

DISPOSITION SHEET - PUBLIC MEETING OF AUGUST 5, 1987..... - CITY HALL, N.Y. - 10 A.M.

CAL. NO.	C.P. NO.	REPORTS		REMARKS	CAL. NO.	C.P. NO.	REPORTS		REMARKS
		TO	FROM				TO	FROM	
	MINUTES			Approved	47	C 870791	HDM	✓	Law. Rept. Adopted
1	C 870735	HUK		Sched 9/2/87	48	C 860726 (A)	ZMM	✓	" " "
2	C 870736	HDK		" "	49	N 870760	ZRM	alr	Laid Over
3	C 870815	HOK		" "	50	N 870933	RAR		Auth. Approved
4	C 870885	HDK		" "	51	N 870613	RAR		" "
5	C 861022	ZMQ		" "	52	N 870423	ZAR		" "
6	C 870283	ZMQ		" "	53	N 870424	ZAR		" "
7	C 800246	MMM		" "	54	N 870425	ZAR		" "
8	C 870356	ZSM		" "	55	N 870145	ZAR		" "
9	C 870889	HAM		" "	56	N 870119	ZAR		" "
10	C 880043	ZRM		" "	57	N 861219	ZAR		" "
11	N 880053	ZRM		" "	58	C 870737 -	738	alr PPX	Laid over
12	C 860235	ZSM		" "	59	C 870792	HDX	✓	Law. Rept. Adopt
13	C 870963	ZMM		" "	60	C 870793	HDX	✓	" " "
14	N 870607	ZRY		" "	61				
15	C 870655	ZRY		" "	62				
16	N 870892	HGX		" "	63	PRESENT			
17	C 870890	HUX		" "	64	S. Deutsch, Ch.			
18	C 870891	HDX		" "	65	S. Gagliardo, Comm.			
19	C 870860	PPK		Hearing Closed	66	G. McNeil,			
20	C 860023	GFK		Cont. to 9/2	67	D. Scannell,			
21	C 860354	GFK		Hearing Closed	68	D. Scheinberg,			
22	C 850819	MMQ		" "	69				
23	C 860246	PSQ		" "	70	Adj. 3:50 p.m.			
24	C 860581	ZMQ		" "	71				
25	C 860582	ZSQ		" "	72				
26	C 860287	MMQ		" "	73				
27	C 860493	ZSM		" "	74				
28	C 870882	HDM		" "	75				
29	C 870883	HDM		" "	76				
30	C 870884	HDM		" "	77				
31	C 870695	HUM		Cont. 9/2/87	78				
32	C 870696	HDM		" "	79				
33	C 840875	ZSM		Hearing Closed	80				
34	N 870612	ZRY		" "	81				
35	C 860115	MMR		" "	82				
36	C 870344	PPX		" "	83				
37	C 860555	MMX		" "	84				
38	C 860556	ZMX		" "	85				
39	C 870807	ZMX		Cont. to 9/2/87	86				
40	C 870808	HAX		" " "	87				
41	C 870881 -	699 PPX	PPX	Hearing Closed	88				
42	C 870672 -	674 PPX	PPX	Law. Rept. Adopted	89				
43	C 861198	PLQ	(6/17)	Laid Over	90				
44	C 820267	ZSM		Law. Rept. Adopt	91				
45	C 870504	HDM		" " "	92				
46	C 870671	PPM		" " "	93				

Logged

**COMPREHENSIVE
CITY PLANNING CALENDAR**

of

The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, August 5, 1987

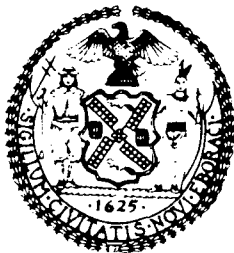
MEETING AT 10:00 A.M.

in the

**NEW YORK CITY POLICE DEPARTMENT
AUDITORIUM**

1 Police Plaza

New York, New York



Edward I. Koch, Mayor

City of New York

[No. 13]

Prepared by Lory R. Alcalá, Calendar Officer

A
CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS

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

NOTE—Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section II, (Public Hearings), and third in Section III, (Reports). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

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

B

CITY PLANNING COMMISSION

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

SYLVIA DEUTSCH, *Chairperson*

SALVATORE C. GAGLIARDO

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, August 5, 1987

Calendar No. 13

Roll Call; approval of minutes	1
I. Scheduling September 2, 1987	1
II. Public Hearings	59
III. Reports	79

**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 September 2, 1987, in the 11th floor Hearing Room, Board of Standards and Appeals, 161 Avenue of the Americas, New York, New York 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: _____

D
NOTICE

The City Planning Commission and the headquarters staff of the Department of City Planning will be moving from 2 Lafayette Street to 22 Reade Street (one block west) from August 7th to August 14th. After August 7th, all mail, other communications, ULURP applications and similar documents should be addressed or delivered to: 22 Reade Street, New York N.Y. 10007.

The Manhattan borough office will remain at 2 Lafayette Street and will continue to receive its mail at: Manhattan Office, Department of City Planning, Room 1400, 2 Lafayette Street, New York, N.Y. 10007-1216.

WEDNESDAY, August 5, 1987

APPROVAL OF MINUTES OF Special Meetings of July 6th, 13th and 20th,
1987

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS
TO BE SCHEDULED FOR
WEDNESDAY, SEPTEMBER 2, 1987
STARTING AT 10 A.M.
IN THE BOARD OF STANDARDS AND APPEALS
161 AVENUE OF THE AMERICAS—11TH FLOOR
HEARING ROOM
NEW YORK, NEW YORK**

BOROUGH OF BROOKLYN

Nos. 1, 2 and 3

(An amendment to the Bedford-Stuyvesant I Urban Renewal Plan, disposition of City-owned property and a plan and project for a public housing project)

No. 1

CB 3

C 870735 HUK

PUBLIC HEARING:

IN THE MATTER OF an amendment to the Bedford-Stuyvesant I Urban Renewal Plan for the Bedford-Stuyvesant Urban Renewal Area within Brooklyn Community District 3, pursuant to Section 505 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter.

The proposed amendment would involve sites located on the block bounded by Greene, March, Lexington and Nostrand Avenues (Tax Block 1798). On existing Site 6B, the site area would be reduced to coincide with new Lot 40, the actual housing site. The balance of Site B, new Lot 20 would be merged with existing Site 6A (Lot 77) and Lots 1 through 5 to create new site 6C. The land use control for these two new sites remain "Residential".

The proposed amendment would facilitate the development of approximately 78 units of housing in a low-rise town house project under the New York City Housing Authority turnkey program.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

No. 2

CD 3

C 870736 HDK

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

The property proposed to be disposed is Site 6C of the Bedford-Stuyvesant I Urban Renewal Area, located on the block bounded by Greene, Marcy, Lexington and Nostrand Avenues (Tax Block 1798, Lots 1, 2, 3, 4, 5, 20 and 77). The disposition would facilitate the development of approximately 78 units of housing in a low-rise townhouse development under the New York City Housing Authority turnkey program.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

No. 3

CD 3

C 870815 HOK

IN THE MATTER OF a plan and project for a public housing project pursuant to the Public Housing Law of New York State and Section 197-c of the New York City Charter.

The proposed public housing project is located on the block bounded by Greene, Marcy, Lexington and Nostrand Avenues (Tax Block 1798, Lots 1 through 5, 22 and 70), Site 6C within the Bedford-Stuyvesant I Urban Renewal Area. The proposed project, tentatively known as "Marcy Avenue-Greene Avenue New Construction Project", would provide approximately 78 units of housing for low income families in low-rise townhouses under the New York City Housing Authority turnkey program.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

No. 4

CD 1

C 870885 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, **64 Havemeyer Street**, is a three story former walk-up convent which will be altered to a multiple dwelling with 11 residential units, located on the westerly side of Havemeyer Street, between North 5th and 6th Streets (block 2338, lot 23). The Department of Housing Preservation and Development (HPD) proposes to sell the property to an Article XI Housing Development Fund Corporation **for the purpose of providing housing for low and moderate-income families.**

The Homesteader's Association of 64 Havemeyer Street applied to this program by responding to a Request For Proposal (RFP). Their application was reviewed competitively based on selection criteria listed in the RFP.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

BOROUGH OF QUEENS

(An amendment of the Zoning Map with reference to the 35th Street rezoning)

No. 5

CD 3

C 861022 ZMQ

IN THE MATTER OF an application submitted by BSM Land Development pursuant to Sections 197-c and 200 of the New York City Charter for **an amendment of the Zoning Map**, Section No. 9d, changing from an R5 District to an R7A District an area bounded by 69th Street, a line 90 feet north of 35th Avenue, 70th Street, a line 235 feet north of 35th Avenue, a line midway between 70th Street and 71st Street, a line 115 feet north of 35th Avenue, 71st Street and its southerly prolongation, a line 125 feet northeasterly of Leverich Street, a line perpendicular to Leverich Street, distant 200 feet southeasterly from the intersection of Leverich Street and 35th Avenue, Leverich Street, and a line perpendicular to Leverich Street, distant 310 feet southeasterly from the intersection of Leverich Street and 35th Avenue **to facilitate construction of a proposed seven story apartment building and underground parking garage** for 138 cars and to reflect the character of the surrounding area, as shown on a diagram dated June 15, 1987.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

(An amendment of the Zoning Map with reference to the 213th St. rezoning)

No. 6

CD 11

C 870283 ZMQ

IN THE MATTER OF an application submitted by Dominic Leva pursuant to Sections 197-c and 200 of the New York City Charter for **amendment of the Zoning Map**, Section No. 11a, changing from an R2 District to an R4 District, property bounded by 36th Avenue, 213th Street, 38th Avenue and a line 100 feet west of 213th Street.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

BOROUGH OF MANHATTAN

No. 7

CD 1

C 800246 MMM

IN THE MATTER OF an application submitted by the Department of Transportation 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 Republican Alley and Manhattan Alley between Reade Street and Duane Street to remove a cloud on title to City owned real property, in accordance with Map No. Acc. No. 30072, dated February 24, 1983 and signed by the Borough President. The map was referred by the Board of Estimate on April 14, 1983, Calendar No. 367.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

No. 8

CD 4

C 870356 ZSM

IN THE MATTER OF an application submitted by Two Sixty Twelfth Limited Partnership pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-52 of the Zoning Resolution for the **grant of special permit for a 495 space public parking lot** on property located on the east side of 12th Avenue between 29th Street and 30th Street (Block 675, Lot 1).

Plans for this proposed parking lot 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 September 2, 1987 for a public hearing.

No. 9

CD 11

C 870889 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 required:

1) The designation as an Urban Development Action Area of property located on the northerly side of East 106th Street between Lexington and Park Avenues, 121 East 106th Street (Tax Block 1634, Lot 111);

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.

This application would facilitate the rehabilitation of a vacant three-story brownstone building as a community facility to provide approximately eight work spaces to be used as artist studios and workshop space. The property is tentatively **proposed to be disposed to the Puerto Rican Workshop, Inc.** (aka Taller Boricua) to expand their present program as a community arts and education center.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

No. 10

CD 4

C 880043 ZRM

(Amendment of Article IX, Chapter 6, Special Clinton District, of the Zoning Resolution to substitute dwelling unit count for zoning room count in Section 96-105 and to make Section 96-105 inapplicable to alteration of existing buildings in the Preservation Area).

IN THE MATTER OF amendments to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to Section 96-105, as follows:

Matter in **Bold** is new;

Matter in brackets [] is old, to be omitted;
 Matter in *italics* is defined in Section 12-10.

Article IX
Special Purpose Districts
Chapter 6 Special Clinton District

96-00 GENERAL PURPOSES

* * *

96-105

[Rooms or] Dwelling Unit Regulations

(a) [Rooms or] Dwelling unit distribution

[For *developments, enlargements, extensions, conversions* of an existing *building* to a *residential use* or alterations other than *incidental alterations* as described in paragraph (b) of the definition of such term in Section 12-10 DEFINITIONS, the required *lot area per room* shall be not less than 48 square feet, the average number of *rooms* in a *dwelling unit* shall be at least 3½ *rooms* and at least 20 per cent of such *dwelling units* shall contain at least 4½ rooms. In computing the number of 4½ *room* dwelling units required, a fraction of .5 or more shall be considered a *dwelling unit*, and smaller fractions shall be disregarded. No new *rooming units* shall be permitted within the Preservation Area.]

For *developments, enlargements, extensions or conversions* of an existing *building* to a *residential use*, the *lot area per room* requirement of the underlying districts as set forth in Section 23-22 shall be inapplicable. In lieu thereof, the required *lot area per dwelling unit* of a *development, enlargement, extension or conversion* of an existing *building* to a *residential use* shall not be less than 168 square feet and the number of two-bedroom units on a *zoning lot* shall not be less than 20 percent.

In addition, the minimum *lot area per dwelling unit* requirement and the 20 percent two-bedroom unit requirement set forth above shall apply to any alteration that creates additional *dwelling units* or additional zero-bedroom units.

The City Planning Commission by special permit, after public notice and hearing and subject to Board of Estimate action, may modify the [*room or dwelling unit* distribution] *lot area per dwelling unit* requirements of this section with respect to residences substantially for the elderly handicapped under jurisdiction of a State Agency provided that the following findings are made:

1. That the *residences* are sponsored by a voluntary non-profit organization active within the Special Clinton District.

2. That the location and size of this facility does not create an undue concentration of *dwelling units* of this type and *community facilities* with sleeping accommodations within the immediate area.
3. That there are social service, health and related programs for the residents including a maintenance and security plan.
4. That on-site [open-space] recreation areas for the *use* of the residents are provided.
5. That the proposed *residence* will not overburden existing public services to the neighborhood.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any *use* permitted under this Section on the residential character of the surrounding area.

(b) Special provisions for owner-occupied residential buildings

For alterations of *residential buildings which are owner occupied* [that were occupied by the same owner prior to October 1, 1974 and at the time of the issuance of a permanent certificate of occupancy for such alterations] and which contain four or fewer *dwelling units*, the [room or] *dwelling unit* distribution provisions of Section 96-105 [(Rooms or dwelling unit distribution)] shall not apply. [and the *building* shall contain no more than six *dwelling units* after alteration. *The lot area per room* requirement of Section 96-105 shall apply, and no rooming units shall be permitted.]

* * *

Resolution for adoption scheduling September 2, 1987 for a public hearing.

No. 11

CD 4

N 880053 ZRM

(Amendment of Article IX, Chapter 6, Special Clinton District, of the Zoning Resolution to permit alteration and new construction on sites with prior violations relating to harassment or improper eviction or relocation practices.)

IN THE MATTER OF amendments to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to Section 96-110, as follows:

Matter in **Bold** is new;

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

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

Article IX
Special Purpose Districts

Chapter 6 Special Clinton District

96-00 GENERAL PURPOSES

* * *

96-110

Harassment and cure

(a) Notwithstanding any provision to the contrary contained in this Chapter, a permit may be issued by the Department of Buildings pursuant to Sections 96-108, 96-109, 96-22 or 96-23 or a special permit may be granted by the City Planning Commission pursuant to Sections 96-107 or 96-108 with respect to any *building* on a *zoning lot* in which harassment or other failure to satisfy applicable legal requirements in eviction and relocation has occurred, provided that the Department of Housing Preservation and Development has determined and certified compliance with either of the following alternative curative measures:

- (1) that no further harassment or other failure to satisfy all applicable legal requirements relating to eviction and relocation practices has occurred on the *zoning lot* for a period of 15 years following the date of such harassment or failure to satisfy legal requirements; or
- (2) that all parties in interest to the *zoning lot* (as the term "party in interest" is defined in Section 12-10 definition of *zoning lot*) have entered into a legal agreement with the Department of Housing Preservation and Development which shall run with the land and bind all parties in interest and their successors. Such agreement shall provide that:
 - (i) any *building* to be altered or any *building* to be demolished and subsequently replaced by a new *building* shall provide, in the case of a rental *building*, at least 25 percent of the total *residential floor area* of the *building* to be altered or demolished for lower income housing on the same *zoning lot*. If such *building* is operated as a cooperative or a condominium, at least 33 percent of such *residential floor area* shall be provided for lower income housing on the same *zoning lot*.
 - (ii) such designated lower income housing units shall be in compliance with the applicable regulations of Section 23-90 (Inclusionary Housing) except that in the Preservation Area paragraph (b) of Section 23-941 (On-site new construction option) shall be inapplicable and its place and stead, paragraph (a) of Section 96-105 (Dwelling unit regulations) relating to *dwelling unit* distribution shall be applicable.

(b) Any building permit or special permit issued pursuant to this section shall be subject to the following additional conditions:

- (1) No certificate of occupancy, temporary or permanent, shall be issued by the Department of Buildings for existing buildings which are to remain on the *zoning lot*, any one of which *buildings* requires compliance with this Section 96-110 due to harassment or improper eviction or relocation practices, until the Commissioner of Housing Preservation and Development certifies that the lower income housing is in compliance with the Lower Income Housing Plan as set forth in Section 23-90 (Inclusionary Housing) and the Department of Buildings has issued a certificate of occupancy, temporary or permanent, for each unit of the lower income housing.
 - (2) Immediately upon issuance of a building permit or special permit, the legal agreement described in paragraph (a)(2) shall be recorded by the applicant in the conveyance section of the office of the City Register in the County of Manhattan and indexed against the subject *zoning lot*. If the applicant does not immediately so record the legal agreement, the City of New York may record the agreement at the sole cost and expense of the applicant. This occupancy restriction of paragraph (a)(2) shall be included in both the temporary and permanent certificates of occupancy issued by the Department of Buildings for the *building*. Failure to comply with the terms and conditions set forth in the legal agreement shall constitute a violation of the permit or certificate of occupancy and may constitute a basis for revocation of the permit or certificate of occupancy.
 - (3) No portion of the lower income housing required under Section 96-110 (Harassment and cure) shall qualify to:
 - (i) increase the *floor area ratio* pursuant to Section 96-21 (Floor Area Bonus); or
 - (ii) satisfy the requirement of a program to receive tax abatement or exemptions which are not specifically limited to lower income housing.
- (c) The requirements of paragraph (a) and (b) above shall not apply to any existing *buildings* located within the Special Clinton District which are acquired and rehabilitated to provide low-to-moderate income housing units pursuant to a Special Permit approved by the Board of Estimate prior to the effective date of this amendment. In lieu thereof, and notwithstanding any provision to the contrary contained in this Chapter, the following curative measures shall apply where there has been any harassment or other failure to satisfy the applicable legal requirements in eviction or relocation:

- (1) A building permit or alteration permit may be issued by the Department of Buildings when the Chairman of the City Planning Commission has certified to the Department of Buildings that a restrictive declaration which binds the owner of the *zoning lot* and all successors in interest, in a form satisfactory to the Chairman, has been recorded against the *zoning lot* on which the low-to-moderate income housing units are located which restricts the occupancy of such units to low-to-moderate income persons and families in accordance with the terms of the Special Permit, and to persons and families residing in such units at the time such declaration is recorded; and
- (2) A temporary or permanent certificate of occupancy may be issued by the Department of Buildings when the Chairman of the City Planning Commission has certified that such low-to-moderate income housing units are in full compliance with the terms of the previously approved Special Permit; and
- (3) No portion of the lower income housing provided pursuant to paragraph (c) may be used to increase the *floor area ratio* of a *zoning lot* pursuant to Section 96-21.

[96-110] 96-111

Off-street parking regulations

* * *

Resolution for adoption scheduling September 2, 1987 for a public hearing.

No. 12

CD 5

C 860235 ZSM

(Grant of a Special permit with reference to the Saks Tower)

IN THE MATTER OF an application submitted by The NYC Landmarks Preservation Commission on behalf of **Saks & Company** pursuant to Sections 197-c and 200 of of the New York City Charter and Section 74-711 of the Zoning Resolution for the **grant of a special permit** involving the transfer of 133,298 square feet from a C5-3 District to a C5-2.5 District, and the application of increased floor area from 12 to 13.54, waiver of pedestrian circulation requirements and a waiver of height and regulations on property located at **611-621 Fifth Avenue, 1-17 East 49th and 2-16 East 50th Streets** (Block 1285, Lots 1, 9-12, 61-63), Borough of Manhattan, CD 5.

Plans for this proposed 36 story tower mixed retail and office building are on file with the City Planning Commission and may be seen in Room 1514, 2 Lafayette Street, New York, NY 10007.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

No. 13

(Amendment to the Zoning Map with reference to the Turtle Bay Regency)

CD 6

C 870963 ZMM

IN THE MATTER OF an application, submitted by the Department of City Planning, pursuant to Sections 197-c and 200 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 8c and 8d:

1. changing from R7-2, R8, and R10 Districts to an R8B District, property bounded by:
 - a. a line 100 feet westerly of Second Avenue, a line midway between East 47th Street and East 48th Street, a line 150 feet easterly of Third Avenue, East 52nd Street, a line 160 feet easterly of Third Avenue, East 53rd Street, a line 150 feet easterly of Third Avenue, and a line midway between East 53rd Street and East 54th Street;
 - b. a line 100 feet westerly of First Avenue, East 49th Street, a line 100 feet easterly of Second Avenue, and East 55th Street.
 - c. a line midway between East 57th Street and East 58th Street, a line 100 feet easterly of Third Avenue, East 59th Street, a line 155 feet westerly of Second Avenue, a line midway between East 58th Street and East 59th Street, and a line 100 feet westerly of Second Avenue;
 - d. a line 100 feet westerly of First Avenue, a line midway between East 57th Street and East 58th Street, the southern approach to the Queensboro Bridge, and a line midway between East 58th and 59th Street; and
 - e. a line 100 feet northerly of East 58th Street, a line 100 feet easterly of Sutton Place, a line 100 feet southerly of East 59th Street, and the East River; and
2. changing from C6-4, C5-2, C1-5, and R10 Districts to a C1-9 District, property bounded by:
 - a. a line 100 feet westerly of Second Avenue, a line midway between East 53rd Street and East 54th Street, a line 150 feet easterly of Third Avenue, and East 55th Street; and

- b. East 56th Street, a line 150 feet easterly of Third Avenue, a line midway between East 56th Street and East 57th Street, a line 100 feet easterly of Third Avenue, a line midway between East 57th Street and East 58th Street, Second Avenue, East 59th Street, the southern approach to the Queensboro Bridge, East 57th Street, a line 100 feet easterly of Second Avenue, a line midway between East 56th Street and East 57th Street, and a line 100 feet westerly of Second Avenue.

As shown on diagram dated June 29, 1987.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

CITYWIDE

No. 14

Citywide

N 870607 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 Sections 12-10, 14-01, 22-31, 22-411, 23-11, 23-20, 23-21, 23-31, 23-41, 23-61, 23-81, 24-03, 27-02, 32-441, 32-61, 33-02, 33-11, 33-21, 33-41, 34-02, 35-02, 36-03, 42-461, 42-51, 43-11, 43-21, 43-41, 44-03, 52-01, 54-01, 78-02, 79-00, 111-01, deleting definitions from individual chapters or sections that are duplicates of those found in Section 12-10 as follows:

12-10 DEFINITIONS

* * *

Land with minor improvements

“Land with minor improvements” is a tract of land which:

(a) Does not involve any *building or other structure*; or

(b) Involves *buildings or other structures*, or other improvements, located underground or substantially at ground level, with a total assessed valuation, **excluding land**, of less than \$2,000, as determined from the assessment rolls in effect on the applicable date on which such *use* is changed, damaged or destroyed, or to be terminated, in accordance with the provisions of Sections 52-32, 52-52, or 52-72 (Land with Minor Improvements).

* * *

Large-scale community facility development

A “large-scale community facility development” is a *development or enlargement* used predominantly for *community facility uses*, on a tract of land containing a single *zoning lot* or two or *more zoning lots* which are contiguous or would be contiguous but for their separation by a *street* or a *street intersection*, which tract of land:

(a) Has or will have an area of at least three acres, and

(b) Is designated by its owner as a tract, all of which is to be used, *developed*, or *enlarged* as a unit under single ownership, or in the case of an urban renewal project, if in separate ownership, under the coordination and supervision of the City’s urban renewal agency.

For the purposes of this definition, [ownership shall include a lease of not less than 50 years duration, with an option to renew such lease so as to provide a total lease of not less than 75 years duration, or possessory interest or control as evidenced by a binding agreement between two or more owners to develop such tract of land as a unit.]

a“ zoning lots shall be in the same ownership (single fee ownership) or alternative ownership arrangements as set forth respectively in the zoning lot definition in Section 12-10.

Such tract of land may include any land occupied by *buildings* existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 9, provided that such *buildings* form an integral part of the planned *development or enlargement*.

* * *

Large-scale Residential Development

A “large-scale residential development” is a *development* used predominantly for *residential uses* on a tract of land containing a single *zoning lot* or two or more *zoning lots* which are contiguous or would be contiguous but for their separation by a *street*, [,] or a *street intersection*, which tract of land:

(a) Has or will have an area of at least 1.5 acres and a total of at least three principal *buildings*, or an area of at least three acres and a total of at least 500 *dwelling units*, and

(b) Is to be *developed* as a unit, or, in the case of an urban renewal project, under the coordination and supervision of the City’s urban renewal agency.

* * *

Non-complying, or non-compliance

A “non-complying” *building or other structure* is any lawful *building or other structure* which does not comply with any one or more of the applicable district *bulk* regulations either on the effective date of this resolution or as a result of [a] any subsequent amendment thereto.

A “non-compliance” is a failure by a *non-complying building or other structure* to comply with any one of such applicable *bulk* regulations.

* * *

Open space

“Open space” is that part of a *zoning lot*, including *courts* or *yards*, which:

- (a) Is open and unobstructed from its lowest level to the sky, except as provided below, and
- (b) Is accessible to and usable by all persons occupying a *dwelling unit* or a *rooming unit* on the *zoning lot*, and
- (c) Is not part of the roof of that portion of a *building* containing *dwelling units* or *rooming units*.

Open space may include roofed areas the total area of which is less than 10 percent of the unroofed or uncovered area of a *zoning lot*, provided that such roofed area is not enclosed on more than one side, or on more than 10 percent of the perimeter of the roof area, [which]

whichever is greater.

The roof of any portion of a *building* used for *accessory* parking or for any permitted *non-residential use*, which is a portion of or attached to a *residential building*, or the roof of a *community facility building*, may be considered as *open space* if such roof area meets the requirements set forth in this definition, and:

- (a) Is not higher than 23 feet above *curb level*, provided that this restriction does not apply to the roof of a portion of a *mixed building* used for other than *residences*, and
- (b) Is at least two and one-half feet below the sill level of all *legally required windows* opening on such roof area, and
- (c) Is directly accessible by a passageway from a *building*, or by a ramp (with a grade of less than 10 percent) from a *building, yard, court, or street*, except that in R8 or R9 Districts such roof area need not be accessible to occupants and is therefor exempt from this requirement, and
- (d) Has no dimension less than 25 feet; except than in R8 or R9 Districts, when such roof area adjoins a *street line* or a *rear yard*, it may have a minimum depth of nine feet and a minimum length, along such *street line* or

rear yard, equal to at least twice its depth, or the full width of the zoning lot, or 50 feet, whichever is the least distance.

* * *

Residence, or residential

A “residence” is a *building* or part of a *building* containing *dwelling units* or *rooming units*, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or *apartment hotels*. However, *residences* do not include:

(a) Such transient accommodations as *transient hotels*, *motels* or *tourist cabins*, or *trailers camps*, or

(b) *Non-profit hospital staff dwellings*, or

(c) Dormitories, fraternity or sorority houses, monasteries or convents, sanitariums, nursing homes, or other living or sleeping accommodations in *community facility buildings* or portions of *buildings* used for *community facility uses*, or

(d) In a mixed *building*, that part of the *building* used for any non-residential uses, except uses accessory to residential uses.

“Residential” means pertaining to a *residence*.

* * *

Sky exposure plane

A “sky exposure plane” is an imaginary inclined plane:

(a) Beginning above the *street line* (or, where so indicated, above the *front yard line*) at a height set forth in the district regulations, and

(b) Rising over a *zoning lot* at a ratio of vertical distance to horizontal distance set forth in the district regulations.

* * *

[Special Brooklyn Center Development District

The “Special Brooklyn Center Development District” is a special purpose district designated by the letters “BC”, in which special regulations set forth in Article VIII, Chapter 9 apply. The “Special Brooklyn Center Development District” appears on the *zoning maps* superimposed on other districts, and its regulations supplement and modify those of the districts on which it is superimposed.]

14-01

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

The provisions of Section 12-10 of the Zoning Regulations relating to the definition of sidewalk cafes shall not become effective until the City Planning Commission certifies that amendments by the New York City Council to the following sections of the New York City Charter and the New York City Administrative Code carry out the objectives of the subject zoning amendments.

New York City Charter

Section 366-a

New York City Administrative Code

Section B32-53.0

Section B32-54.0-b,c,d

Section B32-55.0

Section B32-56.0

Section B32-57.0

[Sidewalk Cafe

A “sidewalk cafe” is a portion of an eating or drinking place, located on a public sidewalk, that provides waiter or waitress service and is either an *enclosed or unenclosed sidewalk cafe* as defined herein. No portion of a *sidewalk cafe* shall be used for any purpose other than dining and circulation therein.

Enclosed Sidewalk Cafe

An “enclosed sidewalk cafe” is a *sidewalk cafe* which is contained within a one story structure constructed predominantly of light materials such as glass, slow burning plastic, or lightweight metal. All materials shall be approved by the Department of Building. *Sidewalk cafes* are permitted only upon the granting of revocable consent by the Board of Estimate and as such only non-permanent structures are permitted.

Unenclosed Sidewalk Cafe

An “unenclosed sidewalk cafe” is a space on the sidewalk which contains readily removable tables, chairs, or railings. An *unenclosed sidewalk cafe* shall be open to the sky except that it may have a retractable awning or umbrellas. For the purposes of this section “readily removable” shall mean that no object which is part of the *unenclosed sidewalk cafe*, such as a table, chair, planter, or any other fixture, shall be leaded, cemented, nailed, bolted, power riveted, screwed in or affixed, even in a temporary manner, to either the sidewalk in which it is placed, to the *building* or to any other structure which it abuts.

All objects other than planters in accordance with the provisions of Section 14-42 shall be removed during the period of the year when the *unenclosed sidewalk cafe* ceases operation, or at least between December 1 and February 28.]

22-31

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Sign

A “*sign*” is any writing (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character, which:

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a *building or other structure*, and
- (b) Is used to announce, direct attention to, or advertise, and
- (c) Is visible from outside a *building*. A *sign* shall include writing, representation, or other figure of similar character within a *building* only when illuminated and located in a window.

The following shall not be subject to the provisions of this resolution:

- (a) *Signs* of a duly constituted governmental body; including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings
- (b) Flags or emblems of a political, civic, philanthropic, educational, or religious organization
- (c) Temporary *signs* announcing a campaign, drive, or event of the above organizations
- (d) Memorial *signs* or tablets
- (e) *Signs* denoting architect, engineer, or contractor when placed on construction sites and not exceeding 25 square feet in area
- (f) *Signs* required to be maintained by law or governmental order, rule, or regulation, with a total *surface area* not exceeding ten square feet on any *zoning lot*
- (g) Small *signs* displayed for the direction or convenience of the public, including signs which identify rest rooms, freight entrances, or the like, with a total *surface area* not exceeding five square feet on any *zoning lot*.

Sign, business

A “*business sign*” is an *accessory sign* which directs attention to a profession, business, commodity, service, or entertainment conducted, sold, or offered upon the same *zoning lot*.]

22-411**Definition [(repeated from Section 12-10)]**

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Railroad or transit air space

“Railroad or transit air space” is space directly over a railroad or transit right-of-way or yard, which right-of-way or yard was open, except for structures accommodating activities incidental to its use as a right-of-way or yard, and not otherwise covered over by any *building or other structure* at the effective date of this amendment.]

23-11**Definitions [(repeated from Section 12-10)]**

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Arcade

An “arcade” is a continuous area open to a *street* or to a *plaza*, which is open and unobstructed to a height of not less than 12 feet, is accessible to the public at all times, and either:

- (a) adjoins a *front lot line* or a *plaza* boundary, is not less than 10 feet or more than 30 feet in depth (measured perpendicular to the *front lot line* or *plaza* boundary which it adjoins), and extends for the full-length of, or at least 50 feet along, such *front lot line* or *plaza* boundary, whichever is the lesser distance; or
- (b) on a *corner lot*, is bounded on two sides by the two intersecting *street lines*, and has an area of not less than 500 square feet and a minimum dimension of 10 feet.

Such an *arcade* shall not at any point be above the level of the *street* or *plaza* which it adjoins, whichever is higher. Any portion of an *arcade* occupied by *building* columns shall be considered to be part of the area of the *arcade* for the purpose of computing a *floor area* bonus.

Floor area ratio

“Floor area ratio” is the total *floor area* on a *zoning lot*, divided by the *lot area* of that *zoning lot*. (For example, a *building* containing 20,000 square feet of *floor area* on a *zoning lot* of 10,000 square feet has a *floor area ratio* of 2.0)

Height factor

The “height factor” of a *building* is equal to the total *floor area* of the *building* divided by its *lot coverage*. If two or more *buildings* are located on the same *zoning lot*, their *height factor* is the sum of their *floor areas* divided by the sum of their *lot coverages*. The *height factor* is thus equal to the number of *stories*, if the *building* were erected without setbacks. In computing a *height factor*, a fraction of .5 or more may be considered a whole number, and smaller fractions shall be disregarded.

Lot coverage

“Lot coverage” is that portion of a *zoning lot* which, when viewed directly from above, would be covered by a *building* or any part of a *building*. However, for purposes of computing a *height factor*, any portion of such *building* covered by a roof which qualifies as *open space*, or any terrace, balcony, breezeway, or porch or portion thereof not included in the *floor area* of a *building*, shall not be included in *lot coverage*.

Lot area

“Lot area” is the area of a *zoning lot*.

Open space

“Open space” is that part of a *zoning lot*, including *courts* or *yards*, which:

- (a) Is open and unobstructed from its lowest level to the sky, except as provided below, and
- (b) Is accessible to and usable by all persons occupying a *dwelling unit* or a *rooming unit* on the *zoning lot*, and
- (c) Is not part of the roof of that portion of a *building* containing *dwelling units* or *rooming units*.

Open space may include roofed areas the total area of which is less than 10 percent of the unroofed or uncovered area of a *zoning lot*, provided that such roofed area is not enclosed on more than one side, or on more than 10 percent of the perimeter of the roofed areas, whichever is greater.

The roof of any portion of a *building* used for *accessory parking* or for any permitted non-*residential use*, which is a portion of or attached to a *residential building*, or the roof of a *community facility building*, may be considered as *open space* if such roof area meets the requirements set forth in this definition, and:

- (a) Is not higher than 23 feet above *curb level*, provided that this restriction does not apply to the roof of a portion of a *mixed building* used for other than *residences*, and
- (b) Is at least two and one-half feet below the sill level of all *legally required windows* opening on such roof areas, and
- (c) Is directly accessible by a passageway from a *building*, or by a ramp (with a grade of less than 10 percent) from a *building, yard, court, or street*, except that in R8 or R9 Districts such roof area need not be accessible to occupants and is therefore exempt from this requirement, and
- (d) Has no dimension less than 25 feet; except that in R8 or R9 Districts, when such roof area adjoins a *street line* or a *rear yard*, it may have a minimum depth of nine feet and a minimum length, along such *street line* or *rear yard*, equal to at least twice its depth, or the full width of the *zoning lot*, or 50 feet, whichever is the least distance.

Open space ratio

The “open space ratio” of a *zoning lot* is the number of square feet of *open space* on the *zoning lot*, expressed as a percentage of the *floor area* on that *zoning lot*. (For example, if for a particular *building* an *open space ratio* of 20 is required, 20,000 square feet of *floor area* in the *building* would necessitate 4,000 square feet of *open space* on the *zoning lot* upon which the *building* stands; or, if 6,000 square feet of *lot area* were in *open space*, 30,000 square feet of *floor area* could be in the *building* on that *zoning lot*.) Each square foot of *open space* per 100 square feet of *floor area* is referred to as one point.

Plaza

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

- (a) A continuous open area along a *front lot line*, not less than 10 feet deep (measured perpendicular to the *front lot line*), with an area of not less than 750 square feet, and extending for its entire depth along the full length of such *front lot line* or for a distance of at least 50 feet thereof, whichever is the lesser distance; or
- (b) A continuous open area on a *through lot*, extending from *street* to *street* and not less than 40 feet in width, measured perpendicular to the nearest *side lot line*; or
- (c) On a *corner lot*, an open area of not less than 500 square feet, which is bounded on two sides by the two intersecting *street lines* and which has a minimum dimension of 10 feet; or
- (d) An open area of not less than 8,000 square feet, with a minimum dimension of 80 feet and which is bounded on one side by a *front lot line* or

which is connected to the *street* by means of an *arcade* or by an open area not less than 40 feet wide.

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

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

Residence, or residential

A "residence" is a *building* or part of a *building* containing *dwelling units* or *rooming units*, including one- or two-family houses, multiple dwellings, boarding or rooming houses, or *apartment hotels*. However, *residences* do not include:

- (a) Such transient accommodations as *transient hotels*, *motels*, or *tourist cabins*, or *trailer camps*, or
- (b) *Non-profit hospital staff dwellings*, or
- (c) Dormitories, fraternity or sorority houses, monasteries or convents, sanitariums, nursing homes, or other living or sleeping accommodations in *community facility buildings* or portions of *buildings* used for *community facility uses*, or
- (d) In a *mixed building*, that part of the *building* used for any *non-residential uses*, except *uses accessory* to *residential uses*.

"Residential" means pertaining to a *residence*.

Zoning lot

*Note: For definition of Zoning Lot refer to Section 12-10.]

23-20 DENSITY REGULATIONS—REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM, OR FLOOR AREA PER ROOM

[Definitions]

23-21

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Dwelling unit

A “dwelling unit” consists of one or more rooms in a *residential building*, *residential portion of a building*, or *non-profit hospital staff dwelling*, which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

In counting the number of *rooms* in a *dwelling unit* for the purpose of determining the *lot area* requirements, no *rooming unit* shall be counted as part of the *dwelling unit*.

Floor Area per Room

“Floor Area per Room” is the amount of the *residential floor area* required for each room in determining the number of *rooms* allowed in a *residential building* or the *residential portion of a building*.

The maximum *residential floor area* allowed by the applicable district regulations on such *zoning lot* shall be divided by the required *floor area per room* to determine the number of *rooms*, except for *community facility buildings* or *mixed buildings*.

For *community buildings* or *mixed buildings*, the “maximum residential floor area” is either:

- (a) the maximum *floor area* permitted for *residential uses* or
- (b) the *floor area* permitted for the entire building, minus the *floor area* used for *non-residential uses*, whichever of (a) or (b) is less.

Such *floor area* on the *zoning lot* shall be divided by the required *floor area per room* to determine the number of *rooms*.

Lot area per dwelling unit

“Lot area per dwelling unit” is that portion of the *lot area* required for each *dwelling unit* located on a *zoning lot*.

Lot area per room

“Lot area per room” is that portion of the *lot area* required for each *room* located on a *zoning lot*.

Room

The number of “rooms” in a *dwelling unit*, for the purpose of complying with the *lot area* requirements, is computed in the following manner:

- (a) The number of “living rooms,” as defined in Section 4 of the Multiple Dwelling Law, is determined, except that:

(1) Kitchens or other cooking spaces (without limit as to size) shall not be counted as "living rooms."

(2) Dining alcoves, dinettes, or other dining spaces (without limit as to size) when not separated by walls or doors from other "living rooms" or cooking spaces, shall not be counted as "living rooms."

(3) Dining rooms in *dwelling units* containing three or more bedrooms, and one or more other living rooms as herein computed shall not be counted as "living rooms," except that such dining rooms may be counted in determining the degree of *non-compliance* under the provisions of Section 54-31 (General provisions).

(b) The number of *rooms* to be counted in computing *lot area* requirements is then determined from the following table:

Number of "living rooms," as computed in (a) above	<i>Rooms</i> to be counted
1	2½
2	3½
3	4½
4	5½
5	6½
6	7½
Additional	1 each

The number of *rooms* in a *rooming unit* shall be counted as: 2.

Rooming unit

A "rooming unit" consists of any "living room," as defined in Section 4 of the Multiple Dwelling Law, in a *residential building* or a *residential* portion of a *building* which is:

(a) In a "class B multiple dwelling," a "rooming house," or a "furnished room house" as defined in Section 4 of the Multiple Dwelling Law, or

(b) Used for "class B occupancy," as defined in Section D-26-1.7 of the Housing Maintenance Code, or

(c) Used for "single room occupancy," as defined in Section D-26-1.7 of the Housing Maintenance Law, or

(d) Occupied by a "boarder," "roomer," or "lodger," as defined in Section D-26-2.2 of the Multiple Dwelling Code; provided, however, that if not more than two such boarders, roomers, or lodgers reside within a *dwelling unit*, the room or rooms occupied by such boarders, roomers, or lodgers shall be

counted as part of the *dwelling unit* and shall not be counted as *rooming units*,
or

(e) Any other “living room” in a *residential building* or a *residential* portion
of a *building* which is not a *dwelling unit* or part of a *dwelling unit*.]

23-30 LOT AREA AND LOT WIDTH REGULATIONS

Definitions and General Provisions

23-31

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this
Section, in this Section.

[Lot area

“Lot area” is the area of a *zoning lot*.

Lot width

“Lot width” is the mean horizontal distance between the *side lot lines* of a *zoning lot*.]

23-40 YARD REGULATIONS

Definitions and General Provisions

23-41

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this
Section, in this Section.

[Yard

A “yard” is that portion of a *zoning lot* extending open and unobstructed from the
lowest level to the sky along the entire length of a *lot line*, and from the *lot line* for
a depth or width set forth in the applicable district regulations.

Where a *street setback line* is shown on the City Map the *yard* extends along the
entire length of the *street setback line*, and from the *street setback line* for a depth
or width set forth in the applicable district *yard* regulations.

Yard, front

A “front yard” is a *yard* extending along the full length of a *front lot line*. In the
case of a *corner lot*, any *yard* extending along the full length of a *street line* shall be
considered a *front yard*.

Yard line, front

A “front yard line” is a line drawn parallel to a *front lot line* at a distance equal to
the depth of a required *front yard*.

Yard, rear

A “rear yard” is a *yard* extending for the full length of a *rear lot line*.

Yard line, rear

A “rear yard line” is a line drawn parallel to a *rear lot line* at a distance therefrom equal to the depth of a required *rear yard*.

Yard equivalent, rear

A “rear yard equivalent” is an open area which may be required on a *through lot* as an alternative to a required *rear yard*.

Yard, side

A “side yard” is a *yard* extending along a *side lot line* from the required *front yard* (or from the *front lot line*, if no *front yard* is required) to the required *rear yard* (or to the *rear lot line*, if no *rear yard* is required). In the case of a *corner lot*, any *yard* which is not a *front yard* shall be considered a *side yard*.]

23-60 HEIGHT AND SETBACK REGULATIONS**Definitions and General Provisions****23-61****Definitions [(repeated from Section 12-10)]**

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Initial setback distance

An “initial setback distance” is a horizontal distance measured from a *street line* into a *zoning lot* for a depth as set forth in the district regulations.

Public park

A “public park” is any publicly-owned park, playground, beach, parkway, or roadway within the jurisdiction and control of the Commissioner of Parks, except for park strips or malls in a *street* the roadways of which are not within his jurisdiction and control.

Sky exposure plane

A “sky exposure plane” is an imaginary inclined plane:

- (a) Beginning above the *street line* (or, where so indicated, above the *front yard line*) at a height set forth in the district regulations, and
- (b) Rising over a *zoning lot* at a ratio of vertical distance to horizontal distance set forth in the district regulations.

Street, narrow

A “narrow street” is any *street* less than 75 feet wide.

Street, wide

A “wide street” is any *street* 75 feet or more in width. In C5-3, C6-4, or C6-6 Districts, when a *front lot line* of a *zoning lot* adjoins a portion of a *street* whose average width is 75 feet or more and whose minimum width is 65 feet, such portion of a *street* may be considered a *wide street*; or when a *front lot line* adjoins a portion of a *street* 75 feet or more in width, which is between two portions of a *street* 75 feet or more in width, and which portion is less than 700 feet in length, such portion may be considered a *wide street*, and in that case, for the purposes of the height and setback regulations and the measurement of any *plaza*, *plaza-connected open area* or *arcade*, the *street line* shall be considered to be a continuous line connecting the respective *street lines* of the nearest portions of the *street* which are 75 feet or more in width.

Street wall

A “street wall” is a wall or portion of a wall of a *building* facing a *street*.

Street walls, aggregate width of

The “aggregate width of street walls” at any given level is the sum of the maximum widths of all *street walls* of a *building* within 50 feet of a *street line*. The width of a *street wall* is the length of the *street line* from which, when viewed directly from above, lines perpendicular to the *street line* may be drawn to such *street wall*.

ILLUSTRATIONS OF AGGREGATE WIDTH
OF STREET WALLS
SECTION 23-61

Yard line, front

A "front yard line" is a line drawn parallel to a *front lot line* at a distance therefrom equal to the depth of a required *front yard*.

Yard line, front, level (of)

The "front yard line level" is the mean level of that portion of the *front yard line* from which, when viewed directly from above, lines perpendicular to the *front yard line* may be drawn to a *street wall*. On *corner lots*, the *front yard line level* is the mean of the *front yard line levels*.

ILLUSTRATIONS OF FRONT YARD LINE LEVEL
SECTION 23-61

Yard line, rear

A "rear yard line" is a line drawn parallel to a *rear lot line* at a distance therefrom equal to the depth of a required *rear yard*.]

**23-80 COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN
WINDOWS AND WALLS OR LOT LINES**

Definitions and General Provisions

23-81

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Court

A “court” is either an *inner court* or an *outer court*.

Court, inner

An “inner court” is any open area, other than a *yard* or portion thereof, which is unobstructed from its lowest level to the sky and which is bounded by either:

- (a) *Building* walls, or
- (b) *Building* walls and one or more *lot lines* other than a *front lot line*, or
- (c) *Building* walls, except for one opening on any open area along a *side lot line* or *rear lot line* which has a width of less than 30 feet at any point.

Court recess, inner

An "inner court recess" is any portion of an *inner court* which cannot be included within the largest single horizontal rectangle which may be inscribed within such *inner court*.

ILLUSTRATION OF INNER COURT RECESS
SECTION 23-81

Court, outer

An "outer court" is any open area, other than a *yard* or portion thereof, which is unobstructed from its lowest level to the sky and which, except for one opening upon:

- (a) A *front lot line*, or
- (b) A *front yard*, or
- (c) A *rear yard*, or
- (d) Any open area along a *rear lot line* or along a *side lot line* having a width or depth of at least 30 feet, and which open area extends along the entire length of such *rear* or *side lot line*.

is bounded by either:

- (a) *Building* walls, or
- (b) *Building* walls and one or more *lot lines* other than a *front lot line*.

Court, depth of outer

The “depth of outer court” is the maximum horizontal distance between the opening on an *outer court* and the wall opposite such opening, measured perpendicular to the direction of the *outer court* opening.

Court, width of outer

The “width of outer court” is the minimum horizontal dimension of an *outer court*, excluding an *outer court recess*, measured parallel to the opening of such *outer court*.

Court recess, outer

An "outer court recess" is any portion of an *outer court* which, when viewed directly from above, cannot be covered by imaginary lines drawn perpendicular to a line drawn across the *outer court opening*.

ILLUSTRATION OF OUTER COURT RECESS
SECTION 23-81

Legally required windows

A "legally required window" is a window or portion of a window (including a window either in addition to or as a substitute for mechanical ventilation) which is required by any applicable law or statute to provide light or ventilation to a "living room," as defined in Section 4 of the Multiple Dwelling Law.]

24-03

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Community facility building

A "community facility building" is a *building* used only for a *community facility use*.

Community facility use

A "community facility use" is any *use* listed in Use Group 3 or 4.

Lot coverage

"Lot coverage" is that portion of a *zoning* lot which, when viewed directly from above, would be covered by a *building* or any part of a *building*. However, for purposes of computing a *height factor*, any portion of such *building* covered by a roof which qualifies as *open space*, or any terrace, balcony, breezeway, or porch or portion thereof not included in the *floor area* of a *building*, shall not be included in *lot coverage*.

Residence, or residential

A "residence" is a *building* or part of a *building* containing *dwelling units* or *rooming units*, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or *apartment hotels*. However, *residences* do not include:

- (a) Such transient accommodations as *transient hotels*, *motels* or *tourist cabins*, or *trailer camps*, or
- (b) *Non-profit hospital staff dwellings*, or
- (c) Dormitories, fraternity or sorority houses, monasteries or convents, sanitariums, nursing homes, or other living or sleeping accommodations in *community facility buildings* or portions of *buildings* used for *community facility uses*, or
- (d) In a *mixed building*, that part of the *building* used for any non-residential *uses*, except *accessory* to *residential uses*.

"Residential" means pertaining to a *residence*.

Zoning Lot

For definition of Zoning Lot refer to Section 12-10.]

27-02

Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Development

For the purposes of this Chapter, "development" includes construction of a new *building* or *other structure* on a *zoning lot*, the relocation of an existing *building* on another *zoning lot* and an *enlargement* involving an increase in *lot coverage*.

■Residential Plaza; Primary Space, Residual Space, Northern Plaza, (repeated from Section 12-10)

A “residential plaza” is a portion of a *zoning lot*, developed for *use* by the public, at or near *curb level* which is open and unobstructed from its lowest level to the sky except as set forth in this Chapter.

A *residential plaza* shall be developed as follows:

Primary Space

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

Residual Space

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

Northern Plaza

A “northern plaza” is a *primary space* which, pursuant to Section 27-112 (Orientation), has only northern exposure.]

32-441

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Railroad or transit air space

“Railroad or transit air space” is space directly over a railroad or transit right-of-way or yard, which right-of-way or yard was open, except for structures accommodating activities incidental to its use as a right-of-way or yard, and not otherwise covered over by any *building or other structure* on September 27, 1962.]

32-61

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Sign

A “sign” is any writing (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character, which

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a *building or other structure*, and

- (b) Is used to announce, direct attention to, or advertise, and
- (c) Is visible from outside a *building*. A *sign* shall include writing, representation, or other figure of similar character within a *building* only when illuminated and located in a window.

The following shall not be subject to the provisions of this resolution:

- (a) Signs of a duly constituted governmental body; including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings
- (b) Flags or emblems of a political, civic, philanthropic, educational, or religious organization
- (c) Temporary signs announcing a campaign, drive, or event of the above organizations
- (d) Memorial signs or tablets
- (e) Signs denoting architect, engineer, or contractor when placed on construction sites and not exceeding 25 square feet in area
- (f) Signs required to be maintained by law or governmental order, rule, or regulation, with a total *surface area* not exceeding 10 square feet on any *zoning lot*
- (g) Small signs displayed for the direction or convenience of the public, including signs which identify rest rooms, freight entrances, or the like, with a total *surface area* not exceeding five square feet on any *zoning lot*.

Sign, advertising

An "advertising sign" is a *sign* which directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same *zoning lot*.

Sign, business

A "business sign" is an *accessory sign* which directs attention to a profession, business, commodity, service, or entertainment conducted, sold, or offered upon the same *zoning lot*.

Sign, flashing

A "flashing sign" is any *illuminated sign*, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating *signs* which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed *flashing signs* only if they exhibit sudden or marked changes in such light or color effects. *Illuminated signs* which indicate the time, temperature, weather, or other similar information shall not be considered *flashing signs*, provided that:

- (a) The total *surface area* of such *sign* is not greater than 16 square feet
- (b) The vertical dimension of any letter or number is not greater than 24 inches, and
- (c) Color or intensity of light is constant except for periodic changes in the information displayed, which occur not more frequently than once every minute.

Sign, illuminated

An "illuminated sign" is a *sign* designed to give forth any artificial light or reflect such light from an artificial source.

Sign with indirect illumination

A "sign with indirect illumination" is any *illuminated non-flashing sign* whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into *residences* or *streets*.

Surface area (of a sign)

The "surface area" of a "sign" shall be the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such *sign* from the background against which it is placed. In any event, the supports or uprights on which such *sign* is supported shall not be included in determining the *surface area of a sign*.

When two *signs* of the same shape and dimensions are mounted or displayed back-to-back and parallel on a single free-standing structural frame, only one of such *signs* shall be included in computing the total *surface area* of the two *signs*.

When a doubled-faced *sign* projects from the wall of a *building*, and its two sides are located not more than 28 inches apart at the widest point and not more than 18 inches apart at the narrowest point, and display identical writing or other representation, the *surface area* shall include only one of the sides. Any additional side of a multi-faced *sign* shall be considered as a separate *sign* for purposes of computing the total *surface area* area of the sign.]

33-02

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Building, commercial

A "commercial building" is a *building* used only for a *commercial use*.

Building, community facility

A “community facility building” is a *building* used only for a *community facility use*.]

33-10 FLOOR AREA REGULATIONS**Definitions****33-11****Definitions [(repeated from Section 12-10)]**

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

Arcade

An “arcade” is a continuous area open to a *street* or to a *plaza*, which is open and unobstructed to a height of not less than 12 feet, is accessible to the public at all times, and either:

- (a) adjoins a *front lot line* or a *plaza* boundary, is not less than 10 feet or more than 30 feet in depth (measured perpendicular to the *front lot line* or *plaza* boundary which it adjoins), and extends for the full length of, or at least 50 feet along, such *front lot line* or *plaza* boundary, whichever is the lesser distance; or
- (b) on a *corner lot*, is bounded on two sides by the two intersecting *street lines*, and has an area of not less than 500 square feet and a minimum dimension of 10 feet.

Such an *arcade* shall not at any point be above the level of the *street* or *plaza* which it adjoins, whichever is higher. Any portion of an *arcade* occupied by *building* columns shall be considered to be part of the area of the *arcade* for the purpose of computing a *floor area* bonus.

33-11**Floor area ratio**

“Floor area ratio” is the total *floor area* on a *zoning lot*, divided by the *lot area* of that *zoning lot*. (For example, a *building* containing 20,000 square feet of *floor area* on a *zoning lot* of 10,000 square feet has a *floor area ratio* of 2.0).

Plaza

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

- (a) A continuous open area along a *front lot line*, not less than 10 feet deep (measured perpendicular to the *front lot line*), with an area of not less than 750 square feet, and extending for its entire depth along the full length of such

front lot line or for a distance of at least 50 feet thereof, whichever is the lesser distance; or

(b) A continuous open area on a *through lot*, extending from *street* to *street* and not less than 40 feet in width, measured perpendicular to the nearest *side lot line*; or

(c) On a *corner lot*, an open area of not less than 500 square feet, which is bounded on two sides by the two intersecting *street lines* and which has a *minimum dimension of 10 feet*; or

(d) An open area of not less than 8,000 square feet, with a minimum dimension of 80 feet and which is bounded on one side by a *front lot line* or which is connected to the *street* by means of an *arcade* or by an open area not less than 40 feet wide.

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

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

In C5-3, C5-5, C6-6, C6-7 and C6-9 districts for plazas built prior to the effective date of this amendment, kiosks and open air cafes, as defined in paragraph (f) (Permitted obstructions). Urban Open Space Definition, may be placed within the area of a *plaza* upon certification by the Chairman of the City Planning Commission and the Board of Estimate to the Commissioner of Buildings that:

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

(b) Such *uses* complement and stabilize desirable *uses* in the surrounding area.

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

(d) The owner of such *use* will maintain such *uses* in accordance with provisions of paragraph (m) (Maintenance), Urban Open Space definitions.

The Chairman shall furnish a copy of the application for such certification to the affected Community Planning Board at the earliest possible stage and will give due

consideration to their opinion as to the appropriateness of such a facility to the area. The Chairman *and the Board of Estimate* shall each respond to such request for certification within 60 days of receipt of a completed application. Such certification shall be effective for a period of three years, but upon application may be renewed for a similar period by the Chairman of the City Planning Commission and the Board of Estimate.

Zoning lot

For definition of Zoning Lot refer to Section 12-0.]

33-21

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Yard

A "yard" is that portion of a *zoning lot* extending open and unobstructed from the lowest level to the sky along the entire length of a *lot line*, and from the *lot line* for a depth or width set forth in the applicable district *yard* regulations.

Where a *street setback line* is shown on the City Map the *yard* extends along the entire length of the *street setback line*, and from the *street setback line* for a depth or width set forth in the applicable district *yard* regulations.

Yard, front

A "front yard" is a *yard* extending along the full length of a *front lot line*. In the case of a *corner lot*, any *yard* extending along the full length of a *street line* shall be considered a *front yard*.

Yard, rear

A "rear yard" is a *yard* extending for the full length of a *rear lot line*.

Yard equivalent, rear

A "rear yard equivalent" is an open area which may be required on a *through lot* as an alternative to a required *rear yard*.

Yard, side

A "side yard" is a *yard* extending along a *side lot line* from the required *front yard* (or from the *front lot line*, if no *front yard* is required) to the required *rear yard* (or to the *rear lot line*, if no *rear yard* is required). In the case of a *corner lot*, any *yard* which is not a *front yard* shall be considered a *side yard*.]

33-41

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Initial setback distance

An "initial setback distance" is a horizontal distance measured from a *street line* into a *zoning lot* for a depth as set forth in the district regulations.

Public park

A "public park" is any publicly-owned park, playground, beach, parkway, or roadway within the jurisdiction and control of the Commissioner of Parks, except for park strips or malls in a *street* the roadways of which are not within his jurisdiction and control.

Sky exposure plane

A "sky exposure plane" is an imaginary inclined plane:

- (a) Beginning above the *street line* (or, where so indicated, above the *front yard line*) at a height set forth in the district regulations, and
- (b) Rising over a *zoning lot* at a ratio of vertical distance to horizontal distance set forth in the district regulations.

ILLUSTRATIONS OF AGGREGATE WIDTH
OF STREET WALLS
SECTION 33-41

Street, narrow

A "narrow street" is any *street* less than 75 feet wide.

Street, wide

A "wide street" is any *street* 75 feet or more in width. In C5-3, C6-4, or C6-6 Districts, when a *front lot line* of a *zoning lot* adjoins a portion of a *street* whose average width is 75 feet or more and whose minimum width is 65 feet, such portion of a *street* may be considered a *wide street*; or when a *front lot line* adjoins a portion of a *street* 70 feet or more in width, which is between two portion of a *street* 75 feet or more in width, and which portion is less than 700 feet in length, such portion may be considered a *wide street*, and in that case, for the purposes of the height and setback regulations and the measurement of any *plaza*, *plaza-connected open area* or *arcade*, the *street line* shall be considered to be a continuous line connecting the respective *street lines* of the nearest portions of the *street* which are 75 feet or more in width.

Street walls, aggregate width of

The "aggregate width of street walls" at any given level is the sum of the maximum widths of all *street walls* of a *building* within 50 feet of a *street line*.

The width of a *street wall* is the length of the *street line* from which, when viewed directly from above, lines perpendicular to the *street line* may be drawn to such *street wall*.]

34-02**Definitions [(repeated from Section 12-10)]**

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Residence, or residential

A "residence" is a *building* or part of a *building* containing *dwelling units* or *rooming units*, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or *apartment hotels*. However, *residences* do not include:

- (a) such transient accommodations as *transient hotels*, *motels* or *tourist cabins*, or *trailer camps*, or
- (b) *non-profit hospital staff dwellings*, or
- (c) dormitories, fraternity or sorority houses, monasteries or convents, sanitariums, nursing homes, or other living or sleeping accommodations in *community facility buildings* or portions of *buildings* used for *community facility uses*, or
- (d) in a *mixed building*, that part of the *building* used for any non-residential uses, except uses *accessory* to *residential uses*.

"Residential" means pertaining to a *residence*.]

35-02**Definitions [(repeated from Section 12-10)]**

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Building, mixed

A "mixed building" is a *building* in a *Commercial District* used partly for *residential use* and partly for *community facility* or *community use*.

36-03**Definitions [(repeated from Section 12-10)]**

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Group parking facility

A “group parking facility” is a *building or other structure* or a tract of land used for the storage of motor vehicles, which contains more than one parking space, which has access to the *street* common to all spaces, and which, if *accessory* to a *residential use*, is designed to serve more than one *dwelling unit*. A *group parking facility* shall include, but is not limited to, the following:

- (a) An open parking area
- (b) Parking spaces included within, or on the roof of, a *building* not primarily used for parking
- (c) A *building or buildings* used primarily for parking, including a group of individual garages.]

42-461

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Railroad or transit air space

“Railroad or transit air space” is space directly over a railroad or transit right-of-way or yard, which right-of-way or yard was open, except for structures accommodating activities incidental to its use as a right-of-way or yard, and not otherwise covered over by any *building or other structure* at the effective date of this amendment.]

42-51

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Sign

A “sign” is any writing (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character, which:

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a *building or other structure*, and
- (b) Is used to announce, direct attention to, or advertise, and

(c) Is visible from outside a *building*. A sign shall include writing, representation, or other figure of similar character within a *building* only when illuminated and located in a window.

The following shall not be subject to the provisions of this resolution:

- (a) Signs of a duly constituted governmental body: including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings
- (b) Flags or emblems of a political, civic, philanthropic, educational, or religious organization
- (c) Temporary signs announcing a campaign, drive, or event of the above organizations
- (d) Memorial signs or tablets
- (e) Signs denoting architect, engineer, or contractor when placed on construction sites not exceeding 25 square feet in area
- (f) Signs required to be maintained by law or governmental order, rule, or regulation, with a total *surface area* not exceeding ten square feet on any *zoning lot*
- (g) Small signs displayed for the direction or convenience of the public, including signs which identify rest rooms, freight entrances, or the like, with a total *surface area* not exceeding five square feet on any *zoning lot*.

Sign, advertising

An “advertising sign” is a *sign* which directs attention to a business, profession, commodity, service, or entertainment, conducted, sold, or offered elsewhere than upon the same *zoning lot*.

Sign, business

A “business sign” is an *accessory sign* which directs attention to a profession, business, commodity, service, or entertainment conducted, sold, or offered upon the same *zoning lot*.

Sign, illuminated

An “illuminated sign” is a *sign* designed to give forth any artificial light or reflect such light from an artificial source.

Sign with indirect illumination

A “sign with indirect illumination” is any *illuminated non-flashing sign* whose illumination is derived entirely from an external artificial source, and is so arranged that no direct rays of light are projected from such artificial source into *residences or streets*.

Surface area (of a sign)

The "surface area" of a *sign* shall be the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such *sign* from the background against which it is placed. In any event, the supports or uprights on which such *sign* is supported shall not be included in determining the *surface area of a sign*.

When two *signs* of the same shape and dimensions are mounted or displayed back to back and parallel on a single free-standing structural frame, only one of such *signs* shall be included in computing the total *surface area* of the two *signs*.

When a double-faced *sign* projects from the wall of a *building*, and its two sides are located not more than 28 inches apart at the widest point and not more than 18 inches apart at the narrowest point, and display identical writing or other representation, the *surface area* shall include only one of the sides. Any additional side of a multi-faced *sign* shall be considered as a separate *sign* for purposes of computing the total *surface area* of the *sign*.]

43-11**Definitions [(repeated from Section 12-10)]**

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Arcade

An "arcade" is a continuous area open to a *street* or to a *plaza*, which is open and unobstructed to a height of not less than 12 feet, is accessible to the public at all times, and either:

- (a) Adjoins a *front lot line* or a *plaza* boundary, is not less than 10 feet or more than 30 feet in depth (measured perpendicular to the *front lot line* or *plaza* boundary which it adjoins), and extends for the full length of, or at least 50 feet along, such *front lot line* or *plaza* boundary, whichever is the lesser distance; or
- (b) *On a corner lot*, is bounded on two sides by the two intersecting *street lines*, and has an area of not less than 500 square feet and a minimum dimension of 10 feet.

Such an *arcade* shall not at any point be above the level of the *street* or *plaza* which it adjoins, whichever is higher. Any portion of an *arcade* occupied by *building* columns shall be considered to be part of the area of the *arcade* for the purpose of computing a *floor area* bonus.

Floor area ratio

“Floor area ratio” is the total *floor area* on a *zoning lot*, divided by the *lot area* of that *zoning lot*. (For example, a building containing 20,000 square feet of *floor area* on a *zoning lot* of 10,000 square feet has a *floor area ratio* of 2.0.)

Plaza

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

- (a) A continuous open area along a *front lot line*, not less than 10 feet deep (measured perpendicular to the *front lot line*), with an area of not less than 750 square feet, and extending for its entire depth along the full length of such *front lot line* or for a distance of at least 50 feet thereof, whichever is the lesser distance; or
- (b) A continuous open area on a *through lot*, extending from *street* to *street* and not less than 40 feet in width, measured perpendicular to the nearest *side lot line*; or
- (c) On a *corner lot*, an open area of not less than 500 square feet, which is bounded on two sides by the two intersecting *street lines* and which has a minimum dimension of 10 feet; or
- (d) An open area of not less than 8,000 square feet, with a minimum dimension of 80 feet and which is bounded on one side by a *front lot line* or which is connected to the *street* by means of an *arcade* or by an open area not less than 40 feet wide.

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

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

*Zoning lot

*Note: For definition of Zoning Lot refer to Section 12.10.]

43-21

Definitions [repeated from Section 12.10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Yard

A “yard” is that portion of a *zoning lot* extending open and unobstructed from the lowest level to the sky along the entire length of a *lot line*, and from the *lot line* for a depth or width set forth in the applicable district *yard* regulations.

Where a *street setback line* is shown on the City Map the yard extends along the entire length of the *street setback line*, and from the *street setback line* for a depth or width set forth in the applicable district *yard* regulations.

Yard, front

A “front yard” is a *yard* extending along the full length of a *front lot line*. In the case of a *corner lot*, any *yard* extending along the full length of a *street line* shall be considered a *front yard*.

Yard, rear

A “rear yard” is a *yard* extending for the full length of a *rear lot line*.

Yard equivalent, rear

A “rear yard equivalent” is an open area which may be required on a *through lot* as an alternative to a required *rear yard*.

Yard, side

A “side yard” is a *yard* extending along a *side lot line* from the required *front yard* (or from the *front lot line* if no *front yard* is required) to the required *rear yard* (or to the *rear lot line*, if no *rear yard* is required). In the case of a *corner lot*, any *yard* which is not a *front yard* shall be considered a *side yard*.]

43-41

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

[Initial setback distance

An “initial setback distance” is a horizontal distance measured from a *street line* into a *zoning lot* for a depth as set forth in the district regulations.

Public park

A “public park” is any publicly-owned park, playground, beach, parkway, or roadway within the jurisdiction and control of the Commissioner of Parks, except for park strips or malls in a *street* the roadways of which are not within his jurisdiction and control.

Sky exposure plane

A "sky exposure plane" is an imaginary inclined plane:

- (a) Beginning above the *street line* (or, where so indicated, below the *front yard line*) at a height set forth in the district regulations, and
- (b) Rising over a *zoning lot* at a ratio of vertical distance to horizontal distance set forth in the district regulations.

Street, narrow

A "narrow street" is any *street* less than 75 feet wide.

Street, wide

A "wide street" is any *street* 75 feet or more in width. In C5-3, C6-4, or C6-6 Districts, when a *front lot line* of a *zoning lot* adjoins a portion of a *street* whose average width is 75 feet or more and whose minimum width is 65 feet, such portion of a *street* may be considered a *wide street*; or when a *front lot line* adjoins a portion of a *street* 70 feet or more in width, which is between two portions of a *street* 75 feet or more in width, and which portion is less than 700 feet in length, such portion may be considered a *wide street*, and in that case, for the purposes of the height and setback regulations and the measurement of any *plaza*, *plaza-connected open area* or *arcade*, the *street line* shall be considered to be a continuous line connecting the respective *street lines* of the nearest portions of the *street* which are 75 feet or more in width.

Street walls, aggregate width of

The "aggregate width of street walls" at any given level is the sum of the maximum widths of all *street walls* of a *building* within 50 feet of a *street line*.

ILLUSTRATIONS OF AGGREGATE WIDTH
OF STREET WALLS
SECTION 43-41]

44-03

Definitions [(repeated from Section 12-10)]

Words in *italics* are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

[Group parking facility

A “group parking facility” is a *building or other structure* or a tract of land used for the storage of motor vehicles, which contains more than one parking space, which has access to the *street* common to all spaces, and which, if *accessory* to a *residential use*, is designed to serve more than one *dwelling unit*. A *group parking facility* shall include, but is not limited to, the following:

- (a) An open parking area
- (b) Parking spaces included within, or on the roof of, a *building* not primarily used for parking
- (c) A *building* or *buildings* used primarily for parking, including a group of individual garages.]

52-01

Definitions [(repeated from Section 12-10)]

Words in *italics* are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

[Alterations, incidental, or to alter incidentally.

“Incidental alterations” are:

- (a) Changes or replacements in the non-structural parts of a *building or other structure*, without limitation to the following examples:
 - (1) Alteration of interior partitions to improve livability in a *non-conforming residential building*, provided that no additional *dwelling units* are created thereby.
 - (2) A minor addition on the exterior of a *residential building*, such as an open porch
 - (3) Alteration of interior non-load-bearing partitions in all other types of *buildings or other structures*
 - (4) Replacement of, or minor changes in, capacity of utility pipes, ducts, or conduits; or
- (b) Changes or replacements in the structural parts of a *building or other structure*, limited to the following examples or others of similar character or extent:
 - (1) Making windows or doors in exterior walls
 - (2) Replacement of *building* facades

- (3) Strengthening the load-bearing capacity, in not more than 10 percent of the total *floor area*, to permit the accommodation of a specialized unit of machinery or equipment.

To “alter incidentally” is to make an *incidental alteration*.

Designed for residential use

A *building* “designed for residential use” is a *building*, which was originally designed for *residential use* and in which at least 25 percent of the *floor area* is occupied for *residential use*.

Enlargement, or to enlarge

An “enlargement” is an addition to the *floor area* of an existing *building*, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing *use*.

To “enlarge” is to make an *enlargement*.

Extension, or to extend

An “extension” is an increase in the amount of existing *floor area* used for an existing *use*, within an existing *building*.

To “extend” is to make an *extension*.

Land with minor improvements

“Land with minor improvements” is a tract of land which:

- (a) Does not involve any *building* or *other structure*; or
- (b) Involves *building* or *other structures*, or other improvements, located underground or substantially at ground level, with a total assessed valuation, excluding land, of less than \$2,000 as determined from the assessment rolls in effect on the applicable date on which such *use* is changed, damaged or destroyed, or to be terminated, in accordance with the provisions of Sections 52-32, 52-52, or 52-72 (Land with Minor Improvements).

Non-conforming, or non-conformity

A “non-conforming” *use* is any lawful *use* whether of a *building* or *other structure* or of a tract of land, which does not conform to any one or more of the applicable *use* regulations of the district in which it is located, either on the effective date of this resolution or as a result of any subsequent amendment thereto.

A *non-conforming use* shall result from failure to conform to the applicable district regulations on either permitted Use Groups or performance standards.

A “non-conformity” is a failure by a *non-conforming use* to conform to any one of such applicable *use* regulations.

However, no existing *use* shall be deemed *non-conforming*, nor shall a *non-conformity* be deemed to exist, solely because of any of the following:

- (a) The existence of less than the required *accessory* off-street parking spaces or loading berths; or
- (b) The existence of *non-conforming accessory signs*; or
- (c) The existence of conditions in violation of the provisions of either Sections 32-41 and 32-42, relating to Supplementary Use Regulations, or Sections 32-51 and 32-52 relating to Special Provisions Applying along District Boundaries, or Sections 42-41, 42-42, 42-44 and 42-45, relating to Supplementary Use Regulations and Special Provisions Applying along District Boundaries.]

54-01

Definitions [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

[Non-Complying

A “non-complying” *building or other structure* is any lawful *building or other structure* which does not comply with any one or more of the applicable district *bulk* regulations, either on the effective date of this resolution or as a result of any subsequent amendment thereto.

A “non-compliance” is a failure by a *non-complying building or other structure* to comply with any one of such applicable *bulk regulations*.]

78-02 DEFINITIONS [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

[Block

A “block” is a tract of land bounded by:

- (a) *Streets*,
- (b) *Public parks*,
- (c) Railroad rights-of-way, when located above ground but not including sidings or spurs in the same ownership as the *zoning lot*,
- (d) Airport boundaries,
- (e) Pierhead lines (or shore lines, where no pier-head lines have been established), or
- (f) Corporate boundary lines of New York City.

Large-scale Residential Development

A "large-scale residential development" is a *development* used predominantly for *residential uses*, on a tract of land containing a single *zoning lot* or two or more *zoning lots* which are contiguous or would be contiguous but for their separation by a *street* or a *street intersection*, which tract of land:

- (a) Has or will have an area of at least 1.5 acres and a total of at least three principal *buildings*, or an area of at least three acres and a total of at least 500 *dwelling units*, and
- (b) Is to be *developed* as a unit, or, in the case of an urban renewal project, under the coordination and supervision of the City's urban renewal agency.

Lot area

"Lot area" is the area of a *zoning lot*.

Street

A "street" is

- (a) A way shown on the City Map, or
- (b) A way designated or intended for general public use, connecting two ways shown on the City Map, which:
 - (1) Performs the functions usually associated with a way shown on the City Map, and
 - (2) Is at least 50 feet in width throughout its entire length, and
 - (3) Is covenanted by its owner to remain open and unobstructed throughout the life of any *building* or *use* which depends thereon to satisfy any requirement of this resolution; or
- (c) Any other open area intended for general public use and providing a principal means of approach for vehicles or pedestrians from a way shown on the City Map to a *building* or *other structure*, which:
 - (1) Performs the functions usually associated with a way shown on the City Map, and
 - (2) Is at least 50 feet in width throughout its entire length, and
 - (3) Is approved by the City Planning Commission as a "street" to satisfy any requirement of this resolution, and
 - (4) Is covenanted by its owner to remain open and unobstructed throughout the life of any *building* or *use* which depends thereon to satisfy any requirement of this resolution; or

(d) Any other public way which on the effective date of this resolution was performing the functions usually associated with a way shown on the City Map.

A driveway which serves only to give vehicular access to an *accessory* parking or loading facility, or to allow vehicles to take on or discharge passengers at the entrance to a *building*, shall not be considered a *street*.

Zoning lot*

*Note: For definition of Zoning Lot refer to Section 12-10.]

79-00 DEFINITIONS [(repeated from Section 12-10)]

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

[Block

A "block" is a tract of land bounded by:

- (a) *Streets*,
- (b) *Public parks*,
- (c) Railroad rights-of-way, when located above ground but not including sidings or spurs in the same ownership as the *zoning lot*,
- (d) Airport boundaries,
- (e) Pierhead lines (or shore lines, where no pier-head lines have been established), or
- (f) Corporate boundary lines of New York City.

Large-scale community facility development

A "large-scale community facility development" is a *development* or *enlargement* used predominantly for *community facility uses*, on a tract of land containing a single *zoning lot* or two or more *zoning lots* which are contiguous or would be contiguous but for their separation by a *street* or a *street intersection*, which tract of land:

- (a) Has or will have an area of at least three acres, and
- (b) Is designated by its owner as a tract, all of which is to be used, *developed* or *enlarged* as a unit under single ownership, or in the case of an urban renewal project, if in separate ownership, under the coordination and supervision of the City's urban renewal agency. For the purposes of this definition, all *zoning lots* shall be in the same ownership (single fee ownership or alternative ownership arrangements as set forth respectively in the *zoning lot* definition in Section 12-10).

Such tract of land may include any land occupied by *buildings* existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 9, provided that such *buildings* form an integral part of the planned *development* or *enlargement*.

Lot area

“Lot area” is the area of a *zoning lot*.

Street

A “street” is

- (a) A way shown on the City Map, or
- (b) A way designated or intended for general public use, connecting two ways shown on the City Map, which:
 - (1) Performs the functions usually associated with a way shown on the City Map, and
 - (2) Is at least 50 feet in width throughout its entire length, and
 - (3) Is covenanted by its owner to remain open and unobstructed throughout the life of any *building* or *use* which depends thereon to satisfy any requirement of this resolution; or
- (c) Any other open area intended for general public use and providing a principal means of approach for vehicles or pedestrians from a way shown on the City Map to a *building* or *other structure*, which:
 - (1) Performs the functions usually associated with a way shown on the City Map, and
 - (2) Is at least 50 feet in width throughout its entire length, and
 - (3) Is approved by the City Planning Commission as a “street” to satisfy any requirement of this resolution, and
 - (4) Is covenanted by its owner to remain open and unobstructed throughout the life of any *building* or *use* which depends thereon to satisfy any requirement of this resolution, or
- (d) Any other public way which on the effective date of this resolution was performing the functions usually associated with a way shown on the City Map.

A driveway which serves only to give vehicular access to an *accessory* parking or loading facility, or to allow vehicles to take on or discharge passengers at the entrance to a *building*, shall not be considered a *street*.

Zoning lot*

*Note: For definition of Zoning Lot refer to Section 12-10.]

111-01**Definitions**

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in Section 111-01 (Definitions).

Special Lower Manhattan Mixed Use District (repeated from Section 12-10)

The "Special Lower Manhattan Mixed Use District" is a Special Purpose District designated by the Letters "LMM," in which special regulations set forth in Article XI Chapter I apply. The LMM District and its regulations supplement or supersede those of the districts on which it is superimposed.

[Loft Dwelling (repeated from Section 12-10)]

A "loft dwelling" is a dwelling unit in the *Special Lower Manhattan Mixed Use District*, in a building designed for non-residential use erected prior to December 15, 1961. Regulations governing *loft dwellings* are set forth in Article XI Chapter 1 (Special Lower Manhattan Mixed Use District).]

Resolution for adoption scheduling September 2, 1987 for a public hearing.

No. 15
C 870655 ZRY*Citywide*

[Proposed amendment of Section 73-19 and 74-921 of the Zoning Resolution with respect to buffering requirement for schools in C8 or M1 Districts and certain other community facility uses in M1 Districts.]

IN THE MATTER OF amendments pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to Sections 73-19 and 74-921 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.

73-19

Schools

In C8 or M1 Districts, the Board may permit *schools* which have no *residential* accommodations except *accessory* accommodations for a caretaker, provided that the following findings are made:

* * *

(c) That [the site area of sufficient size so that *yards* and other open areas on the same *zoning lot*, can ensure] **an adequate separation from noise, traffic [movements], and other adverse effects of the surrounding non-residential districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot.**

* * *

74-921

Use Group 4A community facilities

In M1 Districts, the City Planning Commission may permit *uses* listed in Use Group 4A community facilities.

As a condition of granting a special permit for such community facilities, the Commission shall find:

* * *

(b) That [the site area of sufficient size so that *yards* and other open areas on the same *zoning lot*, can ensure] **an adequate separation from noise, traffic [movements], and other adverse effects of the surrounding non-residential districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot.**

* * *

Resolution for adoption scheduling September 2, 1987 for a public hearing.

BOROUGH OF THE BRONX**Nos. 16, 17 and 18**

(Designation of the Hunts Point Urban Renewal Area, urban renewal plan and disposition of city-owned property for the purpose of developing approximately 142 dwelling units for low income families)

No. 16**CD 3****N 870892 HGX**

IN THE MATTER OF the designation of the Hunt's Point Urban Renewal Area pursuant to Section 504, Article 15, of the General Municipal (Urban Renewal) Law of New York State.

The area proposed to be designated as appropriate for urban renewal consists of property located in two separate sites specifically located as follows:

- (1) Beginning at the corner formed by the intersection of the northerly line of Seneca Avenue with the westerly line of Irvine Street as shown on the Tax Map of The City of New York for the Borough and County of the Bronx as said Tax Map existed on December 30, 1986;

Running thence westerly, along the northerly line of Seneca Avenue for 64.61 feet to the westerly line of Tax Lot 3 in the Bronx Tax Block 2761.

Thence northwesterly, along the westerly line of Tax Lot 3 for 100 feet to the southerly line of Tax Lot 6;

Thence easterly, along the southerly line of Tax Lots 6 and 67 for 49.37 feet to a dividing line between Tax Lots 3 and 67.

Thence northerly, along the dividing line between Tax Lots 3 and 67 for 2.66 feet to the southerly line of Tax Lot 67;

Thence easterly, along the southerly line for Tax Lot 67 for 38.16 feet to the westerly line of Irvine Street;

Thence southerly, along the westerly line of Irvine Street for 100 feet to the point or place of beginning, the aforesaid distances being more or less.

The above described area is known as Tax Lot 3, in the Bronx Tax Block 2761 as shown on the Tax Map of The City of New York for the Borough and County of the Bronx.

- (2) Beginning at a point on the westerly line of Hunts Point Avenue distant 181.04 feet northwesterly from the corner formed by the intersection of the northerly

line of Lafayette Avenue with the westerly line of Hunts Point Avenue as shown on the Tax Map of The City of New York for the Borough and County of The Bronx as said Tax Map existed on December 30, 1986;

Running thence southwesterly, along the southerly line of Tax Lot 31 in Block 2740 for 100 feet to the westerly line of Tax Lot 31.

Thence northwesterly, along the westerly line of Tax Lots 31, 30, 28, 27, 25, 24, 22, 19, 18, 16, 15 and 13 for 507 feet to the northerly line of Tax Lot 13;

Thence northeasterly, along the northerly line of Tax Lot 13 for 100 feet to the westerly line of Hunts Point Avenue;

Thence southeasterly, along the westerly line of Hunts Point Avenue for 507 feet to the point or place of beginning, the aforesaid distances being more or less.

The above described area is known as Tax Lots 13, 15, 16, 18, 19, 21, 22, 24, 25, 27, 28, 30, and 31 in the Bronx Tax Block 2740 as shown on the Tax Map of The City of New York for the Borough and County of the Bronx.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

No. 17

CD 3

C 870890 HUX

IN THE MATTER OF the Hunt's Point Urban Renewal Plan pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter.

The urban renewal plan comprises two sites with Bronx Community District 2 located as follows:

(1) 875 Irvine Street, located on the northwesterly corner of the intersection of Seneca Avenue and Irvine Street (Tax Block 2761, Lot 3), occupied by a five-story vacant building.

(2) 819 to 867 Hunt's Point Avenue, thirteen contiguous lots located on the westerly side of Hunt's Point Avenue between Garrison and Lafayette Avenues (Tax Block 2740, Lots 13, 15, 16, 18, 19, 21, 22, 24, 25, 27, 28, 30 and 31), occupied by twelve four-story vacant buildings and one vacant lot.

The proposed urban renewal plan would allow the City to convey title to the properties to a developer selected by the New York City Housing Authority (NYCHA) for a public housing project providing approximately 142 units of housing for low income families. The NYCHA plan and project for this

development was approved by the City Planning Commission (C 860885 HOX) on August 27, 1986, and by the Board of Estimate on September 25, 1986.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

No. 18

CD 3

C 870891 HDX

IN THE MATTER OF the disposition of City-owned property located in the Hunt's Point Urban Renewal Area of Bronx Community District 3, pursuant to Section 197-c of the New York City Charter.

The property proposed to be disposed comprises two sites as follows:

(1) 875 Irvine Street, located at the northwesterly corner of the intersection of Seneca Avenue and Irvine Street (Tax Block 2761, Lot 3), occupied by a five-story vacant building.

(2) 819 to 867 Hunt's Point Avenue, thirteen contiguous lots located on the westerly side of Hunt's Point Avenue between Garrison and Lafayette Avenues (Tax Block 2740, Lots 13, 15, 16, 18, 19, 21, 22, 24, 25, 27, 28, 30 and 31), occupied by twelve four-story vacant buildings and one vacant lot.

The disposition would facilitate the development of approximately 142 low-income housing units in rehabilitated buildings.

Resolution for adoption scheduling September 2, 1987 for a public hearing.

II. PUBLIC HEARING

BOROUGH OF BROOKLYN

No. 19

CD 6

C 870860 PPK

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of City-owned property**, Block No. 937, Lot 17, property size 20' by 100' of vacant land.

Plans be seen at the Department of City Planning, 2 Lafayette Street, Room 1614, New York, New York.

(On July 8, 1987, Cal. No. 7, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

No. 20

CD 1 and 3

C 860023 GFK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Pfizer Inc. pursuant to Section 197-c of the New York City Charter for the grant of a 10-year **renewal of revocable consent to continue to maintain and use a bridge over and across Flushing Avenue between Tompkins Avenue and Marcy Avenue** for the transfer of packaging materials and completed packaged goods and various utilities.

(On July 8, 1987, Cal. No. 8, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

No. 21

CD 1

C 860354 GFK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Pfizer Inc. pursuant to Section 197-c of the New York City Charter for a **revocable consent to maintain and use an existing enclosed single span bridge over and across Gerry Street**, at a point approximately 72 feet west of the westerly line of Harrison Avenue, for continued use as a passageway for Pfizer employees, materials and various utilities **connecting properties located at 58-64 Gerry Street, (Block 2269, Lot 1) and 75-79 Gerry Street (Block 2766, Lot 46).**

(On July 8, 1987, Cal. No. 9, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

BOROUGH OF QUEENS**Nos. 22, 23, 24 and 25**

(The selection of property, amendment of the Zoning Map and the grant of a special permit to facilitate the construction of a municipal parking lot at the intersection of College Point Boulevard and 14th Avenue)

No. 22

CD 7

C 850819 MMQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the the Department of Parks and Recreation and the Department of Transportation, pursuant to Section 197-c of the New York City Charter, showing **the establishment of a Park on the southeast corner of the intersection of 14th Avenue and 121st Street** (part of block 4056, Lot 1), in accordance with Map No. 4807, dated December 24, 1985 and signed by the Borough President and the Commissioner of Parks. The map was referred by the Board of Estimate on January 9, 1987 (Calendar No. 213).

(On July 8, 1987, Cal. No. 10, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

No. 23

CD 7

C 860246 PSQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Parks and Recreation and the Department of Transportation, pursuant to Section 197-c of the New York City Charter for the **selection of property** measuring approximately 57 feet by 180 feet, located on the southwest corner of the intersection of 14th Avenue and College Point Boulevard (part of Lot 1, Block 4056, as more specifically shown on drawing sheet No. 5 of 17, revised 4-14-86, as prepared for the Department of Parks and Recreation by Richard Dattner, P.C. and modified by supplementary drawing No. 1 dated 6-3-86), **for the construction of a municipal parking lot.**

(On July 8, 1987, Cal. No. 11, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

No. 24

CD 7

C 860581 ZMQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the the Department of Parks and Recreation and the Department of Transportation, pursuant to Sections 197-c and 200 of the New York City Charter for **amendment of the Zoning Map**, Section No. 7b establishing within an existing R4 District, a C1-2 District, bounded by College Point Boulevard, 14th Avenue, the easterly boundary of a park, the southerly boundary of said park, a line 100 feet west of College Point Boulevard and a line 100 feet north of 14th Road **to facilitate the construction of a Municipal Parking Lot.**

(On July 8, 1987, Cal. No. 12, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

No. 25

CD 12

C 860582 ZSQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Parks and Recreation and the Department of Transportation, pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-511 of the Zoning Resolution for the **grant of special permit for the construction of a Municipal Parking Lot** of under 100 spaces on property located on the southwest corner of the **intersection of College Point Boulevard and 14th Avenue.**

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

(On July 8, 1987, Cal. No. 13, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

No. 26

CD 7

C 860287 MMQ

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by the P. Schorr Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter for an **an amendment to the City Map** involving the elimination of 6th Avenue from 129th Street to 131st Street and the discontinuing and closing of a portion of 6th Avenue from a point 193 feet east of 129th Street to 131st Street, including an adjustment in legal grades necessitated thereby, along with the delineation of an 8-foot wide public pedestrian easement, **to facilitate the development of six, 2-family attached townhouses,** (Silverpointe Commons) in accordance with Map No. 4826, dated November 30, 1986, and signed by the

Borough President. The map was referred by the Board of Estimate on November 6, 1986 (Cal. #219).

(On June 17, 1987, Cal. No. 8, the Commission scheduled July 8, 1987 for a public hearing. On July 8, 1987, Cal. No. 27, the hearing was continued to August 5, 1987.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 27

(Request for a Special Permit to allow the conversion to joint living-work quarters for artists in a building located at 48-60 Beach St.).

CD 1

C 860493 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application, pursuant to Section 74-782 of the Zoning Resolution of the City of New York, by Stein, Davidoff and Malito requesting a Special Permit to modify Section 111-103 (b) to allow in subdistrict B1 of the Special Lower Manhattan Mixed Use District the conversion to joint living-work quarters for artists of 14 units (2B, 2D, 3A, 3C, 3D, 4A, 4C, 4D, 5A, 5D, 6A, 6B, 6C and 6D) of a loft building whose coverage exceeds 5,000 square feet located on the south side of Beach Street between Greenwich and Hudson Streets (48-60 Beach Street).

(On July 8, 1987, Cal. No. 14, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

CD 3

C 870882 HDM

PUBLIC HEARING:

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, **163 Avenue C**, is a five (5) story old law, walk-up building with seven (7) residential units and one (1) vacant commercial unit, located on the westerly side of Avenue C, between East 10th and East 11th Streets (block 393, lot 3). The Department of Housing Preservation and Development (HPD) proposes to sell the property to an Article XI Housing Development Fund Corporation **for the purpose of providing housing for low and moderate-income families.**

The Homesteader's Association of 163 Avenue C applied to this program by responding to a Request For Proposal (RFP). Their application was reviewed competitively based on selection criteria listed in the RFP.

(On July 8, 1987, Cal. No. 15, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

CD 3

C 870883 HDM

PUBLIC HEARING:

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, **336 East 4th Street**, is a 6 story new law, walk-up building with 18 residential units, located on the southerly side of East 4th Street, between Avenue C and Avenue D (block 373, lot 21). The Department of Housing Preservation and Development (HPD) proposes to sell the property to an Article XI Housing Development Fund Corporation **for the purpose of providing housing for low and moderate-income families.**

The Homesteader's Association of 336 East 4th Street applied to this program by responding to a Request For Proposal (RFP). Their application was reviewed competitively based on selection criteria listed in the RFP.

(On July 8, 1987, Cal. No. 16, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

No. 30

CD 11

C 870884 HDM

PUBLIC HEARING:

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, **120-122 East 107th Street**, is a 3 story Heretofore Converted Class B Multiple Dwelling with five (5) residential units, located on the southerly side of East 107th Street, between Park and Lexington Avenues (block 1634, lot 62). The Department of Housing Preservation and Development (HPD) proposes to sell the property to an Article XI Housing Development Fund Corporation **for the purpose of providing housing for low and moderate-income families.**

The Homesteader's Association of 120-122 East 107th Street applied to this program by responding to a Request For Proposal (RFP). Their application was reviewed competitively based on selection criteria listed in the RFP.

(On July 8, 1987, Cal. No. 17, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

Nos. 31 and 32

(Amendment to the Milbank-Frawley Urban Renewal Plan and the disposition of city-owned property to facilitate the construction of 150 dwelling units)

No. 31**CD 10 & 11****C 870695 HUM****PUBLIC HEARING:**

IN THE MATTER OF an amendment to the Milbank-Frawley Urban Renewal Plan numbers 10 and 11, pursuant to Section 505 of Article 15 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 provides for changes in land use for the sites now identified as Sites 22 and 26B, from residential to residential/commercial; and for the acquisition of 3 properties on the easterly part of the block bounded by West 112th Street, 5th Avenue, West 111th Street and Lenox Avenue (block 1595, lots 39, 20 and 140; 1332-1334 5th Avenue and 8 West 112th Street).

These changes would **facilitate the construction of 150 dwelling units for middle-, moderate-, and low-income housing** in two six-story buildings that will occupy the blockfronts of both sides of 5th Avenue, between West 111th and West 112th Streets. Each building will contain commercial and community facility space at the street level.

This application was submitted by the Department of Housing Preservation and Development on May 11, 1987.

(On July 8, 1987, Cal. No. 50, the commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Continued to September 2, 1987.

CD 10 & 11

C 870696 HDM

PUBLIC HEARING:

IN THE MATTER OF the disposition of city-owned property comprising Sites 22 and 26B within the Milbank-Frawley Urban Renewal Area. In Community Districts #10 and #11. Borough of Manhattan, pursuant to Section 197-c of the New York City Charter.

The properties to be disposed comprise Sites 22 and 26B within the Milbank-Frawley Urban Renewal Area as follows:

SITE 26B - This site comprises the easterly part of the block bounded by West 112th Street, 5th Avenue, West 111th Street and Lenox Avenue (block 1595, lots 31 thru 41 and 140; 3-5 West 111th Street, 1320-1334 5th Avenue and 6-8 West 112th Street).

SITE 22 - This site comprises the westerly part of the block bounded by East 112th Street, 5th Avenue, East 111th Street and Madison Avenue (block 1617, lots 1 thru 4 and 67 thru 72; 1321-1335 5th Avenue, and 4-6 East 112th Street).

The disposition of these properties would facilitate the construction of 150 dwelling units—80% for middle and moderate-income households and 20% for and low-income households—in two six-story buildings that will occupy the blockfronts of both sides of 5th Avenue, between 111th and 112th Streets. Each building will contain commercial and community facility space at the street level. Financing for the project will be structured through the use of Housing Development Corporation bond-generated funds supplemented with Municipal Assistance Corporation funds to reduce the debt service requirements of the project to below market levels during the life of the mortgage. The developer will also be eligible for tax exemption pursuant to Section 421 of the Real Property Law.

This application was submitted by the Department of Housing Preservation and Development on May 11, 1987.

(On July 8, 1987, Cal. No. 51, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Continued to September 2, 1987.

No. 33

CD 2

C 840875 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Royal Realty Co., pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-52 of the Zoning Resolution for the grant of a special permit for construction of a public parking garage for 42 cars on two under ground levels on property located on the south side of West 14th Street between Seventh and Eighth Avenues (Block 618, Lots 18, 22 and 23), Borough of Manhattan.

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

(On July 20, 1987, Cal. No. 7, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

 CITYWIDE

No. 34

Citywide

N 870612 ZRY

CONTINUED PUBLIC HEARING:

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

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 improvement 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*.
- (g) That, if such **right-of-way or yard is deemed appropriate for future transportation use, the site plan and structural design of the *large scale residential development* does not preclude future use of, or improvements to, the right-of-way for such transportation uses.**

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 limiting 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 requirements 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* 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 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 services 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*.

(On July 8, 1987, Cal. No. 16, the Commission scheduled June 17, 1987 for a public hearing. On June 17, 1987, Cal. No. 57, the hearing was continued to July 8, 1987. On July 8, 1987, Cal. No. 38, the hearing was continued to August 5, 1987.)

Close the hearing.

BOROUGH OF STATEN ISLAND**No. 35****CD 1****C 860115 MMR****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by the NYC Department of Transportation pursuant to Sections 197-c and 200 of the New York City Charter for an amendment to the City Map involving changes in the legal grade of Tompkins Avenue between Lyndhurst and Townsend Avenues in connection with the reconstruction of Tompkins Avenue and two bridges along Tompkins Avenue crossing over Willow Avenue & the Staten Island Rapid Transit, and over Greenfield Avenue in order to achieve an improved stopping sight distance, in accordance with map No. 4087, dated November 21, 1986 and signed by the Borough President.

(On July 8, 1987, Cal. No. 18, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

BOROUGH OF THE BRONX**Nos. 36, 37 and 38**

(Disposition of City owned property and amendments to the City Map and the Zoning Map)

No. 36**CD 10****C 870344 PPX****PUBLIC HEARING:**

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

Seven acre site currently mapped as part of the Hutchinson River Expressway. Property is bounded by Senger Place to the north; Schley Avenue to the south; the Hutchinson River Expressway to the east and Brush Avenue to the west.

The property will be sold with several restrictions which are attached to the applications.

(On July 8, 1987, Cal. No. 1, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

No. 37

CD 10

C 860555 MMX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Bronx Borough Office of the Department of City Planning, pursuant to Sections 197-c and 199 of the New York City Charter, for an **amendment to the City Map** involving the elimination, discontinuing and closing of an irregular portion of the west side of the Hutchinson River Expressway extending northerly from a point located approximately 400 feet north of Schley Avenue to Senger Place and the layout of Jay Place 60 ft. wide from Brush Avenue to Senger Place. The layout of Senger Place 60' ft. wide from Jay Place to the Hutchinson River Expressway and layout of a portion of Brush Avenue varying in width from 60 feet to 80 feet from a point located 761.807 feet north of Schley Avenue to Jay Place and the adjustment of legal grades necessitated thereby **to dispose of the property through DRP auction**, in accordance with Plan No. 13,000, dated November 20, 1984 and revised on April 22, 1987, and signed by the Borough President.

(On July 8, 1987, Cal. No. 2, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

No. 38

CD 10

C 860556 ZMX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Bronx Borough Office of the Department of City Planning pursuant to Sections 197-c and 200 of the New York City Charter for **amendment of the Zoning Map**, Section No. 7a, changing from an R4 District to an M1-1 District, property bounded by Brush

Avenue, Jay Place, Senger Place, Hutchinson River Expressway and the former boundary of Ferry Point Park located north of Schley Avenue, (Brush Avenue, Jay Place, Senger Place, and Hutchinson River Expressway are the subject of a related street mapping action, C-860555 MMX) as shown on a diagram dated May 4, 1987.

(On July 8, 1987, Cal. No. 3, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

Nos. 39 and 40

(Zoning map change and designation and disposition of City owned property to permit the development of retail space in the proposed Tibbet Gardens residential complex)

No. 39

CD 8

C 870807 ZMX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning Map, Section No. 1d**, establishing within an existing R6 District a C1-4 District bounded by Irwin Avenue, West 230th Street, a line 202 feet west of the southwest corner of the intersection of Corlear Avenue and West 230th Street, and a line 100 feet south of West 230th Street, **to permit retail space as part of a residential complex tentatively known as Tibbett Gardens**, located partially in Manhattan and partially in The Bronx, but entirely within the boundaries of the Community District 8, Borough of The Bronx, as shown on a diagram dated June 1, 1987.

(On July 8, 1987, Cal. No. 4, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

CD 8

C 870808 HAX

PUBLIC HEARING:

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

Approval of three separate matters is requested:

- 1) The designation as an Urban Development Action Area of property located at the southeasterly corner of Irwin Avenue and West 230th Street, part of Lot 80 of Tax Block 2215 and part of Lot 725 of Tax Block 5716;
- 2) Approval of an Urban Development Action Area Project for such property; and
- 3) Disposition of such property to a developer to be selected by the Department of Housing Preservation and Development (HPD).

This application would facilitate the construction of approximately 1,001 condominium units in two buildings, each with interconnected wings ranging from four to fifteen stories. The development, tentatively named Tibbett Gardens, is part of the Mayor's Affordable Housing Program.

(On July 8, 1987, Cal. No. 5, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

NOTICE

On August 5, 1987 at 10:00 a.m. in City Hall, New York, a public hearing is being 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 Tibbet Gardens residential complex, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR).

No. 41

CD 1,2,3, and 5

C 870697-699 PPX

C 870701 PPX

PUBLIC HEARING:

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

<u>ULURP</u>	<u>COM. BOARD</u>	<u>NO. OF PARCELS</u>
870697	1	50
870698	2	27
870699	3	50
870701	5	41

A list and description can be seen at City Planning Commission, 2 Lafayette Street, Room 1614, New York, New York 10007.

(On July 8, 1987, Cal. No. 6, the Commission scheduled August 5, 1987 for a public hearing which has been duly advertised).

Close the hearing.

III. REPORTS

BOROUGH OF BROOKLYN

No. 42

CD 8,9,16

C 870672-674 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 17 City-owned properties.**

<u>ULURP NO.</u>	<u>COM. BOARD</u>	<u>NO. OF PARCELS</u>
870672PPK	8	9
870673PPK	9	3
870674PPK	16	5

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

(On June 17, 1987, Cal. No. 4, the Commission scheduled July 8, 1987 for a public hearing. On July 8, 1987, Cal. No. 22, the hearing was closed.)

For consideration.

BOROUGH OF QUEENS

No. 43

CD 7

C 861198 PLQ

IN THE MATTER OF an application submitted by the Department of Sanitation pursuant to Section 197-c of the New York City Charter for the **selection of property located on 95-34 157th Street** between Tuckerton Street and Liberty Avenue, (Block 10108, Lot 333 and part of Lot 330), for a 5 year lease with renewal option **for 18 Sanitation Department trucks.**

(On June 17, 1987, Cal. No. 10, the Commission scheduled July 8, 1987 for a public hearing. On July 8, 1987, Cal. No. 29, the hearing was closed.)

For consideration.

BOROUGH OF MANHATTAN

No. 44

CD 5

C 860267 ZSM

IN THE MATTER OF an application submitted by the 101 Park Avenue Associates pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-52 of the Zoning Resolution for the **grant of special permit to change an accessory underground parking garage to a public parking garage** with a capacity of 142 spaces in a 46-story office tower on property located at 101 Park Avenue between East 41st Street and 40th Street (Block 1245, Lot 1).

(On June 17, 1987, Cal. No. 11, the Commission scheduled July 8, 1987 for a public hearing. On July 8, 1987, Cal. No. 30, the hearing was closed.)

For consideration.

 No. 45

CD 9

C 870504 HDM

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

The property to be disposed, **551 West 125th Street** (block 1982, Lot 104), is a vacant five-story old-law building, located on the northerly side of West 125th Street, between Old Broadway and Amsterdam Avenue. The building is **proposed** to be rehabilitated as a 24 bed, 12 unit supervised community **residence for homeless chronically mentally ill adults**. The property is to be disposed to an Article 75 non-profit service organization on under the N.Y. State Mental Hygiene Law. This service organization is to be organized by the sponsor/developer, The Bridge, Inc.

This application was submitted by the Department of Housing Preservation and Development on December 29, 1986.

On June 17, 1987, Cal. No. 12, the Commission scheduled July 8, 1987 for a public hearing. On July 8, 1987, Cal. No. 31, the hearing was closed.)

For consideration.

No. 46

CD 12

C 870671 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 city owned property** as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Size</u>	<u>Property Type</u>
2111	4	25' x 100'	vacant land
2110	5	25' x 100'	vacant land

(On June 17, 1987, Cal. No. 13, the Commission scheduled July 8, 1987 for a public hearing. On July 8, 1987, Cal. No. 32, the hearing was closed.)

For consideration.

 No. 47

CD 10

C 870791 HDM

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, **30 Macombs Place**, is a six (6) story new law walk-up building with 23 residential units, located on the easterly side of Macombs Place, between West 150th and West 151st Streets, (block 2036, lot 57). 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 the tenants' association since January 1, 1986, through HPD's Leasing Bureau.

(On June 17, 1987, Cal. No. 14, the Commission scheduled July 8, 1987 for a public hearing. On July 8, 1987, Cal. No. 33, the hearing was closed.)

For consideration.

No. 48

(Amendment to the Zoning Map; Section 5d, changing from an R8 District to an R10A District relating to Straus Park)

CD 7**C 860726(A) ZMM**

IN THE MATTER OF an application submitted by 2770 Broadway Corp. pursuant to Sections 197-c and 200 of the New York City Charter for **amendment of the Zoning Map**, Section No. 5d,;

1. Changing from an R8 District to an R10A District, property bounded by West End Avenue, a line midway between West 105th Street and West 106th Street, a line 100 feet west of West End Avenue, and West 107th Street; and

2. Changing from R8 and C1-5 Districts to a C2-8A District, property bounded by a line midway between West 107th Street and West 108th Street, a line 100 feet east of Broadway, a line midway between West 105th Street and West 106th Street, West End Avenue, West 107th Street, and a line 100 feet west of Broadway, as shown on a diagram dated March 30, 1987, and modified June 15, 1987.

(On June 17, 1987, Cal. No. 16, the Commission scheduled July 8, 1987 for a public hearing. On July 8, 1987, Cal. No.35, the hearing was closed.)

For consideration.

No. 49**CD 5****N 870760 ZRM**

(Amendments to the Zoning Resolution pertaining to the Theatre Subdistrict to retail continuity along designated streets, required use allocation on street frontages of certain zoning lots requirements for entertainment related uses, restrictions on demolition of theatres and floor area bonus for new theatres.)

IN THE MATTER OF amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to various sections of 81-40 (Mandatory District Plan Elements) and Section 81-70 (Special Regulations for Theatre Subdistrict).

Resolution for adoption scheduling July 8, 1987 for a public hearing.

Reading Proposed Zoning Text Changes

words not underlined	=	existing text to remain
[words bracketed]	=	existing text to be deleted
words <i>in italics</i>	=	<i>terms whose meaning is defined in the Zoning Resolution</i>
words bolded	=	new text

81-00 GENERAL PURPOSES

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

- (h) To preserve, protect and enhance the character of the Theatre Subdistrict as an **area of diverse uses primarily characterized by entertainment and entertainment-related uses including** [the location of] the world's foremost concentration of legitimate theatres.

* * *

81-42

Retail Continuity along Designated Streets

* * *

All *street frontages of developments or enlargements on zoning lots located within that portion of the Theatre Subdistrict bounded by 43rd Street, a line 100 feet east of Eighth Avenue, 50th Street and a line 200 feet west of Avenue of the Americas* [between 43rd and 50th Streets with *street frontage on Seventh Avenue and/or Broadway*] shall meet the ground level **and entertainment-related use** requirements of Section [81-723 (Required use allocation on wide street frontages and the frontages of certain zoning lots)] **81-72 (Use Regulations Modified)**.

81-43

Street Wall Continuity Along Designated Streets

On designated *streets* where *street wall* continuity is required (See Map 3) **and, between 43rd and 50th Streets, on the narrow street frontages of zoning lots with street frontage on Seventh Avenue and/or Broadway**, the surface of the *street wall* of a new *development or enlargement*, for the minimum length and height set forth in this Section, shall be within 10 feet of the *street line* or within 10 feet of a permitted arcade's supporting columns at the *street line* or within 10 feet of a permitted arcade's supporting columns at the *street line*, except that on 57th Street, 42nd Street, 34th Street and Fifth Avenue, no *street wall* setback below a height of 85 feet is permitted. The length of the *street wall* subject to setback restrictions shall be at least 80 percent of the length of the *front lot line* along the specified *street*, measured at the specific heights or anywhere above the specific heights indicated on the following table.

The minimum height of a *street wall* subject to the setback restriction shall be as follows:

Length of Zoning Lot Frontage	Minimum Height of a <i>Street Wall</i> Subject to the Setback Restrictions
For zoning lots with frontages of 50 feet or less on the designated <i>street</i>	<i>Four stories</i> or 50 feet above <i>curb level</i> , whichever is less.
For zoning lots with frontages of more than 50 feet on the designated <i>street</i> .	<i>Six stories</i> or 85 feet above <i>curb level</i> , whichever is less.

Developments which are in their entirety no more than two *stories* in height shall be exempt from the minimum *street wall* height requirements.

Pedestrians circulation spaces may be provided to meet the requirements of Section 81-45, 81-46 or 81-47 subject to the setback restrictions of this Section and to the minimum length of the *street wall* subject to such setback restrictions. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station improvement for which bonus *floor area* is granted, in accordance with the provisions of Section 81-53 (Subway Station Improvements).

Below the minimum height of a *street wall* subject to the setback restriction, no recesses of greater than 10 feet in depth are permitted. Recesses of between 2 feet and 10 feet in depth shall be limited in their aggregate area to no more than 30 percent of the area of the *street wall* below the minimum required street wall height. The aggregate area of recesses of up to 2 feet in depth shall not exceed 50 percent of the area of the street wall. The restrictions on recesses shall not apply to arcades, corner arcades, subway stairs relocated within the *building*, through block connections within the *building* or *building* entrance recess areas within the *building*, where such spaces are provided in accordance with the requirements and design standards of Section 81-45, 81-46 or 81-47 and provided that such spaces shall be subject to a maximum height limit of 30 feet. Any recesses in the *residential* portion of a *building* shall comply with the *outer court* regulations of Section 23-84 (Outer Court Regulations).

No arcades, sidewalk widenings or urban plazas shall be permitted on Fifth Avenue, 42nd Street, 34th Street or 57th Street frontages. Between 43rd and 50th Streets, no arcades or urban plazas shall be permitted on Seventh Avenue or Broadway and, with the exception of marquees and *signs*, any area between the Seventh Avenue or Broadway *street line* and any required *street wall* below the

height of the first required setback, including permitted recesses, shall be open from *curb level* to the sky in its entirety. Any such area shall be at the same elevation as the adjoining sidewalk, directly accessible to the public at all times and free of all obstructions at ground level, including *street trees*. On the remaining *streets designated for street wall continuity*, arcades, if provided, shall be not less than 10 feet in depth and not more than 30 feet high. Arcades shall not be counted towards the recess allowances.

For *zoning lots* between 43rd and 50th Streets with *street* frontage on Seventh Avenue and/or Broadway the minimum and maximum required *street wall* heights without setback on all *street frontages* shall be in accordance with Section 81-75 (Special Street Wall and Setback Requirements).

On Fifth Avenue, the minimum required *street wall* height without setback shall be 85 feet and the maximum allowable *street wall* height without setback shall be 125 feet. Above the maximum *street wall* height, a setback of at least 10 feet shall be required. (See Section 81-83).

Existing *buildings* on a *zoning lot* shall be included in measurements of the *street wall*. No existing *building* shall be altered such that a *non-compliance* with the provisions of this Section is created, nor shall an existing degree of *non-compliance* with these provisions be increased.

81-71

General Provisions

The regulations of Sections 81-72 to 81-75, inclusive, relating to Special Regulations for the Theatre Subdistrict are applicable only in the Theatre Subdistrict, whose boundaries are shown on Map No. 2 (Special Midtown and Subdistricts). They supplement or modify the regulations of this Chapter applying generally to the *Special Midtown District* of which the Subdistrict is a part.

In order to preserve and protect the character of the Theatre Subdistrict as a cultural, [and] theatrical and entertainment showcase as well as to help insure a secure basis for the useful cluster of shops, restaurants, and related amusement activities, special incentives and controls are provided for the preservation and rehabilitation of existing theatres and the addition of [new theatres] **entertainment and entertainment-related uses**, and special restrictions are placed on ground floor uses, [and] **signage and building street wall heights and setbacks** within the Subdistrict.

The Mayor of the City of New York shall appoint a Theatre Advisory Council (the "Council") and name a chairperson. Other members of the "Council" shall include representatives of the performing arts, the theatrical industry and related

professions. The "Council" shall advise the City Planning Commission concerning applications for special permits or certifications pursuant to Section 81-74.

Applications shall be referred by the Commission to the "Council" for an advisory report prior to certification for ULURP (Uniform Land Use Review Procedure) review. Such advisory report shall assist the Commission in evaluating each special permit application and in making each of the required findings therein concerning demolition pursuant to Section 81-742 or the *floor area* bonus pursuant to Section [81-744 or] 81-745. In all special permits or certifications involving the preservation or rehabilitation of existing theatres [or the construction of new theatres,] the "Council" shall advise the Commission on the adequacy of the assurances required by Section 81-743 for continuance of legitimate theatre use.

[The regulations of Sections 81-72 through 81-74 with the exception of Section 81-732, relating to a Special Theatre Subdistrict will expire on November 13, 1987. At that time or prior thereto, the City Planning Commission will submit to and the Board of Estimate will act upon further zoning action or actions based upon a comprehensive review undertaken by the City Planning Commission with the full participation and advice of the Theatre Advisory Council authorized herein. Such review will include additional planning proposals to strengthen the long-term viability of the legitimate theatres through alternative accommodations, such as but not limited to, the designation of the special character of the Theatre District, actions of the Landmarks Preservation Commission, consideration of air rights and implementation of Special criteria for the theatre demolition permit.]

81-72

Use Regulations Modified

Within that portion of the Theatre Subdistrict bounded by West 40th Street, Eighth Avenue, West 51st Street and Avenue of the Americas, *uses* which are created by [new] *development*, or which are *enlarged* or *extended*, [or which results from a change of *use*, [shall be subject to the provisions of this section.

81-722

Use Group T

The following *uses* are subject to the limitations on location and *floor area* of the underlying zoning district:

Uses marked with an asterisk (*) are allowed only on *narrow street* frontages.

Uses marked with double asterisks (**) are allowed only on floors other than the ground floor.

Use

- Antique stores
- Apartment hotels—lobby space is limited to 20% of total *zoning lot* frontage on *wide streets*
- Appliance, repair shops—not permitted in C5 Districts
- Appliances, sales
- Art galleries, commercial
- * Art galleries, non-commercial
- Art metal craft shops
- Art needle work
- Artists' supply stores
- Athletic goods stores
- * Auditoriums**
- * Automobile rental establishments—not permitted in C5 Districts
- Bakeries
- Banks—limited to 15% of total *zoning lot* frontage on *wide street*
- * Banquet halls
- ** Barber shops
- ** Beauty parlors
- Bicycle stores, rental or repair, not permitted in C5 Districts
- Bicycle stores, sales
- * Blue printing establishments
- * Boarding houses
- Book stores or card stores
- * Bowling alleys—not permitted in C5 Districts
- ** Business machines, small shops, rental, repairs, sales
- ** Business schools or colleges
- Candy stores
- Carpet, rug, linoleum or other floor covering stores
- * Catering establishments
- * Churches
- Cigar stores
- Clock or watch stores or repair shops
- Clothing rental establishments
- Clothing stores
- * Clubs, non-commercial
- Coin stores
- * Colleges or universities
- * Community centers

- *Convents
 - Costume rental establishment
- **Dance halls, public—not permitted in C5 Districts
 - Delicatessen stores
 - Dressmaking shops, custom
 - Drug stores
- *Dry cleaning establishments
 - Dry goods or fabric stores
 - Eating or drinking places—with restrictions on entertainment or dancing in C5 districts; without restrictions in C6 or M1 Districts
- *Fire stations
 - Fishing tackle or equipment, stores or rental establishments
 - Florist shops
 - Food stores including supermarkets, grocery stores, markets or delicatessen stores
 - Furniture stores
 - Furrier shops, custom
 - Gift shops
- *Gymnasiums
 - Hair products for headwear
 - Hardware stores
- *Health centers
 - Historical exhibits—not permitted in C5 Districts
 - Hotels—lobby space limited to 20% of total *zoning lot* frontage on *wide streets*
- *Household appliance repair shops—not permitted in C5 Districts
 - Ice cream stores
- *Institutions, philanthropic or non-profit
 - Interior decorating establishments
 - Jewelry shops
 - Leather goods or luggage stores
- *Libraries
 - Locksmith shops
 - Luggage stores
- *Medical offices or group medical centers
- *Meeting halls
 - Millinery shops
- *Motion picture production studios
- *Museums
 - Music stores

- *Musical instruments, repair
- Newsstands, enclosed
- Office or business machine stores, sales or rental
- Offices—only lobby space is permitted at grade on *wide street* frontages; lobby is limited to 20% of total *zoning lot* frontage on *wide streets*
- Optician or optometrist establishments
- Orthopedic stores
- Paint stores
- *Parish houses
- *Parks, public or private
- Parking lots, public; parking garages, public*, subject to the provisions of Section 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING RESTRICTIONS)
- Pet shops
- *Phonographic repair shops—not permitted in C5 Districts
- Photographic developing or printing establishments
- Photographic equipment stores
- Photographic studios
- Photographic supply stores
- *Photostating establishments
- Picture framing stores
- *Police stations
- *Post offices
- *Printing establishments
- *Radio appliance repair—not permitted in C5 Districts
- Record stores
- *Recreation centers, non-commercial
- *Rectories
- Residences—only lobby space is permitted at grade on *wide streets*; lobby space is limited to 20% of total *zoning lot* frontage on *wide streets*
- *Rooming houses
- *Schools
- *Settlement houses
- Sewing machine stores, selling household machines
- *Shoe repair shops
- Shoe stores
- *Sign painting shops—not permitted in C5 Districts
- *Skating rinks, indoor—not permitted in C5 Districts

- *Skating rinks, outdoor ice
- Sporting goods stores
- Stamp stores
- Stationery stores
- *Studios, music, dancing or theatrical
- *Studios, radio or television
- *Table tennis halls—not permitted in C5 Districts
 - 1 Tailor shops, custom
 - Telegraph offices
- *Television repair shops—not permitted in C5 Districts.
- Theatre—A new motion picture theatre in a new or existing *building* shall provide a minimum of 4 square feet of waiting area within the *zoning lot* for each seat in such theatre. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or entrance to a public toilet—not permitted in C5 Districts
- Ticket sales
- Tobacco stores
- Tour operator
- Toy stores
- *Trade or other schools for adults
- Travel expositions—not permitted in C5 Districts
- Travel bureau—limited to 5% of total *zoning lot* frontage on *wide streets*
- Typewriter stores
- *Typewriter or other small business machine repair stores
- Variety stores
- Wallpaper stores
- *Wholesale establishments
- *Wholesale offices or showrooms

81-723

Required use allocation on [wide] street [frontages and the] frontages of certain zoning lots.

On any *wide street*, at least 80 percent of the ground level frontage of the *front lot line* on the *wide street* shall be allocated to *uses* indicated in Section 81-722 (Use Group T). [Banks and travel bureaus, however, shall not constitute more than 15 percent of the *wide street* frontage of the *zoning lot*.]

On any *narrow street* with the area bounded by 43rd Street, a line 100 feet east of Eighth Avenue, 50th Street and a line 200 feet west of Avenue of the Americas, at

least 50 percent of the ground level frontage of the *front lot line* on the *narrow street* shall be allocated to *uses* indicated in Section 81-722 (Use Group T). Requirements related to *uses* fronting on *wide streets* within Section 81-722 (Use Group T) shall also apply to *uses* fronting on the above *narrow streets*. Where a stairway entrance into a subway is relocated onto a *zoning lot* in accordance with the requirements of Section 81-47 (Off-Street Relocation of a Subway Stair), up to, but not more than, 40 feet of the *narrow street* ground level frontage occupied by that stairway may be excluded from the length of *narrow street* frontage to which the above requirements apply. Required *accessory off-street* loading berths may be excluded from the length of *narrow street* ground level frontage to which the above requirements apply.

The following requirements apply to both *wide* and *narrow street* frontages:

- (a) No single establishment shall have a [wide] *street* frontage of less than 10 feet or, except in the case of theatres, greater than 40 feet. Each establishment shall be located within 10 feet of the *lot line* on which it is required to front for the full length of the frontage of that establishment.
- (b) Banks and travel bureaus shall not constitute more than 15 percent of any of the ground level *street* frontages of a *zoning lot*.
- (c) Lobby space [is permitted on *wide street* frontages provided it does] shall not comprise more than 20 percent of [a *development's wide*] any of a *zoning lot's street* frontages. In addition to the 20 percent frontage limitation, a lobby frontage on a [wide] *street* shall not exceed 40 feet, but need not be less than 15 feet.
- (d) *Uses* with no *street* frontage and which are accessible only through a lobby shall not be restricted to Use Group T *uses*.
- (e) If any *street* frontage of a *zoning lot* is less than 20 feet in length, the provisions of this Section shall not apply.

[On *zoning lots* between 43rd and 50th Streets with *street* frontage on Broadway or Seventh Avenue, *narrow street front lot line* ground level frontages shall be allocated to *uses* indicated in Section 81-722 (Use Group T) for 50 percent of their full length or the first 100 feet from Seventh Avenue or Broadway, whichever is less. All other requirements set forth in this Section relating to *wide street* frontages shall also apply to the *narrow street* ground level frontages specified above. Where a stairway entrance into a subway is relocated onto the *zoning lot* in accordance with the requirements of Section 81-47 (Off-Street Relocation of a Subway Stair), the length of *narrow street* ground level frontage occupied by that stairway may be excluded from the length of frontage to which these requirements apply.]

81-724

Requirements for Entertainment-Related Uses

For a *zoning lot*, or portion thereof, located within the area bounded by 43rd Street, a line 100 feet east of Eighth Avenue, 50th Street and a line 200 feet west of Avenue of the Americas the following requirements shall apply. If five percent of the new *floor area* of a *development* or *enlargement* exceeds 2,500 square feet, an amount of floor space on the *zoning lot* equal to that five percent shall be allocated to *uses* listed in Section 81-725 (Entertainment-related Uses). Floor space allocated to such *uses* accommodating any number of occupants shall be classified under Occupancy Group F-Assembly as described in Section C26-307.0 of Chapter 26 of the New York City Administrative Code and shall meet all relevant requirements of Title C, Part II, Article 8 of Chapter 26 of that Code. All such *uses* shall be subject to the locational requirements of Section 81-721 (Restriction of Ground Floor Uses).

81-725

Entertainment-Related Uses

Auditoriums, with capacity limited to 2,500 seats

Dance halls, public

Eating or drinking places where there is entertainment or dancing

Meeting halls, limited to location in hotels

Studios, music, dancing, theatrical, radio or television

Theatres

81-731

Special regulations for signs, transparency, banners and canopies

Within that area of the Theatre Subdistrict whose boundaries are described in Section 81-72 (Use Regulations Modified), the following provisions apply along *wide street* frontages. [and, for *zoning lots* between 43rd and 50th Streets with *street* frontage on Seventh Avenue or Broadway, along *narrow street* frontages for the full length of the frontage of the *zoning lot* or the first 100 feet from Seventh Avenue or Broadway, whichever is less:] Within that portion of the Theatre Subdistrict bounded by 43rd Street, a line 100 feet east of Eighth Avenue, 50th Street and a line 200 feet west of Avenue of the Americas the following provisions also apply along *narrow street* frontages.

- (a) At least 50 percent of the *street wall* surface of a [new] *development* shall be glazed at the ground floor level with clear untinted transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with *signs*. For the purpose of the glazing requirements, the *building's street wall* surface at the ground floor level shall be measured from the floor the height of the ceiling or 14 feet above grade, whichever is less.

- [(b) Below a level of 10 feet above *curb level*, *signs* shall not be permitted on the exterior of any establishment with the exception of theatres.
- (c) The display of banners or pennants from the exterior of new or existing *buildings* is prohibited.]
- (b) [(d)] Canopies (as defined in Section 692-f 6.0 of the Administrative Code) and awnings shall not be permitted on the exterior of any *development*.

For the purposes of this Section, any *signs*, [including banners or pennants,] which do not comply with the above regulations may be continued for one year after the effective date of this Section, provided that after the expiration of that period such *nonconforming sign* shall terminate; a *sign* which the Chairman of the City Planning Commission certified as an integral part of the *building* shall not be required to terminate.

81-74

Special Incentives and Controls in the Theatre Subdistrict

81-741

General provisions

(a) Special permits by the City Planning Commission

In the Theatre Subdistrict, the City Planning Commission; by special permit after public notice and hearing and subject to Board of Estimate action, may grant special permits:

- [(1) authorizing *floor area* bonuses for new theatres in accordance with the provisions of Section 81-744;]
- (1)[(2)] authorizing *floor area* bonuses for rehabilitation of existing theatres in accordance with the provisions of Section 81-745;
- (2)[(3)] authorizing transfer of development rights from *zoning lots* occupied by theatres which are designated landmarks in accordance with the provisions of Section 81-747;
- (3)[(4)] authorizing demolition of theatres where permissible under the provisions of Section 81-742.

(b) Certification by the Chairman of the City Planning Commission

By certification of the Chairman of the City Planning Commission,

- (1) The Special Provisions for *Zoning Lots Divided by District Boundaries* (Article VII, Chapter 7) may be modified in the case of a *zoning lot* partly occupied by a listed theatre in accordance with the provisions of Section 81-746, or

(2) Bonus *floor area* may be authorized for a through block galleria in accordance with the provisions of Section 81-748

(c) Required Assurances

All such authorizations by special permit or certification and involving new theatres or preservation of existing theatres shall be subject to the provisions of Section 81-743 (Required assurances for continuance of legitimate theatre use).

(d) Limits on total additional floor area

Except as otherwise provided in Section 81-212 (Special provisions for transfer of development rights from landmark sites), the total additional *floor area* permitted on the *zoning lot* by such special permit or certification, together with all bonus *floor area* or *floor area* derived from transferred development rights under other provisions of this Chapter, shall in no event exceed the maximum amount permitted by special permit as set forth in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings).

(e) Limitations on non-theatre related bonuses in C6-4, C6-5 or M1-6 Districts.

For *zoning lots* or portions thereof in C6-4, C6-5 or M1-6 Districts, the total amount of *floor area* derived from non-theatre related bonuses or other special *floor area* allowances pursuant to provisions of this Chapter other than those in Sections [81-744], 81-745, 81-746 or 81-747 relating to [new theatres or] the preservation of existing theatres shall not exceed a *floor area ratio* of 2.0.

(f) Theatre-related bonus floor area for residences in C6-4 and C6-5 Districts

For *zoning lots* or portions thereof in C6-4 or C6-5 Districts, some or all of the bonus *floor area* or other special *floor area* allowances permitted pursuant to the provisions of Sections [81-744], 81-745, 81-746 or 81-747 relating to [the provision of new theatres or] the preservation or rehabilitation of existing theatres may be allocated to a *residential building* or the *residential* portion of a *mixed building* provided that the total *residential floor area ratio* with such *floor area* allowances shall not exceed 12.0.

(g) Certification for urban parks or subway station improvements

Within the Theatre Subdistrict, any application for a special permit pursuant to the provisions of Section 81-52 (Urban Parks) or Section 81-53 (Subway Station Improvements) shall be subject to prior certification by the City Planning Commission in accordance with Section 81-51 (General Provisions).

81-742

Restrictions on Demolition of Theatres

No demolition permit shall be issued by the Department of Buildings for any theatre listed in this section as a "listed theatre," unless:

- (a) It is an unsafe *building* and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8 of the New York City Administrative Code; or [The theatres to which the provisions of this Section apply are predominantly free standing theatres with full stage and wings- and are identified as listed theatres in Table 1 below.]
- (b) It has been designated a landmark by the Landmark Preservation Commission and a notice to proceed has been issued to the owner pursuant to Section 207-8.0 of Chapter 8A of the New York City Administrative Code permitting demolition that contemplates removal of the theatre from theatre *use*; or
- (c) The City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action permits its demolition upon making the following findings:
- (1) That demolition of the theatre structure will not unduly diminish the character of the Theatre Subdistrict as a cultural, entertainment and theatrical showcase, taking into consideration the following list of factors:
- (i) Current physical condition and configuration of the theatre,
 - (ii) History of the theatre's *use*.
 - (iii) Likelihood of its future *use* as a legitimate theatre, and
 - (iv) Applicant's plans for replacement of the theatre structure with a *development* containing replacement uses supportive of the character of the theatre subdistrict, and
- (2) That there exists a legal commitment binding upon all parties in interest of the *zoning lot* containing the theatre that any *development* or *enlargement* on a *zoning lot* containing a portion or all of the former site of the listed theatre shall reserve area devoted exclusively to *uses* described in Section 81-724 (Requirements for Entertainment-Related Uses) for the life of such *development* or *enlargement* at least equivalent in amount to the total *floor area* of the theatre.

The theatres to which the provisions of this Section apply are predominantly free standing theatres with full stage and wings and are identified as listed theatres in Table 1 below.

TABLE 1
Listed Theatres
(Section 81-742)

<u>THEATRE NAME</u>	<u>ADDRESS</u>	<u>BLOCK NUMBER</u>	<u>LOT NUMBER</u>
Ambassador	215 West 49th St.	1021	15

<u>THEATRE NAME</u>	<u>ADDRESS</u>	<u>BLOCK NUMBER</u>	<u>LOT NUMBER</u>
Barrymore	243 West 47th St.	1019	12
Belasco	111 West 44th St.	997	23
Biltmore	261 West 47th St.	1019	5
Booth	222 West 45th St.	1016	15
Broadhurst	235 West 44th St.	1016	11
Broadway	1681 Broadway	1024	46
Brooks Atkinson	256 West 47th St.	1018	57
City Center	131 West 55th St.	1008	15
Cort	138 West 48th St.	1000	49
Ed Sullivan	1697 Broadway	1025	43
Eugene O'Neill	230 West 49th St.	1020	53
Forty-Sixth St.	226 West 46th St.	1017	48
Golden	252 West 45th St.	1016	58
Harris	226 West 42nd St.	1013	45
Helen Hayes [Little]	240 West 44th St.	1015	51
Henry W. Miller	124 West 43rd St.	995	45
Hudson	139 West 44th St.	997	15
Imperial	249 West 45th St.	1017	10
Liberty	234 West 42nd St.	1013	49
Longacre	220 West 48th St.	1019	50
Lunt-Fontanne	205 West 46th St.	1018	20
Lyceum	149 West 45th St.	998	8
Lyric	213 West 42nd St.	1014	39
Majestic	245 West 44th St.	1016	5
Mark Hellinger	237 West 51st St.	1023	11
Music Box	239 West 45th St.	1017	11
Nederlander	208 West 41st St.	1012	30
Neil Simon [Alvin]	250 West 52nd St.	1023	54
New Amsterdam	214 West 42nd St.	1013	39
Roof Garden	214 West 42nd St.	1013	39
New Apollo	234 West 43rd St.	1014	20
Palace	1564 Broadway	999	63
Plymouth	236 West 45th St.	1016	51
Ritz [R.F.K.]	225 West 48th St.	1020	14
Royale	242 West 45th St.	1016	55
St. James	246 West 44th St.	1015	54
Selwyn	229 West 42nd St.	1014	17
Shubert	225 West 44th St.	1016	15

<u>THEATRE NAME</u>	<u>ADDRESS</u>	<u>BLOCK NUMBER</u>	<u>LOT NUMBER</u>
Studio 54	254 West 54th St.	1025	58
Times Square	219 West 42nd St.	1014	20
Victory	209 West 42nd St.	1014	25
Virginia [ANTA]	245 West 52nd St.	1024	7
Winter Garden	1634 Broadway	1022	2

[However, the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may permit demolition of a listed theatre provided that, in the case of a landmark theatre, such demolition is also authorized by the Landmarks Preservation Commission, and provided further that the City Planning Commission makes the following findings:

- (a) That loss of the theatre will not harm the entertainment sector of the City's economy, and
- (b) That the theatre is in need of substantial rehabilitation but is not eligible for assistance under any tax abatement or other publicly aided program, and
- (c) That the theatre is not capable of providing a reasonable return, and
- (d) That an acceptable program for new *development* of the *zoning lot* is submitted to the Commission, which indicates that the site will be redeveloped either for a new theatre or for a use which will directly support neighborhood theatre business, such as, but not limited to, rehearsal space, recording facilities or theatre costume rentals, and that construction of the new *development* will commence within a period of 12 months from the completion of demolition, as evidenced by posting of a bond or other security payable to the City of New York and approved by the Corporation Counsel sufficient in amount to cover the cost of building a new theatre.]

In the case of an existing legitimate theatre for whose construction bonus *floor area* was granted pursuant to regulations in effect prior to the effective date of this amendment, no provision of this amendment shall be construed as changing any previously existing responsibility of the owner or lessee of such theatre for continuance of its *use* as a legitimate theatre.

81-743

Required assurance for continuance of legitimate theatre use

As a condition for the issuance of any special permit under the provisions of [Section 81-744 (Floor area bonus for new theatres),] Section 81-745 (Floor area bonus for rehabilitation of existing listed theatres), or Section 81-747 (Transfer of development rights from landmark theatres), or the issuance of a certification

under the provisions of Section 81-746 (Modification of special provisions for zoning lots divided by district boundaries), there shall exist:

- (a) a signed lease from a prospective theatre operator with credentials acceptable to the City Planning Commission for occupancy of the theatre and its operation; and
- (b) a legal commitment binding upon the owner and lessee of the theatre for continuance of its use as a legitimate theatre for the life of the related *development*; and
- (c) a plan and program for continuing maintenance approved by the Commission.

81-744

Floor area bonus for new theatres

[The Commission by special permit may authorize bonus *floor area* for any new *building* that contains a new legitimate theatre or theatres, provided that the clearance and *development* of the *zoning lot* result in a net increase in the number of theatres and the number of theatre seats occupying the *zoning lot*.

The amount of the bonus *floor area* granted will be at the discretion of the Commission and after consideration of the following findings by the Commission:

- (a) whether the legitimate theatre or theatres are of a size and type which the Commission deems appropriate, under the circumstances pertaining at the time of the application, to achieve a balance of facilities responsive to the needs of the Subdistrict; and
- (b) whether the *development* includes facilities to support legitimate theatre operations such as rehearsal, studio or storage space; and
- (c) whether adequate special provision is made for pedestrian circulation beyond the provisions required by Section 81-45 (Provision of Pedestrian Circulation Space), and
- (d) whether adequate special provision is made for pedestrian circulation beyond the provisions required by Section 81-45 (Provision of Pedestrian Circulation Space), and
- (e) whether the *development* includes restaurant facilities or other amenities useful to the Theatre Subdistrict.

Such bonus *floor area* shall not exceed 20 percent of the basic maximum *floor area* permitted on the *development's zoning lot* by the regulations of the underlying District, except that in the case of a C6-4, C6-5 or M1-6 underlying District, the bonus *floor area* shall not exceed 44 percent of the basic maximum *floor area* permitted in such underlying District.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the surrounding area.

Compliance with the provisions of Section 81-743 (Required assurances for continuance of legitimate theatre use) shall be a condition for issuance of a special permit under the provisions of this Section.]

This Section was repealed.

(On June 17, 1987, Cal. No. 79, the Commission scheduled July 8, 1987 for a public hearing. On July 8, 1987, Cal. No 36, the hearing was closed.)

Laid over.

BOROUGH OF STATEN ISLAND

No. 50

CD 3

N 870933 RAR

IN THE MATTER OF an application pursuant to Sections 107-64 and 107-65 of the Zoning Resolution from Joanne Davis for granting **authorization** for Removal of Trees and Modification of Topography at **308 South Railroad Street**, Block 6324, Lot 175.

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

For consideration.

No. 51

CD 3

N 870613 RAR

IN THE MATTER OF an application pursuant to Sections 107-65, 107-08 and 107-123 of the Zoning Resolution from Murray Berman, Associates for granting **authorization for Modification of Topography, Subdivision and Certification of School Seats** at **152 Cortelyou Avenue, 555 Leverett Avenue and 559 Leverett Avenue**, Block 5489, Lots 44, 48, 51.

Plans for the proposed development are on file and may be seen at the Staten Island Office of the Department of City Planning, 56 Bay Street, Staten Island, New York 10301.

Headquarters approval date, July 15, 1987.

Nos. 52, 53, 54, 55, 56 and 57

(Six authorizations for approval for properties located in the Special Natural Area District)

No. 52

CD 2

N 870423 ZAR

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from Robert DeFranco, for the **grant of authorizations** involving modification of topography and alteration of the botanic environment on property located on **10 Todt Hill Court**. Block 902, Lot 87, Tentative Lot 78.

Plans for the proposed single family dwelling are on file with the City Planning Commission and may be seen in Room 1517, Two Lafayette Street, New York.

For consideration.

No. 53

CD 2

N 870424 ZAR

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from Robert DeFranco, for the **grant of authorizations** involving modification of topography and alteration of the botanic environment requiring the planting of ten (10) new 4-inch caliper trees on property located on **20 Todt Hill Court**. Block 902, Lot 87, Tentative Lot 73.

Plans for the proposed single family dwelling are on file with the City Planning Commission and may be seen in Room 1517, Two Lafayette Street, New York.

For consideration.

No. 54

CD 2

N 870425 ZAR

IN THE MATTER OF an application pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from Robert DeFranco, for the **grant of authorizations** involving modification of topography and alteration of the botanic environment on property located on **30 Todt Hill Court**. Block 902, Lot 87, Tentative Lot 70.

Plans for the proposed single family dwelling are on file with the City Planning Commission and may be seen in Room 1517, Two Lafayette Street, New York.

For consideration.

No. 55

CD 2

N 870145 ZAR

(Request to amend the previously approved application N 820725 ZAR in the Special Natural Area District of Staten Island.)

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from Dennis Dell'Angelo, for the grant of authorizations involving modification of topography, alteration of the botanic environment and requiring the addition of nine (9) new 4-inch caliper trees on property located on **100 Flagg Place**, Block 887, Lot 81.

Plans for the proposed amendment are on file with the City Planning Commission and may be seen in Room 1517, Two Lafayette Street, New York.

For consideration.

No. 56

CD 2

N 870119 ZAR

(Request to construct one (1) single family dwelling and amend the previously approved application designated N850280ZAR in the Special Natural Area District of Staten Island.)

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from Emerson Hills Realty, for the grant of

authorization involving modification of Topography and Alteration of the Botanic Environment including the removal of thirteen (13) trees on property located on **308 Douglas Road**, Block 832, Lot 80.

Plans for the proposed single family dwelling are on file with the City Planning Commission and may be seen in Room 1517, Two Lafayette Street, New York.

For consideration.



No. 57

CD 2

N 861219 ZAR

(Request to install an (1) in-ground swimming pool and a tennis court in the Special Natural Area District of Staten Island.)

IN THE MATTER OF an application, pursuant to Section 105-421 of the Zoning Resolution, from Salvatore Tirro, for the grant of authorization involving modification of topography in order to install one (1) in-ground swimming pool and a tennis court on property located at **95 Coventry Road**.

Block 894, Lot 195

Plans for the proposed tennis court and in-ground swimming pool are on file with the City Planning Commission and may be seen in Room 1517, Two Lafayette Street, New York.

For consideration.



BOROUGH OF THE BRONX

No. 58

CD 1,3

C 870737-738 PPX

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 two (2) City-owned properties.**

<u>ULURP NO.</u>	<u>C.B.</u>	<u>Block</u>	<u>Lot</u>	<u>Location</u>
870737PPX	1	2288	35	458 East 144th Street
870738PPX	3	2614	27	614 East 168th Street

(On June 17, 1987, Cal. No. 1, the Commission scheduled July 8, 1987 for a public hearing. On July 8, 1987, Cal. No. 19, the hearing was closed.)

For consideration.

No. 59

CD 7

C 870792 HDX

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, **2295 Andrews Avenue** is a five (5) story new law walk-up building with 35 residential units, located on the northerly side of Andrews Avenue, beteen 183rd Street and West Fordham Road, (block 3225, lot 22). The Département of Housing Preservation and Development (HPD) proposes to dispose of the property to an Article XI Development Fund Corporation **for the purpose of providing housing for low and moderate-income families**. The building has been managed by the tenants' association since July 1, 1985, through HPD's Leasing Bureau.

(On June 17,1987, Cal. No. 2, the Commission scheduled July 8, 1987 for a public hearing. On July 8, 1987, Cal. No. 20, the hearing was closed.)

For consideration.

No. 60

CD 6

C 870793 HDX

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, **1968 Marmion Avenue** is a five (5) story new law walk-up building with 21 residential units and three occupied commercial units located on the easterly side of Marmion Avenue, beteen East Tremont Avenue and East 178th Street, (block 3117, lot 10). The Department of Housing Preservation and Development (HPD) proposes to dispose of the property to an Article XI Development Fund Corporation **for the purpose of providing housing for low and moderate-income families**. The building has been managed by the tenants' association since July 1, 1985, through HPD's Leasing Bureau.