

CAL. NO.	C.P. NO.	REPORTS		REMARKS	CAL. NO.	C.P. NO.	REPORTS		REMARKS
		TO	FROM				TO	FROM	
	MINUTES	(5/20)		Approved	47	C 870670	PPM		Hearing Closed
1	C 860389	GFM		Sched. 6/17	48	C 870659	PPX		" "
2	C 870740	PPM			49	C 870523	PPK		" "
3	C 870646	ZSM			50	C 870570 - 579	PPK		" "
4	C 870647	PPM			51	C 861003	ZMO		" "
5	C 870534	PSM			52	C 860553	ZMM		Law. Rept. Adpt
6	C 870549	ZMM			53	N 870002	ZRR		" " "
7	C 870632	HUM			54	C 870003	ZMR		" " "
8	C 870604	PSM			55	C 870550	HDK		" " "
9	C 870631	HUM			56	C 860433	ZSO		" " "
10	C 870535	PSM			57	C 870306	ZSO		Withdrawn
11	C 870718	PSM			58				
12	C 870751	HUM			59				
13	C 870536	PSM			60				
14	C 870633	HUM			61				
15	C 870629	HAM			62				
16	N 870612	ZRY			63				
17	C 870540	PSR			64				
18	C 870541	PSR			65				
19	C 870561	MMR			66				
20	C 870542	PSR			67				
21	C 870649	ZSR			68				
22	C 870606	PSR			69				
23	C 870752	ZSR			70	* Comm McNeil did not participate in C.O. #52			
24	C 860071	MMX			71				
25	C 870543	PSX			72				
26	C 870544	PSX			73				
27	C 870545	PSX			74				
28	C 870600	PSX			75	Present			
29	C 870651	ZMX			76	S. Deutch, Chairman			
30	C 870601	PSX			77	S. Gagliardo, Comm.			
31	C 870608	ZMX			78	G. McNeil "			
32	C 870405	ZMK			79	D. Scannell "			
33	C 861033	PPK			80	D. Schinley "			
34	C 870007	MMK			81				
35	C 870531	PSK			82				
36	C 870722	PSK			83				
37	C 870602	PSK			84				
38	C 870603	ZMK			85				
39	C 870693	PPQ			86				
40	C 830549	MMQ			87				
41	C 860487	MMQ			88				
42	C 870537	PSQ			89				
43	C 870744	MMQ			90				
44	C 870539	PSQ			91				
45	C 870605	PSQ			92				
46	C 870650	ZSO			93				

**COMPREHENSIVE
CITY PLANNING CALENDAR**

of

The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, June 3, 1987

MEETING AT 10:00 A.M.

in the

BOARD OF STANDARDS AND APPEALS

161 Avenue of the Americas

11th Floor Hearing Room

New York, New York



Edward I. Koch, Mayor

City of New York

[No. 10]

Prepared by Lory R. Alcala, Calendar Officer

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS

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

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.

CITY PLANNING COMMISSION

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

SYLVIA DEUTSCH, *Chairperson*

SALVATORE C. GAGLIARDO

WM. GARRISON MCNEIL

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, June 3, 1987

Calendar No. 10

Roll Call; approval of minutes	1
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II. Public Hearings	30
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**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 June 17, 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, June 3, 1987

APPROVAL OF MINUTES OF Regular Meetings of May 20, 1987

**II. PUBLIC HEARINGS OF THE FOLLOWING MATTERS
TO BE SCHEDULED FOR
WEDNESDAY, JUNE 17, 1987
STARTING AT 10 A.M.
IN CITY HALL, MANHATTAN**

BOROUGH OF MANHATTAN

No. 1

CD 5

C 860389 GFM

IN THE MATTER OF an application submitted by Young and Rubicam, Inc. pursuant to Section 197-c of the New York City Charter for the **grant of a ten year revocable consent to construct, maintain and use a sixteen feet high by four feet diameter sidewalk clock with electrical conduit on the sidewalk beyond the building line, in front of premises located at 279-293 Madison Avenue, three feet from the curb to the center of the clock Stanchion and approximately 68 feet north of the curb at the intersection of Madison Avenue and East 40th Street, for a pedestrian amenity.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 2

CD 12

C 870740 PPM

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 three (3) City-owned properties.**

<u>BLOCK</u>	<u>LOT</u>	<u>LOCATION</u>
2115	29	510 West 157th Street
2119	15	572 West 161st Street
2156	145	16 Washington Terrace

Resolution for adoption scheduling June 17, 1987 for a public hearing.

 Nos. 3 and 4

(Grant of a special permit and amendment to the current lease from the City of New York to the Carnegie Hall Corporation to allow the development of a 60 story office building as part of the enlargement of Carnegie Hall.)

No. 3

CD 5

C 870646 ZSM

IN THE MATTER OF an application submitted by the New York Landmarks Preservation Commission on behalf of the Rockrose Development Corporation and the Carnegie Hall Corporation pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-711 of the Zoning Resolution for the **grant of a special permit** involving modifications of use and bulk regulations, retail continuity along designated streets, relocation of subway stair and pedestrian circulation space, **to allow the development of a 60-story office building as part of the enlargement of Carnegie Hall**, an existing landmark building on a zoning lot bounded by West 57th Street, Seventh Avenue and West 56th Street (Block 1009, Lot 1), within the Special Midtown 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, N.Y. 10007.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 4

CD 5

C 870647 PPM

IN THE MATTER OF an application by the Division of Real Property for the disposition of the following property:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY SIZE</u>	<u>PROPERTY TYPE</u>
1009	1	200" x 200"	Carnegie Hall

The application is for (Rembrandt Development) the amendment to the current lease from the City of New York to the Carnegie Hall Corporation to extend the terms of the lease and allow for the construction of an office building on vacant land.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

NOTICE

On June 17, 1987 at 10:00 a.m. in City Hall, New York, a public hearing will be held by the Department of City Planning and the Department of Environmental Protection to receive comments relating to the Draft Environmental Impact Statement concerning the proposed sixty (60) story office building to be located on the eastern portion of the Carnegie Hall zoning lot pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQRA).

 No. 5, 6 and 7

(Selection and acquisition of property, Zoning Map change and the Second Amendment to the Clinton Urban Renewal Area for the proposed development of a residence center for homeless families)

No. 5

CD 4

C 870534 PSM

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the Selection and Acquisition of property comprising Site 7B within the Clinton Urban Renewal Area, and located on a part of the block bounded by West 52nd Street, 11th Avenue, West 53rd Street and 10th Avenue (Block 1081, part of Lot 1), as

more specifically described in the site plan provided by the Human Resources Administration and dated March 6, 1987, for the construction of a **Residence Center for Homeless Families**.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 6

CD 4

C 870549 ZMM

IN THE MATTER an application submitted by the New York City Human Resources Administration pursuant to Sections 197-c and 200 of the New York City Charter for **amendment of the Zoning Map**, Section No. 8c, changing from an M1-5 District to an R8 District property bounded by West 52nd Street, a line 175 feet east of 11th Avenue, West 53rd Street and a line 375 feet east of 11th Avenue to **allow the construction of a residence center for homeless families** within the Special Clinton District, as shown on diagram dated March 30, 1987.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 7

CD 4

C 870632 HUM

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

The proposed amendment subdivides Site 7 into Sites 7A and 7B, and adds the following language to the text of the Urban Renewal Plan:

"Community Facility (institutional) uses with sleeping accommodations including family units shall also be permitted."

This proposed amendment would **facilitate the construction of a Residence Center for homeless families** on Site 7B within the Clinton Urban Renewal Area.

Site 7B is on a part of the block bounded by West 52nd Street, 10th Avenue, West 53rd Street and 11th Avenue (Block 1081, part of the Lot 1).

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 8 and 9

(Selection and acquisition of property and the First Amendment to the Cooper Square Urban Renewal Plan to facilitate the development of a residence shelter for homeless individuals)

No. 8**CD 3****C 870604 PSM**

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **Selection and Acquisition of property** comprising Sites 2D and 2E **within the Cooper Square Urban Renewal Area**, and located on a part of the block bounded by East 1st Street, Bowery, East 2nd Street and Second Avenue (Block 457, part of Lot 28), as more specifically described in the site plan provided by the Human Resources Administration and dated March 31, 1987, **for the construction of a Residence Center for single individuals.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 9**CD 3****C 870631 HUM**

IN THE MATTER OF an **Amendment to the Cooper Square Urban Renewal Plan** pursuant to Section 505 of the General Municipal Law (Urban Renewal Law) of New York State and Section 197-c of the New York City Charter.

The proposed amendment adds the following language to the text of the Urban Renewal Plan:

“Community Facility (institutional) use with sleeping accommodations including family units shall also be permitted.”

This proposed amendment would **facilitate the construction of a Residence Center for approximately 200 homeless individuals** on Sites 2D and 2E within the Cooper Square Urban Renewal Area, Borough of Manhattan.

Sites 2D and 2E are on a part of the block bounded by East 1st Street, Bowery, East Second Street and Second Avenue (Block 457, Lots 28,44 and 36).

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 10

(Selection and acquisition of property for the proposed development of the West 152nd Street residence center for homeless families)

CD 10

C 870535 PSM

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **Selection and Acquisition of property located on a part of the block bounded by West 152nd Street, Frederick Douglass Boulevard, West 153rd Street and Macombs Place** (Block 2038, Lots 1, 3, 4, 5,55, 57, 59, 60, 63 and 64), as more specifically described in the site plan provided by the Human Resources Administration and dated March 6, 1987, **for the construction of a Residence Center for Homeless Families.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

Nos. 11 and 12

(Selection and acquisition of property and an Amendment to the Milbank-Frawley Urban Renewal Plan to facilitate the development of a residence center for homeless families)

No. 11

CD 11

C 870718 PSM

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **Selection and Acquisition of property** comprising Site 17A **within the Milbank-Frawley Circle Urban Renewal Area**, and located on a part of the block bounded by East 119th Street, Madison Avenue, East 118th Street and Fifth Avenue (Block 1745, Lots 5,9 thru 13, 59, 160, 61, 62, 162, 63, 163, 64, 65, 165, 66, 67, 167 and

68 as more specifically described in the site plan provided by the Human Resources Administration and dated March 31, 1987, for the construction of a Residence Center for Homeless Families.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 12

CD 11

C 870751 HUM

IN THE MATTER OF an Amendment to the Milbank-Frawley Circle Urban Renewal Plan pursuant to Section 505 of the General Municipal Law (Urban Renewal Law) of New York State and Section 197-c of the New York City Charter.

The proposed amendment Creates sites 38A, 17C and 37C and adds the following language to the text of the Urban Renewal Plan:

“Community Facility (Institutional) uses with sleeping accommodations including family units shall also be permitted.”

This proposed amendment would **facilitate the construction of a Residence Center for homeless families** on Site 17A within the Milbank-Frawley Circle Urban Renewal Area, Borough of Manhattan.

Site 17A is on a part of the block bounded by East 119th Street, Madison Avenue East 118th Street and Fifth Avenue (Block 1745, Lots 5, 9 thru 13, 59, 160, 61, 62, 162, 63, 64, 65 and 165, 167, 67 and 68.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

Nos. Nos. 13 and 14

(Selection and acquisition of property and the 12th Amendment to the Harlem-East Harlem Urban Renewal Plan to facilitate the development of a proposed residence center for homeless families)

No. 13

CD 11

C 870536 PSM

IN THE MATTER OF an application submitted by the Human Resources Administration, pursuant to Section 197-c of the New York City Charter for the selection and acquisition of property within the East Harlem Triangle part of the Harlem-East Harlem Urban Renewal Area and located on a part of the block bounded by West 126th Street, Third Avenue, West 127th Street and Second Avenue (Block 1791, part of Lot 1), as more specifically described in the site plan provided by the Human Resources Administration and dated March 31, 1987 for a residence center for homeless families.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 14

CD 11

C 870633 HUM

IN THE MATTER OF an Amendment to the East Harlem Triangle part of the Harlem-East Harlem Urban Renewal Plan pursuant to Section 505 of the General Municipal Law (Urban Renewal Law) of the New York State and Section 197-c of the New York City Charter.

The proposed amendment reconfigures Sites 8A and 9 into Sites 9A and 9B, and adds the following language to the text of the Urban Renewal Plan:

“Community Facility (institutional) uses with sleeping accommodations including family units shall also be permitted.”

This proposed amendment would facilitate the construction of a Residence Center for Homeless Families on site 9A.

Site 9A is on a part of the block bounded by West 126th Street, Third Avenue, West 127th Street and Second Avenue (Block 1791, part of Lot 1).

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 15

(Designation and disposition of property for proposed housing for the mentally disabled and one staff unit)

CD 11

C 870629 HAM

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 of property located on the northerly side of East 109th Street between Lexington and 3rd Avenues, 169-171 and 173-175 East 109th Street (Tax Block 1637, Lots 28 and 30);
- 2) Approval of 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 will consist of 14 congregate **dwelling units and one staff unit for the mentally disabled** in a rehabilitated six-story building. Financing will be provided by Section 202 of the National Housing Act of 1959, as amended with subsidies for 100 percent of the units provided under Section 8 of the United States Housing Act of 1937, as amended.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

CITYWIDE

No. 16

Citywide

N 870612 ZRY

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, to section 74-68, modifying the existing special permit **allowing certain developments over railroad or transit rights-of-way** or yards by adding a new finding and condition as follows:

Matter in **Bold Type** is new;

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

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

N 870612 ZRY

The proposed text is *underlined*.

74-68

Developments Over Certain Rights-of-Way or Yards**74-681****(1) Developments Over Railroad or Transit Rights-Of-Way or Yards**

In all districts, the City Planning commission may permit *developments* or *enlargements* in *railroad or transit air space* for any *use* listed in a Use Group permitted by the applicable district regulations, provided that the following findings are made;

- (a) that the *lot area* for such *development* or *enlargement* includes only that portion of the right-of-way or *yard* which is to be completely covered over by a permanent platform, constructed in accordance with administrative code provisions where applicable and standards appropriate for public safety to be determined by the Department of Buildings, unperforated except for such suitable protected openings as may be required for ventilation, drainage, or other necessary purposes.
- (b) That adequate access to one or more *streets* is provided.
- (c) That, considering the size of the proposed *development* or *enlargement*, the streets providing access to such *use* will be adequate to handle increased traffic resulting therefrom.

- (d) That from the standpoint of effects upon the character of surrounding areas, the *floor area* or number of *rooms* is not unduly concentrated in any portion of such *development* or *enlargement*, including any portion located beyond the boundaries of such *railroad* or *transit air space*.
- (e) **That, if such right-of-way or yard is deemed appropriate for future transportation use, the site plan and structural design of the *development* or *enlargement* does not preclude future use of, or improvements to the right-of-way for such transportation uses.**

For such *developments* or *enlargements* in *railroad* or *transit air space*, the Commission may establish an appropriate level or levels instead of *curb level* as the reference plane for the applicable regulations pertaining to *open space*, *yards*, *rear yard equivalents*, level of *yards*, minimum distance between buildings and floor space that is used for *accessory* parking facilities.

For any such *development* or *enlargement*, single ownership of rights to *develop railroad* or *transit air space* within a single *block* shall be deemed to be equivalent to ownership of a *zoning lot* or portion thereof, and such ownership of rights shall be deemed to include equivalent ownership arrangements of the *zoning lot* definition in section 12-10. *Railroad* or *transit air space* in which such rights are in single ownership shall be deemed equivalent to a *zoning lot* or portion thereof. The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and may require that the structural design of such *development* or *enlargement* make due allowance for changes in the layout of tracks or other structures within such right of way or *yard*, which may be deemed necessary in connection with future improvements of the transportation system.

To facilitate future transportation improvements, the City Planning Commission may require appropriate easements through railroad or transit rights-of-way, *railroad* or *transit air space* and/or other portions of *zoning lots* containing such *developments* or *enlargements*.

(2) Large-Scale Residential Developments Over Railroad or Transit Rights-of-Way or Yards

In all districts in which *large-scale residential developments* may be located, the City Planning Commission may permit *large-scale residential developments*, in *railroad* or *transit air space* for any use listed in a Use Group permitted by the applicable district regulations and in connection therewith, may permit beneath a permanent platform covering such *railroad* or *transit air space* uses *accessory* to such primary uses located in such *railroad* or *transit air*

space, and/or, notwithstanding the applicable district regulations, public parking garages or public parking lots (pursuant to Section 74-50), public transit yards, warehouses, trucking terminals or motor freight stations (without limitation on lot area per establishment), or railroads (including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations), provided that the following findings are made:

- (a) That the *lot area* for such *large-scale residential development* includes only: that portion of the right-of-way or *yard* which is to be completely covered over by a permanent platform (constructed in accordance with administrative code provisions where applicable and standards appropriate for public safety to be determined by the Department of Buildings, unperforated except for such suitably protected openings as may be required for ventilation, drainage or other necessary purposes); and, if any, that portion of the right-of-way or *yard* adjacent to and at a level below such platform, which below platform portion is designated as *lot area* on the approved site plan is developed, landscaped and used exclusively for active and/or passive recreation, and is usable by and accessible to the residents of the *large-scale residential development*.
- (b) That adequate access to one or more *streets* is provided for such *large-scale residential development* in *railroad or transit air space* and such *uses*, beneath the platform.
- (c) That, considering the size of the proposed *large-scale residential development* in *railroad or transit air space* and such *uses* beneath such platform the *streets* providing access to such uses will be adequate to handle increased traffic resulting therefrom.
- (d) That, from the standpoint of effects upon the character of the surrounding area, the *floor area* or *number of rooms* is not unduly concentrated in any portion of such *large-scale residential development*, including any portion located beyond the boundaries of such *railroad or transit air space*.
- (e) That all *uses, developments, enlargements and extensions* located in *railroad or transit air space* and beneath such platform do not adversely affect one another.
- (f) That the owner(s) or occupant(s) of such *large-scale residential development* which contains at least 1,000 *dwelling units*, will provide, in accordance with an approved *development phasing plan*, and will either directly or indirectly by adequate funding maintain and operate in accordance with an approved maintenance and operation plan:

- (i) a park, located on an adjoining site, which has been or is to be mapped pursuant to Section 199 of the Charter and conveyed to the City; and/or
- (ii) a recreation area, located on an adjoining site, which, by way of a conveyance of a real property interest, is open and accessible to the general public and/or
- (iii) a recreation area, as set forth in finding (a) of this subdivision (2), located within the site of such *large-scale residential development* which is designated as *lot area*, and, by way of a conveyance of a real property interest, is open and accessible to the general public as well as the residents of the *large-scale residential development*.

For such *large-scale residential development* located in *railroad or transit air space*:

- (1) Single ownership of rights to *develop railroad or transit air space* within a single *block* shall be deemed to be equivalent to ownership of a *zoning lot* or portion thereof, and such ownership of rights shall be deemed to include equivalent ownership arrangements of the *zoning lot* definition in Section 12-10. *Railroad or transit air space* in which such rights are in single ownership shall be deemed equivalent to a *zoning lot* or portion thereof.
- (2) A *street* having a lower limit plane which does not descend to the level of the natural land located beneath such platform shall not be deemed a "*street*" for the purpose of the definition of a "*block*" or a "*zoning lot*", but shall be deemed a "*street*" for all other zoning purposes (hereinafter referred to as a "*platform street*").
- (3) A portion of *railroad or transit air space* located at and above the level of such platform, and, if any, a portion of *railroad or transit air space* designated as lot are in accordance with finding (a) of this subdivision (2), and located adjacent to and below the level of such platform, which portion(s) is (are) bounded at least in part by such *platform street* and is (are) otherwise bounded in accordance with the definitional requirement for a "*block equivalent*"). Such *block equivalent*, or portion thereof, which is a lot of record shall be deemed to be equivalent to a *zoning lot* (hereinafter referred to as a "*zoning lot equivalent*"), and shall be subject to all applicable zoning regulations as if it were a *zoning lot*.
- (4) The City Planning Commission may establish an appropriate level or levels instead of *curb level* as the reference plane for the applicable regulations pertaining to *open space, yards, rear yard equivalents*, level of *yards*, minimum distance between *buildings* and floor space that is used for *accessory parking facilities*.

- (5) The provisions of Sections 74-99 and 78-07 relating to the lapse of a special permit may be modified by the City Planning Commission if it determines that such modification shall enhance the implementation of such *large-scale residential development*.
- (6) The provisions of Sections 23-151, 24-11, 32-43 and 33-120.5 relating to R10 Infill may be modified by the City Planning Commission if it determines that such modifications shall enhance the *large-scale residential development*.
- (7) The provisions of Article I, Chapter 3 relating to *accessory* off-street parking may be modified by the City Planning Commission if it determines that such modification shall enhance the large-scale residential development.
- (8) A portion of a *building* may be located in the air space above a platform *street* provided that:
 - (a) Such air space is not mapped or, if mapped, is closed and demapped by the Board of Estimate;
 - (b) Such platform *street* area shall not generate *development* rights;
 - (c) Such *building* portion shall have a minimum clearance height of 45 feet at all points measured from *curb level* (or such *curb level* equivalent) to the soffit;
 - (d) Such *building* portion shall not rest upon columns or other means of support intruding upon such platform *street*;
 - (e) Each of such building portions shall not exceed 4,750 square feet in area (measured on any horizontal plane);
 - (f) All platform *street* frontages of the *zoning lots* (or *zoning lot* equivalents) under such *building* portion (except for *zoning lots* or *zoning lot* equivalents containing only columns or other means of support for such *building* shall:
 - (i) contain only *uses* requiring human occupancy, such as local retail stores, personal service establishments, and other similar *uses* permitted by the underlying district regulations, and not contain storage rooms, mechanical equipment rooms, parking or loading facilities, or curb cuts; and
 - (ii) contain a main entrance for principal pedestrian access to the subject *building*;
 - (g) Appropriate illumination (of at least 5 foot candles) and ventilation shall be provided beneath such *building* portion; and

- (h) The minimum distance between the nearest edges of two such *building* portions traversing the same platform *street* shall be 300 feet (measured along the platform *street line*).
- (9) The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and may require that the structural design of such *large-scale residential development* make due allowance for changes in the layout of tracks or other structures within such *right-of-way or yard*, which may be deemed necessary in connection with future improvements of the transportation system.

To facilitate future transportation improvements, the City Planning Commission may require appropriate easements through railroad or transit rights-of-way, railroad or transit air space and/or large scale residential developments.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

BOROUGH OF STATEN ISLAND

No. 17

(Selection and acquisition of property to facilitate development of the Greenfield Avenue Residence Center for Homeless Families)

CD 1

C 870540 PSR

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **Selection and Acquisition of property located on a part of the block bounded by Greenfield Avenue, Osgood Avenue, Fairway Avenue, Park Hill Court, Vanderbilt Avenue and Tompkins Street (Block 2867, part of Lot 214), as more specifically described in the site plan provided by the Human Resources Administration and dated March 27, 1987 for the construction of a Residence Center for Homeless Families.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

Nos. 18 and 19

(Selection and acquisition of property and an amendment to the City Map to facilitate development of the Washington Avenue Residence for Homeless Families)

No. 18**CD 2****C 870541 PSR**

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **Selection and Acquisition of property located on a part of the two-block area bounded by Washington Avenue, Harold Street, Fields Avenue**, an extension of the northerly line of **Uxbridge Street and Sunset Avenue** (Block 1984, Lot 65; Block 1988, Lot 40; and including the major part of **Joseph Avenue**, between Sunset Avenue and Harold Street), as more specifically described in the site plan provided by the Human Resources Administration and dated March 6, 1987, for the **construction of a Residence Center for Homeless Families.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 19**CD 2****C 870561 MMR**

IN THE MATTER OF an application submitted by the New York City Human Resources Administration pursuant to Sections 197-c and 199 of the New York City Charter for **an amendment to the City Map** involving the elimination, discontinuance and closing of an unimproved portion of **Joseph Avenue** between **Sunset Avenue** and approximately 98 feet north of **Harold Street**, the flaring of **Washington Avenue** at its intersection with **Sunset Avenue** and the adjustment of legal grades necessitated thereby to **facilitate development of a residence for homeless families**, in accordance with Map. No. 870561 dated March 30, 1987 and signed by the Director of City Planning and Chairperson, City Planning Commission.‡

Resolution for adoption scheduling June 17, 1987 for a public hearing.

Nos. 20 and 21

(Selection and acquisition of property and grant of a special permit to facilitate the proposed development of the Richmond Avenue Residence Center for Homeless Families).

No. 20**CD 3****C 870542 PSR**

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **Selection and Acquisition of property** located on a part of the block bounded by Tennyson Drive, Richmond Avenue, Hylan Boulevard and Retford Avenue (Block 5411, part of Lot 40), as more specifically described in the site plan provided by the Human Resources Administration and dated March 13, 1987, **for the construction of a Residence Center for Homeless Families.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 21**CD 3****C 870649 ZSR**

IN THE MATTER OF an application submitted by the New York City Human Resources Administration pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-902 of the Zoning Resolution for the **grant of a special permit** to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percent of Lot Coverage) to apply to a proposed non-profit institution with sleeping accommodations located on the north west side of Tennyson Drive between Richmond Avenue and Prol Place.

Plans for this **proposed residence center for homeless families** are on file with the City Planning Commission and may be seen in Room 1514, 2 Lafayette Street, New York, New York 10007.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

Nos. 22 and 23

(Selection and acquisition of property and grant of a special permit to facilitate the proposed development of the Richmond Terrace Residence Center for single individuals)

No. 22

CD 1

C 870606 PSR

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **Selection and Acquisition of property** located on a part of the block bounded by Richmond Terrace, Van Name Avenue, Heusden Street and Van Name Avenue (Block 1188, Lots 48, 54 and 58), as more specifically described in the site plan provided by the Human Resources Administration and dated March 31, 1987, for a **Residence Center for Homeless single individuals.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 23

CD 1

C 870752 ZSR

IN THE MATTER OF an application submitted by the New York City Human Resources Administration pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-902 of the Zoning Resolution for the **grant of a special permit** to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percent of Lot Coverage) to apply for a proposed non-profit institution with sleeping accommodations located on the southeast corner of Richmond Terrace and Van Pelt Avenue, Borough of Staten Island, CD 1.

Plans for this **proposed supporting housing for singles** are on file with the City Planning Commission and may be seen in Room 1514, 2 Lafayette Street, New York, New York 10007.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

BOROUGH OF THE BRONX**No. 24****CD 2****C 860071 MMX**

IN THE MATTER OF an application submitted by the New York City Department of Transportation pursuant to Section 197-c of the New York City Charter for **an amendment to the City Map** involving a change in the legal grades of Tiffany Street between Garrison Avenue and Bruckner Boulevard **to facilitate the rehabilitation of the Tiffany Street Bridge** in accordance with Map No. 13007 dated March 19, 1987 and signed by the Borough President.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 25

(Selection and acquisition of property to facilitate the proposed development of the East 138th Street residence center for homeless families)

CD 1**C 870543 PSX**

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **Selection and Acquisition of property located on a part of the block bounded by East 138th Street, Cypress Avenue, East 139th Street and Jackson Avenue** (Block 2567, Lots 15, 20, 34, 39, 40, 41 and 13), as more specifically described in the site plan provided by the Human Resources Administration and dated March 31, 1987, **for the construction of a Residence Center for Homeless Families.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 26

(Selection and acquisition of property to facilitate the proposed development of the Commonwealth Avenue residence center for homeless families)

CD 9

C 870544 PSX

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **Selection and Acquisition of property located on the easterly side of Commonwealth Avenue, between Gleason Avenue and Watson Avenue (Block 3752, Lot 13), as more specifically described in the site plan provided by the Human Resources Administration and dated March 31, 1987, for the construction of a Residence Center for Homeless Families.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 27

(Selection and acquisition of property to facilitate the proposed development of the Baychester Residence Center for Homeless Families)

CD 10

C 870545 PSX

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **Selection and Acquisition of property located on part of the block bounded by Baychester Avenue, Rombouts Avenue, Givan Avenue and Co-op City Boulevard (Block 5141, Lot 328), as more specifically described in the site plan provided by the Human Resources Administration and dated March 6, 1987, for the construction of a Residence Center for Homeless Families.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

Nos. 28 and 29

(Selection and acquisition of property and an amendment to the Zoning Map to facilitate development of the proposed Powers Avenue Residence Center for Homeless Families)

No. 28**CD 1****C 870600 PSX**

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **Selection and Acquisition of property** located on the major part of the block bounded by Powers Avenue, East 142nd Street, Jackson Avenue and East 141st Street (Block 2572, Lot 6), as more specifically described in the site plan provided by the Human Resources Administration and dated March 6, 1987, **for the construction of a Residence Center for Families.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 29**CD 1****C 870651 ZMX**

IN THE MATTER OF an application submitted by the New York City Human Resources Administration pursuant to Sections 197-c and 200 of the New York City Charter for **amendment of the Zoning Map**, Section No. 6c, changing from an M1-2 District to an R6 District property bounded by East 141st Street, Jackson Avenue, East 142nd Street and a line midway between Powers Avenue and Jackson Avenue **to allow the construction of a residence center for homeless families**, as shown on a diagram dated March 30, 1987.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

Nos. 30 and 31

(Selection and acquisition of property and an amendment to the Zoning Map to facilitate the development of the proposed Mount Eden Residence Center for homeless single individuals)

No. 30

CD 4

C 870601 PSX

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **the selection and acquisition of property** located on a part of the block bounded by Mt. Eden Avenue, Inwood Avenue, Goble Place and Macombs Road (Block 2865, Lots 49, 53 and 55), as more specifically described in the site plan provided by the Human Resources Administration and dated March 31, 1987, **for a residence for homeless single individuals.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

 No. 31

CD 4

C 870608 ZMX

IN THE MATTER OF an application submitted by the New York City Human Resources Administration pursuant to Sections 197-c and 200 of the New York City Charter for **an amendment of the Zoning Map**, Section No. 3b, changing from a C8-3 District to an R7-1 District property bounded by Goble Place, Inwood Avenue, West Mt. Eden Avenue and a line 200 feet west of Inwood Avenue, **to allow the construction of supported housing for singles**, as shown on a diagram dated April 6, 1987.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

BOROUGH OF BROOLYN

No. 32

CD 2

C 870405 ZMK

IN THE MATTER OF an application submitted by Windberk Partners, pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment to the Zoning Map** Section No. 16c, establishing within an existing R6 District a C2-3 District bounded by Pacific Street, Boerum Place, Dean Street and a line of 125 feet west of Boerum Place **to allow the expansion of an existing racquet ball club** as shown on a diagram dated March 30, 1987.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 33

CD 2

C 861033 PPK

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

<u>BLOCK</u>	<u>LOT</u>	<u>LOCATION</u>	<u>TYPE OF ACTION PROPOSED</u>
163	1 and 36	124-150 Livingston Street. Entire block bounded by Livingston, Smith and Schermerhorn Streets and Boerum Place	99 year lease through the Public Development Corporation to Cohen Brothers Realty Corporation and Starrett Housing Corporation

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 34

CD 13

C 870007 MMK

IN THE MATTER OF an application submitted by Bay Properties Associates pursuant to Sections 197-c and 199 of the New York City Charter for an **amendment to the City Map** involving the elimination, discontinuance and closing of Bay 44th Street from Westshore Avenue to the U.S. Bulkhead Line; the elimination of lines of Westshore Avenue between Bay 43rd and Bay 44th Avenues; the elimination of an existing sewer easement; the establishment of a sewer easement; and a change in the lines and grades in the vicinity of intersection of Westshore Avenue and Bay 43rd Street to **facilitate the construction of a Marina, and a pedestrian access area** ancillary to an as-of-right residential development in accordance with Map No. X-2396, Dated February 24, 1987, and signed by the Borough of President of Brooklyn.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 35

(Selection and acquisition of property to facilitate development of the proposed Broadway Residence Center for homeless families)

CD 4

C 870531 PSK

IN THE MATTER OF an application submitted by the Human Resources Administration, pursuant to Section 197-c of the New York City Charter for the **selection and acquisition of property** located on a part of the block bounded by Broadway, Schaeffer Street, Bushwick Avenue and Decatur Street (Block 3426, Lots 3, 4, 5, 7, 8, 13, 14 and 43 through 50), as more specifically described in the site plan provided by the Human Resources Administration and dated March 31, 1987, **for the construction of a residence center for homeless families.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 36

(Selection and acquisition of property to facilitate development of the proposed Neptune Avenue Residence Center for homeless families)

CD 13**C 870722 PSK**

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **Selection and Acquisition of property** located on a part of the block bounded by Neptune Avenue, the northerly extension of West 24th Street, Marginal Street and West 23rd Street (Block 6965, Lot 125), as more specifically described in the site plan provided by the Human Resources Administration and dated March 27, 1987, for the construction of a **Residence Center for Homeless Families**.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

Nos. 37 and 38

(Selection and acquisition of property and an amendment of the Zoning Map to facilitate the development of the proposed East New York Residence Center for homeless singles)

No. 37**CD 16****C 870602 PSK**

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **selection and acquisition of property** located on a part of the block bounded by Sterling Place, East New York Avenue and Saratoga Avenue (Block 1472, Lots 1, 40, 42, 46 and 51 through 58) as more specifically described in the site plan provided by the Human Resources Administration and dated March 27, 1987, for a **residence center for homeless singles**.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 38

CD 16

C 870603 ZMK

IN THE MATTER OF an application submitted by the New York City Human Resources Administration pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning Map**, Section No. 17b, changing from a C8-2 District to an R6 District, property bounded by East New York Avenue, St. John's Place, Saratoga Avenue, Eastern Parkway and Sterling Place **to allow the construction of a residence center for homeless singles**, as shown on a diagram dated April 6, 1987.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

 BOROUGH OF QUEENS

No. 39

CD 12

C 870693 PPQ

IN THE MATTER FOR an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of twenty-eight (28) city-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 2 Lafayette Street, Room 1514, New York, New York 10007.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

 No. 40

CD 2

C 830549 MMQ

IN THE MATTER OF an application submitted by the New York City Public Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter for an **amendment to the City Map** involving the elimination, discontinuance and closing of 55th Road between points 10 feet and 100.03 feet east of 46th Street along the layout of a turnaround area approximately 170 feet south of 55th Avenue and a change in legal street grades within 55th Avenue between 46th Street and 48th Street **to improve the economic viability of the West Maspeth Industrial Area** in accordance with Map No. 4813, dated February 3,

1986, and signed by the Borough President. The map was referred by the Board of Estimate on February 20, 1986 (Calendar No. 197).

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 41

CD 2

C 860487 MMQ

IN THE MATTER OF an application submitted by the Dormitory Authority of the State of New York pursuant to Sections 197-c and 199 of the New York City Charter for an **amendment to the City Map** involving the elimination, discontinuance and closing of 31st Place between Thomson and 47th Avenues to **facilitate the expansion and consolidation of the Fiorello H. LaGuardia Community College**, in accordance with Map No. 4830, Dated November 14, 1986, and signed by the Borough President of Queens.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

Nos. 42 and 43

(Selection and acquisition of property and an amendment to the City Map to facilitate development of the proposed 134th Street residence center for homeless families)

No. 42

CD 8

C 870537 PSQ

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **selection and acquisition of property** located within an area comprising a part of the Van Wyck Expressway Extension as proposed to be demapped and bounded by the Union Turnpike, 134th Street, an extension of the northerly line of Lefferts Avenue and the Van Wyck Expressway, as more specifically described in the plan

provided by the Human Resources Administration and dated March 31, 1987, for the construction of a residence center for homeless families.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 43

CD 8

C 870744 MMQ

IN THE MATTER OF an application submitted by the New York City Human Resources Administration pursuant to Sections 197-c and 199 of the New York City Charter for an **amendment to the City Map** involving elimination of a portion of the Van Wyck Expressway extension at the southwest corner of Union Turnpike and 134th Street and the establishment of a new block and the adjustment of legal grades necessitated thereby to **facilitate development of a residence center for homeless families**, in accordance with Map No. 870744 MMQ dated March 30, 1987, and signed by the Director of City Planning and Chairperson, City Planning Commission.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 44

(Selection and acquisition of property for the proposed New York Boulevard Residence Center for Homeless Families)

CD 13

C 870539 PSQ

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **selection and acquisition of property** located on a part of the block bounded by New York Boulevard, 147th Avenue, 177th Street and 146th Drive (Block 13307, Lots 91, 100, 104 and 113), as more specifically described in the site plan provided by the Human Resources Administration and dated March 9, 1987 for the **construction of a residence center for homeless families**.

Resolution for adoption scheduling June 17, 1987 for a public hearing.

Nos. 45 and 46

(Selection and acquisition of property and the grant of a special permit to facilitate the development of the Rockaway Beach proposed residence center for single individuals)

No. 45**CD 14****C 870605 PSQ**

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **selection and acquisition of property** located on a southerly part of the block bounded by Rockaway Beach Boulevard, Beach 44th Street, Beach Channel Drive and Beach 43rd Street (Block 15834, Lots 1, 58, 64 and 158), as more specifically described in the site plan provided by the Human Resources Administration and dated March 31, 1987, **for the construction of a residence center for single individuals.**

Resolution for adoption scheduling June 17, 1987 for a public hearing.

No. 46**CD 14****C 870650 ZSQ**

IN THE MATTER OF an application submitted by the New York City Human Resources Administration pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-902 of the Zoning Resolution for the **grant of a special permit** to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percent of Lot Coverage) to apply to a proposed non-profit institution with sleeping accommodation located on the north side of Rockaway Beach Boulevard between Beach 43rd Street and Beach 44th Street.

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

Resolution for adoption scheduling June 17, 1987 for a public hearing.

II. PUBLIC HEARINGS

BOROUGH OF MANHATTAN

No. 47

CD 3

C 870670 PPM

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.

<u>BLOCK</u>	<u>LOT</u>	<u>LOCATION</u>
286	20	N/W/C Henry Street and Montgomery Street

A list and description of the properties can be seen at the Department of City Planning, 2 Lafayette Street-Room 1514, New York, N.Y. 10007.

(On May 18, 1987, Cal. No. 1, the Commission scheduled June 3, 1987 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF THE BRONX

No. 48

CD 10

C 870659 PPX

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>
5643	168	190 Fordham Street	Unrestricted disposition of a 3-Story building (Former P.S.17)

A list and description of the property(ies) can be seen at the Department of City Planning, 2 Lafayette Street, Room 1514, New York, N.Y. 10007.

(On May 18, 1987, Cal. No. 4, the Commission scheduled June 3, 1987 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF BROOKLYN

No. 49

CD 3

C 870523 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 33 City-owned properties.**

A list and description of the properties can be seen at the Department of City Planning, 2 Lafayette Street—Room 1514, New York, N.Y. 10007.

(On May 18, 1987, Cal. No. 2, the Commission scheduled June 3, 1987 for a public hearing which has been duly advertised.)

Close the hearing.

No. 50

CD 1,2,3,4,6,11,12,13,14,17

C 870570-579PPK

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 18 City-owned properties.

<u>ULURP NO.</u>	<u>COM. BOARD</u>	<u>NO. OF PARCELS</u>
870570 PPK	1	2
870571 PPK	2	3
870572 PPK	3	1
870573 PPK	4	1
870574 PPK	6	1
870575 PPK	11	1
870576 PPK	12	3
870577 PPK	13	3
870578 PPK	14	1
870579 PPK	17	2

A list of description of the properties can be seen at the Department of City Planning, 2 Lafayette Street-Room 1514, New York, N.Y. 10007.

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

Close the hearing.

 BOROUGH OF QUEENS

No. 51

CD 5

C 861003 ZMQ

IN THE MATTER OF an application submitted by J. William Manowitz pursuant to Sections 197-c and 200 of the New York City charter for amendment of the Zoning Map, Section No. 14b, changing from an existing M1-1 District and from a C1-2 within R4 District to a M1-2 District an area bounded by a line 75 feet south of and parallel to 75th Avenue, a line 150 feet east of 88th street and perpendicular to said line, a line midway between 75th Avenue and 76th Avenue, a line 150 feet west of the intersection of the south service road of Woodhaven Boulevard and 76th Avenue, 76th Avenue, and 88th Street, to permit limited

expansion of existing manufacturing facilities, as shown on a diagram dated March 16, 1987.

(On May 18, 1987, Cal. No. 5, the Commission scheduled June 3, 1987 for a public hearing which has been duly advertised.)

Close the hearing.

III. REPORTS

BOROUGH OF MANHATTAN

No. 52

CD 10

C 860553 ZMM

IN THE MATTER OF an application submitted by the Harlem Commonwealth Council Inc., pursuant to Sections 197-c and 200 of the New York City Charter for amendment of the Zoning Map, Section No. 6a changing from a C4-4 District to a C4-7 District, property bounded by west 125th Street, Frederick Douglass Boulevard, a line midway between west 125th Street and west 126th Street and a line 275 feet west of Adam Clayton Powell jr. Boulevard, as shown on a diagram dated March 2, 1987.

(On May 6, 1987, Cal. No. 5, the Commission scheduled May 20, 1987, for a public hearing. On May 20, 1987 Cal. No. 2, the hearing was closed.)

For consideration.

 BOROUGH OF STATEN ISLAND

Nos. 53 and 54

(Proposed amendment to the Zoning Map and Zoning Resolution for the proposed establishment of a new Special Hillside Preservation District.)

No. 53

CD 1

N 870002 ZRR

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 Special Hillside Preservation District.

Matter in *italics* is defined in Sections 12-10 or 119-01.

12-10 DEFINITIONS

*** Special Hillside Preservation District

The "Special Hillside Preservation District" is a Special Purpose District designated by the letters HS, in which special regulations set forth in Article XI, Chapter 9 apply to all *developments, enlargements or site alterations*. The *Special Hillside Preservation District* appears on the *zoning maps* superimposed on other districts, and its regulations supplement or modify those of the districts on which it is superimposed. ***

ARTICLE XI

Special Purpose Districts

(continued)

Chapter IX Special Hillside Preservation District

Article XI—Special Purpose Districts—Chapter 9

Special Hillside Preservation District

119-00 GENERAL PURPOSES

The Hillside Preservation District (hereinafter also referred to as the "Special 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 special purposes:

- (a) To reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain.
- (b) To preserve hillsides having unique aesthetic value to the public.
- (c) To guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas.
- (d) To promote the most desirable use of land and to guide future development in accordance with a comprehensive development plan. To protect the neighborhood character of the district.

119-01

Definitions

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Average Percent of Slope

The "average percent of slope" of a *zoning lot* is the average slope of all portions of a *zoning lot* excluding those portions having slopes of 35 percent or greater and shall be determined according to the following equation:

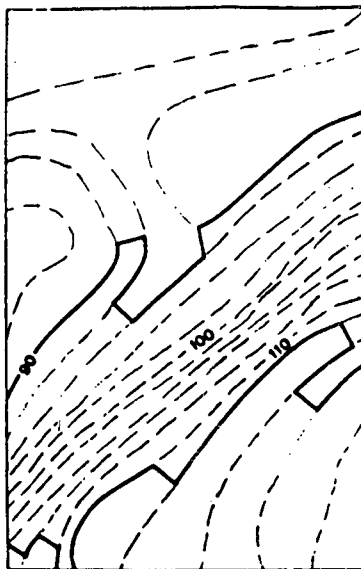
$$S = \frac{IL}{A} \times 100$$

Where:

- S = Average Percent of Slope.
- I = Contour interval in feet.
- L = Combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 35% or greater.
- A = Gross area in square feet of the *zoning lot*, excluding those portions of the *zoning lot* having a slope of 35% or greater.
- 100 = Factor which yields slope as a percentage.

(119-02)
(Definitions)

**CALCULATING AREAS HAVING
A SLOPE EQUAL TO OR GREATER THAN 35 PERCENT
AN ILLUSTRATIVE EXAMPLE**



$$X = \frac{\text{contour interval in feet}}{0.35} = \frac{2}{0.35} = 5.7 \text{ feet}$$

X = distance between contour lines which indicates a slope of 35%.

In order to calculate the area having a slope equal to or greater than 35 percent, one can use a map with two-foot contour intervals and a scale of one inch equal 20 feet, such as the map pictured above. A 35 percent slope, on a map with two-foot contour intervals, is indicated by contour lines which are 5.7 feet apart, rounded to the nearest 1/10th of a foot. On a map whose scale is one inch to 20 feet, 5.7 feet is represented by .3 of an inch, rounded to the nearest 1/10th of an inch. Identify where the contour lines are .3 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map above) and calculate the area.

Buildable Area

A “buildable area” is a portion of a *zoning lot* having a slope of less than 35 percent.

Hillside

A “hillside” is defined as ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or *average percent of slope*.

Large Tree

A “large tree” is a tree which at maturity is 30 feet or more in height and has a single trunk unbranched for at least 7 feet above the ground.

Small Tree

A “small tree” is a tree which at maturity is between 20 feet and 30 feet in height and has a single trunk unbranched for at least 7 feet above the ground.

Shrub

A “shrub” is a woody plant which has several erect, spreading or procumbent stems and a general bushy appearance.

Site Alteration

For the purposes of this chapter, a “site alteration” is an alteration on any vacant tract of land, *land with minor improvements* or any tract of land containing *buildings or other structures*. *Site alterations* shall include the following:

- a) Removal of *top soil*;
- b) Excavating, filling, land contour work and other topographic modifications where the ground elevation of the land existing on (the effective date of the Special District designation) is modified by two feet or more;
- c) Dumping, changes in existing drainage systems and changes in grade, alignment or width of public rights-of-way;
- d) Removal of vegetation beyond 15 feet of the foundation of an existing *building*, except when the plant materials’ continued presence would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning or routine maintenance.

Special Hillside Preservation District

The “Special Hillside Preservation District” is a Special Purpose District designated by the letters HS, in which special regulations set forth in Article XI, Chapter 9 apply to all *developments, enlargements or site alterations*. The *Special*

Hillsides Preservation District appears on the *zoning maps* superimposed on other districts, and its regulations supplement or modify those of the districts on which it is superimposed.

Tier I

A “Tier I” *development, enlargement or site alteration* is any *development, enlargement or site alteration* that occurs on a *zoning lot* having an *average percent of slope* of less than 10%.

Tier II

A “Tier II” *development, enlargement or site alteration* is any *development, enlargement or site alteration* that occurs on a *zoning lot* having an *average percent of slope* equal to or greater than 10%

Topsoil

“Topsoil” is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

119-02

General Provisions

In harmony with the general purpose and intent of this resolution and the general purposes of the *Special Hillsides Preservation District*, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

Any *development, enlargement or site alteration* on the *buildable area* of a *zoning lot* where the *average percent of slope* is less than 10% shall be regulated by the provisions set forth in Section 119-10 (PROVISIONS REGULATING *TIER I DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS*). Any *development, enlargement or site alteration* on the *buildable area* of a *zoning lot* having an *average percent of slope* equal to or greater than 10% shall be governed by the provisions set forth in Section 119-20 (PROVISIONS REGULATING *TIER II DEVELOPMENT, ENLARGEMENTS AND SITE ALTERATIONS*).

No *development, enlargement or site alteration* is permitted on any portion of a *zoning lot* having a slope of 35% or more. Said portion of a *zoning lot* shall remain in its natural state, unless an authorization is granted by the City Planning Commission pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS). Those portions of a *zoning lot* having a slope of 35% or more, however, may count as *lot area* for the purposes of the applicable regulations on *yards, floor area ratio, open space ratio, lot area per dwelling unit or lot area per room*.

The following uses, including *enlargements* to such uses, shall not be permitted within the *Special Hillside Preservation District* unless an authorization is granted by the City Planning Commission pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS): commercial uses; community facility uses; group parking facilities of 30 cars or more, whether or not they are necessary to satisfy parking requirements.

When the *Special Hillside Preservation District* is designated on a public park or portion thereof, *site alterations*, the construction of new park related facilities such as, but not limited to, roadways, parking lots, comfort stations, storage facilities, swimming pools, eating establishments, tennis courts, amphitheaters and stadia, and improvements to existing park related facilities shall not be subject to the provisions of Section 119-10 (PROVISIONS REGULATING *TIER I DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS*) or Section 119-20 (PROVISIONS REGULATING *TIER II DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS*) but shall require an authorization from the City Planning Commission pursuant to Section 119-31 (Authorizations).

When computing *floor area* within the *Special Hillside Preservation District*, *floor area* shall include floor space within a floor to ceiling volume that has at least one-half the area of its exterior walls above adjoining grade level.

119-03

Applicability of Large-scale Residential Development Regulations

Any *development* on a *zoning lot* having an *average percent of slope* of 10 percent or greater, which is used predominantly for residential use, may be treated as a *large-scale residential development* and special authorizations or special permits for such *developments* may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein, regardless of whether such *development* will have the area, number of buildings, or number of dwelling units specified in the definition of *large-scale residential developments* as set forth in Section 12-10 (DEFINITIONS). However, bonuses which may be granted for *large-scale residential developments* under the provisions of Section 78-32 (Bonus for Good Site Plan), Section 78-33 (Bonus for Common Open Space) or Section 78-35 (Special Bonus Provisions) may not be granted for *developments* which have less than the minimum area, number of buildings, or number of dwelling units required by the definition of a *large-scale residential development*.

Notwithstanding the provisions of Section 78-06 (Ownership), a *zoning lot* having an *average percent of slope* of 10 percent or greater which is the subject of an application under this section may include adjacent properties in more than one

ownership, provided that the application is filed jointly by the owners of all the properties included. Any subdivision of the tract before, during or after *development* shall be subject to the provisions of Section 78-51 (General Provisions).

119-04

Future Subdivision

Within the *Special Hillside Preservation District* no *zoning lot* existing on (the effective date of this Chapter) may be subdivided without certification by the City Planning Commission that the proposed subdivision complies with the regulations of the *Special Hillside Preservation District* and that all *hillside*s are preserved to the greatest extent possible under future *development* options.

A plan for such subdivision shall be filed with the Commission and shall include a survey map indicating existing topography at 2 foot contour intervals and all individual trees of 6 inch caliper or more.

When a *zoning lot* existing on (the effective date of this Chapter) is intended to be subdivided and is more than 5 acres, a site plan of the entire subdivision shall be filed with the Commission. The site plan shall include the proposed *street* system within the area, *block* and *zoning lot* layouts and any other information required by the Commission.

In the event that any *zoning lot* proposed for subdivision contains a *development*, *enlargement* or *site alteration* which has been undertaken contrary to the provisions of this chapter, the Commission shall not approve the subdivision until violations are removed from the *zoning lot* in accordance with the Commission's requirements under Section 119-40 (COMPLIANCE).

119-05

Applicability to Public or Publicly-Assisted Housing or Non-profit Residences for the Elderly

The following *developments* for Public or Publicly-assisted Housing or *Non-profit residences for the elderly* which have been approved prior to (the effective date of this amendment) and which have not met the requirements of Section 11-33 (Building Permits for Minor or Major Development Issued before Effective Date of Amendment) shall not be subject to the provisions of Section 119-20 (PROVISIONS REGULATING *TIER II DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS*), but shall be subject instead to the provisions of Section 119-10 (PROVISIONS REGULATING *TIER I DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS*), whether or not said *development* is located on a *zoning lot* having an *average percent of slope* of 10 percent or greater.

- (a) Publicly-assisted housing *developments* approved by the City Planning Commission and the Board of Estimate which limit maximum tenant income and receive cash and/or interest subsidies under Federal mortgage programs;
- (b) Low rent public housing *developments* owned by or constructed for the New York City Housing Authority or other public authority and receiving cash subsidies;
- (c) Housing *developments* approved by the City Planning Commission and the Board of Estimate that are reserved for low-income tenants for a period of not less than 40 years at rentals equivalent to rentals in low rent public housing *developments* receiving cash subsidies;
- (d) Publicly-assisted housing *developments* approved by the City Planning Commission and the Board of Estimate which limit maximum tenant income and receive rent subsidy contracts under Federal rent subsidy programs;
- (e) All government assisted *developments* which receive New York City or New York State assistance to reduce total development cost by \$10,000 or 10 percent, whichever is less, and limit maximum tenant income to the income limits established by the United States Department of Housing and Urban Development for New York City mortgagors assisted under Section 235 of the National Housing Act, as amended;
- (f) City, State, or Federally approved subsidized housing *developments* which limit tenant income, and/or provide rent subsidies, for a minimum of 20% of the units for low- and moderate-income tenants.

119-10 PROVISIONS REGULATING TIER I

DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS

Tier I developments, enlargements and site alterations shall be regulated by the provisions set forth in this Section.

119-11

Tier I Tree Planting Requirements

All *Tier I developments, enlargements and site alterations* shall comply with the tree planting requirements set forth in this section, whether or not existing vegetation is removed as a result of such *development, enlargement or site alteration*. However, the requirements set forth herein shall not apply to any *enlargement* of an existing residential *building*, provided that such *enlargement* does not increase the *lot coverage* of said *building*.

(a) On-site trees

On-site trees, pre-existing or newly planted, shall be provided on the *zoning lot* at the rate of 1 tree for each one thousand square feet of *lot area* or portion thereof.

(b) Street trees

Street trees, pre-existing or newly planted, shall be provided along the entire length of the *street frontage* of the *zoning lot*. The trees shall be located between the *front lot line* and the curb line and shall be provided at the rate of 1 tree for each 25 feet of frontage. Trees shall be planted in accordance with the requirements of the Department of Highways and Department of Parks.

For any existing tree of at least 6 inch caliper which is preserved, credit for one tree shall be given for the first 6 inches of caliper, and for each additional 4 inches of caliper, credit for an additional tree shall be given.

Trees newly planted to meet this requirement shall be of at least 3 inch caliper at the time of planting. On-site trees shall be of a species selected from Appendix B, and street trees shall be of a species selected from Appendix C.

119-12

Tier I Submission Requirements

For all *Tier I developments, enlargements or site alterations* the following materials shall be submitted to the Department of Buildings. However, the submission requirements set forth herein shall not apply to an *enlargement* of an existing residential *building*, provided that such *enlargement* does not increase the *lot coverage* of said *building*. No building permit shall be issued until the Department of Buildings determines that the requirements of the *Special Hillside Preservation District* have been met.

- (a) A survey map prepared by licensed surveyor showing topography at two foot contour intervals and indicating the existing slope of the land as it occurs in categories of 10-14%, 15-19%, 20-24%, 25-29%, 30-34%, 35% and above.
- (b) A site plan prepared by a registered architect or professional engineer indicating the location of all existing *buildings or other structures*, the location of all proposed *buildings or other structures*, the location and species of all understory, including shrubs and ground cover, and the location, caliper and species of all trees of 6 inch caliper or more.
- (c) A tree-planting plan, prepared by a registered landscape architect indicating the location and species of all new plantings.

119-13

Administration of *Tier I* Requirements

No permanent Certificate of Occupancy shall be issued by the Department of Buildings unless an inspection report verifying that the requirements of Section 119-10 (PROVISIONS REGULATING *TIER I DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS*) have been met is filed by a registered landscape architect, licensed surveyor, registered architect or professional engineer with the Department of Buildings.

119-20 PROVISIONS REGULATING *TIER II**DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS*

Tier II developments, enlargements and site alterations shall be regulated by the provisions set forth in this Section. However, any *Tier II enlargement* of an existing residential *building*, provided that such *enlargement* does not increase the *lot coverage* of said *building*, shall be exempted from the provisions of Section 119-211 (Lot coverage controls), Sections 119-213 (Grading controls) to Sections 119-217 (Controls during construction) inclusive, Section 119-22 (*Tier II Submission Requirements*) and Section 119-23 (*Administration of Tier II Requirements*).

119-21

Tier II Requirements for Development

119-211

Lot coverage controls

The maximum permitted percent of *lot coverage* on a *zoning lot* shall be determined by Table I.

If an authorization is granted for a *development, enlargement or site alteration* on a *zoning lot* or portion of a *zoning lot* having a slope of 35% or greater pursuant to Section 119-311, the maximum permitted percent of lot coverage for said *zoning lot* shall not exceed the maximum set forth in Table I for *zoning lots* having an *average percent of slope* between 30% and 34.9%.

However, any *development, enlargement or site alteration* which receives an authorization pursuant to Section 119-312 (*Authorization of certain uses within the Special Hillside Preservation District*) and is located in a commercial district shall be exempt from the provisions of this section.

TABLE I

**PERMITTED PERCENT OF LOT COVERAGE ON A ZONING LOT
BY ZONING DISTRICT AND AVERAGE PERCENT OF SLOPE, AND
RESIDENCE TYPE**

Average Percent of Slope	Zoning District*						
	R1-1 R1-2	R2	R3-1 R3-2	R4	R5	R6	R6
						1-2 Fam.	Other
10-14.9	22.5%	22.5%	22.5%	36.0%	45.0%	48.6%	32.4%
15-19.9	20.0%	20.0%	20.0%	32.0%	40.0%	43.2%	28.8%
20-24.9	17.5%	17.5%	17.5%	28.0%	35.0%	37.8%	25.2%
25-29.9	15.0%	15.0%	15.0%	24.0%	30.0%	32.4%	21.6%
30-34.9	12.5%	12.5%	12.5%	20.0%	25.0%	27.0%	18.0%

* or residential district equivalent when zoning lot is located within a commercial district

119-212

Height limit controls

For any *development* or *enlargement* the maximum height of a *building* or other *structure* or portion thereof shall be that which is shown in Table II.

For the purposes of this chapter, the height of a *building* is to be measured at all points adjacent to the *building* from the adjoining ground up (i.e., footprint of the building) and at no point shall it exceed the maximum height permitted in Table II.

Any *development*, *enlargement* or *site alteration* which receives an authorization pursuant to Section 119-312 (Authorization of certain uses within the *Special Hillside Preservation District*) and is located in a commercial district shall be exempt from the provisions of this section.

Any *development* which utilizes the regulations applying to a *predominantly built up area* of Section 23-141 shall be subject to the height limitations of Section 23-691.

TABLE II
MAXIMUM HEIGHT OF A *BUILDING OR OTHER STRUCTURE*

Zoning District*	Maximum Height
R1, R2, R3, R4	36 feet
R5	60 feet
R6	70 feet

* or residential district equivalent when zoning lot is located within a commercial district

119-213

Grading controls

The following grading requirements shall apply to all Tier II *developments, enlargements or site alterations.*

- (a) With the exception of private streets and driveways, no grading shall take place beyond 15 feet of the location of a *building* foundation, measured from the foundation perimeter.
- (b) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.
- (c) Where two cut slopes intersect, the corners shall be rounded with a minimum radius of 25 feet.
- (d) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.
- (e) Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the *Special Hillside Preservation District.*
- (f) Fills shall be compacted to at least 95 percent of maximum density, as determined by ASSHO T99 or ASTM D698.
- (g) All retaining walls or cuts with a total vertical projection in excess of 3 feet and associated with cut or fill surfaces shall be designed as structural members keyed into stable foundations and capable of sustaining the design loads.
- (h) The edge of any cut or fill slope meets the grade existing on (the effective date of this chapter) should be blended into such grade in a vertical or horizontal arc with a radius of not less than 25 feet.

- (i) The top and toe of any cut or fill slope, or where any excavation meets the grade existing on (the effective date of this chapter), should be rounded in a vertical arc with a radius not less than 5 feet.
- (j) Tops and toes of cut and fill slopes shall be set back from *lot lines* a horizontal distance of 3 feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet; tops and toes of cut and fill slopes shall be set back from *buildings* and structures a horizontal distance of 6 feet plus one-fifth the height of the cut or fill, but need not exceed a horizontal distance of 10 feet.

119-214

Requirements for private streets and driveways

In addition to the requirements of Section 119-213 (Grading controls), all private streets and driveways shall comply with the following:

- (a) The maximum grade of a private street or driveway shall not exceed 10%.
- (b) the paved portion accessible to vehicles of said private street or driveway shall not exceed 30 feet in width.
- (c) The width of the graded section beyond the curb back or edge of pavement of a private street shall extend 3 feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus one foot beyond the curb back.
- (d) The maximum horizontal distance of disturbed soil surface shall not exceed 80 feet.

119-215

Landscaping controls

- (a) To the maximum extent possible, existing trees, shrubs and ground cover shall be retained. Vegetation that is removed or destroyed as a result of a *development, enlargement or site alteration* shall be replaced unless:
 - (i) It is located in areas to be occupied by *buildings*, private streets, driveways, areas for required accessory parking or within a distance of 15 feet of a *building* foundation; or
 - (ii) The continued presence of the vegetation would interfere with the growth or health of trees of six-inch caliper or more designated for preservation and belonging to a species listed in Appendicies A, B or C.
 - (iii) The continued presence of the vegetation would create special hazards or dangers or persons or property, which it would not be possible or practical to eliminate by pruning or routine maintenance; or

- (iv) An authorization has been granted by the City Planning Commission under the provisions of this Chapter approving the removal of such vegetation.
- (b) Any vegetation that cannot be preserved as a result of a proposed *development, enlargement* or *site alteration* and is not exempted from replacement under paragraph A of this section shall be replaced as follows. For every 500 square feet of *lot area* of removed vegetation, or portion thereof, there shall be provided the following plantings of the size and number indicated below. The area of removed vegetation shall be measured so as to include any portions of the zoning lot that were located within the drip line of a removed tree of six-inch caliper or more. Species of vines/ground cover and shrubs shall be selected from Appendix A. Species of on-site trees shall be selected from Appendix B.
- i) Vines/Ground Cover—Vines/ground cover shall be planted one at one foot on center and at the rate of one stem for every square foot of *lot area* of removed vegetation; and
 - ii) *Large trees*—*Large trees* shall be planted at the rate of one three inch caliper tree for every 500 square feet of *lot area* of removed vegetation; or
 - iii) *Small trees*—*Small trees* shall be planted at a rate of one eight foot high tree for every 100 square feet of *lot area* of removed vegetation; or
 - iv) *Shrubs*—*Shrubs* shall be planted at a rate of one 1-gallon container-grown material for every 25 square feet of *lot area* of removed vegetation.

119-216

Tier II tree planting requirements

All *Tier II developments, enlargements* and *site alterations* shall comply with the following tree planting requirements, whether or not existing vegetation is removed as a result of such *development, enlargement* or *site alteration*. However, the requirements set forth herein shall not apply to an *enlargement* of an existing residential building, provided that such *enlargement* does not increase the *lot coverage* of said building.

(i) On-site trees

On-site trees, pre-existing or newly planted, shall be provided on the *zoning lot* at the rate of 1 tree for each one thousand square feet of *lot area* or portion thereof.

(ii) Street trees

Street trees, pre-existing or newly planted, shall be provided along the entire length of the *street* frontage of the *zoning lot*. The trees shall be located between the *front lot line* and the curb line and shall be provided at the rate 1

tree for each 25 feet of frontage. Trees shall be planted in accordance with the requirements of the Department of Highways and Department of Parks.

For any existing tree of at least six inch caliper which is preserved, credit for one tree shall be given for the first six inches of caliper, and for each additional four inches of caliper, credit for an additional tree shall be given.

Trees newly planted to meet this requirement shall be of at least 3 inch caliper at the time of planting. On-site trees shall be of a species selected from Appendix B, and street trees shall be of a species selected from Appendix C.

119-217

Controls during construction

The following requirements must be met during construction:

- (a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a *building* foundation except those vehicles engaged in the construction of private streets, driveways or required accessory parking areas. This provision may be waived by the Commissioner of the Department of Buildings should it be determined that the particular conditions of the site make a 15 foot limit infeasible or impractical.
- (b) Construction fences shall be erected around all vegetation proposed for retention and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.
- (c) Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the *Special Hillside Preservation District*.
- (d) Stockpiling shall be placed on the flattest portion of the *zoning lot* or behind a containment wall where it will not contribute to the erosion potential and where it will not endanger any tree scheduled for preservation.
- (e) Top soil shall be used in area to be revegetated as soon as construction is complete.
- (f) All exposed earth areas shall have straw immediately placed on it and seeded with annual rye grass during construction.

119-22

Tier II Submission Requirements

For all *Tier II* developments, enlargements or site alterations the following materials shall be submitted to the Department of Buildings. However, the submission requirements set forth herein shall not apply to an *enlargement* of an

existing residential *building*, provided that such *enlargement* does not increase the *lot coverage* of said *building*. No building permit shall be issued until the Department of Buildings determines that the requirements of the *Special Hillside Preservation District* have been met.

- (a) A survey map prepared by licensed surveyor showing topography at two foot contour intervals and indicating the existing slopes of the land as it occurs in categories of 10-14%, 15-19%, 20-24%, 25-29%, 30-34%, 35% and above.
- (b) A site plan prepared by a registered architect or professional engineer indicating the location of all existing *buildings or other structures*, the location of all proposed *buildings or other structures*, the location and species of all understory, including shrubs and ground cover, and the location, caliper and species of individual trees of 6 inch caliper or more.
- (c) A grading plan which will indicate at least one longitudinal and one latitudinal cross-section showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted.
- (d) An alignment and paving plan for any private road with a typical cross section.
- (e) A landscaping and revegetation plan, prepared by a registered landscape architect, indicating the extent of vegetation removal required for site preparation and development and the location and species of all new plantings.
- (f) A construction plan prepared by a registered landscape architect, a registered architect, a licensed surveyor or professional engineer showing the proposed location for stockpiling any soil or construction material, the proposed method for protecting trees, understory shrubs, and ground cover during construction as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site.
- (g) An affidavit prepared by a registered landscape architect, a registered architect, a licensed surveyor or professional engineer stipulating the following:
 - (i) Prior to construction, no grading, filling, clearing or excavation of any kind shall be initiated until approval of a final grading plan by the Department of Buildings.
 - (ii) No construction equipment of any kind shall pass over areas to be preserved, according to the approved plans.
 - (iii) Construction fences meeting the requirements of Section 119-217 (2) shall be erected around all vegetation proposed for retention.
 - (iv) Construction controls (e.g. erosion protection, drainage measures, etc.) shall be implemented according to the approved plan.

119-23**Administrative of *Tier II* Requirements**

All *developments, enlargement or site alterations* which are subject to the above requirements shall file directly with the Department of Buildings.

No permanent Certificate of Occupancy shall be granted unless an inspection report verifying that the requirements of Section 119-20 have been met is filed by a registered landscape architect, a registered architect, a licensed surveyor or professional engineer with the Department of Buildings.

119-30 SPECIAL REVIEW PROVISIONS**119-31****Authorizations**

Upon application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter and for the underlying district regulations in accordance with the provisions of Sections 119-311 (Authorization of a *development, enlargement or site alteration* on a *zoning lot* or portion of a *zoning lot* having a slope of 35 percent or more) to 119-318 (Modification of yard and height and setback regulations) inclusive.

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions, and limitations, of any authorizations hereunder to minimize adverse effects on the *hillsides* and the character and quality of the community.

119-311

Authorization of a *development, enlargement or site alteration* on a *zoning lot* or portion of a *zoning lot* having a slope of 35% or more

The City Planning Commission may grant authorizations to allow *developments, enlargements* and *site alterations* on portions of a *zoning lot* having a slope of 35% or more.

As a condition for granting such authorizations, the Commission shall find:

- (a) that the *development or enlargement or site alteration* is not feasible without such modification, or that the requested modification will permit a *development, enlargement or site alteration* which satisfies the purposes of this chapter;
- (b) that such modification is the least modification required to achieve the purpose for which it is granted;
- (c) that the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

- (d) that the requested modification will not disturb the drainage patterns and soil conditions of the area;
- (e) that the *development, enlargement or site alteration* takes advantage of the natural characteristics of the site.

Any *development, enlargement or site alteration* requiring an authorization pursuant to this section shall be subject to all the requirements of Section 119-20 (PROVISIONS REGULATING TIER II DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS) for which an authorization or special permit has not been obtained.

In addition, all *developments, enlargements and site alterations* that require an authorization pursuant to this section shall be subject to the provisions of Section 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and Section 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

119-312

Authorization of certain uses within the *Special Hillside Preservation District*

The City Planning Commission may grant authorizations for *commercial uses, community facility uses*, for group parking facilities of 30 cars or more and for *enlargements* to any such *uses* and facilities.

As a condition for such authorization, the Commission, upon review of the site plan, shall find that:

- (a) that the proposed *development, enlargement or site alteration* will not disturb the drainage pattern and soil conditions of the area;
- (b) that the proposed *development, enlargement or site alteration* has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (c) that such *development, enlargement or site alteration* is so located as not to impair the essential character of the surrounding area;
- (d) that the design of such *development, enlargement or site alteration* takes full advantage of all special characteristics of the site;
- (e) that vehicular access and egress for such *development, enlargement or site alteration* is located and arranged so as to draw a minimum of vehicular traffic to and through local *streets* in nearby *residential* areas; and

(f) that where vehicular access and egress is located on an arterial, such location affords the best means for controlling the flow of traffic generated by such *development to and from such arterial*.

Applications for authorizations of group parking facilities over 30 cars or for *enlargements* to group parking facilities shall be referred to the Department of Traffic for its report with respect to anticipated traffic congestion.

Any *development, enlargement* or *site alteration* that requires an authorization pursuant to this section and is located on a *zoning lot* having an *average percent of slope* of 10% or greater shall be subject to the provisions of Section 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and Section 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

Section 119-313

Modification of landscaping and tree planting requirements

The Commission may authorize modifications to Section 119-11, (*Tier I Tree Planting Requirements*), Section 119-215 (Landscaping controls) and Section 119-216 (*Tier II tree planting requirements*).

As a condition for granting such authorizations, the Commission shall find:

- (a) that the *development, enlargement* or *site alteration* is not feasible without such modifications, or that the requested modification will permit a *development, enlargement* or *site alteration* which satisfies the purposes of this charter;
- (b) that such modification is the least modification required to achieve the purpose for which it is granted;
- (c) that the ecology and soil conditions of the site are such that the substitution of other plant material would be as appropriate as the tree planting requirements being modified;

Where on-site restoration of vegetation would result in over-crowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the *Special Hillside Preservation District*. The Commission may also allow the substitution of other plant material provided a detailed landscaping plan is filed with the Commission for approval and certification.

Any *development, enlargement* or *site alteration* that requires an authorization pursuant to this section and is located on a *zoning lot* having an *average percentage of slope* of 10% or greater shall be subject to the provisions of Section 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain

Authorizations and Special Permits) and Section 119-34 (Special Submission Requirements for Certain Authorization and Special Permits).

Section 119-314

Modification of lot coverage controls

For any *development* or *enlargement* on a *zoning lot* having an *average percent of slope* of 10% or greater, the City Planning Commission may authorize variations in the *lot coverage* controls set forth in Section 119-211 (Lot coverage controls).

As a condition for granting such authorization the Commission shall find:

- (a) that the *development* or *enlargement* is not *feasible without such modification*, or that the *requested modification* will permit a *development* or *enlargement* which satisfies the purpose of this chapter;
- (b) that by allowing the permitted *floor area* in a *building* of *buildings* of lower height to cover more land, the preservation of *hillsides* having aesthetic value to the public would be assured, and that such preservation would not be possible by careful siting of higher *building* containing the same permitted *floor area* on less land;
- (c) that such modification is the least modification required to achieve the purpose for which it is granted;
- (d) that the modification requested has minimal impact on the existing natural "topography and vegetation and blends harmoniously with it;
- (e) that the requested modification will not disturb the drainage pattern and soil conditions of the area;
- (f) that the proposed modification does not impair the essential character of the surrounding area.

All *developments*, *enlargements* or *site alterations* that require an authorization pursuant to this section shall be subject to the provisions of Section 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and Section 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

119-315

Modification of height limit controls

For any *development* or *enlargement* on a *zoning lot* having an *average percent of slope* of 10% or greater, the City Planning Commission may authorize variations in the height limit controls set forth in Section 119-212 (Height limit controls).

As a condition for granting such authorizations, the Commission shall find:

- (a) that the *development* or *enlargement* is not feasible without such modification, or that the requested modification will permit a *development* or *enlargement* which satisfies the purpose of this chapter;
- (b) that by concentrating permitted *floor area* in a *building* or *buildings* or greater height covering less land, the preservation of existing topography and vegetation and the preservation of *hillsides* having aesthetic value to the public will be assured, and that such preservation would not be possible by careful siting of lower *buildings* containing the same permitted *floor area* and covering more land;
- (c) that such modification is the least modification required to achieve the purpose for which it is granted;
- (d) that the requested modification will not disturb the soil conditions of the area;
- (e) that the proposed modification does not impair the essential character of the surrounding area;
- (f) that the proposed modification will not have adverse effects upon light, air and privacy of adjacent properties.

All *developments*, *enlargements* or *site alterations* that require an authorization pursuant to this section shall also be subject to the provisions of Section 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and Section 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

Section 119-316

Modification of grading controls

For any *development*, *enlargement*, or *site alteration* on a *zoning lot* having an *average percent of slope* of 10% or greater, the City Planning Commission may authorize variations in the grading controls set forth in Section 119-213 (Grading controls).

As a condition for granting such authorization, the Commission shall find:

- (a) that the *development*, *enlargement* or *site alteration* is not feasible without such modifications, or that the requested modifications will permit a *development*, *enlargement* or *site alteration* which satisfies the purposes of this chapter;
- (b) that such modification is the least modification required to achieve the purpose for which it is granted;
- (c) that the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

- (d) that the requested modification will not disturb the drainage pattern and soil conditions of the area;
- (e) that the proposed modification does not impair the essential character of the surrounding area;
- (f) that the benefits to the surrounding area from the proposed modification outweigh any disadvantages which may be incurred thereby in the area.

All *developments, enlargements or site alterations* that require an authorization pursuant to this section shall also be subject to the provisions of Section 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and Section 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

Section 119-317

Modification of requirements for private streets and driveways

For any *development, enlargement or site alteration* on a *zoning lot* having an *average percent of slope* of 10% or greater, the City Planning Commission may authorize variations in the requirements for private streets and driveways as set forth in Section 119-214 (Requirements for private streets and driveways).

As a condition for granting such authorizations, the Commission shall find:

- (a) that the *development or enlargement* is not feasible without such modification, or that the requested modification will permit a *development, enlargement or site alteration* which satisfies the purposes of this chapter;
- (b) that such modification is the least modification required to achieve the purpose for which it is granted;
- (c) that the requested modification will not disturb the drainage pattern and soil conditions of the area;
- (d) that the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

All *developments, enlargements, or site alterations* that require an authorization pursuant to this section shall also be subject to the provisions of Section 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and Section 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

119-318

Modifications of certain bulk regulations

For any *development or enlargement* on a *zoning lot* having an *average percent of slope* of ten percent or greater, the City Planning Commission may authorize

variations in required *front, rear, or side yards*, variations in required space between *buildings* on the same *zoning lot* and modifications in the underlying district height and setback regulations.

As a condition for granting such authorizations the Commission shall find:

- (a) that *development* on the *zoning lot* is not feasible without such modification, or that the requested modification will permit a *development, enlargement or site alteration which better satisfies the purposes of this chapter*;
- (b) that such modification is the least modification required to achieve the purpose for which it is granted;
- (c) that the proposed bulk and placement of *buildings* and the proposed arrangement of *open spaces* will not have significant adverse effects upon the light, air and privacy for existing *development* in adjacent areas or the opportunities therefor in future *development*.

All *developments, enlargements or site alterations* that require an authorization pursuant to this section shall also be subject to the provisions of Section 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and Section 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

Section 119-319

Authorization to allow *site alterations*, the construction of new park related facilities and improvements to existing park related facilities within *public parks*.

Upon application, the City Planning Commission may authorize *site alterations*, the construction of new park related facilities such as, but not limited to, roadways, parking lots, comfort stations, storage facilities, swimming pools, eating establishments, tennis courts, amphitheaters and stadia, and improvements to existing park related facilities.

As a condition for granting such authorizations, the Commission shall make the following findings:

- (a) that the proposed action will have a minimal impact on the existing natural topography of the surrounding area and blend harmoniously with it;
- (b) that the proposed action will have minimal impacts on the drainage pattern and soil conditions in the area;
- (c) that the proposed action will preserve to the greatest extent possible the trees and vegetation within the park; and
- (d) that the proposed action is compatible with the neighborhood character of the area.

An application to the City Planning Commission for an authorization pursuant to this section shall include the following:

(i) a survey map prepared by a licensed surveyor showing existing topography at the two-foot contour intervals;

(ii) a site plan prepared by a registered architect or professional engineer indicating the location of all existing buildings or other structures, the location of all proposed buildings or other structures, the location of all understory including shrubs and ground cover, and the caliper and species of all individual trees of 6 inch caliper or more;

(iii) any other information necessary to evaluate the request.

In issuing authorizations under this Section, the Commission may impose conditions or safeguards, such as special landscape requirements, to minimize adverse effects on the character of the *Special Hillside Preservation District*.

119-32

Special Permits

The City Planning Commission, after public notice and hearing and subject to Board of Estimate action, may grant special permits for modification of the underlying district regulations in accordance with the provisions of Section 119-321 (Modification of use regulations).

119-321

Modification of use regulations

For any *development or enlargement* on a *zoning lot* having an *average percent of slope* of ten percent or greater, the City Planning Commission may grant special permits to allow *single-family semi-detached residences* in R1 and R2 districts, or *single-family attached residences* in R1, R2 and R3-1 districts, or *two-family attached residences* in R3-1 districts.

As a condition for granting such special permits the Commission shall find:

(a) that *development* on this *zoning lot* is not feasible without such modification, or that the requested modification will permit a *development, enlargement or site alteration* which better satisfies the purposes of this chapter;

(b) that the change of housing type requested constitutes the most effective method of preserving the existing topography and vegetation;

(c) that the preservation of existing topography and vegetation requires the permitted *development* to be concentrated to the extent feasible, in the remaining portion of the tract;

(d) that for such concentration of *development*, better standards of privacy and usable *open space* can be and are achieved under the development plan by inclusion of the proposed *residential building* types;

(e) that such modification is the least modification required to achieve the purpose for which it is granted;

(f) that the *aggregate width* of *street walls* of a residential building, or a number or of a number of *residential buildings* separated by party walls, shall not exceed 100 feet;

(g) that the proposed *street* system for the *development* is so located as to draw a minimum of vehicular traffic to and through *streets* in the adjacent area;

(h) that the siting of the *building* or *buildings* will not adversely affect adjacent properties by impairing privacy or access of light and air; and

(i) that the existing topography and vegetation and the proposed planting effectively screen all attached *one-family* residences from the *lot lines* along the *development* perimeter.

In no case shall the minimum *required lot* area of the underlying district be reduced.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements to minimize any adverse effects on the character of the surrounding area.

All *developments*, *enlargements* or *site alterations* that require a special permit pursuant to this section shall also be subject to the provisions of Section 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and Section 119-34 (Special Submission Requirements for Certain Authorizations or Special Permits).

119-33

Special Erosion & Sedimentation Prevention

Requirements for Certain Authorizations and Special Permits

Any *development*, *enlargement* or *site alteration* which requires an authorization or special permit and which is subject to the provisions of Section 119-20 (PROVISIONS REGULATING *TIER II DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS*), shall be subject to the provisions of this section. The requirements of this section shall supplement any other requirements which must also be met.

Prior to construction at least one of the erosion and sedimentation control measures described below shall be selected. A plan describing how the selected erosion and

sedimentation control measure will be implemented and justifying its selection on the basis of the particular conditions of the site, shall be prepared by a professional engineer and submitted to the City Planning Commission.

(a) Benches and berms - These are level terraces or ledges constructed across sloping land to provide a relatively flat construction site or to reduce the length and grade of a slope. Benches and berms reduce runoff and erosion hazards by slowing down the velocity of water and providing greater intake opportunity;

(b) Diversion channels - These are earth channels with a supporting ridge on the lower side constructed across the slope lengths, break up concentration of runoff and move water to stable outlets at a non-erosive velocity;

(c) Debris or sediment basins - These consist of a dam or embankment, a pipe outlet, and an emergency spillway situated at the low corner of the site to provide a temporary means of trapping and storing sediment while releasing the water. Protects property below the installation from damage by excessive sedimentation and debris;

(d) Retention ponds - These are impoundment-type ponds that temporarily store runoff water and release it at rates which minimize erosion and prevent flooding. May be located above the site to trap water before it enters the area or within the site to protect properties below the site;

(e) Grassed waterways or outlets - These are natural or excavated channels to dispose of excess runoff water from diversions, berms, benches, and other areas at non-erosive velocities. Waterways or outlets are shaped or graded and established in suitable vegetation as needed, depending on the supplemental measure used to slow the velocity of runoff.

119-34

Special Submission Requirements for Certain Authorizations and Special Permits

When a development, enlargement or site alteration is subject to the provisions of Section 119-20 (PROVISIONS REGULATING TIER II DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS), an application to the City Planning Commission for an authorization or special permit shall include the submission requirements that follow. These requirements shall be in addition to the requirements set forth in Section 119-22 (Tier II Submission Requirements).

(a) A drainage plan and soil report prepared by a professional engineer to assess whether or not there will be a major impact on natural features. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface

and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of proposed *developments, enlargements* or *site alterations* and provide a description with supporting information of the manner in which the proposed *development, enlargement* or *site alteration* complies with the requirements of Local Law 7 of 1974.

- (b) An erosion and sedimentation plan as described in Section 119-32.
- (c) For any *development* or *site alteration* on a tract of land 40,000 square feet or greater, a landscape plan prepared by a registered landscape architect which shows the location and species of all new plantings of trees, shrubs and ground covers and the proposed method preserving existing trees, shrubs and ground covers.
- (d) Any other information the Commission may deem necessary to evaluate the request.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

119-35

Administration of Special Review Provisions

Where a permit other than a building permit is required for a *development, enlargement, or site alteration* within the *Special Hillside Preservation District* from any City agency, an application for such permit shall be filed simultaneously with such agency and the City Planning Commission.

No permanent Certificate of Occupancy shall be granted unless an inspection report verifying that the requirements of Section 119-20 (PROVISIONS REGULATING *TIER II DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS*) and 119-30 (SPECIAL REVIEW PROVISIONS) have been met is filed by a registered landscape architect, a licensed surveyor or professional engineer with the Department of Buildings.

Section 119-40

COMPLIANCE

In the event that a *development, enlargement or site alteration* is undertaken, or has been undertaken, contrary to the provisions of this Chapter, any permit issued by the Department of Buildings for any *use development, enlargements or site alteration* on the affected *zoning lot* shall be revoked.

No building permit or permanent certificate of occupancy shall be issued by the Department of Buildings for any *use, development, enlargement or site alteration* or such *zoning lot* until the violations are removed from the *zoning lot* pursuant to a restoration plan certified by the City Planning Commission.

If (such) violations have not ceased within 90 days of receipt of the Commissions' requirements, the Department of Buildings shall institute such action as may be necessary to prosecute the violations. For compliance with restoration requirements to remove violations, the Department of Buildings may allow an additional 90 days.

Where on-site restoration of vegetation would result in over-crowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the *Special Hillside Preservation District*. The Commission may also allow the substitution of other plant material provided a detailed landscaping plan is filed with the Commission for approval and certification.

APPENDIX A

Selection List for Shrubs and Vines

SHRUBS

COMMON

Rose-acacia
Rose, rugosa
Sumac, fragrant
Sumac, staghorn
Sweet fern
Willow purple osier

BOTANICAL

Deciduous

Robinia hispida
Rosa, rugosa
Rhus aromatica
Rhus typhina
Comptonia peregrina
Salix purpurea

Evergreen

Barberry, juliane
Juniper, spreading
Pine, mugo
Viburnum, leatherleaf
Yew, English
Yew, Japanese
Yew, medium

Berberis julianae
Juniperus chinensis
Pinus mugo
Viburnum rhytidophyllum
Taxus baccata
Taxus cuspidata
Taxus media

VINES

Bittersweet, common	Celastrus scandens
Bittersweet, oriental	Celastrus orbiculata
Ivy, English	Hedera helix
Juniper, spreading	Juniperus horizontalis
Teaberry	Gualtheria procumbens
Rose, Wichura	Rosa wichuraiana

APPENDIX B

Tree Selection List for ON-SITE Trees

<u>COMMON</u>	<u>BOTANICAL</u>	<u>VARIETIES</u>
<i>SMALL</i> (20-30 feet at maturity)		
	Deciduous	
Choke cherry	Prunus virginiana	
Crabapple, flowering	Malus	Almey Crimson Brilliant Dorothea Jay Darling Spectabilis albi-plena Hopa Strathmore Red Jade
Hawthorn, Washington	Crataegus phaenopyrum	
Hornbeam, American	Carpinus caroliniana	
	Evergreen	
Cedar, Eastern Red	Juniperus virginiana	
Juniper, Common	Juniperus communis	
<i>LARGE</i> (30+ feet at maturity)		
	Deciduous	
Atlantic white cedar	Chamaecyparis thyoides	
Black cherry	Prunus serotina	
Buckeye, yellow	Awsculus octandra	
Cranapple flowering	Malus	Dolgo
Locust, black	Robinia pseudo acacia	

Locust, thornless honey	<i>Gleditsia triacanthus</i> <i>inermis</i>
Mountain Ash, American	<i>Sorbus americana</i>
Oak, black	<i>Quercus velutina</i>
Oak, scarlet	<i>Quercus coccinea</i>
Sweet gum	<i>Liquidambar styraciflua</i>

Evergreen

Aborvitae, American	<i>Thuja occidentalis</i>
Pine, pitch	<i>Pinus rigida</i>
Pine, white	<i>Pinus strobus</i>
Spruce, black	<i>Picea mariana</i>
Spruce, white	<i>Picea glauca</i>

APPENDIX C

Tree Selection List for Street Trees

COMMONBOTANICAL

Ash Green	<i>Froxinus pennsylvatica lanceolata</i>
Cork Tree, Amur	<i>Phellodendran amurense</i>
Elm, smooth leaf	<i>Ulmus carpintolia</i>
Flowering cherry	<i>Prunus</i>
Golden Rain tree	<i>Koelreuteria Paniculata</i>
Japanese Pagoda	<i>Sophora japonica</i>
Katsura	<i>Cercidiphyllum iaponicum</i>
Linden, Silver	<i>Tilia petiolaris</i>
Oak-Willow	<i>Quercus phellas</i>
Russian olive	<i>Elaegnus Augustifolia</i>
Sweetgum	<i>Sweetgum</i>
Sycamore London Plane	<i>Platanus Acerifolia</i>
Zelkova, Japanese	<i>Zelkovaserrata</i>

(On May 6, 1987 Cal. No. 4, the Commission Scheduled May 20, 1987, for a public hearing. On May 20, 1987, Cal. No. 5, the hearing was closed.)

For consideration.

No. 54

CD 1

C 870003 ZMR

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 Nos. 21a, 21b, 21c and 21d establishing a Hillside Preservation District within an area bounded by Carroll Place, Nicholas Street, Richmond Terrace, Stuyvesant Place, Hamilton Avenue, St. Marks Place, Fort Place, Montgomery Avenue, St. Pauls Avenue, Van Duzer Street, Richmond Road, Concord Place, a line 100 feet east of Starbuck Street, North Narrows Road, Clove Road, Howard Avenue, Highland Avenue, Victory Boulevard, Royal Oak Road, Rice Avenue, Slosson Avenue, Martling Avenue, Brookside Avenue, Forest Avenue, Clove Road, Bard Avenue, Forest Avenue, Hart Boulevard, Castleton Avenue, Conyningham Avenue, Springhill Avenue, Kissel Avenue, Henderson Avenue, Kissel Avenue, Harbor Road, Richmond Terrace, Tysen Street, Fillmore Street, Sailors Snug Harbor Park, Henderson Avenue, Franklin Place, Fillmore Street, York Avenue, Richmond Terrace, Jersey Street, Crescent Avenue, Beechwood Avenue, Cleveland Street and Westervelt Avenue, Borough of Staten Island, CB #1, as shown on a diagram dated February 23, 1987.

(On May 6, 1987 Cal. No. 3, the Commission Scheduled May 20, 1987, for a public hearing. On May 20, 1987, Cal. No. 4, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 55

CD 4

C 870550 HDK

IN THE MATTER OF the disposition of city-owned property, pursuant to Section 197-c of the New York City Charter.

The property to be disposed of is a four (4) story new law walk-up building with 16 residential units, located on the southerly side of Bushwick Avenue, between Granite and Furman Avenues, **1492 Bushwick Avenue** (Block 3461, Lot 32). The Department of Housing Preservation and Development (HPD) proposes to dispose of the property to an Article XI Housing Development Fund Corporation **for the purpose of providing housing for low and moderate-income**

families. The building has been managed by a community group since July 1, 1986, through HPD's Community Management Program.

(On May 6, 1987 Cal. No. 1, the Commission Scheduled May 20, 1987, for a public hearing. On May 20, 1987, Cal. No. 3, the hearing was closed.)

For consideration.

BOROUGH OF QUEENS

No. 56

CD 7

C 860433 ZSQ

IN THE MATTER OF an application submitted by R.A.L. Designs, Inc., pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-922 of the Zoning Resolution for the **grant of a special permit** to allow, in a M1 District, a food store in excess of 10,000 square feet of floor area in order to facilitate conversion of an existing factory use building into a 39,850 sq. ft. supermarket with accessory retail buildings and group parking facility for 286 cars on property located on 10th Avenue between 154th Street and 152nd Street (Block 4531, Lots 100, 447).

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

(On May 6, 1987 Cal. No. 2, the Commission Scheduled May 20, 1987, for a public hearing. On May 20, 1987, Cal. No. 1, the hearing was closed.)

For consideration.

No. 57

CD 9

C 870306 ZSQ

IN THE MATTER OF an application submitted by the Kew Gardens Company pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-512 of the Zoning Resolution for the **grant of a special permit for an underground public parking garage** containing 400 spaces in a proposed 13-story

office building on property located at **80-02 Kew Gardens Road** between Union Turnpike and 80th Road, Block 3348, Lot 37.

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

(On April 1, 1987, Cal. No. 12, the Commission scheduled April 22, 1987, for a public hearing. On April 22, 1987, Cal. No. 11, the hearing was closed.)

For consideration.
