

DISPOSITION SHEET - PUBLIC MEETING OF FEBRUARY 18, 1987... - CITY HALL, N.Y. - 10 A.M.

CAL. NO.	C.P. NO.		REPORTS		REMARKS	CAL. NO.	C.P. NO.	REPORTS		REMARKS
			TO	FROM				TO	FROM	
					Approved	47				
1	C 831927	ZSM			Sched for 3/4	48				
2	C 860650	ZSM			" " "	49				
3	C 870478	HAM			" " "	50				
4	N 870197	ZRY			" " "	51				
5	N 850487	ZRY (A)			Printed in Error	52				
6	C 870101	HAX			Sched for 3/4	53				
	C 870367	PSQ								
7	C 870368	PPQ			Hearing Closed	54				
8	C 870322	HUK			" "	55				
9	C 870323	HDK			" "	56				
10	C 870033	HOK			" "	57				
11	C 870266	PPK			" "	58				
12	C 870395 - 400	PPK			" "	59				
13	C 860928	ZSK			" "	60				
14	C 860867	GFK			" "	61				
15	C 850337	ZSM			" "	62				
16	C 860657	PLM			" "	63				
17	C 860839	PLM			" "	64				
18	C 860927	ZSM			" "	65				
19	C 860778	HAM			Cont. 3/4	66				
20	C 850518	BEY			Hearing Closed	67				
21	N 870492	ZRY			" "	68				
22	N 870443	ZRY			" "	69				
23	N 850487	ZRY			Cont. to 3/18	70				
24	C 870402	PPX			Hearing Closed	71				
25	C 850359	ZMQ			Laid Over	72				
26	C 870242	ZMM			" "	73				
27	N 870241	ZRM			" "	74				
28	C 840699	PNR			" "	75				
29	C 870345	HAX			Law Rept. Adopted	76				
30	C 870346	HLX			" " "	77				
31	C 870161	PSX			" " "	78				
32	C 870252	PPK			" " "	79				
33	C 870338-339	PPK			" " "	80	Present			
34						81	Ch. S. Deutsch			
35						82	Comm. S. Gaetano			
36						83	" D Scennello			
37						84	" D. Scheinberg			
38						85				
39						86	Adjourned at 12:50 P.M.			
40						87				
41						88				
42						89				
43						90				
44						91				
45						92				
46						93				

SUPPLEMENTAL CALENDAR FOR THE CITY PLANNING COMMISSION
PUBLIC HEARING OF FEBRUARY 18, 1987
MATTERS NOT ON CALENDAR - CONSIDERED BY UNANIMOUS CONSENT

R E P O R T S
BOROUGH OF BROOKLYN
No. 33

CD 13, 17

C 870338-339 PPK

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 of eight (8) City-owned properties.

<u>ULURP NO.</u>	<u>C.B.</u>	<u>BLOCK</u>	<u>LOT</u>	<u>LOCATION</u>
870338PPK	13	6947	243	2621 W. 20th Street
"	"	6947	249	2611 W. 20th Street
"	"	7066	48	3224 Sea Place
870339PPK	17	4630	41	1093 Clarkson Avenue
"	"	4698	17	5024 Church Avenue
"	"	4870	19	206 E. 34th Street
"	"	4880	41	4303 Church Avenue
"	"	5128	41	91 Lott Street

(On December 10, 1986, Cal. No. 14, the Commission scheduled January 14, 1987, as the date for a public hearing. On January 14, 1987, Cal. No. 17, the hearing was continued to January 28, 1987. On January 28, 1987 Cal. No. 22 the hearing was closed.)

For consideration disposition: Favorable report adopted.

**COMPREHENSIVE
CITY PLANNING CALENDAR**

of

The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, February 18, 1987

**MEETING AT 10:00 A.M.
in the
CITY HALL**



Edward I. Koch, Mayor

City of New York

[No. 3]

Prepared by Lory R. Alcala, Calendar Officer

A

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.

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 pro-rated) may do so by contacting the Calendar Information Office, 566-8510.

B

CITY PLANNING COMMISSION

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

SYLVIA DEUTSCH, *Chairperson*

SALVATORE C. GAGLIARDO

DANIEL T. SCANNELL,

DENISE M. SCHEINBERG, *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, February 18, 1987

Calendar No. 3

I. Roll Call; approval of minutes	1
I. Scheduling March 4, 1987	1
II. Public Hearings	4
III. Reports	40

**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 March 4, 1987, 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 a 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, February 18, 1987

APPROVAL OF MINUTES OF Special Meeting of January 12, 1987
And Regular Meetings of January 14 and 28, 1987

**I. PUBLIC HEARINGS ON THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, MARCH 4, 1987
STARTING AT 10 A.M. IN CITY HALL, MANHATTAN**

BOROUGH OF MANHATTAN

No. 1

CD 2

C 831927 ZSM

IN THE MATTER OF an application, pursuant to Section 74-782 of the Zoning Resolution from Shael Shapiro, WYS Designs, for the **grant of a Special Permit involving the conversion to joint living-work quarters for artists** of floors four (4) and seven (7) of the loft building whose lot coverage exceeds 5,000 square feet located on the east side of Wooster Street between Spring and Broome Streets (84 Wooster Street) within the So Ho M1-5A district.

Resolution for adoption scheduling March 4, 1987 for a public hearing.

No. 2

CD 8

C 860650 ZSM

IN THE MATTER OF an application submitted by the McArthur Tower Development Company, Inc. pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-96 of the Zoning Resolution for the **grant of a special permit for the modification of the provisions of Article II, Chapter 7, relating to residential plazas, for an existing residential plaza on property located at 336-340 East 93rd Street, on the west side of First Avenue between 92nd and 93rd Streets (Block 1555, Lot 23), within a C2-8 zoning District.**

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 1514, 2 Lafayette Street, New York, NY 10007.

Resolution for adoption scheduling March 4, 1987 for a public hearing.

No. 3

CD 3

C 870478 HAM

IN THE MATTER OF a housing plan and project for 144-150 Ludlow Street, between Rivington and Stanton Streets (Block 411, Lots 45 thru 48), pursuant to Article 5 of the New York State Private Housing Finance Law and Section 197-c of the New York City Charter and an application relating to the **disposition of 144-150 Ludlow Street** between Rivington and Stanton Streets (Block 411, Lots 45 thru 48), pursuant to the Urban Development Action Area Act and Section 197-c of the New York City Charter.

Three separate matters are requested under the Urban Development Action Area:

- 1) Designation of the above noted properties as an Urban Development Action Area Act;
- 2) Approval of a project for such properties; and
- 3) The disposition of such property to a developer to be selected by the Department of Housing Preservation and Development (HPD).

The **proposed project** consists of the substantial rehabilitation of four buildings (two 5½ and two 6 stories), which will **contain 51 rental units**. Of these units 36 are to be rented at market rates and 15 are to be rented at low-income levels in accordance with a Hodag Grant. Additional subsidy is to be provided by an NYC Housing Development Corporation Loan and a Participation Loan.

This application was submitted by the Department of Housing Preservation and Development on December 10, 1986.

Resolution for adoption scheduling March 4, 1987 for a public hearing.

CITYWIDE

No. 4

Citywide

N 8701972 RY

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 23-633, 24-523 and 33-433 *concerning street wall and height and setback regulations in certain contextual zoning districts.*

Matter in **Bold Type** is new;

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

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

23-633

Street wall and height and setback regulations in certain districts

In the districts indicated, *street wall*, and height and setback regulations are set forth in this section. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply.

1. Location of Street Wall

- (a) In the districts indicated, the *street wall* of any *development or enlargement* for the first two *stories* or 23 feet, whichever is greater, shall be located on the *street line* and extend the entire [width] *length of the street line* of the *zoning lot* except as provided in paragraph (b) and [(3)] *sub-section 3 (Modification of Street Wall Requirements)* below[,] or *Section 23-51 (Special Provisions Applying along District Boundaries)*.

However, at the intersection of two *street lines* the *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] *anywhere within an area bounded by the two street lines and lines parallel to and five feet from each street line.* [Recesses are permitted only for entrances and windows.]

Except as provided in [(3)] sub-section 3 below, for any *development or enlargement* fronting on a *wide street* the *street walls* above the level of the second *story* or 23 feet, whichever is greater, shall comply with one of the following options. Under all options, at the intersection of two *street lines*, the mandatory *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street.*] *anywhere within an area bounded by the two street lines and lines parallel to and five feet from each street line.*

Option 1

Mandatory *street walls* shall be located on the *street line* and extend the entire [width] *length of the street line* of the *zoning lot* [fronting on] *along a wide street*.

Option 2

At least 50% of the aggregate length of the *street walls* shall comply with Option 1. The remainder of the aggregate length of the mandatory *street walls* at each *story* may be recessed from the *street line* to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street walls* at each story.

Option 3

A minimum of 75% of the aggregate area of the mandatory *street walls* at each *story* shall be within five feet of the *street line* provided that the mandatory *street walls* shall abut the *street line* at least once every 25 feet.

These location provisions shall apply to all *development* or *enlargements* on *zoning lots* along a *narrow street* within 50 feet of its intersection with *wide street*.

- (b) In the districts indicated, on a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street*, the *street wall* of any *development* or *enlargement* shall be located no further from the *street line* than the front wall of [the nearest] *any adjacent existing building* on [an adjacent] *the same or another zoning lot* fronting on the same *street line*. If the mandatory *street wall* is located within five feet of the *street line* it shall comply with one of the following options.

Option 1

A maximum of 50% of the aggregate length of the mandatory *street wall* at each *story* may be recessed from the *street line* to a depth not exceeding ten feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street wall* at each *story*.

Option 2

A minimum of 75% of the aggregate area of the *street wall* at each *story* shall be within five feet of the *street line*.

No street wall facing a narrow street beyond a distance of 50 feet from its intersection with a wide street is required if the resulting open area is maintained as follows:

1. Its elevation shall be within 2 feet of the a butting sidewalk.
2. No wall or fence above a height of 30 inches above curb level shall consist of elements more than 1½ inches thick and less than 5 inches apart.

3. Its entire area shall be covered by decorative unit pavers, shrubbery, grass, or landscaped elements not more than 30 inches high, and

4. If such resulting area is 1,500 to 2,000 square feet, it shall contain at least three 4" caliper trees, and there shall be one additional 4" caliper tree for each additional 1,000 square feet or fraction thereof; or

5. If such resulting areas is less than 1,500 square feet and contains fewer than three 4" caliper trees, it shall contain shrubbery for at least 25 percent of its area.

(c)[In the district indicated the *street wall* of any *development* or *enlargement* on a *wide street* shall be located no further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line*; and on a *narrow street* the *street wall* of any *development* or *enlargement* shall be neither closer to nor further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line* and shall extend the entire width of the *zoning lot* except as provided in (3) below. Recesses and projections are permitted provided that the aggregate length of all recesses or projections at the level of any *story* does not exceed 50 percent of the length of the mandatory *street wall*. The depth of such recesses or projections shall not exceed four feet and balconies shall not project more than two feet from the mandatory *street wall* of a *building*. Recesses shall comply with the applicable *outer court* regulations of Section 23-84 (Outer Court Regulations).]

In the district indicated the street wall of any development or enlargement shall be located in accordance with the provisions of paragraphs i through iv below, except as provided in sub-section 3 (Modification of Streetwall Requirements). A narrow street having a street line measuring less than 230 feet between intersecting street lines shall be considered a wide street in applying the provisions of paragraphs i through iv below.

- i) *On a wide street the street wall shall be located within 8 feet of the street line. However, if the front wall of any adjacent existing building on the same or another zoning lot fronting on the same street line is further than 8 feet from the street line, the street wall may be set back further than 8 feet but not more than either of such adjacent front walls. This requirement shall apply to all development or enlargements on zoning lots along a narrow street within 50 feet of its intersection with a wide street.*
- ii) *On a narrow street beyond a distance of 50 feet from its intersection with a wide street, but within 100 feet of such intersection, the street wall shall be neither closer to nor further from the street line than the front wall of any adjacent existing building on the same or another zoning lot fronting on the same street*

line, but need not be more than 15 feet from the street line. Where a zoning lot is located at the intersection of a wide street and a narrow street no street wall is required along such 50 foot portion of the narrow street frontage, provided any resulting open area is maintained as specified for open areas in Section 23-633 sub-section 1 paragraph (b) above. However, if a street wall is provided within the optional street wall portion of the narrow street frontage of such zoning lot it shall be subject to the location requirements of paragraph i above.

iii) *On a narrow street beyond a distance of 100 feet from its intersection with a wide street the street wall shall be neither closer to nor further from the street line than the front wall of any adjacent existing building on the same or another zoning lot fronting on the same street line, but need not be more than 15 feet from the street line.*

iv) *The mandatory street wall pursuant to paragraphs i, ii, and iii above shall extend the entire length of the street line of the zoning lot from side lot line to side lot line or intersecting street wall, except as provided in paragraph ii above, sub-section 3 (Modification of Street Wall Requirements) or Section 23-51 (Special Provisions Applying along District boundaries). Recesses and projections are permitted, except within 20 feet of a street corner, provided that the aggregate length of all recesses or projections at the level of any story does not exceed 50 per cent of the street wall. The depth of such recesses or projections shall not exceed four feet and balconies shall not extend more than two feet from the street wall of a building. Recesses shall comply with the applicable outer court regulations of Section 23-84 (Outer Court Regulations).*

(d) *In the districts indicated a vertical enlargement in excess of one story or 15 feet to an existing building is permitted only pursuant to the mandatory requirements of the above provisions or as a vertical extension of the existing street wall except as provided in [(3)] sub-section 3 below.*

2. Height of Street Wall

[In the districts indicated the mandatory minimum height above curb level of a street wall, without a setback, shall be as set forth in Column A, or the height of the building, whichever is less; the maximum permitted height of a street wall without a setback at the street line shall be as set forth in Column B; and above such specified maximum height the building or other structure shall not penetrate the sky exposure plane as set forth in Column B in the table below:]

In the districts indicated, except as provided in sub-section 5 below (Special Height Restrictions along Certain District Boundaries), a mandatory street wall shall rise to a height no less than that specified in Column A below, unless the height

of the entire **building** is less than such minimum. If such **street wall** along a **narrow street** rises above such minimum heights no setbacks shall be permitted below a height of 55 feet. The maximum permitted height of a mandatory **street wall** shall be as set forth in Column B. Above such maximum height the **building or other structure** shall not penetrate the **sky exposure plane** as set forth in Column B.

Column A		Column B				
		<i>Sky exposure plane**</i>				
[Mandatory minimum] <i>Minimum height of mandatory street wall (in feet)</i>		Maximum permitted height of <i>mandatory street wall</i> without setback [at the <i>street line</i>] (in feet)	Slope over <i>zoning lot</i> (expressed as a ratio of vertical to horizontal distance)			
<i>Wide street*</i>	<i>Narrow street*</i>		Vertical		Horizontal	
60	23	85	1.5	to	1	R8A
55	23[***]	60	1.0	to	1	R8B**
60	23[***]	100	1.5	to	1	R9A
110	23[***]	110	2.0	to	1	R9X
125	23[***]	150	2.5	to	1	R10A

*The [mandatory] minimum height of a *mandatory street wall* on *wide streets* shall apply to all *developments* or *enlargements* on *zoning lots* on *narrow streets* within 50 feet of the intersection with a *wide street*.

**The *sky exposure plane* shall begin at a height above the *street line* equal to the maximum permitted height of the *mandatory street wall* [at the *street line*] except that in an R8B district a setback of 20 feet from the *mandatory street wall* is required at a height of 60 feet.

***[No setback shall be permitted below a height of 55 feet except as provided in paragraph 1(d) above.]

For *zoning lots* not bounded by intersecting *street lines* the *mandatory street wall* shall rise to a height of 55 feet or the height of the *building*, whichever is less.

* * *

5. *Special Height Restrictions along Certain District Boundaries*

*In the district indicated, where such district abuts an R1, R2, R3, R4 or R5 district, no **building or other structure** within 25 feet of the district boundary shall exceed a height of 32 feet above **curb level**.*

24-523

Street wall and height and setback regulations in certain districts

In the districts indicated, *street wall*, height and setback regulations are set forth in this section. The provisions of Sections 24-53 (Alternate Front Setbacks) and 24-54 (Tower Regulations) shall not apply.

1 Location of Street Wall

- (a) In the districts indicated, the *street wall* of any *development* or *enlargement* for the first two *stories* or 23 feet, whichever is greater, shall be located on the *street line* and extend the entire [width] *length of the street line* of the zoning lot, except as provided in paragraph (b) and [(3)] *sub-section 3 (Modification of Street Wall Requirements)* below[,] or *Section 24-351 (Special Provisions Applying along District Boundaries)*.

However, at the intersection of two *street lines* the *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] anywhere within an area bounded by the two **street lines** and lines parallel to and five feet from each **street line**. [Recesses are permitted only for entrances and windows.]

Except as provided in [(3)] *sub-section 3* below, for any *development* or *enlargement* fronting on a *wide street* the *street walls* above the level of the second *story* or 23 feet, whichever is greater, shall comply with one of the following options. Under all options, at the intersection of two *street lines*, the mandatory *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] anywhere within an area bounded by the two **street lines** and lines parallel to and five feet from each **street line**.

Option 1

Mandatory *street walls* shall be located on the *street line* and extend the entire [width] *length of the street line* of the zoning lot [fronting on] *along a wide street*.

Option 2

At least 50% of the aggregate length of the *street walls* shall comply with Option 1. The remainder of the aggregate length of the mandatory *street walls* at each *story* may be recessed from the *street line* to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street walls* at each *story*.

Option 3

A minimum of 75% of the aggregate area of the mandatory *street walls* at each *story* shall be within five feet of the *street line* provided that the mandatory *street walls* shall abut the *street line* at least once every 25 feet.

These location provisions shall apply to all *development* or *enlargements* on *zoning lots* along a *narrow street* within 50 feet of its intersection with a *wide street*.

- (b) In the districts indicated, on a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street*, the *street wall* of any *development* or *enlargement* shall be located no further from the *street line* than the front wall of [the nearest] *any adjacent existing building* on [an adjacent] *the same or another zoning lot* fronting on the same *street line*. If the mandatory *street wall* is located within five feet of the *street line* it shall comply with one of the following options.

Option 1

A maximum of 50% of the aggregate length of the mandatory *street wall* at each *story* may be recessed from the *street line* to a depth not exceeding ten feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street wall* at each *story*.

Option 2

A minimum of 75% of the aggregate area of the *street wall* at each *story* shall be within five feet of the *street line*.

No *street wall* facing a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street* is required if the resulting open area is maintained as follows:

1. Its elevation shall be within 2 feet of the abutting sidewalk.
2. No wall or fence above a height of 30 inches above curb level shall consist of elements more than 1½ inches thick and less than 5 inches apart.
3. Its entire area shall be covered by decorative unit pavers, shrubbery, grass, or landscaped elements not more than 30 inches high, and
4. If such resulting area is 1,500 to 2,000 square feet, it shall contain at least three 4" caliper trees, and there shall be one additional 4" caliper tree for each additional 1,000 square feet or fraction thereof; or
5. If such resulting area is less than 1,500 square feet and contains fewer than three 4" caliper trees, it shall contain shrubbery for at least 25 per cent of its area.

- (c) [In the district indicated the *street wall* of any *development* or *enlargement* on a *wide street* shall be located no further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line*; and on a *narrow street* the *street wall* of any *development* or *enlargement* shall be neither closer to nor further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line* and shall extend the entire width of the *zoning lot* except as provided in (3) below. Recesses and projections are permitted provided that the aggregate length of all recesses or projections at the level of any *story* does not exceed 50 per cent of the length of the mandatory *street wall*. The depth of such recesses or projections shall not exceed four feet and balconies shall not project more than two feet from the mandatory *street wall* of a *building*. Recesses shall comply with the applicable *outer court* regulations of Section 23-84 (Outer Court Regulations).]

In the district indicated the street wall of any development or enlargement shall be located in accordance with the provisions of paragraphs i through iv below, except as provided in sub-section 3 (Modification of Streetwall Requirements). A narrow street having a street line measuring less than 230 feet between intersecting street lines shall be considered a wide street in applying the provisions of paragraphs i through iv below.

- (i) *On a wide street the street wall shall be located within 8 feet of the street line. However, if the front wall of any adjacent existing building on the same or another zoning lot fronting on the same street line is further than 8 feet from the street line, the street wall may be set back further than 8 feet but not more than either of such adjacent front walls. This requirement shall apply to all developments or enlargements on zoning lots along a narrow street within 50 feet of its intersection with a wide street.*
- ii) *On a narrow street beyond a distance of 50 feet from its intersection with a wide street, but within 100 feet of such intersection, the street wall shall be neither closer to nor further from the street line than the front wall of any adjacent existing building on the same or another zoning lot fronting on the same street line, but need not be more than 15 feet from the street line.*

Where a zoning lot is located at the intersection of wide street and a narrow street no street wall is required along such 50 foot portion of the narrow street frontage, provided any resulting open area is maintained as specified for open areas in Section 24-523 sub-section 1 paragraph (b) above.

However, if a **street wall** is provided within the optional **streetwall** portion of the **narrow street** frontage of such **zoning lot** it shall be subject to the location requirements of paragraph i above.

- iii) On a **narrow street** beyond a distance of 100 feet from its intersection with a **wide street** the **street wall** shall be neither closer to nor further from the **street line** than the front wall of any adjacent existing **building** on the same or another **zoning lot** fronting on the same **street line**, but need not be more than 15 feet from the **street line**.
- iv) The mandatory **street wall** pursuant to paragraphs i, ii, and iii above shall extend the entire length of the **street line** of the **zoning lot** from **side lot line** to **side lot line** or intersecting **street wall**, except as provided in paragraph ii above, sub-section 3 (Modification of Street Wall Requirements) or Section 24-351 (Special Provisions Applying along District Boundaries). Recesses and projections are permitted, except within 20 feet of a **street corner**, provided that the aggregate length of all recesses or projections at the level of any **story** does not exceed 50 per cent of the **street wall**. The depth of such recesses or projections shall not exceed four feet and balconies shall not extend more than two feet from the **street wall** of a **building**. Recesses shall comply with the applicable **outer court** regulations of Section 24-63 (Outer Court Regulations).

(d) In the districts indicated a vertical *enlargement* in excess of one *story* or 15 feet to an existing *building* is permitted only pursuant to the mandatory requirements of the above provisions or as a vertical extension of the existing *street wall* except as provided in [(3)] *sub-section 3* below.

2. Height of Street Wall

[In the districts indicated the mandatory minimum height above *curb level* of a *street wall*, without a setback, shall be as set forth in Column A, or the height of the *building*, whichever is less; the maximum permitted height of a *street wall* without a setback at the *street line* shall be as set forth in Column B; and above such specified maximum height the *building* or *other structure* shall not penetrate the *sky exposure plan* as set forth in Column B in the table below:]

In the districts indicated, except as provided in sub-section 5 below (Special Height Restrictions along Certain District Boundaries), a mandatory street wall shall rise to a height no less than that specified in Column A below, unless the height of the entire building is less than such minimum. If such street wall along a narrow street rises above such minimum height no setbacks shall be permitted below a height of 55 feet. The maximum permitted height of a mandatory street wall shall be as set forth in Column B.

Above such maximum height the **building or other structure** shall not penetrate the **sky exposure plane** as set forth in Column B.

Column A		Column B			
		<i>Sky exposure plane**</i>			
[Mandatory minimum] <i>Minimum height of mandatory street wall</i> (in feet)		Maximum permitted height of <i>mandatory street wall</i> without setback [at the <i>street line</i>] (in feet)	Slope over <i>zoning lot</i> (expressed as a ratio of vertical to horizontal distance)		
<i>Wide street*</i>	<i>Narrow street*</i>		Vertical	to	Horizontal
60	23	85	1.5	to	1 R8A
55	23[***]	60	1.5	to	1 R8B**
60	23[***]	100	1.5	to	1 R9A
110	23[***]	110	2.0	to	1 R9X
125	23[***]	150	2.5	to	1 R10A

*The [mandatory] minimum height of a *mandatory street wall* on *wide streets* shall apply to all *developments* or *enlargements on zoning lots* on *narrow streets* within 50 feet of the intersection with a *wide street*.

The *sky exposure plane* shall begin at a height above the **street line equal to the maximum permitted height of the *mandatory street wall* [at the *street line*] except that in an R8B district a setback of 20 feet from the *mandatory street wall* is required at a height of 60 feet.

***[No setback shall be permitted below a height of 55 feet except as provided in paragraph 1(d) above.]

For *zoning lots* not bounded by intersecting **street lines** the **mandatory street wall** shall rise to a height of 55 feet or the height of the **building**, whichever is less.

* * *

5. Special Height Restrictions along Certain District Boundaries

In the district indicated, where such district abuts an R1, R2, R3, R4 or R5 district, no **building or other structure** within 25 feet of the district boundary shall exceed a height of 32 feet above **curb level**.

33-433

Street wall and height and setback regulations in certain districts

In the districts indicated, *street wall*, height and setback regulations are set forth in this section. The provisions of Sections 33-44 (Alternate Front Setbacks) and 33-45 (Tower Regulations) shall not apply.

1 Location of Street Wall

(a) The *street wall* of any *development* or *enlargement* for the first two *stories* or 23 feet, whichever is greater, shall be located on the *street line* and extend the entire [width] *length of the street line of the zoning lot*, except as provided in *paragraph (b) and [(3)] sub-section 3 (Modification of Street Wall Requirements)* below[,] or *Section 33-29 (Special Provisions Applying along District Boundaries)*.

However, at the intersection of two *street lines* the *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] *anywhere within an area bounded by the two street lines and lines parallel to and five feet from each street line*. [Recesses are permitted only for entrances and windows.]

Except as provided in [(3)] *sub-section 3* below, for any *development* or *enlargement* fronting on a *wide street* the *street walls* above the level of the second *story* or 23 feet, whichever is greater, shall comply with one of the following options. Under all options, at the intersection of two *street lines*, the mandatory *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] *anywhere within an area bounded by the two street lines and lines parallel to and five feet from each street line*.

Option 1

Mandatory *street walls* shall be located on the *street line* and extend the entire [width] *length of the street line of the zoning lot* [fronting on] *along a wide street*.

Option 2

At least 50% of the aggregate length of the *street walls* shall comply with Option 1. The remainder of the aggregate length of the mandatory *street walls* at each *story* may be recessed from the *street line* to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street walls* at each *story*.

Option 3

A minimum of 75% of the aggregate area of the mandatory *street walls* at each *story* shall be within five feet of the *street line* provided that the mandatory *street walls* shall abut the *street line* at least once every 25 feet.

(b) A vertical *enlargement* in excess of one *story* or 15 feet to an existing *building* is permitted only pursuant to the mandatory requirements of the above provisions or as a vertical extension of the existing *street wall*.

2. Height of Street Wall

[In the districts indicated the mandatory minimum height above *curb level* of a *street wall*, without a setback, shall be as set forth in Column A, or the height of the *building*, whichever is less; the maximum permitted height of a *street wall* without a setback at the *street line* shall be as set forth in Column B; and above such specified maximum height the *building or other structure* shall not penetrate the *sky exposure plane* as set forth in Column B in the table below:]

In the districts indicated a mandatory street wall shall rise to a height no less than that specified in Column A below, unless the height of the entire building is less than such minimum. If such street wall along a narrow street rises above such minimum height no setbacks shall be permitted below a height of 55 feet. The maximum permitted height of a mandatory street wall shall be as set forth in Column B.

Above such maximum height the building or other structure shall not penetrate the sky exposure plane as set forth in Column B.

Column A		Column B				
		<i>Sky exposure plane**</i>				
[Mandatory minimum] <i>Minimum height of mandatory street wall (in feet)</i>		Maximum permitted height of <i>mandatory street wall</i> without setback [at the <i>street line</i>] (in feet)			Slope over <i>zoning lot</i> (expressed as a ratio of vertical to horizontal distance)	
<i>Wide street*</i>	<i>Narrow street*</i>		Vertical		Horizontal	
60	23	85	1.5	to	1	C6-2A
60	23[***]	100	1.5	to	1	C1-8A C2-7A
110	23[***]	110	2.0	to	1	C1-8X C2-7X
125	23[***]	150	2.5	to	1	C1-9A C2-8A C4-6A C4-7A

*The [mandatory] minimum height of a *mandatory street wall* [front wall] on *wide streets* shall apply to all *developments* or *enlargements on zoning lots* on *narrow streets* within 50 feet of the intersection with a *wide street*.

**The *sky exposure plane* shall begin at the maximum permitted height of the *mandatory street wall* at the *street line*.

***No setback shall be permitted below a height of 55 feet except as provided in paragraph 1(b) above.]

* * *

33-431

In C1 or C2 Districts with bulk governed by surrounding Residence District

(a) In the districts indicated, the maximum height of a front wall and the required front setback of a *building or other structure* shall be determined by the *Residence District* within which such *Commercial District* is mapped, and, except as otherwise set forth in this section, shall be as set forth in the following table:

* * *

(b) *In the districts indicated, when*

[When] mapped within R8A, R8B, R9A, R9X or R10A Districts the [maximum height of a] *street wall* and [required front setbacks] *height and setback regulations* shall be as set forth in Section 23-633 (Street wall and height and setback regulations in certain districts).

BOROUGH OF THE BRONX

No. 5

Citywide

N 850487 ZRY(A)

Matter in **bold type** is new,

Matter in [brackets] is to be removed;

Matter in *italics* defined in Section 12-10 or in this amendment:

23-15

Maximum Floor Area Ratio in R10 Districts

In the district indicated, the *floor area ratio* for any *building* on a *zoning lot* shall not exceed 10.0, except as provided in the following sections:

* * *

Section 23-90 (Inclusionary Housing)

* * *

Notwithstanding any other provision of this Resolution, the maximum *floor area ratio* shall not exceed 12.0.

* * *

All *developments* or *enlargements* located within the boundaries of Community Board #7 in the Borough of Manhattan shall be subject to the requirement of Section 23-151 (R10 Infill) and no *floor area* bonus shall be granted for such *developments* or *enlargements*, except as [otherwise] set forth in Section 23-[151] **90 (Inclusionary Housing).**

* * *

In the R10A Districts the *floor area ratio* for any *building* on a *zoning lot* shall not exceed 10.0 except as provided in Section [74-95 (Housing Quality Developments).] **23-90 (Inclusionary Housing)**

* * *

23-22

Required Lot Area per Dwelling Unit Lot Area per Room or Floor Area per Room

* * *

(c) In R3, R6, R7 and R10 Districts, the *lot area* required is expressed in terms of *rooms*, and as indicated, the total *lot area* of a *zoning lot* shall not be less than as set forth in this section, except as provided in the following sections:

* * *

Section 23-90 (Inclusionary Housing)

(d) In the R8A, R8B, R9A, R9X or R10A Districts, the *lot area* requirement is expressed in terms of *dwelling units* or *rooming units* and the *lot area per dwelling unit* or *rooming unit* shall not be less than as set forth in this section, except as provided in the following sections:

Section 23-90 (Inclusionary Housing)

* * *

23-90 INCLUSIONARY HOUSING

23-91

General Provisions

In the district indicated, an Inclusionary Housing program is established to preserve and to promote a mixture of low to upper income housing within neighborhoods experiencing a shift from mixed to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-94.

23-92

Definitions

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

Administering Agent

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

The *administering agent* shall be a not-for-profit organization unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the *compensated development* to secure a qualified not-for-profit organization as the *administering agent* was unsuccessful. The Commissioner of Housing Preservation and Development may appoint a new *administering agent* if the Commissioner finds that the *administering agent* has not complied with the requirements of the *lower income housing plan*.

Compensated Development

A “compensated development” is a *development* which receives an increased *floor area ratio* as a result of satisfying the requirements of the Inclusionary Housing program.

Development

For the purposes of the Inclusionary Housing program, a “development” is a *development* as defined in Section 12-10 or an *enlargement* of more than 50 percent of the *floor area* of an existing *building*.

Fair Rent

At initial occupancy of *lower income housing*, “fair rent” is an annual rent for each such *housing* equal to not more than 30 percent of the annual income of the tenant of such housing, provided that such tenant is a *lower income household* at the time of initial occupancy pursuant to the provisions of this program (the “Section 8 Standard”).

Upon renewal of a lease for an existing tenant in *lower income housing*, “fair rent” is the then-current *fair rent* for such *housing* plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to rent stabilization (the “Rent Stabilization Standard”).

Upon rental of *lower income housing* to a new tenant, “fair rent” is not more than the higher of:

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

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

- (i) the initial *fair rent* and
- (ii) the monthly costs of a reasonable compensation for these utilities, by an energy conservation household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment

do not exceed 30 percent of said *lower income household's* income. At initial occupancy of any *lower income housing*, no portion of the *fair rents* shall be for the payment of the principal or interest on any debt, and the *lower income housing* shall not secure any debt other than city taxes on such *housing*.

Fair rents may be used for the payment of principal or interest of debt only if such debt was incurred after the date of initial occupancy and for a capital improvement

to such *lower income housing* other than those capital improvements required in the *lower income housing plan*.

Lower Income Household

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

Lower Income Housing

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

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

Lower Income Housing Plan

The “lower income housing plan”, is the plan accepted by the Commissioner of Housing Preservation and Development which sets forth the developer’s plans for creating and maintaining the specified *lower income housing* pursuant to this program.

Standard Unit

A “standard unit” is a

- (a) *dwelling unit*,
- (b) *rooming unit* or
- (c) room used for sleeping purposes in a non-profit institution with sleeping accommodations, which room is acceptable to the Commissioner of Housing Preservation and Development as meeting the intent of the Inclusionary Housing program

that is free of violations (and is located in a *building* in which the common area are free of violations) under the City of New York Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this

Resolution noted in or issued by a city or state agency against the building as of the date of acceptance of the *lower income housing plan*.

Windows in *standard units* shall be doubled glazed.

23-93

Floor Area Compensation

The *floor area ratio* of a *development* may be increased from 10.0 to a maximum of 12.0 at the rate set forth below, in the developer of such *development* provides *lower income housing* pursuant to Section 23-94 (Lower Income Housing Requirements).

For each square foot of *floor area* provided for *lower income housing* pursuant to the options listed in Column A and which meets the requirements set forth in Section 23-94 (Lower Income Housing Requirements), the *floor area* of the *development* may be increased by the number of square feet set forth in Column B.

<i>Column A</i>	<i>Column B</i>
On-site New Construction	3.7
On-site Substantial Rehabilitation	3.2
Off-Site New Construction (Private Site)	4.0
Off-Site New Construction (Private Site)	2.5
Off-Site Substantial Rehabilitation (Private Site)	3.7
Off-Site Substantial Rehabilitation (Private Site)	2.2
Preservation	2.0

Each structure on a *zoning lot* erected and recorded as a separate *building* at the Department of Buildings as of January 1, 1987, may be considered individually in determining if *lower income housing* provided pursuant to this program shall be considered as substantial rehabilitation or preservation.

For each .7 of one percent increase in *floor area* permitted to *compensated developments* pursuant to this Section, the *lot area* requirements for such *compensated developments* set forth in Sections 23-22 (Required Lot Area per Dwelling Unit or Per Room) or 23-25 (Special Provisions for Buildings Used Partly for Non-Residential Uses) shall be reduced by .6 of one percent. In no event shall such reduction exceed 17 percent of the applicable *lot area* requirements.

23-94

Lower Income Housing Requirements

To qualify for the increased *floor area*, *compensated developments* must provide *lower income housing* for the life of the increased *floor area* in the *compensated development* pursuant to one or more of the options listed in Sections 23-941, 23-

942 and 23-943, and such *lower income housing* must meet each of the requirements set forth below.

(a) Standards

All *lower income housing* shall be in *standard units*. Except in *buildings* in which all *standard units* are occupied by *lower income housing*, the *floor area* devoted to *lower income housing* shall be considered only the *floor area* within the perimeter walls of the *standard units* of the *lower income housing* and a pro rata share of the common area of the *building* exclusive of those common areas for which a fee is charged for its use. In *buildings* in which all of the *standard units* are occupied by *lower income housing*, all of the *residential floor area* shall be considered as devoted to *lower income housing*.

(b) Tenant Selection

All incoming households of *standard units* in *lower income housing* must be *lower income households*.

Sublessees of a *lower income household* must also be *lower income households*. The *administering agent* shall verify the income of such sublessee households prior to their occupancy of the *lower income housing*, to assure that such households are *lower income households*.

On and after the issuance of a Certificate of Occupancy for *lower income housing*, the *administering agent* shall have a duty

- (1) to maintain in a habitable condition all *lower income housing* and
- (2) to rent such *housing* to *lower income households*. The duty to rent shall be satisfied by the *administering agent* if such agent has in fact rented all such units to *lower income households* or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

(c) Rent Levels

All *standard units* in *lower income housing* shall be rented at *fair rents*. The total average annual rent for all *lower income housing* approved pursuant to a *lower income housing plan* shall not exceed an amount equal to the reasonable maintenance, operation, administration and contingency costs as determined by the Commissioner of the Department of Housing Preservation and Development. Any income received in rent from *lower income housing* in excess of that required for maintenance, repair, operation, and administration shall be placed in an interest bearing escrow account in a banking institution located in the City of New York. The funds in said account shall be used solely

to meeting future maintenance, repair, operational and administrative expenses of such *lower income housing*.

(d) Income Verification

Prior to renting *lower income housing*, the *administering agent* shall verify the income of each household to occupy such housing, to assure that the households are *lower income households*.

(e) Lower income Housing Plan

A *lower income housing plan* acceptable to the Commissioner of Housing Preservation and Development, shall be prepared and followed by the developer.

Such plan shall include the building plans, indicate the *floor area* devoted to *lower income housing* and shall demonstrate the feasibility of creating and maintaining the specified *lower income housing* required in accordance with the Inclusionary Housing program, including that:

- (i) the *lower income housing* will be managed and operated by a responsible *administering agent*;
- (ii) there will be sufficient income to provide for adequate maintenance and operation of the *lower income housing*; and
- (iii) tenant selection will be on an equitable, non-discriminatory basis and achieves a reasonable range of tenant incomes subject to the requirements that tenants be *lower income households* and that rent levels be established pursuant to subparagraph (c) above.

A restrictive declaration, satisfactory to the Commissioner of Housing Preservation and Development, to run with the *zoning lot* on which the *lower income housing* is constructed shall be recorded against such lot, and shall set forth the obligations to provide *lower income housing* in accordance with the *lower income housing plan*.

No later than the date a *lower income housing plan* is first submitted to the Department of Housing Preservation and Development, a copy of the plan be submitted to the affected Community Boards. Such Community Boards shall have 45 days to review said plan. No *lower income housing plan* shall be accepted by the Commissioner of Housing Preservation and Development during the Community Board review period.

A copy of any *lower income housing plan* that is accepted by the Commissioner of Housing Preservation and Development within 24 months of (the effective date of this amendment) shall be furnished by the developer to the Department of City Planning immediately after such acceptance.

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

The *administering agent* shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of *lower income housing* are *lower income households*.

No temporary Certificate of Occupancy shall be issued for any part of the *compensated development* until a temporary Certificate of Occupancy for each unit of *lower income housing* has been issued. No permanent Certificate of Occupancy shall be issued for any part of the *compensated development* until a permanent Certificate of Occupancy for each unit of the *lower income housing* has been issued. Prior to the issuance of any temporary or permanent Certificate of Occupancy for the *compensated development*, the Commissioner of Housing Preservation and Development shall certify that the *lower income housing* is in compliance with the *lower housing plan*.

- (f) On-site units shall be those units on the same *zoning lot* as the *compensated development*.
- (g) The *administering agent* of the *lower income housing* shall have said housing insured against any damage or destruction in an amount no less than the replacement value of the housing.

Any insurance proceeds received as a result of damage or destruction of all or part of said housing shall be used first for restoring such damaged or destroyed housing to *lower income housing*, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution.

- (h) The obligation to provide a specified amount of *lower income housing* shall run with the *zoning lot* containing such *lower income housing* for the life of the increased *floor area* of the *compensated development*. In the event any portion of such housing is damaged or destroyed, no *floor area* may be replaced on said *zoning lot* unless such *floor area* contains the specified amount of *lower income housing*.
- (i) Any building may contain *lower income housing* that satisfies the requirements of this program for more than one *compensated development* provided that no *floor area* in the *lower income housing* is counted more than once in determining the amount of increased *floor area for compensated developments*.
- (j) The Commissioner of Housing Preservation and Development may certify that a *lower income housing plan* is in compliance with the requirements of this

program and that *lower income housing* is in compliance with said plan prior to the filing of plans for a *compensated development*. *Developments* may subsequently be compensated with additional *floor area* under this program for such *lower income housing*.

23-941

On site new construction option to qualify for this option, the designated lower income housing shall meet the following requirements.

- (a) The *lower income housing* shall be located in newly constructed *floor area* in the *compensated development*. The *lower income housing* shall be maintained and leased to *lower income households* for the life of the increased *floor area*.
- (b) *Dwelling units* designated as *lower income housing* shall be distributed throughout the *development*. No *story* shall contain more than two such units unless at least 80 percent of all *stories* contain two such units. The designated *lower income housing* units shall be distributed among the various size units in proportion to the total distribution of unit size in the following categories of unit sizes:

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

23-942

Substantial rehabilitation and off-site new construction options To qualify for one or more of these options, the designated lower income housing shall meet the following requirements:

- (a) The *lower income housing* shall be located either
 - (i) within the same Community Board as the *compensated development* or
 - (ii) within an adjacent Community District and within a one half mile radius of the *compensated development*.

The *lower income housing* shall be in a new *building* or in an existing *building* in which, prior to the submission of the *lower income housing plan* pursuant to this section, the *residential* portion had been entirely vacant for not less than three years.

- (b) The *lower income housing* shall be maintained and leased to *lower income households* for the life of the increased *floor area*.

23-943

Preservation Option

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

- (a) The *lower income housing* shall be located either
 - (i) within the same Community District as the *compensated development* or
 - (ii) within an adjacent Community District and within a one-half mile radius of the *compensated development*.

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

- (b) Rent charged to *lower income households* shall not be increased to reflect the costs of any renovation made in order to qualify such units under the Inclusionary Housing program even though such increases may be permitted under laws regulating maximum rent levels in these units.
- (c) At no increase in rent, any kitchen in a *dwelling unit* or serving a *rooming unit*, which unit is designated as *lower income housing*, shall be equipped with a new stove with at least four burners, an oven and a new refrigerator of at least the capacity of the previous refrigerator, if such appliances have not been replaced within 5 years prior to the units' designation as *lower income housing*.

In addition, the Commissioner of Housing Preservation and Development may require any other improvements to the *building* necessary to ensure that, with normal maintenance, the *lower income housing* will continue to provide a decent, safe and sanitary living environment for the life of the increased *floor area* in the *compensated development*.

- (d) The *lower income housing* shall be maintained and leased to *lower income households* for the life of the *increased floor area* in the *compensated development*.
- (e) The developer of a *compensated development* must demonstrate to the satisfaction of the Commissioner of Housing Preservation and Development that, for three years prior to the submission of the *lower income housing plan*, no harassment occurred that resulted in removal of previous tenants of units proposed to become *lower income housing* preserved pursuant to this section.

35-35

Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in Connection with Mixed Buildings.

* * *

In the districts indicated, bonuses for *plazas*, *plaza-connected open space* and *arcades* are not applicable. However, no existing *plaza* or other public amenity, open or enclosed, for which a *floor area* bonus has been received, pursuant to regulations antedating April 18, 1985, shall be eliminated or reduced in size, 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*.

35-42

Density or Lot Area Bonus in Mixed Buildings

- (a) In the districts indicated, except as otherwise provided in Section 82-08 (Modification of Bulk and Height and Setback Requirements) and Section 85-04 (Modifications of Bulk Regulations), the *lot area* reduction set forth in Section 23-23 (Density Bonus for a Plaza, Plaza-Connected Open Area, or Arcade) or Section 23-93 (Floor Area Compensation) shall apply to the *lot area* requirements set forth in Section 23-22 (Required Lot Area per Dwelling Unit or per Room) to the extent that the *building* is used for *residential use*; and the *lot area* reduction set forth in Section 23-26 or Section 24-22 (Lot Area Bonus for a Plaza, Plaza-Connected Open Area, or Arcade), or Section 23-93 (Floor Area Compensation), shall apply to the *lot area* requirements set forth in Section 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) to the extent that the *building* is used for *commercial* or *community facility use*.
- (b) In C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A and C6-2A Districts and in C1 and C2 Districts mapped with R9A, R9X and R10A Districts, the density or *lot area* bonus shall not apply. However, in C1-9A, C2-8A, C4-6A, and C4-7A Districts mapped within R10A Districts the provisions of Section 23-90 (Inclusionary Housing) shall be applicable.

74-95

Housing Quality Developments

* * *

74-951

Bulk Provisions for Developments

The maximum *residential floor area ratio* for any *building* on a *zoning lot* and the required *lot area per dwelling unit* shall be as follows:

Required

	Maximum Floor Area Ratio Permitted	Lot Area Per Dwelling Unit
R3	0.50	1125
R4	0.75	833
R5	1.25	517
R6	2.43	288
R7	3.44	216
R8	6.02	132
R9	7.52	117
R9A	9.00	100
R10	10.00	90
R10[BONUS]	12.00	75

Inclusionary Housing:

The *floor area* [bonus] provisions for predominantly *residential buildings* in R10 districts and *commercial districts* permitting an R10 *floor area ratio* may be modified in accordance with Section [74-957 of 23-90 (Inclusionary Housing this chapter)] provided that the *floor area ratio does not exceed 12.0*. The *special optional regulations relating to predominately built up areas* infill and the *lot area per room* and *floor area per room* requirements of Section 23-00 et-seq shall not apply to any *development* for which a special permit is granted under provisions of this section.

* * *

74-952

Housing Quality Definitions

* * *

Shadow Area, Maximum

* * *

The required azimuths (angle of the sun in plan are 1) 57 degrees east of south at 9 A.M. 20 degrees south at 12 Noon and ,3) 57 degrees west of south at 3 P.M. The lengths of shadow are:

District	9 A.M. and 3 P.M.	Noon
R3	45ft.	25ft.
R4	60ft.	30ft.
R5	145ft.	75ft.
R6	210ft.	110ft.
R7	280ft.	150ft.
R8	345ft.	185ft.

R9	415ft.	220ft.
R10	480ft.	255ft.
R10[Bonus]	535ft.	285ft.

Inclusionary Housing

* * *

74-957

Special Regulations for Housing Quality

Developments in R10 Districts or Commercial Equivalents

[A] Housing Quality *developments* in R10 District or *commercial* equivalents which earn at least 85 Housing Quality Program points under the scoring system described in Section 74-954 (Guidelines for applications), score a mandatory minimum of 15 points in each of its 4 parts, as a precondition for application, may be increased from a *floor area ratio* of 10 to a maximum of 12 and the *lot area per dwelling unit* may be reduced from 90 to a minimum of 75 provided such *development* [contains one or a combination of the public amenities described in "B" below.] As a precondition for any application for a Housing Quality *development* special permit in an R10 district or *commercial* equivalent the following conditions shall be satisfied.

- 1) Curb cuts. The number of curb cuts shall be limited to one per *street*. No curb cuts shall be allowed on wide *streets*. The number and location of curb cuts for *zoning lots* with only wide *street* frontage or for sites 40,000 square feet or larger may be modified by the City Planning Commission.
- 2) Central Trash Collection. There shall be a single location for the collection and removal of all trash from the *building*, within the *building* and such facility shall be protected by an enclosure surfaced with the same materials as that of the *building* proper. The size and design of the enclosure shall meet the requirements of the Sanitation Department and the private carting service.

†B) In order to earn an increase in *floor area ratio* and a reduction in *lot area per dwelling unit* in a Housing Quality Development, the *development* shall first provide a *plaza* or a neighborhood improvement or a combination of the two. The following are bonusable public amenities for Housing Quality Development.

- 1) a *plaza* as defined in Section 12.10 except that:

- a) The *plaza* in a *residential* district shall be aggregated into a single space having a minimum dimension of 40 feet and a minimum area of 4,000 square feet and be accessible at all times for public use. The *plaza* shall be developed as either

residential park, residential plaza or residential playground based upon the appropriateness, size and location of the *plaza*.

b) Direct access along the *street line* abutting the *plaza* shall be at least 50 percent of such frontage.

c) The elevation of the *plaza* surface shall be within 3'-0" of the adjacent *curb level*. Differences in elevation shall be joined by ramps with slopes no greater than 5%.

d) The *plaza* shall be adequately landscaped with major trees, planting, seating and lighting.

e) The *plaza* shall be display in a prominent location a plaque indicating the public nature of the space and information as required by the commission.

f) Loading berths, driveways, parking areas, and other vehicular oriented spaces shall not be considered *plaza* space.

g) The *plaza* shall be maintained in accordance with a maintenance plan approved by the Commission.

2) Neighborhood Improvements.

a) One or more offsite physical improvements such as *street trees*, decorative paving and sidewalks, bus shelters, planters, benches or sitting areas, trash containers, information kiosks, *street* furniture, artwork, or the cleaning of landmarks shall be provided within the area delineated by the *street districts(s)* of the *zoning lot*.

b) The Commission shall after consultation with the local Community Board, shall certify which neighborhood improvements shall be provided and the specifications for such improvements including a maintenance plan therefor.

3) An *arcade* as defined in Section 12-10 except that:

a) The *arcade* is permitted only in R10 districts with *commercial* overlays or *commercial* districts that are R10 *residential* equivalents.

b) An *arcade* shall be provided where adjoining or adjacent existing *buildings* contain *arcades*.

c) The *arcade* is permitted on *zoning lots* whose wide *street line* shall be in excess of 200 feet on wide *streets* which are major crosstown *streets*. When adjacent existing *buildings* contain *arcades* the minimum wide *street line* requirement is waived.

d) The *arcade* shall extend the full length of the *zoning lot* along the *street line* of a wide *street*.

e) The exterior face of building columns shall be coincident with the *street line*.

f) The minimum depth of an *arcade* shall be 15'-0".

g) The average height of the *arcade* along the centerline of its longitudinal axis shall not be less than 15'-0". At no point shall the minimum height of the *arcade* be less than 8'-0".

h) The *arcade* shall be adequately illuminated.

i) The surface of the *arcade* shall be continuous with and at the same elevation as the adjoining sidewalk.

4) A public area which may be partially open to the sky or fully covered as set forth below:

a) The public area shall be permitted only in R10 Districts with *commercial* overlays or in commercial districts that are R10 *residential* equivalents.

b) A Minimum of 15 percent of the *lot area* of the *zoning lot* shall be available for public use. This minimum area shall be aggregated into a single space and have a minimum dimension of 40'-0". At least 70% of this space shall be open to the sky or either partially or fully covered by a glazed roof surface.

c) For the purpose of insuring prominent public attention to the public area, it shall be clearly visible and directly accessible from an adjoining *street*.

d) *Covered* or *Indoor Space* greater than 15'-0" deep shall have a minimum average height of 15'-0". At no point shall the minimum height of a covered area be less than 10'-0".

e) That portion of the public area which abuts a *street* and connects the *street* to the aggregated public area may have a width of not less than 25 feet.

f) It shall have permitted retail *uses* listed in Use Group 6 occupying the maximum feasible frontage along those bounding walls of the public area which do not abut *lot lines* or *street lines*. At least 50% of such frontage shall be developed with such *uses*. No more than 25% of the aggregated minimum public area mentioned above can be used for retail or *commercial use*. Opaque wall surfaces shall be treated decoratively.

g) The level of the public area shall at no point be more than 5'-0" above or 5'-0" below *curb level* of the *street* providing primary access to such public areas. Differences in elevation shall be joined by ramps with slopes no greater than 5%.

h) Seating shall be provided on the basis of one seat (18" wide with back) for each 125 square feet of public area.

i) There shall be a minimum of one major tree of 4" caliper or more minor tree 8'-0" in height per 1,000 square feet of the aggregated minimum area mentioned above.

j) A minimum of 10% of the total public area is to be planted.

k) ? attributable to the public area shall be exempt from the *floor area* calculations.

l) The public area shall be maintained in accordance with a maintenance plan approved by the Commission.

† Where trees are planted pursuant to this Section prior to April 1, 1978, such planting may be undertaken in accordance with the tree caliper requirements existing prior to the effective date of this amendment.

5) The preservation of an existing *building* or *buildings* on the same *zoning lot* which, except for required *rear* and *side yards* is contiguous to an existing *building* shall be scored in accordance with the regulations governing the four sections of the Housing Quality special permit as a part of the score for the entire application. For *non-residential buildings* only the Neighborhood Impact section need apply. The Commission also may waive Housing Quality requirements which are not possible to comply with because of existing structural conditions. In addition the Commission shall find:

a) that the *building* to be preserved has made and will continue to make a significant positive impact towards the quality of the surrounding neighborhood by contributing to its economic, social, cultural or aesthetic character.

b) that when rehabilitation is necessary an acceptable schedule for its implementation accompanies the application for a special permit.

c) an acceptable agreement between the tenants and the developer which allows all tenants.

i) continue as residents on the same *zoning lot* in *dwelling units* which have comparable size, exposure and floor.

ii) continue their existing rent levels subject to increases only at existing expiration dates and within the guidelines of either the rent stabilization or rent control laws, whichever is presently applicable to the preserved *building*. Tenants and developers may reach other forms of mutually acceptable agreement but evidence shall be submitted that the tenant who does so was aware of the two provisions governing relocation.

d) that the relocation practices followed by the developer on the entire *zoning lot* satisfy applicable government standards.

The area of *plazas* in Housing Quality *developments* shall be included in the calculation for Program Elements regulating Onsite Sunlight, Planting and Trees. That portion of the public area which corresponds to the minimum aggregated area shall be included in the calculations for Program Elements regulating Onsite Sunlight (assume open to the sky for computations) and Trees. The total public area shall be included in the calculations for the Program Element regulating Planting. All of the above shall conform to the requirements for compliance of the applicable Program Elements. The bonusable area of *plazas*, *arcades* and public areas may not be applied towards the compliance of the recreation standards in the Type and Size Program Element in the Recreation Program.

Floor Area Bonus

- fi) For each square foot of public area or portion thereof provided on the *zoning lot*, the total floor area permitted on that *zoning lot* under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by 6 square feet.
- ii) For each square foot of *plaza* or thereof 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 an R10 District) may be increased by 6 square feet for each square foot of *plaza*, provided such increase in *floor area* does not exceed 12% of the *floor area* permitted in Section 23-15.
- iii) For each square foot of *arcade* or portion thereof provided on the *zoning lot* the total *floor area* permitted on that *zoning lot* under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by 3 square feet.
- iv) For each \$5.00 of neighborhood improvement or portion thereof provided within the *street district* including any amounts set aside for maintenance of such improvements the total *floor area* permitted on the *zoning lot* under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by one square foot.
- v) The increase in the basic *floor area ratio* on a *zoning lot* for the preservation of an existing *building* shall be equal to one square foot for each square foot of *floor area* in the preserved *building*.

In no case shall the total *floor area ratio* on a *zoning lot* exceed the prescribed limits of the applicable districts as set forth in Sections 23-15, 24-17, 33-120.5., 35-31.

Lot Area Bonus

For each percent of additional *floor area* achieved by *plaza, arcade, public area, neighborhood improvement or preservation*, the *lot area per dwelling unit* requirement of 90 square feet shall be reduced by 1 percent. However, in no event shall such *lot area per dwelling unit* be less than 75 feet.

* * *

74-959

**Special Regulations for Housing Quality
Developments on Zoning Lots Containing
Existing Buildings to Remain.**

* * *

In the case of an *integrated development* the Commission shall also [make the findings required under Section 74-957 B. 5a, b, c, & d] finds:

- a) that the existing *building to remain* has made and will continue to make a significant positive impact towards the quality of the surrounding neighborhood by contributing to its economic, social, cultural or aesthetic character.
- b) that when rehabilitation of the existing *building to remain* is necessary an acceptable schedule for its implementation accompanies the application for a special permit.
- c) that an acceptable agreement exists between the tenants of the existing *building to remain* between the tenants and the developer which allows all tenants to:
 - i) continue as residents on the same *zoning lot in dwelling units* which have comparable size, exposure and floor.
 - ii) continue their existing rent levels subject to increases only at existing expiration dates and within the guidelines of either the rent stabilization or rent control laws, whichever is presently applicable to the existing *building to remain*. Tenants and developers may reach other forms of mutually acceptable agreement but evidence shall be submitted that the tenant who does so was aware of the provisions of this section governing relocation.
- d) that the relocation practices followed by the developer on the entire *zoning lot* satisfy applicable government standards.

ARTICLE VIII

Chapter 2 Special Lincoln Square District

* * *

82-08

**Modification of Bulk and Height and Setback
Requirements**

Bulk and Height and Setback regulations otherwise applicable in the L District are modified to the extent set forth in paragraphs (1) through (4) of this section, subject, to the following limitations:

In no event shall the total *floor area ratio* permitted on a *zoning lot* exceed 12.0

* * *

(2) For all *buildings* as to which the provisions of Section 82-09 (Mandatory Arcades) or Section 82-10 (Public Amenities) are applicable, *floor area* may be increased under terms and conditions set forth in Section 82-10 (Public Amenities); For all *buildings* to which the provisions of Section 23-90 (Inclusionary Housing) are applicable, *floor area* may be increased under the terms and conditions set forth in said section.

* * *

82-10

Public Amenities

The Commission by special permit issued after public notice and hearing and subject to Board of Estimate action, may grant the increase in *floor area* specified in paragraphs (a) and (b) [through (c)] of this section and may authorize a corresponding decrease in required *lot area per room*, if applicable and appropriate modifications of height and setback regulations, yard regulations, regulations governing minimum distance between buildings on a single zoning lot and regulations governing courts and minimum distance between legally required windows and walls or lot lines for new *building* which includes one or more of the public amenities described in paragraphs (a) and (b) [through (c)] of this section, provided that the Commission finds that inclusion of the proposed amenity will significantly protect the specific purposes for which the *Special Lincoln Square District* is established.

* * *

The Commission shall restrict the increase in *floor area* for any amenity within the ranges set forth in the following table:

INCREASE IN SQUARE FEET OF FLOOR AREA

Maximum

(a) for a mandatory <i>arcade</i> (82-09)	7 per sq. ft. of Mandatory <i>Arcade</i> not to exceed 10 FAR
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- | | |
|--|---|
| (b) for subsurface concourse connections to subways, or for subway improvements. | An amount subject to the limitations set forth in Section 82-08 to be determined by the Commission, after consideration of the amenity by criteria (1) through (4) of this Section. |
| (c) for provisions of low or moderate income housing | An amount subject to the limitations set forth in Section 82-08, to be determined by the Commission. |

Building and pavement used shall be subject to City Planning Commission approval in order to reinforce the character of the Special Lincoln Square District Area.

ARTICLE IX

Chapter 6 Special Clinton District

96-21

Floor Area Bonus

For any *development* the *floor area ratio* permitted by the underlying district may be increased from 10.0 to 12.0 only by complying with either the provisions of Section [96-211 (Floor area bonus for provision of rehabilitated housing)]

23-90 (Inclusionary Housing) or Section 96-[212] 211

(Floor area bonus for a park) or a combination of these two sections. For every 1 increase of permitted *floor area ratio* above 10.00 the *lot area per room* requirements as set forth in Section 23-22 (Required Lot Area Per Dwelling Unit or Per Room) may be reduced by .255 square feet. In no event shall such reduction exceed 17 per cent of the applicable *lot area* requirements set forth in Section 23-22.

A permanent certificate of occupancy for any *building incorporating bonus floor area* pursuant to this section shall not be issued by the Department of Buildings until the issuance of a permanent certificate of occupancy for [rehabilitation] lower income housing and/or park hereunder. In addition to the requirements of Section 23-90 (Inclusionary Housing), any units for which a *floor area* increase has been earned pursuant to Section 23-90 shall be within the Special Clinton District.

96-211

Floor area bonus for rehabilitated housing

For each *room of* rehabilitated housing provided within the Preservation Area the total *floor area* permitted on a *zoning lot* within the Perimeter Area may be increased by 500 square feet.

The number of *rooms* of rehabilitated housing which may generate bonus pursuant to this section shall not exceed the number of *rooms* which occupied the rehabilitated spaces prior to such rehabilitation. This bonus shall be granted provided that the Administrator of Housing and Development certifies to the Department of Buildings:

(a) That the housing will be substantially rehabilitated within the meaning of the following: A property will be considered substantially rehabilitated when its condition is improved from a substantially substandard condition to a decent, safe and sanitary condition, which, with normal maintenance and repair, will remain in such condition at least 5 years. Substantially substandard condition means that the housing, while structurally sound, is not only below decent, safe, and sanitary condition, but also has one or more critical defects, or a combination of potential defects in sufficient number or extent to require considerable repair or rebuilding. The defects are either so critical or so widespread that the structures should be extensively repaired. Such defects are either so critical or so widespread that the structures should be extensively repaired. Such defects may include, but not be limited to: holes or open cracks, rotted, deteriorated, loose or missing material over a large area of the outside walls, roof, chimney, inside walls, floors, or ceilings; substandard sagging of floor, walls or roof; extensive damage by storm fire, or flood; inadequate or potentially hazardous utility systems and equipment; and lack of hot or cold running water, flush toilet, or tub or shower.

Administrator of the Housing and Development shall certify that the cost of this rehabilitation shall be commensurate with the value of the *floor area* bonus in the perimeter area.

b) That any eviction or termination of tenancies undertaken in connection with such rehabilitation satisfies all applicable legal requirements.

c) That the initial average monthly rental for the rehabilitated *dwelling units* does not exceed \$37 per *room*, which rental may be adjusted only in accordance with regulations of the Rent Guidelines Board or successor thereto. The period of regulated rent adjustments may end at the conclusion of the term of the initial mortgage or 25 years, whichever is later.

(d) That the developer follow a tenant selection process which:

(i) limits tenants to persons whose annual income is not greater than those limits specified in Article 2 of the New York Private Housing Finance Law.

(ii) gives first priority to otherwise qualified persons who were temporarily relocated from the site of the rehabilitated housing.

(iii) affords priority to residents of the Special Clinton District.

(e) That provision is made for regular meetings between an organization representing the tenants of the rehabilitated housing and the owner to discuss maintenance, repairs and other matters related to the operation of the rehabilitated *dwelling units*.

(f) That within 30 days of the filing of an application under the provisions of this Section, notification of filing of such application shall be given by the Administrator of Housing and Development to Borough of Manhattan Community Board #4.

96-212

Floor area bonus for a park

Resolution for adoption scheduling March 4, 1987 for a public hearing.

No. 6

CD 2

C 870101 HAX

IN THE MATTER OF the designation and disposition of city-owned property, pursuant to the Urban Development Action Area Act and Section 197-c of the New York City Charter.

Approval of three separate matters is requested:

1) The designation as an Urban Development Action Area:

<u>BLOCK</u>	<u>LOT</u>	<u>LOCATION</u>
2762	1	800-822 Hunts Point Avenue
2762	27	801 Faile Street
2762	29	1291-93 Lafayette Avenue

2) Approval of an Urban Development Action Area project for such property; and

3) Disposition of such property to a developer to be selected by the Department of Housing Preservation and Development.

The **proposed project, tentatively known as Pio Mendez**, will consist of 91 dwelling units for the elderly and handicapped and one unit for a superintendent. The project will have on-site parking, open space and special amenities as well as supportive services.

Financing will be provided by Section 202 of the National Housing Act, as amended, with subsidy for 100% of the units provided under Section 8 of the US Housing Act of 1937, as amended.

Resolution for adoption scheduling March 4, 1987 for a public hearing.

II. PUBLIC HEARINGS

BOROUGH OF QUEENS

No. 7

CD 12

C 870367 PSQ

C 870368 PPQ

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of General Services pursuant to Section 197-c of the New York City Charter for the selection, acquisition and disposition of property located on the west side of 160th Street between 90th Avenue and Jamaica Avenue (Block 9756, Lot 50 and part of Lots 64 and 18), as more specifically described in a diagram provided by the Department of General Services and dated January 15, 1986 for the construction of the "Jamaica Farmer's Market".

(On January 14, 1987, Cal. No. 6, the Commission scheduled January 28, 1987 for a public hearing. On January 28, 1987, Cal. No. 26, the hearing was continued to February 18, 1987.)

Close the hearing.

BOROUGH OF BROOKLYN

Nos. 8, 9 and 10

(Proposed amendment to the Ocean Hill Urban Renewal Plan, disposition of property and a proposed New York City Housing Plan and project.)

No. 8

CD 16

C 870322 HUK

PUBLIC HEARING:

IN THE MATTER OF an Urban Renewal Plan for the Ocean Hill Urban Renewal Area, pursuant to Section 505 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter.

The **proposed amendment** would facilitate the construction of 156 dwelling units in 78 three story buildings on Sites 111A, 111B, and 111C within the Ocean Hill Urban Renewal Area.

The plan provides for the acquisition, clearance and redevelopment of parts of three blocks within the Ocean Hill Urban Renewal Area.

The properties to be acquired are as follows:

SITE 111A—Part of the block bounded by Park Place, Howard Avenue, Sterling Place and Ralph Avenue (block 1466, lots 20, 22, 24, 27, 29 thru 33, 35, 36, 38, 41, 141, 42 thru 45, 47, 49, 55, 57, 60, and 63).

SITE 111B—Part of the block bounded by Sterling Place, Howard Avenue, St. John's Place and Ralph Avenue (block 1470, lots 1, 3, 8, thru 11, 15, 17 thru 20, 22 thru 25, 33, 35 thru 39, 41, 48 thru 53, 55, 58, 59, 73, 148 and 160).

SITE 111C—Part of the block bounded by Sterling Place, Eastern Parkway, St. John's Place and Howard Avenue (block 1471, lots 1, 4 thru 11, 14 thru 24, 53, 55, 57, 59 and 61).

(On January 28, 1987, Cal. No. 1, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

No. 9

CD 16

C 870323 HDK

PUBLIC HEARING:

IN THE MATTER OF the disposition of city-owned property within the Ocean Hill Urban Renewal Area, pursuant to Section 197-c of the New York City Charter.

The proposed disposition would facilitate the construction of 156 dwelling units for families of low-income in 78 three story buildings on Sites 111A, 111B and 111C within the Ocean Hill Urban Renewal Area.

The properties to be acquired are to be disposed to a Turnkey developer selected by the New York City Housing Authority. Upon completion the project is to be acquired by the New York City Housing Authority.

The properties to be disposed are as follows:

SITE 111A—Part of the block bounded by Park Place, Howard Avenue, Sterling Place and Ralph Avenue (block 1466, lots 20, 22, 24, 27, 29, thru 33, 35, 36, 38, 41, 141, 42 thru 45, 47, 49, 55, 57, 60, and 63).

SITE 111B—Part of the block bounded by Sterling Place, Howard Avenue St. John's Place and Ralph Avenue (block 1470, lots 1, 3, 8, thru 11, 15, 17 thru 20, 22, thru 25, 33, 35 thru 39, 41, 48 thru 53, 55, 58, 59, 73, 148 and 160).

SITE 111C—Part of the block bounded by Sterling Place, Eastern Parkway, St. John's Place and Howard Avenue (block 1471, lots 1, 4 thru 11, 14 thru 24, 53, 55, 57, 59 and 61).

(On January 28, 1987, Cal. No. 2, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

No. 10

CD 16

C 870033 HOK

PUBLIC HEARING:

IN THE MATTER OF a New York City Housing Authority plan and project within the Ocean Hill Urban Renewal Area, pursuant to Section 150 of the Public Housing Law of New York State and Section 197-c of the New York City Charter.

The proposed plan and project provides for the construction of 156 dwelling units for families of low-income in 78 three story buildings on Sites 111A, 111B and 111C within the Ocean Hill Urban Renewal Area.

The properties to be acquired are to be disposed to a Turnkey developer selected by the New York City Housing Authority. Upon completion the project is to be acquired by the New York City Housing Authority.

The project site comprises the following properties:

SITE IIIA—Part of the block bounded by Park Place, Howard Avenue, Sterling Place and Ralph Avenue (block 1466, lots 20, 22, 24, 27, 29 thru 33, 35, 36, 38, 41, 141, 42 thru 45, 47, 49, 55, 57, 60 and 63).

SITE IIIB—Part of the block bounded by Sterling Place, Howard Avenue, St. John's Place and Ralph Avenue (block 1470, lots 1, 3, 8, thru 11, 15, 17 thru 20, 22 thru 25, 33, 35 thru 39, 41, 48, thru 53, 55, 58, 59, 73, 148 and 160).

SITE IIIC—Part of the block bounded by Sterling Place, Eastern Parkway, St. John's Place and Howard Avenue (block 1471, lots 1, 4 thru 11, 14, thru 24, 53, 55, 57, 59, and 61).

(On January 28, 1987, Cal. No. 3, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

No. 11

CD 3

C 870266 PPK

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 of eight (8) City-owned properties.**

<u>BLOCK</u>	<u>LOT</u>	<u>LOCATION</u>
1519	38	161 Saratoga Avenue
1607	25	538 Kosciusko Street
1761	74	659 Willoughby Avenue
1770	84	27 Pulasky Street
1899	37	74-76 Skillman Street
1954	102	329 Franklin Avenue
1968	51	157 Lexington Avenue
1985	43	400 Franklin Avenue

(On January 28, 1987, Cal. No. 4, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

No. 12

CD 1,2,3,4,7,8

C 870395-400 PPK

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 of fifty-two (52) City-owned properties.**

<u>ULURP NO.</u>	<u>COM. BOARD</u>	<u>NO. OF PARCELS</u>
870395 PPK	1	4
870396 PPK	2	7
870397 PPK	3	32
870398 PPK	4	2
870399 PPK	7	4
870400 PPK	8	3

A list and description of the properties can be seen at the City Planning Commission, 2 Lafayette Street-Room 1614, New York, N.Y. 10007.

(On January 28, 1987, Cal. No. 5, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

 No. 13

CD 2

C 860928 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Time Out Family Amusement Centers, Inc., pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-47 of the Zoning Resolution, for the **grant of a special permit** for a term of three years, to **allow** an approximately 2,700 square foot **amusement arcade** located **below street level in the Albee Square Mall Building, 1 DeKalb Avenue, within the Special Fulton Mall District.**

Plans for this amusement arcade are on file with the City Planning Commission and may be seen in Room 1514, 2 Lafayette Street, New York, New York 10007.

(On January 28, 1987, Cal. No. 6, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

No. 14

CD 2

C 860867 GFK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Consolidated Edison Company of New York, Inc. pursuant to Section 197-c of the New York City Charter for the **grant of a 10-year revocable consent to construct, maintain and use** a 3 feet - 6 inches high by 205 feet - 3 inches long steel guard rail, on the 10 feet - 2 inches wide sidewalk at 245 Plymouth Street; with 22 posts, spaced 9 feet 9 inches apart, extending 1 foot - 2 inches south from the building line to protect the Con Edison substation's air louvers from passing trucks while leaving 9 feet pedestrian clearance along the guard rail's entire length. **The proposed Plymouth Street guard rail** is to be located 45 feet - 3 inches west from the corner Gold Street property line, to a point 30 feet - 6 inches east of the west side property line, on Block 29 Lot 9.

(On January 28, 1987, Cal. No. 7, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 15

CD 7

C 850337 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Geloda/Briarwood Corp. pursuant to Sections 197-c and 200 of the New York City Charter and Sections 13-462 and 74-52 of the Zoning Resolution for the **grant of a Special Permit for a public parking garage** containing 47 parking spaces on property located at 100 West 89th Street, bounded by West 88th Street, West 89th Street and Columbus Avenue (Block 1219, Lots 30-32 p/o 33).

Plans for this public parking garage are on file with the City Planning Commission and may be seen in Room 1514, 2 Lafayette Street, New York, New York 10007.

(On January 28, 1987, Cal. No. 8, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

 No. 16

CD 8

C 860657 PLM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the New York City Police Department pursuant to Section 197-c of the New York City Charter for the **disposition of real property** involving a three year lease for the first and second floors (approximately 23,750 square feet) of a building located at 312 East 94th Street (Block 1556, Lot 40) **for temporary occupancy by the 19th Precinct** during the reconstruction of its permanent precinct house at 153 East 67th Street.

(On January 28, 1987, Cal. No. 9, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

No. 17

CD 2

C 860839 PLM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Fay Fishel, Trustee of the Last Will and Testament of Bernard Fishel d/b/a Ken-Rob Co. pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-781 of the Zoning Resolution for the **grant of a special permit** to modify the provisions of Section 42-14D 2(b) of the Zoning Resolution **to allow use and occupancy** of approximately 8,700 square feet **of the ground floor as retail space at property located at 632 Broadway** (Block 522, Lot 10), in an M1-5B District.

Plans for this proposed retail space are on file with the City Planning Commission and may be seen in Room 1514; 2 Lafayette Street; New York, NY 10007.

(On January 28, 1987, Cal. No. 10, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

No. 18

CD 5

C 860927 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Time Out Family Amusement Centers, Inc., pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-47 of the Zoning Resolution for the **renewal of a special permit** for a term of three years **to permit an amusement arcade to be located in the LIRR Concourse at 1 Penn Plaza.**

Plans for this amusement arcade are on file with the City Planning Commission and may be seen in Room 1514, 2 Lafayette Street, New York, N.Y. 10007.

(On January 28, 1987, Cal. No. 11, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

No. 19

CD 10

C 860778 HAM

CONTINUED PUBLIC HEARING:

IN THE MATTER OF the designation and disposition of city-owned property, pursuant to the Urban Development Action Area Act and Section 197-c of the New York City Charter.

Approval of three separate matters is requested:

1) The designation as an Urban Development Action Area:

Property on part of the block bounded by Frederick Douglass Boulevard, West 112th Street, Manhattan Avenue and West 113th Street (Block 1847, 21 thru 28; 2075-2083 Frederick Douglass Boulevard and 300, 304 and 306 West 113th Street.)

2) An Urban Development Action Area Project for such property, and

3) The disposition of such property to a developer to be selected by the Department of Housing Preservation and Development.

The proposed project tentatively known as Antlers Apartments, would provide 81 apartments for the elderly and handicapped, plus one superintendent's apartment. Recreational and open space will also be provided.

(On January 14, 1987, Cal. No. 7, the Commission scheduled January 28, 1987 for a public hearing. On January 28, 1987, Cal. No. 30, the hearing was continued to February 18, 1987.)

Close the hearing.

CITYWIDE

No. 20

CD 1,4,7,8,10,12 AThe Bronx

C 850518 BFY

5 Brooklyn

5,6, Manhattan

1,2,3,4,5,6,7,8,9,10,11,12,13,14 Queens

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Jamaica Buses, Inc. requesting renewal of its omnibus franchise contract dated January 9, 1974 to

provide local, express, racetrack and raceway bus service. This contract includes the following routes:

Race Track Routes	Q-114	Aqueduct Race Track
	Q-115	Belmont Park Race Track
	BW-10	Brooklyn-Yonkers Raceway
	QW-10	Queens-Yonkers Raceway
	QW-11	Belmont RT-Yonkers Raceway
	QW-12	Aqueduct RT-Yonkers Raceway
	QW-13	Long Island City-Roosevelt Raceway
	QN-10	Queens-Roosevelt Raceway
	QN-11	Long Island City-Roosevelt Raceway
	BN-10	Brooklyn-Roosevelt Raceway
<u>Local Routes</u>	Q-110	Belmont Park-Jamaica
	Q-111	New York Blvd.—Jamaica— Hook Creek
	Q-112	Ozone Park-Jamaica
	Q-113	Far Rockaway
<u>Express</u>	QM-21	Rochdale, Queens-Manhattan

(On January 28, 1987, Cal. No. 12, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

No. 21

Citywide

N 870492 ZRY

PUBLIC HEARING:

IN THE MATTER OF amendments to Section 200 of the New York City Charter, of the Zoning Resolution, relating to Section 74-711, **clarifying the language of the landmarks preservation special permit findings** by removing superfluous language regarding appreciable increase in building volume.

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

Matter in **BOLD TYPE** is new, to be added:

Matter in *italics* is defined in Section 12-10 of the Zoning Resolution.

74-711

Landmark Preservation in all districts

In all districts, upon application of the Landmarks Preservation Commission, the City Planning Commission may permit modification of the *use* and *bulk* regulations, except *floor area ratio* regulations, applicable to *zoning lots* with existing *buildings* provided that the following findings are made:

(a) That the said *zoning lot* contains a landmark designated by the Landmarks Preservation Commission, or that said *zoning lot* lies within a Historic District designated by the Landmarks Preservation Commission; and

(b) That a program has been established for continuing maintenance that will result in the preservation of the subject *building* or *buildings*; and

(c) [That any modification of *bulk* regulations will not result in an appreciable increase of *building* volume on the *zoning lot* and t] That such *bulk* modifications relate harmoniously to all structures or *open space* in the vicinity in terms of scale, location and access to light and air in the area, as determined by the City Planning Commission.

(On January 28, 1987, Cal. No. 13, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

No. 22

Citywide

N 870443 ZRY

PUBLIC HEARING:

IN THE MATTER OF an amendment to the Zoning Resolution, pursuant to Section 200 of the New York City Charter, to clarify the definition of "a landmark building or other structure" for the purpose of transfer of development rights from a landmark as permitted in Section 74-79.

Proposed Text Amendment to Section 74-79

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

Matter in **BOLD TYPE** is new, to be added;

Matter in *italics* is defined in Section 12-10 of the Zoning Resolution.

* * *

Transfer of Development Rights from Landmark Sites

In all districts except R1, R2, R3, R4, or R5 Districts, or C1 or C2 Districts mapped within such districts, for new *developments* or *enlargements*, the City Planning Commission may permit development rights to be transferred to adjacent lots from lots occupied by landmark *buildings* or *other structures*, may permit the maximum permitted *floor area* on such adjacent lot to be increased on the basis of such transfer of development rights, may permit in the case of *residential developments* or *enlargements*, the minimum required *open space* or the minimum *lot area per room* to be reduced on the basis of such transfer of development rights, may permit variations in the front height and setback regulations and the regulations governing the size of required loading berths, and minor variations in *plaza*, *arcade* and *yard* regulations, for the purpose of providing a harmonious architectural relationship between the *development* or *enlargement* and the *landmark building* or *other structure*.

Where a *zoning lot* occupied by a landmark *building* or *other structure* is located in a *residence district*, the Commission may modify the applicable regulation of primary business entrances, show windows, *signs* and entrances and exits to *accessory* offstreet loading berths on the "adjacent lot" in a *commercial* district provided that such modifications will not adversely affect the harmonious relationship between the *building* on the "adjacent lot" and the landmark *building* or *other structure*.

For the purposes of this Section, the term "adjacent lot" shall mean a lot which is contiguous to the lot occupied by the landmark *building* or *other structure* or one which is across a *street* and opposite to the lot occupied by the landmark *building* or *other structure*, or, in the case of a *corner lot*, one which fronts on the same *street* intersection as the lot occupied by the landmark *building* or *other structure*. It shall also mean in the case of lots located in a C5-3, C5-5, C6-6, C6-7 or C6-9 Districts a lot contiguous or one which is across a *street* and opposite to another lot or lots which except for the intervention of *street* or *street* intersections form a series extending to the lot occupied by the landmark *building* or *other structure*. All such lots shall be in the same ownership (fee ownership or ownership as defined under *zoning lot* in Section 12-10). A "landmark *building* or *other structure*" shall include any *building* or *other structure* designated as a landmark by the Landmarks Preservation Commission and the Board of Estimate pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code, but shall not include [any] *buildings* or *other* [any] *structures* for which cemetery purposes is the primary use, [public parks,] *buildings* or *other structures* within [public parks or] historic districts, [those portions of *zoning lots* used for cemetery purposes,] statues, monuments and bridges. No transfer of

development rights is permitted pursuant to this Section from zoning lots occupied by buildings or other structures within historic districts, those portions of zoning lots for which cemetery purposes is the primary use, or those portions of zoning lots occupied by statues, monuments or bridges.

The grant of any special permit authorizing the transfer and use of such development rights shall be in accordance with all the regulations set forth in Sections 74-791 (Requirements for application), 74-792 (Conditions and limitations), and 74-793 (Transfer instruments and notice of restrictions).

(On January 28, 1987, Cal. No. 14, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.



No. 23

CITYWIDE

N 850487 ZRY

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 200 of the New York City Charter for an amendment to the Zoning Resolution establishing an Inclusionary Housing Program. The program permits an increase in allowable floor area in R10 and certain equivalent districts when lower income housing is developed or preserved.

Matter in bold type is new,

Matter in [brackets] to be removed,

Matter in italics defined in Section 12-10 or in this amendment:

23-15

Maximum Floor Area Ratio in R10 Districts

R10

In the district indicated, the floor area ratio for any building on a zoning lot shall not exceed 10.0, except as provided in the following sections:

* * *

Section 23-90 (Inclusionary Housing)

* * *

Notwithstanding any other provision of this resolution, the maximum floor area ratio shall not exceed 12.0.

All *developments* or *enlargements* located within the boundaries of Community Board #7 in the Borough of Manhattan shall be subject to the requirements of Section 23-151 (R10 Infill) and no *floor area* bonus shall be granted for such *developments* or *enlargements*, except as [otherwise] set forth in Section 23-[151] 90 (Inclusionary Housing).

* * *

In the R10A Districts the *floor area ratio* for any *building* on a *zoning lot* shall not exceed 10.0 except as provided in Section [74-95 (Housing Quality Developments).] 23-90 (Inclusionary Housing).

* * *

23-22

Required Lot Area per Dwelling Unit
Lot Area per Room or Floor Area per Room

* * *

(c) In R3, R6, R7, R9, and R10 Districts, the *lot area* required is expressed in terms of *rooms*, and as indicated, the total *lot area* of a *zoning lot* shall not be less than as set forth in this section, except as provided in the following sections:

* * *

Section 23-90 (Inclusionary Housing)

(d) In the R8A, R8B, R9A, R9X or R10A Districts, the *lot area* requirement is expressed in terms of *dwelling units* or *rooming units* and the *lot area per dwelling unit* or *rooming unit* shall not be less than as set forth in this section, except as provided in the following sections:

Section 23-90 (Inclusionary Housing)

* * *

23-90 INCLUSIONARY HOUSING

23-91

General Provisions

R10

In the district indicated, an Inclusionary Housing program is established to preserve and promote a mixture of low to upper income housing within neighborhoods experiencing a shift from mixed to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-94.

23-92

Definitions

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

Administering Agent

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

Compensated Development

A "compensated development" is a *development* which receives an increased *floor area ratio* as a result of meeting the requirements of the Inclusionary Housing program.

Development

For the purposes of the Inclusionary Housing program, a "development" is a *development* as defined in Section 12-10 or an *enlargement* of more than 50 percent of the *floor area* of an existing *building*.

Fair Rents

At initial occupancy of *lower income housing*, "fair rents" are annual rents for such housing equal to 30 percent of the annual incomes of the respective tenants of such housing, provided that such tenants are *lower income households* at the time of initial occupancy pursuant to the provisions of this program (the "Section 8 Standard").

Upon renewal of a lease for an existing tenant, "fair rent" is the then-current *fair rent* for the housing plus a percentage increase equal to the percentage increase for a one or two year renewal lease, as applicable, permitted by the Rent Guidelines Board for units subject to rent stabilization (the "Rent Stabilization Standard"). Upon rental of *lower income housing* to a new tenant, "fair rents" are the higher of

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

There shall be no additional charge to the tenant for the provisions of heat and electric service except that the Commissioner of Housing Preservation and Development may approve a *lower income housing plan* permitting a *lower income household* to be made responsible for the payment of utilities as long as the sum of

- (i) the initial *fair rent* and

(ii) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment

do not exceed 30 percent of said *lower income household's* income. At initial occupancy of any *lower income housing*, no portion of the *fair rent* shall be for the payment of the principal or interest on any debt and the *lower income housing* shall not secure any debt other than city taxes on such housing. Thereafter, *fair rents* may be used for principal or interest of debt only if such debt was incurred after the date of initial occupancy and for a capital improvement to such *lower income housing* other than those set forth in the *lower income housing plan*.

Lower Income Household

A "lower income household" is a *family* having an income equal to or less than the income limits (the "Section 8 Income Limits") for New York City residents established by the U. S. Department of Housing and Urban Development for "lower income families" receiving housing assistance payments pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended.

Lower Income Housing

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

- (a) real estate tax abatements and exemptions limited to such *lower income housing* or
- (b) operating assistance that the Commissioner of the Department of Housing Preservation and Development determines will be used to enable households with incomes of not more than 62.5% of the Section 8 Income Limits to afford such lower income housing.

Lower Income Housing Plan

The "lower income Housing plan", is the plan accepted by the Commissioner of Housing Preservation and Development which sets forth the developer's plans for creating and maintaining the specified *lower income housing* pursuant to this program.

Standard Unit

A "standard unit" is a

- (a) *dwelling unit*,
- (b) *rooming unit* or

- (c) room used for sleeping purposes in a non-profit institution with sleeping accommodations which room is acceptable to the Commissioner of Housing Preservation and Development as meeting the intent of the Inclusionary Housing program

that is free of violations and located in a *building* in which the common areas are free of violations under the City of New York Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution recorded against the property as of the date of acceptance of the *lower income housing plan*. Windows in *standard units* shall be double glazed.

23-93

Floor Area Compensation

The *floor area ratio* of a *development* may be increased from 10.0 to a maximum of 12.0 at the rate set forth below, if the developer of such *development* provides *lower income housing* pursuant to Section 23-94 (Lower Income Housing Requirements).

For each square foot of *floor area* provided for *lower income housing* pursuant to the options listed in Column A and set forth in Section 23-94 (Lower Income Housing Requirements), the *floor area* of the *development* may be increased by either

- (a) the number of square feet set forth in Column B if the *lower income housing* is provided for the life of the increased *floor area* or
- (b) the number of square feet set forth in Column C if the *lower income housing* is provided for 20 years.

Options <u>Column A</u>	For Life of Increased Floor Area <u>Column B</u>	For 20 Years <u>Column C</u>
On-site New Construction	4.0	3.1
On-site Substantial Rehabilitation	3.5	2.8
Off-site New Construction (Private Site)	4.5	3.2
Off-site New Construction (Public Site)	2.8	2.0
Off-site Substantial Rehabilitation	4.2	3.0
Preservation	2.2	1.6

For each .7 of one percent increase in *floor area* permitted to *compensated developments* pursuant to this Section, the *lot area* requirements for such

compensated developments set forth in Sections 23-22 (Required Lot Area per Dwelling Unit or Per Room) or 23-25 (Special Provisions for Buildings Used Partly for Non-Residential Uses) shall be reduced by .6 of one percent. In no event shall such reduction exceed 17 percent of the applicable *lot area* requirements.

23-94

Lower Income Housing Requirements

To qualify for the increased *floor area*, *compensated developments* must provide *lower income housing* pursuant to one or more of the options listed in Sections 23-941, 23-942 and 23-943 and such *lower income housing* must meet each of the requirements set forth below.

(a) Standards

All *lower income housing* shall be in *standard units*. Except in *buildings* in which all *standard units* are occupied by *lower income housing*, the *floor area* devoted to *lower income housing* shall be considered only the *floor area* within the perimeter walls of the *standard units* of the *lower income housing* and a pro rata share of the common areas of the *building* exclusive of those common areas for which a fee is charged for its use. In *buildings* in which all of the *standard units* are occupied by *lower income housing*, all of the *residential floor area* shall be considered as devoted to *lower income housing*.

(b) Tenant Selection

All incoming occupants of *standard units* in *lower income housing* must be *lower income households*.

Tenants in occupancy of *lower income housing* provided pursuant to the 20 year option, may, at their choice, remain in occupancy at the termination of the 20 year period at *fair rents*. After 20 years, the vacating of such *lower income housing* shall remove such *floor area* from the requirements of the Inclusionary Housing program. Within 30 days of such vacating, the *administering agent* shall notify the Department of Housing Preservation and Development or successor agency that such *floor area* is no longer *lower income housing*.

On and after the issuance of Certificate of Occupancy for *lower income housing* the *administering agent* shall have a duty (1) to make habitable and maintain in a habitable condition all *lower income housing* and (2) to rent such *housing* to *lower income households*. The duty to rent shall be satisfied by the *administering agent* if such agent has in fact rented all such units to *lower income households* or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

A finding by the Commissioner of Housing Preservation and Development that *lower income housing* was withheld from rental to *lower income households* in violation of this paragraph shall result in an extension of the 20 year term for such *standard unit* by 5 years for each occurrence.

(c) Rent Levels

All *standard units* in *lower income housing* shall be rented at *fair rents*.

(d) Income Verification Prior to renting *lower income housing*, the *administering agent* shall verify the income of each household to occupy such housing, to assure that the households are *lower income households*.

(e) Lower Income Housing Plan

A *lower income housing plan* acceptable to the Commissioner of Housing Preservation and Development, shall be prepared and followed by the developer. The plan shall include the building plans, indicate the amount of *lower income housing* and shall demonstrate the feasibility of creating and maintaining the specified *lower income housing* required in accordance with the Inclusionary Housing program, including that:

- (i) the *lower income housing* will be managed and operated by a responsible agency;
- (ii) there will be sufficient income stream to provide for adequate maintenance and operation of the *lower income housing*; and
- (iii) tenant selection is on an equitable, non-discriminatory basis.

For 12 months after (the effective date of this amendment) any developer of a *compensated development* shall furnish a copy of the *lower income housing plan* to the Department of City Planning immediately after the acceptance of such plan by the Commissioner of Housing Preservation and Development.

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

The *administering agent* shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of *lower income housing* are *lower income households*. No temporary Certificate of Occupancy shall be issued for the *compensated development* until a temporary Certificate of Occupancy for the *lower income housing* has been issued. No permanent Certificate of Occupancy shall be issued for the *compensated development* until a permanent Certificate of Occupancy for the *lower income housing* has been issued. Prior to the issuance of any temporary or permanent Certificate of Occupancy for the *compensated*

development, the Commissioner of Housing Preservation and Development shall certify that the *lower income housing* is in compliance with the *lower income housing plan*.

(f) On-site units shall be those units on the same *zoning lot* as the *compensated development*.

23-941

On site new construction option

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

(a) The *lower income housing* shall be located in the *compensated development*. The *lower income housing* shall be maintained and leased to *lower income households* for the life of the increased *floor area* or for 20 years, in accordance with the amount of additional *floor area* received by the *compensated development* pursuant to Section 23-93 (Floor Area Compensation).

(b) The *standard units* designated as *lower income housing* shall be distributed randomly throughout the *development*. No *story* shall contain more than two such units unless at least 80 percent of all *stories* contain two such units. The designated *lower income housing* units shall be distributed among the various size units in proportion to the total distribution of unit size in the following categories of unit sizes:

under 600 net square feet

600—749 net square feet

750—949 net square feet

950—1149 net square feet

1150 or more net square feet

23-942

Substantial rehabilitation and off-site new construction options

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

(a) The *lower income housing* shall be located within the same Community Board as, or within a one half mile radius of, the *compensated development*, whichever distance from such *compensated development* is greater. The *lower income housing* shall be in a new *building* or in an *existing building* in which, prior to the submission of the *lower income housing plan* pursuant to this section, the *residential* portion had been entirely vacant for not less than three years.

- (b) The *lower income housing* shall be maintained and leased to *lower income households* for the life of the *increased floor area* or for 20 years, in accordance with the amount of *increased floor area* received by the *compensated development* pursuant to Section 23-93 (Floor Area Compensation).

The *administering agent* of the *lower income housing* shall insure said housing against any damage or destruction for no less than the replacement value of the housing.

Any insurance proceeds received as a result of damage or destruction of all or part of said housing shall be used first for the purpose of restoring such damaged or destroyed housing to *lower income housing*, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution.

- (c) The obligation to provide a specified amount of *lower income housing* shall run with the *zoning lot* containing such *lower income housing* for the term of the obligation to provide *lower income housing*. In the event any portion of such housing is damaged or destroyed, no *floor area* may be replaced on said *zoning lot* unless such *floor area* contains the specified amount of *lower income housing*.

23-943

Preservation Option

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

- (a) The *lower income housing* shall be located within the same Community Board as, or within a one-half mile radius of, the *compensated development*, whichever distance from such *compensated development* is greater. The *lower income housing* shall be in an existing occupied *residential building*. Only *standard units* occupied by *lower income households* shall be *lower income housing*. For each *standard unit* designated as *lower income housing* the *administering agent* shall verify the income of the household in tenancy.
- (b) Rent charged to *lower income households* shall not be increased to reflect the costs of any renovation made in order to qualify such units under the Inclusionary Housing program even though such increases may be permitted under laws regulating maximum rent levels in these units.
- (c) At no increase in rent, any kitchen in a *dwelling unit*, or serving a *rooming unit*, designated as *lower income housing* shall be equipped with a new stove with at least four burners and oven and a new refrigerator of at least the capacity of the

previous refrigerator, if such appliances have not been replaced within 5 years prior to the units' designation as *lower income housing*.

- (d) The *lower income housing* shall be maintained and leased to *lower income households* for the life of the *increased floor area* or for 20 years in accordance with the amount of *increased floor area* received by the *compensated development* pursuant to Section 23-93 (Floor Area Compensation). The *administering agent* of the *lower income housing* shall insure said housing for no less than its replacement value. The proceeds of any insurance proceeds received as a result of damage or destruction of all or part of said housing shall be used first for the purpose of restoring such damaged or destroyed housing to *lower income housing*, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing and Maintenance Code, and this Resolution.
- (e) The obligation to provide a specified amount of *lower income housing* shall run with the *zoning lot* containing such *lower income housing* for the term of the obligation to provide *lower income housing*. In the event any portion of such housing is damaged or destroyed, no *floor area* may be replaced on said *zoning lot* is permitted unless such *development* contains the specified amount of *lower income housing*.

35-35

Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in Connection with Mixed Buildings.

* * *

In the districts indicated,

C1-8A	C2-7A	C4-6A	C6-2A
C1-8X	C2-7X	C4-7A	
C1-9A	C2-8A		

bonuses for *plazas*, *plaza-connected open space* and *arcades* are not applicable. However, no existing *plaza* or other public amenity, open or enclosed, for which a *floor area* bonus has been received, pursuant to regulations antedating April 18, 1985, shall be eliminated or reduced in size, 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*.

35-42

Density or Lot Area Bonus in Mixed Buildings

(a) In the districts indicated,

C1-1 ¹	C2-1 ¹	C4-6	C5 C6
C1-2 ¹	C2-2 ¹	C4-7	
C1-3 ¹	C2-3 ¹		
C1-4 ¹	C2-4 ¹		
C1-5 ¹	C2-5 ¹		
C1-8	C2-7		
C1-9	C2-8		

except as otherwise provided in Section 82-08 (Modification of Bulk and Height and Setback Requirements) and Section 85-04 (Modifications of Bulk Regulations), the *lot area* reduction set forth in Section 23-23 (Density Bonus for a Plaza, Plaza-Connected Open Area, or Arcade) or **Section 23-93 (Floor Area Compensation)** shall apply to the *lot area* requirements set forth in Section 23-22 (Required Lot Area per Dwelling Unit or per Room) to the extent that the *building* is used for *residential use*; and the *lot area* reduction set forth in Section 23-26, **Section 23-93 (Floor Area Compensation)** or Section 24-22 (Lot Area Bonus for a Plaza, Plaza-Connected Open Area, or Arcade), shall apply to the *lot area* requirements set forth in Section 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) to the extent that the *building* is used for *commercial or community facility use*.

(b) In C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A and C6-2A Districts and in C1 and C2 Districts mapped within R9A, R9X and R10A Districts, the density or *lot area* bonus shall not apply. **However, in C1-9A, C2-8A, C4-6A, and C4-7A Districts and in C1 and C2 Districts mapped within R10A Districts the provisions of Section 23-90 (Inclusionary Housing) shall be applicable.**

74-95

Housing Quality Developments

* * *

74-951

Bulk Provisions for Developments

The maximum *residential floor area ratio* for any *building* on a *zoning lot* and the required *lot area per dwelling unit* shall be as follows:

	Maximum Floor Area Ratio Permitted	Required Lot Area Per Dwelling Unit
R3	0.50	1125
R4	0.75	833
R5	1.25	517
R6	2.43	288
R7	3.44	216
R8	6.02	132
R9	7.52	117
R9A	9.00	100
R10	10.00	90
R10[BONUS]	12.00	75

Inclusionary Housing.

* * *

The *floor area* [bonus] provisions for predominantly *residential buildings* in R10 districts and *commercial districts* permitting an R10 *floor area ratio* may be modified in accordance with Section [74-957 of 23-90 (*Inclusionary Housing*) this chapter] provided that the *floor area ratio* does not exceed 12.0. The special optional regulations relating to *predominantly built up areas* infill and the *lot area per room* and *floor area per room* requirements of Section 23-00 et seq. shall not apply to any *development* for which a special permit is granted under provisions of this section.

* * *

74-952

Housing Quality Definitions

* * *

Shadow Area, Maximum

* * *

The required azimuths (angle of the sun in plan are) 1) 57 degrees east of south at 9 A.M., 2) 0 degrees south at 12 Noon and, 3) 57 degrees west of south at 3 P.M. The lengths of shadow are:

District	9 A.M. and 3 P.M.	Noon
R3	45 ft.	25 ft.
R4	60 ft.	30 ft.
R5	145 ft.	75 ft.
R6	210 ft.	110 ft.
R7	280 ft.	150 ft.
R8	345 ft.	185 ft.
R9	415 ft.	220 ft.
R10	480 ft.	255 ft.
R10[Bonus]	535 ft.	285 ft.

Inclusionary Housing

* * *

74-957

Special Regulations for Housing Quality Developments in R10 Districts or Commercial Equivalents

[A)] Housing Quality *developments* in R10 District or *commercial* equivalents which earn at least 85 Housing Quality Program points under the scoring system described in Section 74-954 (Guidelines for applications), score a mandatory minimum of 15 points in each of its 4 parts, as a precondition for application, may be increased from a *floor area ratio* of 10 to a maximum of 12 and the *lot area per dwelling unit* may be reduced from 90 to a minimum of 75 provided such *development* [contains one or a combination of the public amenities described in "B" below] complies with the requirements of Section 23-90 (Inclusionary Housing). As a precondition for any application for a Housing Quality *development* special permit in an R10 district or *commercial* equivalent the following conditions shall be satisfied.

- 1) Curb cuts. The number of curb cuts shall be limited to one per *street*. No curb cuts shall be allowed on wide *streets*. The number and location of curb cuts for *zoning lots* with only wide *street* frontage or for sites 40,000 square feet or larger may be modified by the City Planning Commission.
- 2) Central Trash Collection. There shall be a single location for the collection and removal of all trash from the *building*, within the *building* and such facility shall be protected by an enclosure surfaced with the same materials as that of the *building* proper. The size and design of the enclosure shall meet the requirements of the Sanitation Department and the private carting service.

[†B) In order to earn an increase in *floor area ratio* and a reduction in *lot area per dwelling unit* in a Housing Quality Development, the *development* shall first

provide a *plaza* or a neighborhood improvement or a combination of the two. The following are bonusable public amenities for Housing Quality Development.

1) a *plaza* as defined in Section 12.10 except that:

- a) The *plaza* in a *residential* district shall be aggregated into a single space having a minimum dimension of 40 feet and a minimum area of 4,000 square feet and be accessible at all times for public use. The *plaza* shall be developed as either *residential park*, *residential plaza*, or *residential playground* based upon the appropriateness, size and location of the *plaza*.
- b) Direct access along the *street line* abutting the *plaza* shall be at least 50 percent of such frontage.
- c) The elevation of the *plaza* surface shall be within 3'-0" of the adjacent *curb level*. Differences in elevation shall be joined by ramps with slopes no greater than 5%.
- d) The *plaza* shall be adequately landscaped with major trees, planting, seating and lighting.
- e) The *plaza* shall display in a prominent location a plaque indicating the public nature of the space and information as required by the commission.
- f) Loading berths, driveways, parking areas, and other vehicular oriented spaces shall not be considered *plaza* space.
- g) The *plaza* shall be maintained in accordance with a maintenance plan approved by the Commission.

2) Neighborhood Improvements.

- a) One or more offsite physical improvements such as *street trees*, decorative paving and sidewalks, bus shelters, planters, benches or sitting areas, trash containers, information kiosks, *street* furniture, artwork, or the cleaning of landmarks shall be provided with the areas delineated by the *street district(s)* of the *zoning lot*.
- b) The Commission shall after consultation with the local Community Board, shall certify which neighborhood improvements shall be provided and the specifications for such improvements including a maintenance plan therefor.

3) An *arcade* as defined in Section 12-10 except that:

- a) The *arcade* is permitted only in R10 districts with *commercial* overlays or *commercial* districts that are R10 *residential* equivalents.
 - b) An *arcade* shall be provided where adjoining or adjacent existing *buildings* contain *arcades*.
 - c) The *arcade* is permitted on *zoning lots* whose wide *street line* is in excess of 100' except that the wide *street street line* shall be in excess of 200 feet on wide *streets* which are major crosstown *streets*. When adjacent existing *buildings* contain *arcades* the minimum wide *street line* requirement is waived.
 - d) The *arcade* shall extend the full length of the *zoning lot* along the *street line* of a wide *street*.
 - e) The exterior face of building columns shall be coincident with the *street line*.
 - f) The minimum depth of an *arcade* shall be 15'-0".
 - g) The average height of the *arcade* along the centerline of its longitudinal axis shall not be less than 15'-0". At no point shall the minimum height of the *arcade* be less than 8'-0".
 - h) The *arcade* shall be adequately illuminated.
 - i) The surface of the *arcade* shall be continuous with and at the same elevation as the adjoining sidewalk.
- 4) A public area which may be partially open to the sky or fully covered as set forth below:
- a) The public area shall be permitted only in R10 Districts with *commercial* overlays or in commercial districts that are R10 *residential* equivalents.
 - b) A Minimum of 15 percent of the *lot area* of the *zoning lot* shall be available for public *use*. This minimum area shall be aggregated into a single space and have a minimum dimension of 40'-0". At least 70% of this space shall be open to the sky or either partially or fully covered by a glazed roof surface.
 - c) For the purpose of insuring prominent public attention to the public area, it shall be clearly visible and directly accessible from an adjoining *street*.
 - d) *Covered* or *Indoor Space* greater than 15'-0" deep shall have a minimum average height of 15'-0". At no point shall the minimum height of a covered area be less than 10'-0".

- e) That portion of the public area which abuts a *street* and connects the *street* to the aggregated public area may have a width of not less than 25 feet.
 - f) It shall have permitted retail *uses* listed in Use Group 6 occupying the maximum feasible frontage along those bounding walls of the public area which do not abut *lot lines* or *street lines*. At least 50% of such frontage shall be developed with such *uses*. No more than 25% of the aggregated minimum public area mentioned above can be used for retail or *commercial use*. Opaque wall surfaces shall be treated decoratively.
 - g) The level of the public area shall at no point be more than 5'-0" above or 5'-0" below *curb level* of the *street* providing primary access to such public areas. Differences in elevation shall be joined by ramps with slopes no greater than 5%.
 - h) Seating shall be provided on the basis of one seat (18" wide with back) for each 125 square feet of public area.
 - i) There shall be a minimum of one major tree of 4" caliper or one minor tree 8'-0" in height per 1,000 square feet of the aggregated minimum area mentioned above.
 - j) A minimum of 10% of the total public area is to be planted.
 - k) *Indoor space* attributable to the public area shall be exempt from the *floor area* calculations.
 - l) The public area shall be maintained in accordance with a maintenance plan approved by the Commission.
 - † Where trees are planted pursuant to this Section prior to April 1, 1978, such planting may be undertaken in accordance with the tree caliper requirements existing prior to the effective date of this amendment.
- 5) The preservation of an existing *building* or *buildings* on the same *zoning lot* which, except for required *rear* and *side yards* is contiguous to an existing *building* on an adjoining *zoning lot*. This *building* shall be scored in accordance with the regulations governing the four sections of the Housing Quality special permit as a part of the score for the entire application. For *non-residential buildings* only the Neighborhood Impact section need apply. The Commission also may waive Housing Quality requirements which are not possible to comply with because of existing structural conditions. In addition the Commission shall find:
- a) that the *building* to be preserved has made and will continue to make a significant positive impact towards the quality of the surrounding

neighborhood by contributing to its economic, social, cultural or aesthetic character.

- b) that when rehabilitation is necessary an acceptable schedule for its implementation accompanies the application for a special permit.
- c) an acceptable agreement between the tenants and the developer which allows all tenants to

i) continue as residents on the same *zoning lot* in *dwelling units* which have comparable size, exposure and floor.

ii) continue their existing rent levels subject to increases only at existing expiration dates and within the guidelines of either the rent stabilization or rent control laws, whichever is presently applicable to the preserved *building*. Tenants and developers may reach other forms of mutually acceptable agreement but evidence shall be submitted that the tenant who does so was aware of the two provisions governing relocation.

- d) that the relocation practices followed by the developer on the entire *zoning lot* satisfy applicable government standards.

The area of *plazas* in Housing Quality *developments* shall be included in the calculation for Program Elements regulating Onsite Sunlight, Planting and Trees. That portion of the public area which corresponds to the minimum aggregated area shall be included in the calculations for Program Elements regulating Onsite Sunlight (assume open to the sky for computations) and Trees. The total public area shall be included in the calculations for the Program Element regulating Planting. All of the above shall conform to the requirements for compliance of the applicable Program Elements. The bonusable area of *plazas*, *arcades* and public areas may not be applied towards the compliance of the recreation standards in the Type and Size Program Element in the Recreation Program.

Floor Area Bonus

- † i) For each square foot of public area or portion thereof provided on the *zoning lot*, the total floor area permitted on that *zoning lot* under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by 6 square feet.
- ii) For each square foot of *plaza* or thereof 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 an R10 District) may be increased by 6 square feet provided the *zoning lot* has *wide street* frontage and the *plaza* is located completely within the *street district* of such *wide street*. Where the *zoning lot* does not have a wide street frontage or where the *plaza* is not located

completely within 100 feet of the *wide street*. Where the zoning lot does not have a wide street frontage of the zoning lot, the permitted floor area may be increased by 6 square feet for each square foot of *plaza*, provided such increase in floor area does not exceed 12% of the floor area permitted in Section 23-15.

- iii) For each square foot of *arcade* or portion thereof provided on the zoning lot the total floor area permitted on that zoning lot under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by 3 square feet.
- iv) For each \$5.00 of neighborhood improvement or portion thereof provided within the *street district* including any amounts set aside for maintenance of such improvements the total floor area permitted on the zoning lot under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by one square foot.
- v) The increase in the basic floor area ratio on a zoning lot for the preservation of an existing building shall be equal to one square foot for each square foot of floor area in the preserved building.

In no case shall the total floor area ratio on a zoning lot exceed the prescribed limits of the applicable districts as set forth in Sections 23-15, 24-17, 33-120.5, 35-31.

Lot Area Bonus

For each percent of additional floor area achieved by *plaza*, *arcade*, public area, neighborhood improvement or preservation, the lot area per dwelling unit requirement of 90 square feet shall be reduced by 1 percent. However, in no event shall such lot area per dwelling unit be less than 75 square feet.]

* * *

74-959

Special Regulations for Housing Quality Developments on Zoning Lots Containing Existing Buildings to Remain.

* * *

In the case of an *integrated development* the Commission shall also [make the] find[ings required under Section 74-957 B, 5a, b, c, & d]

- a) that the existing building to remain [be preserved] has made and will continue to make a significant positive impact towards the quality of the surrounding neighborhood by contributing to its economic, social, cultural or aesthetic character.

- b) *that when rehabilitation of the existing building to remain is necessary an acceptable schedule for its implementation accompanies the application for a special permit.*
- c) *an acceptable agreement between the tenants of the existing building to remain and the developer which allows all tenants to:*
 - i) *continue as residents on the same zoning lot in dwelling units which have comparable size, exposure and floor.*
 - ii) *continue their existing rent levels subject to increases only at existing expiration dates and within the guidelines of either the rent stabilization or rent control laws, whichever is presently applicable to the [preserved] building. Tenants and developers may reach other forms of mutually acceptable agreement but evidence shall be submitted that the tenant who does so was aware of the two provisions governing relocation.*
- d) *that the relocation practices followed by the developer on the entire zoning lot satisfy applicable government standards.*

ARTICLE VIII

Chapter 2 Special Lincoln Square District

* * *

82-08

Modification of Bulk and Height and Setback Requirements

Bulk and Height and Setback regulations otherwise applicable in the L District are modified to the extent set forth in paragraph (1) through (4) of this section, subject to the following limitations:

In no event shall the total *floor area ratio* permitted on a *zoning lot* exceed 12.0.

- (1) The provisions of Sections 23-16, 24-14, or 33-13 (Floor Area Bonus for a Plaza), Sections 23-17, 24-15, or 33-14 (Floor Area Bonus for a Plaza-Connected Open Area), Sections 23-18, 24-16, or 33-15 (Floor Area Bonus for Arcades), or Section 23-23 (Density Bonus for a Plaza-Connected Open Area or Arcade) shall not apply. **The provisions of Section 23-90 (Inclusionary Housing) are applicable.**

* * *

82-10

Public Amenities

The Commission, by special permit issued after public notice and hearing and subject to Board of Estimate action, may grant the increase in *floor area* specified in paragraphs (a) and (B) [through (c)] of this section and may authorize a corresponding decrease in required *lot area per room*, if applicable, and appropriate modifications of height and setback regulations, *yard* regulations, regulations governing minimum distance between *buildings* on a single *zoning lot* and regulations governing courts and minimum distance between legally required windows and walls or lot lines for any new *building* which includes one or more of the public amenities described in paragraphs(a) and (b) [through (c)] of this section, provided that the Commission finds that inclusion of the proposed amenity will significantly protect the specific purposes for which the *Special Lincoln Square District* is established.

* * *

The Commission shall restrict the increase in *floor area* for any amenity within the ranges set forth in the following table:

INCREASE IN SQUARE FEET
OF FLOOR AREA
Maximum

(a) for a mandatory <i>arcade</i> (82-09)	7 per sq. ft. of Mandatory <i>Arcade</i> not to exceed 1.0 FAR
†(b) for subsurface concourse connections to subways, or for subway improvements.	An amount, subject to the limitations set forth in Section 82- 08, to be determined by the Commission, after consideration of the amenity by criteria (1) through (4) of this Section.
(c) for provision of low or moderate income housing	An amount subject to the limitations set forth in Section 82- 08, to be determined by the Commission

Building and pavement used shall be subject to City Planning Commission approval in order to reinforce the character of the *Special Lincoln Square District Area*

ARTICLE IX

Chapter 6 Special Clinton District

* * *

96-21**Floor Area Bonus**

For any *development* the *floor area ratio* permitted by the underlying district may be increased from 10.0 to 12.0 only by complying with either the provisions of Section [96-211 (Floor area bonus for provision of rehabilitated housing)]

23-90 (Inclusionary Housing) or Section 96- [212] 211

(Floor area bonus for a park) or a combination of these two sections. For every .1 increase of permitted *floor area ratio* above 10.00, the *lot area per room* requirements as set forth in Section 23-22 (Required Lot Area Per Dwelling Unit or Per Room) may be reduced by .255 square feet. In no event shall such reduction exceed 17 per cent of the applicable *lot area* requirements set forth in Section 23-22.

A permanent certificate of occupancy for any *building* incorporating bonus *floor area* pursuant to this section shall not be issued by the Department of Buildings until the issuance of a permanent certificate of occupancy for [rehabilitated] lower income housing and/or park hereunder. In addition to the requirements of Section 23-90 (Inclusionary Housing), any units for which a *floor area* increase has been earned pursuant to Section 23-90 shall be within the Special Clinton District.

96-211**Floor area bonus for rehabilitated housing**

For each *room* of rehabilitated housing provided within the Preservation Area the total *floor area* permitted on a *zoning lot* within the Perimeter Area may be increased by 500 square feet.

The number of *rooms* of rehabilitated housing which may generate bonus pursuant to this section shall not exceed the number of *rooms* which occupied the rehabilitated spaces prior to such rehabilitation. This bonus shall be granted provided that the Administrator of Housing and Development certifies to the Department of Buildings:

- (a) That the housing will be substantially rehabilitated within the meaning of the following: A property will be considered substantially rehabilitated when its condition is improved from a substantially substandard condition to a decent, safe and sanitary condition, which, with normal maintenance and repair, will remain in such condition at least 5 years. Substantially substandard condition

means that the housing, while structurally sound, is not only below decent, safe, and sanitary condition, but also has one or more critical defects, or a combination of potential defects in sufficient number or extent to require considerable repair or rebuilding. The defects are either so critical or so widespread that the structures should be extensively repaired. Such defects may include, but not be limited to: holes or open cracks, rotted, deteriorated, loose, or missing material over a large area of the outside walls, roof, chimney, inside walls, floors, or ceilings; substandard sagging of floor, walls, or roof; extensive damage by storm, fire, or flood; inadequate or potentially hazardous utility systems and equipment; and lack of hot or cold running water, flush toilet, or tub or shower.

Administrator of the Housing and Development shall certify that the cost of this rehabilitation shall be commensurate with the value of the *floor area* bonus in the perimeter area.

- (b) That any eviction or termination of tenancies undertaken in connection with such rehabilitation satisfies all applicable legal requirements.
- (c) That the initial average monthly rental for the rehabilitated *dwelling units* does not exceed \$37 per *room*, which rental may be adjusted only in accordance with regulations of the rent Guidelines Board or successor thereto. The period of regulated rent adjustments may end at the conclusion of the term of the initial *mortgage* or 25 years, which is later.
- (d) That the developer follow a tenant selection process which:
 - (i) limits tenants to persons whose annual income is not greater than those limits specified in Article 2 of the New York Private Housing Finance Law.
 - (ii) gives first priority to otherwise qualified persons who were temporarily relocated from the site of the rehabilitated housing.
 - (iii) affords priority to residents of the Special Clinton District.
- (e) That provision is made for regular meetings between an organization representing the tenants of the rehabilitated housing and the owner to discuss maintenance, repairs and other matters related to the operation of the rehabilitated *dwelling units*.
- (f) That within 30 days of the filing of an application under the provisions of this Section, notification of filing of such application shall be given by the Administrator of Housing and Development to Borough of Manhattan, Community Board #4.

[96-212]

Floor area bonus for a park

* * *

(On January 28, 1987, Cal. No. 15, the Commission scheduled February 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF THE BRONX

No. 24

CD 3

C 870402 PPX

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 of one City-owned property located at 1416 Prospect Avenue** (Block 2963, Lot 8).

(On January 28, 1987, Cal. No. 16, the Commission scheduled February 18, 1987 for a public hearing which has been duly advertised.)

Close the hearing.

III. REPORTS

BOROUGH OF QUEENS

No. 25

CD 6

C 850359 ZMQ

IN THE MATTER OF an application submitted by the Forest Hills Lakeview Estates pursuant to Sections 197-c and 200 of the New York City Charter for amendment of the Zoning Map, Section No. 14A, changing from an R1-2 district to an R6 district property bounded by the Grand Central Parkway Extension, 72nd Road, 112th Street, a line 100 feet northwest of 72nd Road and the centerline prolongation of 72nd Avenue, to facilitate the construction of a condominium development, as shown on a diagram dated November 10, 1986.

(On January 12, 1987, Cal. No. 5, the Commission scheduled January 28, 1987, for a public hearing. On January 28, 1987, Cal. No. 25, the hearing was closed.

For consideration.

Nos. 26 and 27

(Proposed amendments to the Zoning Map and the Zoning Resolution for the proposed establishment of a new Special Garment Center District.)

No. 26

CD 4,5

C 870242 ZMM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 200 of the New York City Charter for amendment of the Zoning Map, Section No. 8d, establishing a new Special Garment Center District (GC), bounded by West 40th Street, Seventh Avenue, West 38th Street, Broadway, West 35th Street, Seventh Avenue, a line midway between West 35th Street, and West 34th Street, Eighth Avenue, West 35th Street, and a line 100 feet east of Ninth Avenue.

(On December 10, 1986, Cal. No. 21, the Commission scheduled January 14, 1987, as the date for a public hearing. On January 14, 1987, Cal. No. 24, the hearing was continued to January 28, 1987.) On January 28, 1987, Cal. No. 31, the hearing was closed.)

For consideration.

No. 27

CD 4,5

N 870241 ZRM

IN THE MATTER OF an amendment, pursuant to Section 200 of the New York City Charter for an **amendment to the Zoning Resolution for the establishment of a new Special Garment Center District.**

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 the Special Garment Center District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter I, The *Special Garment Center District* is hereby established.

12-10

Special Garment Center District

The "Special Garment Center District" is a Special Purpose District designated by the letters "GC" in which special regulations set forth in Article XII, Chapter I apply. The *Special Garment Center District* appears on the zoning maps superimposed on other districts, and its regulations supplement or supersede those of the districts on which it is superimposed.

[42-55

Additional Regulations for Signs, Banners and Canopies in Certain Manufacturing Districts

The following provisions apply on *wide streets* within the *Manufacturing District* bounded by Broadway, West 38th Street, Seventh Avenue, West 40th Street, a line 150 feet west of Eighth Avenue, West 35th Street, Eighth Avenue a line midway between West 35th and West 34th Street, Seventh Avenue and West 35th Street.

- (a) No *accessory business* or *advertising sign* shall project across the street line of a wide street more than 18 inches for double or multi-faced *signs* or 12 inches for other *signs*.
- (b) No canopies, marquees, or awnings shall be permitted on the exterior of any *building* with the exception of theatres or hotels.
- (c) Where a permit is issued by the Department of Highways for the temporary display of banners/pennants across a *street* (or sidewalk) such banners/pennants shall be removed after 30 days of the issuance of the permit.
- (d) No banners or pennants shall be permanently displayed from the exterior of any *building* unless the design of such banners or pennants has been approved by the Mayor's Fashion Industry Advisory Council.

For the purpose of this Section, any *signs* including canopies, marquees, awnings, banners or pennants which do not conform to the above regulations may be continued for one year after the effective date of this Section, provided that after expiration of that period such non-conforming *signs*, including canopies, marquees, awnings, banners or pennants shall terminate.]

43-01

Applicability of this Chapter

Special regulations applying only in Special Purposes Districts are set forth in Articles VIII, IX, X, XI and XII.

Article XII, Chapter I, Special Garment Center District

121-00 GENERAL PURPOSES

The "Special Garment Center District" established in this Resolution is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) To retain adequate wage and job producing industries within the Garment Center;
- (b) To preserve apparel production and showroom space in designated areas of the Garment Center;
- (c) To limit conversion of manufacturing space to office use in designated areas of the Garment Center;
- (d) To promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.

121-01**Definitions****Special Garment Center District (repeated from Section 12-10)**

The "Special Garment Center District" is a Special Purpose district designated by the letters "GC" in which special regulations set forth in Article XII, Chapter 1 apply. The *Special Garment Center District* appears on the *zoning maps* superimposed on other districts, and its regulations supplement or supersede those of the districts on which it is superimposed.

121-02**General Provisions**

In harmony with the general purposes of the *Special Garment Center District* the signage requirements of this Chapter shall apply to all *developments, enlargements, alterations, extensions, and conversions*. The *use* regulations shall apply to all conversions and *extensions*. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

121-03**District Plan (Appendix A)**

The District Plan (Appendix A) for the *Special Garment Center District* shows the Preservation Area, indicated by a "P". Appendix A is hereby incorporated as an integral part of the provisions of this Chapter.

121-10 PRESERVATION AREA**121-11****Special Use Regulations**

Use Groups A and B list the *uses* which are permitted in the Preservation Area. *In addition, conversion to Use Group 6B use is permitted subject to the floor area preservation requirements of Section 121-113 (Floor area preservation).*

121-111**Use Group A**

Conversion to Use Group A *uses* are exempt from the *floor area* preservation requirements of Section 121-113 (Floor area preservation). In the case of conversion of *floor area* to Use Group 6B *use*, Use Group A *uses* may not be used to satisfy the preservation requirement.

In Use Group 6A:

All *uses*

In Use Group 6C:

All *uses* except loan offices, telegraph offices and travel bureaus.

In Use Group 6D:

All uses

In Use Group 9A:

Blueprinting or photostating establishments

Musical instrument repair shops

Printing establishments, limited to 2,500 square feet of *floor area* per establishment for production

Typewriter or other small business machine sales, rentals or repairs.

In Use Group 12B:

All uses

Additional uses:

Accessory uses

Automobile rental establishments

Public parking lots and public parking garages, pursuant to the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7, and 8 in the Borough of Manhattan).

Wholesale establishments, with a minimum of 15 percent of *accessory storage*

Wholesale showrooms

121-112**Use Group B**

Conversion to Use Group B *uses* are exempt from the *floor area* preservation requirements of Section 121-113 (Floor area preservation). In the case of conversion of *floor area* to a Use Group 6B *use*, only Use Group B *uses* may be used to satisfy the *floor area* preservation requirements of Section 121-113 (Floor area preservation).

In Use Group 11A:

Art needle work, hand weaving or tapestries

Books, hand binding or tooling

Ceramic products, custom manufacturing

Clothing custom manufacturing or altering for retail

Hair products, custom manufacturing

Jewelry manufacturing from precious metals

In Use Group 16A:

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers, or air-conditioning units

Tool, die or pattern making establishments or similar small machine shops

In Use Group 16D:

Packing or crating establishments

Trucking terminals or motor freight stations, limited to 20,000 square feet of *lot area* per establishment

Warehouses

In Use Group 17B:

All Uses:

Additional Uses:

Accessory uses

121-113**Floor area preservation**

In the Preservation Area, the conversion of *floor area* to Use Group 6B use after October 6, 1986 is permitted only by certification of the Chairman of the City Planning Commission that *floor area* has been preserved subject to the provisions of Section 121-115 (Certification and other requirements of preservation and conversion) for *uses* specified in Section 121-112 (Use Group B).

The amount of *floor area* to be preserved shall be equal to the amount of *floor area* converted. Such *floor area* may be preserved in the same *building* or in any other comparable *building* in the Preservation Area, subject to the provisions of Section 121-114 (Comparability).

Floor area may not be preserved on portions of floors. If the *floor area* to be preserved includes a fraction of a floor, the next highest number of full floors must be preserved for a permitted *use* in Use Group B. At the time of conversion, *floor area* to be preserved must either be vacant or occupied by a *use* in Use Group B.

121-114**Comparability**

Where the *floor area* to be preserved is not located within the *building* to be converted, such *floor area* must be comparable to *floor area* in the *building* to be converted. Comparability, shown by an affidavit from a professional engineer or a

registered architect, licensed under the laws of the State of New York, shall exist where the *floor area* to be preserved meets the following criteria:

a) Elevators: Load and number

(1) Load

Each elevator shall have a minimum load of 2,000 pounds. The total load of all elevators servicing the *floor area* to be preserved shall be in accordance with the following ratio:

<u>Total Load</u>		<u>Total Load</u>
Gross <i>floor area</i> of <i>building</i> to be preserved	Is greater than or equal to 90% of	Gross <i>floor area</i> of <i>building</i> to be converted

(2) Number

There shall be a minimum of two elevators. The number of elevators servicing the *floor area* to be preserved shall be in accordance with the following ratio:

<u>Number of Elevators</u>		<u>Number of Elevators</u>
Gross <i>floor area</i> of <i>building</i> to be preserved	Is greater than or equal to 90% of	Gross <i>floor area</i> of <i>building</i> to be converted

Notwithstanding the above, where there is only one elevator servicing the *floor area* to be converted, there may be one elevator servicing the *floor area* to be preserved if the following exist:

- (i) the *floor area* to be serviced by the elevator in the *building* to be preserved does not exceed the *floor area* serviced by the elevator in the *building* to be converted by more than 10 percent, and
- (ii) the ratio of the volume of the elevator servicing the *floor area* to be preserved to the *floor area* to be preserved is at least 90 percent of the ratio of the volume of the elevator servicing the *floor area* to be converted to the *floor area* to be converted.

If the number of elevators required pursuant to the above ratio includes a fraction of an elevator, this fraction shall be rounded to the nearest whole number.

(b). Floor Load

The floors shall have a minimum live load capacity of 100 pounds per square foot (100 psf).

(c) Size of Floors

The *floor area* shall be located on floors of not less than 3,000 square feet or 50 percent of the size of the floors in the *building* to be converted, whichever is greater. *Floor area* may not be preserved on portions of floors.

(d) Loading Facilities

The loading facilities shall be at least equal in number to those in the *building* to be converted. In addition, if such *building* has an off-street loading dock, the *building* containing the *floor area* to be preserved must have such off-street loading facilities.

(e) Column Spacing

There shall be a minimum distance between columns of 16 feet, measured on center. In addition, the average distance between columns shall not be less than 90 percent of the average distance between columns in the *building* to be converted.

(f) Height of Stories

The stories shall have an average minimum height of ten feet.

121-115**Certification and other requirements of preservation and conversion**

- (a)** Prior to the issuance of an alteration permit for the conversion of *floor area* to Use Group 6B *use*, the Chairman of the City Planning Commission shall certify compliance with the requirements of Section 121-113 (Floor area preservation) upon proof of a legal commitment to preserve and maintain the required *floor area* for a permitted *use* in Use Group B. Such legal commitment shall be executed by all parties having any interest in the *floor area* to be preserved as shown by a certificate issued by a title insurance company licensed to do business in the State of New York showing all such parties in interest.

A "party in interest" in the tract of land shall include only (W) the fee owner thereof, (X) the holder of any enforceable recorded interest superior to that of the fee owner and which could result in such holder obtaining possession of all or substantially all of such tract of land, (Y) the holder of any enforceable recorded interest in all or substantially all of such tract of land which would be adversely affected by the preservation as required herein, and (Z) the holder of any unrecorded interest in all or substantially all of such tract of land which would be superior to and adversely affected by the preservation required herein and which would be disclosed by a physical inspection of the tract of land.

A copy of the legal commitment required herein shall be recorded in the Conveyances Section of the Office of the City Register of New York County upon certification.

- (b)** The amount of *floor area* required to be preserved in any *building* pursuant to Section 121-113 (Floor area preservation) shall not be reduced by the existence of a previously issued legal commitment for preservation on a portion of the *floor area* in the *building*.

- (c) If any *floor area* preserved for a *use* in Use Group B pursuant to Section 121-113 is damaged, destroyed or becomes unusable, it shall be repaired or reconstructed only in accordance with the conditions and restrictions set forth in the certification granted by the City Planning Commission and the legal commitment constituting part of such certification. Failure to comply with any other conditions and restrictions or failure to rebuild such preserved *floor area* set forth above shall constitute a violation of the certification and may constitute a basis for denial or revocation of the building permit or certificate of occupancy issued for the *building* containing preserved *floor area*.

121-12

Regulations for Conversions Commenced Prior to (the Effective Date of This Amendment)

If an alteration permit, building notice or other official approval was issued prior to October 6, 1986 for the conversion of *floor area* to a Use Group 6B *use* such *floor area* shall be exempt from the preservation requirements contained in Sections 121-11 *et. seq.*

All other conversions to Use Group 6B *use* for which an alteration permit, building notice or other official approval was issued on or after October 6, 1986 shall be subject to the preservation requirements contained in Sections 121-11 *et. seq.* notwithstanding when such conversion is completed.

121-13

Conditions for Application of Preservation Area Regulations to Entire Zoning Lot
For purposes of this Chapter, the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) are hereby made inapplicable. In lieu thereof, *zoning lots* existing on October 6, 1986 divided by the boundary of the Preservation Area as shown in Appendix A shall be subject to the *use* regulations applicable to the district in which more than 50 percent of the *lot area* is located. However, *zoning lots* fronting on a *wide street* shall not be subject to the preservation requirements of this Chapter.

121-20 SIGN REGULATIONS

The following provisions apply on *wide streets* within the *Special Garment Center District*

- (a) No *accessory business* or *advertising sign* shall project across the *street line* of a *wide street* more than 18 inches for double or multi-faced signs or 12 inches for other *signs*.
- (b) No canopies, marquees, or awnings shall be permitted on the exterior of any *building* with the exception of theatres or hotels.

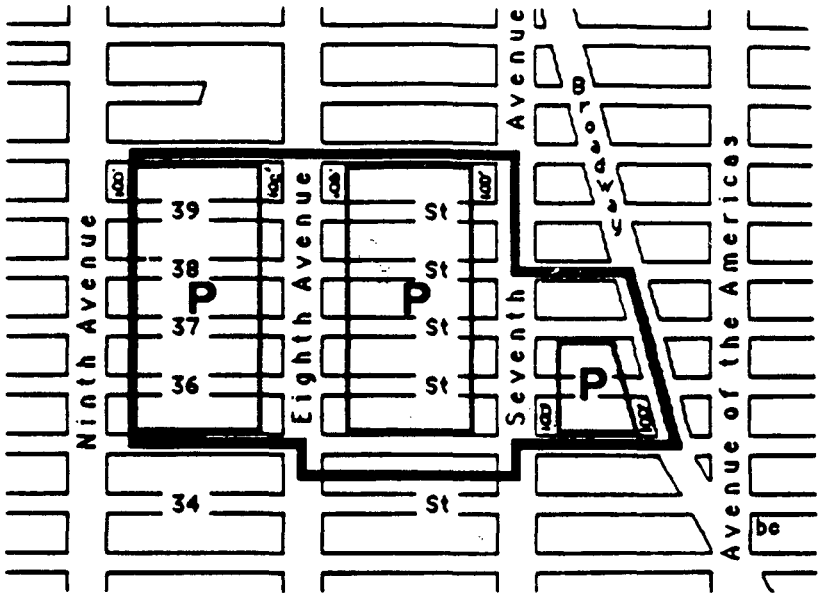
- (c) Where a permit is issued by the Department of Highways for the temporary display of banners/pennants across a *street* (or sidewalk) such banners/pennants shall be removed after 30 days of the issuance of the permit.
- (d) No banners or pennants shall be permanently displayed from the exterior of any *building* unless the design of such banners of pennants has been approved by the Mayor's Fashion Industry Advisory Council.

For the purpose of this Section, any *signs* including canopies, marquees, awnings, banners or pennants which do not conform to the above regulations may be continued for one year after the effective date of this Section, provided that after expiration of that period such non-conforming *signs*, including canopies, marquees, awnings, banners or pennants shall terminate.

121-03

APPENDIX A:

Special Garment Center District Plan



Special Garment Center District
 P — Preservation Area

(On December 10, 1986, Cal. No. 22, the Commission scheduled January 14, 1987, as the date for a public hearing. On January 14, 1987, Cal. No. 25, the hearing was continued to January 28, 1987.) On January 28, 1987, Cal. No. 32, the hearing was closed.)

Close the hearing.

BOROUGH OF STATEN ISLAND

No. 28

CD 3

C 840699 PNR

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

<u>BLOCK</u>	<u>LOT</u>	<u>LOCATION</u>	<u>TYPE OF ACTION PROPOSED</u>
7991	3 and 100 (Part of)	Interior Lot near the intersection of Arthur Kill Road and Ellis Avenue	Release of City's interest in lands now or formerly under the water of Arthur Kill to the upland owner (Richmond Industrial Associates).

(On January 12, 1987, Cal. No. 4, the Commission scheduled January 28, 1987, for a public hearing. On January 28, 1987, Cal. No. 36, the hearing was closed.)

For consideration.

BOROUGH OF THE BRONX**Nos. 29 and 30**

(Disposition of City-owned property and lease of property to facilitate the expansion of the Ruth Fernandez Transitional Family Residence.)

No. 29**CD 2****C 870345 HAX**

IN THE MATTER OF an application relating to the **disposition of city-owned property** pursuant to the Urban Development Action Area of New York State and Section 197-c of the New York City Charter.

Approval of three separate matters is requested:

1) The designation of the following properties as an Urban Development Action Area:

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>
2720	52	760 Fox Street
	53	762
2707	78	763

2) An Urban Development Action Area Project for such property; and,

3) The disposition of such property to a developer to be selected by the Department of Housing Preservation and Development.

This project involves the **expansion of the existing Ruth Fernandez Transitional Family Residence.**

(On January 12, 1987, Cal. No. 1, the Commission scheduled January 28, 1987, for a public hearing. On January 28, 1987, Cal. No. 33 the hearing was closed.)

For consideration.

No. 30

CD 2

C 870346 HLX

IN THE MATTER OF an application for the lease of property pursuant to Section 197-c of the New York City Charter.

The property to be leased comprises 760, 762 and 763 Fox Street (block 2720 lots 52 and 53, and block 2707 lot 78 respectively). Upon completion of the rehabilitation of these properties for use as an expansion of the **Ruth Fernandez Family Transitional Family Residence**, and the issuance of a Certificate of Occupancy, the Human Resources Administration will initiate a 17 year lease with the owner/sponsor of the building.

(On January 12, 1987, Cal. No. 2, the Commission scheduled January 28, 1987, for a public hearing. On January 28, 1987, Cal. No. 34, the hearing was closed.)

For consideration.

No. 31

CD 9

C 870161 PSX

IN THE MATTER OF an application submitted by the Department of Juvenile Justice pursuant to Section 197-c of the New York City Charter for the selection and acquisition of property located on the westerly side of **Beach Avenue**, between **Gleason and Watson Avenues** (Block 3753, Lots 1 and 73, for the operation of a non-secure detention group home for children.

(On January 12, 1987, Cal. No. 3, the Commission scheduled January 28, 1987, for a public hearing. On January 28, 1987, Cal. No. 35 the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 32

CD 18

C 870252 PPK

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

<u>BLOCK</u>	<u>LOT</u>	<u>LOCATION</u>	<u>TYPE OF ACTION PROPOSED</u>
8218	26	East Side of East 91st Street, 152 Feet South of Avenue J.	Restricted disposition for Cemetery uses only.

(On December 10, 1986, Cal. No. 13, the Commission scheduled January 14, 1987, as the date for a public hearing. On January 14, 1987, Cal. No. 16, the hearing was continued to January 28, 1987. On January 28, 1987, Cal. No. 21, the hearing was closed.)

For consideration.
