

DISPOSITION SHEET - PUBLIC MEETING OF SEPTEMBER 30, 1987

CAL. NO.	C.P. NO.	REPORTS			REMARKS	CAL. NO.	C.P. NO.	REPORTS		REMARKS
		TQ	FROM	TO				FROM		
	MINUTES	8/17 [*]	8/26 [*]	9/2 ^R	Approved	46	N 870076	ZAR		Auth. Adopted
1	C 870508	ZSM			Sched 10/21/87	47	N 870120	ZAR		" "
2	C 880034	PPM			" "	48	N 870524	ZAR		" "
3	C 880035	ZSM			" "	49	N 870775	ZAR		" "
	EIS NOTICE				" "	50	N 870076	ZAR	(cancel)	(Repealed - See #46)
4	C 850959	MMR			" "	51	N 870873	ZRR		Fac. Rept. Adopted
5	C 870917	PPR			" "	52	C 870807	ZMX		" " "
6	C 870897	899	PPX		" "	53	C 870808	HAX		" " "
7	C 850824	BFX			" "	54	N 870977	ZAX		Auth. Adopted
8	C 870817	820	PPX		" "	55	C 860023	GFK		Fac. Report adopted
9	C 870675	PPK			" "	56	C 861022	ZMQ		Laid Over
10	C 870512	PSK			" "	57				
11	C 880026	ZSK			" "	58				
12	C 870676	677	PPK		" "	59				
13	C 870900	903	PPK		" "	60				
14	C 870316	ZSM			Hearing Closed					
15	C 870766	PSM			" "					
16	N 880060	BDM			" "					
17	C 870586	ZSM			" "					
18	* N 880172	ZRY			" "					
19	N 851092	ZRY			" "					
20	C 870243	PSR			" "					
21	C 870303	ZSR			" "					
22	N 860513	RAR			" "					
23	N 870809	ZRR			" "					
24	C 870614	PSX			Cont. to 10/21/87					
25	C 880001	HDX			Hearing Closed					
26	C 870457	PSX			" "					
27	C 870708	ZMX			" "					
28	C 870510	PSX			" "					
29	C 870930	PLX			" "					
30	C 870739	PPK			" "					
31	C 870569	PSK			" "					
32	C 870828	830	PPK		" "					
33	C 851129	ZMQ			" "					
34	C 870715	PLQ			" "					
35	C 870995	PLQ			" "					
36	N 880099	BDO			" "					
37	C 800246	MMM			Fac. Rept. Adopted					
38	C 870356	ZSM			" "					
39	C 870889	HAM			" "					
40	C 870695	HUM			" "					
41	C 870696	HDM			" "					
42	N 870607	ZRY			" "					
43	N 870655	ZRY			" "					
44	N 860590	ZAR			Auth. Adopted					
45	N 861061	ZAR			" "					

PRESENT

- S. Deutsch, Ch.
- S. Gagliardo, Comm.
- G. McNeil, "
- D. Scannell, "
- D. Scheinberg, "

Adj. 3:39 P.M

* Record to remain open to 10/16/87 to receive comments

**COMPREHENSIVE
CITY PLANNING CALENDAR**

of

The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, September 30, 1987

MEETING AT 10:00 A.M.

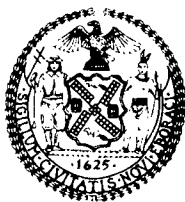
in the

SPECTOR HALL

First Floor

22 Reade Street

New York, New York



Edward I. Koch, Mayor

City of New York

[No. 15]

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, 22 Reade Street, Room 2E, 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, 720-3370.

CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

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, September 30, 1987

Calendar No. 15

Roll Call; approval of minutes	1
I. Scheduling October 21, 1987	1
II. Public Hearings	8
III. Reports	23

**Community Board Public Hearing Notices are available in the
Calendar Information Office, Room 2E, 22 Reade Street,
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for October 21, 1987, in the City Hall, Room 16, Manhattan, 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 2E
22 Reade Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office—Room 2E, 22 Reade Street.)

Subject _____

Date of Hearing _____ Calendar No.: _____

Borough _____ Identification No.: _____

CB No.: _____

Position:

Opposed _____

In Favor _____

Comments: _____

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

WEDNESDAY, September 30, 1987

APPROVAL OF MINUTES OF Special Meetings of August 17th and 26th,
1987
and Regular Meeting of September 2, 1987

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS
TO BE SCHEDULED FOR
WEDNESDAY, OCTOBER 21, 1987
STARTING AT 10 A.M.
IN CITY HALL
NEW YORK, NEW YORK**

BOROUGH OF MANHATTAN

No. 1

CD 2

C 870508 ZSM

IN THE MATTER OF an application submitted by 547 Broadway Realty Inc./Richard Potofsky, pursuant to Section 74-782 of the Zoning Resolution, for the **grant of a special permit** to modify the provisions of Section 42-14D 1 (b) to **legalize six existing Joint Living-work Quarters for Artists** on the third through sixth floors of **547 Broadway**, on the West side of Broadway between Spring and Prince Streets in Soho (Block 498, Lot 15), in an M1-5B District.

Resolution for adoption scheduling October 21, 1987 for a public hearing.

Nos. 2 and 3

(Disposition of surplus development rights, acquisition and disposition of access easements and the grant of a special permit to allow the development of a 48 story office building on a zoning lot containing the High School of Performing Arts)

No. 2

CD 5

C 880034 PPM

IN THE MATTER OF an application submitted by the New York City Division of Real Property of the Department of General Services pursuant to Section 197-c of the New York City Charter for the **disposition of surplus development rights** from 120 West 46th Street (Block 998, Lot 41) to an adjacent development on Avenue of the Americas (Block 998, Lots 29, 30, 33, 34, 35, 36, 37 and 135) and for the **acquisition and disposition of access easements** and other leasehold easements necessary to effect joint uses within the zoning lot.

Resolution for adoption scheduling October 21, 1987 for a public hearing.

No. 3

CD 5

C 880035 ZSM

IN THE MATTER OF an application submitted by the New York City Landmarks Preservation Commission on behalf of the 46 NYL Partners and the Division of Real Property of the Department of General Services pursuant to Sections 197-c and 200 of the New York City Charter for the **grant of a special permit** pursuant to Section 74-711 of the Zoning Resolution **for the modification of regulations** for use and bulk involving the transfer of floor area across zoning district boundaries, pedestrian circulation space, and the waiver of a mandatory through block connection; and for the grant of a special permit pursuant to Sections 13-462 and 74-52 of the Zoning Resolution for a public parking garage with a capacity of 147 spaces in a C6 District, **to allow the development of a 48 story office building on a zoning lot containing the High School of Performing Arts**, an existing landmarked building, and bounded by West 46th Street, Avenue of the Americas and West 45th Street (Block 998, Lots 29, 30, 33, 34, 35, 36, 37, 41 and 135), within the Special Midtown District.

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

Resolution for adoption scheduling October 21, 1987 for a public hearing.

NOTICE

On October 21, 1987, at 10:00 a.m. in City Hall, New York, a public hearing is being heard 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 Americas Tower office building, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR).

BOROUGH OF STATEN ISLAND

No. 4

CD 2

C 850959 MMR

IN THE MATTER OF an application submitted by Mr. Hadi Salchi, pursuant to Sections 197-c and 199 of the New York City Charter for an **amendment to the City Map** involving the elimination of Conrad Avenue between Rockland and Mohahan Avenues, and the delineation of a sewer easement and sewer easement addition, **to facilitate the development of a single family residential unit.**

Resolution for adoption scheduling October 21, 1987 for a public hearing.

No. 5

CD 1

C 870917 PPR

IN THE MATTER OF an application by the Division of Real Property for the disposition of 54 city-owned properties, pursuant to Section 197-c of the New York City Charter.

A list and description of the properties are on file and can be seen at the Department of City Planning, 22 Reade Street, Room 2E, New York, New York.

Resolution for adoption scheduling October 21, 1987 for a public hearing.

No. 6

CD 2, 4, 6

C 870897-899 PPX

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

<u>Community Board No.</u>	<u>No. of Properties</u>	<u>ULURP No.</u>
2	1	C 870897 PPX
4	2	C 870898 PPX
6	1	C 870899 PPX

A list and description of the properties are on file and may be seen at the Department of City Planning, 22 Reade Street, Room 2E, New York, New York.

Resolution for adoption scheduling October 21, 1987 for a public hearing.

No. 7

CB 12

C 850824 BFX

IN THE MATTER OF an application by Dorcal Edenwald, Inc., to provide local van service between the White Plains Road subway station at East 233rd Street and Seton Avenue.

Resolution for adoption scheduling October 21, 1987 for a public hearing.

No. 8

CB 1, 3, 5, 6

C 870817-820 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 the following 13 city-owned vacant lots:

<u>ULURP No.</u>	<u>CD</u>	<u>No. of Properties</u>
C 870817 PPX	1	2
C 870818 PPX	3	4
C 870819 PPX	5	4
C 870820 PPX	6	<u>3</u>
		13

A list and description of the properties are on file and may be seen at the Department of City Planning, 22 Reade Street, Room 2E, New York, New York.

Resolution for adoption scheduling October 21, 1987 for a public hearing.

BOROUGH OF BROOKLYN

No. 9

CB 1

C 870675 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 37 city-owned properties.

A List and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

Resolution for adoption scheduling October 21, 1987 for a public hearing.

Nos. 10 and 11

(Selection and acquisition of property and grant of a special permit to permit a proposed family residence shelter on the northeast corner of Ditmas Avenue and East 58th Street)

No. 10**CB 17****C 870512 PSK**

IN THE MATTER OF an application submitted by the Human Resources Administration, pursuant to Section 197-c of the New York City Charter for the **selection and acquisition of property located on the northeast corner of Ditmas Avenue and E. 58th Street** (Block 7916, Lots 1, 3 and a triangular area formerly in the bed of Ditmas Avenue and not yet assigned a tax lot number), as more specifically described in a diagram provided by the Human Resources Administration and dated August 2, 1987, **for the rehabilitation of an existing building as a family residence shelter for 100 homeless families.**

Resolution for adoption scheduling October 21, 1987 for a public hearing.

No. 11**CB 17****C 880026 ZSK**

IN THE MATTER OF an application submitted by the New York City Human Resources Administration pursuant to Section 197-c and 200 of the New York City Charter and Section 74-902 of the Zoning Resolution for the **grant of a special permit** to permit the allowable community facility floor area ration of Section 24-11 (Maximum Floor Area Ratio and Percent of Lot Coverage) to apply to a proposed non-profit institution with sleeping accommodations at the northeast corner of Ditmas Avenue and East 58th Street (Block 7916, Lots 1 and 3 and a triangular area formerly in the bed of Ditmas Avenue).

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

Resolution for adoption scheduling October 21, 1987 for a public hearing.

No. 12

CB 2, 3

C 870676-677 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 the following 60 city-owned properties:

<u>ULURP No.</u>	<u>CB No.</u>	<u>No. of Properties</u>
C 870676 PPK	2	12
C 870677 PPK	3	48

A list and description of properties are on file and may be seen at the Department of City Planning, Room 2E, 22 Reade Street, New York, New York.

Resolution for adoption scheduling October 21, 1987 for a public hearing.

No. 13

CB 2, 3, 4, 10

C 870900-903 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 the following 26 city-owned properties:

<u>ULURP No.</u>	<u>CB</u>	<u>No. of Properties</u>
C 870900 PPK	2	3
C 870901 PPK	3	15
C 870902 PPK	4	7
C 870903 PPK	10	1

A list and description of properties are on file and may be seen at the Department of City Planning, Room 2E, 22 Reade Street, New York, New York.

Resolution for adoption scheduling October 21, 1987 for a public hearing.

II. PUBLIC HEARING
BOROUGH OF MANHATTAN

No. 14

CD 11

C 870316 ZSM

PUBLIC HEARING

IN THE MATTER OF an application submitted by **Terrence Cardinal Cooke Health Care Center**, pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-90 of the Zoning Resolution to decrease existing Developmentally Disabled Beds and to increase the number of Nursing Home Beds, and to renovate other existing Hospital areas for Nursing Home use, in an existing building at **1249 Fifth Avenue**, in the block bounded by Fifth Avenue, East 105th Street, Madison Avenue, and East 106th Street.

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

(On September 2, 1987, Cal. No. 4, the Commission scheduled September 30, 1987 for a public hearing which was duly advertised.)

Close the hearing.

No. 15

CD 11

C 870766 PSM

PUBLIC HEARING

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **selection and acquisition of city-owned property located at 1680 Lexington Avenue** bounded by East 105th Street, Park Avenue, and East 106th Street (Block 1633, Lot 13), as more specifically described in a diagram provided by the Human Resources Administration and dated April 6, 1987), **for the renovation of an existing five-story building for use as a 250 bed, Tier II Family Residence Center.**

(On September 2, 1987, Cal. No. 5, the Commission scheduled September 30, 1987 for a public hearing which was duly advertised.)

Close the hearing.

No. 16

CD 5, 6

N 880060 BDM

PUBLIC HEARING

IN THE MATTER OF an application by the Office of Business Development pursuant to Section D3-4.0(c) Title D of Chapter 3 of the Administrative Code of the City of New York (Business Improvement Districts) of the **District Plan for the Grand Central Area**.

(On September 2, 1987, Cal. No. 6, the Commission scheduled September 30, 1987 for a public hearing which was duly advertised.)

Close the hearing.

 No. 17

CD 2

C 870586 ZSM

PUBLIC HEARING

IN THE MATTER OF an application, pursuant to Section 74-781 of the Zoning Resolution for the City of New York, by F.D.R. Industries requesting a **Special Permit** to modify Section 42-14 D2(b) to allow in a M1-5B Zoning District the conversion to Use Group 6 on the ground floor in a building whose coverage exceeds 3,600 square feet located on the east side of Broadway between Bond and Great Jones Streets (670 Broadway).

(On September 2, 1987, Cal. No. 7, the Commission scheduled September 30, 1987 for a public hearing which was duly advertised.)

Close the hearing.

 CITYWIDE

No. 18

Citywide

N 880172 ZRY

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 12-10, amending the definition of "predominantly built-up area" to protect existing

single and two family detached and semi-detached residences in R4 and R5 districts in "predominantly built-up areas" as follows:

Matter in **bold** is new;

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

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

12-10 Definitions

* * *

Predominantly Built-Up Area

A "predominantly built-up area" is a *block* having a maximum area of 4 acres in R4 and R5 districts which is developed with *buildings* on *zoning lots* comprising 50 percent or more of the area of the *block* including a *commercial district* mapped within such *residential district*.

All such *buildings* shall have certificates of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit. Special optional regulations applying only to *zoning lots* of not more than 1.5 acres in a *predominantly built-up area* as set forth in the following sections:

Section 23-14 (Minimum Open Space Ratio and Maximum Floor Area Ratio in R1 through R9 Districts)

Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room)

Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalentents)

Section 23-631 (Front Setbacks in districts where front yards are required)

Section 23-691 (Special height regulations for developments in predominantly built-up areas)

Section 25-22 (Requirements Where Individual Parking Facilities are Provided)

Section 25-23 (Requirements Where Group Parking Facilities are Required)

However, these provisions shall not apply to any *zoning lot* occupied as of July 1, 1987 by a *single* or *two family detached* or semi-detached *residence* where 75 percent or more of the aggregate length of the *block fronts* in *residential use* on both sides of the *street* facing each other are occupied by such *residences* as of July 1, 1987.

* * *

(On September 2, 1987, Cal. No. 63, the Commission scheduled September 30, 1987 for a public hearing which has been duly advertised.)

Close the hearing.

CITYWIDE

No. 19

Citywide

N 851092 ZRY

CONTINUED PUBLIC HEARING:

IN THE MATTER OF amendments to the Zoning Resolution, pursuant to Section 200 of the New York City Charter, establishing a new Section 73-53 permitting enlargements or extensions of certain manufacturing or related uses by special permit of the Board of Standards and Appeals as follows:

Text in **bold type** is new.

Text in [brackets] is old, to be deleted.

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

73-40 MODIFICATION OF USE OR PARKING REGULATIONS

73-41

General Provisions

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-42 to 73-[52] 53, the Board shall have the power to permit modification of *use* or parking regulations of this Resolution, and shall have the power to impose appropriate conditions and safeguards thereon.

* * *

73-53 Enlargement or Extensions of Certain Manufacturing or Related Uses

(a) In all districts, the Board may modify *use* and *bulk* regulations to permit the *enlargement* or *extension* of a conforming or *non-conforming use* listed in Section 15-58, provided that

- (1) such *use* is not subject to termination pursuant to Section 52-70 et seq;
- (2) the *use* for which such special permit is being sought has been lawfully located on the *zoning lot* on which the expansion is to occur, or a portion thereof, for five years or more;
- (3) the *building* in which such *use* is located has not been *enlarged* pursuant to Section 43-121: and

(4) the *use* is not listed in Use Group 18.

(b) Any *enlargement* or *extension* permitted pursuant to this Section shall be subject to the following requirements:

(1) The permitted *enlargement* or *extension* may be the greater of:

(i) 45% of the *floor area* occupied by such *use* on (effective date of this amendment); or

(ii) 2,500 square feet.

The maximum permitted *enlargement* or *extension* shall be 10,000 square feet additional to the *floor area* existing on (effective date of this amendment).

(2) Unless located within an M2 or M3 District more than 300 feet from a *Residence District* boundary, any *enlarged* or *extended* portion, or activity generated by such *enlargement* or *extension*, including storage and processing, shall be in *completely enclosed buildings*.

(3) In the case of a *non-conforming use*, such *enlarged* or *extended use* shall conform to all performance standards applicable in a M1 District located at the boundary with a *Residence District*. *Conforming uses* shall conform to the applicable performance standards of the district in which they are located.

(4) No open *uses* of any kind, including storage or processing, shall be permitted within 30 feet of the *rear lot line* that is located within a *Residence District* or within 30 feet of the *rear lot line* that coincides with a *rear lot line* of a *zoning lot* in a *Residence District*.

(5) No *enlargement* or *extension* that exceeds 16 feet above *curb level* shall be permitted within 30 feet of the *rear lot line* of a *zoning lot* in a *Residence District*.

(6) No *enlargement* or *extension* that exceeds 16 feet above *curb level* shall be permitted within 8 feet of the *side lot line* that coincides with a *rear lot line* of a *zoning lot* in a *Residence District*.

(7) No open *uses* of any kind, including storage or processing, shall be permitted within 8 feet of the *side lot line* that coincides with a *rear lot line* of a *zoning lot* in a *Residence District*.

(8) No *enlargement* or *extension*, or open *uses* of any kind, including storage or processing, shall be permitted within 8 feet of the *lot line* which coincides with a *side lot line* of a *zoning lot* in an R1, R2, R3, R4 or R5 District.

(9) No *side yard* shall be required in an R6, R7, R8, R9, or R10 District or in a *Commercial* or *Manufacturing District*. However, if such *side yard* is provided, it must be at least 8 feet in width.

(c) In granting such special permit, the Board shall find:

- (1) that such *enlargement* or *extension* will not generate vehicular or pedestrian congestion in the surrounding area;
- (2) that there will be adequate parking for any vehicles generated by such *enlargement* or *extension*;
- (3) that any required *side yard* shall be suitably landscaped or fenced as the Board shall prescribe;
- (4) that any *accessory* parking or loading generated by such *enlargement* or *extension* shall be suitably buffered from adjacent *uses* by methods that the Board shall prescribe; and
- (5) that the special permit, if granted, will not alter the essential character of the neighborhood or district in which the *use* is located, nor impair the future *use* or *development* of the surrounding area.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects of the *enlargement*, *extension* or existing *uses* on the character of the surrounding area, and to protect *residential* or *commercial zoning lots*.

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

Close the hearing.

BOROUGH OF STATEN ISLAND

Nos. 20 and 21

(Selection of property and grant of a special permit for the construction of the Hill Street Police Station)

No. 20

CD 1

C 870243 PSR

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the NYC Police Department pursuant to Section 197-c of the New York City Charter for the **selection of property located on the south side of Hill Street** between Warren Street and Tompkins Avenue (Block 556, Lot 100), **for the construction of a police station with an accessory parking lot.**

(On September 2, 1987, Cal. No. 8, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

No. 21

CD 1

C 870303 ZSR

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the NYC Police Department pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-67 of the Zoning Resolution for the **grant of a special permit for the construction of a police station with an accessory parking lot** in a residential district **on property located on the south side of Hill Street** between Warren Street and Tompkins Avenue (Block 556, Lot 100).

Plans for this proposed special permit for a police station in a residential district are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, New York 10007.

(On September 2, 1987, Cal. No. 9, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

Nos. 22 and 23

(Authorization, Open Space Zoning text change and modification of the South Richmond District Plan)

No. 22

CD 3

N 860513 RAR

PUBLIC HEARING:

IN THE MATTER OF an application pursuant to Section 107-65 and 107-23 of the Zoning Resolution from Michael Morraco, granting **certification for school seats and authorization** for modification of topography in order to construct a one family home at 116 Colon Street, block 6565, Lot 30, Staten Island, New York.

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.

(On September 2, 1987, Cal. No. 10, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

No. 23

CD 3

N 870809 ZRR

PUBLIC HEARING:

IN THE MATTER OF an application pursuant to Section 107-21 of the Zoning Resolution from the Staten Island Office of the Department of City Planning for a **zoning text amendment, modification of the South Richmond District Plan and designated open space on Map 33b, bed of Deisius Street, Staten Island.**

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

(On September 2, 1987, Cal. No. 11, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

BOROUGH OF THE BRONX

No. 24

CD 1

C 870614 PSX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the N.Y.C. Board of Education pursuant to Section 197-c of the New York City Charter for the **selection and acquisition of property located at 170 Brown Place** between East 135th Street and East 136th Street (Block 2263, Lot 1), **for the renovation of a school for emotionally handicapped students.**

(On September 2, 1987, Cal. No. 12, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

No. 25

CD 5

C 880001 HDX

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 proposed to be disposed, **2130 Tiebout Avenue**, is located on the westerly side of Tiebout Avenue between East 182nd and East 183rd Streets (Tax Block 3143, Lot 33) and comprises a substantially-occupied five-story new law walk-up building with 33 residential units. The property is **proposed for disposition** to an Article XI Housing Development Fund Corporation **for the purpose of providing housing for low and moderate income families.**

(On September 2, 1987, Cal. No. 13, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.

Close the hearing.

No. 26

CD 5

C 870457 PSX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the New York Public Library pursuant to Section 197-c of the New York City Charter for the **selection and acquisition of property located** on the northwest corner of **West 176th Street and University Avenue**, (Block 2878, Lot 224), **for the construction of a new branch library building.**

(On September 2, 1987, Cal. No. 14, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

Nos. 27 and 28

(Amendment to the Zoning Map and selection and acquisition of property to permit transitional housing for women and a central kitchen for the provision of food for other shelters)

No. 27

CD 4

C 870708 ZMX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the New York City Human Resources Administration pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning map, Section No. 3d, changing from an M1-1 District to an R7-1 District** property bounded by East 166th Street, Webster Avenue (Gillispie Square), East 165th Street, and a line midway between Webster Avenue and Clay Avenue and establishing within the existing and proposed R7-1 District a **C2-4 District** bounded by East 166th Street, Webster Avenue (Gillispie Square), East 165th Street and a line 100 feet west of Webster

Avenue, to permit supported housing for 300 homeless women and a central kitchen for the provision of food services to shelters for the homeless throughout the City, as shown on a diagram dated July 20, 1987.

(On September 2, 1987, Cal. No. 15, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

No. 28

CD 4

C 870510 PSX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Human Resources Administration, pursuant to Section 197-c of the New York City Charter for the **selection and acquisition of property located at 1075 Webster Avenue** between E. 165 and E. 166th Streets (Block 2425, Lot 20), for the rehabilitation of an existing building to **provide supported housing for 300 homeless women and a central kitchen for the provision of food services to shelters for the homeless throughout the City.**

(On September 2, 1987, Cal. No. 16, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

No. 29

CD 12

C 870930 PLX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **selection and leasing of an existing two-story residential building located at 1151 East 224th Street**, bounded by Laconia Avenue, East 225th Street, and Schieffelin Avenue (Block 4903, Lot 20), as more specifically described in a diagram provided by Human Resources Administration and dated June 5, 1987, **for the operation of a group home for seven young men between the ages of 18-21 years.**

(On September 2, 1987, Cal. No. 17, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

BOROUGH OF BROOKLYN

No. 30

CD 3

C 870739 PPK

PUBLIC HEARING:

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

A list and description of properties can be seen at 22 Reade Street, Room 2E, New York, New York.

(On September 2, 1987, Cal. No. 18, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

No. 31

CD 4

C 870569 PSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the New York City Housing Authority, pursuant to Section 197-c of the New York City Charter for the selection and acquisition of property bounded by Central Avenue, Forrest Street, Wilson Avenue and Noll Street, (Block 3148, Lots 1, 13, 48, 49, 50, 51 and 53) for the construction of a new six-story police facility to replace the existing over crowded police service facility located at the Whitman Houses.

(On September 2, 1987, Cal. No. 19, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

No. 32

CD 7, 8, 16

C 870828-830 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 fourteen (14) City-owned properties.**

<u>ULURP No.</u>	<u>CD</u>	<u>No. of Properties</u>
C 870828 PPK	7	2
C 870829 PPK	8	4
C 870830 PPK	16	8

A description of the properties are on file and can be seen at the Department of City Planning, 22 Reade Street, Room 2E, New York, New York.

(On September 2, 1987, Cal. No. 2, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 33

CD 7

C 851129 ZMQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Carlyle Club Corp. pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning Map**, Section Numbers 10b and 10d, changing from an R6 District to an R7-1 District, property bounded by Kissena Boulevard, a line 250 feet north of Elder Avenue, Colden Street, a line 200 feet south of Franklin Avenue, a line perpendicular to Franklin Avenue distant 295 feet easterly of the intersection of Franklin Avenue and Colden Street, and Franklin Avenue **to allow the development of a 14-story residential building known as the Carlyle Club**, and also to reflect the existing development on this block 250 feet north of Elder Avenue, as shown on a diagram dated July 20, 1987.

(On September 2, 1987, Cal. No. 1, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

No. 34

CD 12

C 870715 PLQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Human Resources Administration, pursuant to Section 197-c of the New York City Charter for the **selection and leasing for seven years of property located at 122-02 Lucas Street** between 122nd Avenue and Nashville Boulevard (Block 12705, Lot 30), **for the continued operation of an agency operated boarding home for six children.**

(On September 2, 1987, Cal. No. 2, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

No. 35

CD 7

C 870995 PLQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the **selection and leasing of an existing two-story residential building located at 171-27 Gladwin Avenue**, bounded by Auburndale Lane, Effington Avenue and Fresh Meadow Lane (Block 5578, Lot 13), more specifically described in a diagram provided by the Human Resources Administration and dated June 26, 1987, **for the operation of an Agency Operated Children's Home (AOCH) for six infants** between the ages of 0-2 years.

(On September 2, 1987, Cal. No. 3, the Commission scheduled September 30, 1987 for a Public hearing which was duly advertised.)

Close the hearing.

CB 5

N 880099 BDQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Office of Business Development pursuant to Section D3-4.0(c), Title D of Chapter 3 of the Administrative Code of the City of New York (Business Improvement Districts) of the **Myrtle Avenue District Plan**.

(On September 14, 1987, Cal. No. 1, the Commission scheduled September 30, 1987 for a public hearing which has been duly advertised.)

Close the hearing.

III. REPORTS

BOROUGH OF MANHATTAN

No. 37

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.

(On August 5, 1987, Cal. No. 7, the Commission scheduled September 2, 1987 for a Public hearing. On September 2, 1987, Cal. No. 23, the hearing was closed.)

For consideration.

No. 38

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 Sections 13-462 and 74-52 of the Zoning Resolution for the **grant of a special permit for a public parking lot** with a capacity of 469 spaces on property located on the east side of 12th Avenue between West 29th Street and West 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 3N, 22 Reade Street, New York, New York 10007.

(On August 5, 1987, Cal. No. 8, the Commission scheduled September 2, 1987 for a Public hearing. On September 2, 1987, Cal. No. 24, the hearing was closed.)

For consideration.

No. 39

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.

(On August 5, 1987, Cal. No. 9, the Commission scheduled September 2, 1987 for a Public hearing. On September 2, 1987, Cal. No. 25, the hearing was closed.)

For consideration.

Nos. 40 and 41

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

No. 40**CD 10 & 11****C 870695 HUM**

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.

(On July 8, 1987, Cal. No. 50, the commission scheduled August 5, 1987 for a public hearing. On August 5, 1987, Cal. No. 31, the hearing was continued to September 2, 1987. On September 2, 1987, Cal. No. 30, the hearing was closed.)

For consideration.

No. 41**CD 10 & 11****C 870696 HDM**

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.

(On July 8, 1987, Cal. No. 51, the Commission scheduled August 5, 1987 for a public hearing. On August 5, 1987, Cal. No. 32, the hearing was continued to September 2, 1987. On September 2, 1987, Cal. No. 31, the hearing was closed.)

For consideration.

CITYWIDE

No. 42

Citywide

N 870607 ZRY

(Amendments to the Zoning Resolution related to duplicate definitions.)

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.]

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*.

* * *

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 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.

* * *

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	Rooms 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*.

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*.

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*.

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*.

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 12-10.]

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.

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*.]

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)

* * *

[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).]

(On August 5, 1987, Cal. No. 14, the Commission scheduled September 2, 1987 for a public hearing. On September 2, 1987, Cal. No. 32 the hearing was closed.)

For consideration.

No. 43

Citywide

N 870655 ZRY

[Proposed amendment of Section 73-19 and 74-921 of the Zoning Resolution with respect to **buffering requirements** 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 is 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 is 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.**

* * *

(On August 5, 1987, Cal. No. 15, the Commission scheduled September 2, 1987 for a Public hearing. On September 2, 1987, Cal. No. 33, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

Nos. 44, 45, 46, 47, 48, 49 and 50

Seven authorizations for approval for properties located in the Special Natural Area District of Staten Island.)

No. 44

CD 2

N 860590 ZAR

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from Dr. B. Mittal, for the **grant of authorizations** involving modification of topography and alteration of the botanic environment on **property located on 180 Four Corners Road. Block 894 Lot 166.**

Plans for the proposed in-ground swimming pool and tennis court are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, New York.

For consideration.

No. 45

CD 2

N 861061 ZAR

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from Dennis Dell'Angelo, A.I.A., for the **grant of authorizations** involving modification of topography and alteration of the botanic environment requiring the planting of nine (9) new 4-inch caliper trees and the removal of ten (10) trees on **property located on 311 Lighthouse Avenue**. Block 2276, Lot 66.

Plans for the proposed single family dwelling are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, New York.

For consideration.

No. 46

CD 2

N 870076 ZAR

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from R. and A. Brusco, for the **grant of authorizations** involving modification of topography and alteration of the botanic environment requiring the addition of three (3) new 4-inch caliper trees on **property located on 61 Portsmouth Avenue**. Block 684, Lot 188.

Plans for the proposed amendment to application N 790866 ZAR are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, New York.

For consideration.

No. 47

CD 2

N 870120 ZAR

IN THE MATTER OF an application, pursuant to Section 105-423 of the Zoning Resolution, from Frank J. Forte, for the **grant of an authorization** involving alteration of the botanic environment requiring the substitution of trees and shrubbery for the removal of five (5) trees on **property located on 6 Mohn Place**. Block 684, Lot 227.

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

For consideration.

No. 48

CD 2

N 870524 ZAR

IN THE MATTER OF an application, pursuant to Section 105-423 of the Zoning Resolution from Albert Melniker, A.I.A., for the **grant of authorization** involving the alteration of botanic environment including the removal of seven (7) trees on **property located at Moravian Cemetery**. Block 934. Portion of Lot 510.

Plans for the proposed grave plots are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, New York.

For consideration.

No. 49

CD 2

N 870775 ZAR

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution from Ronald D. Victorio, R.A., for the **grant of authorizations** involving modification of topography and alteration of the botanic environment including the removal of thirty-seven (37) trees on **property located at 118 Hitchcock Avenue**. Block 2258, Lot 61.

Plans for the proposed single family dwelling are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, New York.

For consideration.



No. 50

CD 2

N 870076 ZAR

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from R. and A. Brusco, for the **grant of authorizations** involving modification of topography and alteration of the botanic environment requiring the addition of three (3) new 4-inch caliper trees on **property located on 61 Portsmouth Avenue**. Block 684, Lot 188.

Plans for the proposed amendment to application N 790866 ZAR are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, New York.

For consideration.



No. 51

CD 3

N 870873 ZRR

IN THE MATTER OF an application pursuant to Section 107-21 of the Zoning Resolution from the Department of City Planning, granting **amendment to the Zoning Resolution for modification of Designated Open Space at 5638 and 5644 Amboy Road**, Block 6651, Lots 17 and 19 in order to protect an existing stream.

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.

(On June 17, 1987, Cal. No. 18, the Commission scheduled July 8, 1987 for a public hearing. On July 8, 1987, Cal. No. 39, the hearing was closed.)

For consideration.



BOROUGH OF THE BRONX

Nos. 52 and 53

(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. 52

CD 8

C 870807 ZMX

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. On August 5, 1987, Cal. No. 39, the hearing was continued to September 2, 1987. On September 2, 1987, Cal. No. 37, the hearing was closed.)

For consideration.

 No. 53

CD 8

C 870808 HAX

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

Approval of three separate matters is requested:

- 1) The designation as an Urban Development Action Area 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. On August 5, 1987, Cal. No. 40, the hearing was continued to September 2, 1987. On September 2, 1987, Cal. No. 38, the hearing was closed.)

For consideration.

No. 54

CD 8

N 870977 ZAX

IN THE MATTER OF an application submitted by **Delafield Estates Associates** requesting **authorizations**, pursuant to Sections 78-311(d), 78-311(e) and 105-421 of the Zoning Resolution for the amendment of a previously approved large-scale residential development (C 800366 ZSX) involving modification of six units of the 33 unit development on property located within the block bounded by Douglas Avenue, West 246th Street, Independence Avenue and West 240th Street, within the Special Natural Area District 2 (NA-2), Block 5920, Lot 513.

For consideration.

BOROUGH OF BROOKLYN

No. 55

CD 1 and 3

C 860023 GFK

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. On August 5, 1987, Cal. No. 20, the hearing was continued to September 2, 1987. On September 2, 1987, Cal. No. 44, the hearing was closed.)

For consideration.

 BOROUGH OF QUEENS

No. 56

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

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.