoning Text Amendments, Zoning Special Permits, Change in the City Map and an application for a revocable consent to enable construction of a new hospital building and additions and improvements to the existing hospital complex of Presbyterian Hospital].

No. 6

CB 12

C 840562 MMM

IN THE MATTER OF a map change showing:

- a) the elimination of a 27.98 wide (as measured parallel to the lines of Fort Washington Avenue) and 81.41 foot long volume of Fort Washington Avenue, extending from the easterly to the westerly street line above a lower limiting plane at elevation 181.7 (with no upper limiting plane), located 179.17' from the southeast corner of the intersection of Fort Washington Avenue and West 168th Street, as measured along the east line of Fort Washington Avenue; and,
- b) the elimination of a 27.59' wide (as measured parallel to the lines of Fort Washington Avenue) and 82.25' long volume of Fort Washington Avenue, extending from the easterly to westerly street line, above a lower limiting plane at elevation 162.13' and below an upper limiting plane at elevation 181.8', located 68.83' from the northwest corner of the intersection of Fort Washington Avenue and West 165th Street as measured along the

west side of Fort Washington Avenue, in accordance with Map No. 30099, dated April 19, 1984 and signed by the Borough President.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 7

CB 12

C 840563 ZSM

IN THE MATTER OF an application from the Presbyterian Hospital requesting a **special permit** pursuant to Sections 79-21, 79-32, 79-43 and 79-403 of the Zoning Resolution, involving a large-scale community facility development, bounded generally by Broadway, Riverside Drive, 165th Street and 168th Street.

Plans for this proposed amendment can be seen at 2 Lafayette Street, Room 1514, N.Y., N.Y.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 8

CB 12

C 840566 GFM

IN THE MATTER OF an application from the Presbyterian Hospital for a revocable consent to construct, maintain and use a tunnel approximately 8'-0" wide and 80'-0" long under and across Fort Washington Avenue, south of 168th Street.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 9

CB 1

N 840914 ZRM

(Proposed zoning text amendments concerning the Special Greenwich Street Development District.)

IN THE MATTER OF various amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York relating to Article VIII, Chapter 6, as follows:

Matter in **Bold Type** is new;

Matter in brackets [], is old, to be deleted;

Matter in *italics* is defined in Section 12-10.

Special Greenwich Street Development District

Proposed Zoning Text Amendment

* * *

86-049

Selection of pedestrian circulation improvements

Pedestrian circulation improvements to be provided by a *developer* shall be selected in the following manner:

- 1) First, those *mandatory pedestrian circulation improvements* which the *developer* is required to construct in connection with the *development* of its *zoning lot*, such *improvements* being listed by *block* number in the Description of Improvements by *block*. (Appendix B);
- 2) Second, those *elective pedestrian circulation improvements* which remain unconstructed, selected in the order in which they are ranked on the list of Elective Pedestrian Circulation Improvements (Appendix C) and whose aggregate additional *floor area* when added to that attributable for the provision of *mandatory pedestrian circulation improvements*, if any, entitles the *developer* to the total additional *floor area* desired.

The Elective Pedestrian Circulation Improvements which are noted with an asterisk (*) in Appendix C have a special ranking priority ahead of the numerical order set forth in Appendix C and equal to each other.

- 3) Third, if no unconstructed *elective pedestrian circulation improvement* or *improvements* enables a *developer* to obtain the total additional *floor area* desired, the *developer* shall select the highest ranked unconstructed improvement and, if necessary, such other improvement or improvements listed in Appendix C, so that the aggregate additional *floor area* attributable to all *pedestrian circulation improvements* provided either (a) exceeds the additional *floor area* desired, the excess being credited as bonus *floor area*, or (b) is less, by the smallest amount, than the additional *floor area* desired, the difference between such aggregate additional *floor area* and the additional *floor area* desired being credited as additional *floor area* in exchange for a contribution (the "Fund Contribution") to the Greenwich Street Development District Fund to be established and administered in accordance with Section 86-0410 (Greenwich Street Development District Fund). The Fund Contribution shall be at the monetary rate specified in Section 86-0411 (Fund Contribution), be in the form of cash and be tendered to such Fund prior to the granting by the Department of Buildings of a building permit for the *development*.

Proposed Text Changes

Special Greenwich Street Development District

86-055

Loggia

A *loggia* is a continuous covered space within a *zoning lot* which effects a pedestrian connection as required in the District Plan and which

- (a) is located along a *street line*
- (b) is located above the level of the *street* such that it may not qualify as an *arcade*.
- (c) may be [is] open, except for building columns and railing, to the air space over the *street* through out its length, or may be enclosed, by a colorless, untinted, non-reflective, transparent material, except that it may contain a base wall of opaque material up to a maximum height of 18 inches from the finished floor level, and if enclosed, it must therefore be heated and air conditioned (during the appropriate periods).
- (d) has a minimum continuous width of 15 feet unobstructed except for building columns,
- (e) has a minimum height of 20 feet,
- (f) is open to the public at all hours, and
- (g) is designed so as to allow connection with all contiguous elements of the District Plan, and match the height of contiguous connecting circulation elements.

86-072

Building walls along certain street lines

Notwithstanding any other provision of this Chapter, where the District Plan shows a mandatory requirement for a *development* to be built to a *street line*, any such *development* shall have an exterior wall (i) coincident with such *street line*, (ii) constructed along the entire length of the portion of the *street line* bounding the *zoning lot* and (iii) with regard to the block listed below, rising, without setback, for a height above *curb level* of not less than the amount specified below:

- (a) For blocks 13N, 20S, 20N and 21, a height of not less than 85 feet.
- (b) For Block 13S, a height of not less than 85 feet, provided, however, if Block 13S is *developed* as one *development*, such *development* shall rise at the *street line* of Battery Place and of Broadway, without setback, to a minimum height of 35 feet but not exceeding 85 feet, except that the tower of such *development* shall rise, without setback, for its full height at the southeast corner of such block.
- (c) For Block 56N, a height of not less than 200 feet above *curb level*, or the full height of the *building*, whichever is less.

Where *building walls* are mandated to be built at the *street line*, such mandated front *building wall* requirements are optional along *street* that intersect with *streets* having mandated front *building wall* requirements. In no case shall such optional front *building walls* extend for a distance from the intersection more than 1.5 times the width of the *street* along which such optional *building wall* fronts.

If an open area is provided along the full length of the portion of the *front lot line*, not subject to optional front *building wall* requirements, the provisions of Section 33-44 (Alternate Front Setbacks) may apply.

* * *

86-092

Use Group G**A. Convenience Retail or Service Establishments**

1. Bakeries, provided that *floor area* used for production shall be limited to 750 square feet per establishment.
2. Barber shops.
3. Beauty parlors.
4. Drug stores.
5. Eating or drinking places, including those which provide outdoor table service or incidental musical entertainment.
6. Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores.
7. Hardware stores.
8. Package liquor stores.
9. Shoe or hat repair shops.
10. Stationery stores.
11. Tailor or dressmaking shops, custom.
12. Variety stores, limited to 10,000 square feet of *floor area* per establishment.
13. Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of *floor area* per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds.

Proposed Text Changes

Special Greenwich Street Development District

B. Retail or Service Establishments.

1. Antique store.
2. Art gallerie, commercial.
3. Artists' supply stores.
4. Automobile supply stores, with no installation or repair services.
5. Bookstores.
6. Candy or ice cream stores.
7. Cigar or tobacco stores.
8. Clothing or clothing accessory stores, limited to 10,000 square feet of *floor area* per establishment.
9. Dry goods or fabric stores, limited to 10,000 square feet of *floor area* per establishment.
10. Florist shops.
11. Furniture stores, limited to 10,000 square feet of *floor area* per establishment.
12. Furrier shops, custom.
13. Gift shops.
14. Interior decorating establishments, provided that *floor area* used for processing, servicing or repairs shall be limited to 750 square feet per establishment.
15. Jewelry or art metal craft shops.
16. Leather goods or luggage stores.
17. Locksmith shops.
18. Millinery shops.
19. Musical instrument repair shops.
20. Music stores.
21. Newsstands, open or enclosed.
22. Optician or optometrist establishments.
23. Pawn shops.
24. Pet shops.
25. Photographic equipment or supply stores.
26. Photographic studios.
27. Picture framing shops.
28. Printing establishments, limited to 2,500 square feet of *floor area* per establishment for production, post offices and telegraph offices, limited to 2,500 square feet of *floor area* per establishment.
29. Record stores.
30. Shoe stores.
31. Sporting or athletic stores.
32. Stamp or coin stores.
33. Television, radio, phonograph or household appliance stores, limited to 10,000 square feet of *floor area* per establishment.
34. Toy stores.
35. Typewriter or other small business machine sales, rental or repair stores.
36. Umbrella repair shops.
37. Watch or clock stores or repair shops.
38. Off-track betting establishments.

C. Amusements.

1. Theaters.

* * *

APPENDIX B

Block 15

Mandatory Lot Improvements

- (a) A *pedestrian connection* between PC1:1 (above the level of Washington Street) and West Street (above street level about midway on the west *lot line*).

- (b) Build to *lot line* on Battery Place.
- (c) Build to *street line* on West Street.

Block 17S

[No designated improvements.]

Mandatory Lot Improvements

- (a) Build to *street line* on West Street.

Block 17N

[No designated improvements.]

Mandatory Lot Improvements

- (a) Build to *street line* on West Street.

* * *

Proposed Text Changes

Special Greenwich Street Development District

* * *

Block 52N

Mandatory Pedestrian Circulation Improvements

PCI:C. An open pedestrian bridge spanning Greenwich Street between the north end of the east *lot line* of block 54N and the north end of the west *lot line* of block 52N and providing pedestrian access between the elevated public pedestrian circulation systems required in both blocks. Not required if block 54N has not been redeveloped to provide the *pedestrian connection*.

PCI:D. An open pedestrian bridge spanning Trinity Place between the east *lot line*, near its middle, of block 52N and the west *lot line*, near its middle, of block 50N and a stair or ramp from the east of the bridge down to the level of Liberty Plaza and providing pedestrian access between Liberty Plaza and the elevated public pedestrian circulation system required in block 52N.

Mandatory Lot Improvements

- (a) Build to *street line* on Trinity Place and Liberty Street.
- (b) A *pedestrian connection* open to the public at all hours, with commodious, and obviously public, access from Trinity Place, between PCI:3 and street level near the corner of Liberty Street and Trinity Place.
- (c) A *pedestrian connection* between PCI:D and street level near the corner of Liberty Street and Trinity Place.
- (d) A *pedestrian connection* between PCI:D and PCI:C.

Preferred Lot Improvements

- (a) A *shopping arcade* along Greenwich Street and Cedar Street.
- (b) A *covered pedestrian space* along Trinity Place (the east *lot line*). This *covered pedestrian space* may qualify for bonus *floor area* under the provisions of Section 86-08 (Modification of Special Permit Regulations) if, in addition to meeting the requirements set forth in Section 86-059, the *covered pedestrian space* provides

(1) a public space in which the stairs from the sidewalk on Liberty Street are replaced by a *pedestrian connection*, including one pair of 32 inch wide escalators, between PCI:3 (pedestrian tunnel under Liberty Street to the World Trade Center concourse) and street level.

(2) *pedestrian connection*, including one pair of 32 inch wide escalators between the elevated system of *pedestrian connections* (PCI:D—the *open pedestrian bridge* across Trinity Place and the *pedestrian connection* between PCI:D and PCI:C) and street level.

(3) for the penetration of daylight down to the level of PCI:D, and

(4) by such means as an *arcade*, a greater sidewalk width along the west side of Trinity Place while preserving the street wall by building to the *east lot line*.

(c) An open [A] *loggia* along Liberty Street (the north *lot line*) providing a *pedestrian connection* between PCI:D and PCI:C.

Block 55S

[No designated improvements.]

Mandatory Lot Improvements

(a) Build to *street line* on West Street.

Block 55N

[No designated improvements.]

Mandatory Lot Improvements

(a) Build to *street line* on West Street.

Block 56S

[No designated improvements.]

Mandatory Lot Improvements

(a) Build to *street line* on West Street.

Proposed Text Changes

Special Greenwich Street Development District

Block 56N

Mandatory Pedestrian Circulation Improvements

PCI:A. An *open pedestrian bridge* spanning Washington Street between the north end of the east *lot line* of block 56N to the north end of the west *lot line* of block 54N and providing pedestrian access between the elevated public pedestrian circulation systems required in both blocks. Not required if block 54N has not been redeveloped to provide the *pedestrian connection*.

Mandatory Lot Improvements

- (a) Build to *street line* on Liberty Street and West Street.
- (b) A *pedestrian connection* between PCI:A and West Street (above street level near the north end of the west *lot line*).
- (c) A *pedestrian connection* between the west end of (b) above and street level near the corner of West Street and Liberty Street.
- (d) Acceptance of the second level (+ 32'-0") *pedestrian bridge* from Battery Park City.

Preferred Lot Improvements

A *loggia* along Liberty Street (the north *lot line*) providing a *pedestrian connection* between PCI:A and West Street (above street level near the north end of the west *lot line*).

* * *

Appendix C**ELECTIVE PEDESTRIAN CIRCULATION IMPROVEMENTS ("PCI"s)****Ranked List of Elective Pedestrian Circulation Improvements.**

<i>Priority</i>	<i>Improvement</i>	<i>Additional floor area (sq.ft.)</i>
PCI:1	Pedestrian tunnel under Church Street between block 62 and the World Trade Center. ⁽¹⁾	303,500
PCI:2	Pedestrian tunnel between block 62 and the Lex IRT Fulton Street Station. ⁽²⁾	74,000
PCI:3	Pedestrian tunnel under Liberty Street between block 52N and the World Trade Center. ⁽³⁾	222,000
PCI:4	Pedestrian tunnel under Cedar Street between the concourse from the Lex IRT Wall Street Station and block 50N and a stair to street level in block 50(N). ⁽⁴⁾	222,000
PCI:5	Modernization of the entrance and control area and provision of an escalator to street level from the southbound platform of the Lex IRT Wall Street Station (near Rector Street and Broadway). ⁽⁵⁾	134,000
PCI:6	Entrance and control area and stairs to street level from the northbound platform of the Lex IRT Wall Street Station (near Exchange Place and Broadway). ⁽⁶⁾	77,000
PCI:7	Entrance and control area and stairs to street level from the northbound platform of the Bwy BMT RECTOR Street Station (near Morris Street and Trinity Place). ⁽⁷⁾	129,000
PCI:8	Rector Street pedestrian bridge. Not required until the pedestrian connection is proved from Battery Park City to the east side of West Street. ⁽⁸⁾	31,000
PCI:9	<i>Open pedestrian bridge</i> across Greenwich Street connecting Cunard Building (25 Broadway) to the development on block 14. The modification of the Great Hall of the Cunard Building to create a <i>covered pedestrian space</i> with access from both Broadway and the <i>elevated shopping way</i> along the west side of Greenwich Street. ⁽⁹⁾	15,000
-PCI:10	Reconstruction of Exchange Alley between Broadway and Trinity Place.	3,800
*†PCI:11	The renovation of existing easements leading into the Lexington Avenue IRT Wall Street Station; the renovation of the underpass that connects the 111 and 120 Broadway easements below platform level; the renovation of the underpass connecting the northbound and southbound platforms, below platform level, north of Exchange Place and south of Rector Street; the renovation of the stairs leading directly to the street on the west side of Broadway, in front of Trinity Church.	51,000

*PCI:12	Renovation of BMT Rector Street station.	109,400
*PCI:13	Design and construction of a new stair into the Fulton Street IRT Lexington Avenue station to replace existing stairs located on the south side of Dey Street, near Broadway.	72,900

Proposed Text Changes
Special Greenwich Street Development District

These Elective Pedestrian Circulation Improvements which are noted with an asterisk () above have a special ranking priority ahead of the numerical order and equal to each other.

Description of Elective Pedestrian Circulation Improvements

- (1) PCI:1 A pedestrian tunnel not less than 15 feet wide by 10 feet high by approximately 50 feet long running beneath Church Street, directly beneath the tracks of the Bwy BMT subway, beneath the lower end of the access and escalator enclosure from 1 Liberty Plaza (block 62) (approximately under the east *curb line* of Church Street) and the pedestrian concourse system of the World Trade Center and the installation of an escalator in the enclosure provided in the access to 1 Liberty Plaza.
- (2) PCI:2 Lengthening the south end of the southbound platform of the Lex IRT Fulton Street Station to a point approximately 15 feet south of the south *street line* (extended) of Cortlandt Street, the construction of a pedestrian tunnel not less than 15 feet wide by 10 feet high by approximately 12 feet long between the extended platform and the north end of the east *lot line* of block 62 and the provision of a change booth and turnstiles in the tunnel and providing pedestrian access between the Lex IRT Fulton Street Station and the public pedestrian circulation system proposed for block 62.
- (3) PCI:3. A pedestrian tunnel not less than 10 feet wide by 10 feet high by approximately 173 feet long running beneath Liberty Street between the east end of the north *lot line* of block 52N and the basement of the World Trade Center and providing pedestrian access between the pedestrian concourse system of the World Trade Center and the public pedestrian circulation system required by block 52N. If at the time PCI:3 is constructed block 52N has not been redeveloped so as to provide the required pedestrian circulation system, PCI:3 shall include access to the sidewalk at the south end of the tunnel by two stairs each 5 feet wide.
- (4) PCI:4. A pedestrian tunnel not less than 10 feet wide by 10 feet high by approximately 75 feet long running beneath the sidewalk on the west side of Broadway and beneath Cedar Street between a point approximately 15 feet north of the north *street line* (extended) of Cedar Street and adjacent to the east *lot line* of block 50N (Liberty Park) to the north end of the pedestrian concourse from the north end of the southbound platform of the Lex IRT Wall Street Station, about halfway between Thames Street and Cedar Street and a stair not less than 12 feet wide between the north end of the pedestrian tunnel and ground level in block 50N and providing pedestrian access between the Lex IRT Wall Street Station and ground level in Liberty Park adjacent to Broadway.
- (5) PCI:5. The modernization of the central portion of the southbound platform of the Lex IRT Wall street Station (at Rector Street and Broadway), including (a) the provision of a 48 inch wide escalator between platform level and street level, (b) the replacement of the old turnstiles with modern turnstiles, (c) the provision of a new change booth and (d) relocation of fences, in order to improve access to and control of the station.
- (6) PCI:6. A new entrance to the southern portion of northbound platform fo the Lex IRT Wall Street Station at (Exchange Place and Broadway), including (a) two stairways, each six feet wide, between platform level and street level on the northeast corner of Broadway and Ex-

change Place, (b) the provision of a control area, (c) the provision of turnstiles, mechanical entrances and gates and (d) the provision of a change booth, in order to improve access to the station, especially from Exchange Place.

- (7) PCI:7. A new entrance to the south end of the northbound platform of the Bwy BMT Rector Street Station (on Trinity Place near Morris Street), including (a) a six foot wide stairway between platform level and street level, (b) the provision of a control area at the south end of the platform, (c) the provision of turnstiles, mechanical entrances and gates and (d) the provision of a change booth, in order to improve access to the station from the south.
- (8) PCI:8. A *pedestrian deck* not less than 15 feet wide by approximately 230 feet long located at an average height of 24 feet above the center of Rector Street running between the east edge of West Street and the west end of the south *lot line* of block 53S and providing pedestrian access between the pedestrian bridge which is to be built by Battery Park City as far as the east *street line* of West Street and the elevated pedestrian circulation system required in block 53S.
- (9) PCI:9. An *open pedestrian bridge*, spanning Greenwich Street, between the west end of the Great Hall of Cunard Building (25 Broadway) and the *elevated shopping way* required on the east side of block 14. The renovation of the Great Hall of the Cunard Building shall be in accordance with a plan prepared in consultation with the Landmarks Commission and approved by the City Planning Commission. Above not required if block 14 has not been developed.

Proposed Text Changes

Special Greenwich Street Development District

- †(10) PCI:10. Reconstruction of Exchange Alley for its full width between Broadway and Trinity Place.
- †(11) PCI:11. Renovate or repair walls, ceiling and floor surface, improve lighting in accordance with TA standards, and provide and install graphics and signage in four easements leading into Lexington Avenue IRT Wall Street Station, at 61 Broadway, 71 Broadway, 111-115 Broadway and at 120 Broadway. Renovate or repair walls, ceiling and floor surface, improve lighting in accordance with T.A. standards, provide and install graphics on the stairs and in the underpass that connects the 11 Broadway and 120 Broadway easements, below the platform level, and on the stairs and underpass connecting the northbound and southbound platforms of the Lexington Avenue IRT Wall Street Station, below platform level, and north of Exchange Place and south of Rector Street. Renovate or repair two stairways leading from Lexington Avenue IRT Wall Street Station directly to street level on west side of Broadway, north of Rector Street, in front of Trinity Church; renovate or repair stairway kiosks at street level, subject to review by Landmarks Preservation Commission; improve lighting in accordance with T.A. standards and provide and install graphics and signage in both stairway kiosks.
- (12) **Renovation of BMT Rector Street Station. Rehabilitate the two existing control areas and the high turnstile exit area, including new gates and railings, new wall tile (existing mosaic strip is to be preserved) and painting (including patching and repairing as required) of ceilings. Renovate eight street stairs, including new treads, wall tile, painting of ceilings and provision of new railings and light poles, at street level. Provide new floor tile throughout the station along with requisite scrubber rooms and scrubbing machines. paint remaining ceilings, all columns and miscellaneous surfaces. Replace existing incandescent light fixtures in control areas, high turnstile exit area and stairways with new fluorescent fixtures and add supplement-**

tal platform lighting; upgrade electrical service as required. Provide acoustical treatment including acoustical block between the trackways and, if required, acoustic treatment under the platform edge and above the platform or track area. Provide new platform furnishings including benches and trash receptacles. Provide artwork in the station. Provide graphics and signage as required. All work is to be done in accordance with TA standards.

- (13) Design and construction of a new stair into the Fulton Street IRT/Lexington Avenue station to replace existing stairs located on the south side of Dey Street, near Broadway. Demolish two existing narrow staircase, excavate required area, relocate utilities as required and construct a new 120 foot wide stair and landings. Reconstruct and widen the adjacent sidewalk and make necessary modifications to roadway, in accordance with NYC Department of Transportation requirements, to accommodate the new stairway. The stair shall be designed in accordance with TA standards and shall include new floors, wall and ceiling finishes, new lighting and graphics to match and be contiguous with work proposed under the TA's Station Modernization Plan.

* * *

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 10

CB 1,2,4,5,6,8

N 840541 ZRM

[Amendments to the Zoning Resolution to provide for mandatory and bonusable subway station improvements in commercial zoning districts of 10 FAR and above in Manhattan.]

IN THE MATTER OF amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, relating to Article II Chapter 7, Article VII Chapter 4 and various other sections concerning mandatory and bonusable subway station improvements as follows:

Matter in Bold Type is new;

Matter in brackets [], is old, to be omitted;

Matter *italics* is defined in Section 12-10.

12-10 Definitions

* * *

Plaza

* * *

Plaza

A "plaza" is an open area accessible to the public at all times, which is either:

- (a) A continuous open area along a *front lot line*, not less than 10 feet deep (measured perpendicular to the *front lot line*), with an area of not less than 750 square feet, and extending for its entire depth along the full length of such *front lot line* or for a distance of at least 50 feet thereof, whichever is the lesser distance; or
- (b) A continuous open area on a *through lot*, extending from *street* to *street* and not less than 40 feet in width, measured perpendicular to the nearest *side lot line*; or

- (c) On a *corner lot*, an open area of not less than 500 square feet, which is bounded on two sides by the two intersecting *street lines* and which has a minimum dimension of 10 feet; or
- (d) An open area of not less than 8,000 square feet, with a minimum dimension of 80 feet and which is bounded on one side by a *front lot line* or which is connected to the *street* by means of an *arcade* or by an open area not less than 40 feet wide.

Except for an open area as set forth in (d) above, no portion of such an open area which is bounded on all sides, except for one opening, by either *building walls*, or *building walls* and a *side lot line*, shall be considered part of the *plaza*, unless the opening of such portion is at least 50 feet in width.

A *plaza* shall not at any point be more than five feet above *nor* more than twelve feet below the *curb level* of the nearest adjoining *street*, and shall be unobstructed from its lowest level to the sky, except that arbors or trellises, awnings or canopies, railings not less than 50 percent open and not exceeding three feet, eight inches in height, flag poles, open terraces or porches, steps, *subway station entrances*, ornamental fountains or statuary, or unenclosed balconies subject to the provisions of Sections 23-13 or 24-175 (Balconies) shall be considered permitted obstructions in *plazas*.

* * *

Residential Plaza:

A "residential plaza" is a portion of a *zoning lot*, developed for *use* by the public, at or near *curb level*, and which is open and unobstructed from its lowest level to the sky except as set forth in Article II. Chapter 7 and Article III. Chapter [8] 7

A *residential plaza* shall be developed as follows:

Primary Space:

A "primary space" is the major portion of a *residential plaza*, which abuts a *street*, and is accessible to the public for recreational *use*.

Residual Space:

A "residual space" is the remaining portion of a *residential plaza* that is not *primary space*, and which may be used either for public recreation or as a landscaped visual amenity.

Northern Plaza:

A "northern plaza" is a *primary space* that, pursuant to Section 27-112 (Orientation), has only northern exposure.

* * *

13-01

Applicability

In Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, *accessory off-street parking spaces*, *public parking lots* and *public parking garages* shall be used or developed in accordance with the provisions of this Chapter except as otherwise provided in Section 13-011. In the event of a conflict between the provisions of this Chapter and those contained in special purpose district regulations or Sections [26-00] 26-05 and [37-00] 37-01, the more restrictive provisions shall apply. For the purpose herein, the more restrictive provisions shall be considered those which permit the:

- (a) fewer number of parking spaces;
- (b) more exclusive use of parking spaces;
- (c) more limited location of curb cuts.

* * *

DISTRICTS										
R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	

23-16

Floor Area Bonus for a Plaza

In the district indicated, for each square foot of *plaza*, or residential plaza subject to the provisions of Article II, Chapter 7 and Article III [Chapter 8] **Section 37-02** (Special Urban Design Guidelines—Residential Plazas), or a portion of a *plaza* provided on a *zoning lot*, the total *floor area* permitted on that *zoning lot* under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet. **R10**

* * *

24-14

Floor Area Bonus for a Plaza

In the districts indicated, for each square foot, of *plaza*, or residential plaza subject to the provisions of Article II, Chapter 7 and Article III, [Chapter 8] **Section 37-02** (Special Urban Design Guidelines—Residential Plazas), provided on a *zoning lot*, the total *floor area* permitted on that *zoning lot* under the provisions of Section 24-11 (Maximum Floor Area Ratio and Percent of Lot Coverage), may be increased by six square feet. **R9 R10**

* * *

Chapter 7 Special [Urban Design Guidelines—Streetscape] Regulations

[37-00]

[APPLICABILITY AND DEFINITIONS]

37-01

Special Urban Design Guidelines—Streetscape

[37-01] 37-011

Applicability of [this Chapter] Section 37-01

The regulations of [this Chapter] **Section 37-01**, apply to any residential development or any development occupied by predominantly residential use, constructed after the effective date of [this Chapter] **Section 37-01** located on any *zoning lot* within C1-8, C1-9, C2-7, C2-8, C4-6, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5, and C6-8 districts, or C1 or C2 districts mapped within R9 or R10 districts. However, [this Chapter] **Section 37-01** shall not apply within any Special Purpose District

nor shall it apply to any *development* for which the Commission has granted a special permit pursuant to Section 74-95 (Housing Quality Developments), except as otherwise set forth therein.

An application to the Department of Buildings for a permit respecting any new *development* shall include a plan and an elevation drawn to a scale of at least one sixteenth inch to a foot of the new *building* and *buildings* on *contiguous lots* or *contiguous blocks* showing *accessory business signs*, *arcades*, *street wall articulation*, *curb cuts*, *street trees*, *sidewalk paving*, *central refuse storage area* and such other necessary information as may be required by the Commissioner of Buildings.

[f]In the *Special Midtown District*, (Article VIII, Chapter 1), the provisions of this [Chapter] *Section* shall not apply.

[37-02] 37-012

Definitions

Development:

For the purpose of [this Chapter] *Section 37-01* “development” includes construction of a new *building* or *other structure* on a *zoning lot*, the relocation of an existing *building* onto another *zoning lot*, and an *enlargement* involving an increase in *lot coverage*.

Predominantly Residential Use:

For the purpose of [this Chapter], *Section 37-01* a “predominantly residential use” means a *building* having a *residential floor area* in excess of 50 percent of the total *building floor area*.

Contiguous Block:

For the purpose of this [Chapter], *Section 37-01* a “contiguous block” is a *block* containing one or more *zoning lots* separated by a *narrow street* from the *block* containing the new *development*.

Contiguous Lot:

For the purpose of this [Chapter] *Section 37-01* a “contiguous lot” is a *zoning lot* which shares a common *side lot line* with the *zoning lot* of the *development*.

[37-10] 37-013

Applicability of Article II, Chapter 6

In C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 districts or C1 or C2 districts mapped within R9 or R10 districts, the regulations of Article II, Chapter 6 (Special Urban Design Guidelines — Streetscape) shall apply to any *residential development* or any *development* occupied by *predominantly residential use*, except as modified by the provisions of Sections [37-21 to 37-24] *37-014* to *37-017* inclusive, relating to Modifications to the Applicability of Article II, Chapter 6. The purpose of these modifications is to make the regulations of Article II, Chapter 6, applicable to *Commercial Districts*.

[37-20] 37-014

Modifications To Applicability of Article II, Chapter 6

[37-21]

[General Provisions]

In C1-8, C1-9, C2-7, C2-8, C4-6, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 districts or C1 or

C2 districts mapped within R9 or R10 districts, the regulations of Article II, Chapter 6 applicable to *residential developments* or *developments* occupied by *predominantly residential use* are modified by the provisions of Section 37-[22] 015 (Retail Continuity) and 37-[23] 016 (Accessory Business Signs) and 37-[24] 017 (Street Wall Articulation).

[37-22] 37-015

Retail Continuity

When the front *building wall* of a *development* is at least 50 feet in length and fronts upon a *wide street*, a minimum of 50 percent of such front *building wall* shall be occupied by *commercial uses*, as permitted by district regulations.

In C1-8, C1-9, C2-7, C2-8, C4-6 districts and C1 or C2 districts mapped within R9 or R10 districts, *uses* which occupy such 50 percent of the front *building wall* shall be limited to those listed in Use Groups 6A, 6C, and 6F, excluding banks and loan offices, except that in C4-6 districts only, such *uses* may additionally include those listed in Use Groups 8A, 8B, and 10A. All *uses* permitted by the underlying district regulations are permitted in the remaining 50 percent of the front *building wall*.

Such requirement of *commercial uses* for a minimum of 50 percent of the front *building wall* of a *development* may be waived, or additional *uses* permitted, upon certification by the City Planning Commission to the Commissioner of Buildings that either:

- (a) A significant degree of vacancies of retail stores and personal service establishments exists at ground floor level within the *development's* "street district", as defined in Section 74-952, Housing Quality Definitions; or
- (b) An adequate supply of such *uses* already exists at the ground floor level in the surrounding area.

The Commission may require that an application for such certification of additional *uses* for a completed *building*, where *floor area* has been designated for occupancy for such *commercial uses*, establish that a good faith effort has been made to secure tenancy by such *uses*.

[37-23] 37-016

Accessory business signs

In addition to the applicable district regulations in C1-8, C1-9, C2-7, C2-8, C4-6 districts and C1 or C2 districts mapped within R9 or R10 districts, all *accessory business signs* other than window *signs*, shall be located in a horizontal band not higher than 17 feet above *curb level*. Where there is a grade change of at least 1.5 feet in 100 along the portion of the *street* upon which the *development* fronts, such signage band may be staggered along such *street*.

When an existing *development* on a *contiguous lot* or *contiguous block* contains *accessory business signs* within a coordinated horizontal band along its *street* frontage, the signage strip along the new *development* shall be located at the same elevation as the adjacent band, but in no event higher than 17 feet above *curb level*. Where coordinated horizontal bands exist on two *contiguous lot* or *contiguous blocks* on both sides of the *development*, the signage strip shall be located at the same elevation as one adjacent band, or between the elevations of the two. For the purpose of this section, the elevation is measured from the *curb level* to the base of the signage strip.

The City Planning Commission, may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Section. Such modifications will be permitted when the Commission finds that such modifications will enhance the design quality of the *street wall*.

[37-24] 37-017**Street wall articulation**

When any *building wall* of a *development* which is 5 feet or more in height adjoins a sidewalk, a *residential plaza* or an *arcade*, at least 50 percent of the total surface area of such walls between *curb level* and 12 feet above *curb level* or to the ceiling of the ground floor, whichever is higher, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than 4 feet above the *curb level*.

Door or window openings within such walls shall be considered as transparent. Such openings shall have a minimum width of 2 feet.

In addition, any portion of such *building wall*, 50 feet or more in length, which contains no transparent element between *curb level* and 12 feet above *curb level* or the ceiling of the ground floor, whichever is higher, or to its full height if such wall is less than 12 feet in height, shall be covered with ivy or similar planting or contain artwork or be treated so as to provide visual relief. Plants shall be planted in soil having a depth of not less than 2 feet 6 inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Art Commission shall be obtained prior to the Certificate of Occupancy being issued for the *development*.

[38-10] 37-02**Applicability of Article II, Chapter 7—Special Urban Design Guidelines—Residential Plazas**

In C1-9, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-4, C6-5 and C6-8, districts and C1 or C2 districts mapped within an R10 district, the regulations of Article II, Chapter 7 (Special Urban Design Guidelines—Residential Plazas) shall apply to any *residential development* or to any *development* occupied by *predominantly residential use* which obtains a *floor area* bonus pursuant to Section 23-16 (Floor Area Bonus for a Plaza) or 24-14, except as modified by the provisions of Section [38-21] to [38-26], 37-021 to 37-026, inclusive, relating to Modifications to Applicability of Article II, Chapter 7.

[f]In the *Special Midtown District* (Article VIII, Chapter 1), the provisions of this [Chapter] Section shall not apply.

[38-20] 37-021**Modifications to Applicability of Article II, Chapter 7.****[38-21]****[General Provisions]**

In the districts in which this Chapter is applicable, the regulations of Article II, Chapter 7 (Special Urban Design Guidelines—Residential Plazas) are modified by the provisions of Section [38-22] 37-022 (Retail Frontage), [38-23] 37-023 (Additional Amenities), [38-24] 37-024 (Additional Amenities in Northern Plazas), [38-25] 37-025 (Maintenance Requirements), and [38-26] 37-026 (Existing Plazas). The purpose of these modifications are to make the regulations of Article II, Chapter 7, applicable to Commercial Districts.

[38-22] 37-022**Retail Frontage**

Retail *uses* permitted by the applicable district regulations or as required by the provisions of Section [37-22] 37-015 (Retail Continuity) may front upon a *primary space*. Notwithstanding the provisions of Section 32-41 (Enclosure within Building), outdoor eating services may serve customers on *primary space* through open windows.

[38-23] 37-023**Additional amenities**

The amenities in this Section are in addition to those listed in Section 27-13 (Additional Amenities). All *primary spaces* shall provide at least two of the amenities listed in Section 27-13 or those listed in this Section as follows except that where any *primary space* is 4,000 square feet or less, it may not contain both an open air cafe or a kiosk.

[38-231]**(a) Open air cafe**

An open air cafe, which shall be a permanently unenclosed eating or drinking place as permitted by applicable district regulations, which may have waiter or table service.

An open air cafe shall occupy not more than 20 percent of the total area of the *primary space*.

An open air cafe shall be open to the sky except that it may have a temporary fabric roof, in conformance with the Building Code, or when located under a "pavilion" in a *northern plaza*. Only one open air cafe is permitted per *zoning lot*.

An open air cafe shall be accessible from all sides where there is a boundary with the remainder of the *primary space*.

No kitchen equipment shall be installed within an open air cafe.

An open air cafe shall be excluded from the definition of *floor area*.

An open cafe shall be permitted only upon certification of the City Planning Commission and the Board of Estimate to the Commissioner of Buildings that:

- (i) [(a)] Such *uses* promote public use and enjoyment of the *residential plaza*.
- (ii) [(b)] Such *uses* are compatible with desirable uses in surrounding areas.

The Commission shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage and will give due consideration to their opinion as to the appropriateness of such open air cafe. The Commission and the Board of Estimate, each shall respond to such request for certification within 60 days of receipt of a complete application. Such certification shall be effective for the period of two years, but upon application may be renewed for a similar period by the City Planning Commission and the Board of Estimate.

[38-232]**(b) Kiosk**

A kiosk, which may be a one story structure, which including roofed areas does not exceed 60 square feet in area, and be predominantly of light materials such as glass, plastic, metal or fabric as approved by the Department of Buildings in accordance with the Building Code. The aggregate area occupied by kiosks in a *primary space* larger than 4,000 square feet shall not exceed 60 square feet or 1.5 percent of the *primary space*, whichever is greater, provided no one kiosk occupies an area of more than 100 square feet.

A kiosk may be a free standing structure or attached on only one side to a wall of the development or a building sharing the same side lot line.

A kiosk may be occupied by uses such as news or magazine stands, takeout food stands, candy stands, flower stands or information booths.

Any area occupied by a kiosk shall be excluded from the definition of *floor area*.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), *uses* occupying kiosks may serve customers on *primary space* through open windows. In all cases only *uses* permitted by the applicable district regulations may occupy *primary space*.

A kiosk shall be permitted only upon certification of the City Planning Commission and the Board of Estimate to the Commissioner of Buildings that:

(i)[(a)] Such *uses* promote use and enjoyment of the *residential plaza*.

(ii)[(b)] Such *uses* are compatible with desirable uses in the surrounding area.

The Commission shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage and will give due consideration to their opinion as to the appropriateness of such kiosk. The Commission and the Board of Estimate each shall respond to such request for certification within 60 days of receipt of a complete application. Such certification shall be effective for a period of two years, but upon application may be renewed for a similar period by the City Planning Commission and the Board of Estimate.

[38-24] 37-024

Additional amenities in northern plazas

An open air cafe or a kiosk may be placed within a *northern plaza* subject to the provisions of Section [38-231] 37-023(a) (Open air cafe) and Section [38-232] 37-023(b) Kiosk.

[38-25] 37-025

Maintenance requirements

The maintenance requirements of this section are in addition to the maintenance requirement set forth in Section 27-41 (Maintenance Requirement).

Furniture of open air cafes and kiosks within *primary space* shall be confined within areas designated on *building plans* as available for occupancy by such *uses*. Encroachment of such *primary space uses* outside an area so designated shall be a valid ground for complaint and removal.

Additional litter receptacles, beyond the amount required by Section 27-41 (Maintenance Requirements), with a minimum capacity of two cubic feet for each 1,000 square feet of *primary space* area shall be provided in connection with outdoor eating, services or other *uses* permitted on the *primary space* of a *residential plaza*, which services or *uses* generate litter.

[38-26] 37-026

Existing plaza

For *plazas* built prior to the effective date of this amendment, kiosks and open air cafes as defined in Section [38-23] 37-023 (Additional Amenities), may be placed within the area of a *plaza* upon certification by the City Planning Commission and the Board of Estimate to the Commissioner of Buildings that:

(a) Such *uses* promote public use and enjoyment of the *plaza*.

(b) Such *uses* are compatible with desirable *uses* in the surrounding area.

(c) Such *uses* are proposed as part of a general improvement of the *plaza* where necessary, including as much landscaping and free public seating as is feasible.

(d) The owner of such *use* will maintain such *uses* in accordance with provisions of Section 27-41 and [38-25] 37-025 (Maintenance Requirements).

The Commission shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage and will give due consideration to their opinion as to the appropriateness of such a facility to the area. The Commission and the Board of Estimate each shall respond to such request for certification within 60 days of receipt of a complete application. Such certification shall be effective for a period of two years, but upon application may be renewed for a similar period by the City Planning Commission and the Board of Estimate.

* * *

§37-03

Off-Street Relocation of a Subway Stair

§37-031

Applicability of this Section

Where a *development* or *enlargement* is constructed on a *zoning lot* of at least 5000 square feet which fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station listed in this Section, 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 this Section. These provisions are in accordance with the New York City Transit Authority's "Station Planning Guidelines" (Revised, 1975 and as may be subsequently revised).

Station	Line	District
Wall Street—Broadway	IRT (Lexington Ave)	C5-5CR
Fulton Street—Broadway	IRT (Lexington Ave)	C5-5CR
Brooklyn Bridge	IRT (Lexington Ave)	C6-4
23rd Street	IRT (Lexington Ave)	C5-2
28th Street	IRT (Lexington Ave)	C5-2
33rd Street	IRT (Lexington Ave)	C5-3
59th Street	IRT (Lexington Ave)	C6-4
South Ferry	IRT (Bway/7th Ave)	C5-5CR
Cortlandt Street	IRT (Bway/7th Ave)	C5-3
Wall Street	IRT (Bway/7th Ave)	C5-5
Fulton Street	IRT (Bway/7th Ave)	C5-5CR
Park Place	IRT (Bway/7th Ave)	C5-5CR
Broad Street	BMT (Nassau)	C5-5
Fulton Street	BMT (Nassau)	C6-4
Chambers Street	BMT (Nassau)	C6-4
Whitehall Street	BMT (Broadway)	C5-5CR
Cortlandt Street	BMT (Broadway)	C5-5
City Hall	BMT (Broadway)	C5-5CR
8th Street	BMT (Broadway)	C6-4
23rd Street	BMT (Broadway)	C5-2
Lexington Avenue	BMT (Broadway)	C6-4
Broadway/Nassau	IND (8th Ave)	C5-5CR
Chambers Street	IND (8th Ave)	C6-4, C5-3CR
34th Street	IND (8th Ave)	C6-4
50th Street	IND (8th Ave)	C6-4

§37-03

Standards for Location, Design and Hours of Public Accessibility

In addition to the standards set forth in the New York City Transit Authority's "Station Planning Guidelines" (Revised, 1975 and as may be subsequently revised), the following standards shall also apply:

- (a) The relocated entrance shall be immediately adjacent to and accessible without any obstruction from a public sidewalk, or from within a space accessible to the public, as those spaces are defined in the applicable zoning district regulations.
- (b) The relocated entrance may be provided within a *building*, but shall not be enclosed by any doors. The area occupied by a relocated entrance within a *building* shall not be counted toward the floor area of the *enlargement* or *development*.
- (c) The relocated entrance shall have a queuing space at the top and bottom of the stairs at least eight feet wide and 15 feet long, and such queuing space may overlap a *sidewalk widening*, an *arcade*, a *plaza*, a *residential plaza* or an *urban plaza*.
- (d) Where two or more existing stairway entrances are being relocated as part of the same *development* or *enlargement*, the new entrance or entrances shall have a total stair width or widths equal to or greater than the sum of the stair widths of the stairway entrances being relocated, but in any case no less than eight feet in width.
- (e) The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage.
- (f) The relocated entrance may be relocated with a *plaza*, a *residential plaza* or an *urban plaza* provided that the queuing area of the relocated entrance is unobstructed and contiguous to a sidewalk or a *sidewalk widening*. A relocated entrance within a *plaza*, a *residential plaza* or an *urban plaza* is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for a *plaza*, a *residential plaza* or an *urban plaza*.
- (g) The relocated entrance shall connect to an existing or proposed subway passageway, or shall connect, via an underground passageway, to a mezzanine area of the subway station.
- (h) The below grade portion of a relocated entrance may be constructed within the *street*.
- (i) The relocated entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by the Transit Authority.

§37-033

Administrative Procedure for a Subway Stair Relocation

- (a) Except as otherwise provided in paragraph (b) no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued for any *development* or *enlargement* which is subject to the requirements for the relocation of a subway stair entrance, unless:
 1. Such plan includes a stair relocation plan and the related documents which bind the developer to:
 - a. Construct the new stair entrance in accordance with such plan;
 - b. Demolish above-ground elements of the existing entrance; and
 - c. Seal the existing entrance at the sidewalk level.
 2. Such plan and related documents bear the Transit Authority's approval.
 3. Such plan is accompanied by a certified copy of an agreement, as recorded between the Transit Authority and the owner for an easement on the zoning lot for subway-related use of the new stair entrance and for public access via such entrance to the subway station, which agreement has been recorded against the *zoning lot* in the Of-

file of the Register of the City of New York (County of New York) and is accompanied by the Register's receipt of recordation.

4. Such plan accompanies any request for modification of special urban design guidelines pursuant to Section 37-034.
- (b) In the event that major construction problems render the stair relocation infeasible or that operating design considerations make it undesirable, the Transit Authority and the City Planning Commission by joint certification may release the developer from said requirement. In such event, the stair relocation requirement shall be satisfied by retention of the existing stair and provision on the *zoning lot* of an open area which accommodates pedestrian traffic passing the existing entrance. Such space shall have a width equal to at least one and one-half times the width of the existing stair entrance and shall extend along the full length of the stair entrance.
 - (c) Prior to obtaining a Permanent Certificate of Occupancy, the relocated subway stair must be 100% complete in accordance with the approved plans and such completion shall have been certified by the Transit Authority.

§37-034

Modification of Special Urban Design Guidelines and Urban Open Space

The City Planning Commission may by certification to the Commissioner of Buildings, allow modifications of the requirements of Section 37-01 (Special Urban Design Guidelines—Streetscape), Section 37-02 (Special Urban Design Guidelines—Residential Plazas), and the applicable provisions of *urban open space* in Section 12-10 (DEFINITIONS) if it finds that the relocated subway stair cannot be accommodated without modification to these provisions.

§37-035

Waiver of Requirements

Upon application the City Planning Commission may authorize a waiver of requirements of this section if the Commission finds that:

- (a) The total *floor area* of all *developments* or *enlargements* after the effective date of this legislation is less than 70,000 square feet; or
- (b) There are major structural problems in creating space for a relocated stairway entrance in an existing *building*; or
- (c) The space in an existing *building* which is required to relocate the stairway entrance is occupied by a tenant on a lease which was in effect prior to March 1, 1984 to which a member of the bar of the State of New York shall attest, and that there is no opportunity to relocate the tenant within the *enlargement*.

As a condition for granting such waiver the Commission shall determine that:

1. In the case of (a) above, the City Planning Commission and the Transit Authority may require an *easement* to accommodate the future relocation of the subway stairway in accordance with the New York City Transit Authority's "Station Planning Guidelines" (Revised, 1975 and as may be subsequently revised);
2. In the case of (a) or (b) above, no construction is undertaken that would preclude the future relocation of a stairway entrance from the sidewalk to the *zoning lot*;
3. In the case of (c) above, that at the expiration of the existing lease the applicant shall undertake the relocation of the stairway entrance according to the provisions of this Section.

§74-634

Subway Station Improvements in Commercial Zones of 10 FAR and Above

The City Planning Commission may, by special permit after public notice and hearing and subject to a Board of Estimate action, grant floor area bonuses, modify Section 37-01 (Special Urban Design Guidelines—Streetscape), Section 37-02 (Special Urban Design Guidelines—Residential Plazas), the provisions of *urban open space* in Section 12-10 (DEFINITIONS), and in a C5-5 district, height and setback and *rear yard* regulations for *developments* or *enlargements* which provide major improvements for adjacent subway stations in accordance with the provisions of this section. The subway stations in districts where such improvements may be constructed are listed in Section 74-634a. The *zoning lot* for the *development* or *enlargement* on which such floor area bonus is requested shall be adjacent to the subway station for which the improvement is proposed. In order for the *zoning lot* of the *development* or *enlargement* to qualify as "adjacent," it must physically adjoin a station mezzanine, platform, concourse or connecting passageway, with no tracks intervening to separate the *zoning lot* from these elements.

(a) Bonus-Eligible Subway Stations by Line and Zone

Developments or *enlargements* which provide major improvements to adjacent subway stations are eligible for a floor area bonus which shall not exceed 20% of the basic maximum floor area ratio permitted by the underlying district regulations. The stations eligible for bonus are as follows:

Station	Line	District
Wall Street-Broadway	IRT (Lexington Ave)	C5-5CR
Fulton Street-Broadway	IRT (Lexington Ave)	C5-5CR
Brooklyn Bridge	IRT (Lexington Ave)	C6-4
23rd Street	IRT (Lexington Ave)	C5-2
28th Street	IRT (Lexington Ave)	C5-2
33rd Street	IRT (Lexington Ave)	C5-3
59th Street	IRT (Lexington Ave)	C6-4
South Ferry	IRT (Bway/7th Ave)	C5-5CR
Cortlandt Street	IRT (Bway/7th Ave)	C5-3
Wall Street	IRT (Bway/7th Ave)	C5-5
Fulton Street	IRT (Bway/7th Ave)	C5-5CR
Park Place	IRT (Bway/7th Ave)	C5-5CR
Broad Street	BMT (Nassau)	C5-5
Fulton Street	BMT (Nassau)	C6-4
Chambers Street	BMT (Nassau)	C6-4
Whitehall Street	BMT (Broadway)	C5-5CR
Cortlandt Street	BMT (Broadway)	C5-5
City Hall	BMT (Broadway)	C5-5CR
8th Street	BMT (Broadway)	C6-4
23rd Street	BMT (Broadway)	C5-2
Lexington Avenue	BMT (Broadway)	C6-4
Broadway/Nassau	IND (8th Ave)	C5-5CR
Chambers Street	IND (8th Ave)	C6-4, C5-3CR
34th Street	IND (8th Ave)	C6-4
50th Street	IND (8th Ave)	C6-4

(b) Compliance with Transit Authority Design Standards

The subway station improvement shall comply with all applicable design standards of the New York City Transit Authority's "Station Planning Guidelines" (Revised, 1975 and as may be subsequently revised).

(c) Procedure

1. Pre-Application

The applicant shall submit schematic or concept plans for the proposed improvement to the Metropolitan Transportation Authority, the Transit Authority and the City Planning Commission.

2. Application Pre-certification

After review and agreement on the concept by the Metropolitan Transportation Authority, Transit Authority and the City Planning Commission, the applicant shall submit necessary documentation in conformance with the New York City Transit Authority's "Guidelines for Submission and Approval of Outside Projects." Prior to certification by the City Planning Commission, the Transit Authority shall provide a letter to the Commission containing conceptual approval of the improvement and a statement of any special considerations regarding the Transit Authority's future operation of the improvement.

3. The special permit application to the City Planning Commission shall include information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the City from the proposed improvement and determining the appropriate amount of bonus *floor area* and for making the findings for the modifications of Section 37-01, 37-02 and height and setback regulations in C5-5 districts.

4. The special permit application shall include any request for modification of special urban design guidelines pursuant to Section 74-634e and of height and setback and *rear yard* regulations pursuant to Section 74-634f.

5. Uniform Land Use Review Procedure—Certification

The City Planning Commission shall not certify any application under the Uniform Land Use Review Procedure until the requisite letter from the Transit Authority has been received and incorporated in the application. Such letter may be subject to subsequent execution of a final agreement with the developer.

6. Prior to the granting of a special permit,

a. The Transit Authority shall submit a letter of final approval to the City Planning Commission. The letter shall identify the developer's plans as having final approval and note any matters that should be conditions of the special permit; and

b. The applicant shall sign a restrictive declaration containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain the improvement, establish a construction schedule and provide a performance bond for completion of the improvement.

7. The restrictive declarations and any instrument creating a transit easement on the *zoning lot* shall be recorded against the *zoning lot* in the Office of the Register of the City of New York for the borough in which the improvement or easement is being created, and a certified copy of the instrument shall be submitted to the City Planning Commission and the Transit Authority.

8. Prior to obtaining a Temporary Certificate of Occupancy for any portion of the special permit building, the bonused subway improvement shall be substantially complete, which shall, for this purpose, mean usable by the public, as determined by the Transit Authority.

9. Prior to obtaining a Permanent Certificate of Occupancy, the bonused subway improvement must be 100% complete in accordance with the approved plans and such completion shall have been certified by the Transit Authority.

(d) **Floor Area Bonus**

The amount of the *floor area* bonus shall be at the discretion of the City Planning Commission and may range from no *floor area* bonus to the maximum amount allowable by special permit pursuant to the provisions of this Section. In determining the precise amount of *floor area* bonus, the Commission shall make findings on the following:

1. The degree to which the station's general accessibility, rider orientation and safety will be improved by the provision of new connections, additions to circulation space or easing of circulation bottlenecks;
2. Provision of escalators or elevators where justified by traffic or depth of mezzanine or platform below *street* level;
3. Convenience and spaciousness of *street* level entrance and compatible relationship to the ground floor *uses* of the *development* or *enlargement*;
4. Improvements in the station's environment by provision for daylight access, or improvements to noise control, air quality, lighting or other architectural treatments.

(e) **Modification of Special Urban Design Guidelines and Urban Open Space**

The City Planning Commission may modify the requirements of Section 37-01 (Special Urban Design Guidelines—Streetscape), Section 37-02 (Special Urban Design Guidelines—Residential Plazas), and the requirements for *urban open space* in Section 12-10 (DEFINITIONS) if it finds the provisions of a subway improvement cannot be accommodated without modification to these requirements.

(f) **Modification of Height and Setback and Yard Regulations**

In a C5-5 district, the City Planning Commission may permit modification of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to *rear yard* regulations or in Sections 33-41 to 33-45, inclusive, relating to height and setback regulations.

The City Planning Commission may grant such modification upon consideration that the applicable height and setback or *rear yard* regulations cannot be complied with by some method feasible for the applicant to pursue because of the provision of a subway station improvement, the size or irregular shape of the *lot*, the size or irregular shape the *block* or width of *streets*. The Commission shall also consider the characteristics of surrounding development. The Commission shall require, where appropriate, sufficient safeguards to insure the free flow of pedestrian and vehicular traffic in the general area. The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

* * *

74-96

Special Urban Design Guidelines—Residential Plaza Modifications

In R-10, C1-9, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-4, C6-5, and C6-8 districts, or C1 or C2 districts mapped within an R10 district, the City Planning Commission may permit modifications of the provisions of Article II, Chapter 7 (Special Urban Design Guidelines—Residential Plaza) and Article III, [Chapter 8] Section 37-02 (Special Urban Design Guidelines—Residential Plaza), provided that such modifications shall not include any modifications of Section 23-16 (Floor Area

Bonus for a Plaza) and Section 24-14 (Floor Area Bonus for a Plaza) for the bonus *floor area* of 6 square feet for each square foot of *residential plaza*. Such modifications shall be conditioned upon the Commission finding that the *residential plaza's* usefulness and attractiveness will be assured by the proposed layout and design and that the *development* as a whole will produce a superior relationship with surrounding *buildings* than that achieved through these Urban Design Guidelines.

* * *

BOROUGH OF QUEENS

Nos. 11 and 12

[Proposed map change, site selection and acquisition of property for the construction of a sanitation garage.]

No. 11

CB 11,13

C 840054 PSQ

IN THE MATTER OF an application by the Department of Sanitation pursuant to Section 197-c of New York City Charter for the **selection and acquisition of property for the construction of a sanitation garage** located east of Winchester Boulevard, north of Grand Central Parkway, west of the Cross Island Parkway, and south of the entrance ramp to Grand Central Parkway.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 12

CB 11,13

C 840055 ZMQ

IN THE MATTER OF a zoning map change, pursuant to Section 197-c and 200 of the New York City Charter, involving an **amendment of the Zoning Map**, Section 11d, from an existing R3-2 District to an C8-3 District, on property bounded by Winchester Boulevard, Cross Island Parkway, Grand Central Parkway and the ramp to the Grand Central Parkway, Borough of Queens as shown on a diagram dated March 12, 1984.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 13

CB 13

C 830308 MMQ

IN THE MATTER OF a map change showing the elimination of a portion of Craft Avenue from 262nd Street westerly to a point 230 feet therefrom, in accordance with Map No. 4767, dated September 24, 1982 and signed by the Borough President.

(Referred to the City Planning Commission by the Board of Estimate on September 30, 1982, Cal. No. 260).

Resolution for adoption scheduling July 25, 1984 for a public hearing.

BOROUGH OF BROOKLYN

No. 14

CB 1,3,4,5,8,12,15,16,17,18

C840791-800 PPK

IN THE MATTER OF an application by the Division of Real Property for the **disposition of 36 City-owned properties** pursuant to Section 197-c of the New York City Charter.

ULURP NO.	COM. BOARD	NO. OF PARCELS
840791 PPK	1	7
840792 PPK	3	2
840793 PPK	4	3
840794 PPK	5	3
840795 PPK	8	4
840796 PPK	12	3
840797 PPK	15	1
840798 PPK	16	5
840799 PPK	17	5
840800 PPK	18	3

A list and description of the property can be seen in the Calendar Information Office, City Planning Commission, 2 Lafayette Street, New York, N.Y. 10007.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 15

CB 1,2,3,4,5,6,9,12,14,16,17

C 840815-825 PPK

IN THE MATTER OF an application by the Division of Real Property for the **disposition of 50 City-owned properties** pursuant to Section 197-c of the New York City Charter.

ULURP NO.	COM. BOARD	NO. OF PARCELS
840815 PPK	1	1
840816 PPK	2	1
840817 PPK	3	8
840818 PPK	4	15
840819 PPK	5	1
840820 PPK	6	1
840821 PPK	9	1
840822 PPK	12	2
840823 PPK	14	9
840824 PPK	16	2
840825 PPK	17	9

A list and description of the property can be seen in the Calendar Information Office, City Planning Commission, 2 Lafayette Street, New York, N.Y. 10007.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 16

CB 7

C 840864 HDK

IN THE MATTER OF the designation and disposition of City-owned property, pursuant to the Urban Development Action Area Act, Section 197-c of the New York City Charter and the Uniform Land Use Review Procedure as adopted by the City Planning Commission.

Approval of three separate matters is requested:

- 1) The designation as an Urban Development Action Area of City-owned property.

Address	Block	Lot
730-34 57th St.	850	20

- 2) Approval of an Urban Development Action Area Project for such property.
- 3) Disposition of such property to a developer to be selected by the Department of Housing Preservation and Development (HPD).

This application was submitted by HPD on April 12, 1984.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 17

CB 1

C 840514 ZMK

IN THE MATTER OF a zoning change, pursuant to Sections 197-c and 200 of the New York City Charter, involving an amendment of the Zoning Map, Sections 12c and 12d, changing from an R6 (M1-2) to an M1-2 (R6) District, property within the area bounded by Driggs Avenue, North 5th Street, a line 25' northwest of Driggs Avenue and a line 150' southwest of North 5th Street, Borough of Brooklyn, as shown on a diagram dated April 30, 1984.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 18
CB 1**C 830572 MMK**

IN THE MATTER OF a map change to provide for the discontinuing and closing of a 10' wide portion of the southwest side of Ross Street, from Bedford Avenue to a point 100 feet southwesterly thereof, in order to remove the cloud from the title of an existing city owned building on site 3b of the Williamsburg Urban Renewal Area and facilitate disposition of the property in accordance with maps Nos. N 2351 and V 2352 dated March 26, 1984 and signed by the Borough President.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

BOROUGH OF THE BRONX

No. 19
CB 3,6**C 840789-790 PPX**

IN THE MATTER OF an application by the Division of Real Property for the **disposition of two City-owned properties** pursuant to Section 197-c of the New York City Charter.

ULURP #	C.B.	Block	Lot	Location
840789 PPX	3	2973	43	897 E. 169th St.
840790 PPX	6	2954	23	790 Fairmount Place

A list and description of the property can be seen in the Calendar Information Office, City Planning Commission, 2 Lafayette Street, New York, N.Y. 10007.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 20
CB 1,3**C 840813-814 PPX**

IN THE MATTER OF an application by the Division of Real Property for the **disposition of two City-owned properties** pursuant to Section 197-c of the New York City Charter.

ULURP #	C.B.	Block	Lot	Location
840813 PPX	1	2315	17	307 Alexander Avenue
840814 PPX	3	2651	49	1101 Forest Avenue

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 21
CB 1,2,3,4,6**C 840849-853 PPX**

IN THE MATTER OF an application by the Division of Real Property for the **disposition of 70 City-owned properties** pursuant to Section 197-c of the New York City Charter.

ULURP NO.	COM. BOARD	NO. OF PARCELS
840849 PPX	1	8
840850 PPX	2	10
840851 PPX	3	35
830852 PPX	4	3
840853 PPX	6	14

A list and description of the property can be seen in the Calendar Information Office, City Planning Commission, 2 Lafayette Street, New York, N.Y. 10007.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 22

CB 5

C 840866 HDX

IN THE MATTER OF the designation and disposition of City-owned properties, pursuant to the Urban Development Action Area Act, Section 197-c of the New York City Charter and the Uniform Land Use Review Procedure as adopted by the City Planning Commission.

Approval of three separate matters is requested:

- 1) The designation of property as an Urban Development Action Area located as follows:

Address	Block	Lot
1770-74 Townsend Ave.	2850	40
2075 Walton Ave.	3179	52
2085 Walton Ave.	3179	47
1986 Grand Ave.	2870	7

- 2) Approval of an Urban Development Action Area Project for such property.
- 3) Disposition of such property to a developer to be selected by the Department of Housing Preservation and Development (HPD).

This application was submitted by HPD on April 12, 1984.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 23

CB 4

C 840868 HDX

IN THE MATTER OF the designation and disposition of City-owned property, pursuant to the Urban Development Action Area Act, Section 197-c of the New York City Charter and the Uniform Land Use Review Procedure as adopted by the City Planning Commission.

Approval of three separate matters is requested:

- 1) The designation as an Urban Development Action Area located as follows:

Address	Block	Lot
1045 Anderson Ave.	2508	26

- 2) Approval of an Urban Development Action Area Project for such property.
- 3) Disposition of such property to a developer to be selected by the Department of Housing Preservation and Development (HPD).

This application was submitted by HPD on April 12, 1984.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 24

CB 10

C 840194 ZSX

IN THE MATTER OF an application, pursuant to Section 74-66 of the Zoning Resolution, from International Underwater Contractors Inc., for the grant of a **special permit involving a heliport on property located at 222 Fordham Street.**

Plans for this proposed heliport are on file and may be seen at 2 Lafayette Street, Room 1514, N.Y., N.Y.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 25

CB 8

C 840844 ZMX

IN THE MATTER OF a zoning change; pursuant to Sections 197-c and 200 of the New York City Charter, involving an amendment of the Zoning Map, Section No. 1d, changing from an R6 District to an R5 District property bounded by a line 125 feet easterly of West 232nd Street, Cambridge Avenue, West 234th Street, Riverdale Avenue and a line 50 feet north of the easterly prolongation of the northerly boundary of Ewen Park, as shown on a diagram dated April 30, 1984.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 26

CB 3

C 840872 HDX

IN THE MATTER OF the disposition of City-owned property, pursuant to Section 197-c of the Charter for the City of New York, and the Uniform Land Use Review Procedure as adopted by the City Planning Commission.

The proposed disposition would facilitate the rehabilitation of a 5 story elevator building located on the southwesterly corner of Hoe Avenue and East 174th Street in the Crotona Park East section of the Bronx (1711 Hose Avenue (also known as 936 East 174th) Street, block 2983, Lot 28). The project would contain 17 dwelling units for the elderly under the Section 202 (Mortgage subsidy) and Section 8 (rental subsidy) programs.

The application was submitted by the Department of Housing Preservation and Development on April 19, 1984.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

 CITYWIDE

No. 27

N 840428 ZRY(A)

[Modification of a previously heard text amendment to the Zoning Resolution pertaining to "Physical Culture or Health Establishments."]

IN THE MATTER OF amendments pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to Sections 12-10,22-14,22-21,32-15, 32-18,32-23, and 73-36, as follows:

Matter in **Bold Type** is new;

Matter in brackets [] is old, to be omitted;

Matter in *italics* is defined in Section 12-10

12-10 (Definitions)

* * *

Adult Physical Culture Establishments

An "adult physical culture establishment" is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, by members of the opposite sex, **except for activities which are excluded below or defined under "Physical culture or Health Establishment" in Section 12-10 and which are, therefore, not** [The following uses shall not be] included within the definition of an *adult physical culture establishment*:

- (1) [establishments which routinely provide such services] **treatment** by a licensed physician, a licensed chiropractor, a licensed osteopath, a **New York State licensed masseur or masseuse**, a licensed practical nurse or a registered professional nurse;
- (2) electrolysis treatment by a licensed operator of electrolysis equipment;
- [(3)] [continuing instruction in martial or performing arts or in organized athletic activities;]
- (3) [(4)] hospitals, nursing homes, medical clinics or medical offices; [and]
- (4) [(5)] barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only; **and**
- (5) **athletic facilities of an educational institution including an alumni club, or of a philanthropic or charitable institution.**

Adult Physical Culture establishment, [except as provided in this Resolution], are not permitted in any District.

* * *

Physical Culture or Health Establishments

A "Physical Culture or Health Establishment" is any establishment or facility, including commercial and non-commercial clubs, which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation floatation tanks and meditation facilities may be provided only as accessory to the physical exercise program or massage facility. *Physical Culture or Health Establishments* are only permitted pursuant to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health related facility/services pursuant to this section until a certificate of occupancy has been issued by the Department of Buildings establishing the use of the premises as a "physical culture or health establishment."

Non-commercial physical culture or health facilities in a Housing Quality development under Section 74-95 (Housing Quality Development), may qualify as a *community facility use* provided that such health related facilities are located in a C2, C4, C5 or C6 District and provided further that the Commission makes the findings as set forth in Section 73-76 (physical culture or Health Establishments) of the Zoning Resolution in lieu of the special permit procedure pursuant thereto.

* * *

22-14

Use Group 4

A. Community Facilities

*clubs, except:

- (d) Any activity or use listed within the definitions of either *Adult Physical Culture Establishments* or *Physical Culture or Health Establishments* in Section 12-10.

22-21

By the Board of Standards and Appeals

* * *

clubs, except:

- (d) Any activities or use listed within the definitions of either *Adult Physical Culture Establishments* or *Physical Culture or Health Establishments* in Section 12-10.

* * *

32-15

Use Group 6

* * *

E. Clubs

Non-commercial clubs without restrictions on activities or facilities except for any activity or use listed within the definitions of either *Adult Physical Culture Establishments* or *Physical Culture or Health Establishments* in Section 12-10.

32-18

Use Group 9

* * *

Gymnasiums used exclusively for basketball, handball, **paddle ball**, **racketball**, squash and tennis.

* * *

32-23

Use Group 14

* * *

B. Clubs

Non-commercial clubs without restrictions on activities or facilities **except for any activity or use listed within the definitions of either *Adult Physical Culture Establishments* or *Physical Culture or Health establishments* in Section 12-10.**

* * *

32-31

By the Board of Standards and Appeals

Physical culture or health establishments, including gymnasiums (not [listed] permitted under Use Gr 9), [reducing salons,] or massage establishments [or steam-baths, other than adult physical culture establishments].

Districts
C2 C4 C5 C6 C8

42-31

By the Board of Standards and Appeals

* * *

Physical culture or health establishments, including gymnasiums (not [listed] **permitted** under Use Group 9), [reducing salons,] or massage establishments [or steam-baths, other than adult physical culture establishments].

MI M2 M3

73-36

Physical culture or health establishments

In C2, C4, C5, C6, C8, M1, M2, or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board may permit *physical culture or health establishments as defined in Section 12-10* including gymnasiums (not [listed] **permitted** under Use Group 9), [reducing salons,] massage establishments, [or steam-baths,] other than *adult physical culture establishments*, for a term not to exceed [five] ten years, provided the following findings are made:

- (a) That such use is so located as not to impair the essential character or the future use or developments of the surrounding area, and
- (b) That such use [either:] contains: (i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, **paddleball courts**, **racketball courts**, tennis courts; or (ii) a swimming pool of a minimum 1,500 square feet; or (iii) [is operated as a membership organization offering classes and/or instruction in exercise, martial arts or weight reduction] **facilities for classes, instruction and programs for phy-**

sical improvement, body building, weight reduction, aerobics or martial arts; or (iv) facilities for the practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as *accessory* to programmed facilities as described in (i) through (iv) above.

No special permit shall be issued pursuant to this section unless:

- (1) The Board shall have referred the application to the Department of Investigation for a background check of the **owner, operator and** [applicant including] all principals having an interest in any application filed under a partnership or corporate name and shall have received a [satisfactory] report from the Department of Investigation **which the Board shall determine to be satisfactory.**
- (2) The Board in any resolution granting a special permit shall specify how each of the findings required by this section are made.

The Board shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of operation of the permitted *use* has been altered from that authorized.

The Board may prescribe appropriate conditions and safeguards including **location of signs** and limitations on the manner and/or hours of operation in order to minimize adverse effects on the character of the surrounding community.

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 28

Bk. CB's 1, 2 and 6
Qns. CB's 1 and 2

N 840674 ZRY

[Proposed Zoning Text amendments extending the loft zoning regulations requiring that residential conversions meet certain minimum housing standards and comply with the Relocation Incentive Program, now only effective in Manhattan Community Boards 1-6, to Community Boards 1, 2 and 6 in Brooklyn and 1 and 2 in Queens].

IN THE MATTER OF various amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of New York relating to Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings) and various cross references, as follows:

Matter in **Bold Type** are new;

Matter in brackets [] is old, to be deleted;

Matter in *italics* is defined in Section 12-10.

Article 1, Chapter 5—Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5 and 6] in the Boroughs of Manhattan, Brooklyn and Queens.

15-00 GENERAL PURPOSES

In Manhattan Community Districts 1, 2, 3, 4, 5, and 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, special regulations for the conversion to dwelling units of non-residential buildings or portions thereof, erected prior to December 15, 1961, have been established in order to promote and protect public health, safety, and general welfare. These goals include, among others, the following specific purposes:

- (a) To permit owners to increase the return on their investment in appropriate existing non-residential buildings by authorizing the conversion to dwelling units without requiring such dwelling units to conform to the provisions of Article 2 of this resolution upon payment of a conversion contribution;
- (b) To reduce the deleterious effects on commercial and manufacturing uses caused by the reduction of land and floor area available to such uses permitted under the provisions of this chapter by providing relocation incentives for such uses;
- (c) To protect important job producing industries;
- (d) To provide sufficient space for commercial and manufacturing activities which are an integral part of New York City's economy;
- (e) To provide for adequate returns to property owners by allowing more profitable residential use with a limited mix of commercial and manufacturing uses;
- (f) To provide a new housing opportunity of a type and at a density appropriate to these Community Districts;
- (g) To ensure the provision of safe and sanitary housing units in converted buildings;
- (h) To ensure the provision of adequate amenities in conjunction with residential development.

15-01

Applicability

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6 Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2, the conversion to *dwelling units of non-residential buildings* or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of this chapter.

However, the conversion to *dwelling units of non-residential buildings* that meet all the requirements for new *residential development* of Article II (Residence District Regulations) and are located in R4, R5, R6, R7, R8, R9, R10, C1, C2, C3, C4, C5 or C6 districts is exempt from the provision of this chapter. Except as modified by the express provisions of this chapter, the regulations of the applicable zoning districts remain in effect.

New developments or enlargements shall be in accordance with the applicable requirements of Article II and Article III.

15-011

Special [Clinton] Districts

The Preservation Area of the Special Clinton District is excluded from the applicability of the provisions of this chapter.

For the purposes of this chapter, districts indicated on the zoning map as M(R) shall be considered manufacturing districts, and districts indicated on the zoning map as R(M) shall be considered residential districts.

15-012

M1-5A, M1-5B, or the LMM Districts

Except as specifically set forth in Sections 15-41 and 15-50 and except for the provisions of Section 15-013, the provisions of this chapter are not applicable in M1-5A, M1-5B or the LMM districts.

15-013

Building Permits and Variances Issued Before [April 9, 1981] the Effective Date of Amendment

A. Building Permits in Manhattan Community Districts 1, 2, 3, 4, 5 and 6.

If, before April 9, 1981, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before September 1, 1980; construction pursuant to such permit may be continued, at the option of the owner, without regard to the other provisions of this chapter. In the event that the construction permitted herein is not completed within 2 years from the issuance of said building permit or prior to April 9, 1982, whichever is later, and a temporary or permanent Certificate of Occupancy has not been issued, the building permit shall automatically lapse for any portion of a *building* for which a permanent or temporary Certificate of Occupancy has not been obtained and the right to continue construction on such *floor area* shall terminate, except that the Board of Standards and Appeals may reinstate said permit pursuant to the provisions of paragraphs 1 or 2 below:

1. for all *floor areas* for which the Board has made a finding that, as of April 9, 1981,
 - (a) there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit had been granted, and
 - (b) the completed construction demonstrated a physical commitment of the *floor area* to a layout as *residential or joint living-work quarters for artists use*, which construction could not be readily adapted to a non-*residential use* permitted by the Zoning Resolution.

A finding of substantial construction shall not be made unless, on April 9, 1981, the *floor area* was either vacant or occupied by *residential or joint living work-quarters for artists use*, and unless the expenditures prior to April 9, 1981 were significant in proportion to the costs of construction of the entire project not including the costs of acquisition, demolition, professional fees or financing;

2. for all *floor area* for which the Board has made a finding that, as of the date said building permit lapsed, there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit has been granted. A finding of substantial construction shall not be made unless, as of the date said permit lapsed, the *floor area* was either vacant or occupied by *residential or joint living-work quarters for artists use*, and unless the expenditures prior to the date said permit lapsed were significant in proportion to the costs of construction of the entire project not including the costs of acquisition, demolition, professional fees or financing. Notwithstanding anything to the contrary above, the building permit shall only be reinstated pursuant to the provisions of this section provided that for any portion of the *building* for which said permit is reinstated:
 - (a) the conversion shall comply with the provisions of Sections 15-12, 15-24, 42-14 D1(e) or 111-112, as appropriate in the zoning district in which the *building* being converted is located, except that the Board may modify the requirements of Sections 15-12, 15-24, 42-14 D1(e) or 111-112, provided that the rooftop open space was not permitted under said building permit and the Board determines that the roof either is unsuited for open space *use* or cannot be made suitable for open space *use* at a reasonable cost;
 - (b) there shall be double glazing on all windows in all *dwelling units* or such other window treatment as the Board deems appropriate;
 - (c) for any *floor area* occupied on September 1, 1980 by a *commercial or manufacturing use* listed in Section 15-58, the owner shall make a reduced conversion contribution under the provisions of Section 15-555.

In addition to the above, amendments filed after September 1, 1980 which create additional *dwelling units* or *joint living-work quarters for artists*, or increase the amount of *floor area* to be converted to such units shall be subject to the requirements of this chapter; and if a temporary or permanent Certificate of Occupancy has not been obtained within two years from the issuance of said building permit, and the *floor area* or any portion thereof for which said building permit was issued was occupied on April 9, 1981 by a *commercial or manufacturing use* listed in Section 15-58, the provisions of Section 15-50 et seq. shall apply for such *floor area*.

B. Building permits in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2

If, before (the effective date of this amendment), a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before April 1, 1984, construction pursuant to such permit may be continued.

[B] C. Variances

If, before April 9, 1981 in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or (the effective date of this amendment) in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, a variance to permit the conversion of a *building* or portion thereof, to *residential or joint living-work quarters for artists use*, which variance has not lapsed pursuant to the provisions of Section 72-23, and a building permit was issued in accordance with the terms of said variance for such conversion by the Department of Buildings within two years of the grant of said variance, construction pursuant to such permit may be continued, without regard to the other provisions of this Chapter.

Dwelling units converted pursuant to the provisions of this section which are not subject to the provisions of this chapter shall also not be subject to the provisions of Section 34-42 (Location within Buildings).

15-02

General Provisions

15-021

Special Use Regulations

- (a) In C5 and C6 districts in Manhattan Community Districts 1, 2, 3, 4, 5, and 6, all existing lawful *uses* in Use Groups 17B or E in *buildings* erected prior to December 15, 1961, shall be considered conforming. Such *uses* may be *extended* within such *buildings*.
- (b) In C6-2M and C6-4M districts in Manhattan Community Districts 1, 2, 3, 4, 5, and 6, all new *uses* listed in Use Groups 17B or E are permitted as-of-right in *buildings* erected prior to December 15, 1961, subject to the provisions of Section 32-42 (Location within Buildings).
- (c) In M1-5 and M1-6 districts located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street and Eighth Avenue, no new *dwelling units* shall be permitted. However, *dwelling units* which the Chairman of the City Planning Commission determines were occupied on September 1, 1980 shall be a permitted *use* provided that a complete application for a determination of occupancy is filed by the owner of the *building* or the occupant of a *dwelling unit* in such *building* not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of *residential* occupancy on September 1, 1980, shall be deemed to permit *residential use* as-of-right for such *dwelling units*.

All *dwelling units* permitted pursuant to this subsection shall be required to comply with the requirements of Section 15-22 (Number of permitted Dwelling Units) and Section 15-23 (Light and Air Provisions).

Such *dwelling units* are subject to the requirements of Section 15-50 *et seq.* Notwithstanding the above, where the Chairman of the City Planning Commission has determined that *floor area* was occupied as *dwelling units* on September 1, 1980, and where such *dwelling units* are located in a *building* which, on the date of application to the Department of City Planning under the provisions of this Section, also has *floor area* which is occupied by a *use* listed in Section 15-58 (Eligible Commercial and Manufacturing Uses), the Chairman may permit that any *floor area* in the *building* be used for *dwelling units* provided that:

- (i) the total amount of *floor area* to be used for *dwelling units* does not exceed the amount of *floor area* occupied as *dwelling units* on September 1, 1980;
 - (ii) any *use* listed in Section 15-58 which is located on *floor area* to be used for *dwelling units* has been offered a new or amended lease within the *building*, with a minimum term of 2 years from the date of application, at a fair market rental for the same amount of *floor area* previously occupied, and such lease is not subject to cancellation by the landlord;
 - (iii) the provisions of Section 15-50 *et seq.*, shall be complied with for the *floor area* to be converted, if such *floor area* was used for a *use* listed in Section 15-58 on the date of application to the [Board] Department of City Planning pursuant to this section;
 - (iv) any residential tenant who occupied a *dwelling unit* shall be relocated to a *dwelling unit* within the *building* with a *floor area* equal to not less than 95% of the amount of *floor area* in the *dwelling unit* previously occupied, and
 - (v) as a result such action by the Chairman *residential uses* will be located on *stories* above *manufacturing uses*.
- (d) In M1-6 districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no *dwelling units* shall be permitted, except that:
- (i) *dwelling units* which the Chairman of the City Planning Commission determines were occupied on May 18, 1981 shall be a permitted *use* provided that a complete application to permit such *use* is filed by the owner of the *building* or the occupant of the *dwelling unit* not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of *residential* occupancy shall be deemed to permit *residential* use as-of-right for such *dwelling unit*.
 - (ii) in any *building* for which an alteration application for conversion of *floor area* used for non-residential use to *dwelling units* or for an *extension* or minor *enlargement* of existing *residential use*, was filed prior to May 18, 1981, *dwelling units* shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to *dwelling units* or *extend* or *enlarge* existing *residential use* pursuant to the provisions of this subsection shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

15-022

Location within Building

Dwelling units converted under the provisions of this chapter are not subject to the provisions of Section 32-42 (Location within Buildings).

15-023

Notice to Residential Tenants in Mixed Use Buildings

The owner or developer of a *building* converted under the provisions of this chapter and contain-

ing one or more *dwelling units* and one or more *commercial* or *manufacturing uses* above the first story shall be required to notify all prospective *residential* occupants of such *dwelling units* that:

- (a) such *dwelling units* are located in a mixed use *building* containing *commercial* or *manufacturing uses* which the City is committed to maintain, and
- (b) such prospective occupants should make any investigation they deem necessary to determine that the conditions existing or permitted to exist are not offensive to such prospective occupant.

Prior to the issuance of a Building Permit, the owner or developer shall file an affidavit with the Department of Buildings that such notice will be provided in all *residential* leases and offering plans.

15-024

Notice of Filing to Create Dwelling Units

Within ten days of filing an application with the Department of Buildings for an alteration permit for *dwelling units*, a duplicate copy of such application shall be sent to the Department of City Planning by the applicant for information purposes.

15-025

Double Glazed Windows

All *dwelling units* in *buildings* which contain one or more *uses* listed in Section 15-58 and converted under the provisions of this chapter shall be required to have double glazing on all windows. However, *dwelling units* occupied by *residential* tenants on September 1, 1980 in Manhattan Community Boards 1, 2, 3, 4, 5 and 6, or on April 1, 1984 in Brooklyn Community Boards 1, 2 and 6 and Queens Community Boards 1 and 2, shall not be required to have double glazed windows.

15-10

Regulations Governing Conversions to Dwelling Units of Non-Residential Buildings in Residential and Commercial Districts, Except C6-2M and C6-4M Districts

15-11

Bulk Regulations

The *lot area* requirements of the following sections are hereby superceded and replaced with the requirements of Section 15-11 for the conversion of non-*residential buildings* to *dwelling units*: Sections 23-20 through 23-28 (Density Regulations—Required Lot Area per Dwelling Unit, Lot Area per Room, or Floor Area per Room), 24-20 (Lot Area Requirements for Buildings Used Partly for Residential Use), 35-40 through 35-43 (Applicability of Lot Area Requirements to Mixed Buildings) and 54-31 (Enlargements or Conversions). In addition, the *open space ratio*, *yard*, *minimum distance between two or more buildings on a single zoning lot* and *minimum distance between windows and walls or lot lines* requirements are hereby superceded and replaced by the requirements of Sections 15-112 and 15-12.

15-111

Number of Permitted Dwelling Units

The number of *dwelling units* permitted is the total number calculated under Section 15-111 (a) and (b), and may be distributed anywhere within the *building* except in the *cellar*. Portions of a *dwelling unit* located in the *cellar* shall comply with the provisions of Section 15-112.

- (a) *Floor area* which does not exceed the maximum *residential floor area* permitted by the provisions of the applicable district may be converted to *dwelling units*. The number of *dwelling units* attributable to the *floor area* permitted under the provisions of the applicable district shall be determined by the following tables:

Minimum Floor Area per Dwelling Unit in Specific Zoning Districts

Applicable District	Maximum Residential Floor Area Ratio Permitted	Minimum Floor Area Per Dwelling Unit Permitted
R4 or equivalent	1.50	615 square feet
R5 or equivalent	1.65	645 square feet
R6 or equivalent	2.43	700 square feet
R7 or equivalent	3.44	745 square feet
R8 or equivalent	6.02	790 square feet
R9 or equivalent	7.52	880 square feet
R10 or equivalent	10.00	900 square feet

- (b) In existing non-residential buildings the residential floor area which exceeds the residential floor area permitted by the provisions of the applicable district may be converted to dwelling units provided that there shall be not less than 1,800 square feet of gross floor area per dwelling unit in such excess residential floor area.

However, for floor area converted to public or publicly assisted housing or non-profit residences for the elderly as described in Section 25-25 there shall be not less than 1500 square feet of gross floor area per dwelling unit in such excess floor area.

For the purpose of this section only, mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual dwelling units provided that the gross area of such mezzanine does not exceed 33 $\frac{1}{3}$ % of the floor area contained within such dwelling unit. Such mezzanines are permitted only in buildings with an existing floor area ratio of 12 or less, and only between existing floors that are to remain. No mezzanine shall be included as floor area for the purpose of calculating the minimum required size of a dwelling unit or for calculating floor area devoted to dwelling units.

15-112

Light and Air Provisions

- (a) For purposes of this section a "living room" is defined by Section 4 of the Multiple Dwelling Law.
- (b) Spaces other than "living rooms"
- (i) Mezzanines shall be lit and ventilated in accordance with the provisions of sub-article 1202.0 and sub-article 1205.0 of the Administrative Code.
 - (ii) Cellar space is not permitted in dwelling units with three and one half rooms or fewer, unless such dwelling units contain at least 1,200 square feet of interior floor area.
 - (iii) Spaces, other than "living rooms", kitchens, bathrooms or mezzanines, with a minimum width of 5 feet in the narrowest dimension measured perpendicular to a wall enclosing such space, are not permitted in dwelling units with three and one half rooms or fewer, unless such dwelling units contain at least 1,200 square feet of interior floor area.
- (c) Every dwelling unit shall meet the light and air requirements of Section 277 of the Multiple Dwelling Law.

(d) Width to Depth Ratio

Where there is more than one *dwelling unit* per *story* the average width of each *dwelling unit* shall be at least one fourth of the depth. Depth is the farthest point within the *dwelling unit* from the exterior *building* wall containing windows used to meet the requirements of Section 15-112(c) (Light and Air Provisions), measured perpendicular to such *building wall*. Width is the distance between exterior *dwelling unit* walls measured perpendicular to the depth.

15-12**Open Space Equivalent**

At least 30 percent of the gross roof area of a *building* containing 15 *dwelling units* shall be developed for recreational use. For each additional *dwelling unit*, 100 square feet of additional roof area shall be developed for recreational use, up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said *building* and their guests. No fees shall be charged to the occupants or their guests. The provisions of this section may be modified pursuant to Section 15-30.

15-13**Special Home Occupation Provision**

In C6 districts the *home occupation* provisions of Section 12-10 shall apply, except that up to 49 percent of the total *floor area* of a *dwelling unit* may be used for a *home occupation*. Such *home occupation* may occupy more than 500 square feet of *floor area*. For the purposes of this section, mezzanines shall be counted as *floor area*.

15-20**Regulations Governing Conversions to Dwelling Units of Non-Residential Buildings in C6-2M, C6-4M, M1-5M and M1-6M Districts.**

The *lot area* requirements of the following sections are hereby superceded and replaced with the requirements of Section 15-21 and 15-22 for the conversion of non-residential buildings to *dwelling units*: Sections 23-20 through 23-28 (Density Regulations—Required Lot Area per Dwelling Unit, Lot Area per Room, or Floor Area per Room), 24-20 (Lot Area Requirements for Buildings Used partly for Residential Use), 35-40 through 35-43 (Applicability of the Lot Area Requirements to Mixed Buildings) and 54-31 (Enlargements or Conversions).

In addition, the *open space ratio*, *yard*, *minimum distance between two or more buildings on a single zoning lot* and *minimum distance between windows and walls or lot lines* requirements are hereby superceded and replaced by the requirements of Sections 15-23 and 15-24.

15-50 Relocation Incentive Program**15-51****Preamble**

In order to reduce the deleterious effects on commercial and manufacturing uses caused by the reduction of existing floor area available to such uses as the result of the conversion of nonresidential buildings to dwelling units or Joint living-work quarters for artists, while permitting owners to convert such buildings to dwelling units or Joint living-work quarters for artists, thereby increasing the value of such buildings, a Relocation Incentive Program is established. These general goals include, among others, the following specific objectives:

- (a) To provide incentives for eligible commercial and manufacturing uses displaced by the conversion of commercial or manufacturing buildings, or portions thereof, to dwelling units, to relocate within the City of New York.
- (b) To provide certainty to eligible commercial and industrial tenants as to the extent and availability of relocation incentives.

- (c) To ensure that such incentives are available to the eligible commercial or manufacturing uses at the time they relocate.
- (d) To assist in the retention of industrial firms and industrial relocation within the City of New York in accordance with the intent of this Chapter.

Under the Relocation Incentive Program, owners who plan to convert space used for commercial and manufacturing uses to dwelling units or Joint living-work quarters for artists under the provisions of this chapter or Sections 42-14D, 74-711, 74-78 and 111-00 of this resolution will be required to pay a conversion contribution or provide direct relocation payments before they can obtain an Alteration Permit. The conversion contribution will be paid into the Industrial Relocation Fund to be administered by the New York City Business Relocation Assistance Corporation. These funds will be used to provide industrial relocation assistance in accordance with the intent of this Chapter.

Building owners may receive a discount from the conversion contribution if they provide direct assistance to manufacturing tenants which relocate in New York City. The Board of Standards and Appeals shall administratively review applications, authorize discounts or exclusions, and certify that the appropriate relocation assistance has been provided.

Prior to the issuance of an Alteration Permit for the development of dwelling units or Joint living-work quarters for artists, an owner must present proof of either payment of the conversion contribution or BSA approval of direct relocation payments.

15-52

Definitions

For the purposes of sections 15-50 through 15-58 matter in *italics* is defined in this Section or in Section 12-10.

Applicable Building

An "applicable building" is any existing *building* or other structure, erected prior to December 15, 1961, which:

A. if in Manhattan Community Districts 1, 2, 3, 4, 5 and 6.

1. (a) is located in a [R6, R7, R8, R9, R10, C1, C2, C4, C5, C6, M1-5A, M1-5B, M1-5M, M1-6M or LMM district.] *zoning district in which residential or Joint living-work quarters for artists use is permitted*, and
 - (b) (i) on September 1, 1980 was used for a *use* listed in Section 15-58, or
 - (ii) was vacant on September 1, 1980 and was used within 3 years prior to such date for a *use* in such Use Groups; or
2. (a) is granted a *use* variance pursuant to the provisions of Sections 72-21 and 72-221; and
 - (b) (i) on April 9, 1981 was used for a *use* listed in Section 15-58, or
 - (ii) was vacant on April 9, 1981, and was used within 3 years prior to such date for a *use* in such Use Groups [.] , or

B. if in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2

1. (a) is located in a *zoning district in which residential use is permitted*, and
 - (b) (i) on April 1, 1984 was used for a *use* listed in Section 15-58, or
 - (ii) was vacant on April 1, 1984 and was used within 3 years prior to such date for a *use* in such Use Groups; or

2. (a) is granted a *use* variance pursuant to the provisions of Sections 72-21 and 72-221; and
 (b) (i) on (the effective date of this amendment) was used for a *use* listed in Section 15-58, or
 (ii) was vacant on (the effective date of this amendment) and was used within 3 years prior to such date for a *use* in such Use Groups.

Conversion Contribution

A "conversion contribution" is the contribution to the Industrial Relocation Fund provided by the owner of an *applicable building*. Such contribution shall be provided by the owner in order to convert such *building* to *dwelling units* or *Joint living-work quarters for artists* without meeting the requirements for the development of *dwelling units* in Article 2. (Residence District Regulations)

The Corporation

The "Corporation" is the New York City Business Relocation Assistance Corporation, a not-for-profit Corporation. The Board of Directors of the Corporation shall consist of the Commissioner or Executive Director of the Office of Economic Development, the Chairman of the City Planning Commission, the Chairman of the Board of Standards and Appeals, the Commissioner of the Department of Housing Preservation and Development, the President of the New York City Public Development Corporation and two industrial representatives.

Eligible Tenant

An "eligible tenant" is a commercial or manufacturing tenant, or commercial or manufacturing owner/occupant, determined by the *Corporation* to be engaged in a business listed in Section 15-58 and who:

- (i) occupied and used space within an *applicable building* for not less than 24 months immediately prior to vacating,
- (ii) vacated the premises on or after April 9, 1981 in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or (the effective date of this amendment) in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, and
- (iii) either purchased, or leased for a term of not less than 24 months, other premises within the City of New York for the purpose of engaging in a business listed in Section 15-58.

A sub-tenant shall be eligible to receive a relocation incentive in accordance with the provisions of Section 15-50 et seq. notwithstanding any lack of eligibility of its prime tenant.

The Fund

The "Fund" is the Industrial Relocation Fund. The *Fund* is established within the *Corporation*. The *Corporation* shall accept the *conversion contribution* to be accredited to the *Fund* and apply such monies toward the relocation of industrial tenants, including any verification action required under the provisions of Section 15-50 et seq. (Relocation Incentive Program), or toward the administration of the *Fund*, and for such other purposes relating to industrial relocation as the *Corporation* may determine.

The Industrial Relocation Fund will be administered by the *Corporation*.

15-521

Rules and Regulations for the Fund

The *Corporation* shall promulgate rules and regulations for the distribution of monies from the *Fund*. The *Corporation* shall provide a copy of all proposed rules and regulations and any propos-

ed amendments thereto to:

- (a) Manhattan Community Boards 1 through 6, Brooklyn Community Boards 1, 2 and 6, and Queens Community Boards 1 and 2,
- (b) the City Planning Commission.
- (c) the Office of Economic Development.
- (d) the Board of Standards and Appeals.
- (e) Members of the Board of Estimate, and
- (f) the *Industrial* Loft Advisory Council.

In addition, the *Corporation* shall publish notice of the existence of proposed rules and regulations and any proposed amendments thereto for five business days in a newspaper of general circulation in the City of New York, and shall make all such proposed rules, regulations and amendments available to the public. Comments on such proposed rules, regulations and amendments shall be accepted for 30 days thereafter. The rules and regulations, or amendments thereto, as adopted, shall be provided to all persons listed in subdivisions (a) through (f) above, and shall be made available to the general public.

15-53

Conversion Contribution

15-531

Rate of Contribution

The *conversion contribution* shall be paid into the *Fund*. If tendered prior to September 1, 1982, such contribution shall be at the rate of \$9.00* per square foot of the gross *floor area* to be used for *dwelling units* or *Joint living-work quarters for artists* and stairwells, elevator shafts, halls and other common *floor areas* of the *building* used in conjunction with such *dwelling units* or *Joint living-work quarters for artists*, excluding ground floor lobbies, less any discount authorized under the provisions of Section 15-54 (Direct Help) or Section 15-55 (Additional Discounts or Exclusions from Conversion Contributions).

However, in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, in residential districts or in commercial districts permitting residential use, if tendered prior to September 1, 1984, the *conversion contribution* shall be at the rate of \$5.30 per square foot.

On September 1, 1982, and on each subsequent September 1, the *Corporation* shall establish the monetary rate at which the *conversion contribution* is to be paid during that year. Said rate change shall be based on the Gross National Product Implicit Price Deflators for the Trucking and Warehousing Industry, prepared by the U.S. Department of Commerce.

15-532

Contribution Procedure

- (a) Prior to the issuance of an Alteration Permit, the owner shall pay the *conversion contribution*, in an amount equal to the rate applicable at the date of payment multiplied by the gross *floor area* as provided in Section 15-531. The amount of such contribution may be reduced by authorization of the Board of Standards and Appeals pursuant to Section 15-54 (Direct Help) or Section 15-55. (Additional Discounts or Exclusions from Conversion Contributions). Nothing in this section shall be construed to require such owner to pay the *conversion contribution* in accordance with the provisions of this section more than once on any particular *floor area*. Upon proof of payment of the *conver-*

*Effective 4:30 PM, November 2, 1983, the rate is \$10.60.

sion contribution by the owner, or upon receipt of an authorization exclusion, pursuant to Section 15-551 (Existing Conversion) or Section 15-554 (Exclusion for Certain Vacated Space), the Board shall notify the Department of Buildings that the requirements of Section 15-50 et seq. have been met.

- (b) The *conversion contribution* shall be paid into the *Fund* primarily for the benefit of the commercial or manufacturing tenant who last occupied the *floor area* to be converted and subsequently relocated within the City of New York. Within six months of the payment of the *conversion contribution*, and upon verification by the *Corporation* that said tenant is an *eligible tenant*, the *Corporation* shall pay to said tenant the appropriate portion of the *conversion contribution*. The appropriate portion of the *conversion contribution* shall be equal to the amount produced by multiplying the rate of *conversion contribution* applicable at the time of payment of the *conversion contribution* by either the *floor area* occupied by such tenant prior to relocation, or the *floor area* occupied by such tenant after relocation, whichever is less.

The *Corporation* shall determine whether a commercial or manufacturing tenant is an *eligible tenant* within 15 days after a request by said tenant, and, in appropriate cases, verify the eligibility of said tenant. Where a commercial or manufacturing tenant is not an *eligible tenant*, the *Fund* shall retain the *conversion contribution*. Where an *eligible tenant* does not seek verification of eligibility within six months of the payment of the *conversion contribution*, such tenant shall be ineligible to receive any payment or assistance from the *Corporation*.

Notwithstanding the above, where the *eligible tenant* has received assistance from the *Corporation*, the amount of such assistance will be subtracted from the amount to which said tenant is eligible under this section, and the remainder shall be retained by the *Corporation*.

15-54

Direct Help

The Board of Standards and Appeals shall issue an authorization for a discount from all or part of the amount of the *conversion contribution* when it determines that the owner of an *applicable building* has made a direct help payment in accordance with Section 15-541 through Section 15-546. The amount of the discount shall be twice the direct help payment provided to the recipients as required in Section 15-541.

The owners of an *applicable building* shall include a copy of each escrow agreement signed pursuant to Section 15-542 with the application to the Board for the authorization for a direct help discount. The owner of an *applicable building* applying for a direct help discount shall, on the date of such application, provide the Office of Economic Development with a copy of said application. Within 30 days of the receipt of any such application, the Office of Economic Development may provide the Board of Standards and Appeals with a report on the history of commercial and manufacturing tenancy of such *building*.

15-541

Amount of Direct Help Payment

- (a) The direct help payment shall be equal to 50% of the *conversion contribution*. To entitle the owner of an *applicable building* to be eligible for the discount authorized under the provisions of Section 15-54, such owner shall make direct help payments in accordance with the following:

Condition of the Space to be Converted	Recipient of the Direct Help Payment	% of Conversion Contribution Each Recipient Receives
Vacant more than 24 months	The Corporation	50%
Occupied by an <i>eligible tenant</i> listed in Section 15-581.	The Tenant	50%
Occupied by an <i>eligible tenant</i> listed in Section 15-582.	The Tenant The Corporation	25% 25%
Occupied by a commercial or manufacturing tenant for more than 24 months but such tenant did not relocate within New York City.	The Corporation	50%
Occupied by commercial or manufacturing use not listed in Section 15-28 for more than 21 months.	The Corporation	50%
In Manhattan		
Community Vacant since September 1, 1980.	The Corporation	50%
Districts In R6, R7, R8, R9, R10, C1, 1,2,3,4,5&6 C2, or C4 districts, vacant since January 1, 1981.	The Corporation	50%
In Brooklyn Community Districts 1, 2, & 6 and Queens Community Districts 1 & 2: vacant since April 1, 1984		
	The Corporation	50%

15-542**Establishment of Escrow Accounts**

To receive a discount under the provisions of Section 15-54 (Direct Help), the owner of an *applicable building* shall establish an escrow account in accordance with the provisions established in this section.

- (a) Such owner shall deposit a sum of money equal to the amount of the direct help payment required under Section 15-541 in an escrow account in a banking institution

15-542**Establishment of Escrow Accounts**

To receive a discount under the provisions of Section 15-54 (Direct Help), the owner of an *applicable building* shall establish an escrow account in accordance with the provisions established in this section.

- (a) Such owner shall deposit a sum of money equal to the amount of the direct help payment required under Section 15-541 in an escrow account in a banking institution located in the City of New York. The escrow agent shall be such bank or the owner's attorney. The escrow account shall be established pursuant to an agreement signed by the owner and the escrow agent, which agreement shall be on a form provided by the Corporation. Where the commercial or manufacturing tenant is listed in Section 15-581, said escrow agreement shall contain the specific provisions in subsection (i) below; where the commercial or manufacturing tenant is listed in Section 15-582, said escrow agreement shall contain the specific provisions listed in subsection (ii) below:

- (i) The escrow property delivered hereunder shall be held in escrow by (the escrow agent) to be delivered to (the tenant) at such time as the New York City Business Relocation Assistance Corporation, hereinafter called the Corporation, has verified that (the tenant) is an *eligible tenant* under the terms of Section 15-50 et seq. of the Zoning Resolution of the City of New York. This escrow property shall be paid in full to (the tenant) within 15 days of such verification, unless the Corporation has made a determination that (the tenant) has relocated to a smaller space in accordance with the provisions of Section 15-541b of the Zoning Resolution. Where the Corporation has determined that (the tenant) has relocated to a smaller space, (the tenant) shall receive payment from the escrow account in an amount equal to that required by Section 15-541b of the Zoning Resolution within 15 days of such verification. The remainder of the escrow property shall be paid to the Corporation at the same time. In the event that the Corporation issues a statement of non-eligibility under Section 15-544(c) of the Zoning Resolution, this escrow property will be paid to the Corporation within 15 days of the issuance of such statement. In the event that these conditions are not met within six months from the earlier to occur of the date (the tenant) vacates space in (address of the building) or the date of the establishment of this escrow account, (the escrow agent) shall pay the escrow property delivered hereunder to the Corporation at the expiration of said 6-month period.

Notwithstanding the foregoing, where the Corporation notifies (the escrow agent) that (the owner) and (the tenant) have entered into a new lease of the premises at (address of the building) for a term of more than three months, the escrow property delivered hereunder shall be returned to (the owner/escrowor) within 15 days of such notification.

- (ii) The escrow property delivered hereunder shall be held in escrow by (the escrow agent) until such time as the New York City Business Relocation Assistance Corporation, hereinafter called the Corporation, has verified that (the tenant) is an *eligible tenant* under the terms of Section 15-50 et seq. of the Zoning Resolution of the City of New York. Within 15 days of such verification, (the escrow agent) shall pay 50% of the escrow property hereunder to (the tenant) and 50% of the escrow property to the Corporation, unless the Corporation has made a determination of relocation to a smaller space in accordance with the provisions of Section 15-541b of the Zoning Resolution. Where the Corporation has determined that (the tenant) has relocated to a smaller space, (the tenant) shall receive payment from the escrow account in an amount equal to that required by Section 15-541b of the Zoning Resolution within 15 days of such verification. The remainder of the escrow property shall be paid to the Corporation at the same time. In the event that the Corporation issues a statement of non-eligibility under Section 15-544(c) of the Zoning Resolution, this escrow property will be paid to the Corporation within 15 days of the issuance of such statement.

In the event that the above conditions are not met within six months from the earlier to occur of the date (the tenant) vacates space in (address of the building) or the date of the establishment of this escrow account, (the escrow agent) shall pay the escrow property delivered hereunder to the Corporation at the expiration of said 6-month period.

Notwithstanding the foregoing, where the Corporation notifies (the escrow agent) that (the owner) and (the tenant) have entered into a new lease of the premises at (address of the building) for a term of more than three months, the escrow property delivered hereunder shall be returned to the (owner/escrowor) within 15 days of such notification.

- (b) All interest which accrues on the escrow account shall be paid to the owner who establishes such escrow account. Any expenses incurred in establishing such account shall be paid by said owner. A copy of all escrow agreements shall be delivered by said owner to the *Corporation*.
- (c) For the purposes of this Section 15-542 only, an owner shall be deemed to include an agent of the owner or a contract vendee.

15-543

Time for Establishment of Escrow Accounts

For the purpose of this section only, an *eligible tenant* shall not be required to have purchased or leased other premises within the City of New York.

Escrow accounts shall be established on the dates provided in this section. However, the escrow account shall not be established more than two months prior to the expiration of the tenant's lease, except by mutual consent of the owner and tenant.

(a) Lease Termination

In the event that an *eligible tenant* has a lease with a term of at least one year, and the owner of an *applicable building* notifies said *eligible tenant* that his tenancy will be terminated on the date said tenant's lease expires, or, if there has been no such notification by the owner and said tenant's lease has not been renewed, such owner shall establish the escrow account at least 30 days prior to the date of termination of tenancy.

(b) Holdover or Short-Term Lease

In the event that an *eligible tenant* has a lease of less than one year, or is a holdover tenant with no lease for the space in the *applicable building*, the owner of the *building* shall establish the escrow account not later than 90 days after said tenant notifies the owner of the date said tenant intends to vacate the premises, or 30 days prior to said tenant's date of termination of tenancy, whichever occurs later.

An owner of an *applicable building* shall notify the *eligible tenant* in writing of the establishment of the escrow account within 5 days of the establishment of such account. Such notice shall include a copy of the escrow agreement.

15-544

Payment of Funds from Escrow Account

- (a) An *eligible tenant* shall receive its share of the direct help payment from the funds held in the escrow account pursuant to the provisions of Section 15-541 within 15 days of the date the *Corporation* verifies that such tenant is an *eligible tenant*.
- (b) If the *eligible tenant* fails to seek verification from the *Corporation* within 6 months after the earlier of the date such tenant vacates space in the *applicable building* or the date of the establishment of the escrow account, the escrow property shall be paid to the *Fund*. Such tenant shall then be ineligible to receive any relocation assistance either in the form of a direct help payment or assistance from the *Corporation*. Notwithstanding the above, where there is a dispute as to payment of the escrow account to be resolved under the provisions of Section 15-545, and the expiration of the above 6-month period has resulted in payment to the *Fund*, such tenant shall remain eligible to receive relocation payment from the *Corporation* in an amount equal to the direct help payment for which such tenant was eligible under Section 15-541.
- (c) In the event that a commercial or manufacturing tenant does not relocate in New York City, or for any other reason is not an *eligible tenant*, the *Corporation* shall issue a statement of non-eligibility. Within 15 days of the issuance of said statement, the *Fund* shall receive payment from the escrow account. The acceptance of the direct help pay-

ment by the *Corporation* shall not imply the authorization of the direct help payment credit by the Board of Standards and Appeals. Should such authorization be denied, any funds paid to the *Corporation* under this provision shall be considered part of the *conversion contribution*.

15-545

Disputed Payments from Escrow Account

Any dispute in the computation of the amount of the direct help payment to each recipient in accordance with the provisions of Section 15-541 through 15-543, or as to the eligibility of a commercial or manufacturing tenant for relocation assistance, shall be resolved by the Board of Directors of the *Corporation* within six months.

15-546

Direct Payment to the Corporation

An owner shall make the direct help payment to the *Corporation*, and shall not be required to establish an escrow account, in the following situations:

- (a) where the *floor area* to be converted has been vacant since September 1, 1980;
- (b) where the *floor area* is located in R6, R7, R8, R9, R10, C1, C2 or C4 district, and such *floor area* has been vacant since January 1, 1981;
- (c) where the *floor area* to be converted has been vacant for more than 24 months prior to the filing for the authorization for the direct help payment discount under Section 15-541; or
- (d) where the owner applies to the Board of Standards and Appeals for an authorization for a discount for certain vacated space under Section 15-553.
- (e) where the *floor area* was occupied by a *use* not listed in Section 15-58.
- (f) **in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2 where the *floor area* to be converted has been vacant since April 1, 1984.**

The acceptance of the direct help payment by the *Corporation* shall not imply the authorization of the direct help payment credit by the Board of Standards and Appeals. Should such authorization be denied, any funds paid to the *Corporation* under this provision shall be considered part of the *conversion contribution*.

15-55

Additional Discount or Exclusions from Conversion Contributions

A copy of any application under this section shall be sent by the applicant to the Office of Economic Development at the time of filing. The Office of Economic Development may provide additional information to the Board.

Authorizations issued under this section shall not expire during the existence of the Relocation Incentive Program.

15-551

Existing Conversion

If the Board of Standards and Appeals determines that *floor area* was used as *dwelling units* or *Joint Living-Work quarters for artists*:

- (a) **in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, on September 1, 1980, the Board**

shall authorize that such floor area not be included in computing the *conversion contribution*, provided that a complete application for an authorization under this provision was filed with the Board of Standards and Appeals prior to September 1, 1983.

- (b) **in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, on April 1, 1984, the Board shall authorize that such floor area not be included in computing the *conversion contribution*, provided that a complete application for an authorization under this provision was filed with the Board of Standards and Appeals prior to September 1, 1985.**

15-552

Non-industrial Related Uses

The Board of Standards and Appeals shall issue an authorization that *floor area* used for a *use* not listed in Section 15-58 shall not be included in the computation of the *conversion contribution* provided that:

- (a) the Board determines that *uses* not listed in Section 15-58 occupied at least 50% of the *floor area* of the *building* on September 1, 1980, in **Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or on April 1, 1984 in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, and**
- (b) such *floor area* was not vacant on September 1, 1980. **in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or on April 1, 1984 in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2.**

For the purposes of this section, common areas of the *building* shall not be included in the computation of the *floor area occupied by such uses*. The burden of proof is on the applicant to show that the requirements of this section have been met.

15-553

Discount for Certain Vacated Space

The Board of Standards and Appeals may authorize a discount from the *conversion contribution* in an amount equal to 50% of the *conversion contribution* where there is substantial evidence to support a finding that a *commercial* or a *manufacturing* tenant engaged in a business listed in Section 15-58 and occupying *floor area* within an *applicable building* for at least 24 months immediately prior to an application under this Section had

- (a) vacated *floor area* in an *applicable building* more than 6 months prior to the expiration of said tenant's lease, and there is no evidence of harassment by the landlord or the landlord's agent; or
- (b) vacated *floor area* in an *applicable building* not earlier than 6 months prior to the expiration of said tenant's lease, and the owner can demonstrate that said tenant was offered a lease renewal or extension at fair market rental not less than 6 months prior to the expiration of said lease. Such renewal or extension shall have been for a period of at least 3 years unless the landlord notified said tenant in writing that:
- (i) such lease renewal or extension was an interim measure until the conversion of such *floor area*, and
- (ii) at the termination of such interim renewal or extension said tenant would receive a direct help payment in accordance with the provisions of Section 15-54.

Where the Board issues an authorization under this section, the direct help payment shall be made to the *Corporation*.

15-554**Exclusion for Certain Vacant Space**

Upon proof that *floor area* has been vacant since September 1, 1979, or for a minimum of 5 years, immediately preceding the date of application for an exclusion under this Section, the Board of Standards and Appeals shall issue an authorization that no *conversion contribution* shall be required to be made for such *floor area*.

15-555**Discount for Building Permit Issued Before April 9, 1981**

- (a) The Board of Standards and Appeals may authorize a discount from the *conversion contribution* in an amount equal to 50% of the *conversion contribution*, where the Board determines that there was substantial construction in accordance with the provisions of Section 15-013.
- (b) The Board of Standards and Appeals may authorize a reduction in the amount of the *conversion contribution* under paragraph (a) of this section, by an amount equal to any relocation payments provided by the developer, property owner, or contract vendee provided that the Board finds that:
 - (i) such tenant occupied the *floor area* being converted on September 1, 1980, and for not less than 24 months immediately prior to vacating;
 - (ii) such tenant relocated to other premises within the City of New York which such business either purchased, or leased for a term of not less than 24 months, and
 - (iii) such amount was paid to such business within 30 days after said relocation.

15-56**Verification of Relocation Requirements**

Within 15 days after a request by a tenant, but in no event prior to the date of relocation, the *Corporation* shall determine whether a commercial or manufacturing tenant is an *eligible tenant* and, in appropriate cases, verify that relocation has occurred. The *Corporation* shall also determine whether there has been relocation to a smaller space under the provisions of Section 15-541b. Notwithstanding the above, a commercial or manufacturing tenant may notify the *Corporation*, prior to relocation, of the date of relocation and the *Corporation* may agree with such tenant to determine whether such tenant is an *eligible tenant* on a specific date subsequent to the relocation.

15-57**Special Provisions****15-571****Non-Separability**

The provisions of Sections 15-50 through 15-58 (relocation Incentive Program) shall be deemed to be an integral part of Article I, Chapter 5. If any sentence, clause, paragraph or part of Sections 15-50 through 15-58 shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not be confined in its operation to the sentence, clause, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered, but shall be construed to invalidate and impair the remainder of Article I, Chapter 5, in addition thereto. However, any such judgment shall not act to invalidate any other sentence, paragraph, clause, section or chapter of the Zoning Resolution.

15-572**Termination**

The provisions of Sections 15-50 through 15-58 shall cease to have all force and effect on January 1, 1991, unless re-adopted by the City Planning Commission on or before such date.

15-573**Applicability**

Where an *applicable building* is being converted, the provisions of Sections 15-50 through 15-58 (Relocation Incentive Program) shall apply in lieu of the relocation benefits authorized under subdivision 10 of Section 489 of the New York Real Property Tax Law.

15-58**Eligible Commercial and Manufacturing Uses****15-581****Group A**

The following *uses* are included in Section 15-581. *Accessory uses* shall be considered part of such *use*. *Uses* which are encompassed within categories under more than one Use Group are included in Section 15-581 as long as one such category is included below:

In Use Group 9A:

- Blueprinting or Photostating establishments
- Medical or dental laboratories
- Printing establishments
- Studios, art, music, dancing or theatrical

In Use Group 10A

Photographic or Motion Picture Production Studios, Radio or television studios.

In Use Group 11A:

All *uses*

In Use Group 16A:

- Blacksmith shops
- Carpentry, custom woodworking or furniture making shops
- Household or office equipment or machinery repair shops
- Machinery rental or sales establishments
- Mirror silvering or glass cutting shops
- Silverplating shops
- Soldering or welding shops
- Tool, die or pattern-making establishments or similar small machines

In Use Group 16D:

- Carpet cleaning establishments
- Dry cleaning or cleaning and dyeing establishments
- Laundries
- Photographic developing or printing establishments

In Use Group 17A:

Produce or meat markets, wholesale

In Use Group 17B:

All *uses*

In Use Group 18A, only for the purposes of the Relocation Incentive Program:

All *uses*.

15-582

Group B

The following *uses* are included in Section 15-582. *Accessory uses* shall be considered part of such *uses*. *Uses* which are encompassed within categories under more than one Use Group are included in Section 15-582 as long as one such category is included below:

In Use Group 7B:

- Exterminators
- Gun Repair
- Sailmaking Establishments
- Taxidermists shops
- Trade Embalmers
- Window cleaning contracting establishments

In Use Group 8B:

- Upholstering shops

In Use Group 9A:

- Musical instrument repair shops
- Plumbing, heating or ventilating equipment showrooms
- Typewriter or other small business machines sales, rental, or repairs
- Umbrella repair shops

In Use Group 9B:

- Hair products for head wear wholesaling

In Use Group 10A:

- Depositories for storage of office records, etc.

In Use Group 10B:

- All *uses*

In Use Group 11B:

- All *uses*

In Use Group 16A:

- Electrical, glazing, heating, painting, paper-hanging, plumbing, roofing, or ventilating contractors establishments
- Poultry or rabbit killing establishments
- Sign painting shops

In Use Group 16D:

- Linen, towel, or diaper supply establishments
- Moving or storage offices
- Packing or crating establishments
- Warehouses
- Wholesale establishments

In Use Group 17A:

- Building material and contractors yards

In Use Group 17C:

Trucking terminals or motor freight stations

In Use Group 18B, only for the purposes of the Relocation Incentive Program:

All uses.

Article II

Residence District Regulations

Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts

23-01

Applicability of this Chapter

* * *

In Manhattan Community Districts, 1, 2, 3, 4, 5, 6, Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2, the conversion to *dwelling units of non-residential buildings*, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

* * *

Article III

Commercial District Regulations

Chapter 1 Statement of Legislative Intent

31-15

C5 Restricted Central Commercial Districts

These districts are designed to provide for office buildings and the great variety of large retail stores and related activities which occupy the prime retail frontage in the central business district, and which serve the entire metropolitan region. The district regulations also permit a few high-value custom manufacturing establishments which are generally associated with the predominant retail activities, and which depend on personal contacts with persons living all over the region. The district regulations are also designed to provide for continuous retail frontage.

31-16

C6 General Central Commercial Districts

These districts are designed to provide for the wide range of retail, office, amusement service, custom manufacturing, and related uses normally found in the central business district and regional commercial centers, but to exclude nonretail uses which generate a large volume of trucking.

Chapter 2 Use Regulations

32-00 General Provisions

In order to carry out the purposes and provisions of this resolution, the *uses of buildings or other structures* and of tracts of land have been classified and combined into Use Groups. A brief state-

ment is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, including each use listed separately therein, are permitted in Commercial Districts as indicated in Sections 32-11 to 32-25, inclusive.

In Manhattan Community Districts, 1, 2, 3, 4, 5, 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units of non-residential buildings*, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and Queens**), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 32-15, 32-16, 32-17, 32-20, and 32-64A.

In a C8 District, any *use* listed in Use Group 11A or 16 which involves the production, processing, cleaning, servicing, testing, or repair of products, goods, or materials shall conform to the performance standards for the M1 Districts as set forth in Sections 42-20 and 42-28 inclusive, relating to Performance Standards.

In C5 and C6 Districts in Manhattan Community Districts 1, 2, 3, 4, 5, and 6, all existing lawful *uses* in Use Groups 17B or E in existing enclosed *buildings* erected prior to December 15, 1961 shall be considered conforming and shall conform to the performance standards for the M1 Districts as set forth in Sections 42-20 and 42-28 inclusive relating to Performance Standards. Such *uses* may be extended within *buildings*

The following chart sets forth the Use Groups permitted in the various Commercial Districts.

Chapter 3 Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

33-01

Applicability of this Chapter

* * *

In Manhattan Community Districts, 1, 2, 3, 4, 5, and 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units of non-residential buildings*, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and Queens**), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

Chapter 4 Bulk Regulations for Residential Buildings in Commercial Districts

34-01

Applicability of this Chapter

* * *

In Manhattan Community Districts, 1, 2, 3, 4, 5, and 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units of non-residential buildings*, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and**

Queens), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

Chapter 5 Bulk Regulations for Mixed Buildings in Commercial Districts

35-01

Applicability of this Chapter

* * *

In Manhattan Community Districts, 1, 2, 3, 4, 5, and 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units* of non-residential buildings, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and Queens**), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

Chapter 3 Bulk Regulations

43-01

Applicability of this Chapter

* * *

In Manhattan Community Districts, 1, 2, 3, 4, 5, and 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units* of non-residential buildings, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and Queens**), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

Article V Non-Conforming Uses and Non-Complying Buildings

Chapter 2 Non-Conforming Uses

52-30 Change of Non-Conforming Use

52-31

General Provisions

For the purposes of this Chapter, a change of *use* is a change to another *use* listed in the same or any other Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of *use*.

A *non-conforming use* may be changed to any conforming *use*, and the applicable district *bulk* regulations and *accessory* off-street parking requirements shall not apply to such change of *use* or to alterations made in order to accommodate such conforming *use*, but shall apply to any *enlargement*. However, notwithstanding the provisions above, in Manhattan Community Districts, 1, 2, 3, 4, 5, and 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units* of non-residential buildings, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in **Certain** Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and Queens**), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

A *non-conforming use* may be changed to another *non-conforming use* only in accordance with the provisions of this Chapter.

Any such change of *use* permitted by this Chapter shall conform to the applicable district regulations on *accessory* off-street loading berths as set forth in Section 52-41 (General Provisions) and on *accessory signs*, except that in Residence Districts such change shall conform to the regulations on *accessory signs* applicable in a C1 District.

Article VII Administration

Chapter 2 Interpretations and Variances

72-00 Powers of the Board of Standards and Appeals

72-01

General Provisions

* * *

- (e) To hear and decide applications for such authorizations as are set forth in this resolution and enumerated in Section 72-30.
- (f) To make such administrative determinations and findings as may be set forth in this resolution at sections 15-021 and 15-50 et seq.

72-221

Conversion Contribution

[Manhattan Community Districts 1, 2, 3, 4, 5, and 6]

[t] The granting of a variance to convert an existing *non-residential building* or other structure, or portion thereof, which on April 9, 1981 in Manhattan Community Boards 1, 2, 3, 4, 5 and 6 or on (the effective date of this amendment in Brooklyn Community Boards 1, 2 and 6, and Queens Community Boards 1 and 2 was used for a *use* listed in Section 15-58, or which was vacant on [April 9, 1981] the respective aforementioned dates and was used within three years prior to such respective aforementioned dates for a *use* in such Use Groups, shall be conditioned upon payment of a conversion contribution in accordance with the provisions of Section 15-50.

A copy of the application for a variance which, if granted, would require the payment of conversion contribution, as specified above, shall be provided to the *Industrial Loft Advisory Council*, c/o Mayor's Office of Economic Development.

72-30 Authorizations

72-31

General Provisions

The Board of Standards and Appeals shall have the power to issue authorizations on such matters as are set forth in this section. The Board shall hear and decide applications for authorizations in an administrative proceeding in the same manner in which it hears appeals for interpretation pursuant to Section 72-10.

72-32

Authorizations Relating to the Conversion of Non-Residential Buildings to Dwelling Units or Joint Living-Work Quarters for Artists.

72-321

Credit for Direct Help or Additional Discounts or Exclusions from Conversion Contributions.

In accordance with the provisions Section 15-54 (Direct Help), the Board may issue an authorization for a credit against payment of all or part of any conversion contribution required pursuant to Section 15-53 and 72-221 (Conversion Contributions).

If the Board determines that *floor area* was used as *dwelling units* or *Joint living-work quarters for artists* on September 1, 1980 in **Manhattan Community Districts 1, 2, 3, 4, 5 and 6**, or on **April 1, 1984 in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2**, the Board shall authorize that such *floor area* not be included in computing the conversion contribution as provided in Section 15-551 (Existing Conversion).

If the Board determines that *floor area* was used for a *use* not listed in Section 15-58, the Board shall authorize that such *floor area* not be included in computing the conversion contribution as provided in Section 15-552 (Non-Industrial Related Uses).

If the Board finds that *floor area* was vacated under the conditions set forth in Section 15-553 (Discount for Certain Vacated Space), the Board may authorize a discount from the conversion contribution in an amount equal to 50% of the conversion contribution for such *floor area*.

If the Board determines that *floor area* was vacant for a minimum of 5 years, the Board shall authorize that such *floor area* be excluded from payment of the conversion contribution, as provided in Section 15-554 (Exclusion for Space Vacant 5 Years).

If the Board determines that *floor area* was vacant since September 1, 1979, or for a minimum of 5 years, the Board shall authorize that such *floor area* be excluded from payment of the *conversion contribution*, as provided in Section 15-554 (Exclusion for Certain Vacant Space).

Resolution for adoption scheduling July 25, 1984 for a public hearing.

No. 29

CB 12

N 840560 ZRY

[Proposed Zoning Text Amendments, Zoning Special Permits, Change in the City Map and an application for a revocable consent to enable construction of a new hospital building and additions and improvements to the existing hospital complex of Presbyterian Hospital, Manhattan.]

IN THE MATTER OF amendments pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York relating to Section 79-32, 79-43 and 79-403, as follows: (See attached sheets)

* * *

79-32 Location of Loading Berths

When a *large scale community facility development* includes two or more zoning lots, the City Planning Commission may, upon application, authorize permitted required *accessory* loading berths to be located anywhere within the *development* without regard for *zoning lot lines*, provided that in each case the Commission shall make the following special findings:

- a. That such loading berths will be appropriately located in relation to the use or uses to which such berths are *accessory* so as to permit better site planning and will thus benefit the owners, occupants, employees, residents or visitors to the *large scale development* and the City as a whole;

- b. That such loading berths will be accessible to all the *uses* in the *Large Scale Community Development* without the need to cross any *wide street* at grade;
- c. That the location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the *streets* within or surrounding such *development*; and
- d. That the loading berths comply with all other applicable district regulations.

79-403 Special Permit for Development of Bridges Over Streets

in a *large scale community facility development* containing hospitals or functionally related facilities in Manhattan Community Board #12, when the air space above a *wide street* or portion thereof is closed and demapped by the Board of Estimate, the City Planning Commission may, by special permit after public notice and hearing, and subject to Board of Estimate action, allow the development in such demapped air space of an enclosed bridge or bridges to connect *buildings* within the *large scale community facility development*. As a condition for granting a permit for development of such bridges, the Commission shall find:

- a. That such bridge or bridges are essential to internal circulation of the medical function of the health care facility;
- b. That such bridge or bridges shall not rest upon columns or other supports which intrude upon the *street*;
- c. That the width of each such bridge shall not exceed 20 feet;
- d. That such bridge within the demapped air space utilizes only *floor area* derived from the adjoining *zoning lots* and that no *floor area* credit is generated from the demapped air space;
- e. That illumination of at least 5 foot candles is provided at the *curb level* below such bridge or bridges;
- f. That such bridge in demapped air space over a *wide street* adjoins *zoning lots* wholly within the large scale development;
- g. That the minimum horizontal distance between the nearest edges of two such bridges traversing the same *street* shall be two times the width of the *street*;
- h. That the maximum exterior height of each such bridge shall not exceed twelve (12) feet;
- i. That the benefit gained from the bridge or bridges resulting from the bulk design or placement of such bridge or bridges outweighs any adverse impact on neighborhood character and any restriction of access to light and air to surrounding public spaces and *streets*.
- j. A landscaped open area for public use at *street level*, linked with the pedestrian circulation system, which is at least equivalent to the *street* area covered by the bridge is provided in one location within the *large scale development* and such open area is maintained with planting and seating facilities by the owner of the *development* or his designee.

The Commission may prescribe appropriate conditions and safeguards to minimize the effect of the bridges including but not limited to clearance above the *street* and surfacing materials of the bridge.

79-43

Special Permit for Limited Bulk Modifications for Certain Large Scale Community Facility Developments

For *Large Scale Community Facilities* located within the boundaries of Community Boards #8 and #12 in the Borough of Manhattan, that contain *community facility uses* specified in Section 73-64 (Modification for Community Facility Uses), the City Planning Commission may, by special permit after public notice and hearing, and subject to Board of Estimate action, permit modification of regulations relating to height and setback on the periphery of the *development, courts* and distance between windows and walls or *lot lines*, not otherwise allowed in Section 79-21 (General Provisions). As a condition for such modification for the Commission shall find that such modification:

- a. is required in order to enable the *Large Scale Community Facility* to provide an essential service to the community;
- b. will provide a more satisfactory physical relationship to the existing *buildings* which form the *large-scale community facility*, and provide a more efficient and integrated site plan;
- c. will better complement the existing character of the neighborhood;
- d. will not unduly increase the bulk of buildings in any *block*, to the detriment of the occupants or users of *buildings* in the *block* or nearby *blocks*; and
- e. will not adversely affect any other *zoning lots* or *streets* outside the *development* by unduly restricting access to light and air.

Resolution for adoption scheduling April 25, 1984 for a public hearing.

II. PUBLIC HEARINGS

BOROUGH OF STATEN ISLAND

No. 30

CB 2

C 840354 PPR

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property pursuant to Section 197-c of the New York City Charter for the disposition through long-term lease, of the following City owned property.

Block	Lot	Type of Property
1935	1	Pral's Island

(On May 30, 1984, Cal No. 33, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 31

CB 1,2,3

C 840701-703 PPR

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property for the disposition of 32 City-owned properties, pursuant to Section 197-c of the New York City Charter.

ULURP NO.	COM. BOARD	NO. OF PARCELS
840701 PPR	1	2
840702 PPR	2	2
840703 PPR	3	28

A list and description of the properties can be seen in the Calendar Information Office, City Planning Commission, 2 Lafayette Street, New York, N.Y. 10007.

(On May 30, 1984, Cal No. 34, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 32

CB 3

C 840750 PPR

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property for the disposition of one City-owned property in the Borough of Staten Island pursuant to Section 197-c of the New York City Charter.

ULURP #	C.B.	Block	Lot	Location
840750 PPR	3	7066	86	84 Poplars Avenue

(On May 30, 1984, Cal No. 35, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 33

CB 1

C 820142 GFM

PUBLIC HEARING:

IN THE MATTER OF a proposed 10 year revocable consent application by the Corporation of Trinity Church, the Rector, Churchwardens and Vestrymen of the Trinity Church in the City of New York to **construct, maintain and use a 6.8 foot wide unenclosed pedestrian bridge** which would span 81.5 feet over and across Trinity Place, and connect the second floor of 74 Trinity Place, on the westerly end of the proposed bridge, 16.57 feet above the bed of the street, with the elevated ground floor of the Trinity Church (a landmark building) on the easterly end of the proposed bridge, 14.8 feet above the bed of the street; in C5-5CR and C5-5 Zoning Districts respectively, **in the Greenwich Street Special District.**

(On May 30, 1984, Cal No. 23, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 34

CB 1

C 840680 PPM

PUBLIC HEARING:

IN THE MATTER OF an application by The Division of Real Property for the disposition as indicated below of the following **City-owned property** pursuant to Section 197-c of the New York City Charter.

Block	Lot	Location	Type of Action Proposed
155	1	2 Lafayette Street	Long term lease of stores and other street-level commercial space

(On May 30, 1984, Cal No. 23, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 35

CB 3

C 840696 PPM

PUBLIC HEARING:

IN THE MATTER OF an application by the **Division of Real Property** for the disposition of one **City-owned property** pursuant to Section 197-c of the New York City Charter.

ULURP #	C.B.	Block	Lot	Location
840696 PPM	3	344	140	64 Clinton Street

(On May 30, 1984, Cal No. 25, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 36, 37 and 38

[Designation and disposition of City-owned property for the proposed construction of housing for moderate income families.]

No. 36

CB 11

C 840227 HAM

PUBLIC HEARING:

IN THE MATTER OF the designation and disposition of **City-owned property**, pursuant to the Urban Development Action Area Act, Section 197-c of the New York City Charter and the Uniform Land Use Review Procedure as adopted by the City Planning Commission.

Approval of three separate matters is requested:

- 1) The designation of property as an Urban Development Action area located as follows:

The entire block bounded by East 122nd Street, Park Avenue, East 121st Street and Madison Avenue (Tax Block 1747 North, Lots 35,39,40,44,45,46,47,48,49,50,51,52,53, 54,55,56,57,58,59,60,61,62,63,64,65,69,70,71,72,73,74,75 and 76), comprising sites 10 and 19 in the Milbank-Frawley Urban Renewal Area.

- 2) Approval of an Urban Development Action Area Project for such property.
- 3) Disposition of such property to a private/public organization.

This application was submitted by the Department of Housing Preservation and Development on September 27, 1983, and made complete on March 30, 1984.

(On May 30, 1984, Cal No. 26, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 37

CB 11

C 840228 HAM

PUBLIC HEARING:

IN THE MATTER OF the designation and disposition of **City-owned property**, pursuant to the Urban Development Action Area Act, Section 197-c of the New York City Charter and the Uniform Land Use Review Procedure as adopted by the City Planning Commission.

Approval of three separate matters is requested:

- 1) Designation of property as an Urban Development Action Area located as follows:

The entire block bounded by East 120th Street, Park Avenue, East 119th Street and Madison Avenue (Tax Block 1746 East, Lots 21,28,30,31,32,33,34,36,37,38,39,40,41, 141,42,43,44,45,46,47,48,49,50,51 and 52), comprising Site 9 (also known as Sites 9A and 9B) of the Milbank Frawley Urban Renewal Area.

- 2) Approval of an Urban Development Action Area Project for such property.
- 3) Disposition of such property to a private/public organization to develop the site.

This application was submitted by the Department of Housing Preservation and Development on September 27, 1983, and made complete on March 30, 1984.

(On May 30, 1984, Cal No. 27, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 38

CB 11

C 840229 HAM

PUBLIC HEARING:

IN THE MATTER OF the designation and disposition of City-owned property, pursuant to the Urban Development Action Area Act, Section 197-c of the New York City Charter and the Uniform Land Use Review Procedure as adopted by the City Planning Commission.

Approval of three separate matters is requested:

- 1) Designation of property as an Urban Development Action Area located as follows:

The entire block bounded by East 118th Street, Madison Avenue, East 117th Street and Fifth Avenue (Tax Block 1623 West, Lots 1,2,3,4,104,5,6,7,8,9,10,11,12,13,14,15,16, 17,56,58,59,60,61,62,63,64,65,66,67,68,168,69,70,71,72) comprising Sites 5 and 18 in the Milbank Frawley Urban Renewal Area.

- 2) Approval of an Urban Development Action Area Project for such property.
- 3) Disposition of such property to a private/public organization.

This application was submitted by the Department of Housing Preservation and Development on September 27, 1983, and made complete on March 30, 1984.

(On May 30, 1984, Cal No. 28, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 39 and 40

[Designation and disposition of City-owned property for the construction of housing for moderate income housing.]

No. 39

CB 11

C 840230 HAM

PUBLIC HEARING:

IN THE MATTER OF the designation and disposition of City-owned property, pursuant to the Urban Development Action Area Act, Section 197-c of the New York City Charter and the Uniform Land Use Review Procedure as adopted by the City Planning Commission.

Approval of three separate matters is requested:

- 1) The designation of property as an Urban Development Action Area located as follows:
The easterly portion of the block bounded by East 101st Street, First Avenue, East 100th Street and Second Avenue (Tax Block 1672, Lot 17) comprising Site 3 in the Metro North Urban Renewal Area.
- 2) Approval of an Urban Development Action Area Project for such property.
- 3) Disposition of such property to a private/public organization.

This application was submitted by the Department of Housing Preservation and Development on September 27, 1983, and made complete on March 30, 1984.

(On May 30, 1984, Cal No. 29, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

 No. 40

CB 11

C 840231 HAM

PUBLIC HEARING:

IN THE MATTER OF the designation and disposition of City-owned property, pursuant to the Urban Development Action Area Act, Section 197-c of the New York City Charter and the Uniform Land Use Review Procedure as adopted by the City Planning Commission.

Approval of three separate matters is requested:

- 1) Designation of property as an Urban Development Action Area located as follows:
The easterly half of the block bounded by East 103rd Street, First Avenue, East 102nd Street and Second Avenue (Tax Block 1674, Lot 23) comprising Site 7 in the Metro North Urban Renewal Area.
- 2) Approval of an Urban Development Action Area Project for such property.
- 3) Disposition of such property to a private/public organization.

This application was submitted by the Department of Housing Preservation and Development on September 27, 1983, and made complete on March 30, 1984.

(On May 30, 1984, Cal No. 30, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 40 and 41

[Grant of special permits for a proposed residential building and parking garage.]

No. 41

CB 4

C 840373 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application, pursuant to Section 74-95 of the Zoning Resolution for the **grant of a special permit** involving Housing Quality, to modify height and setback, open space and rear yard requirements for a proposed 11 story residential building on property located south of 19th Street between Seventh and Eighth Avenue.

(On May 30, 1984, Cal No. 31, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 42

CB 4

C 840374 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application, pursuant to Section 74-52 of the Zoning Resolution for the **grant of a special permit** for a below grade parking garage in a proposed 11 story residential building on property located south of 19th Street between Seventh and Eighth Avenue, Borough of Manhattan.

Plans for this proposed development and parking garage are on file with the City Planning Commission and may be viewed at Room 1500, 2 Lafayette Street, Manhattan, N.Y.

(On May 30, 1984, Cal No. 32, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 43

CB 14

C 830019 MMQ

PUBLIC HEARING:

IN THE MATTER OF a proposed map change showing the elimination, discontinuance and closing of Horton Avenue between Pinson and McBride Streets; the realignment of Battery Road between McBride and Pinson Streets, adjusting the grades therefor, and extending and establishing permanent sewer easements, in accordance with Map No. 4782 dated January 20, 1984 and signed by the Borough President.

The map was referred by the Board of Estimate on January 26, 1984 (Calendar No. 301).

(On May 30, 1984, Cal No. 17, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 44

CB 10,12

C 840697-698 PPQ

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property for the disposition of 20 City-owned properties pursuant to Section 197-c of the New York City Charter.

ULURP NO.	COM. BOARD	NO. OF PARCELS
840697 PPQ	10	1
840698 PPQ	12	19

A list and description of the properties can be seen in the Calendar Information Office, City Planning Commission, 2 Lafayette Street, New York, N.Y. 10007.

(On May 30, 1984, Cal No. 18, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 45

CB 4

C 840748 PPQ

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property for the disposition of one City-owned property pursuant to Section 197-c of the New York City Charter.

ULURP #	C.B.	Block	Lot	Location
840748 PPQ	4	1938	1,23 (Former)	53-20 102nd Street

(On May 30, 1984, Cal No. 19, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 46

CB 12

C 840749 PPQ

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property for the disposition of one City-owned property pursuant to Section 197-c of the New York City Charter.

ULURP #	C.B.	Block	Lot	Location
840749 PPQ	12	10191	34	101-23 164th Street

(On May 30, 1984, Cal No. 20, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 47 and 48

[Proposed request of site selection and special permit to enable the construction of a Municipal Parking Field.]

No. 47

CB 7

C 840527 PSQ

PUBLIC HEARING:

IN THE MATTER OF an application by the Department of Transportation under the provisions of Section 197-c of the New York City Charter, for the selection and acquisition of property located south of 14th Avenue, east of 150th Street, Block 4678, Lots 21 and 25, for the construction of a Municipal Parking Field.

(On May 30, 1984, Cal No. 21, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 48

CB 7

C 840528 ZSQ

PUBLIC HEARING:

IN THE MATTER OF an application pursuant to Section 74-511 of the Zoning Resolution, from Department of Transportation, for the grant of a special permit for a parking lot of 45 spaces in a C1-2 District, east of 150th Street, south of 14th Avenue.

Plans for this proposed parking lot are on file with the City Planning Commission and may be viewed at Room 1500, 2 Lafayette Street, Manhattan, N.Y.

(On May 30, 1984, Cal No. 22, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF BROOKLYN

No. 49

CB 1,3,4,5,7,13,16

C 840686-695 PPK

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property for the disposition of 37 City-owned properties pursuant to Section 197-c of the New York City Charter.

ULURP NO.	COM. BOARD	NO. OF PARCELS
840686 PPK	1	2
840687 PPK	3	1
840688 PPK	3	4
840689 PPK	4	1
840690 PPK	5	5
840691 PPK	5	19
840692 PPK	7	1
840693 PPK	13	1
840694 PPK	16	1
840695 PPK	16	2

A list and description of the properties can be seen in the Calendar Information Office, City Planning Commission, 2 Lafayette Street, New York, N.Y. 10007.

(On May 30, 1984, Cal No. 8, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 50

CB 1-5,7,8,10,13,16,18

C 840737-747 PPK

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property for the disposition of 91 City-owned properties pursuant to Section 197-c of the New York City Charter.

ULURP NO.	COM. BOARD	NO. OF PARCELS
840737 PPK	1	4
840738 PPK	2	1
840739 PPK	3	47
840740 PPK	4	5
840741 PPK	5	17
840742 PPK	7	4
840743 PPK	8	7
840744 PPK	10	1

840745 PPK	13	1
840746 PPK	16	2
840747 PPK	18	2

A list and description of the properties can be seen in the Calendar Information Office, City Planning Commission, 2 Lafayette Street, New York, N.Y. 10007.

(On May 30, 1984, Cal No. 9, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 51

CB 1,5

C 840769-770 PPK

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property for the **disposition of two City-owned properties** pursuant to Section 197-c of the New York City Charter.

ULURP #	C.B.	Block	Lot	Location
840769 PPK	1	3038	7	304 Stagg Street
840770 PPK	5	3660	5	21-23 Pennsylvania Ave.

(On May 30, 1984, Cal No. 10, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 52

CB 9

C 840719 PPK

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property for the **disposition of one City-owned property** pursuant to Section 197-c of the New York City Charter.

ULURP #	C.B.	Block	Lot	Location
840719 PPK	9	5050	66	633 Parkside Avenue

(On May 30, 1984, Cal No. 11, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 53, 54 and 55

[Brooklyn Center Urban Renewal Amendment and related items to facilitate improvements within the area.]

No. 53

CB 2

C 840224 HUK

PUBLIC HEARING:

IN THE MATTER OF the Third Amendment to the Brooklyn Center Urban Renewal Plan, pursuant to Section 505 of the General Municipal Law (Urban Renewal Law), Section 197-c of the New York City Charter and the Uniform Land Use Review Procedures.

The proposed amendment provides for the following changes:

1. Elimination of Site 3 which will not be acquired by condemnation. (The existing owners will be rehabilitating their properties.)
2. Establish Site 3a (new) consisting of 2 properties formerly in Site 3 (Block 161, Lot 47,50) which were acquired in rem and are owned by the City.
3. Elimination of all references to the construction of a pedestrian bridge system.
4. Establish "Q" designation to Block 2108, Lots 17,18,19,20,21 and 25 to encourage their rehabilitation.
5. Changing the land use designation on Block 2108 from "Public" to "Commercial" and clarifying the acceptability of "residential" use within the "commercial" zone to facilitate the rehabilitation of the Lafayette Hotel and the sale by the City of Block 2108, Lot 20 for rehabilitation.
6. Changing the land use of Block 2109 from "Commercial" to "Public" to facilitate the construction of an HPD site improvement thereon.
7. Removing the "Q" designation from Block 2107, Lot 36, (the Granada Hotel) in recognition of its blighting influence in the Urban Renewal Area and to facilitate its acquisition.
8. Establishment of Sites 9 and 10, publicly owned open spaces already developed near LIU as public place and near Albee Square Mall pursuant to a pedestrian street plan.

This amendment was submitted by the Department of Housing Preservation and Development on September 26, 1983 and April 23, 1984.

(On May 30, 1984, Cal No. 12, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 54

CB 2

C 840224 HUK (A)

PUBLIC HEARING:

IN THE MATTER OF a modification to the Third Amendment to the Brooklyn Center Urban Renewal Plan, pursuant to Section 505 of the General Municipal Law (Urban Renewal Law), Section 197-c of the New York City Charter and the Uniform Land Use Review Procedures.

The proposed amendment provides for the following changes:

1. Elimination of Site 3 which will not be acquired by condemnation. (The existing owners will be rehabilitating their properties.)
2. Establish Site 3a (new) consisting of 2 properties formerly in Site 3 (Block 161, Lot 47,50) which were acquired in rem and are owned by the City.
3. Elimination of all references to the construction of a pedestrian bridge system.

4. Establish "Q" designation to Block 2108, Lots 17,18,19,20,21 and 25 to encourage their rehabilitation.
5. Changing the land use designation on Block 2108 from "Public" to "Commercial" and clarifying the acceptability of "residential" use within the "commercial" zone to facilitate the rehabilitation of the Lafayette Hotel and the sale by the City of Block 2108, Lot 20 for rehabilitation.
6. Changing the land use of Block 2109 from "Commercial" to "Public" to facilitate the construction of an HPD site improvement thereon.
7. Removing the "Q" designation from Block 2107, Lot 36, (the Granada Hotel) in recognition of its blighting influence in the Urban Renewal Area and to facilitate its acquisition.
8. Establishment of Sites 9 and 10, publicly owned open spaces already developed near LIU as public place and near Albee Square Mall pursuant to a pedestrian street plan.

The Department of Housing Preservation and Development has requested the following modification to the original application [C 840224 HUK(A)] on behalf of the Public Development Corporation:

In order to facilitate the rehabilitation of the property in Brooklyn Center on Block 2095 Lot 16 several further changes in the Brooklyn Center Urban Renewal Plan have been requested. These further changes are to be incorporated in the above referenced submission for review and approval by the City Planning Commission and Board of Estimate. These changes will enable the 4 story and basement, vacant, mill type building at the corner of Dekalb Avenue and Rockwell Place to be renovated for 27 dwelling units of housing.

The four specific changes are listed below.

A. page 9; Section A.5 Add: "2095 lot 16", to the list of properties marked "Q" - Not to be Acquired.

B.2 page 12; Section B. Add the following language:

The specific control to be applied to the parcel marked "Q" - Not be Acquired on Block 2095 Lot 16 is:

The use of the property is controlled by the Zoning Resolution. If the use of the building on the parcel is converted in whole or in part to Residential use, the regulations of Article I Chapter 5 of the Zoning Resolution for R6 districts shall be applicable to such Residential portion.

C. Exhibit B page 1 Delete: "2095 Lot 16"

D. Map 1 Identify Block 2095 Lot 16 as "Q"

E. Map 2 Identify Block 2095 Lot 16 as "Q" and remove the "Industrial" demarkation from the property. The new language above will control use on this property.

(On May 30, 1984, Cal No. 13, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 55

CB 2

C 830537 HAK

PUBLIC HEARING:

IN THE MATTER OF an application relating to the **disposition** of a building located in the Brooklyn Center Urban Renewal Area, pursuant to the **Urban Development Action Area Act**, Section 197-c of the New York City Charter and the Uniform Land Use Review Procedure as adopted by the City Planning Commission.

Approval of three separate matters is requested:

- 1) The designation of **City-owned property** located:

Address	Block	Lot
31 Lafayette Avenue	2108	20

- 2) An Urban Development Action Area Project for such property,
 3) The disposition of such property to the BAM Local Development Corporation.

This application was submitted by the Department of Housing Preservation and Development on January 21, 1983, and April 23, 1984.

(On May 30, 1984, Cal No. 14, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 56

CB 1

N 840869 BDK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Public Development Corporation pursuant to Section D3-4.0(c) Title D of Chapter 3 of the Administrative Code of the City of New York (Business Improvement Districts) of the District Plan for the Grand Street Business Improvement District, Borough of Brooklyn.

(On May 30, 1984, Cal No. 15, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 57

CB 2,6,8

N 840870 BDK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Public Development Corporation pursuant to Section D3-4.0(c) Title D of Chapter 3 of the Administrative Code of the City of New York (Business Improvement Districts) of the District Plan for North Flatbush Avenue, Borough of Brooklyn.

(On May 30, 1984, Cal No. 16, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF BRONX

No. 58**CB 3****C 840253 HAX****PUBLIC HEARING:**

IN THE MATTER OF an application relating to the **disposition of five properties**, pursuant to the Urban Development Action Area Act, Section 197-c of the New York City Charter and the Uniform Land Use Review Procedure, as adopted by the City Planning Commission.

Approval of three separate matters is requested:

- 1) The designation as an Urban Development Action Area, property located as follows:

Address	Block	Lot
1098 Jackson Avenue	2651	2
1100 Jackson Avenue	2651	3
1118 Jackson Avenue	2651	10
1097 Forest Avenue	2651	51
1121 Forest Avenue	2651	39

- 2) An Urban Development Action Project for such property;
- 3) The disposition of such property to a developer to be selected by the Department of Housing Preservation and Development.

This application was submitted by the Department of Housing Preservation and Development on October 4, 1983 and March 19, 1984.

(On May 30, 1984, Cal No. 2, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 59
CB 11**C 840491 GFX****PUBLIC HEARING:**

IN THE MATTER OF an application for a revocable consent submitted by the New York Institute for the Blind to install, maintain and use an overhead cable and to utilize an existing conduit at Astor Avenue east of Colden Avenue.

(On May 30, 1984, Cal No. 3, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 60
CB 1,2,3,5,6**C 840681-685 PPX****PUBLIC HEARING:**

IN THE MATTER OF an application by the Division of Real Property for the disposition of 12 City-owned properties pursuant to Section 197-c of the New York City Charter.

ULURP NO.	COM. BOARD	NO. OF PARCELS
840681 PPX	1	6
840682 PPX	2	1
840683 PPX	3	2
840684 PPX	5	1
840685 PPX	6	2

A list and description of the properties can be seen in the Calendar Information Office, City Planning Commission, 2 Lafayette Street, New York, N.Y. 10007.

(On May 30, 1984, Cal No. 4, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 61

CB 1-6,11

C 840730-736 PPX

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property for the disposition of 19 City-owned properties pursuant to Section 197-c of the new York City Charter.

ULURP NO.	COM. BOARD	NO. OF PARCELS
840730 PPX	1	3
840731 PPX	2	2
840732 PPX	3	6
840733 PPX	4	4
840734 PPX	5	2
840735 PPX	6	1
840736 PPX	11	1

A list and description of the properties can be seen in the Calendar Information Office, City Planning Commission, 2 Lafayette Street, New York, N.Y. 10007.

(On May 30, 1984, Cal No. 5, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 62

CB 1,2,4,7

C 840765-768 PPX

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property for the disposition of seven City-owned properties pursuant to Section 197-c of the New York City Charter.

ULURP #	C.B.	Block	Lot	Location
840765 PPX	1	2340	218	405 Rider Avenue
		2619	34	825 Eagle Avenue
		2642	40,72,74	S.E. corner Concord Ave.

		2330	73	and E. 151st Street 287 E. 148th Street
840766 PPX	2	2715	17,19,20	S.W. Corner of E. 165th St. and Tiffany Street
		2697	22	923-29 Dawson Street
		2746	53	N.W. corner of Bruckner Blvd. Faile Street
840767 PPX	4	2785	5	1310 Morris Avenue
840768 PPX	7	3280	49	2977 Webster Avenue

(On May 30, 1984, Cal No. 6, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

No. 63

CB 10

C 840661 ZSX

PUBLIC HEARING:

IN THE MATTER OF an application, pursuant to various Sections of Article VII, Chapter 8 and Article XI, Chapter 2 of the Zoning Resolution, for the grant of special permits involving **modified plans for a previously approved large-scale residential development** on property located generally between Carroll Street and Schofield Street and their easterly prolongations, and extending generally from the southerly prolongation of Minnieford Avenue to the Long Island Sound, **within the Special City Island District**, Borough of The Bronx. The original application (C 800104 ZSX), was the subject of special permits approved by the City Planning Commission on August 18, 1980 (Calendar No. 7) and by the Board of Estimate on September 18, 1980 (Calendar No. 52).

Plans for this proposed development are on file with the City Planning Commission and may be viewed in Room 1500, 2 Lafayette Street, Manhattan, N.Y.

(On May 30, 1984, Cal No. 7, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

CITYWIDE

No. 64

CITYWIDE

Assignments

PUBLIC HEARING:

IN THE MATTER OF a New York City Board of Estimate Resolution (Calendar No. 70 of January 12, 1984) requesting the City Planning to issue a recommendation with 180 days as to whether the **assignment of City owned or leased real property**, other than leased office space, **from one City agency to another** City agency where a change in use, activity, function or operation will ensue should be subject to the Uniform Land Use Review Procedure, Section 197-c of the New York City Charter.

(On May 30, 1984, Cal. No. 68, the Commission scheduled June 20, 1984 for a public hearing which has been duly advertised.)

Close the hearing.

III. REPORTS

BOROUGH OF STATEN ISLAND

No. 65

CB 2

C 830300 ZMR

IN THE MATTER OF a zoning change pursuant to Sections 197-c and 200 of the New York City Charter, involving an **amendment of the zoning map (Section 26c)**, changing from an R3-2 District to a C8-1 District property generally bounded by Richmond Avenue, a line at right angles to Richmond Avenue distant 690 feet southerly from the southerly street line of Park Drive East at its point of tangency with the arc forming the corner of Park Drive East and Richmond Avenue, a line at right angles to the last-named course distant 330 feet westerly of the westerly street line of Richmond Avenue, and a line parallel to the second named course distant 525 feet southerly from such course, borough of Staten Island, as shown on a diagram dated March 12, 1984.

(On May 16, 1984, Cal. No. 2, the Commission scheduled May 30, 1984 for a public hearing. On May 30, 1984, Cal No. 45, the hearing was closed.)

For consideration.

No. 66

CB 2

C 830313 PSR

IN THE MATTER OF an application by the Department of Sanitation pursuant to Section 197-c of the New York City Charter for the **selection of city-owned property** located on the westerly side of Richmond Avenue, approximately 690 feet south of Park Drive East (Block 250, part of Lot 1) **for the construction of a multi-service garage and salt storage facility** to serve Community District No. 2 in the Borough of Staten Island.

(On May 16, 1984, Cal. No. 3, the Commission scheduled May 30, 1984 for a public hearing. On May 30, 1984, Cal No. 46, the hearing was closed.)

For consideration.

No. 67

CB 3

N 831078 RAR

[Topographical modification, tree preservation and substitution of plant materials certification in the Special South Richmond Development District pursuant to Sections 107-65, 107-321 and 107-323 of the Zoning Resolution and Section 200 of the New York City Charter].

IN THE MATTER OF an application pursuant to Section 107-65, 107-321 and 107-323 of the Zoning Resolution and Section 200 of the New York City Charter from William B. Lichtner, Architect, for granting authorization for topographical modification, tree preservation and substitution of plant materials certification at 230 Downes Avenue, Borough of Staten Island, Block 6324 lot 150.

Plans for the proposed development are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 56 Bay Street, Staten Island.

For consideration.

No. 68

CB 3

N 840902 RAR

[Topographical modification, subdivision and school seat certification in the Special South Richmond Development District pursuant to Sections 107-65, 107-08 and 107-123 of the Zoning Resolution and Section 200 of the New York City Charter.]

IN THE MATTER OF an application pursuant to Sections 107-65, 107-08 and 107-123 of the Zoning Resolution and Section 200 of the New York City Charter from Jerome L. Grushkin, Architect, for granting authorization for topographical modification, subdivision and school seat certification at 92, 94, 98, 100 Giffords Lane, Borough of Staten Island, Block 5439 Lots 120, 122, 123 and 125.

Plans for the proposed development are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 56 Bay Street, Staten Island.

For consideration.

BOROUGH OF MANHATTAN

No. 69

CB 12

C 840549 PPM

IN THE MATTER OF an application by the Division of Real Property for the disposition of one City-owned property pursuant to Section 197-c of the New York City Charter.

ULURP #	C.B.	Block	Lot	Location
840549 PPM	12	2164	32	180 Wadsworth Avenue ("former" 34th Police Precinct)

(On May 16, 1984, Cal. No. 10, the Commission scheduled May 30, 1984 for a public hearing. On May 30, 1984, Cal No. 39, the hearing was closed.)

For consideration.

No. 70

CB 2

C 831971 ZSM

IN THE MATTER OF an application, pursuant to Section 74-782 of the Zoning Resolution, from Shael Shapiro, Architect for the grant of a special permit involving the conversion of joint living working quarters for artists of a loft building whose lot coverage exceeds 3,600 square feet, on property located along the west side of Broadway between Spring and Prince Streets (543 Broadway) within the SoHo, M1-5B district.

(On May 16, 1984, Cal. No. 11, the Commission scheduled May 30, 1984 for a public hearing. On May 30, 1984, Cal No. 40, the hearing was closed.)

For consideration.

No. 71

CB 5

C 840530 ZSM

IN THE MATTER OF an application pursuant to Section 81-232 of the Zoning Resolution from The Mostazafan Foundation of New York for the grant of a special permit involving the modification in size and arrangement of an existing covered pedestrian space on property located at 650 Fifth Avenue within a C5-3 District within the Fifth Avenue Subdistrict of the Special Midtown District.

Plans for this proposed modification are on file with the City Planning Commission and may be viewed in Room 1500, 2 Lafayette Street, Manhattan, N.Y.

(On May 16, 1984, Cal. No. 41, the Commission scheduled May 30, 1984 for a public hearing. On May 30, 1984, Cal No. 42, the hearing was closed.)

For consideration.

 No. 72

CB 5

N 840427 ZRM

IN THE MATTER OF various amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of New York relating to Section 81-232, as follows:

Matters in **Bold Type** are new;

Matters in brackets [] are old, to be deleted;

Matters in *Italics* are defined in Section 12-10

81-232

Existing places or other public amenities

No existing *plaza, urban open space*, or other public amenity open or enclosed for which a *floor area* bonus has been received pursuant to regulations antedating the effective date of this amendment shall be eliminated or reduced in size anywhere within the *Special Midtown District* without a corresponding reduction in the *floor area* of the *building* or the substitution of equivalent complying area for such amenity elsewhere on the *zoning lot*. Any elimination or reduction in size of such an existing public amenity shall be permitted in the *Special Midtown District* only by special permit of the City Planning Commission subject to Board of Estimate action and to a finding by the Commission that the proposed change will provide a greater public benefit in the light of the public amenity's purpose and the purposes of the *Special Midtown District*.

Where a portion of an existing *covered pedestrian space* was designated by a special authorization of the City Planning Commission prior to May 13, 1982, to be used for off-street loading after business hours, the Commission may, by special permit, after public notice and hearing, and subject to Board of Estimate action, allow relocation of the loading facilities and modifications relating to the loading berth requirements provided that such modifications will result in substantial improvement of the pedestrian circulation system and amenities within the existing *covered pedestrian space* without adversely affecting the operation of off-street loading facilities.

(On May 16, 1984, Cal. No. 42, the Commission scheduled May 30, 1984 for a public hearing. On May 30, 1984, Cal No. 41, the hearing was closed.)

For consideration.

No. 73

[Proposed special permit for large-scale community facility development to enable the construction of a New York Hospital staff (dwelling) building.]

CB 8

C 840900 ZSM

IN THE MATTER OF an application from New York Hospital requesting a special permit pursuant to Sections 79-21, 79-42 and 79-43 of the Zoning Resolution, involving a large-scale community facility development, bounded generally by York Avenue, East 71st Street, Franklin D. Roosevelt Drive and Eastern Extension of East 68th Street, Community Board No. 8, Borough of Manhattan.

Plans for this proposed development are on file with the City Planning Commission and may be viewed at Room 1500, 2 Lafayette Street, New York, New York.

(On May 16, 1984, Cal. No. 43, the Commission scheduled May 30, 1984 for a public hearing. On May 30, 1984, Cal No. 43, the hearing was closed.)

For consideration.

No. 74

CB 8

N 840113 ZRM

IN THE MATTER OF amendments pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to Section 79-42 and 79-43, as follows:

Matter in **Bold Type** is new;

Matter in brackets [] is old, to be omitted;

Matter in *Italics* is defined in Section 12-10

79-42

Special Permit for Non-profit Hospital Staff Dwelling Buildings

For *non-profit hospital staff dwellings in large-scale community facility developments* in Manhattan Community Board 8, the City Planning Commission, may by special permit after public notice and hearing, and subject to Board of Estimate action, allow:

- A. Temporary occupancy of *dwelling units* by out patients of the non-profit or voluntary hospital or by families visiting hospitalized patients provided the following findings are made:
 1. That the density and transient nature of the population housed in such *dwelling units* will not impair the essential character, future use, or development of the surrounding area; or impair the security of the hospital staff residing in the *building*; and
 2. That such occupancy will neither create nor contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
 3. That the number of such *dwelling units* so occupied is less than fifty percent of the total number of *dwelling units* in the *building*.
- B. Medical offices on the third floor of such *buildings* in C1 districts, provided the following findings are made:

1. That such offices are used exclusively for staff of, or staff affiliated with, the non-profit or voluntary hospital;
2. That such occupancy will neither create nor contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
3. That such *use* will not impair the essential character, future use, or development of the surrounding area;
4. That such *use* will not produce any adverse effects which interfere with appropriate use of land in the districts or in any adjacent district; and
5. That separate access to the outside is provided.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**79-43
Special Permit for Limited Bulk Modifications for Certain Large Scale Community Facility Developments**

For *Large Scale Community Facilities* located within the boundaries of Community Board #8 in the Borough of Manhattan, that contain *community facility uses* specified in Section 73-64 (Modification for Community Facility Uses), the City Planning Commission may, by special permit after public notice and hearing, and subject to Board of Estimate action, permit modification of regulations relating to height and setback on the periphery of the *development courts* and distance between windows and walls or *lot lines*, not otherwise allowed in Section 79-21 (General Provisions). As a condition for such modification for the Commission shall find that such modification:

- (a) is required in order to enable the *Large Scale Community Facility* to provide an essential service to the community;
- (b) will provide a more satisfactory physical relationship to the existing *buildings* which form the *large-scale community facility*, and provide a more efficient and integrated site plan;
- (c) will better complement the existing character of the neighborhood;
- (d) will not unduly increase the bulk of *buildings* in any *block*, to the detriment of the occupants or users of *buildings* in the *block* or nearby *blocks*; and
- (e) will not adversely affect any other *zoning lots* or *streets* outside the *development* by unduly restricting access to light and air.

(On April 4, 1984, Cal. No. 60, the Commission scheduled April 25, 1984 for a public hearing. On April 25, 1984, Cal. No. 27, the hearing was closed.)

For consideration.

BOROUGH OF QUEENS

No. 75**CB 6****C 840518 PPQ**

IN THE MATTER OF an application pursuant to Section 197-c of the New York City Charter by the Division of Real Property for the **disposition** of the following **City-owned property**:

Block	Lot	Location	Size	Type of Property
3897	1	Northwest corner of Ursula Pl. and 70th Road	118' x 117'	Unimproved

(On May 16, 1984, Cal. No. 9, the Commission scheduled May 30, 1984 for a public hearing. On May 30, 1984, Cal No. 38, the hearing was closed.)

For consideration.
