

HELD IN CITY HALL, NEW YORK, NEW YORK

CAL. No.	C.P. No.	REPORTS TO BOE	CPC ACTION	CAL No.	C.P. No.	REPORTS TO BOE	CPC ACTION
1	C 891037 PSR		<i>Scheduled to</i>	51	C 891036 PSM	✓	<i>Fav. Rept. Adopted</i>
2	C 890400 PLR		<i>to be heard 11/27</i>	52	C 890676 PPM		<i>Land Over</i>
3	C 890601 PPM			53	C 900080 HDM	✓	<i>Fav. Rept. Adopted</i>
4	C 890510 HUM			54	C 891014 HDM	✓	" "
5	C 900082 HDM			55	C 880802 HUM		" "
6	C 880506 ZMM			56	C 880544 ZSM		" "
7	C 880507 ZSM			57	N 870417 ZAZ		<i>Auth. Approved</i>
8	C 890856 MMM NOTICE			58	C 880136 MMX	✓	<i>Fav. Rept. Adopted</i>
9	C 870307 ZSM NOTICE			59	C 890792 PPX	✓	" "
10	C 900052 ZMM			60	C 890236 MMQ	✓	" "
11	N 900053 ZRM			*61	C 890787 PLQ		" "
12	C 890353 ZSM			*62	C 890987 PLO		" "
13	C 890354 ZSM			63	C 890968 PPO	✓	" "
14	C 891068 ZMM NOTICE			*64	C 890785 PLQ	✓	" "
15	C 900129 HDM			*65	C 890786 PLQ	✓	" "
16	N 900170 ZRM			*66	C 890982 PLQ	✓	" "
17	N 890513 ZRY			67	C 880723 ZSK		<i>Land Over</i>
18	N 900158 ZRY			68	C 890247 HAK		" "
19	N 900159 ZRY			69	C 890248 ZMK		" "
20	C 890737 PPX			70	C 890833 PLK		" "
21	C 890740 PPX			71	C 890742 PPK	✓	<i>Fav. Rept. Adopted</i>
22	C 891029 PSX			72	C 890743 PPK	✓	" "
23	C 900137 HDX			73	C 890871 HDK	✓	" "
24	C 900030 PPK			74	C 890874 HDK	✓	" "
25	C 890950 PPK			75	C 891003 HDK	✓	" "
26	C 890955 PPK			76	C 891004 HDK	✓	" "
27	C 890205 MMQ			77	C 891006 HDK	✓	" "
28	C 890918 PLO			78	C 891008 HDK	✓	" "
29	C 831294 MMQ			79	C 891009 HDK	✓	" "
30	AMENDMENT TO (ULURP)		<i>Hearing Closed</i>	80	C 891010 HDK	✓	" "
31	C 860587 MMR		" "	81	C 900083 HDK	✓	" "
32	C 900131 HDM		" "	82			
33	C 900132 HDM		" "	83			
34	C 900133 HDM		" "	84			
35	C 890584 ZSM		" "	85			
36	N 881029 ZRM		" "	86			
37	N 900248 ZRY		" "	87			
38	N 890808 (A) ZRY		" "	88			
39	C 890445 PSQ		" "	89			
40	N 890446 MMQ		" "	91			
41	C 890986 PLQ		" "	92			
42	C 890832 PLK		" "	*MEETING ADJOURNED AT: 11:40 P.M.			
43	C 890834 PLK		" "	COMMISSION ATTENDANCE			
44	C 890991 PLK		" "	Sylvia Deutsch, Chairperson ✓			
45	C 891005 HDK		" "	Denise Scheinberg, Vice " ✓			
46	C 900135 HDK		" "	Salvatore C. Gagliardo ✓			
47	C 900136 HDK		" "	Marilyn Mammano ✓			
48	N 900034 RAR		<i>Auth. Approved</i>	*Wm. Gary McNeil ✓			
49	N 890726 ZAR		" "	Daniel T. Scannell, Comm. ✓			
50	C 900079 HDM		<i>Fav. Rept. Adopted</i>	Lois McDaniel Calendar Officer (212) 720-3370			

Logged 11/2/89 By M. O'Neill

\* Comm. McNeil Voted No. on cal. Nos 61, 62, 64, 65, 66

**COMPREHENSIVE  
CITY PLANNING CALENDAR**

of

**The City of New York**

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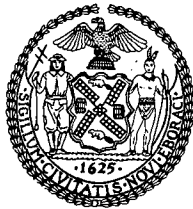
**CITY PLANNING COMMISSION**

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**WEDNESDAY, NOVEMBER 8, 1989**

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



**Edward I. Koch, Mayor**

**City of New York**

**[No. 21]**

**Prepared by Lois McDaniel, Calendar Officer**

## CITY PLANNING COMMISSION

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### 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 hearing 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.

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**CALENDARS:** Any member of a Community 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 may do so by sending a certified check, made out to the **City of New York—Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216. The fee, including tax, is \$64.95 for a two year subscription.

**For Calendar Information:** call (212) 720-3368, 3369, 3370.

**Note to Subscribers:** Notify us of change of address by writing to:

**City Planning Commission**  
Calendar Information Office  
22 Reade Street—Room 2E  
New York, New York 10007-1216

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## CITY PLANNING COMMISSION

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

SYLVIA DEUTSCH, *Chairperson*

DENISE M. SCHEINBERG, *Vice Chairperson*

SALVATORE C. GAGLIARDO

MARILYN MAMMANO

WM. GARRISON McNEIL

DANIEL T. SCANNELL, *Commissioners*

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.

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## ORDER OF BUSINESS AND INDEX

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WEDNESDAY, November 8, 1989

Roll Call; approval of minutes .....	1
I. Scheduling November 29, 1989 .....	1
II. Public Hearings .....	81
III. Reports .....	160

**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  
November 29, 1989, 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 view on an item in this calendar, but who cannot or does 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 at the above address.)

Subject \_\_\_\_\_

Date of Hearing \_\_\_\_\_ Calendar No. \_\_\_\_\_

Borough \_\_\_\_\_ Identification No.: \_\_\_\_\_

CB No.: \_\_\_\_\_

Position:

Opposed \_\_\_\_\_

In Favor \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Organization (if any) \_\_\_\_\_

Address \_\_\_\_\_ Title: \_\_\_\_\_

WEDNESDAY, November 8, 1989

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APPROVAL OF MINUTES OF Regular Meeting of October 4, 1989.

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS  
TO BE SCHEDULED FOR WEDNESDAY, NOVEMBER 29, 1989  
STARTING AT 10 A.M.  
IN CITY HALL  
NEW YORK, NEW YORK**

**BOROUGH OF STATEN ISLAND**

**No. 1**

**CD 3**

**C 891037 PSR**

**IN THE MATTER OF** an application submitted by the New York City Department of Parks and Recreation pursuant to Section 197-c of the New York City Charter to **select and acquire 23 acres of privately owned property** bounded by Fairfield Street, Corbin Avenue, Barlow Avenue, Greaves Avenue, Islington Street, and Miles Avenue (Block 4581, Lots 1, 3, 35, 40, 43, 45, 50, 51, and 53; Block 4582, Lot 1; Block 4584, Lot 1; Block 4585, Lot 1; Block 4593, Lot 30; Block 4594, Lot 1; Block 4595, Lot 1; Block 4601, Lots 1, 6, and 59), **to establish a new community park and nature preserve.**

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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**No. 2**

**CD 1**

**C 890400 PLR**

**IN THE MATTER OF** an application submitted by the New York City Department of Transportation pursuant to Section 197-c of the New York City Charter **for the leasing of ten years of private property located at 1893 Richmond Terrace** (Block 185 part of Lot 501), **for use as a vehicle maintenance and repair shop.**

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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**BOROUGH OF MANHATTAN****No. 3****CD 1****C 890601 PPM**

**IN THE MATTER OF** an application submitted by the New York City Public Development Corporation acting on behalf of the Port Authority of New York and New Jersey pursuant to Section 6608 of the Unconsolidated Laws of New York State and Section 197-c of the New York City Charter involving the **disposition of easements pertaining to 7 World Trade Center.**

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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**No. 4****CD 1****C 890510 HUM**

**IN THE MATTER OF** an amendment to the **Washington Street Urban Renewal Plan**, for the Washington Street Urban Renewal Area, pursuant to Section 505, article 15 of the General Municipal (Urban Renewal) Law of New York State, and Section 197-c of the New York City Charter.

The proposed amendment provides for:

The elimination of the north-south pedestrian easement from parcel #6, and the creation of parcel 5D for the existing Public School 234, by reducing the size of parcel 5C.

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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**No. 5****CD 10****C 900082 HDM**

**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, **352 West 115th Street** (Tax Block 1849, Lot 16), on the southerly side of West 115th Street between Morningside and Manhattan avenues, is a five-story old law walk-up building with 10 residential units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

The property has been managed and maintained by a local community group since May 15, 1981, under HPD's Community Management Program.

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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**Nos. 6, 7 and 8**

*(Applications for the grant of an amendment of the Zoning Map, Special Permits and amendments to the City Map concerning Manhattan West.)*

**No. 6**

**CD 7**

**C 880506 ZMM**

**IN THE MATTER OF** an application submitted by the Brodcom West Development Co. pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning Map**, Section 8c:

- 1) changing from M1-4 and M1-6 Districts to a C4-2F District property bounded by West End Avenue, West 63rd Street, a line passing through two points: one, a point 450 feet easterly of Lincoln Boulevard and 70 feet northerly of West 61st Street, and the other on the northerly side of West 63rd Street distant 250 feet easterly of Lincoln Boulevard, a line passing through two points: one on the last-named point and the other on the northerly side of West 64th Street, distant 180 feet easterly of Lincoln Boulevard, and West 64th Street; and
- 2) changing from M1-4 and M1-6 Districts to a C4-7 District property bounded by West End Avenue, a line passing through two points: one on the westerly side of West End Avenue, distant 40 feet northerly of West 61st Street and the other, a point 450 feet easterly of Lincoln Boulevard and 70 feet northerly of West 61st Street, a line passing through two points: one on the last-named point and the other on the northerly side of West 63rd Street, distant 250 feet easterly of Lincoln Boulevard, and West 63rd Street,

as shown on a diagram dated September 11, 1989.

(NOTE: West 63rd Street and West 64th Street are proposed to be established under related mapping application C 890856 MMM; a map (C 820926 MMM) establishing West 61st Street and Lincoln Boulevard was adopted by the Board of Estimate on September 16, 1982 (Cal. No. 89) but has not been filed by the Borough President's Office.)

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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## No. 7

CD 7

C 880507 ZSM

**IN THE MATTER OF** an application submitted by the Brodcom West Development Company pursuant to Sections 197-c and 200 of the New York City Charter for the **grant of special permits** pursuant to Sections 74-743(a)(1), 74-743(a)(3), 74-744 and 13-461 of the Zoning Resolution to allow distribution of floor area, dwelling units and open space without regard for zoning lot lines, to modify rear yard, distance between buildings, and height and setback regulations, to permit two buildings to be connected by a vehicular tunnel that will be located in a volume of space not mapped as street under West 63rd Street (West 63rd Street is proposed to be established under related mapping application C 890856 MMM), and to allow an accessory parking garage with a maximum capacity of 430 spaces, and also for **authorizations** pursuant to Sections 32-442(b), 13-453 and 74-746 of the Zoning Resolution to authorize the size and configuration of all zoning lots on property including a portion of a permanently discontinued railroad yard and right-of-way, to allow a curb cut on West End Avenue (a wide street), and to allow an accessory off street parking garage to be located without regard for zoning lot lines for a general large scale development, including 1199 dwelling units and 38,395 square feet of commercial floor area, on a triangular site located on the west side of West End Avenue, between West 61st Street and West 64th Street (West 64th Street is proposed to be established under related mapping application C 890856 MMM), within C4-7 and C4-2F Districts (C4-7 and C4-2F districts are proposed to be established under related zoning map amendment application C 880506 ZMM).

(NOTE: Sections 74-74 and 32-44 of the Zoning Resolution are proposed for revision under related applications N 900158 ZRY and N 900159 ZRY, respectively. The special permits and authorizations pursuant to these sections are being sought under the proposed text revisions.)

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 November 29, 1989 for a public hearing.**

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 No. 8

CD 7

C 890856 MMM

**IN THE MATTER OF** an application submitted by Brodcom West Development Company pursuant to Sections 197-c and 199 of the New York City Charter for an **amendment to the City Map** involving

1. the establishment of West 63rd Street from West End Avenue west to the applicant's westerly property line, with the exclusion of a below grade volume;
2. the establishment of West 64th Street from West End Avenue west to the applicant's westerly property line;
3. the establishment of East Tower Drive (parallel to and west of West End Avenue) from the proposed West 64th Street south to the applicant's property line, with the exclusion of a below grade volume;
4. the delineation of a public access easement to a lower limiting plane over the parcels between West 63rd and west 64th streets from West End Avenue to the applicant's westerly property line;
5. the delineation of a public pedestrian access easement to a lower limiting plane over a portion of the proposed private driveway,

and the establishment and adjustment of grades thereof in order to **develop a large scale residential development known as Manhattan West** located in Community District 7, Borough of Manhattan, in accordance with Map No. ACC. 30124 dated September 6, 1989 and signed by the Borough President.

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

### N O T I C E

On November 29, 1989 at 10:00 a.m. in City Hall, New York, a public hearing is being held by the Department of City Planning and the Department of Environmental Protection to receive comments related to the Draft Environmental Impact Statement concerning the proposed Manhattan West Project, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR). No. 86-268.

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No. 9

CD 4

C 870307 ZSM

**IN THE MATTER OF** an application submitted by the West 31st Street Associates pursuant to Sections 197-c and 200 of the New York City Charter for the **grant of a special permit** pursuant to Section 74-681 of the **Zoning Resolution** to **permit the development of a 51-story office building** over the Pennsylvania Station Rail Yard on property located on the northwest corner of Ninth Avenue and West 31st Street (Block 729, Lot 9050), within an M1-6 District.

(NOTE: Section 74-681 of the Zoning Resolution is proposed for revision under related application (N 900159 ZRY) which is being considered concurrently with this application. This special permit is being sought under the proposed text revision.)

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 November 29, 1989 for a public hearing.**

## N O T I C E

On November 29, 1989 at 10:00 a.m. in City Hall, New York, a public hearing is being held by the Department of City Planning and the Department of Environmental Protection to receive comments related to the Draft Environmental Impact Statement concerning the proposed 9th Avenue Tower special permit pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR), No. 86-079.

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### Nos. 10 and 11

*(Application for a Zoning Map change, and Amendment to the Zoning Resolution to establish the Special Jacob K. Javits Convention Center District and to eliminate the Special New York City Convention and Exhibition Center Development District)*

### No. 10

CD 4

C 900052 ZMM

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

- a) eliminating the Special New York City Convention and Exhibition Center Development District (CC), bounded by the northerly street line of West 47th Street and its westerly prolongation, the easterly street line of Eleventh Avenue, the southerly street line of West 45th Street, a line 100 feet west of Eleventh Avenue, the southerly street line of West 44th Street, a line at right angles to West 45th Street at a point 150 feet east of Twelfth Avenue, West 45th Street, Twelfth Avenue, the westerly prolongation of the southerly street line of West 42nd Street, the United States Bulkhead Line of the Hudson River, a line 80 feet north of the north side of Pier 83, the United States Pierhead Line of the Hudson River, a line

150 feet north of the north side of Pier 86 and the United States Bulkhead Line of the Hudson River; and

- b) establishing the Special Jacob K. Javits Convention Center District, bounded by West 39th Street, the easterly boundary line of the railroad right-of-way, a line 450 feet east of Eleventh Avenue, West 34th Street and Eleventh Avenue;

as shown on a diagram dated September 11, 1989.

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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No. 11

CD 4

N 900053 ZRM

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 200 of the New York City Charter for a **zoning text amendment** relating to Section 93-00 **Special New York City Convention and Exhibition Center Development District**, Section 12-10 Definitions and Section 11-12 Establishment of Districts:

- a) eliminating the Special New York City Convention and Exhibition Center District, Article IX, Chapter 3, Article I, Chapter 2, and Article I, Chapter 1 of the Zoning Resolution.
- b) establishing the **Special Jacob K. Javits Convention Center District** Article IX, Chapter 3, Article I, Chapter 2, and Article I, Chapter 1 of the Zoning Resolution.

Matter in ~~striketrough~~ is old, to be omitted.

Matter in *italics* is defined in Section 12-10 and Section 93-01 of the Zoning Resolution.

Matter in **Bold Type** is new.

11-12 Establishment of Districts

\* \* \*

Establishment of ~~Special New York City Convention and Exhibition Center Development~~ **Jacob K. Javits Convention Center District**.

In order to carry out the special purposes of this Resolution as set forth in Article IX, chapter 3, ~~The Special New York City Convention and Exhibition Center Development~~ **Jacob K. Javits Convention Center District** is hereby established.

12-10 Definitions

\* \* \*

~~Special New York City Convention and Exhibition Center Development~~ **Jacob K. Javits Convention Center District**

The "~~Special New York City Convention Center and Exhibition Center Development~~ **Jacob K. Javits Convention Center District**" is a special purpose district designated by the letter CC in which special regulations set forth in Article 9, Chapter 3, apply to all *developments*. ~~The Special New York City Convention Center and Exhibition Center Development~~ **Jacob K. Javits Convention Center District** appears on the Zoning Map superimposed on other districts and, where indicated, its regulations supplement and supersede those of the districts on which it is superimposed insofar as the requirements of Section 93-02 (General Provisions) are satisfied.

\* \* \*

Matter in **bold** is new, to be added.

Matter in ~~striketrough~~ is old, to be omitted.

Matter in *italics* is defined in Section 12-10 and Section 93-01 of the Zoning Resolution.

Article IX

Special Purpose Districts

(continued)

\* \* \*

~~Chapter 3: Special New York City Convention and Exhibition Center Development~~  
District

The entire existing Article IX, Chapter 3 is deleted and replaced by the following text:

**Chapter 3: Special Jacob K. Javits Convention Center District**

**93-00 GENERAL PURPOSES**

The "**Special Jacob K. Javits Convention Center District**" (hereinafter referred to as the "**Special District**") established in this Resolution, is designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) **To encourage redevelopment of the Special District in a manner that is visually and functionally compatible with the Jacob K. Javits Convention Center and to permit the orderly development of the Special District, all of which would serve the interests of the City and State of New York;**

- (b) To provide architectural design flexibility within the Special District to accommodate multi-use structures which are compatible with the *Jacob K. Javits Convention Center*;
- (c) To promote the special character of the Special District by providing an appropriate and compatible setting for the main entrance to the *Jacob K. Javits Convention Center*, and an harmonious urban design context for the *Entry Plaza*;
- (d) To promote the use of the *Jacob K. Javits Convention Center* and its *Entry Plaza* by making the area that surrounds it a safe, attractive and comfortable environment with support services and facilities for visitors to, and users of, the *Convention Center*;
- (e) To ease the movement of pedestrians and improve pedestrian access to the *Jacob K. Javits Convention Center* by establishing a core area with pedestrian circulation improvements and public landscaped open spaces.

### 93-01 Definitions

#### Special *Jacob K. Javits Convention Center District*

The "*Special Jacob K. Javits Convention Center District*" is a special purpose district designated by the letters CC on the Zoning Map in which special regulations set forth in Article 9, Chapter 3, apply to all *developments*. The *Special Jacob K. Javits Convention Center District* appears on the Zoning Map superimposed on other districts and its regulations supplement or supersede those of the zoning districts on which it is superimposed.

#### Development

For the purpose of this Chapter, a "development" shall be the construction of a new *building or other structure* on a *zoning lot*, the relocation of an existing *building* on another *zoning lot*, or an *enlargement* which results in a floor area ratio increase of at least 1.0.

### 93-02 General Provisions

In harmony with the general purpose and intent of this resolution, and in order to achieve the purposes of the Special District, special *use* and *bulk* regulations are established for the Special District. The provisions of this chapter shall apply to all *developments* on a *zoning lot* or a portion of a *zoning lot* within the Special District. Except as modified by the express provisions of this Chapter the regulations of the underlying district remain in effect.

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), or Section 93-01 (Definitions). Where matter in italics is defined both in Section 12-10 (DEFINITIONS) and in this Chapter, the definitions in this Chapter shall govern.

### 93-03 District Plan

The District Plan is set forth in Appendix A Streetscape Controls Map 1 and Street Wall Controls Map 2 of this Chapter.

## 93-10 SPECIAL USE REGULATIONS

### 93-11 Required Retail Frontage

At least 50 percent of a *building's* ground floor or any *story* within five feet of *curb level* with *street* frontage on Eleventh Avenue shall be allocated exclusively to *uses* listed in Use Groups 6A and 6C except for lobby, pedestrian entrance and exit space for other *uses* permitted by the underlying district regulations. Such lobby, exit or entrance space shall not occupy in the aggregate, more than 40 lineal feet or 25 percent of a *zoning lot's street* frontage along Eleventh Avenue, whichever is less.

### 93-12 Limitation on the Location of Residential Uses

Within a distance of 50 feet from Eleventh Avenue, *dwelling units* when permitted by the underlying district regulations shall not be located in any *building* below a height of 85 feet above *curb level*.

## 93-20 SPECIAL BULK REGULATIONS

### 93-21 Required Widened Sidewalk Area

A widened sidewalk area shall be required along the Eleventh Avenue *streetline* for all *zoning lots* fronting on such *street*. A widened sidewalk area shall be a continuous, paved open area extending along the entire *street line* of a *zoning lot* at the same elevation as the adjoining sidewalk and accessible to the public at all times. No *floor area* bonus shall be available for the widened sidewalk area.

The widened sidewalk area shall meet the following requirements:

(a) **Dimensions**

The widened sidewalk area shall have a width of 15 feet measured perpendicular to the *street line*.

(b) **Permitted Obstructions**

The widened sidewalk area shall be unobstructed from its lowest level to the sky except for: (1) awnings, canopies or marquees, provided that such elements do not exceed 20 percent of the

widened sidewalk area; that such elements, and any attachments thereto, are at least eight feet above the level of the sidewalk, and that any post, other supports or any attachment to the supports have a maximum width of six inches; (2) architectural ornamentation such as cornices, moldings or lighting, provided such elements do not project more than 2'-0" from the *street wall* adjacent to the widened sidewalk area, and are at least twelve feet above the level of the sidewalk and; (3) free standing lighting poles provided such elements have a minimum height of twelve feet between the level of the sidewalk and the globe, a maximum height of fifteen feet and a maximum width of ten inches. Such poles shall be located along a line 7.5 feet east of the *street line* on Eleventh Avenue extending from intersecting *street* to intersecting *street*.

(c) **Special Design Treatment**

When the required widened sidewalk area terminates at an existing building on the *zoning lot* or an existing *building* on the *side lot line* of an adjacent *zoning lot*, design treatment of the termination of the widened sidewalk is required to smooth pedestrian flow. The portion of the sidewalk widening subject to design treatment, hereinafter called the transition area, shall not extend more than ten feet along the sidewalk widening from its termination. The transition area shall be landscaped so that the paved portion shall have a curved or diagonal edge effecting a gradual reduction of its width over the length of the transition area at the point the widened sidewalk is terminated. The unpaved portion of such landscaped treatment shall not exceed 50 percent of the transition area and shall be considered a permitted obstruction. The transition area landscaping shall remain in place until the abutting structure is removed.

(d) **Mandatory Tree Planting**

Trees shall be planted in the widened sidewalk area along a line parallel to and 7.5 feet east of Eleventh Avenue. One tree at least 4 inches in caliper shall be required for each 25 feet of *street* frontage along Eleventh Avenue. Trees shall be planted flush to grade in at least 200 cubic feet of soil per tree with a depth of soil of at least 3'-6". Where the Commissioner of Parks determines such tree planting is infeasible due to subsurface conditions, including sidewalk support structure or utilities within the public right-of-way, provisions of such trees in an alternate location or alternate landscaping may be permitted upon the Certification by the Chairman



of the City Planning Commission of a plan for such alternative arrangement.

(e) **Specific Prohibitions**

No trash storage, vehicle storage, or parking is permitted on the widened sidewalk area. Gratings shall not occupy more than 25 percent of a sidewalk widening area, nor may they be wider than five feet.

**93-22 Required Through Block Pedestrian Way**

A through block pedestrian way (hereinafter referred to as a "pedestrian way") shall be provided on *through lots* or portions of *through lots* located within a corridor 80 feet wide, the westerly edge of which is located 185 feet from Eleventh Avenue, the easterly edge of which is located 265 feet east of Eleventh Avenue, and which extends from the northerly *street line* of 34th Street to the southerly *streetline* of 37th Street; as shown on the District Plan Appendix A. The pedestrian way shall extend for its minimum dimension pursuant to Section 93-222, (Design Standards) from *street to street* between two straight parallel lines, perpendicular to such *streets*.

Whenever any *zoning lot* larger than 7,500 square feet is located partially or in its entirety within the 80 foot wide corridor zone and is adjacent to an existing or proposed pedestrian way of complying dimensions, a continuous open area coincident and at the same level as the pedestrian way must be provided along its *side lot line*. This area shall have a minimum width of not less than 15 feet for commercial *uses* and not less than 30 feet for residential *uses* when fronting on this space, shall be located at the same level, similarly landscaped as the adjacent pedestrian way and publicly accessible. Residential entrances shall not be required to be located more than 15 feet from the *side lot line* when located within commercial frontage. All *building* frontages along this space shall also comply with the mandatory allocation of frontages for permitted *uses* provisions for the pedestrian way.

*Zoning lots* greater than 40,000 square feet as of the effective date of the special district shall comply with the provisions established in this section irrespective of any subsequent *zoning lot* subdivision.

However *zoning lots* not greater than 7500 square feet shall be exempt from the provisions of this section.

**93-221 General Provisions**

**93-222 Design Standards**

(a) **Minimum Dimensions**

The pedestrian way shall be at least 50 feet in width, or the entire

width of the portion of a *zoning lot* within the 80 foot corridor, whichever is less.

(b) **Permitted Obstructions**

Obstructions permitted in Section 12-10 Urban Open Space (f) Permitted Obstructions, 1.,4.,5.,6., and 7., shall be permitted in the pedestrian way. In addition, the following shall be permitted obstructions in a pedestrian way:

(1) architectural ornamentation of *building* walls adjacent to a pedestrian way, such as cornices, moldings or lighting, provided such elements do not project more than 1'-0" from such *building* wall over the pedestrian way.

(c) **Treatment of Side Lot lines and Adjoining Walls** Where a boundary of the pedestrian way is coincident with a *side lot line* having an exposed wall of a *building* on an adjacent *zoning lot*, a decorative wall, fence or *building* wall treatment, shall be provided, such *building* treatment, shall not encroach or project more than 1'-0" from such *side lot line*. However, upon the enlargement of the pedestrian way, in the enlargement of the *zoning lot*, or upon the provision of an adjoining pedestrian way on an adjacent *zoning lot*, such treatment shall be removed. Such treatment shall be shown on plans filed as part of a New Building or Alteration application, as may be required by the Department of Buildings.

(d) **Circulation and Access**

1. The pedestrian way and all other public open spaces adjacent to the pedestrian way shall be publicly accessible from sunrise to sunset or until the times the Convention Center is in operation, whichever is later.
2. The pedestrian way shall have direct access from any public sidewalk along the length of its *street lines* frontage and from any adjoining public open space. To facilitate access to a pedestrian way, within ten feet of a *street line* the surface of a pedestrian way shall be at the same elevation as the adjoining sidewalk.
3. There shall be a clear, unobstructed path for pedestrian circulation. Such path shall be (1) centrally located within the pedestrian way, (2) at least 15 feet wide and (3) extend *street to street*, between two straight parallel lines perpendicular to such *street lines*. The path shall be level with the adjoining sidewalks for a depth of 20 feet from the *street lines*. Changes in elevation are permitted only to the extent needed to reconcile grade differences between adjoining *streets*. If stairs are

used to effectuate such grade changes, ramps shall be provided alongside such stairs, in accordance with pertinent provisions of the Building Code of the City of New York. Such ramps shall not impede the 15 foot clear path.

- (e) **Standards of Accessibility for the Handicapped** The standards of accessibility shall be as permitted in Section 12-10 Urban Open Space (e) **Standards of Accessibility for the Handicapped.**

(f) **Seating**

There shall be a minimum of one linear foot of seating for each 30 square feet of required pedestrian way area. Not more than 50 percent of the linear seating capacity may be in movable seats which may be stored between the hours of sunset and sunrise. Seating shall be in accordance with the standards set forth below:

- (1) Seating shall have a minimum depth of 16 inches; however, seating with backs shall have a minimum depth of 14 inches and a maximum depth of 22 inches and backs shall be at least 12 inches high.
- (2) At least 75 percent of the required seating shall have a height of no less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface. Seating higher than 36 inches or lower than 12 inches above the level of the adjacent walking surface shall not count toward meeting the seating requirements.
- (3) The flat tops of walls including, but not limited to, those which bound planting beds, fountains and pools may be counted as seating when they conform to the dimensional standards in subparagraphs (1) and (2) above, provided that if they are made of stone material they shall be made with a smooth surface and rounded upper edges with a radius of at least one inch to ensure seating comfort.
- (4) Movable seating or chairs, excluding seating of open air cafes, may be credited as 18 inches of linear seating per chair.
- (5) Steps and seating of open air cafes do not count toward meeting the seating requirements.
- (6) Seating for any use within a pedestrian way is subject to applicable articles and amendments of the Building Code of The City of New York.

**(g) Tree Planting**

A pedestrian way shall provide at least 16 trees, in two parallel rows of at least 8 trees each, such rows running from *street to street* on each side of the clear path provided pursuant to subsection (c), shall be a minimum of 20 feet apart.

Such trees shall be at least 4" in caliper and be planted flush to grade in at least 200 cubic feet of soil per tree with a depth of soil of at least 3'-6". Where the Commissioner of Parks determines such tree planting is infeasible due to subsurface conditions, including support structures over railroad rights-of-way, the provision of such trees in an alternate location shall be permitted upon the Certification by the Chairman of the City Planning Commission of a plan for such alternative arrangement. Additional trees shall be provided as needed to satisfy a density requirement of one tree for every 600 square feet of pedestrian way and adjoining public open space.

When planting beds are provided, they shall have a soil depth of at least two feet for grass or other ground cover, and three feet for shrubs.

- (h) The paving of the pedestrian way shall be of non-skid durable materials which are decorative and compatible in color and pattern. The paving of the *street* sidewalk area adjacent to the *development* may be treated with design patterns and materials sympathetic to that of the paving of the pedestrian way. Any change of paving materials within such sidewalk area shall require review by the Department of Highways and the Art Commission.

**(i) Lighting and Electrical Power**

A pedestrian way shall be illuminated with a minimum level of illumination of not less than two horizontal foot candles throughout all walkable and sitting areas and a minimum level of illumination of not less than 0.5 horizontal foot candles (lumens per foot) throughout all other areas. Such level of illumination shall be maintained from sunset to sunrise. A lighting schedule including fixtures, wattage and their locations and designs together with a diagram of light level distribution shall be part of the required detail design plans as set forth in this Section. Electrical power shall be supplied by one or more outlets furnishing a total of at least 200 watts of power for every 4,000 square feet, or fraction thereof, of the pedestrian way.

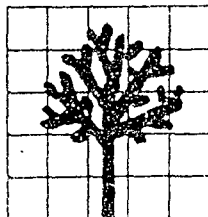
**(j) Public Space Signage Systems**

The following public space signage systems shall be required for the pedestrian way:

**1. Entry plaque**

The entry plaque shall be located at each street frontage or point of pedestrian entry to the pedestrian way. The entry plaque shall contain:

- (a) A public space symbol which is at least 14 inches square in dimension; has a white background; has a grid of four (4) straight lines no greater than one-eighth inch wide and green in color; and has a tree shaped symbol as shown;



- (b) Lettering at least two inches in height stating "OPEN TO PUBLIC". This lettering shall be located within nine (9) inches of the public space symbol; and
- (c) An International Symbol of Access for the physically handicapped at least three (3) inches square.

The entry plaque shall be mounted with its center five (5) feet above the elevation of the nearest walkable pavement on a wall or a permanent free standing post. It shall be placed so that the entire entry plaque is obvious and directly visible without any obstruction, along every line of sight from all paths of pedestrian access to the pedestrian way in a position that clearly identifies the entry to the pedestrian way.

**2. Information Plaque**

An information plaque, with a surface area of not less than two (2) feet square constructed from the same permanent materials as the entry plaque and located within the most frequently used area of the pedestrian way, with clear lettering consisting of:

- a) The type and quantity of trees, movable seating, permanent artwork;

- (b) The name of the current owner of the building and the name, address, and phone number of the person designated to maintain the pedestrian way between sunrise and sunset.
- (c) The statement "Complaints regarding the pedestrian way may be addressed to the Department of City Planning or the Department of Buildings of the City of New York"; and
- (d) The statement "The pedestrian way is accessible to the physically handicapped."

(k) **Mandatory Allocation of Frontages for Permitted Uses**

At least 50 percent of the total frontage of *building* walls of the *development* facing a pedestrian way exclusive of such frontage occupied by vertical circulation elements, and *building* lobbies, shall be allocated for occupancy by retail or service *uses* permitted by the applicable district regulations. In addition, libraries, museums and art galleries shall be permitted. All such *uses* shall be directly accessible from the pedestrian way and such building frontage shall be treated with clear and untinted transparent material for 50 percent of its surface area below 12 feet above the pedestrian way level or the ceiling level of the ground floor of the building, whichever is lower.

Frontage on the pedestrian way that is occupied by a *building* lobby shall not exceed 75 feet or 40 percent of the total frontage of the *development's building* wall, whichever is less.

(l) **Signs**

The standards for signs on a pedestrian way shall be as permitted in Section 12-10, Definitions, Urban Open Space (k) Signs.

(m) **Prohibition of Driveways, Parking Spaces, Loading Berths, Exhaust Vents and Building Trash Storage Facilities.**

1. No parking spaces, passenger dropoffs, driveways or loading berths are permitted as part of a pedestrian way nor are they permitted to be located adjacent to the pedestrian way unless separated by a *building* wall and planted area.
2. No *building* trash storage facilities are permitted on any pedestrian way nor are they allowed to be accessed or serviced throughout the pedestrian way. If such facilities adjoin pedestrian way they shall be separated from it by a *building* wall or planted area.

3. No exhaust vents are permitted on the pedestrian way or on the *building wall* of the *development* fronting upon the pedestrian way except where such vents on the *building wall* are more than 8 feet 6 inches above the level of the pedestrian way.

(n) Maintenance

The standards for maintenance shall be as set forth in Section 12-10, Definitions. Urban Open Space (m) Maintenance as these may be modified.

### 93-223 Modification of General Provisions

The provisions of Section 93-22 may be waived or modified by Certification of the City Planning Commission, provided that: (a) the limited size or configuration of a *zoning lot* clearly establish that a pedestrian way of the requisite dimensions or location cannot feasibly be developed, or (b) that a complying pedestrian way has been provided on another *zoning lot* within the 80' wide corridor and a second is redundant and unnecessary.

### 93-23 Height and Setback Regulations

The front walls of *buildings* shall be located coincident with the *street lines* or certain specified lines, for minimum and maximum heights. The heights of such *building walls* and setbacks shall be as set forth in this Section and in the District Plan, Appendix 1 Map 2 at the end of this chapter. For the purpose of this section a front wall shall consist of any portion of a *building wall* with frontage along the pedestrian way, the Plaza, a widened sidewalk area, or any public landscaped areas.

### 93-231 Required and Permitted Heights of Front Walls and Setbacks

The front *street walls* of buildings in the following categories, shall be coincident with the *street lines* or certain lines upon which they front, for the length of the *zoning lot* except as provided.

(a) Eleventh Avenue, West 35th Street and West 36th Street

A front *building wall* shall be located coincident with the eastern boundary of the widened sidewalk area provided along Eleventh Avenue pursuant to Section 93-21. A front wall shall also be located along the southerly *street line* of West 35th Street and along the northerly *street line* of West 36th Street. Such wall shall extend from the eastern boundary of the widened sidewalk area to a point not less than 185 feet east of Eleventh Avenue, the length of the *zoning lot*, or to the intersection of such *street lines* with the western boundary of the pedestrian way provided pursuant to Section 93-22 within the 80 feet wide corridor.

The minimum height of such front walls shall be 85 feet above *curb level*, or the height of the *building* whichever is less, and the maximum height shall be 150 feet. Such walls shall be required to be built to a minimum height of 125 feet for at least 50 percent of the aggregate length along the *street line* on which it is located. Above this maximum height the front wall shall be set back a minimum of 10 feet. Above such specified height no portion of the building or other structure shall penetrate a *sky exposure plane* with a slope of 2.5 vertical distance to 1 horizontal distance, commencing 150 feet above the *street line* of West 35th Street and West 36th Street or the eastern boundary of the widened sidewalk area, as applicable.

Where such *street wall* intersects the *street line* of a *street* permitting a lesser maximum height, such *street wall* shall be continued along such intersecting street line for a minimum distance of 50 feet and a maximum distance of 85 feet. However where such *street wall* intersects a boundary of the pedestrian way provided pursuant to Section 93-22. The *building* wall shall comply with the height and setback controls for building walls located along the pedestrian way as provided in this Section (c).

(b) Convention Center Plaza

A front *building* wall between West 35th Street and West 36th Street shall be located coincident with a line parallel to and 250 feet east of Eleventh Avenue. The *building* wall shall extend for the full length of the *zoning lot* along such line.

However, where the *side lot line* of a *zoning lot* is coincident with this line the *building* wall shall be set back from such *side lot line* pursuant to Section 93-22 Required Through Block Pedestrian Way and Section 93-27 Yard Regulations.

The minimum height of such *building* wall shall be 85 feet, or the height of the *building*, whichever is less, and the maximum height shall be 150 feet, before a set back. Such *building* walls, shall be required to be built to a minimum height of 125 feet for at least 50 percent of its aggregate length. Above this maximum height the building wall shall be set back a minimum of 10 feet from the 250 feet line. Where such *building* wall intersects the street line of West 35th Street or West 36th Street, the *building* wall shall comply with the height and setback controls for streetwalls located along 35th and 36th Streets as provided in this Section 93-231 (d).



## (c) Pedestrian Way

A *building* wall shall be constructed coincident with the boundary lines of the minimum required dimension of a pedestrian way provided pursuant to Section 93-22 or any portion of a wider pedestrian way located within the 80 feet wide corridor for at least 50 percent of the aggregate lengths of such lines.

However, where a *side lot line* of the *zoning lot* is coincident with a boundary line of the pedestrian way, the *building* wall shall be set back from such *side lot line* pursuant to Section 93-22 Required Through Block Pedestrian Way and Section 93-27 Yard Regulations.

The minimum height of such a *building* wall shall be 23 feet or the height of the *building* whichever is less, and the maximum height shall be 85 feet before setback. Above this height the *building* wall shall be setback a minimum of 15 feet from the *building* wall.

## (d) West 35th and West 36th Streets

A front *building* wall shall be located coincident with the *street lines* of both sides of West 35th and West 36th Streets, between a point 250 feet east of Eleventh Avenue to a point a maximum distance of 350 feet east of Eleventh Avenue. Such *street wall* may begin at a point more than 250 feet east of Eleventh Avenue if intersected by any portion of the pedestrian way within the permitted 80 feet wide corridor. However, in no event shall this *building* wall begin at a point more than 265 feet east of Eleventh Avenue.

The minimum height of such *building* wall shall be 23 feet above *curb level* or the height of the building whichever is less, and the maximum height shall be 85 feet, before setbacks. Such *building* wall shall be required to be built to the maximum height for at least 50 percent of its aggregate length. Above this height the *building* wall shall be set back a minimum of 15 feet from the *street line* and above a height of 150 feet the *building* wall shall be set back a minimum of 25 feet from the *street line*.

However where such front wall intersects the eastern boundary of the pedestrian way provided pursuant to Section 93-22, the *building* wall shall comply with the height and setback controls for *building* walls located along the pedestrian way as provided in this Section (c).

## (e) West 34th Street

Whenever a front *building* wall is provided coincident with the *street line* of West 34th Street between the eastern boundary of the widened sidewalk area provided pursuant to Section 93-21 and a point not more than 200 feet east of the Eleventh Avenue *street line*, it shall comply with the height and setback controls for front *building* walls located along

Eleventh Avenue as provided in this Section (a) or with the height and setback controls of the underlying district and as provided pursuant to Section 93-232.

However, where such front wall intersects the western boundary of the pedestrian way provided pursuant to Section 93-22, the *building* wall shall comply with the height and setback controls for *building* walls located along the pedestrian way as provided in this Section (c).

### 93-232 Special Provisions for Zoning Lots with Different Bulk Regulations

Whenever a *zoning lot*, regardless of the date of creation of the *zoning lot*, is subject to both the underlying zoning district *bulk* regulations and the *bulk* regulations of the special district, the height and setback regulations of this section may apply to the entire *zoning lot* provided that no more than 25 percent of the length of its *street line*, or 25 feet whichever is less, is located outside the limit of such special district regulations. However, when such distance is greater than 25 feet, each portion of the *zoning lot* shall comply with the applicable height and setback regulations.

The use of tower regulations on a portion of a *zoning lot* shall be permitted outside the area subject to the height and setback regulations of this section provided that the tower portion of the *building* is located above a height of 150 feet above *curb level* and is not located less than 50 feet from the *street line* of a *narrow street* and not less than 50 feet from the *street line* of a *wide street* subject to the requirements of Section 93-231.

### 93-233 Street Wall or Building Wall Recesses

Recesses from the *street line* are permitted within the required *street walls* or front *building* walls provided pursuant to Sections 93-231 provided such recesses do not exceed a depth of 10 feet and, the length of such recesses does not exceed 25 percent of the aggregate length of the *street wall* at each *story*. The City Planning Commission may by certification to the Commissioner of Buildings allow a recessed area which exceeds a depth of 10 feet for vehicular entrance provided the Commission finds that such modification maintains the continuity of the *street wall* or front *building* wall required pursuant to Section 93-231 Height and Setback Regulations, that such recesses blend harmoniously with the streetscape elements required pursuant to Section 93-30 Special Streetscape Provisions and that the length of such recesses does not exceed 30 percent of the aggregate length of the *street wall* at each *story*.

**93-24 Permitted Obstructions**

Obstructions permitted in Sections 33-42, for *commercial or community facility buildings* or Section 23-62 for *residential buildings* or the *residential portions of mixed buildings* shall be permitted to penetrate a *sky exposure plane* or height limitation.

**93-25 Residential Regulations**

The regulations of this Section shall apply to any *residential building* located on a *zoning lot* in any *Commercial District* in which such a *building* is permitted.

**93-251 Residential Density Regulations**

The *lot area* requirement of Sections 23-20 (Density Regulations Required lot area per dwelling unit, lot area per room or floor area per room) and, 35-40 (Applicability of Lot Area Requirements to Mixed Buildings) shall not apply. Instead for every 750 square feet of gross residential area provided on a *zoning lot* there shall be no more than one *dwelling unit*.

**93-252 Residential Open Space and Floor Area Regulations**

The *open space ratio* and *floor area ratio* requirements of Sections 23-14 (The Minimum Required Open Space Ratio and Maximum Floor Area Ratio in R1 through R9 Districts) and 35-30 (Applicability of Floor Area and Open Space Regulations to Mixed Buildings) shall not apply. Instead the maximum percent of lot coverage for the residential portion of a building shall be 100 for a *corner lot* and 70 for an *interior lot* and the maximum *floor area ratio* permitted shall be the maximum *floor area ratio* permitted by the underlying district without regard to *height factor*.

**93-253 Minimum Distance Between Buildings on a Single Zoning Lot**

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT), shall not apply within the Special District. However, on any *zoning lot*, if a *development* results in two or more *buildings*, or portions of *buildings* detached from one another at any level such *buildings* or portions of *buildings* shall at no point be less than eight feet apart.

**93-26 Maximum Limit on Floor Area Ratio**

The *floor area* bonus provisions allowed in the underlying districts for *plazas*, *plaza-connected open areas*, *urban spaces*, *arcades* and all other *floor area* bonus provisions shall not be permitted in the Special District.

However for any predominantly *residential development* located on a *zoning lot* in any district in which such a *development* is permitted the *floor area ratio* may be increased from 10.0 to 12.0 by complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING).

### 93-27 Yard Regulations

Any *zoning lot* or portion of a *zoning lot* bounding a pedestrian way or including a pedestrian way within its boundaries shall be subject to the rear yard requirements set forth in this section.

- (a) Whenever a *zoning lot* includes a pedestrian way entirely within its boundaries, no *rear yard* shall be required between the boundary of the pedestrian way and a line parallel to and 100 feet from the pedestrian way. No *rear yards* shall be required on *zoning lots* or portions of *zoning lots* bounded by Eleventh Avenue and the pedestrian way.
- (b) Whenever a *zoning lot* has its *side lot line* coincident with a boundary of the pedestrian way or a *side lot line* within the pedestrian way the provision of a 15 foot wide open area along the *side lot line* shall be deemed to satisfy the requirements of Section 33-26 Minimum Required Rear Yards and of Section 33-283 Rear Yard Equivalents, and the provision of a 30 foot wide open area along the *side lot line* shall be deemed to satisfy the requirements of Section 23-47 Minimum Required Rear Yards and Section 23-533 Required Rear Yard Equivalents, between the boundary of the pedestrian way and a line parallel to and 100 feet from the pedestrian way.

### 93-30 SPECIAL STREETScape PROVISIONS

#### 93-31 Street Tree Planting

Trees shall be planted in the sidewalk area adjacent to any *development*. One tree at least 4" in caliper shall be required of each 25 feet of *street* frontage, or portion thereof, of the *zoning lot* along a *street*. Trees shall be planted flush to grade in at least 200 cubic feet or soil per tree with a depth of soil of at least 3'-6". Where the Commissioner of Parks determines such street tree planting is infeasible due to subsurface conditions, including sidewalk support structure or utilities within the public right-of-way, the number of required street trees which cannot be planted as required shall be planted as directed by the Chairman of the City Planning Commission: 1) in the widened sidewalk area or the pedestrian way in addition to the trees required within those spaces; 2) in the sidewalks of West 35th, West 36th, West 37th, West 38th and West 39th Streets between Tenth and Eleventh Avenues. Species shall be selected, located and maintained in accordance

with the specifications established by the Manhattan Street Tree Planting Division of the Department of Parks.

### 93-32 Illumination

Lighting shall be provided for the required widened sidewalk area provided pursuant to Section 93-21. Such spaces shall be illuminated throughout, with a minimum average level of illumination of not less than 2 horizontal foot candles (lumens per foot). Such level of illumination shall be maintained from sunset to sunrise. Where such lighting is required, a lighting schedule, including fixtures, wattage and their location and designs together with a diagram of light level distribution shall be part of the plans required for a Building Permit.

### 93-33 Street Wall or Building Wall Articulation

When any front *building* wall or street wall of a *development* provided pursuant to Section 93-232 adjoins a sidewalk, widened sidewalk area, or pedestrian way, at least 50 percent of the total surface area of such walls between *curb level* and 12 feet above *curb level* or to the ceiling of the first story, whichever is higher, shall be transparent. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than 4 feet above the curb level. Door or window openings within such walls shall be considered as transparent. Such openings shall have a minimum width of 2 feet.

The surface of such front *building* walls between a height of 50 feet and 85 feet above *curb level* shall be treated with special wall detailing at least 18 inches in height and continuous along the length of the *building* wall so as to provide visual relief and give scale to the *building* wall. Such special wall detailing may be interrupted to allow changes in elevation, and openings in the *building* wall for windows, balconies and recesses provided pursuant to Section 93-233.

Any portion of such *building* wall, 40 feet or more in length, which contains no transparent element shall be covered with ivy or similar planting or contain artwork or be treated so as to provide visual relief.

Whenever other *building* walls of a *development* adjoin a sidewalk, at least 25 percent of the total surface area of such walls between *curb level* and 12 feet above *curb level* or to the ceiling of the ground floor, whichever is higher, shall be transparent.

**93-34 Accessory Business Signs**

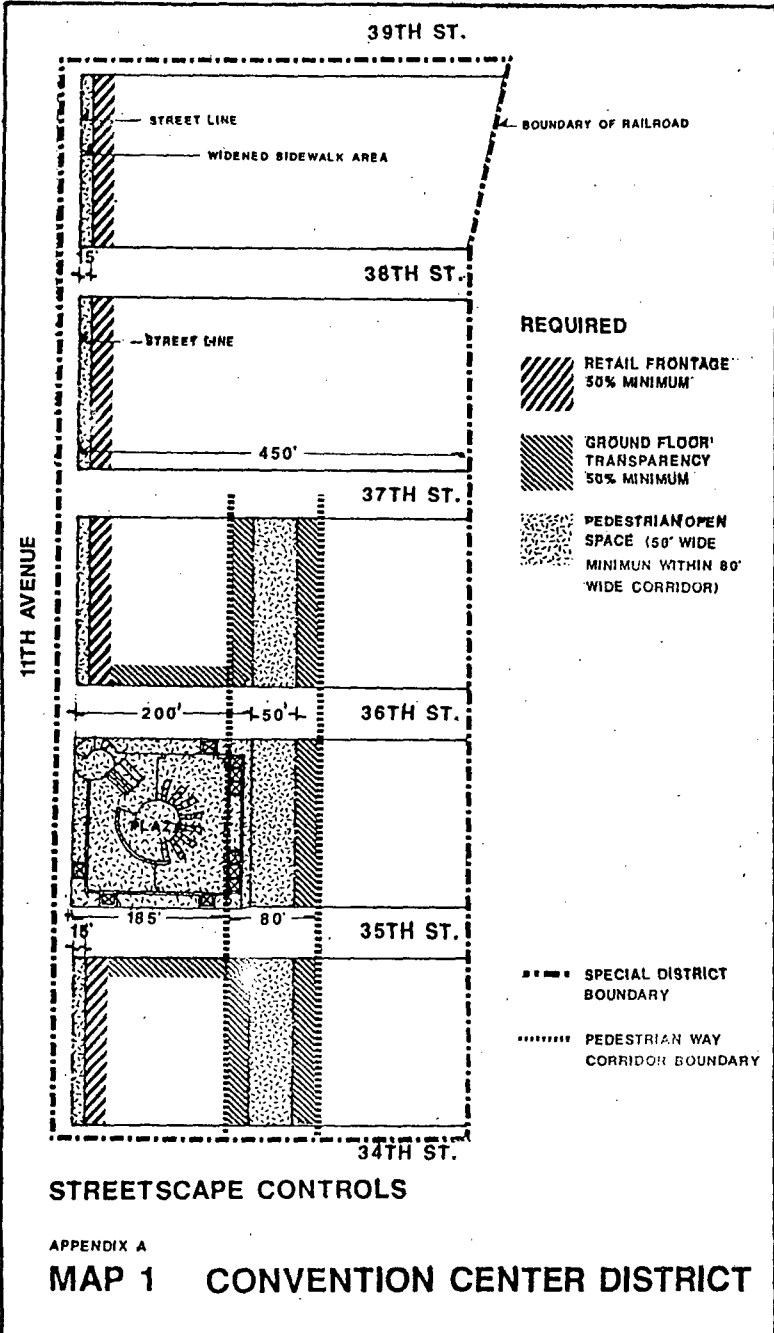
All *accessory business signs*, other than *window signs* shall be located in a horizontal band not higher than 2 feet, the base of which is located not less than 13 feet nor more than 16 feet above *curb level*. Where there is a grade change of a least 1.5 feet in 100 along the portion of the *street* upon which the *development* fronts, such signage band may be staggered along such *street*.

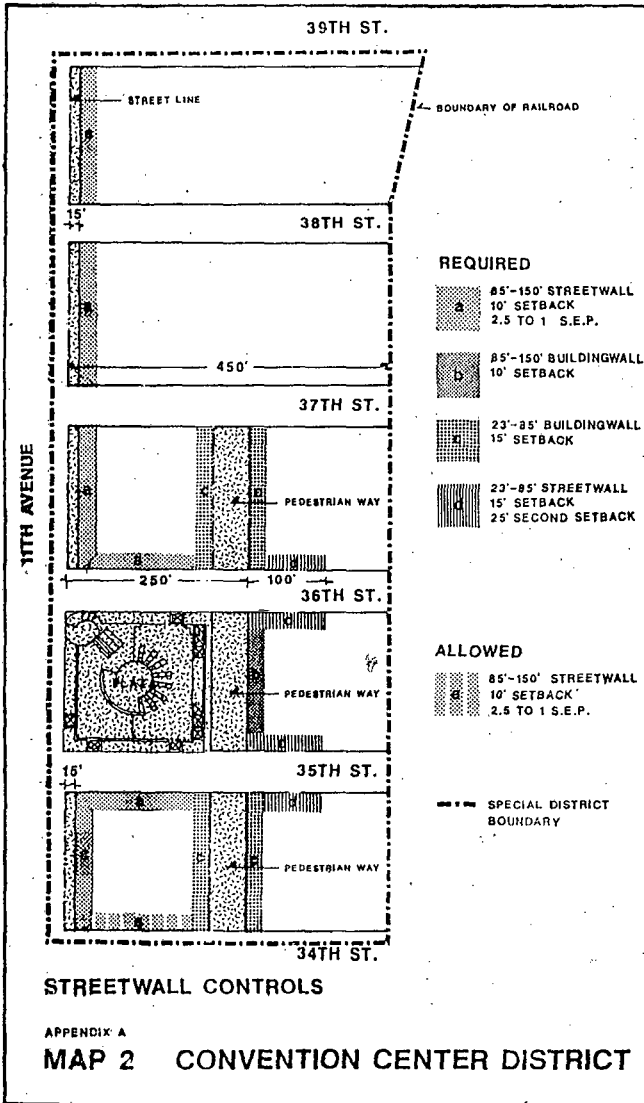
**93-35 Curb Cuts**

No curb cuts are permitted on Eleventh Avenue. Curb cuts are permitted along *narrow streets* provided no *zoning lot* has more than one curb cut on any *narrow street* frontage.

The City Planning Commission may authorize, subject to the applicable zoning district regulations, and all other applicable regulations, a curb cut on 34th Street and additional curb cuts on a *narrow street*, provided the Commission finds that such a location:

- (a) is not hazardous to traffic safety;
- (b) will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement;
- (c) will not interfere with the efficient functioning of bus lanes, specifically designated streets, public transit facilities, and the Convention Center Plaza;
- (d) will not interfere with the *street wall* or *front building wall* and permitted recess areas, provided pursuant to Section 93-23 Height and Setback Regulations, or with the Special Streetscape Provisions provided pursuant to this section.





Resolution for adoption scheduling November 29, 1989 for a public hearing.



## Nos. 12, 13 and 14

*(Request for the granting of Special Permits and a Zoning Map Change for a proposed development in the Special Jacob K. Javits Convention Center District)*

## No. 12

CD 4

C 890353 ZSM

**IN THE MATTER OF** an application submitted by Mid-town Development 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** to allow a public parking garage with a maximum capacity of 468 spaces and to permit the floor space up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (Definitions) on property bounded by West 38th Street, a line 450 feet east of Eleventh Avenue, West 37th Street and a line 300 feet east of Eleventh Avenue (Block 709, Lot 17).

Plans for this proposed public parking garage 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 November 29, 1989 for a public hearing.**

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 No. 13

CD 4

C 890354 ZSM

**IN THE MATTER OF** an application submitted by Mid-Town Development Limited Partnership pursuant to Sections 197-c and 200 of the New York City Charter **for the grant of special permits, an authorization and a certification** by the City Planning Commission, pursuant to the following sections of the Zoning Resolution:

**(Special Permits)**

- a) *Section 13-461*, to allow an off-street parking garage with a maximum capacity of 80 spaces, accessory to a hotel (Block 708, Lot 1);
- b) *Section 13-461*, to allow an off-street parking garage with a maximum capacity of 141 spaces, accessory to a residential building (Block 708, Lot 1);

- c) *Section 74-743(a)(1) and (3)*, to allow bulk modifications involving the distribution of total allowable floor area and dwelling units without regard for zoning lot lines or district boundaries and the location of buildings without regard for the distance between buildings and height and setback regulations in a general large-scale development;
- d) *Section 74-681(a)*, to allow developments over railroad or transit rights-of-way or yards;

**(Authorizations)**

- e) *Section 93-35*, to allow:
  - two additional curb cuts on the north side of West 36th Street (Block 708, Lot 1);
  - one additional curb cut on the south side of West 37th Street, (Block 708, Lot 1); and
  - one additional curb cut on the south side of West 38th Street (Block 709, Lot 17); and

**(Certification to the Commissioner of Buildings)**

f) *Section 93-233*, to allow a recessed area which exceeds a depth of 10 feet; for a general large-scale development on properties bounded by:

- (1) West 38th Street, a line 450 feet east of Eleventh Avenue, West 37th Street, and a line 300 feet east of Eleventh Avenue (Block 709, Lot 17), and
- (2) West 37th Street, a line 450 feet east of Eleventh Avenue, a line midway between West 36th Street and West 37th Street, a line 375 feet east of Eleventh Avenue, West 36th Street, Eleventh Avenue, a line midway between West 36th Street and West 37th Street, and a line 175 feet east of Eleventh Avenue (Block 708, Lot 1);

in the Special Jacob K. Javits Convention Center District.

**(NOTE:** Sections 93-00, 74-74 and 74-681 of the Zoning Resolution are proposed for revision under related applications N 900053 ZRM, N 900158 ZRY and N 900159 ZRY, respectively. The special permits, authorization, and the certification listed under items (c), (d), (e) and (f) above are being sought under these proposed text revisions.)

Plans for this proposed general large-scale development 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 November 29, 1989 for a public hearing.**

## No. 14

CD 4

C 891068 ZMM

**IN THE MATTER OF** an application submitted by Mid-Town Development Limited Partnership pursuant to Sections 197-c and 200 of the New York City Charter for an amendment of the Zoning Map, Sections Nos. 8b and 8d:

- a) changing from an M1-5 District to a C6-4 District property bounded by:
  1. 11th Avenue, West 37th Street, a line 300 feet east of 11th Avenue, and West 36th Street; and
  2. 11th Avenue, West 35th Street, a line 300 feet east of 11th Avenue and West 34th Street; and
- b) changing from an M1-5 District to a C6-2 District property bounded by West 38th Street, a line 450 feet east of 11th Avenue, West 35th Street, 11th Avenue, West 36th Street and a line 300 feet east of 11th Avenue

as shown on a diagram dated September 11, 1989.

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

## NOTICE

On November 29, 1989 at 10:00 a.m. in City Hall, New York, a public hearing is being held by the Department of City Planning and the Department of Environmental Protection to receive comments related to the Draft Environmental Impact Statement concerning the proposed establishment of the Jacob K. Javits Convention Center, proposed development within the District and related actions, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR) No. 86-249.

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 No. 15

CD 3

C 900129 HDM

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

The property to be disposed, 53 Stanton Street (Tax Block 421, Lot 58) between Forsyth and Eldridge streets is a six-story building with 27 residential units and 3 commercial units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State

Private Housing Finance Law) Housing Development Fund Corporation for the purpose of providing housing for low-income families.

The property has been managed and maintained by a Community Group since October 1, 1987, under HPD's Community Management Program.

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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No. 16

CD 4,5,6,7 and 8

N 900170 ZRM

**IN THE MATTER OF amendments**, pursuant to Section 200 of the New York City Charter, **of the Zoning Resolution of the City of New York**, relating to Section 33-10 (Floor Area Regulations) and various sections of the Special Midtown District, including Section 31-20 (Bulk Regulations), Section 81-40 (Mandatory District Plan Elements), Section 811-50 (Incentives by Special Permit for Provisions of Public Amenities) and Section 81-70 (**Special Regulations for the Theatre Subdistrict**).

**Reading Proposed Zoning Text Changes**

Matter in **Bold** is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

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

\*\*\*indicate where unchanged text appears in the Zoning Resolution

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~~33-124 Termination of districts with basic maximum floor area ratio of 18.0~~

~~The purpose of the C5-3.5, C6-6.5 and C6-7.5 Districts is to stimulate for a limited period the growth of intensive central commercial development in such districts. The duration of these districts is limited because of the overriding concern for the protection of central commercial areas from the congestion which could result from long continued development at exceptionally high density. Therefore, on the sixth anniversary of May 13, 1982, the C5-3.5, C6-6.5 and C6-7.5 Districts shall be terminated and the areas where these districts are mapped shall be designated as C5-3, C6-6 and C6-7 Districts respectively. The regulations of the newly designated districts will take effect upon revision of the zoning maps in accordance with the provisions of Section 75-00 (PROCEDURE FOR AMENDMENTS).~~

Before the sixth anniversary of May 13, 1982, the City Planning Commission will conduct a review of the *development* that has taken place under the regulations of the *Special Midtown District*. Special attention will be given to the impacts of *development* in the highest density districts — C5-3.5, C6-6.5 and C6-7.5 — and to the effects of the *Special Midtown District's* height and setback regulations. The Commission will hold a public hearing on these aspects of Midtown *development* approximately six months before the sixth anniversary.

81-211

Maximum floor area ratios for non-residential or mixed buildings.

MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES  
AND MAXIMUM FLOOR AREA RATIOS BY UNDERLYING DISTRICTS

Means for Achieving Permitted FAR Levels on a Zoning Lot	MAXIMUM FLOOR AREA RATIO (FAR)				
	C5P	C6-4 M1-6	C6-5 C6-6.5	C5-2.5 C6-4.5 C6-5.5 C6-7T	C5-3 C6-6 C6-7
A. Basic Maximum FAR	8.0	10.0	12.0	14.0	15.0
B. Maximum As-of-Right Floor Area Allowances:					
—Urban plaza (Section 81-23)	—	1.0 <sup>1</sup>	1.0 <sup>1</sup>	—	1.0
C. Maximum FAR with As-of-Right Incentives	8.0	11.0 <sup>1</sup>	13.0 <sup>1</sup>	14.0	16.0
D. Maximum Special Permit Floor Area Allowances: (District-Wide Incentives)					
—Subway station improvement (Section 81-53)	—	2.0 <sup>1</sup>	2.4 <sup>1</sup>	—	3.0
E. Maximum Total FAR with District-Wide and As-of-Right Incentives	8.0 <sup>2</sup>	12.0 <sup>1</sup>	14.4 <sup>1</sup>	14.0	18.0 <sup>2</sup>
F. Maximum As-of-Right Floor Area Allowances in Theatre Subdistrict Except in Theatre Subdistrict Core:					
—Theatre retention (Section 81-744)	—	1.0 <sup>1</sup>	1.0 <sup>1</sup>	—	1.0
—Through block Galleria (Section 81-748)	—	1.0 <sup>1</sup>	1.0 <sup>1</sup>	—	1.0
G. Maximum Special Permit Floor Area Allowances in Theatre Subdistrict:					
—Rehabilitation of listed theatre (Section 81-745)	—	4.4	2.4	2.8	3.0
H. Maximum Total FAR with Theatre Subdistrict Incentives, District-Wide Incentives and As-of-Right Incentives	8.0 <sup>2</sup>	14.4	14.4	16.8	18.0 <sup>2</sup>
I. Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or As-of-Right)	8.0	10.0	12.0	14.0	15.0
J. Maximum FAR of a lot containing bonusable landmark (Section 74-712)	—	—	—	—	18.0
K. Development rights (FAR) of a landmark "granting" lot for transfer purposes <sup>3</sup>	8.0 <sup>3</sup>	10.0 <sup>3</sup>	13.0 <sup>3,4</sup>	14.0 <sup>3</sup>	16.0 <sup>3</sup>
L. Maximum amount of transferable development rights (FAR) from landmark zoning lot that may be utilized on an "adjacent" receiving lot <sup>5</sup>	1.6	2.0	2.4	No Limit	No Limit

<sup>1</sup>Not available in for zoning lots located wholly within Theatre Subdistrict Core

<sup>2</sup>May be exceeded in the case of zoning lots with development rights transferred from landmark sites.

<sup>3</sup>Less the total floor area of existing buildings on the landmark zoning lot..

<sup>4</sup>12.0 in portion of C6-5.5 District in Theatre Subdistrict Core.

<sup>5</sup>Applicable only where landmark zoning lot is separate from "adjacent" receiving lot.

## 81-45

## Provision of Pedestrian Circulation Space

Within the boundaries of the *Special Midtown District*, except as provided in Section 81-453 (Exemptions from the pedestrian circulation space requirements), all new *developments or enlargements on zoning lots* of 5,000 square feet or larger and providing more than 70,000 square feet of new *floor area*, shall provide a minimum amount of pedestrian circulation space at the rate provided in Table 1.

TABLE 1  
MINIMUM PEDESTRIAN CIRCULATION SPACE REQUIREMENTS

Lot Size in Square Feet	Minimum Area of Pedestrian Circulation Space
5,000 to 20,000	1 square foot per 350 square feet of new <i>floor area</i>
Above 20,000	1 square foot per 300 square feet of new <i>floor area</i>

The pedestrian circulation space provided shall be of one or more of the following types: sidewalk widening, arcade, corner arcade, corner circulation space, *building* entrance recess area, through *block* connection, or, subway stair relocation or renovation, or off-street rail mass transit access improvement.

Each *zoning lot* shall be categorized as either a *corner lot*, *through-lot* or *interior lot*, and pedestrian circulation space shall be provided on each *zoning lot* in at least one of the applicable types or combinations of types outlined in Table 2.

Such pedestrian circulation space shall meet the requirements set forth in Section 81-451 (Design standards for pedestrian circulation spaces), Section 81-46 (Through Block Connection), or, Section 81-47 (Off-Street Relocation or renovation of a Subway Stair) or Section 81-49 (Off-street Improvement of Access to Rail Mass Transit Facility). Sidewalk widenings, arcades and corner arcades shall not be subject to the standards set forth in Section 12-10 (DEFINITIONS).

In addition, certain amenities for which bonuses are granted may count toward the minimum area of pedestrian circulation space in accordance with the provisions of Section 81-452 (Bonused amenities qualifying as pedestrian circulation spaces).

Any area of permitted overlap between pedestrian circulation spaces or amenities shall be counted only once toward the minimum area of pedestrian circulation space. Unobstructed access shall be provided between overlapping spaces.

TABLE 2

## LOT TYPE WHERE CIRCULATION SPACE MAY BE PROVIDED

Type of Circulation Space (Section 81-45)	Corner Lot	Through Lot	Interior Lot
Sidewalk Widening	X	X	X
Corner Circulation Space	X		
Arcade	X	X	X
Corner Arcade	X		
<i>Building</i> Entrance	X	X	X
Recess Area			
Through <i>Block</i>	X	X	
Connection			
Subway Stair	X	X	X
Relocation or			
<b>Renovation</b>			
<b>Off-street Rail Mass</b>	X	X	X
<b>Transit Access</b>			
<b>Improvement</b>			

\* \* \*

81-451

Design standards for pedestrian circulation spaces

## (a) Sidewalk Widening

A sidewalk widening is a continuous paved open area along the *front lot line* of a *zoning lot* at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. A sidewalk widening shall be provided on the *wide street* frontage of a *zoning lot* of a new *development* or *enlargement* where ~~the *zoning lot* directly adjoins an existing sidewalk widening on the same *wide street* or an existing *building* on the *zoning lot* provides a sidewalk widening.~~ **all existing *buildings* on the same *block* frontage, whether on the same or another *zoning lot*, provide sidewalk widenings.** A sidewalk widening shall meet the following requirements:

- (1) **Dimensions:** a sidewalk widening shall have a width of no less than 5 feet nor greater than 10 feet measured perpendicular to the *street line*, and shall be contiguous along its entire length to a sidewalk. Except for the permitted interruptions, as set forth in subparagraph (2), a sidewalk widening is permitted on a *narrow street* only if it has a length of at least 100 feet. It shall extend along the full length of the *front lot line* except for the portion of the *front lot line* interrupted by an existing *building* which is located at a *side lot line*, or in the case of a full *block* frontage, located at the intersection of two *streets*. In all cases the minimum length of the



sidewalk widening on a *narrow street* shall be 100 feet. A required sidewalk widening on a *wide street* shall connect directly to the any existing adjoining sidewalk widening, and shall extend the entire length of the new *front lot line* and shall be equal in width to the existing adjacent sidewalk widening. The width of such a required sidewalk widening shall equal that of the existing adjoining sidewalk widening. If there is more than one such existing sidewalk widening, the width of such a required sidewalk widening shall equal that of the longest existing sidewalk widening. A sidewalk widening is permitted on a *wide street* when not adjacent to an existing sidewalk widening only if: either the sidewalk widening extends along the *wide street street line* for the full length of the *block front*, or the *zoning lot* is a *corner lot* and the sidewalk widening extends along the full length of the *wide street street line* to its intersection with the other *street street line* on which the *zoning lot* fronts.

- (2) Permitted interruptions: only under the following conditions shall any interruptions of the continuity of a qualifying sidewalk widening be permitted:

\* \* \*

- (e) A sidewalk widening may be overlapped by the queuing space of a relocated or renovated subway entrance provided that the queuing space for the entrance leaves at least a 5 foot uninterrupted width of sidewalk widening along the entire length of the queuing space.

\* \* \*

- (c) Arcade

\* \* \*

On a *narrow street* frontage of a *corner lot*, an arcade is permitted only if it extends for the full length of the *street* frontage, with the exception of a driveway for a required loading berth located at the *side lot line* of the *zoning lot*, or provides unobstructed pedestrian flow along such entire frontage in combination with one or more of the following other spaces with which it connects at one or both ends: an intersecting *street*, an intersecting sidewalk widening, a corner arcade, a *plaza*, an urban plaza, a through *block* connection, a through *block* galleria or, a relocated or renovated subway entrance or an **off-street rail mass transit access improvement.**

\* \* \*

- (e) Building Entrance Recess Area

A *building* entrance recess area is a space which adjoins and is open to a sidewalk or sidewalk widening for its entire length and provides unobstructed

access to the *building's* lobby entrance or to a ground floor use entrance. A *building* entrance recess area shall meet the following requirements:

- (1) **Dimensions:** a *building* entrance recess area shall have a minimum length of 15 feet and a maximum length of 50 feet measured parallel to the *street line* at a *building's* lobby entrance and a maximum length of 30 feet parallel to the *street line* at a ground floor use entrance. It shall have a maximum depth of 15 feet measured from the *street line*, and shall have a minimum depth of 10 feet measured from the *street line*.
- (2) **Obstructions:** Any portion of a *building* entrance recess area under an overhanging portion of the *building* shall have a minimum clear height of 15 feet. It shall be free of obstructions except for *building* columns, between any two of which there shall be a clear space of at least 15 feet measured parallel to the *street line*. Between a *building* column and a wall of the *building*, there shall be a clear path at least 5 feet in width.
- (3) **Permitted overlap:** a *building* entrance recess area may overlap with a sidewalk widening, an arcade, a corner arcade, or a corner circulation space and may be ~~connected to an adjacent~~ **adjoin or overlap and connect directly without obstruction to another *building* entrance recess area, except that, on any one *street* frontage, each lobby or ground floor use shall connect to only one *building* entrance recess area.**

(f) **Through *Block* Connection**

The design standards for a through *block* connection are set forth in Section 81-46 (Through *Block* Connection).

(g) **Off-Street Relocation**

**or Renovation of a Subway Stair** The design standards for a relocated or renovated subway stair are set forth in Section 81-47 (Off-Street Relocation or Renovation of a Subway Stair).

(h) **Off-street Improvement of Access to Rail Mass Transit Facility**

The design standards for an off-street rail mass transit access improvement are set forth in Section 81-49 (Off-street Improvement of Access to Rail Mass Transit Facility).

81-47

Off-Street Relocation or **Renovation** of a Subway Stair

Where a *development* or *enlargement* is constructed on a *zoning lot* which fronts on a sidewalk containing a stairway entrance or entrances into a subway and such *zoning lot* contains 5,000 square feet or more of *lot area*, the existing entrance or entrances shall be relocated from the *street* onto the *zoning lot*. The new entrance or entrances shall be provided in accordance with the provisions of ~~this Section~~

Sections 81-471 (Standards for location and design) and 81-473 (Administrative procedure for subway stair relocation or renovation).

Where a *development* or *enlargement* is constructed on a *zoning lot* containing an existing stairway entrance or entrances into a subway and such entrance or entrances are renovated or reconstructed in accordance with the provisions of Sections 81-471 (Standards for location and design) and 81-473 (Administrative procedure for subway stair relocation or renovation), such entrance or entrances may count as pedestrian circulation space as set forth in Section 81-472 (Relocated or renovated subway stair aspedestrian circulation space).

#### 81-471

##### Standards for location and design

###### (a) Location

The relocated or renovated entrance shall be immediately adjacent to, and accessible without any obstruction from a public sidewalk or at least one of the following public spaces, which shall have a minimum horizontal dimension equal to the width of the relocated stairs:

sidewalk widening	(Section 81-45)
corner circulation space	(Section 81-45)
arcade	(Section 81-45)
corner arcade	(Section 81-45)
building entrance recess area	(Section 81-45)
urban plaza	(Section 81-23)

The relocated or renovated entrance may be provided within a *building* but shall not be enclosed by any doors. The area occupied by a relocated or renovated entrance within a *building* shall not be counted toward the *floor area* or of the *development* or *enlargement*.

###### (b) Design Standards

The following standards are taken from the current New York City Transit Authority's Station Planning Guidelines:

The relocated or renovated entrance shall have a stair width of at least 8 feet for each run.

No stairway shall have more than 14 risers without a landing, and each landing shall have a minimum width equal to the width of the stairs, and a minimum length of 5 feet.

Throughout the entire stairway entrance, including passageways, the minimum clear, unobstructed height shall be at least 7 feet 6 inches from finished floor to finished ceiling, including all lighting fixtures and *signs*.

The **relocated or renovated** stairway entrance shall meet Transit Authority standards and requirements for all of the following: riser and tread relationships, handrails, passageways, ramps, lighting, finish material, ventilation, information signage, and (where provided) weather protection.

In addition **and for a relocated entrance only**, the following standards shall apply: the relocated entrance shall have a queuing space at the top and bottom of the stairs at least 8 feet wide and 15 feet long. ~~The~~ **Such** queuing space may overlap with a sidewalk widening, or an arcade, or an urban plaza.

Where two or more existing stairway entrances are being **relocated and/or renovated** as part of the same *development*, the new entrance or entrances shall have a total stair ~~width~~ or widths **whose sum is** equal to or greater than the sum of the stair widths of ~~the~~ **those existing** stairway entrances being **relocated**. The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage.

The **relocated or renovated** entrance may be located within an urban plaza, provided that the minimum width of the stairs is 10 feet and the queuing area of ~~the~~ **required for a** relocated entrance is unobstructed and contiguous to a sidewalk or a sidewalk widening. A **relocated or renovated** entrance within an urban plaza is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for an urban plaza.

The **relocated or renovated** entrance shall connect to an existing or proposed subway passageway, or shall connect, via an underground passageway, to a mezzanine area of the subway station.

The below-grade portion of a **relocated or renovated** entrance may be constructed within the *street*.

These standards may be modified or waived by the City Planning Commission upon a finding that their enforcement would not contribute to good site planning.

(c) Hours of Public Accessibility

The **relocated or renovated** entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by the Transit Authority.

81-472

Relocated or renovated subway stair as a pedestrian circulation space

One and a half times the area, ~~of the new stair entrance~~ measured at *street* level, of either of the following types of subway stair entrances shall may count towards meeting the ~~minimum area~~ of pedestrian circulation space set forth in requirements of Section 81-45 (Provision of Pedestrian Circulation Space):

- (a) a new relocated subway stair entrance; or
- (b) an existing subway stair entrance which is contained within the *zoning lot* and has been renovated or reconstructed so that it meets all of the requirements and standards set forth in Sections 81-471 (Standards for location and design) and 81- 473 (Administrative procedure for subway stair relocation or renovation).

## 81-473

## Administrative procedure for subway stair relocation or renovation

- (a) Except as otherwise provided in paragraph (b), no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued for any *development* or *enlargement* which is subject to the requirements for the relocation of a subway stair entrance or counts a renovated or reconstructed subway stair entrance as pedestrian circulation space, unless:
  - (1) **For a relocated entrance**, such plan includes a stair relocation plan and related documents which bind the developer to:
    - (i) construct the new stair entrance in accordance with such plan;
    - (ii) demolish above ground elements of the existing entrance;
    - (iii) seal the existing entrance at the sidewalk level;
    - (iv) maintain the work performed on the stair.

**For a renovated or reconstructed entrance**, such plan includes a renovation or reconstruction plan and related documents which bind the developer to:

    - (i) renovate or reconstruct the entrance in accordance with such plan;
    - (ii) maintain the work performed on the entrance.
  - (2) Such plan and related documents bear the Transit Authority's approval.
  - (3) Such plan is accompanied by a certified copy of an agreement, as recorded, between the Transit Authority and the owner for an easement on the *zoning lot* for subway related use of the new stair entrance and for public access via such entrance to the subway station, which agreement has been recorded against the *zoning lot* in the Office of the Register of

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

- (b) **For a relocated entrance only**, in the event that major construction problems render the stair relocation infeasible or that operating design considerations make it undesirable, the Transit Authority and the City Planning Commission by joint certification may release the developer from the requirement. In such event, the stair relocation requirement shall be satisfied by retention of the existing stair and provision on the *zoning lot* of a pedestrian circulation space qualifying under the provisions of Section 81-45 (Provision of Pedestrian Circulation Space) and which accommodates pedestrian traffic passing the existing stair entrance. Such space shall have a width equal to at least one and one half times the width of the existing stair entrance and shall extend along the full length of the stair entrance.
- (c) No certificate of occupancy shall be issued for any *development* or *enlargement* subject to the subway stair relocation requirement or **counting a renovated or reconstructed subway stair as pedestrian circulation space** unless and until ~~the required construction and the sealing of the replaced entrance or entrances~~ **all of the work required under Subsection (a)(1) of this Section** has been completed.

#### 81-49

##### **Off-street Improvement of Access to Rail Mass Transit Facility**

An off-street rail mass transit access improvement shall provide a new point of unobstructed off-street public access to a rail mass transit station or facility. It shall immediately adjoin, and be accessible without any obstruction from a public sidewalk, a sidewalk widening, a corner circulation space, an arcade, a corner arcade, a *building* entrance recess area, or an urban plaza, each of which shall have a minimum horizontal dimension equal to the width of the rail mass transit access improvement. The rail mass transit access improvement may be provided within a *building* but shall not be enclosed by any doors. The area it occupies within a *building* shall not be counted toward the *floor area* of the *development* or *enlargement*.

The Chairman of the City Planning Commission may certify that an off-street rail mass transit access improvement satisfies the requirements of Section 81-45 (Provision of Pedestrian Circulation Space) provided that such improvement meets the following standards:

- (a) **Dimensions:** An off-street mass transit access improvement shall have a minimum length of 15 feet, a minimum clear unobstructed width of not less than 15 feet, and a minimum clear unobstructed height from finished floor to finished ceiling of not less than 8 feet.

- (b) **Obstructions:** An off-street mass transit access improvement shall be free of obstructions except for *building* columns and shall provide a continuous unobstructed path at least 15 feet wide connecting the public sidewalk, pedestrian circulation space or urban plaza with the rail mass transit station or facility.
- (c) **Hours of Public Accessibility:** An off-street rail mass transit access improvement shall be accessible to the public during the hours when the circulation areas to which it connects are open to the public or during such hours as are otherwise approved by the operating entity of the mass transit station or facility.

One and a half times the area of the new off-street rail mass transit access improvement measured at *street* level shall, upon the Chairman's certification, count toward the minimum area of pedestrian circulation space required under the provisions of Section 81-45 (Provision of Pedestrian Circulation Space), up to a maximum of 3,000 square feet.

#### 81-51

##### General Provisions and Procedures

Except in the Preservation Subdistrict and except for *zoning lots* wholly contained within the Theatre Subdistrict Core, as defined in Section 81-71 (General Provisions), the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may grant special permits authorizing, for non-residential or mixed buildings, floor area bonuses in accordance with the provisions of Section 81-53 (Subway Station Improvements). However, in the Theatre Subdistrict, no special permit shall be issued pursuant to the provisions of Section 81-53 without prior certification by the City Planning Commission that either:

- (a) there is not available to the applicant any feasible alternative involving the preservation or rehabilitation of an existing theatre for which bonus floor area may be authorized by special permit or certification; or
- (b) the amenity for which the special permit is requested, because of its importance to the surrounding area, has priority over any feasible alternative involving the preservation or rehabilitation of an existing theatre.

\* \* \*

#### 81-535

##### Floor area bonus

- (a) The amount of the *floor area* bonus shall be at the discretion of the Commission and may range from no bonus *floor area* to the maximum amount allowable by special permit, as set forth in Section 81-211 (Maximum floor area ratios for non-residential or mixed buildings). In determining the precise amount of *floor area* bonus, the Commission shall make findings on the following:
- (a)(1) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators; and
  - (b)(2) significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the street level entryway into the *development* or *enlargement*.
- (b) No bonus *floor area* shall be granted for any *development* or *enlargement* located on a *zoning lot* wholly contained within the Theatre Subdistrict Core, as defined in Section 81-71 (General Provisions).
- (c) For a *development* or *enlargement* located on a *zoning lot* divided by a boundary of the Theatre Subdistrict Core, as defined in Section 81-71 (General Provisions), the amount of bonus *floor area* granted shall be subject to the provisions of subsection (a) above, but shall not exceed the amount of *floor area* derived from applying the maximum bonus *floor area* allowance as set forth in Section 81-211 (Maximum floor area ratios for non-residential or mixed buildings) over the sum of:
- (1) the area of the *zoning lot* which is outside of the Theatre Subdistrict Core; and
  - (2) an area of the *zoning lot* within the Theatre Subdistrict Core, not exceeding the area in subparagraph (1) above.

If the basic maximum *floor area ratio* as set forth in Section 81-211 (Maximum floor area ratios for non-residential or mixed buildings) is the same for both the portion of the *zoning lot* within the Core and the portion outside of the Core, such bonus *floor area* must be utilized on the *zoning lot* in accordance with the provisions of subsection (b) of Section 81-746 (Additional provisions for zoning lots divided by district or sub-district core boundaries).



With the exception of a *development* or *enlargement* in which more than 50 percent of the new *floor area* is allocated to *transient hotel use*, a *development* or *enlargement* on a *zoning lot* with more than 50 percent of its *zoning lot* area located within the Theatre Subdistrict Core shall meet the following requirements:

(a)

\* \* \*

Alternatively, by authorization of the City Planning Commission, a maximum of 75 percent of the amount of floor space specified above may be located on a separate *zoning lot*, with the remainder located on the same *zoning lot* as the *development* or *enlargement*, provided, upon examination of proposed plans, the Commission finds that:

(1) either:

- (i) more than 50 percent of the area of the separate *zoning lot* is located within the Theatre Subdistrict Core, or
- (ii) the portion of floor space located on the separate *zoning lot* is allocated in its entirety to studios; music, dancing or theatrical, as listed in Section 81-725 (Entertainment-related uses) and the separate *zoning lot* is located within the Theatre Subdistrict;

(2) the portion of floor space located on the separate *zoning lot* is provided separately from and in addition to any floor space provided to meet the requirements of this Section for any other *development* or *enlargement*; ~~located on that separate zoning lot;~~ (3) ~~except as set forth in subsection (b),~~ the portion of floor space located on the separate *zoning lot* is constructed or renovated specifically for the purpose of meeting the requirements of this Section and has not been utilized for any of the *uses* listed in Section 81-725 (Entertainment-related uses) at any time during the prior two years; and

(4) the *use* located on the separate *zoning lot* maintains a reasonable distribution of entertainment-related *uses* and locations of such *uses*.

\* \* \*

### 81-731

Special regulations for signs, transparency, banners and canopies

Within that area of the Theatre Subdistrict whose boundaries are described in Section 81-72 (Use Regulations Modified), the following provisions apply along *wide street* frontages. Within ~~that portion of the Theatre Subdistrict bounded by 43rd Street, a line 100 feet east of Eighth Avenue, 50th Street and a line 200 feet west of Avenue of the Americas~~ the Theatre Subdistrict Core the following provisions also apply along *narrow street* frontages.

\* \* \*

## 81-732 Special Times Square signage requirements

\* \* \*

Temporary Certificates of Occupancy for *floor area* of the *development* or *enlargement* comprising in aggregate more than 50 percent of the total *floor area* of the *development* or *enlargement* shall not be issued by the Department of Buildings until 50 percent of the aggregate *surface area* of *signs* required under subsection (a)(3) of this Section has been installed and put in operation in accordance with all of the requirements and standards as set forth in subsections (a)(3) and (a)(7) of this Section ~~at the time of issuance of such Temporary Certificates of Occupancy.~~

Temporary Certificates of Occupancy for *floor area* of the *development* or *enlargement* comprising in aggregate more than 90 percent of the total *floor area* of the *development* or *enlargement* shall not be issued by the Department of Buildings until 90 percent of the aggregate *surface area* of *signs* required under subsection (a)(3) of this Section has been installed and put in operation in accordance with all of the requirements and standards as set forth in subsections (a)(3) and (a)(7) of this Section ~~at the time of issuance of such Temporary Certificates of Occupancy.~~

Neither Temporary Certificates of Occupancy for *floor area* of the *development* or *enlargement* comprising in aggregate 100 percent of the total *floor area* of the *development* or *enlargement* nor a first Permanent Certificate of Occupancy for the *development* or *enlargement* shall be issued by the Department of Buildings until all of the *signs* required under this Section have been installed and put in operation in accordance with all of the requirements and standards as set forth in subsections (a)(3) and (a)(7) of this Section ~~at the time of issuance of such Temporary Certificates of Occupancy or first Permanent Certificate of Occupancy.~~

- (a) All new *developments* located on *zoning lots* between 43rd and 50th Streets with *street* frontage on Seventh Avenue and/or Broadway, shall provide *signs* meeting all of the following requirements:

\* \* \*

- (3) In addition, *illuminated signs* shall be provided with a minimum aggregate *surface area* of 50 square feet for each linear foot of *street* frontage of the *zoning lot* on Seventh Avenue, Broadway and intersecting *narrow streets* up to the first 40 linear feet of *street* frontage from either Broadway or Seventh Avenue, except that for any one *zoning lot* the required minimum aggregate *surface area* shall not exceed 12,000 square feet.

No portion of any *illuminated sign* required under this subsection shall be located:

- (i) further than 40 feet from the Seventh Avenue or Broadway *street line* except that, for a *zoning lot* with *street* frontage on Seventh Avenue, Broadway and at least one *narrow street*, the areas of required *signs* specified in subparagraph (ii) below may be located without distance limit from the Seventh Avenue or Broadway *street line*;
- (ii) below a height of 10 feet or above a height of 120 feet above *curb level*, except that: for a *zoning lot* with *street* frontage on Seventh Avenue, Broadway and 47th Street, a minimum of 25 percent of the minimum *aggregate surface area* required under this subsection or 7,500 square feet, whichever is greater, shall comprise *signs* no portion of which shall exceed 250 feet in height above *curb level*, and each of which shall face the intersection of the center lines of 45th Street and Broadway and shall have its *surface area* measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the *sign* and the above intersection at ground level and measuring the resultant *surface area* on that plane; and, for other *zoning lots* with *street* frontage on Seventh Avenue, Broadway and a *narrow street* a maximum of 25 percent of the minimum *aggregate surface area* required under this subsection may comprise *signs* located without height limit provided that each such *sign* faces the intersection of the center lines of 45th Street and Broadway and its *surface area* is measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the *sign* and the above intersection at ground level and measuring the resultant *surface area* on that plane.

Where a *zoning lot* is located at the intersection of Seventh Avenue or Broadway and one or more *narrow streets*, at least 60 percent of the minimum *aggregate surface area* of signage required under this subsection (3) shall be located within 50 feet of the *narrow streets*. Where a *zoning lot* is located at two such intersections, at least 15 percent of the minimum *aggregate surface area* required under this subsection shall be within 50 feet of each *narrow street*. Where a *zoning lot* is located at three or more such intersections, at least 7 percent of the minimum *aggregate surface area* required under this subsection shall be within 50 feet of a *narrow street* at each intersection of that *narrow street* and Seventh Avenue or Broadway.

There shall be a minimum of one *illuminated sign* with a *surface area* of not less than 1,000 square feet for each 50 linear feet, or part thereof, of *street* frontage on Seventh Avenue or Broadway, except that for any one *zoning lot* no more than five *signs* shall be required.

With the exception of *signs* defined in subparagraph (ii) of this subsection (3) as facing the intersection of the centerlines of 45th Street and Broadway, At least 75 percent of the *surface area* of *signs* required under this subsection (3) ~~to be located at a height of between 10 feet and 120 feet above curb level~~ shall be placed at an angle in plan view of not more than 45 degrees to the Seventh Avenue or Broadway *street line*.

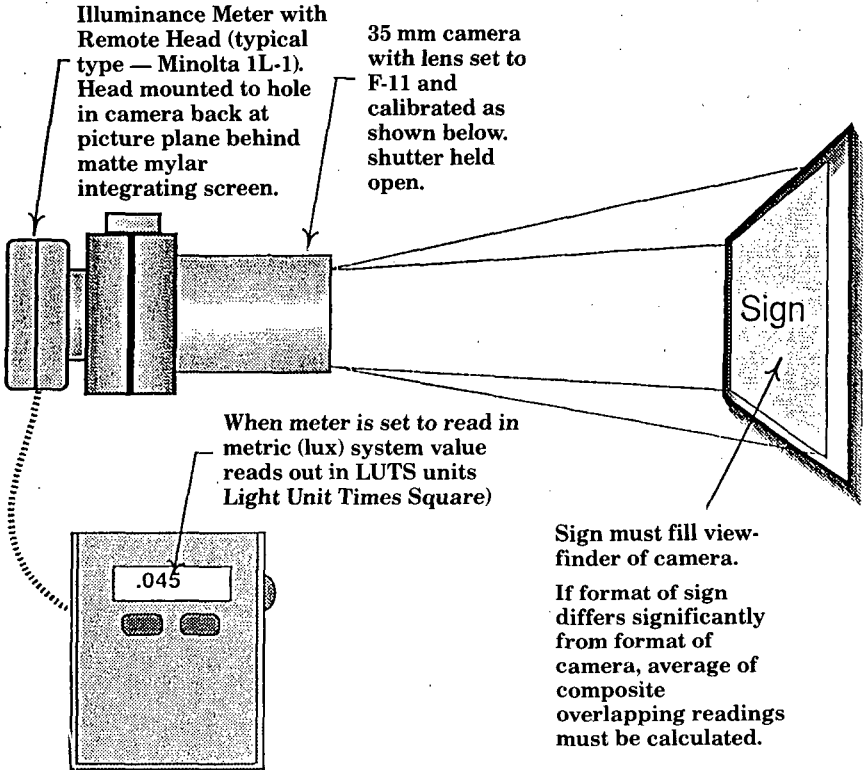
*Signs* required under this subsection (3) shall meet at a minimum the requirements set out in subparagraphs (iii), (iv), and (v) ~~and (vi)~~ below. The illumination standards contained therein for ~~*signs* incorporating electric lamps exposed directly to view or luminous surfaces shall be measured with an apparatus comprising a standard illumination meter mounted at the center of the panel opposite the open end of a five-sided cube with a mat black interior measuring 1 foot per side internally. This apparatus shall be held against the *sign* in several places, sufficient to determine an average reading. each *sign* shall be measured with an apparatus (to be known as a Light Unit Times Square or "LUTS" meter) comprising an illuminance meter attached to a 35 millimeter single lens reflex camera body and fitted with a lens of appropriate focal length in accordance with the diagrams herein (See Illustrations of Sign Brightness Measurement System-LUTS Meter). The lens shall be set at F-stop 11.~~

The LUTS Meter shall be calibrated against a reference standard (See Illustrations of Sign Brightness Measurement Systems - LUTS Meter). Alternative measuring equipment may be employed provided such equipment provides identical measurement against the reference standard described herein.

The point from which the illumination of a required *sign* is measured shall be 5 feet above *street* level, on a line perpendicular to the centre of the *sign* and directly in front of and 60 or more feet away from the *sign*.

In measuring the brightness of the whole of a *sign* under the provisions of subparagraphs (iii) and (iv) below, the illumination level of the *sign* shall be determined by pointing the LUTS Meter at the *sign* so that the entire *sign* completely fills the viewing frame of the meter. If, because of the shape of the *sign*, the entire *sign* cannot be viewed within the viewing frame, readings may be taken of discrete portions of the *sign* separately, provided, however, that no more of the *sign* than is absolutely necessary to measure the entire *sign* may be included in more than one such reading. Readings of portions of a *sign* shall be averaged to obtain the average illumination level of the entire *sign*.

## Sign Brightness Measurement System (LUTS Meter)

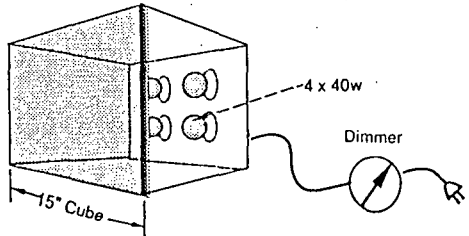


The LUTS meter must be calibrated prior to use. Although the lens is nominally set to F-11, the actual light transmission value may differ, especially with long focal length zoom lenses.

To calibrate, build a lightbox as shown at right. The front of the box shall be 1/4" #2447 opal plexiglas; the other five interior sides shall be painted matte white.

Four standard 40 watt 120 volt incandescent lamps shall be mounted on the back of the box and wired through a dimmer.

In a dark room adjust the dimmer so that the plexiglass is illuminated to a brightness (exitance) of 125 Footlamberts as measured with an accurate luminance meter (e.g. Minolta LS100, Photo Research 1500).



Using the measuring lens of the LUTSmeter set to the appropriate focal length, fill the viewfinder with the lightbox, and adjust the aperture until the meter reads 1.50 LUTS. If different lenses or degrees of zoom are to be used, calibrate the meter for each condition and record the appropriate aperture settings.

In measuring the brightness of a portion of a *sign* required to meet the incident illumination standards specified in subparagraph (iii) and (iv) below, the illumination level of that portion of the *sign* shall be determined by pointing the LUTS Meter at that portion so that the entire portion completely fills the viewing frame of the meter. If, because of the shape or configuration of that portion of the *sign*, the entire portion cannot be viewed within the viewing frame, readings may be taken of discrete sections of that portion separately, provided, however, that no more of the portion than is absolutely necessary to measure the entire portion may be included in more than one such reading. Readings of sections of that portion of the *sign* shall be averaged to obtain the average illumination level of the entire portion.

All measurements shall be taken at night when the ambient air temperature is between 65 and 75 degrees Fahrenheit.

The requirements of subparagraphs (iii) and (iv) below shall be met either continuously or for a minimum of 10 percent of the operating cycle of an animated *sign*.

The duration of one complete operating cycle of any *sign* required under this subsection (3) which is animated, in whole or in part, shall not exceed 5 minutes. During any one complete operating cycle of any such *sign*, the aggregate time for which such *sign* is unlit shall not exceed 10 percent of the operating cycle and in no case shall exceed 15 seconds. In addition, no single continuous time period during which such a *sign* is unlit shall exceed 3 seconds. During any one complete operating cycle of any such *sign*, the brightness levels specified below in subsections (iii) and (iv) shall be attained for an aggregate time of not less than 20 percent of the operating cycle and in no case shall be less than 10 seconds. In addition, the *surface area* of any *sign* required to be continuously animated, either in whole or in part and either electrically or mechanically, shall exhibit visual changes clearly discernable by an observer at *street level* at intervals not exceeding 30 seconds.

- (iii) A minimum of 25 percent of the required minimum aggregate *surface area* of *signs* required under this subsection (3) shall comprise *signs* each of which shall attain for a minimum of 20 25 percent of its *surface area* at least 250 footcandles 1.5 LUTS incident illumination measured as specified above by means of electric lamps, such as neon tubes, incandescent lamps or cathode ray tubes, which are exposed directly to view. All of the remainder of each such *sign* shall attain at least 25 footcandles 0.2 LUTS incident illumination measured as specified above by means of electric lamps exposed directly to view and/or luminous surfaces comprising translucent material lit from behind by electric lamps.

In addition, each of the *signs* required to meet the standards of this subparagraph (iii) shall have either: a minimum of 20 percent of its *surface area* continuously electrically animated either by means of flashing borders, writing, pictorial representations, emblems or other figures of similar character or by means of flashing *sign surface area* serving as a field or background thereto; or, a minimum of 50 percent of its *surface area* continuously mechanically animated.

- (iv) In addition, a minimum of 25 percent of the required minimum aggregate *surface area* of *signs* required under this subsection (3) shall comprise *signs* each of which shall attain for all of its *surface area* at least 150 footcandles 0.4 LUTS incident illumination measured as specified above by means of luminous surfaces comprising translucent material lit from behind by electric lamps. Alternatively, but also in addition to subparagraph (iii), a minimum of 25 percent of the required minimum aggregate *surface area* of *signs* required under this subsection (3) shall achieve the same incident illumination levels for the same amounts of *surface area* as specified in subparagraph (iii) above.

In addition, each of the *signs* required to meet the standards of this subparagraph (iv) shall have either: a minimum of 20 percent of its *surface area* continuously electrically animated either by means of flashing borders, writing, pictorial representations, emblems or other figures of similar character or by means of flashing *sign surface area* serving as a field or background thereto; or, a minimum of 50 percent of its *surface area* continuously mechanically animated.

- (v) In addition, a minimum of 20 percent of the *surface area* of each of the *signs* required to meet the standards of subparagraphs (iii) and (iv) above shall be continuously electrically animated either by means of flashing borders, writing, pictorial representations, emblems or other figures of similar character meeting the minimum illumination requirements of subparagraphs (iii) or (iv), or by means of flashing *sign surface area* which meets the minimum illumination requirements of subparagraphs (iii) or (iv) and serves as a field or background thereto. Alternatively, but also in addition to subparagraphs (iii) and (iv), a minimum of 50 percent of the *surface area* of each of the *signs* required to meet the standards of subparagraphs (iii) and (iv) above shall be continuously mechanically animated. For the purposes of this subparagraph, the *surface area* of *signs* required to be continuously animated shall exhibit visual changes clearly discernable by an observer at street level at intervals not exceeding 30 seconds.

(vi)(v) The provisions of subparagraphs (iii), and (iv) and (v) may be modified or waived upon certification by the Chairman of the City Planning Commission that the dynamic character and attractiveness of the *sign* or *signs* for which the modification or waiver is granted are assured by the proposed design and operation and that the signage on the *development* as a whole will produce an effect at least equal to that achieved through the application of subparagraphs (iii), and (iv) and (v).

Any portion of the *surface area* of a *sign* lit by means of indirect illumination and not complying with subparagraphs (iii), (iv) and (v) above shall receive a minimum Except for an individual *sign* meeting the illumination requirements of subparagraphs (iii) and (iv) above for at least 50 percent of its *surface area*, for all of the *signs* required under this subsection (3) all *surface area* not complying with subparagraphs (iii) and (iv) above shall be lighted with an average level of illuminance across the entirety of that *surface area* of 75 foot candles and with an average to minimum illuminance ratio of not greater than 3 to 1. An individual *sign* meeting the requirements of subparagraphs (iii), (iv) and (v) above for at least 50 per cent of its *surface area* need not comply with this illuminance requirement.

\* \* \*

- (7) All required *illuminated signs* shall remain lit from dusk until 1:00 a.m. daily.

All of the *surface area* of *signs* required under subsections (2) and (3) of this subsection (a) shall be visible from a **height of 5 feet above street** level at a **any point 60 feet** from the Seventh Avenue or Broadway *street line* of the *zoning lot* on which they are required to be provided.

At least 50 percent of the minimum aggregate *surface area* of *signs* required under subsection (3) shall comprise *signs* each of which shall be legible during daylight hours from a minimum distance of 60 feet when viewed from ground level at a point perpendicular in plan to the center of the *sign*.

- (b) For *enlargements* which add *floor area* amounting to a *floor area ratio* of at least 1.0, the *sign* requirements of this Section shall apply as follows:
- (1) If the *enlargement* involves an increase in *floor area*, minimum aggregate *surface areas* of required *signs* shall be determined in the same manner as for new *developments* on the basis of the length of the *zoning lot's* frontage as set forth in paragraphs (a)(2), (3) and (6).



- (2) All other requirements for *signs* required for *enlargements* shall be as provided for new *developments* in paragraphs (a) (1), (2), (3), (4), (5) and (7).
- (3) The provisions of subparagraphs (1) or (2) may be modified or waived upon certification by the Chairman of the City Planning Commission that such modification or waiver results from compelling necessity.
- (c) *Zoning lots* between 43rd and 50th Streets with *street* frontage on Seventh Avenue and/or Broadway comprising *developments* or *enlargements* and *existing buildings* to remain shall meet the requirements of subsection (a) for *developments* or subsection (b) for *enlargements* on the basis of the configuration and *street* frontages of the entire *zoning lot*.

There shall be no reduction in the aggregate *surface area* of *signs* on any existing *buildings* to remain. A *non-conforming sign* may be structurally altered, reconstructed, or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in the creation of a new *non-conformity* or an increase in the degree of *non-conformity* of such *sign*.

81-744

Floor area bonus for retention of certain existing listed theatres

\* \* \*

(a) Amount of retention bonus

- (1) If the *zoning lot* on which the *development* or *enlargement* is located is within the Theatre Subdistrict but wholly outside of the Theatre Subdistrict Core, all as defined in Section 81-71 (General Provisions), the amount of bonus *floor area* granted shall not exceed the amount of *floor area* derived from applying a *floor area ratio* of 1.0 over the total area of the *zoning lot* on which the *development* or *enlargement* is located.

If the *zoning lot* on which the *development* or *enlargement* is located is divided by a boundary of the Theatre Subdistrict Core, as defined in Section 81-71 (General Provisions), the amount of bonus *floor area* granted shall not exceed the amount of *floor area* derived from applying a *floor area ratio* of 1.0 over the sum of:

- (i) the area of the *zoning lot* which is outside of the Theatre Subdistrict Core; and
- (ii) an area of the *zoning lot* within the Theatre Subdistrict Core, not exceeding the area in subparagraph (i) above.

\* \* \*

## (b) Location of development or enlargement

The *development* or *enlargement* for which a theatre retention bonus is granted shall be located within the Theatre Subdistrict, whose boundaries are shown on Map No. 1 (Special Midtown District and Subdistricts), but shall not be located on a *zoning lot* ~~with more than 50 percent of its area which is contained entirely~~ within the Theatre Subdistrict Core. **If the *zoning lot* on which the *development* or *enlargement* is located is divided by a boundary of the Theatre Subdistrict Core and if the basic maximum *floor area ratio* as set forth in Section 81-211 (Maximum floor area ratios for non-residential or mixed buildings) is the same for both the portion of the *zoning lot* within the Core and the portion outside of the Core, bonus *floor area* must be utilized on the *zoning lot* in accordance with the provisions of subsection (b) of Section 81-746 (Additional provisions for zoning lots divided by district or Subdistrict Core boundaries).** Each listed theatre which is retained as a condition of the granting of the bonus may be located on a *zoning lot* which is the same as or separate from the *zoning lot* containing the *development* or *enlargement*.

\* \* \*

**81-746 Modification of special Additional provisions for zoning lots divided by district or subdistrict core boundaries**

- (a) For any *zoning lot* which includes a listed theatre as set forth in Section 81-742 (Restrictions on demolition of theatres) and which is divided by a boundary between districts with different *bulk* regulations, the Chairman of the City Planning Commission, by certification, may authorize modifications of the provisions [of the provisions] of Section 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), Section 77-21 (General Provisions), Section 77-22 (Floor Area Ratio) and Section 77-25 (Lot Area or Floor Area Requirements), as follows:

For any *zoning lot*, whether or not it existed on December 15, 1961 or **on the date** of any applicable subsequent amendment thereto, *floor area* or *rooms* permitted by the applicable district regulations on that side of the district boundary occupied by the theatre may be located on the other side of the district boundary subject to the following conditions:

- ~~(a)~~(1) The amount of such *floor area* to be located on the other side of the district boundary shall not exceed 20 percent of the basic maximum *floor area ratio* of the district in which it is to be located. ~~(b)~~(2) The number of such *rooms*, if any, to be located on the other side of the district boundary shall not exceed the number permitted by the *floor area per room* requirements as set forth in Section 81-242 (Density regulations for residential and mixed buildings).
- ~~(c)~~(3) Compliance with the provisions of Section 81-743 (Required assurances for continuance of legitimate theatre use).

\* \* \*

(b) Notwithstanding any other provisions of this Resolution, for any *zoning lot* which is divided by a boundary of the Theatre Subdistrict Core as defined in Section 81-71 (General Provisions) and for which the basic maximum *floor area ratio* as set forth in Section 81-211 (Maximum floor area ratios for non-residential or mixed buildings) is the same for both the portion within and the portion outside of the Theatre Subdistrict Core, the applicable underlying bulk regulations shall be modified as follows:

- (1) *floor area*, including bonus *floor area*, or *rooms* permitted by the applicable district regulations on that portion of the *zoning lot* within the Theatre Subdistrict Core may be located on the portion of the *zoning lot* outside the Core, provided that the number of such *rooms*, if any, to be located outside of the Core shall not exceed the number permitted by the *floor area per room* requirements as set forth in Section 81-242 (Density regulations for residential and mixed buildings); and
- (2) *floor area*, including bonus *floor area*, or *rooms* permitted by the applicable district regulations on that portion of the *zoning lot* outside of the Theatre Subdistrict Core shall not be located on the portion of the *zoning lot* within the Core.

#### 81-75 Special Street Wall and Setback Requirements

*Developments* or *enlargements* located on *zoning lots* between 43rd and 50th Streets with *street* frontage on Seventh Avenue and/or Broadway shall comply with the requirements of this Section, and, in all other respects related to height and setback, with the provisions of Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations - Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation).

With the exception of *signs* and parapets not exceeding four feet in height, no obstructions are permitted to penetrate the mandatory *street wall* height limits or setback requirements for *zoning lots* between 43rd and 50th Streets with *street* frontage on Seventh Avenue and/or Broadway set forth in this Section.

For the purposes of this Section, *signs* are permitted as exceptions to the special *street wall* and setback requirements contained herein, except that above the top of a *street wall* before setback required under this Section no *sign* may be located closer than 6 feet to the Seventh Avenue or Broadway *street wall* before setback. *Signs* located below the top of a required *street wall* before setback as defined in this Section may project across a *street line* up to 10 feet. Marquees are not subject to the requirements of this Section.

- (a) With the exception of *buildings* located on *zoning lots* between Seventh Avenue and Broadway, *developments* or *enlargements* located on *zoning lots* between 43rd and 50th Streets with *street* frontage on Seventh Avenue or Broadway shall meet the following requirements:

\* \* \*

- (6) ~~For the purposes of this Section, *signs* are permitted as exceptions to the special *street wall* and setback requirements contained herein, except that above the top of a *street wall* before setback required under this Section no *sign* may be located closer than 6 feet to the Seventh Avenue or Broadway *street wall* before setback. *Signs* located below the top of a required *street wall* before setback as defined in this Section may project across a *street line* up to 10 feet. Marquees are not subject to the requirements of this subsection.~~
- (b) The *street wall* of any *building* on a *zoning lot* between 43rd and 50th Streets and between Seventh Avenue and Broadway shall have a minimum *street wall* height of 50 feet above *curb level* on all *street* frontages.

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

## CITYWIDE

## No. 17

*(Amendment to Sections 74-99 and 78-07 of the Zoning Resolution concerning the extension of the lapse period of a permit issued by the City Planning Commission.)*

N 890513 ZRY

**IN THE MATTER** of amendments pursuant to Section 200 of the New York City Charter, of the **Zoning Resolution of the City of New York**, relating to Sections 74-99 and 78-07, as follows:

Matter in **Bold** is new, to be added;

Matter in ~~Strikeout~~ is old, to be omitted;

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

Chapter 4 Special Permits by the City Planning Commission

\* \* \*

74-99

Lapse of Permit

A special permit for a specified use granted under the provisions of this resolution shall automatically lapse if substantial construction, in accordance with the plans for which such permit was granted, has not been completed within two years from the date of granting such permit by the City Planning Commission and the Board of Estimate, or, if judicial proceedings to review such decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals.

- (a) Any special permit for a specified use or for a modification of the use or *bulk* regulations granted under the provisions of this chapter shall automatically lapse if substantial construction of at least one *building*, in accordance with the plans for which such special permit was granted, is not complete:
- (1) within two years from the date of granting such special permit; or
  - (2) if judicial proceedings to review the decision to make such grant shall have been instituted, within two years from the date of entry of the final order in such proceedings, including all appeals; or
  - (3) if the *development* is part of an urban renewal area or other government-sponsored or government-assisted *development* project, within two years from the date of the applicant's possession of the site or sites.
- (b) In the case of special permits granted under the provisions of Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions), Section 74-43 (Race-tracks), Section 74-62 (Railroad Passenger Stations), Section 74-65 (Airports), Section 74-66 (Heliports), Section 74-71 (Landmark Preservation), or Section

74-73 (Sewage Disposal Plants and Pumping Stations), such two-year lapse period shall be extended to three years.

- (c) Upon a showing that a longer time period for substantial construction is required for a phased construction program of a multi-building complex, the Commission may, at the time of granting such special permit, extend the periods set forth in paragraph (a) and (b) above up to a total of ten years.

\* \* \*  
Chapter 8 Special Regulations Applying to Large-Scale  
Residential Developments  
\* \* \*

78-07

Lapse of Authorization or Special Permit

~~Such authorizations or special permit granted under the provisions of this Chapter shall automatically thereunder lapse if substantial construction thereunder has not been completed within three years from the date of granting such authorizations or permits, or if judicial proceedings to review the decision to make such grant shall be instituted, from the date of entry or the final order in such proceedings including all appeals.~~

- (a) Any authorization or special permit granted under the provisions of this chapter shall automatically lapse if substantial construction of at least one *building*, in accordance with the plans for which such authorization or special permit was granted, is not complete:
- (1) within three years from the date of granting such authorization or special permit; or
  - (2) if judicial proceedings to review the decision to make such grant shall have been instituted, within three years from the date of entry of the final order in such proceedings, including all appeals; or
  - (3) if the *development* is part of an urban renewal area or other government-sponsored or government-assisted *development* project, within three years from the date of the applicant's possession of the site or sites.

- (b) Upon a showing that a longer time period for substantial construction is required for a phased construction program of a multi-building complex, the Commission may at the time of granting such authorization or special permit, extend the periods set forth in paragraph (a) above up to a total of ten years.

\* \* \*

Resolution for adoption scheduling November 29, 1989 for a public hearing.

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No. 18

*(Amendments to Sections 12-10 and 74-74 concerning large-scale commercial, manufacturing and mixed-use developments in certain commercial and manufacturing districts.)*

N 900158 ZRY

IN THE MATTER of amendments pursuant to Section 200 of the New York City Charter, of the **Zoning Resolution of the City of New York**, relating to Sections 12-10, 74-74, 74-741, 74-742, 74-743, 74-744, 745, 746, 747, and 748 as follows:

Matter in **Bold** is new, to be added;  
 Matter in ~~Strikeout~~ is old, to be omitted;  
 Matter in *italics* is defined in Section 12-10.

\* \* \*

12-10

\* \* \*

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 fee ownership **or alternative ownership arrangements as set forth in the zoning lot definition in Section 12-10, for all zoning lots comprising the development**, 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 or its agent.

For the purpose of this definition, a *zoning lot* 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 community facility development*.

A *large-scale community facility development* shall be located entirely in a *Residence District* or in a C1, C2, C3, or C4-1 District and shall in no event be considered as a *general large-scale development*.

\* \* \*

#### General Large-scale development

A "general large-scale development" is a *large-scale development* or *enlargement* other than a *large-scale residential development* or a *large-scale community facility development*. A *general large-scale development* may be located in any *Commercial* or *Manufacturing District*, subject to the restrictions of Section 74-743(a)(1), 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
- (b) Is designated by its owner as a tract, all of which is to be *used, developed, or enlarged* as a unit under single fee ownership or alternative ownership arrangements as set forth respectively in the *zoning lot* definition in Section 12-10 for all *zoning lots* comprising the *development*, 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 or its agent.

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 4, provided that such *buildings* form an integral part of the *general large-scale development*, and provided that there is no *bulk* distribution from a *zoning lot* containing such existing *buildings*.

\* \* \*

#### 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 under single fee ownership or alternate ownership arrangements as set forth in the zoning lot definition in Section 12-10 for all zoning lots comprising the *development*, 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 or its agent.

**A large-scale residential development shall be located entirely in a Residence District or in a C1, C2, C3 or C4-1 District, and shall in no event be considered as a general large-scale development.**

\* \* \*

74-74

Commercial Developments Extending into More than One Block

Delete entire section

**General Large-Scale Development**

For *general large-scale developments* involving several zoning lots but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and *bulk* controls. For these developments, the regulations of Section 74-74 are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

No portion of a *general large-scale development* shall contain any use not permitted by the applicable district regulations for such portion. When an existing building in a *general large-scale development* is occupied by a *non-conforming use*, any enlargement of such existing building shall be subject to the requirements set forth in Section 52-00.

Notwithstanding any provision to the contrary contained in Sections 23-22, 23-23, and 23-151 the lot area requirement for a residential use within a *general large-scale development* shall be expressed in terms of *dwelling units* or *rooming units* as set forth below:

District	Required Lot Area (in sq. ft.) per Dwelling Unit	Required Lot Area (in sq. ft.) per Rooming Unit
R3	1040 (690)*	

R4	970 (510)*	
R5	605 (350)*	
R6	278 (183)*	206 (146)*
R7	198 (143)*	138 (114)*
R8	123	88
R9	98	78
R10 (Base FAR),R10A	79	60
R10 (For a 20 percent FAR bonus)	65	55

\*For *Non-profit Residences for the Elderly*.

#### 74-741

##### Requirement for application

An application to the City Planning Commission for the grant of a special permit pursuant to Section 74-74 for a *general large-scale development* shall include a site plan showing the boundaries of the *general large-scale development* and the proposed location and use of all *buildings or other structures* on each *zoning lot* comprising the *general large-scale development*.

#### 74-742

##### Ownership

Except as otherwise provided in this Section for urban renewal projects, any *general large-scale development* for which application is made for a special permit in accordance with the provisions of Section 74-74 shall be on a tract of land which at the time of application is all under the control of the applicant as the single owner or holder of a written option to purchase. However, no special permit shall be granted for such development unless the applicant has acquired actual ownership (single fee ownership or alternative ownership arrangements of the *zoning lot* definition in Section 12-10 for all *zoning lots* comprising the development) of, or executed a binding sales contract for, all of the property comprising such tract.

When such *general large-scale development* is located within an urban renewal area, the urban renewal plan of which has been approved by the City Planning Commission, the City's urban renewal agency or its agent may apply for and be granted a special permit under the provisions of Section 74-74 even though it does not meet the ownership requirements set forth elsewhere in this Section, provided that all the parcels comprising such tract of land had been previously in City ownership and their conveyance by the City had been subject to the urban renewal controls set forth in

the approved urban renewal plan. No subsequent alteration in size or configuration of any *zoning lot* approved as part of the *general large-scale development* shall be permitted unless allowed by the Commission.

74-743

**Special provisions for bulk modification**

- (a) For a *general large-scale development*, the Commission may permit:
- (1) distribution of total allowable *floor area, rooms, rooming units, dwelling units, lot coverage* and total required *open space* under the applicable district regulations within a *general large-scale development* without regard for *zoning lot lines* or district boundaries subject to the following limitations:
    - (i) no distribution of *bulk* across the boundary of two districts shall be permitted for a *use* utilizing such *bulk* unless such *use* is permitted in both districts; or
    - (ii) when a *general large-scale development* is located partially in a *Residence District* or in a C1, C2, C3 or C4-1 District and partially in other commercial or manufacturing districts, no transfer of commercial *floor area* to a *Residence District* or to a C1, C2, C3 or C4-1 District from other districts shall be permitted;
  - (2) modification of the *lot area* requirement for non-residential uses in a *Commercial District* with a base *floor area ratio* of 15.0 provided, that for every 750 square feet of gross *residential floor area* in the *building* there is no more than one *dwelling unit*;
  - (3) location of *buildings* without regard for the applicable *yard, court, distance between buildings, or height and setback* regulations;
  - (4) variation in the location of primary business entrances, show windows and *signs* along frontages adjacent to *zoning lots* outside the *general large-scale development* without regard to regulations applicable near *Residence District* boundaries; and
- (b) As a condition of granting a special permit pursuant to this Section for any *general large-scale development*, the Commission shall find that:
- (1) the distribution of *floor area, open space, dwelling units, rooms, rooming units* and the location of *buildings, primary business entrances, show windows and signs* will result in a better site plan and a better relationship among *buildings* and open spaces to adjacent *streets, surrounding development, adjacent open spaces* and shorelines than would be possible without such distribution

- and will thus benefit both the occupants of the *general large-scale development*, the neighborhood and the City as a whole;
- (2) the distribution of *floor area* and the location of *buildings* will not unduly increase the *bulk of buildings* or the density of population in any one *block* or substantially obstruct access of light and air to properties adjoining or across a *street* from the *development*;
  - (3) where a *zoning lot* of a *general large-scale development* does not occupy a frontage on a mapped *street*, appropriate access to a mapped *street* is provided;
  - (4) considering the size of the proposed *general large-scale development*, the *streets* providing access to such *general large-scale development* will be adequate to handle traffic resulting therefrom; and
  - (5) when the Commission has determined that the *general large-scale development* requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities which are incorporated into the city's capital budget may be included as part of such plan and timetable;
  - (6) a declaration with regard to ownership requirement in paragraph (b) of the *general large-scale development* definition in Section 12-10 has been filed with the Commission.

The Commission may prescribe additional conditions and safeguards to improve the quality of the *general large-scale development* and to minimize adverse effects on the character of the surrounding area.

For a phased construction program of a multi-building complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed *general large-scale development*, a phasing plan showing the distribution of *bulk* and open space and, in the case of a site plan providing for common *open space*, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

74-744

#### Modification of use regulations

- (a) Waterfront and related commercial uses

In a C4 District, the City Planning Commission may modify applicable district regulations to allow boating and related *uses* listed in Use Group 14A provided that the Commission shall find that:

- (1) the *uses* are appropriate for the location and blend harmoniously with the rest of the *general large-scale development*; and
- (2) the *streets* providing access to such *uses* will be adequate to handle the traffic generated thereby.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the development.

(b) Location of commercial uses

For any *general large-scale development*, the City Planning Commission may allow *residential* and *non-residential* uses to be arranged within a *building* without regard for the regulations set forth in Section 32-42 (Location within Buildings) provided the following findings are made:

- (1) the *commercial uses* are located in a portion of the *mixed building* that has separate access to the outside with no opening of any kind to the residential portion of the *building* at any *story*;
- (2) the *commercial uses* are not located over any story containing *dwelling units*; and
- (3) the modifications shall not have any adverse affect on the other *uses* located within the *building*.

(c) Modifications of *accessory business signs* regulations

In C6 districts, the City Planning Commission may allow on a *non-residential building* permitted *accessory business signs* to be located or displayed at a height greater than the amount set forth in Section 32-655 provided that their location will not have an adverse impact on the character of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the adjacent area.

74-745

Location of accessory parking spaces and loading berths

When a *general large-scale development* includes two or more *zoning lots*, the City Planning Commission may allow permitted or required *accessory off-street parking spaces* or *loading berths* to be located anywhere within a *general large-scale development* without regard for

*zoning lot lines*, provided that the Commission makes the following findings:

- (a) such off-street parking spaces and loading berths will be conveniently located in relation to the *use* to which such spaces or berths are *accessory*;
- (b) such location of off-street parking spaces and loading berths will result in a better site plan; and
- (c) such location of off-street parking spaces and loading berths will not unduly increase the number of spaces in any single *block*, draw excessive traffic through *local streets*, or otherwise adversely affect traffic conditions in the surrounding area.

Whenever required off-street parking spaces and loading berths are permitted to be located without regard for *zoning lot lines* in accordance with the provisions of this Section, the number of spaces required for each *building* shall be kept available for such *building* throughout its life.

#### 74-746

Special provision for a tunnel under a street

Within a *general large-scale development*, the City Planning Commission may permit two *buildings* to be connected by a tunnel under a *street*, provided that the *street* volume occupied by such a tunnel is not mapped and owned by the City and provided that the Commission shall find the structure is used exclusively for vehicular circulation and is necessary to achieve improved vehicle circulation within the development and on adjoining *streets*.

#### 74-747

Special provisions for enlargement over streets in M2 and M3 Districts

Within a *general large-scale development* in M2 and M3 Districts, when the air space above a *narrow street* or portion thereof is closed and demapped by the City, the City Planning Commission may permit the demapped air space to be part of an adjoining *zoning lot*. In no event shall such demapped air space be considered as *lot area* for purposes of qualifying as a *general large-scale development* or generating any *floor area*. The Commission may also permit in such demapped air-space the *enlargement* of an existing *building* on the adjoining *zoning lot*. As a condition for granting a special permit for such *enlargement* in such demapped air-space, the Commission shall find that:

- (a) the use of the demapped air-space for *enlargement* is necessary to accommodate the expansion of an existing *use* listed in Use Group 17 or 18 that has existed on the adjoining *zoning lot* for a minimum of five years prior to the date of application for a special permit;
- (b) such existing *use* listed in Use Group 17 or 18 requires a floor size and configuration which necessitates such *enlargement* in demapped air-space;
- (c) the *enlargement* will not have an adverse impact on the essential character or future use or development of the adjacent area;
- (d) a satisfactory ventilation plan consistent with the respective standards of the City's Departments of Transportation and Environmental Protection is provided for the *street* area below the demapped air-space.
- (e) an illumination of at least five foot candles at the *curb level* is provided for the *street* area below the demapped air-space;
- (f) the *enlargement* will not obstruct any significant scenic view; and
- (g) no *Residential* or *Commercial District* boundary is located within 1,000 feet of any portion of the demapped volume of the *street*.

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

#### 74-748

##### Modification of certain special permits

Any *development* or *enlargement* granted a special permit by the City Planning Commission under Section 74-74 (Commercial Development Extending into More than One Block) prior to (the effective date of the amendment) may be started or continued pursuant to that special permit.

The Commission, may upon application, allow modification of a special permit granted under Section 74-74 before (the effective date of this amendment). No such modification, however, may create a new non-compliance or increase the degree of an existing non-compliance. Non-compliance shall be measured pursuant to the applicable district *bulk* regulations.

In no event may the Commission grant a modification of a special permit approved prior to (the effective date of this amendment) which would:

- (a) increase the height of the *building*; or

- (b) increase the *floor area* or *lot coverage* of the *building on the zoning lot*.

No existing *plaza* or other public amenity for which a *floor area* bonus or any increase in tower coverage above 40 percent of the *lot area* of the *zoning lot* has been received under Section 74-74 (Commercial Developments Extending into More than One Block) prior to (the effective date of this amendment) shall be eliminated or reduced in size except by special permit of the Commission pursuant to a finding that a proposed change will provide a greater public benefit in the light of the public amenity's purpose.

Resolution for adoption scheduling November 29, 1989 for a public hearing.

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No. 19

(Amendments to the Zoning Resolution concerning developments within or over railroad or transit right-of-way or yard.)

N 900159 ZRY

IN THE MATTER of amendments pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to Sections 22-40, 32-44, 42-46, and 74-68, as follows:

Matter in **Bold** is new, to be added;  
 Matter in ~~Strikeout~~ is old, to be omitted;  
 Matter in *italics* is defined in Section 12-10.

12-10 (Definitions)

\* \* \*

**Railroad or Transit Right-of Way or Yard**

A "railroad or transit right-of-way or yard" is a tract of land occupied or used on or after September 27, 1962 by railroad or transit tracks, track beds, yards, freight terminals or appurtenant facilities accessory to railroad or transit operation and maintenance and was open on September 27, 1962. Such tract of land or portion thereof shall not be deemed a *zoning lot* unless authorized by the City Planning Commission in accordance with the applicable provisions of Sections 22-41, 32-44, 42-46 or 74-68.



\* \* \*

## 22-40 SUPPLEMENTARY USE REGULATIONS

## 22-41

~~Air Space over Railroad or Transit Rights-of-Way or Yards~~ **Right-of-Way or Yard**

## 22-411

## Definitions

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

## 22-412

## Use of railroad or transit air space

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In all districts, as indicated, *railroad or transit air space* may be developed or used only for a permitted *use accessory* to the *railroad or transit right-of-way or yard*, a *use* permitted by the City Planning Commission as set forth in Section 74-681 (Developments ~~within or over Railroad or Transit Rights-of-Way or Yards~~ **railroad or transit right-of-way or yard**), or a railroad passenger station permitted by the City Planning Commission as set forth in Section 74-62 (Railroad Passenger Stations) **unless the right-of-way or yard is no longer required for railroad or transit use as set forth in paragraph (b) below.**

If any *building or other structure* constructed in such *railroad or transit air space* in accordance with the provisions of Section 74-681 (Developments ~~within or over Railroad or Transit Rights-of-Way or Yards~~ **railroad or transit right-of-way or yard**) is *enlarged* or replaced by a new *building or other structure*, the provisions of this Section shall apply to such *enlargement or replacement*.

However, any *use* legally established in such *railroad or transit air space* in accordance with the provisions of Section 74-681 (Developments ~~within or over Railroad or Transit Rights-of-Way or Yards~~ **railroad or transit right-of-way or yard**) may be changed to another *use* listed in a permitted Use Group, and no additional special permit from the City Planning Commission shall be required for such change of *use*.

Any *building or other structure* **within or over** a *railroad or transit right-of-way or yard*, which *building or other structure* was completed **prior to September 27, 1962**, or constructed in accordance with the applicable provisions of Sections 11-31 to 11-34, inclusive, ~~relating to building permits issued before the effective date of Resolution or Amendment~~, may be *enlarged* or replaced in accordance with the applicable district regulations without any

requirement for a special permit from the City Planning Commission. Ownership of rights permitting the *enlargement* or replacement of such a *building or other structure* shall be deemed to be equivalent to ownership of a *zoning lot* or portion thereof, provided that such *enlargement* or replacement will be on one *block* and the rights are in single ownership [-] and recorded prior to (the effective date of this amendment). Such ownership of rights shall be deemed to include alternative equivalent arrangements specified in of the *zoning lot* definition in Section 12-10.

~~Enlargements or replacements~~ *Enlargement or replacement* utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a *zoning lot*.

(b) When the use of a *railroad or transit right-of-way or yard* has been permanently discontinued or terminated, no use or development of the property shall be allowed until the City Planning Commission has authorized the size and configuration of all *zoning lots* on such property. As a condition for such authorization, the Commission shall find that:

- (1) The proposed *zoning lots*, indicated by a map describing the boundaries of and the total area of each lot, are not excessively large, elongated or irregular in shape and that no *development* on any *zoning lot* would result in the potential for an excessive concentration of *bulk* that would be incompatible with allowable development on adjoining properties; and
- (2) Each resulting *zoning lot* has direct access to one or more *streets*.

No subsequent alteration in size or configuration of any *zoning lot* approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such *zoning lot* designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate covers the entire tract of land comprising the *zoning lot* and which is executed and recorded as specified in the definition of *zoning lot* in Section 12-10.

Prior to granting any *zoning lot* authorization within the above mentioned right-of-way or yard, the City Planning Commission may request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the

City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit use.

\* \* \*

32-44

Air Space over ~~Railroad or Transit Rights of Way or Yards~~ **Right-of-Way or Yard**  
32-441

Definitions

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

32-442

Use of railroad or transit air space

C1 C2 C3 C4 C5 C6 C7 C8

- (a) In all districts, as indicated *railroad or transit air space* may be developed or used only for a permitted *use accessory* to the *railroad or transit right-of-way or yard*, a use permitted by the City Planning Commission as set forth in Section 74-681 (Developments ~~within or over Railroad or Transit Rights of Way or Yards~~ **railroad or transit right-of-way or yard**), or a railroad passenger station permitted by the City Planning Commission as set forth in Section 74-62 (Railroad Passenger Stations) **unless the right-of-way or yard is no longer required for railroad or transit use as set forth in paragraph (b) below.**

If any *building or other structure* constructed in such *railroad or transit air space* in accordance with the provisions of Section 74-681 (Developments ~~within or over railroad or Transit rights of Way or Yards~~ **railroad or transit right-of-way or yard**) is *enlarged* or replaced by a new *building or other structure*, the provisions of this Section shall apply to such *enlargement* or replacement.

However, any use legally established in such *railroad or transit air space* in accordance with the provisions of Section 74-681 (Developments ~~with-in or over Railroad or Transit Rights of Way or Yards~~ **railroad or transit riht-of-way or yard**) may be changed to another use listed in a permitted Use Group, and no additional special permit from the City Planning Commission shall be required for such change of use.

Any *building or other structure* ~~within or over a railroad or transit right-of-way or yard~~, which *building or other structure* ~~has been was~~ completed ~~before~~ **prior to** September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 to 11-34, inclusive, ~~relating to building permits issued before the effective date of Resolution or Amendment,~~ may be *enlarged* or replaced in accordance with the applicable

district regulations without any requirement for a special permit from the City Planning Commission. Ownership of rights, permitting the *enlargement* or replacement of such a *building or other structure* shall be deemed to be equivalent to ownership of a *zoning lot* or portion thereof, provided that such *enlargement* or replacement will be on one *block* and the rights are in single ownership [-] **and recorded prior to (the effective date of this amendment)**. Such ownership of rights shall be deemed to include **alternative equivalent arrangements specified in of the zoning lot definition in Section 12-10.**

*Enlargements* or replacements utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a *zoning lot*.

- (b) **When the use of a railroad or transit right-of-way or yard has been permanently discontinued or terminated, no use or development of the property shall be allowed until the City Planning Commission has authorized the size and configuration of all zoning lots on such property. As a condition for such authorization, the Commission shall find that:**

- (1) **The proposed zoning lots, indicated by a map describing the boundaries of the total area of each lot, are not excessively large, elongated or irregular in shape and that no development on any zoning lot would result in the potential for an excessive concentration of bulk that would be incompatible with allowable development on adjoining properties; and**
- (2) **Each resulting zoning lot has direct access to one or more streets.**

No subsequent alteration in size or configuration of any *zoning lot* approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such *zoning lot* designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate covers the entire tract of land comprising the *zoning lot* and which is executed and recorded as specified in the definition of *zoning lot* in Section 12-10.

Prior to granting any *zoning lot* authorization within the above mentioned right-of-way or yard, the City Planning Commission may request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the

City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit use.

\* \* \*

42-46

Air Space over Railroad or Transit ~~Rights of Way or Yards~~ **Right-of-Way or Yard**

42-461

Definitions

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

42-462

Use of railroad or transit air space

M1 M2 M3

- (a) In all districts, as indicated *railroad or transit air space* may be developed or used only for a permitted *use accessory* to the *railroad or transit right-of-way or yard*, a use permitted by the City Planning Commission as set forth in Section 74-681 (Developments ~~within or over Railroad or Transit Rights of Way or Yards~~ **railroad or transit right-of-way or yards**), or a railroad passenger station permitted by the City Planning Commission as set forth in Section 74-62 (Railroad Passenger Stations) or an open vehicle storage establishment authorized pursuant to this Section **unless the right-of-way or yard is no longer required for railroad or transit use as set forth in paragraph (b) below.**

If any *building or other structure* constructed in such *railroad or transit air space* in accordance with the provisions of Section 74-681 (Developments ~~within or over railroad or Transit rights of Way or Yards~~ **railroad or transit right-f-way or yards**) is *enlarged* or replaced by a new *building or other structure*, the provisions of this Section shall apply to such *enlargement* or replacement.

However, any use legally established in such *railroad or transit air space* in accordance with the provisions of Section 74-681 (Developments ~~with-in or over Railroad or Transit Rights of Way or Yards~~ **railroad or transit right-of-way or yards**) may be changed to another use listed in a permitted Use Group, and no additional special permit from the City Planning Commission shall be required for such change of use.

Any *building or other structure* **within or over** a *railroad or transit right-of-way or yard*, which *building or other structure* ~~was has been~~ completed before the effective date of this amendment prior to September 27, 1962, or constructed in accordance with the applicable provisions of

Sections 11-31 to 11-34, inclusive, ~~relating to building permits issued before effective date of Resolution or Amendment,~~ may be *enlarged* or replaced in accordance with the applicable district regulations without any requirement for a special permit from the City Planning Commission. Ownership of rights permitting the *enlargement* or replacement of such a *building or other structure* shall be deemed to be equivalent to ownership of a *zoning lot* or portion thereof, provided that such *enlargement* or replacement will be on one *block* and the rights are in single ownership ~~and recorded prior to (the effective date of this amendment).~~ Such ownership of rights shall be deemed to include **alternative equivalent ownership arrangements of specified** in the *zoning lot* definition in Section 12-10.

*Enlargements* or replacements utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a *zoning lot*.

- (b) **When the use of a railroad or transit right-of-way or yard has been permanently discontinued or terminated, no use or development of the property shall be allowed until the City Planning Commission has authorized the size and configuration of all zoning lots created on such property. As a condition for such authorization, the Commission shall find that:**
- (1) **The proposed zoning lots, indicated by a map describing the boundaries of and the total area of each lot, are not excessively large, elongated or irregular in shape and that no development on any zoning lot would result in the potential for an excessive concentration of bulk that would be incompatible with allowable developments on adjoining properties; and**
  - (2) **Each resulting zoning lot has direct access to one or more streets.**

**No subsequent alteration in size or configuration of any zoning lot approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such zoning lot designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate covers the entire tract of land comprising the zoning lot and which is executed and recorded as specified in the definition of zoning lot in Section 12-10.**

Prior to granting any *zoning lot* authorization within the above mentioned right-of-way or yard, the City Planning Commission may request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit use.

\* \* \*

74-68

Developments Within or Over Certain Rights-of-Way or Yards

Delete Current Sections 74-681(1) and (2)

74-681

Developments within or over railroad or transit right-of-way or yard

(a) In all districts, when a *development* or *enlargement*, including a large-scale development pursuant to Section 74-74, 78-00 et seq. or 79-00 et seq. are located partially or entirely within a *railroad or transit right-of-way or yard* and/or in *railroad or transit air space*, the City Planning Commission may permit:

- (1) that portion of the *railroad or transit right-of-way or yard* which will be completely covered over by a permanent platform to be included in the *lot area* for such *development or enlargement*;
- (2) any portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated and adjoins any portion that is completely covered over by a permanent platform to be included in the *lot area* for such *development or enlargement*;
- (3) Notwithstanding the applicable district regulations, certain *uses* may be located beneath a portion of a permanent platform, including a *platform street* as follows:
  - (i) any *use accessory* to a *primary use* located on the *zoning lot*;
  - (ii) a *public parking garage* or *public parking lot* provided the findings set forth in Section 74-52, and hereby made applicable, are met for such garage or lot;
  - (iii) a *railroad passenger station* (pursuant to Section 74-02) or *railroad* (including right-of-way, freight terminal, yard or appurtenance, or a facility or service used or required in railroad operations);

(iv) a public transit yard, warehouse, trucking terminal or motor freight station (without limitation on *lot area* per establishment).

(b) As a condition for granting a special permit, the Commission shall find that:

- (1) the *streets* providing access to all *uses* pursuant to paragraph (a) above are adequate to handle traffic resulting therefrom;
- (2) the distribution of *floor area* and the number of *rooms* or *dwelling units* does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such *development* or *enlargement*, including any portion of the *development* or *enlargement* located beyond the boundaries of such *railroad* or *transit right-of-way* or *yard*;
- (3) all *uses*, *developments* or *enlargements* located on the *zoning lot* or below a platform do not adversely affect one another;
- (4) if such *railroad* or *transit right-of-way* or *yard* is deemed appropriate for future transportation use, the site plan and structural design of the *development* does not preclude future use of, or improvements to, the right-of-way for such transportation use.

(c) For any *development* or *enlargement* located within or over *railroad* or *transit right-of-way* or *yard*:

- (1) The application to be filed with the City Planning Commission for special permit approval pursuant to this section shall include a site plan showing:
  - (i) the total *lot area* of that portion of a *railroad* or *transit right-of-way* or *yard* to be covered by a platform; and/or
  - (ii) the total *lot area* of such right-of-way or yard that has been permanently discontinued or terminated.
- (2) Ownership of rights to develop in *railroad* or *transit air space* or a *railroad* or *transit right-of-way* or *yard* where such use has been permanently discontinued or terminated, shall meet the requirements of the *zoning lot* definition in Section 12-10. J
- (3) Where the *railroad* or *transit right-of-way* or *yard* is to be covered over by a permanent platform, such platform shall be unperforated except for such suitably protected openings as may be required for ventilation, drainage or other necessary purposes.



- (4) The Commission may establish an appropriate level or levels instead of *curb level* as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, *floor area*, *lot coverage*, *open space*, *yards*, and minimum distance between *buildings*.
- (5) The Commission may permit two *buildings* to be connected by a bridge or tunnel, within a portion of a *street*, provided that the *street* volume occupied by such bridge or tunnel is not mapped and owned by the City, and provided that such structure is used exclusively for pedestrian or vehicular circulation. In no event, shall such a bridge or tunnel be considered as *lot area* or generate any *floor area*. In the case of a bridge, the Commission shall find that such bridge will:
- (i) provide adequate vertical clearance at all points measured from *curb level* to the soffit;
  - (ii) not rest upon columns or other supports that intrude upon the *street*;
  - (iii) provide illumination of at least 5 foot candles at the *curb level* for the *street* area beneath the bridge;
  - (iv) not obstruct any significant scenic view;
  - (v) not obstruct any access of light and air to the *street* or surrounding public spaces or *streets*.

In the case of a tunnel, the Commission may permit two *buildings* to be connected by a tunnel under a *street* provided the Commission finds that the tunnel is used exclusively for vehicular circulation and is necessary to achieve improved vehicle circulation within the *development* and on adjoining *streets*.

- (d) The Commission shall require the provision of adequate *accessory* off-street parking spaces and loading berths necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by any *use* permitted on the *zoning lot*, and shall determine the required number of parking spaces and loading berths in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and may require, where the *development* or *enlargement* includes an active railroad or transit use that the structural design of such *development* or *enlargement*

make due allowance for changes within the layout of tracks or other structures within such *railroad or transit air space or railroad or transit right-of-way or yard* which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the City Planning Commission may request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use that portion of the *railroad or transit air space or railroad or transit right-of-way or yard* where the railroad or transit use has been permanently discontinued or terminated.

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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**BOROUGH OF THE BRONX**

**No. 20**

**CD 6**

**C 890737 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 ten (10) 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 November 29, 1989 for a public hearing.**

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**No. 21**

**CD 3**

**C 890740 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 thirty-two (32) 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 November 29, 1989 for a public hearing.**

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## No. 22

CD 8

C 891029 PSX

**IN THE MATTER OF** an application submitted by the New York City Department of Parks and Recreation pursuant to Section 197-c of the New York City Charter, to select and acquire 4.73 acres of privately owned property located on Douglas Avenue between West 235th and West 236th streets (Block 5915, Lot 270), for use as a public park and nature preserve.

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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 No. 23

CD 7

C 900137 HDX

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

The property to be disposed, 54 Evelyn Place (Tax Block 3209, Lot 9 between Grand and Aqueduct Avenues is a five-story new law walk-up building with 65 residential units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation for the purpose of providing housing for low-income families.

The property has been managed and maintained by a tenant's association since March 15, 1985, under HPD's Tenant Interim Lease Program.

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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 BOROUGH OF BROOKLYN

## No. 24

CD 16

C 900030 PPK

**IN THE MATTER OF** an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the disposition of eight (8) City-owned properties.

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 November 29, 1989 for a public hearing.**

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No. 25

CD 2

C 890950 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 two (2) 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 November 29, 1989 for a public hearing.**

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No. 26

CD 9

C 890955 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 two (2) 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 November 29, 1989 for a public hearing.**

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**BOROUGH OF QUEENS**

No. 27

CD 13

C 890205 MMQ

**IN THE MATTER OF** an application submitted by Industrial Associates pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq* of the New York City Administrative Code for an **amendment to the City Map** involving the elimination of 177th Street from 149th Road to Rockaway Boulevard in order to **consolidate the applicant's property, and improve traffic flow**, in accordance with Map No. 4856 dated March 24, 1989 and signed by the Borough President. The map was referred to the City Planning Commission by the Board of Estimate on April 13, 1989 (Calendar No. 311).

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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No. 28

CD 13

C 890918 PLQ

**IN THE MATTER OF** an application submitted by the Human Resources Administration (HRA) pursuant to Section 197-c of the New York City Charter for the lease of private property located at 133-21 232nd Street (Block 12972, Lot 67) for a ten (10) year term, for use as a senior citizens center.

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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No. 29

CD 7

C 831294 MMQ

**IN THE MATTER OF** an application submitted by Joseph and Claire DeAngelis pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving the elimination, discontinuance and closing of a 1.5-foot-wide by 25.0-foot-long rectangular portion of 119th Street between 20th Avenue and 22nd Avenue, which is occupied by the applicant's house at 20-09 119th Street, in College Point, in accordance with Map No. 4857 dated June 27, 1989 and signed by the Borough President. The map was referred by the Board of Estimate to the City Planning Commission on August 17, 1989 (Calendar No. 524).

**Resolution for adoption scheduling November 29, 1989 for a public hearing.**

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## II. PUBLIC HEARINGS

### No. 30

#### *Amendment to the Uniform Land Use Review Procedure (ULURP) Rules of Procedure*

#### **PUBLIC HEARING:**

**IN THE MATTER OF** an amendment pursuant to Section 197-c (g) of the New York City Charter, to the ULURP (Uniform Land Use Review Procedure) rules of Procedure, to be added as the new Section 3.012 as follows:

Matter in **bold** is new;

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

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

#### **3.012 Appeal for certification**

At any time after 180 days have elapsed from the date of filing of an application, the applicant may appeal in writing to the Commission to certify the application as complete. Upon receipt of such an appeal the Commission shall refer it to the Department and the environmental review staff for an evaluation of the completeness of the application, which shall include an identification of all material requested by the Department and the environmental review staff but not yet provided by the applicant. If the evaluation demonstrates that all pertinent information has been supplied, the application shall be promptly presented to the City Planning Commission for certification. If the evaluation demonstrates that pertinent information has not been supplied, such information shall be listed by the Department and environmental review staff and sent to the applicant within 30 days of receipt of the appeal. When the applicant has responded, either by supplying all the information so requested, or by explaining why such information should not be required in order to certify the application or cannot be supplied, the Commission shall consider the evaluation and the applicant's response and either certify the application as complete or deny the appeal.

The denial of the appeal shall mean that the application remains incomplete, and the Department and the environmental review staff shall continue with timely review of the application until all the information required for completeness has been provided. If such review continues for an additional 150 days or more beyond the denial, the applicant may again appeal to the Commission under the procedure outlined above to certify the application.

(The present Section 3.012 would be renumbered as Section 3.013.)

(On October 6, 1989, the Commission published in the *City Record* a notice of opportunity to comment on proposed ULURP Rule 3.012.)

**Close the hearing.**

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**BOROUGH OF STATEN ISLAND**

**No. 31**

**CD 2**

**PUBLIC HEARING:**

**C 860587 MMR**

**IN THE MATTER OF** an application submitted by **FOUR BROTHERS — HEARTLAND** pursuant to Sections 197-c and 199 of the New York City Charter for an **amendment to the City Map** involving the change of legal grades in Lovell Avenue between Shirra and Ashworth avenues to facilitate the reconstruction of Lovell Avenue between Shirra and Ashworth avenues, all in accordance with Map No. 4102, dated August 2, 1988 and signed by the Borough President.

(On October 18, 1989 Cal. No. 7 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**BOROUGH OF MANHATTAN**

**No. 32**

**CD 9**

**C 900131 HDM**

**PUBLIC HEARING:**

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

The property to be disposed, is **498 West 133rd Street**, (Tax Block 1970, Lot 61), between Amsterdam and Convent Avenues, is a 5-story old law walk-up building with 9 residential units and 1 commercial unit. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

The property has been managed and maintained by a tenant's association since November 1, 1986, under HPD's Tenant Interim Lease Program.

(On October 18, 1989 Cal. No. 8 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 33**

**CD 9**

**C 900132 HDM**

**PUBLIC HEARING:**

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

The property to be disposed, **601 West 136th Street**, (Tax Block 2002, Lot 42), between Broadway and Riverside Drive, is a six-story new law elevator building with 39 residential units and 5 commercial units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

The property has been managed and maintained by a tenant's association since September 1, 1988, under HPD's Tenant Interim Lease Program.

(On October 18, 1989 Cal. No. 9 the Commission scheduled November 8, 1989 for a public hearing which was duly advertised).

**Close the hearing.**

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**No. 34**

**CD 9**

**C 900133 HDM**

**PUBLIC HEARING:**

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

The property to be disposed, is **602-604 West 132nd Street**, (Tax Block 1998, Lot 38), between Broadway and Riverside Drive, is a six-story new law walk-up building with 30 residential units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

The property has been managed and maintained by a tenant's association since November 1, 1988, under HPD's Tenant Interim Lease Program.



(On October 18, 1989 Cal. No. 10 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 35**

**CD 2**

**C 890584 ZSM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application pursuant to Section 197-c of the New York City Charter and Section 74-782 of the Zoning Resolution of the City of New York, submitted by Joseph Pell Lombardi, requesting a **special permit** to modify Section 42-14(D) (1) (b) to **legalize the conversion of four joint living-work quarters for artists on floors eight and eleven at 594-596 Broadway** (124-128 Crosby Street), a loft building with a lot coverage exceeding 3,600 square feet located on the east side of Broadway between Prince and East Houston streets, within an M1-5B zoning district.

(On October 18, 1989 Cal. No. 11 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 36**

**CD 1**

**N 881029 ZRM**

**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, relating to Sections 86-00, 86-10, 86-11, 86-12, 86-13, 86-14, Appendix A, Appendix B and Appendix C of the **Special Greenwich Street Development District**.

*Reading Proposed Zoning Text Changes*

Words in plain characters	=	existing text to remain
Words <del>struck out</del>	=	existing text to be deleted
Words in <i>italics</i>	=	term whose meaning is defined in the Zoning Resolution
Words in <b>bold</b>	=	new text

*Special Greenwich Street Development District*

86-00

**GENERAL PURPOSES**

The *Special Greenwich Street Development District* (hereinafter also referred to as the "District") established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following purposes:

- (a) To foster and promote the orderly expansion of commercial office development so that the City of New York will enhance its position as a national center for economic and commercial affairs, provide an expanding source of employment opportunities for its inhabitants and encourage the development of a desirable working environment;
- (b) development and implement a plan for improved pedestrian and vehicular circulation, including the grade separation of pedestrian and vehicular circulation systems, in order to avoid congestion arising from the movements of large numbers of people;
- (c) To improve the rapid transit facilities in the area and pedestrian access thereto, including the provision of subsurface pedestrian connections from centers of major commercial development to the transit facilities;
- (d) To retain and promote the establishment of a variety of retail consumer and service businesses so that the needs and requirements of the area's working population will be satisfied;
- (e) To provide an incentive for development in a manner consistent with the foregoing objectives which are integral elements of the Comprehensive Plan of the City of New York;
- (f) To encourage a desirable urban design relationship between each building in the District, between the buildings and the District's circulation systems and between the development in the District and in the adjacent areas of Battery Park City and the World Trade Center;

- (g) To encourage development in accordance with a District Plan, including the provision of mandated improvements, by the coordinated relaxation of tower coverage and other height and setback regulations; and
- (h) To promote the most desirable use of land in accordance with a development and thus to conserve and enhance the value of land and buildings and thereby protect the City's tax revenues.

## 86-01

### Definitions

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and Sections ~~86-00 (GENERAL PURPOSES)~~, 86-01 (Definitions), ~~86-04 (Pedestrian Circulation Improvements)~~ and ~~86-05 (Lot Improvements)~~

Development, to develop or developer

For purposes of this Chapter, a "development" includes the construction of new *building* or other *structure* on a *zoning lot* or *lots*, the relocation of an existing *building* on another *zoning lot* or *lots*, the *use* of a tract of land for a new *use*, or an *enlargement*.

To "develop" is to create a *development*.

"Developer" is the party which undertakes a *development*.

### Manhattan Tunnel Approaches

The Manhattan approaches to the Brooklyn Battery Tunnel shall be referred to as the "Manhattan tunnel approaches."

### Special Greenwich Street Development District

The "Special Greenwich Street Development District" is a Special Purpose District designated by the letter "G", in which special regulations set forth in Article VIII, Chapter 6 apply to all *developments* (as defined in Section 86-01).

The *Special Greenwich Street 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.

## 86-02

### General Provisions

The *Special Greenwich Street Development District* includes portions of two underlying zoning districts: a C6-4 and a C5-5 District. In harmony with the general purpose and intent of this Resolution and the general purposes of the *Special Greenwich Street Development District* and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the *Special Greenwich Street Development District* is superimposed are made inapplicable. Except as

modified by the express provisions of this District, the regulations of the underlying zoning districts remain in effect.

In addition to meeting the requirements, conditions and safeguards as set forth in this Chapter, each *development* shall conform to and comply with all of the applicable district regulations on *use, bulk*, supplementary *use* regulations, regulations applying along district boundaries, *accessory signs, accessory* off-street parking and off-street loading, and all other applicable provisions of this Resolution, except as otherwise specifically provided in this Chapter.

86-03

#### District Plan

The District Plan for the *Special Greenwich Street Development District* identifies the physical improvements which a *developer* or the City or its designee may provide in the District in exchange for bonuses allowed under provisions of this Chapter. ~~In the event that such physical improvements described by the District Plan have already been provided by the City or its designee pursuant to Section 86-040 of this Chapter, the *developer* may elect, with the approval of the Commission, to make a fund contribution for these specified improvements at the monetary rate established in section 86-0411.~~

The physical improvements are of four general types — mandatory pedestrian circulation improvements,—elective pedestrian circulation improvements,—mandatory lot improvements and *preferred special* lot improvements, each of such improvements being described and **where applicable**, its bonus set forth in the provisions of and appendices to this Chapter. The District Plan and elements thereof are set forth in the following appendices attached hereto and made an integral part hereof:

- (a) District Plan (Appendix A);
- (b) Description of Improvements by Block (Appendix B);
- (c) Elective Pedestrian Circulation Improvements (Appendix C).

86-04

#### Pedestrian Circulation Improvements

86-041

#### General

Pedestrian circulation improvements are those elements of the District Plan which are identified in Appendices B and C. Such improvements are of two types—mandatory and elective. Mandatory pedestrian circulation improvements are those elements which shall be built by the *developer* of a *zoning lot* in the *block* or *blocks* identified in Appendix B and for which the *developer* is allowed the additional floor

~~area specified in Section 86-046 (Floor area allowance). Elective pedestrian circulation improvements are those elements identified in Appendix C which a developer may elect to build, and for which the developer is allowed the additional floor area specified therein. any development within the District shall be eligible for the additional floor area authorized by Section 86-047 (Additional floor area for pedestrian circulation improvements) subject, however, to the limitations imposed by Section 86-048 (Basic maximum floor area ratio) and 86-06 (Floor Area Limitations).~~

**Provisions for elective pedestrian circulation improvements in the sub-way shall include work to be located only within the following stations:**

- Lex. IRT Fulton Street Station**
- Lex. IRT Wall Street Station**
- Lex. IRT Bowling Green Station**
- Bwy. BMT Cortlandt Street Station**
- Bwy. BMT Rector Street Station**
- Bwy. BMT Whitehall Street Station**
- 7th Avenue IRT Rector Street Station**

#### **86-042**

##### **Elevated shopping bridge**

~~An "elevated shopping bridge" is a continuous enclosed space which spans a street between two zoning lots and connects to elevated shopping ways in one or both of such zoning lots. The elevated shopping bridge~~

- ~~(a) has its floor located at the same level as the floors of the elevated shopping ways to which it connects; and~~
- ~~(b) has a minimum width of 40 feet and a maximum width of 50 feet within which a minimum width of 15 feet is devoted to pedestrian space and a minimum width of 25 feet is devoted to retail space. Such pedestrian space has a minimum height between floor and ceiling of 30 feet and is heated and air conditioned. Such retail space may be occupied only by uses listed in Use Group G.~~

#### **86-043**

##### **Enclosed pedestrian bridge**

~~An "enclosed pedestrian bridge" is a continuous enclosed space which spans a street between two zoning lots and connects to elevated shopping ways or pedestrian connections in both zoning lots. The enclosed pedestrian bridge~~

- ~~(a) has its floor located at the same level as the floors of the elevated shopping ways or pedestrian connections to which it connects;~~

- (b) has a minimum width of 15 feet,
- (c) has a minimum height between floor and ceiling of 30 feet; and
- (d) is heated and air conditioned.

## 86-044

## Open pedestrian bridge

An "open pedestrian bridge" is a continuous open bridge which spans a street between two zoning lots and connects with elevated shopping ways or pedestrian connections in each of such zoning lots. The open pedestrian bridge

- (a) is located at the same level as the floors of the elevated shopping ways or pedestrian connections to which it connects; and
- (b) has a minimum width of 15 feet.

## 86-045

## Pedestrian deck

A "pedestrian deck" is a continuous open platform which extends above a street from a zoning lot and connects to adjacent elevated pedestrian circulation systems. The pedestrian deck:

- (a) is located at the same level as the elevated pedestrian circulation systems to which it connects;
- (b) provides for pedestrian facilities including, but not limited to, benches, outdoor cafe, and kiosks for uses from Use Group G;
- (c) has not less than one tree per 1300 square feet of pedestrian deck, each tree being a minimum caliper of 4 inches and being watered by an automatic watering system, the measurement of caliper and the specifications for planting being in accordance with the standards and specifications of the American Society of Nurserymen; and
- (d) may have amenities such as fountains and sculptures.

Where trees are planted pursuant to this Section prior to April 1, 1978, such planting may be undertaken in accordance with the tree caliper requirements existing prior to December 15, 1977.

## 86-046

## 86-042

## Floor area allowance

- (a) for each mandatory elective pedestrian circulation improvement provided, the development shall be eligible for a floor area allowance at the rate set forth in the following table.

**FLOOR AREA ALLOWANCE FOR MANDATORY  
PEDESTRIAN CIRCULATION IMPROVEMENTS**

- |   | Sq. ft. of Floor Area<br>per linear foot |
|---|--|
| a) for an <i>elevated shopping bridge</i> —           | 700 per linear foot                      |
| b) for an <i>enclosed pedestrian bridge</i> —         | 270 per linear ft.                       |
| c) for an <i>open pedestrian bridge</i>               |  |
| (1) single span—                                      | 90                                       |
| (2) Multiple span—                                    | 100                                      |
| (3) with stair or ramp—                               | 120                                      |
| d) for a <i>pedestrian deck</i> —                     | 10 per linear foot.                      |
| e) for each tree provided on <i>pedestrian deck</i> — | 300 sq. ft. per tree                     |

Mandatory pedestrian circulation improvements shall not be eligible for any *floor area* allowance.

For each elective pedestrian circulation improvement provided, the *floor area* generated shall be determined by the following formula: the estimated cost of the proposed elective pedestrian circulation improvement as approved by the Transit Authority shall be divided by the current district rate to determine the *floor area* attributable to that improvement.

On July 1, 1990 and on each subsequent July 1 the City Planning Commission in conjunction with the Transit Authority shall revise and update the list of Elective Pedestrian Circulation Improvements (Appendix C).

**86-047**

**Additional floor area for pedestrian circulation improvements**

A *developer*, in the case of *mandatory pedestrian circulation improvements*, shall, and in the case of *elective pedestrian circulation improvements* may, elect to increase its basic maximum *floor area ratio* set forth in Section 33-12 (Maximum Floor Area Ratio) in accordance with the provisions below provided the *developer* constructs, or has a private party or a public agency construct on its behalf, *pedestrian circulation improvements* as provided in Section 86-04.

**86-048**

**Basic maximum floor area ration**

- (a) ~~For any development in that portion of the District superimposed upon a C6-4 District the basic maximum floor area ratio set forth in Section 33-12 (Maximum Floor Area Ratio) may be raised from 10.0 to not more than 15.0 by means of additional floor area allowances for provision of elective pedestrian circulation improvements or for money contributions in lieu thereof as set forth in Section 86-049 (Selection of pedestrian circulation improvements. A basic maximum floor area ratio increased in this manner is hereinafter referred to as the "adjusted basic maximum floor area ratio."~~

~~If a development's adjusted basic maximum floor area ratio is 15.0, the bonus rates established in the regulation of the C5-5 District shall apply to any plaza, plaza-connected open area, arcade, covered pedestrian space, through block arcade, or elevated plaza provided by such development. When additional floor area attributable to the provision of pedestrian circulation improvements would result in a floor area ratio in excess of 15, the excess floor area shall be credited as bonus floor area subject to the provisions of Section 86-06 (Floor Area Limitations).~~

- (b) ~~For any development in that portion of the District superimposed upon a C5-5 District the basic maximum floor area ratio set forth in Section 22-13 (Maximum Floor Area Ratio) shall remain at 15. Any such development may provide elective pedestrian circulation improvements and receive the additional floor area attributable thereto, provided that such development~~
- ~~(i) provides those mandatory pedestrian circulation improvements and mandatory lot improvements, if any, designated by the District Plan to be constructed on the zoning lot; and~~
  - ~~(ii) complies with the provisions of Section 86-06 (Floor Area Limitations). Any additional floor area attributable to the provision of pedestrian circulation improvements shall be credited as bonus floor area.~~

86-049

86-043

#### Selection of pedestrian circulation improvements

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

- (1) **First**, those mandatory pedestrian circulation improvements which the *developer* is required to construct in connection with the *development* of its *zoning lot*, such improvements being listed by *block* number the Description of Improvements by *block* (Appendix B).



- (2) **Second**, those elective pedestrian circulation improvements which remain unconstructed, selected ~~from in the order in which they are ranked on the list of Elective Pedestrian Circulation Improvements (Appendix C) and whose aggregate additional floor area allowances when added to that attributable for the provision of mandatory pedestrian circulation improvements, if any~~ entitles the *developer* to the total additional *floor area* desired. ~~Elective pedestrian circulation improvements 10, 11, 12 and 13 in Appendix C have a special ranking priority ahead of the numerical order set forth in Appendix C and equal to each other.~~

The *developers* shall submit written notice to the New York City Transit Authority of the intention to develop a *zoning lot* and the elective pedestrian circulation improvement which the *developer* proposes to construct. Plans and outline specifications as approved by the Transit Authority and written notice of such approval shall be sent to The Department of City Planning. This written approval must include the estimated cost of the proposed elective pedestrian circulation improvement.

- (3) If no **single** unconstructed elective pedestrian circulation improvement or *improvements* enables a *developer* to obtain the total additional *floor area* desired, the *developer* shall ~~may~~ select the highest ranked unconstructed improvement and, if necessary, such other improvement or improvements listed in Appendix C, so that the aggregate additional *floor area* attributable to all pedestrian circulation improvements ~~provided either (a) exceeds or equals the additional floor area desired, the excess being credited as bonus floor area.;~~ or

- (b) ~~is less, by the smallest amount, than the additional floor area desired, the difference between such aggregate additional floor area and the additional floor area desired being credited as additional floor area in exchange for a contribution (the "Fund Contribution") to the Greenwich Street Development District Fund to be established and administered in accordance with Section 86-04104 (Greenwich Street Development District Fund). The Fund Contribution shall be at the monetary rate specified in Section 86-0411 (Fund Contribution), be in the form of cash and be tendered to such Fund prior to the granting by the Department of Buildings of a building permit for the development.~~

86-0410

#### Greenwich Street Development District Fund

The City Planning Commission shall establish a Greenwich Street Development Fund as a trust and agency account with the Office of the Comptroller. Such Fund shall accept Fund Contributions which shall be applied by the City Planning Commission (or its designated agent), toward the following:

- (1) ~~Improvements to public transit facilities within the district in accordance with recommendations prepared by the New York City Transit Authority and approved by the City Planning Commission. Such recommended improvements, the design and construction of which may be financed from the fund, may include, but need not be limited to~~
- ~~(a) lighting~~
  - ~~(b) the painting or resurfacing of walls, floors and ceilings;~~
  - ~~(c) modernization of turnstiles, mechanical exits and change booths;~~
  - ~~(d) graphic design and replacement of signs; and~~
  - ~~(e) other design improvements which shall add to the amenities of the subway stations within the District. The improvements shall be located within the following stations:~~
    - ~~Lex. IRT Fulton Street Station~~
    - ~~Lex. IRT Wall Street Station~~
    - ~~Lex. IRT Bowling Green Station~~
    - ~~Bwy. BMT Cortlandt Street Station~~
    - ~~Bwy. BMT Rector Street Station~~
    - ~~Bwy. BMT Whitehall Street Station~~
    - ~~7th Avenue IRT Rector Street Station~~
- (2) ~~Design, and/or construction, and/or maintenance and/or operation of:~~
- ~~(i) *pedestrian circulation improvements* identified in the District Plan;~~
  - ~~(ii) vertical circulation connections between *streets* and elements of the elevated public circulation system pursuant to the District Plan; and~~
  - ~~(iii) improvements in *streets* or street related public spaces intended primarily for pedestrian circulation in cases where such improvements (x) are associated with *pedestrian circulation improvements* identified in the District Plan or (y) are associated with pedestrian underpasses and circulation improvements (Elective Pedestrian Circulation Improvements) related to one or more of the subway stations listed above in subsection 1(e) or this Section. Such work shall be performed either by Port Authority of New York and New Jersey, pursuant to agreement entered into by the Mayor or his designee, or otherwise pursuant to the provisions of the City Charter Governing contracts.~~

86-0411

86-044

Fund Contribution District Rate

The Fund Contribution, if tendered prior to July 1, 1971, shall be at the rate of \$8.44 per square foot of additional *floor area* credited pursuant to Section 86-049 (Selection of pedestrian circulation improvements). On July 1, 1971, and on each subsequent July 1, the City Planning Commission shall publish the monetary rate at which additional *floor area* shall be credited for the forthcoming year. Such rate shall be calculated by multiplying the monetary rate for the previous year ending on June 30 by a fraction, the numerator of which shall be the "land assessed value" (as defined below) for the fiscal year beginning such July 1 and the denominator of which shall be the "land assessed value" for the fiscal year having just ended. The district rate shall be 12.2% of the land assessed value per square foot. As used herein, the term "land assessed value" shall mean the sum of the "values or real estate unimproved" (as such term is calculated and published by the Tax Commission Department of Finance of the City of New York) and of those *zoning lots* upon which are constructed the thirty most recently completed (i.e., having received a permanent certificate of occupancy) privately-owned office buildings having at least 100,000 square feet of *floor area* and located south of Chambers Street in the Borough of Manhattan, to be selected each year on May 1.

The rate shall be calculated by dividing the sum of the land assessed values of the thirty most recently-completed buildings meeting the criteria in the text by the sum of the corresponding lot areas of those buildings. This result is then multiplied by 2.2 (the inverse of 45%) in order to adjust the assessment which is based on 45% of market value back to market value. Finally, this estimated market value per square foot of lot area is divided by 18 in order to obtain the estimated market value per square foot of *floor area* in an 18 FAR office building. The list of such *zoning lots* (and the *buildings* thereon) shall be filed with the Chairman of the City Planning Commission on file at the Department of City Planning.

**For Information Purposes Only:  
Effective July 1, 1988 the District rate  
is \$57.90 per square foot.**

86-05

Lot Improvements

86-051

General

Mandatory lot improvements are those elements of the District Plan identified in Appendix B which shall be built by the *developer* of the *zoning lot* on which they are mapped, and for which the *developer* is allowed the *floor area* bonus specified in Sections 86-058 (Floor area bonus) and 86-059 (Floor area bonus for certain lot improvements). Special Preferred lot improvements are those may

include elements of the District Plan identified in Appendix B which may be built without a Special Permit from the City Planning Commission as set forth in Section 86-08, by the *developer* of the *zoning lot* on which they are mapped, and for which the *developer* is allowed the *floor area* bonus specified in Sections 86-058 (Floor area bonus) and 86-059 86-053 (Floor area bonus for special certain lot improvements).

#### 86-052

##### Shopping arcade

A *shopping arcade* is a continuous covered space which extends along the *front lot line* of a *zoning lot* for the entire distance shown on the District Plan and described in Appendix B and which

- (a) has a minimum continuous width, unobstructed except for building columns, measured from and perpendicular to the *lot line*, of 15 feet;
- (b) has a minimum continuous height of 15 feet;
- (c) is open to the *street* and has its floor at the same level and continuous with the sidewalk;
- (d) is open to the public at all hours and
- (e) has fronting *uses* as described in Section 86-057 (Frontage allocated for Use Group G).

#### 86-053

##### Elevated shopping way

An *elevated shopping way* is a continuous enclosed space which extends along the *front lot line* of a *zoning lot* for the entire distance shown on the District Plan and described in Appendix B and which

- (a) has its floor located 22 feet above *curb level*;
- (b) has a minimum continuous width, unobstructed except for building columns, of 15 feet;
- (c) has a minimum continuous height of 30 feet;
- (d) has fronting *uses* as described in Section 86-057, (Frontage allocated for Use Group G);
- (e) is open to the public and 7:00 a.m. to 7:00 p.m. on weekdays;
- (f) is heated and air conditioned;
- (g) is designed so as to allow connection to all contiguous systems shown on the District Plan; and

- (h) is, in a given *block*, connected at each intersecting *street* with the sidewalk either by escalators required in Section 86-054 a *Shopping way* or by stairs not less than 8 feet in width to be provided by the *developer* and located within the boundaries of the *zoning lot* abutting such intersecting *street*.

## 86-054

## Shopping way

A *shopping way* consists of two major elements—a *shopping arcade* and an *elevated shopping way*. As a connection between such elements, each *development* shall provide a minimum of one pair of 32 inch wide escalators for each 150 linear feet, or fraction thereof, of *shopping way* within the *development*, except that when a *development* provides a secondary means of access to the *shopping way* from an upper level lobby which:

- i) is reached from street level by an escalator; and
- ii) connects with the *shopping way* at a point at least 100 feet from a *shopping way* escalator, then additional *shopping way* escalators need be provided for each 200 linear feet of *shopping way*, or fraction thereof, in lieu of 150 linear feet. The ends of the escalators shall be clearly visible and directly accessible from the *shopping arcade* and *elevated shopping way* and, at those levels, shall be no farther than 25 feet from the *lot line*. At street level there shall be, with the exception of night gates and air doors, no restriction or obstruction between the sidewalk and the escalators.

## 86-055

## Loggia

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

- (a) is located along a *street line*.
- (b) is located above the level of the *street* such that it may not qualify as an *arcade*.
- (c) maybe open, except for building columns and railing, to the air space over the *street* throughout its length, or may be enclosed, by a colorless, untinted, non reflective, transparent material, except that it may contain a base wall of opaque material up to a maximum height of 18 inches from the finished floor level, and if enclosed, it must therefore be heated and air conditioned (during the appropriate periods).
- (d) has a minimum continous width of 15 feet unobstructed except for building columns,

- (e) has a minimum height of 20 feet,
- (f) is open to the public at all hours, and
- (g) is designed so as to allow connection with all contiguous elements of the District Plan, and match the height of contiguous connecting circulation elements.

#### 86-056

##### Pedestrian connections

~~Pedestrian connections as shown in the District Plan are of two types—connections between two elements which are approximately at the same level and connections between two clearly separate levels. In the former case, the connection shall not be less than a level, or approximately level, walkway 15 feet in width, in the latter case the connection shall not be less than a pair of 32 inch wide escalators. In either case the connection may be effected by means of a plaza, arcade, plaza-connected open area, through block arcade, elevated plaza covered pedestrian space, loggia or combination thereof. Bonus floor area shall be allowed at the rate specified in Section 86-058 (Floor area bonus) and shall be attributed to the provision of a mandatory lot improvement as such terms are used in Section 86-061 (Bonus floor area limitations).~~

#### 86-057

#### 86-052

##### Frontage Allocated for Use Group G

Frontage along the inside boundary of a shopping arcade or an elevated shopping way shall be *developed* and used in accordance with the provisions of this Section.

- (a) A portion of such frontage equivalent to at least 50 percent of the linear dimension of the *front lot line* of the *zoning lot* along which *front lot line* or part thereof the shopping arcade or elevated shopping way is located shall be allocated for occupancy by *uses* in Use Group G;
- (b) The remainder of such frontage may be devoted to access to lobbies, *plazas*, or other pedestrian spaces, escalators or stairs, or to any *uses* permitted by the applicable regulations of the underlying district, provided that the aggregate linear dimension of all frontage occupied by airline offices, banks, loan offices or security brokerage offices may not exceed 25 percent of the linear dimension of the aforementioned *front lot line* of the *zoning lot*, and that no individual establishment in such category of *uses* may occupy more than 40 feet of frontage;
- (c) The minimum depth for all store space fronting on a shopping arcade or elevated shopping way shall be 15 feet; **and**
- (d) No single segment of such frontage occupied exclusively by the facilities or *uses* set forth in paragraph (b) hereof may exceed 80 feet in length.

86-058

**Floor area bonus**

For each portion of a *lot improvement* provided, the *development* shall be eligible for *bonus floor area* at the rate set forth in the following table. The linear footage of a *lot improvement* is measured along the *lot line* of a *zoning lot*.

**BONUS FLOOR AREA FOR PROVISIONS OF  
LOT IMPROVEMENTS**

- (a) for a *shopping way*\*.....400 sq. ft. per linear ft.
- (b) for a *shopping arcade*.....100 sq. ft. per linear ft.
- (c) for an *elevated shopping way*.....300 sq. ft. per linear ft.
- (d) for a *loggia*.....100 sq. ft. per linear ft.
- (e) for a *pedestrian connection*.....the bonus rate specified  
in the Zoning Resolution for the amenity provided
- (f) for required escalators.....20,000 sq. ft. per pair  
32 inch wide escalators if a single run provided, 30,000 sq. ft. bonus if  
double run with intermediate landing provided
- (g) for each tree provided on an *elevated plaza*.....300 sq. ft. per tree

\*A *lot improvement* which qualifies as a *shopping way* shall receive the *bonus floor area* therefore in lieu of separate bonuses for the *shopping arcade* and *elevated shopping way* comprising such *shopping way*.

86-059

86-053

**Floor Area Bonus for Special Certain Lot Improvements**

*Bonus floor area* shall may be granted for *covered pedestrian spaces*, *elevated plazas*, [or] *through block arcades* or other significant improvements to **pedestrian circulation, collectively known as special lot improvements** where such features are designated on the District Plan as *lot improvements* and are constructed in accordance with the provisions of this Section.

- (a) The grant of a *bonus floor area* for *covered pedestrian spaces* shall be conditioned upon compliance with the definition of *covered pedestrian space* as set forth in Section 12-10 (DEFINITIONS) and with the provisions of Section 74-87 (Covered Pedestrian Space), except that:
  - (1) the *covered pedestrian space* may qualify by being directly accessible to the public from any adjoining ~~through block arcade, loggia, elevated shopping way, shopping arcade or elevated plaza~~ which is part of the public pedestrian circulation system, as well as from an adjoining *street, arcade, plaza, court, yard, pedestrian mall*, or other *covered pedestrian space*;

- (2) *uses* permitted to occupy frontage along a *covered pedestrian space* are limited to those *uses* listed in Use Group G; and
- (3) any findings pertaining to location or public need for the *covered pedestrian space* shall be considered to be satisfied by its mapping on the District Plan as a preferred lot improvement.

Bonus *floor area* allowances shall be as set forth in Section 74-87 (Covered Pedestrian Space) or as modified by the provisions of Section 86-048 (~~Basic maximum floor area ratio~~)6 (Floor Area Regulations).

- (b) The grant of bonus *floor area* for elevated *plazas* shall be conditioned upon compliance with the definition of *plaza* as set forth in Section 12-10 (DEFINITIONS), except that:
  - (1) ~~the inner boundary of an adjacent elevated shopping way may serve as a reference line for location and dimension requirements instead of the front lot line;~~
  - (2)(1) the level of the elevated *plaza* shall be limited to not more than three feet above or below the level of an adjacent elevated shopping way or other adjacent *lot* or pedestrian circulation improvements by which public access to the elevated *plaza* is provided;
  - (3)(2) the elevated *plaza* shall have not less than one tree per 1300 square feet of elevated *plaza*, each tree being of a minimum caliper of 6 inches and being watered by an automatic watering system, the measurement of caliper and the specifications for planting being in accordance with the standards and specifications of the American Society of Nurserymen; and
  - (4)(3) the Commission may authorize obstructions in addition to those permitted by the definition of *plaza*. Such obstruction may generally include features of an artistic nature, kiosks or open *uses* for public recreation, eating, entertainment and enjoyment, such as open air cafes. Not more than two-thirds of the *plaza's* area may be occupied by such obstructions or *uses*, and they shall be restricted to appropriate areas so that suitable space is reserved and conveniently located for walking, standing, sitting and the providing of any *pedestrian connection* required by the District Plan.



Bonus *floor area* allowance shall be as set forth in Section 33-13 (Floor Area Bonus for a Plaza) or as modified by the provisions of Section 86-0(DEFINITIONS) and the provisions of Section 74-82 (Through Block Arcades), except that:

- (1) the *through block arcade* may qualify by being directly accessible to the public from a ~~loggia~~ **an elevated plaza, covered pedestrian space, elevated shopping way or shopping arcade** which is any part of the public pedestrian circulation system, as well as from an adjoining street, plaza or arcade; and
- (2) *uses* permitted to occupy frontage along a *through block arcade* are limited to those *uses* listed in Use Group G.

Bonus *floor area* allowances shall be as set forth in Section 74-82 (Through Block Arcades) or as modified by the provisions of Section 86-0486 ~~(Basic maximum floor area ratio)~~ (Floor Area Regulations).

86-0510

86-054

Permitted obstructions in plazas

~~By special authorization,~~ The City Planning Commission may authorize obstructions in addition to those permitted by the definition of *plaza* upon the terms and conditions set forth in paragraph (3) of Section 86-059 ~~(b)3~~ (Floor area bonus for **special certain** lot improvements).

86-06

Floor Area ~~Limitations~~ Regulations

86-061

**Additional floor area ratio for pedestrian circulation improvements or special lot improvements**

**A developer in the case of certain pedestrian circulation improvements, shall, and in the case of elective pedestrian circulation improvements or special lot improvements may, elect to increase the basic maximum floor area ratio set forth in Section 33-12 (Maximum Floor Area Ratio) in accordance with the provisions below provided the developer constructs, or has a private party or a public agency construct on its behalf, pedestrian circulation improvements as provided in Section 86-04.**

- (a) **For any development in that portion of the District superimposed upon a C6-4 District the basic maximum floor area ratio set forth in Section 33-12 (Maximum Floor Area Ratio) may be raised from 10.0 to not more than 15.0 by means of additional floor area allowances for provisions of elective circulation improvements or special lot improvements. A basic maximum floor area ratio increased in this**

manner is hereinafter referred to as the "adjusted basic maximum floor area ratio."

If a *development's* adjusted basic maximum floor area ratio is 15.0, the bonus rates established in the regulations of the C5-5 District shall apply to any *covered pedestrian space, through block arcade, elevated plaza* or special lot improvement provided by such *development*. When additional floor area attributable to the provision of elective pedestrian circulation improvements or special lot improvements would result in floor area ratio in excess of 15, the excess floor area shall be credited as bonus floor area subject to the provisions of Section 86-062 (Bonus Floor area limitations).

- (b) For any *development* in that portion of the District superimposed upon a C5-5 District the basic maximum floor area ratio set forth in Section 33-12 (Maximum Floor Area Ratio) shall remain at 15. Any such *development* may provide elective pedestrian circulation improvements or special lot improvements which are designated for the *block* on which the *development* occurs, and receive the additional floor area attributable thereto, provided that such *development*:
- (i) provides those mandatory pedestrian circulation improvements and mandatory lot improvements, if any, designated by the District Plan to be constructed on the *zoning lot*; and
  - (ii) complies with the provisions of Section 86-062 (Bonus Floor area limitations regulations). Any additional floor area attributable to the provision of elective pedestrian circulation improvements shall be credited as bonus floor area.

86-061

86-062

Bonus floor area limitations

Floor area bonuses for:

- (i) ~~mandatory or preferred lot improvements;~~
- (ii) (i) pedestrian circulation improvements, where the additional floor area attributable to such improvements is credited as bonus floor area as provided in Section ~~86-048~~ 86-06 (Basic maximum floor area ratio) (Floor Area Regulations); or
- (iii) (ii) amenities for which bonus floor area is allowed under the provisions of the underlying districts, or under such provisions as modified by the provisions of this Chapter; are limited as follows:

- (a) Aggregate *floor area* bonuses for any *development* in the District shall not exceed 40 percent of the basic or adjusted basic maximum *floor area ratio* **whichever is greater**, as set forth in Sections 33-12 (~~Maximum Floor Area Ratio~~) and 86-048 (~~Basic maximum floor area ratio~~), respectively, below.
- (b) That portion of the aggregate *floor area* bonuses attributable to improvements or amenities other than ~~mandatory~~ **special** lot improvements or ~~mandatory pedestrian circulation improvements~~ shall not exceed 20 percent of the basic or adjusted basic maximum *floor area ratio*, **whichever is greater**.

## 86-062

## Floor area ratio limitation

- (c) In no event shall the *floor area ratio* for any *development* exceed the basic or adjusted basic maximum *floor area ratio*, **whichever is greater**, by more than 20 percent except that on a *zoning lot* the permitted *floor area ratio* may exceed the basic or adjusted basic *floor area ratio* plus 20 percent if *developed* in accordance with the provisions of Section 86-10 (Modification of regulations for commercial development extending into more than one block) or the provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites).

## 86-063

## Conversion of excess bonus floor area into tower coverage

Bonus *floor area ratio* for which a *development* would be eligible under the provisions of this chapter but for the *floor area ratio* limitation set forth in Section 86-062 may be converted into increased tower coverage so that the maximum percent of *lot area* which may be occupied by a tower shall be the sum of 40 percent plus one-half of one percent for every .1 by which the *floor area* for such *development* would exceed *floor area ratio* 18, provided that in no event may tower coverage on a *zoning lot* exceed 55 percent.

## 86-07

## Modification of Height and Setback Regulations

## 86-071

## Increased tower coverage

Tower coverage permitted by the provisions of Section 33-45 (Tower Regulations) may be increased in accordance with the provisions of Section 86-063 (Conversion of excess bonus floor area into tower coverage).

## 86-072

## Building walls along certain street lines

Notwithstanding any other provision of this Chapter, where the District Plan shows a mandatory requirement of a *development* to be build to a *street line*, any such *development* shall have an exterior wall:

- (a) coincident with such *street line*, except that the *streetwall* required on the *street line* of Battery Place may be located within ten feet of that *street line*.
- (b) construct along the entire length of the portion of the *street line* bounding the *zoning lot*; and
- (c) with regard to the block listed below, rising, without setback, for a height above *curb level* of not less than the amount specified below:
  - (1) For Blocks 13N, 20S, 20N and 21, a height of not less than 85 feet.
  - (2) For Block 13S, a height of not less than 85 feet, provided, however, if Block 13S is *developed* as one *development*, such *development*, shall rise at the *street line* of Battery Place and of Broadway, without setback, to a minimum height of 35 feet but not exceeding 85 feet, except that the tower of such *development* shall rise, without setback, for its full height at the southeast corner of such block.
  - (3) For Block 56N, a height of not less than 200 feet above *curb level*, or the full height of the *building*, whichever is less.

Where *building* walls are mandated to be built at the *street line*, such mandated front *building* wall requirements are optional along *streets* that intersect with *streets* having mandated from *building* wall requirements. In no case shall such optional front *building* walls extend for a distance from the intersection more than 1.5 times the width of the *street* along which such optional *building* wall fronts. If an open area is provided along the full length of the portion of the *front lot line*, not subject to optional front *building* wall requirements, the provisions of Section 33-44 (Alternate Front Setbacks) may apply.

## 86-073

## Exemptions from tower setback requirements

Any *development* which contains a ~~mandatory or preferred~~ lot improvement which the developer elects to construct and is *developed* under the provisions of this Chapter, is exempted from those provisions of Sections 33-451, 33-455, 33-456, or 33-457 which establish tower setback requirements or otherwise restrict the location of a tower on the *zoning lot*.

## 86-074

## Modifications by special permit

For any *development* in the District, the provisions of Section 73-68 (Height and Setback and Yard Modifications) shall not apply. ~~in the District.~~

The City Planning Commission may, by special permit after public notice and hearing and subject to Board of Estimate action, permit modifications of the height and setback regulations of the underlying districts or of such regulations as modified by the provisions of this Chapter.

~~86-08~~

~~Modification of Special Permit Regulations~~

~~86-081~~

~~86-075~~

~~Mandatory or preferred Special lot improvements~~

**Special lot improvements are elements of the District Plan which are significant pedestrian circulation improvements meriting floor area bonus.** Notwithstanding any provisions to the contrary, a *development's* receipt of a floor area bonus for a **mandatory special lot improvement** ~~or a preferred lot improvement~~ shall not require application for, or issuance of, a special permit by the City Planning Commission.

~~86-082~~

~~Elevated plazas in C6-4 District~~

~~For elevated plazas not mapped as mandatory or preferred lot improvements, the provisions of Section 74-76 (Elevated Plazas) are made applicable in the C6-4 portion of the District in addition to the districts in which they are otherwise applicable.~~

~~86-09~~

~~86-08~~

~~Special Use Regulations~~

~~86-091~~

~~86-081~~

~~Minimum retail requirement~~

A minimum of 2½ percent of the total *floor area* of any *development* in the District shall be allocated for occupancy by *uses* listed in Section ~~86-092~~ ~~86-082~~ (Use Group G). Only the net floor space for lease and actual physical occupancy by individual *uses* and not including corridors and other space used in common will be counted in determining the amount of space so allocated. For the purposes of meeting the minimum space requirements for such *uses*, space will be counted as qualifying only if accessible to the public and located on one or more of the following levels:

- (a) a level at which access to such space is provided directly from a *street* or indirectly from a *street* through a lobby;
- (b) a mezzanine immediately above the level specified in paragraph (a) above;
- (c) a level other than the street level at which access to such space is provided directly from a *mandatory* or *preferred lot improvement* or indirectly from such improvement through a lobby; and
- (d) a mezzanine immediately above the level specified in paragraph (c) above.

By special authorization, the City Planning Commission may permit *floor area* not exceeding 20 percent of the total *floor area* required to be allocated for *uses* in Use Group G to be located in an area other than one of the aforementioned areas listed. Alternate areas include, but are not limited to, the top *story* of a *building* for a roof top restaurant open to the public or a *plaza* for an open air cafe. Space devoted to an open air cafe on a *plaza* shall not be included in a *building's floor area*. Such alternate areas may qualify under Commission authorization only if the Commission finds that their arrangement and intended use is suitable from the standpoint of service to the public.

86-092

86-082

#### Use Group G

##### A. Convenience Retail or Service Establishments

1. Bakeries, provided that *floor area* used for production shall be limited to 750 square feet per establishment
2. Barber shops
3. Beauty parlors
4. Drug stores
5. Eating or drinking places, including those which provide outdoor table service or incidental musical entertainment
6. Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores
7. Hardware stores
8. Package liquor stores
9. Shoe or hat repair shops
10. Stationery stores
11. Tailor or dressmaking shops, custom
12. Variety stores, limited to 10,000 square feet of *floor area* per establishment
13. Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of *floor area* per establishment, and provided that only

solvents with a flash point or not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

B. Retail or Service Establishments

1. Antique stores
2. Art gallery, commercial
3. Artists' supply stores
4. Automobile supply stores, with no installation or repair services
5. Bookstores
6. Candy or ice cream stores
7. Cigar or tobacco stores
8. Clothing or clothing accessory stores, limited to 10,000 square feet of *floor area* per establishment
9. Dry goods or fabric stores, limited to 10,000 square feet of *floor area* per establishment
10. Florist shops
11. Furniture stores, limited to 10,000 square feet of *floor area* per establishment
12. Furrier shops, custom
13. Gift shops
14. Interior decorating establishments, provided that *floor area* used for processing, servicing or repairs shall be limited to 750 square feet per establishment
15. Jewelry or art metal craft shops
16. Leather goods or luggage stores
17. Locksmith shops
18. Millinery shops
19. Musical instrument repair shops
20. Music stores
21. Newsstands, open or enclosed
22. Optician or optometrist establishments
23. Pawn shops
24. Pet shops
25. Photographic equipment or supply stores
26. Photographic studios
27. Picture framing shops
28. Printing establishments, limited to 2,500 square feet of *floor area* per establishment for production, post offices and telegraph offices, limited to 2,500 square feet of *floor area* per establishment.
29. Record stores
30. Shoe stores

31. Sporting or athletic stores
32. Stamp or coin stores
33. Television, radio, photograph or household appliance stores, limited to 10,000 square feet of *floor area* per establishment
34. Toy stores
35. Typewriter or other small business machine sales, rental or repair stores
36. Umbrella repair shops
37. Watch or clock stores or repair shops
38. Off-track betting establishments

C. Amusements

1. Theaters

**86-10**

**86-09 MODIFICATION OF OFF-STREET PARKING AND LOADING REGULATIONS**

**86-101**

**86-091**

Restricted access

Vehicular access or egress for parking facilities shall in no case be located on the *streets* listed below. Vehicular access or egress for permitted or required *accessory* off-street loading berths or for the service entrance to a *building* may not be located on the *streets* listed below unless the Commissioner of Buildings has certified that there is no way to provide such berths on entrances with access or egress on some other *street*.

- (a) The east side of West Street between Liberty Street and Battery Place;
- (b) Greenwich Street between Liberty Street and Edgar Street;
- (c) The west side of Broadway between Cortlandt Street and Battery Place;
- (d) Cedar Street between Broadway and Greenwich Street;
- (e) Rector Street;
- (f) Exchange Alley;
- (g) Morris Street between Broadway and Greenwich Street; and
- (h) <sup>110.1</sup> Battery Place

**86-11**

**86-10**

Modification of Regulations for Commercial Developments Extending Into More than One Block



For a site located in the District the minimum requirements which must be satisfied before consideration by the Commission of an application for *development* under the provisions of Section 74-74 (Commercial Developments Extending into More Than One Block) are modified to the following extent:

To be included in the site for such *development* a *zoning lot* need not be, for an aggregate distance of at least 190 feet, directly across a *street* from other *zoning lots* included in the site. It must, however, either be across a *street* and opposite to other *zoning lots* included in the site or, in the case of *corner lots*, front on the same *street* intersection as other *zoning lots* included in the site.

The percent of the area of the entire site which the Commission may permit to be occupied by a tower as defined in Section 33-45 (Tower Regulations) is not limited to 40 percent, but shall in no event exceed the coverage that would be permitted by applying the provisions of Section 86-063 (Conversion of excess bonus floor area into tower coverage) to the entire site.

Paragraph (c) in Section 74-742 (Authorizations and findings), relating to the requirement that at least 60 percent of the entire site be *developed* either as *plaza* or open area, etc. or as landmark and historic buildings, etc. is not applicable within the District.

~~86-12~~

86-11

Notice; Certification; Construction of Improvements, etc.

~~86-121~~

86-111

Developer's notice; Chairman's certification

As conditions to the issuance by the Department of Buildings of an excavation permit for *development* of a *zoning lot* in a *block* containing any mandatory or ~~preferred~~ lot improvement or mandatory pedestrian circulation improvement or where a *developer* elects to provide an elective pedestrian circulation improvement,

- (a) the *developer* shall have submitted to the Chairman of the City Planning Commission
  - (i) written notice of its intention to *develop* a *zoning lot*, or portion thereof, in the District, the *floor area* of such intended *development*, and the *lot* and pedestrian circulation improvements, if any, which the *developer* shall construct, or have a private party or a public agency construct on its behalf;

- (ii) plans and outline specifications for those lot improvements and mandatory and elective pedestrian circulation improvements which it shall construct or have a private party or public agency construct on its behalf pursuant to this Chapter;
  - (iii) regarding those pedestrian circulation improvements which the *developer* has a private party or a public agency construct on its behalf, an agreement, satisfactory to the Chairman of the City Planning Commission, obligating such private party or public agency to construct such improvement reasonably coincident with the construction of the *development*; and
  - (iv) waivers, consents, agreements, restrictive declarations or other legal documents obligating the *developer*, its heirs and devisees, successors and assigns, to *develop* its property in accordance with the District Plan and the provisions of this Chapter and, with regard to those *lots* and pedestrian circulation improvements which provide access to a subway station, to permit public passage through such improvements at such times as reasonably required by the New York City Transit Authority; and
- (b) the Chairman of the City Planning Commission shall have certified to the Department of Buildings receipt of the aforesaid documents and the *developer's* compliance with the requirements of the District Plan. Where a *developer* is required to have a private party or public agency construct an elective pedestrian circulation improvement on its behalf (the "third party improvement") and the *developer* is unable to enter into an agreement with such private party or public agency which is satisfactory to the Chairman of the City Planning Commission, the Chairman may allow the *developer* to select the next highest ranked an unconstructed improvement in lieu of the third party improvement and, if necessary, such other listed improvements, in accordance with Section ~~86-049~~ 86-043 (Selection of pedestrian circulation improvements).

Minor deviations in the physical dimensions of *lot* and *pedestrian circulation improvements* required:

- (i) for architectural reasons; and
- (ii) to insure the continuity of the circulation systems contemplated by the District Plan;

shall not prevent such compliance nor require special authorization pursuant to Section 86-13.

86-122

86-112

Developer's construction of improvements; certificate of occupancy

A *development* shall not be issued a certificate of occupancy for the additional bonus *floor area* attributable to those *lot* and pedestrian circulation improvements which

- (a) the *developer* constructs, until such improvements have been completed and have received the approval of the Department of Buildings; or
- (b) The *developer* has a private party or a public agency construct on its behalf, until the agreement referred to in Section ~~86-121~~ **86-111** has been submitted to and approved by the Chairman of the City Planning Commission.

When the construction of such improvements directly affects a facility or subway station of the Transit Authority, such construction shall be accomplished pursuant to construction procedures satisfactory to the Transit Authority.

~~86-123~~

**86-113**

Maintenance, etc.

The *developer* who constructs, or has a private party or a public agency construct on its behalf, a pedestrian circulation improvements or lot improvement shall be responsible for the maintenance, upkeep and provision of insurance therefore if such improvement is on or connects with such *developer's* zoning lot at or above street level. Regarding any such improvement which is not on or connects with such *developer's zoning lot* at or above street level, the requirements of this Section shall be the responsibility of **the Transit Authority if such improvement directly connects with a subway station and is on public property.**

- (i) ~~The above provisions shall be the responsibility of the Transit Authority if such improvement directly connects with a subway station and either is on public property or replaces a facility which was on public property, and~~
- (ii) ~~in all other cases, the responsibility of the owner or owners of the zoning lot or lots which connect with such improvement~~

~~86-124~~

**86-114**

Compliance with District Plan

Any *development* in the district shall provide the necessary connection and facilities for receiving and connecting with pedestrian circulation and lot improvements built or to be built pursuant to the District Plan. Where the District Plan requires the provision of an improvement spanning a *street* and such *street* is subsequently closed and the land therein conveyed to an abutting

landowner to consolidate a *zoning lot*, the District Plan requirement shall not apply.

86-125

86-115

Franchises; partial street conveyances

The Board of Estimate may make any grant of a franchise, right, contract or consent pursuant to Chapter 14 of the New York City Charter and any conveyance of a portion of a closed *street*, or the **Manhattan tunnel approaches**, whether the air space thereover or space thereunder, pursuant to Chapter 15 of the Administrative Code of the City of New York for such consideration as it deems to be in the best interest of the public upon a finding that:

- (i) such grant or conveyance is necessary to provide a **pedestrian circulation or lot improvement** identified in the District Plan;
- (ii) such **pedestrian circulation or lot improvement** is provided for public use, constructed and maintained in accordance with the provisions of this Chapter and does not contain any stores or other facilities yielding economic gain to the *developer* except for **developments and enlargements** approved pursuant to Section 86-14 (Special Permit for Development over the Manhattan Tunnel Approaches) and,
- (iii) in the case of the conveyance of a portion of a closed *street*, or **Manhattan tunnel approaches** the *developer* receives no **floor area or lot coverage** attributable to such conveyed portion or **bonused amenities** except as provided for in Section 86-14 (Special Permit for Development Over the Manhattan Tunnel Approaches). In cases where such **pedestrian circulation or lot improvement** contains stores or other facilities yielding economic gain, the Board of Estimate may consider the public benefit accruing from, and costs incurred by the *developer* in providing and maintaining, such improvement in determining the fair consideration for such grant or conveyance.

86-126

86-116

Lapse of Authorization, Certification or Special Permit

Such authorizations, certifications or special permits granted under the provisions of this Chapter shall automatically lapse if substantial construction in accordance with the plans for which such approval was granted thereunder has not been completed within two years from the date of granting such authorization, certifications or permits, or, if judicial proceedings to review the decision to make such grant shall be

instituted, from the date of entry of the final order in such proceedings including all appeals.

86-12

**Off-street Relocation of a Subway Stair**

Where a *development* or *enlargement* is constructed on a *zoning lot* of at least 5000 sq.ft. which fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the *street* onto the *zoning lot*. The new entrance or entrances shall be provided in accordance with the provisions of this Section and Section 37-033 (Administrative procedure for a subway stair relocation).

86-121

**Standards for location, design and hours of public accessibility**

**(a) Location**

The relocated entrance shall be immediately adjacent to, and accessible without any obstruction from a public sidewalk or at least one public space, as shown on the District Plan (Appendix A), which shall have a minimum horizontal dimension equal to the width of the relocated stairs.

The relocated entrance may be provided within a *building* shall not be enclosed by any doors. The area occupied by a relocated entrance within a *building* shall not be counted toward the *floor area* of the *development* or *enlargement*.

**(b) Design Standards**

The following standards are taken from the current New York City Transit Authority's station planning guidelines:

The relocated entrance shall have a stair width of at least 8 feet for each run.

No stairway shall have more than 14 risers without a landing, and each landing shall have a minimum width equal to the width of the stairs, and a minimum length of 5 feet.

Throughout the entire stairway entrance, including passageways, the minimum clear, unobstructed height shall be at least 7 feet 6 inches from finished floor to finished ceiling, including all fixtures and signs.

The relocated stairway entrance shall meet Transit Authority guidelines on the following: riser and trend relationship, handrails, passageways, ramps, lighting, finish material, ventilation, information signage, and (where provided) weather protection.

In addition, the following standards shall apply: the relocated entrance shall have a queuing space at the top and bottom of the stairs at least 8 feet wide and 15 feet long. The queuing space may overlap with a public space as shown on the District Plan.

Where two or more existing stairway entrances are being relocated as part of the same *development*, the new entrance or entrances shall have a total stair width or widths equal to or greater than the sum of the stair widths of the stairway entrances being relocated. The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage. The relocated entrance shall connect to an existing or proposed subway passageway, or shall connect, via an underground passageway, to a mezzanine area of the subway station.

The below-grade portion of a relocated entrance may be constructed within the *street*.

These standards may be modified or waived by certification by the Chairperson of the City Planning Commission upon a finding that their enforcement would not contribute to good site planning.

**(c) Hours of Public Accessibility**

The relocated entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by the Transit Authority.

86-13

**Special Authorization by Commission**

On application, the City Planning Commission may grant special authorizations for minor modifications of the provisions of the Chapter upon a *developer's* showing of compelling necessity. Such authorizations, however, may in no event include modification of:

- (a) permitted *floor area ratio* regulations;
- (b) height and setback regulations;
- (c) *use* regulations of the underlying district; or
- (d) *accessory* off-street parking and loading regulations of the underlying district.

The Commission may also grant upon application special authorizations;

- (i) exempting an *enlargement* from any or all of the requirements of this Chapter upon a showing that such requirements would impose an unreasonable burden,

- (ii) modifying the provisions of this Chapter in accordance with the provisions of Section ~~86-091~~ **86-081** (Minimum retail requirement), **Section 86-092 (Use Group G)** and ~~86-0510~~ **86-054** (Permitted obstructions in plazas); and
- (iii) modifying the proportionality and elevation of *urban plaza* requirements as defined in Section 12-10, where such modifications would enhance the pedestrian circulation system.

~~All such applications shall be granted in whole or in part or denied by the Commission within 45 days after receipt thereof.~~ The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such ~~special~~ authorizations.

#### **86-14**

**Special Permit for Developments over the Manhattan Tunnel Approaches**  
 In the District the City Planning Commission may, by special permit after public notice and hearing and subject to Board of Estimate approval, allow the air space above the *Manhattan tunnel approaches* to be considered a *zoning lot* and may allow on such unmapped air space the *development* or *enlargement* of a *building*. As a condition for granting a permit for such *building* on the unmapped air space which is designated as a district parcel, the Commission shall find that

- (a) the *zoning lot* for such *development* or *enlargement* includes only that portion of the area above the *Manhattan tunnel approaches* and contiguous areas of land or property that are not designated as the *Manhattan tunnel approaches* that are covered by a permanent platform;
- (b) adequate access and *street* frontage to one or more *streets* is provided;
- (c) the proposed *development* or *enlargement* will further the District Plan for improved pedestrian circulation; and
- (d) such *development* in unmapped air space is essential to the *development* of this *block* to foster and promote the orderly expansion of commercial office *development* in the District.

#### **86-141**

##### **Pedestrian Decks**

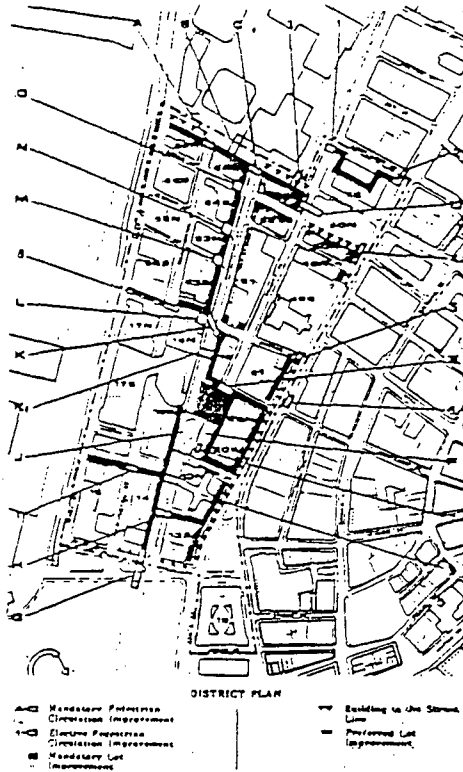
The *development* permitted on the unmapped air space may include areas for pedestrian decks. A "pedestrian deck" is continuous open platform which extends above a *street* from a *zoning lot* and connects to adjacent elevated pedestrian circulation systems. The pedestrian deck:

- (a) is located at the same level as the elevated pedestrian circulation systems to which it connects;
- (b) provides for pedestrian facilities including, but not limited to, benches, outdoor cafe, and kiosks for *uses* from Use Group G;
- (c) has not less than one tree per 700 square feet of pedestrian deck, each tree being a minimum caliper of 4 inches and being watered by an automatic watering system, the measurement of caliper and the specifications for planting being in accordance with the standards and specifications of the American Society of Nurserymen; and
- (d) may have amenities such as fountains and sculptures.

The floor area allowance for a pedestrian deck shall be 10 square feet of floor area per linear foot of deck. For each tree provided on the pedestrian deck 300 square feet of bonus floor area may be granted.



## APPENDIX A

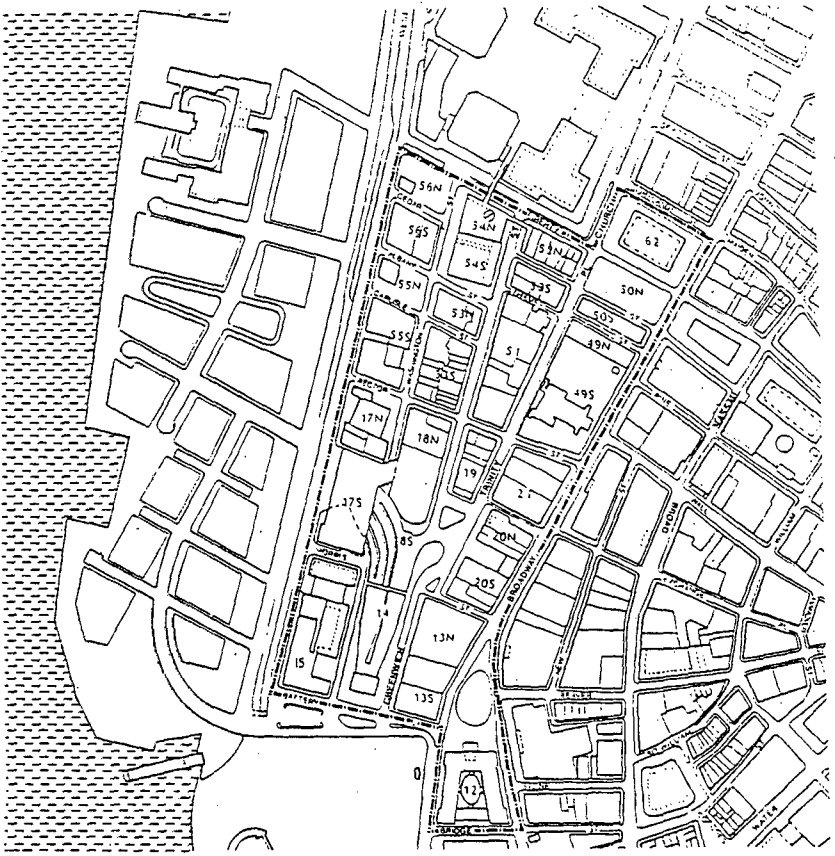


## APPENDIX B

## DESCRIPTION OF IMPROVEMENTS BY BLOCK

This appendix lists the *mandatory pedestrian circulation improvements* ("PCI"s), *mandatory lot improvements* and *preferred lot improvements* which are designated *block improvements* on the District Plan (Appendix A) for the *Special Greenwich Street Development District*. The appendix refers to the text for the requirements and bonus rates for the following improvements:

- (a) *elevated shopping bridge* (Section 86-042)
- (b) *enclosed pedestrian bridge* (Section 86-043)
- (c) *open pedestrian bridge* (Section 86-044)
- (d) *pedestrian deck* (Section 86-045)
- (e) *shopping arcade* (Section 86-052)
- (f) *elevated shopping way* (Section 86-053)
- (g) *shopping way* (Section 86-054)
- (h) *loggia* (Section 36-055)
- (i) *pedestrian connection* (Section 86-056)
- (j) *covered pedestrian space* (Section 86-059(a))
- (k) *elevated plaza* (Section 36-059(b))
- (l) *elevated block arcade* (Section 86-059(c))
- (m) *requirement to build to street line* (Section 86-072)



DISTRICT PLAN: APPENDIX A

**APPENDIX B  
DESCRIPTION OF IMPROVEMENTS BY BLOCK**

This appendix lists the ~~mandatory~~ pedestrian circulation improvements ("PCI's), ~~mandatory and special lot improvements and preferred lot improvements~~ which are designated *block* improvements ~~on the District Plan (Appendix A) for the Special Greenwich Street Development District. The appendix refers to the text for the requirements and bonus rates for the following improvements:~~ The requirements listed below are applicable to this section (Appendix B) only. Those elements of the District Plan that have been approved and constructed must be maintained according to the agreements accepted at the time of their approval.

- (a) ~~elevated shopping bridge (Section 86-042)~~
- (b) ~~enclosed pedestrian bridge (Section 86-043)~~
- (e)(a) open pedestrian bridge (Section 86-044)

An open pedestrian bridge is a continuous open bridge which spans a street between two *zoning lots* and connects with elevated shopping ways or pedestrian connections in each of such *zoning lots*. The open pedestrian bridge

- (a) is located at the same level as the floors of the elevated shopping ways or pedestrian connections to which it connects; and
- (b) has a minimum width of 15 feet.

- (d) ~~pedestrian deck (Section 86-045)~~
- (e)(b) shopping arcade (Section 86-052)

A shopping arcade is a continuous covered space which extends along the front lot line of a *zoning lot* for the entire distance shown on the District Plan and described in Appendix B and which

- (a) has a minimum continuous width, unobstructed except for building columns, measured from and perpendicular to the lot line, of 15 feet;
- (b) has a minimum continuous height of 15 feet;
- (c) is open to the street and has its floor at the same level and continuous with with the sidewalk;
- (d) is open to the public at all hours; and
- (e) has fronting uses as described in Section 86-052 (Frontage allocated for Use Group G).

- (f) ~~elevated shopping way (section 86-053)~~

- (g) shopping way (Section 86-054)
- (h) loggia (Section 86-055)
- (i)(c) pedestrian connection (Section 86-056) The pedestrian connections described in this appendix may also be performed as mandatory stair relocations if no escalators are to be provided. They would not then be eligible for bonus floor area but would satisfy the mandatory lot improvement requirement for the block.

Pedestrian connections as shown in the District Plan are connections between two clearly separate levels. The connection shall not be less than a pair of 32 inch wide escalators. Bonus floor area shall be allowed at the rate specified in Section 86-053 (Floor area bonus for special lot improvements) and shall be attributed to the provision of a special lot improvement as this term is used in Section 86-061 (Bonus floor area limitations).

- (j)(d) covered pedestrian space (Section 86-0593(a))
- (k)(e) elevated plaza (Section 86-0593(b))
- (l)(f) through block arcade (Section 86-0593(e))
- (m)(g) requirement to build to lot street line (Section 86-072)

#### Block 12

No designated improvements.

#### Block 13S

##### Mandatory Pedestrian Circulation Improvements

PCI:II. An open pedestrian bridge spanning Greenwich Street between the east lot line of block 14 and the west lot line of block 13S and providing pedestrian access between the public pedestrian circulation system required in block 13S and the elevated shopping way required in block 14. Not required of block 14 has not been redeveloped to provide the elevated shopping way.

##### Mandatory Lot Improvements

- (a) A pedestrian connection in the northerly portion of the site between street level at Broadway and PCI:II (above the level of Greenwich Street).
- (b)(a) A pedestrian connection open to the public at all hours between the mezzanine of the Lex IRT Bowling Green Station (on the south lot line) and street level at Broadway (about midway on the east lot line), open to the public at the same hours as the adjacent mezzanine open to the air with generous provision

of light and air and with commodious, and obviously public, access from Broadway.

(e)(b) Build to lot street line on Broadway and Battery Place.

#### Preferred Lot Improvements

(a)(c) A covered pedestrian space along the southern portion of the east lot line. This covered pedestrian space may qualify for bonus floor area under the provisions of Section 86-075 (~~Modification of Special Permit Regulations~~) if, in addition to meeting the requirements set forth in Section 12-10 (DEFINITIONS) as modified by Section 86-059 **86-053**, the covered pedestrian space provides:

- (1) a public space in which the stairs from the sidewalk on Battery Place are placed by a pedestrian connection, including not less than one pair of 32 inch wide escalators, and a minimum 8 wide stair between the Lex IRT Bowling Green Station and street level at Broadway;
- (2) for the penetration of daylight into the subway station or concourse; and
- (3) by such means as an arcade, a greater sidewalk width along the west side of Broadway while preserving the solid corner by building to the lot line at the southeast corner of the zoning lot.

(b) ~~An arcade with a minimum width of 15 feet along Broadway (the east lot line).~~

(c) ~~A pedestrian connection between the mandatory through block pedestrian connection (see (a) above) and PCI:9 (the covered pedestrian space in block 13N).~~

#### Block 13N

##### Mandatory Lot Improvements

- (a) Build to lot street line on Broadway.
- (b) ~~An arcade along Broadway (the east lot line)~~

#### Block 14

##### Mandatory Pedestrian Circulation Improvements

PCI:I. An open pedestrian bridge spanning Washington Street between the east lot line, near its midpoint, of Block 15 and the west lot line, near its midpoint, of Block 14 and providing pedestrian access between the elevated public pedestrian circulation systems required in both blocks.

PCI:G. An open pedestrian bridge spanning Battery Place between and the east end of the south lot line of Block 14 and Battery Park and a stair or ramp from the south end of the bridge down to the level of Battery Park and providing pedestrian access between Battery Park and the elevated shopping way required in block 14.

**PCI.H.** An open pedestrian bridge spanning Greenwich Street between the east lot line of Block 14 and the west lot line of Block 13S and providing pedestrian access between the public pedestrian circulation system required in Block 13S and the elevated shopping way required in Block 14. Not required if Block 13S has not been redeveloped to provide the required public pedestrian circulation system.

**Mandatory Lot Improvements**

- (a) An elevated shopping way along Greenwich Street.
- (b) A pedestrian connection between PCI.I (above the level of Washington Street) and (a) above.

**Mandatory Lot Improvements**

- (a) An open pedestrian bridge spanning the Manhattan tunnel approaches between Greenwich Street and Washington Street on the center line of Morris Street, and, if deemed necessary by the Commission, demolition and removal of the existing bridge.
- (b) Build to street line on Battery Place.

**Block 15**

**Mandatory Lot Improvements**

- (a) A pedestrian connection between PCI.I (above the level of Washington Street) and West Street (above street level about midway on the west lot line).
- (b)(a) Build to lot street line on Battery Place.
- (c)(b) Build to lot street line on West Street.

**Block 17S**

**Mandatory Lot Improvements**

- (a) Build to lot street line on West Street.
- (b) An open pedestrian bridge spanning the Manhattan tunnel approaches between Greenwich Street and Washington street on the center line of Morris Street and, if deemed necessary by the Commission, demolition and removal of the existing bridge.

**Block 17N**

**Mandatory Lot Improvements**

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

### Block 18S

#### Mandatory Pedestrian Circulation Improvements

PCI:J. A pedestrian deck above Greenwich Street from Morris Street to a point 75 feet south of Edgar Street extending, at its southern end, 90 feet east of the east lot line of block 18S and, at its northern end, 120 feet east of the east lot line of block 18S and being at the same level and having direct pedestrian access from the elevated shopping way required in block 18S. The pedestrian deck shall also provide for pedestrian facilities including but not limited to benches, outdoor cafe, and kiosks for uses from Use Group G.

PCI:G. A pedestrian deck above Greenwich Street and the Manhattan Tunnel Approaches that begins as a connection to the mandatory lot improvement below and also provides a pedestrian access to grade to curb level at Edgar Street and Trinity Place.

#### Mandatory Lot Improvements

An elevated shopping way along Greenwich Street south from a point 75 feet south of Edgar Street.

A shopping way Retail continuity along Greenwich Street north from a point 75 feet south of Edgar Street.

### Block 18N

#### Mandatory Pedestrian Circulation Improvements

PCI:K. An enclosed pedestrian bridge spanning Greenwich Street between the east lot line of block 18N and the west lot line of block 19 and providing pedestrian access between the elevated shopping ways required in both blocks. Not required if block 19 has not been redeveloped to provide the elevated shopping way or if PCI:K1 has been accomplished.

- PCI:L. An elevated shopping bridge spanning Rector Street between the east end of the south lot line of block 53S and the east end of the north lot line of block 18N and providing pedestrian access between the elevated shopping ways required in both blocks. Not required if block 53S has not been redeveloped to provide the elevated shopping way.

#### Preferred Mandatory Lot Improvements

- (a) A shopping-way Retail continuity along Greenwich Street.
- (b) A pedestrian connection between the 7th Avenue IRT Rector Street Station (at the northern end of the east lot line) and street level at Greenwich Street.

Block 19. (Note that Section 86-11 makes it possible to develop this block in conjunction with block 20N or block 53S.)

#### Mandatory Pedestrian Circulation Improvements

PCI.E. An enclosed pedestrian bridge spanning Trinity Place between the south pedestrian access to IRT and the northwest corner of block 20N and providing required in both blocks. Not required if PCI:10 is accomplished, or if block 20N has not been redeveloped to provide the pedestrian connection.

PCI.K1. An enclosed pedestrian bridge spanning Greenwich Street between the east lot line of block 18N and the west lot line of block 19 and providing pedestrian access between the elevated shopping ways required in both blocks. Not required if block 18N has not been redeveloped to provide the elevated shopping way.

PCI.K. An enclosed pedestrian bridge spanning the intersection of Rector and Greenwich Streets between the southeast corner of block 53S and the northwest corner of block 19 and providing pedestrian access between the elevated shopping ways required in both blocks. Not required if PCI:L is accomplished or if block 53S has not been redeveloped to provide the elevated shopping way.

#### Mandatory and Special Lot Improvements

- (a) a shopping-way Retail continuity along Greenwich Street.
- (b) A pedestrian connection along the south lot line between street level at Trinity Place and street level at Greenwich Street.
- (c) A pedestrian connection along the south lot line between the elevated shopping way along Greenwich Street and PCI:E.

#### Preferred Lot Improvements

(b)(a) A special lot improvement consisting of a pedestrian connection between the 7th Avenue IRT Rector Street Station (at the north end of the west lot line) and street level at Greenwich Street.

(c)(b) A special lot improvement consisting of a pedestrian connection between the Bdwy BMT Rector Street Station (at the north end of the east lot line) and the street level at Trinity Place.



(d)(e) A covered pedestrian space at the north end of the *block* with a view toward Trinity Church. This covered pedestrian space may qualify for bonus floor area under the provisions of Section 86-075 (Modification of Special Permit Regulations) if, in addition to meeting the requirements set forth in Section 12-10 (DEFINITIONS) as modified by Section ~~86-059~~ **86-053**, the covered pedestrian space

- (1) has direct pedestrian access from Greenwich Street, Rector Street and Trinity Place,
- (2) provides a public space in which a pedestrian connection, including not less than one pair of 32-inch wide escalators, **and an 8' stair** is accomplished between street level and the 7th Avenue IRT and Broadway BMT Rector Street stations and
- (3) provides for the penetration of daylight into both subway stations or concourses.

#### Block 20S

##### Mandatory Pedestrian Circulation Improvements

~~PCI-F~~ A pedestrian deck spanning Trinity place between the west lot line of Block 20S and the east edge of PCI-J, extending the full length of the west lot line of Block 20S and having direct pedestrian access from the elevated shopping way required in Block 20S. The pedestrian deck shall also provide for pedestrian facilities including but not limited to benches, outdoor cafe, and kiosks for uses from Use Group G.

##### Mandatory Lot Improvements

- (a) Build to lot *street line* on Broadway
- (b) ~~An elevated shopping way along Trinity Place.~~
- (c) ~~A pedestrian connection along Exchange Alley (the north lot line) between street level at Broadway the the elevated shopping way at Trinity Place.~~
- (d) ~~An arcade with a minimum width of 15 feet along Broadway (the east lot line).~~

#### Block 20N

Note that Section 86-11 makes it possible to develop this block in conjunction with block 19)

##### Mandatory Pedestrian Circulation Improvements

~~PCI-E~~ An enclosed pedestrian bridge spanning Trinity Place between the southeast corner of Block 19 and the northeast corner of Block 20N and providing pedestrian access between the elevated public pedestrian systems required in both blocks. Not required if Block 19 has not been redeveloped to provide the pedestrian connection.

### Mandatory Lot Improvements

- (a) Build to lot street line on Broadway (east lot line)
- (b) An elevated shopping way along Trinity Place (the west lot line).
- (c) A pedestrian connection along Exchange Alley (the north lot line) between street level at Broadway and the elevated shopping way at Trinity Place.
- (d) An arcade with a minimum width of 15 feet along Broadway (the east lot line).
- (e) An elevated plaza spanning Trinity Place between the west lot line of *block 20N* and the east lot line of Greenwich Street and extending from PCI:J and PCI:F on the south to *Block 19* and PCI:E on the north. This elevated plaza may qualify for bonus floor area under the provisions of Section 86-08 (Modification of Special Permit Regulations) if, in addition to meeting the requirements for plaza set forth in Section 12-10 (DEFINITIONS) as modified by Section 86-059, the elevated plaza:
  - (1) provides commodious, and obviously public, pedestrian access from street level on Greenwich Street near the intersection with Edgar Street as well as from PCI:F, PCI:J, the elevated shopping way in *Block 20N* and the elevated pedestrian circulation system in *block 19*, and
  - (2) provides for pedestrian facilities including but not limited to benches, outdoor cafe, and kiosks for uses from Use Group G.

This elevated plaza is not required if the triangular property south of Edgar Street and between Greenwich Street and Trinity Place is not available for development with *Block 20N*.

### Block 21

#### Mandatory and Special Lot Improvements

- (a) Build to lot street line on Broadway.
- (b) As a special lot improvement, a pedestrian connection between the Lex IRT Wall Street Station and street level at Trinity Place.
- (c) As a special lot improvement, a pedestrian connection between the Lex IRT Wall Street Station and street level at Broadway.
- (d) As a special lot improvement, a pedestrian connection between the Bdwj BMT Rector Street Station (at the northern end of the west lot line) and street level at Trinity Place.
- (e) An arcade with a minimum width of 15 feet along Broadway (the east lot line).

**Preferred Lot Improvements**

- (e) A covered pedestrian space at Broadway and Rector Street (the north and east lot lines) with a view of Trinity Church. This may qualify for bonus floor area under the provisions of Section 86-075 (Modification of Special Permit Regulations) if, in addition to meeting the requirements set forth in Section 12-10 (DEFINITIONS) as modified by Section 86-0593, the covered pedestrian space
- (1) provides a public space in which a pedestrian connection, including not less than one pair of 32 inch wide escalators, **and an 8-foot wide stair** is accomplished between the Lex IRT Wall Street Station and street level at Broadway,
  - (2) provides for the penetration of daylight into the subway station or concourse, and
  - (3) provides, by such means as an arcade, a greater sidewalk width along the west side of Broadway while preserving the street wall by building to the east lot line.

## Block 49S

No designated improvements.

## Block 49N

**Mandatory and Special Lot Improvements**

- (a) Build to ~~lot~~ **street line** on Broadway.
- (b) **As a special lot improvement**, a pedestrian connection between the Lex IRT Wall Street Station and street level at Trinity Place.
- (c) **As a special lot improvement**, a pedestrian connection between the Lex IRT Wall Street Station and street level at Broadway.
- (d) ~~An arcade with a minimum width of 15 feet along Broadway (the east lot line).~~

## Block 50S

**Mandatory Lot Improvements**

- (a) Build to ~~lot~~ **street line** on Broadway and Cedar Street.
- (b) ~~An arcade with a minimum width of 15 feet along Broadway (the east lot line).~~

**Preferred Lot Improvements**

~~A shopping arcade along Cedar Street (the north lot line).~~

Block 50N

**No designated improvements**

**Mandatory Lot Improvements**

- (a) ~~Provision to accept PCI:4.~~
- (b) ~~Provision to accept PCI:D.~~

Block 51

**Mandatory and Special Lot Improvements**

- (a) ~~As a special improvement, a pedestrian connection between the Bdwy BMT Rector Station (at the south end of the east lot line) and street level at Trinity Place.~~
- (b) ~~As a special lot improvement, a pedestrian connection between the 7th Avenue IRT Rector Street Station (at the south end of the west lot line) and street level at Greenwich Street.~~
- (c) ~~A shopping arcade **Retail continuity** along Greenwich Street (the west lot line).~~

**Preferred lot Improvements**

~~A shopping arcade along Greenwich Street (the west lot line).~~

Block 52S

**Preferred Mandatory Lot Improvements**

~~A shopping arcade **Retail continuity** along Greenwich Street and Cedar Street.~~

Block 52N

**Mandatory Pedestrian Circulation Improvements**

**PCI:C. Mandatory Lot Improvements**

- (a) An open pedestrian bridge spanning Greenwich Street between the north end of the east line of *block 54N* and the north end of the west lot line of *block 52N* and providing pedestrian access between the elevated public pedestrian systems required in both *blocks*. Not required if *block 54N* has not been re-developed to provide the pedestrian connection.

**PCI:D.**

- (b) An open pedestrian bridge spanning Trinity Place between the east lot line, near its middle, of *block 52N* and the west lot line, near its middle, of *block 50N* and a stair or ramp from the east of the bridge down to the level of Liberty Plaza

and providing pedestrian access between Liberty Plaza and the elevated public pedestrian circulation system required in *block 52N*.

#### Mandatory Lot Improvements

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

#### Preferred Lot Improvements

- (d)(a) ~~A shopping arcade~~ **Retail continuity** along Greenwich Street and Cedar Street.
- (e)(b) A covered pedestrian space along Trinity Place (the east lot line). This covered pedestrian space may qualify for bonus floor area under the provisions of Section 86-075 (Modification of Special Permit Regulations) if, in addition to meeting the requirements set forth in Section ~~86-059~~ **86-055**, the covered pedestrian space provides:
  - (1) a public space in which the stairs from the sidewalk on Liberty Street are replaced by a pedestrian connection, including one pair of 32 inch wide escalators, between ~~PCI:3~~ (the pedestrian tunnel under Liberty Street to the World Trade Center concourse) and street level.
  - (2) ~~a pedestrian connection, including one pair of 32 inch wide escalators between the elevated system of pedestrian connection. (PCI:D the open pedestrian bridge across Trinity Place and the pedestrian connection between PCI:D and PCI:C) and street level;~~
- (3) ~~for the penetration of daylight down to the level of PCI:D, and~~
  - (4) by such means as an arcade, a greater sidewalk width along the west side of Trinity Place while preserving the street wall by building to the east lot line.
- (e) An open loggia along Liberty Street (the north lot line) providing a pedestrian connection between PCI:D and PCI:C.

Block 53S (Note that Section 86-11 makes it possible to develop this block in conjunction with *block 19*.)

### Mandatory Pedestrian Circulation Improvements

PCI:L. An elevated shopping bridge spanning Rector Street between the east end of the south lot line of Block 53S and the east end of the north lot line of Block 18N and providing pedestrian access between the elevated shopping ways required in both blocks. Not required if Block 18N has not been redeveloped to provide the elevated shopping way.

PCI:K. An elevated pedestrian bridge spanning the intersection of Rector Street and Greenwich Streets between the southeast corner of Block 53S and the northwest corner of Block 19 and providing pedestrian access between the elevated shopping ways required in both blocks. Not required if PCI:L is accomplished or if Block 19 has not been redeveloped to provide the elevated shopping way.

PCI:M. An elevated shopping bridge spanning Carlisle Street between the east end of the south lot line of Block 53N and the east end of the north lot line of Block 53S and providing pedestrian access between the elevated shopping ways required in both blocks. Not required if Block 53N has not been redeveloped to provide the elevated shopping way.

### Mandatory and Special Lot Improvements

- (a) A shopping way **Retail continuity** along Greenwich Street.
- (b) A pedestrian connection between the 7 Avenue IRT Rector Street Station (at the south end of the east lot line) and the street level at Greenwich Street.
- (c) A pedestrian connection (along the south lot line) between the elevated shopping way along Greenwich Street and PCI:8 (at the south end of the west lot line.)

### Preferred Lot Improvements

An elevated plaza along Rector Street (the south lot line). This elevated plaza may qualify for bonus floor area under the provisions of Section 86-08 (Modification of Special Permit Regulations) if, in addition to meeting the requirements for plazas as set forth in Section 12-10 (DEFINITIONS) as modified by Section 86-059, the elevated plaza

- (1) provides commodious, and obviously public, pedestrian access from the street level on Greenwich Street at the southeast corner of the block as well as from the adjacent blocks, as provided by PCI:L or PCI:K and PCI:8, and
- (2) provides for pedestrian facilities including, but not limited to benches, outdoor cafe, and kiosks for uses from Use Group G.

## Block 53N

**Mandatory Pedestrian Circulation Improvements**

**PCI:M.** An elevated shopping bridge spanning Carlisle Street between the east end of the south lot line of *block 53S* and providing pedestrian access between the elevated shopping ways required in both *blocks*. Not required if *block 53S* has not been redeveloped to provide the elevated shopping way.

**PCI:N.** An elevated shopping bridge spanning Albany Street between the east end of the south lot of *block 54S* and the east end of the north lot line of *block 53N* and providing pedestrian access between the elevated shopping ways required in both *blocks*. Not required if *block 54S* as not been redeveloped to provide the elevated shopping way.

**Mandatory Lot Improvements**

**A shopping way Retail continuity along Greenwich Street.**

## Block 54S

**Mandatory Pedestrian Circulation Improvements**

**PCI:N.** An elevated shopping bridge spanning Albany Street between the east end of the south lot of *block 54S* and the east end of the north lot line of *block 53N* and providing pedestrian access between the elevated shopping ways required in both *blocks*. Not required if *block 54S* as not been redeveloped to provide the elevated shopping way.

**PCI:O.** An elevated shopping bridge spanning Cedar Street between the east end of the south lot line of *block 54N* and the east end of the north lot line of *block 54S* and providing pedestrian access between the elevated shopping ways required in *block 54S* and the elevated public pedestrian circulation system required in *block 54S*. Not required if *block 54N* as not been redeveloped to provide the pedestrian connection.

**Mandatory Lot Improvements**

**A shopping way Retail continuity along Greenwich Street.**

## Block 54N

**Mandatory Pedestrian Circulation Improvements**

**The improvements described below have been provided and are given here for information only.**

**PCI:B.** An open pedestrian bridge spanning Liberty Streets between the north lot line, near its middle, of Block 54N and the World Trade Center plaza and providing pedestrian access between the World Trade Center plaza and the elevated public pedestrian circulation system required in Block 54N.

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

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

**PCI:O.** An elevated shopping bridge spanning Cedar Street between the east end of the south lot line of Block 54N and the east end of the north lot line of Block 54S and providing pedestrian access between the elevated shopping way required in *block 54S* and the elevated public pedestrian circulation system required in *block 54N*. Not required if Block 54S has not been redeveloped to provide the elevated shopping way.

#### Mandatory Lot Improvements

- (a) A shopping arcade Retail continuity along Greenwich Street.
- (b) A pedestrian connection among PCI:A, PCI:B and PCI:C and PCI:O.

#### Preferred Lot Improvements

(c) An elevated plaza along Liberty Street (the north lot line). This elevated plaza may qualify for bonus floor area under the provisions of Section 86-08 (Modifications of Special Permit Regulations) if, in addition to meet the requirements for plazas set forth in Section 12-10 (DEFINITIONS) as modified by Section 85-0595, the elevated plaza also, in order to serve adequately as the northern entrance to the elevated shopping way:

- (1) provides commodious, and obviously public, pedestrian access from street level on Greenwich Street at the northeast corner of the *block* as well as from the adjacent *blocks*, as provided by PCI:A, PCI:B and PCI:C, and PCI:O and
- (2) provides for pedestrian facilities including, but not limited to, benches, outdoor cafe, or kiosks for uses from Use Group G.

#### Block 55S

##### Mandatory Lot Improvements

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

#### Block 55N

##### Mandatory Lot Improvements



(a) Build to ~~lot~~ street line on West Street.

Block 56S

Mandatory Lot Improvements

(a) Build to ~~lot~~ street line on West Street.

Block 56N

~~Mandatory and Special Pedestrian Circulation Improvements~~

Mandatory Lot Improvements

~~PCI-A~~(a) As a special lot improvement, an open pedestrian bridge spanning Washington Street between the north end of the east lot line of Block 56N to the north end of the west lot line of Block 54N and providing pedestrian access between the elevated public pedestrian circulation systems required in both Blocks. Not required if Block 54N has not been redeveloped to provide the pedestrian connection.

~~Mandatory Lot Improvements~~

(a)(b) Build to ~~lot~~ street line on Liberty Street, and West Street.

(b)(c) As a special lot improvement, a pedestrian connection between ~~PCI-A~~ lot improvement a and West Street (above street level near the north end of the west lot line).

(e)(d) As a special lot improvement, a pedestrian connection between the west end of b c above and street level near the corner of West Street and Liberty Street.

(d)(e) Acceptance of the second level (+ 32'-0") pedestrian bridge from Battery Park City.

~~Preferred Lot Improvements~~

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

Block 62

Mandatory Lot Improvements

(a) A pedestrian connection (below grade) ~~between PCI-1 and PCI-2: between~~ pedestrian tunnels connecting **Block 62 and the World Trade Center, and, Block 62 and the Lex. IRT Fulton Street Station**

(b) A pedestrian connection between ~~PCI-1~~ **the pedestrian tunnel under Church Street between Block 62 and the World Trade Center** and street level near the corner of Church Street and Cortlandt Street.

- (c) A pedestrian connection between **PCI:2 the pedestrian tunnel between Block 62 and the Lex. IRT Fulton Street Station** and street level near the corner of Cortlandt Street and Broadway.

**APPENDIX C  
ELECTIVE PEDESTRIAN CIRCULATION IMPROVEMENTS ("PCI'S")**

**Ranked List of Elective Pedestrian Circulation Improvements**

<b>Priority</b>	<b>Improvement</b>	<b>Additional floor area (square feet)</b>
<b>PCI:1</b>	<b>Stairway to southbound BMT platform from expanded mezzanine across BMT station on Trinity Place.</b>	
<b>PCI:2</b>	<b>Stairway to northbound platform of IRT Rector Street station from new mezzanine connecting with BMT Rector Street station platform</b>	
<b>PCI:3</b>	<b>Stairway to southbound platform of IRT Rector Street station from new mezzanine connecting with BMT Rector Street station platform</b>	
<b>PCI:4</b>	<b>Entrance, control area and stairs to street level and mezzanine connecting south end of IRT Rector Street station platforms. Connection to BMT and IRT Rector Street Station if PC1:3 has been constructed.</b>	
<b>*PCI:15</b>	<b>Pedestrian tunnel under Church Street between Block 62 and the World Trade Center.</b>	<b>303,500</b>
<b>*PCI:26</b>	<b>Pedestrian tunnel between Block 62 and the Lex IRT Fulton Street Station.</b>	<b>74,000</b>
<b>*PCI:37</b>	<b>Pedestrian tunnel under Liberty Street between Block 52N and the World Trade Center.</b>	<b>222,000</b>
<b>PCI:48</b>	<b>Pedestrian tunnel under Cedar Street between the concourse from the Lex. IRT Wall Street Station and Block 50N and a stair to street level in Block 50N.</b>	<b>222,000</b>
<b>*PCI:59</b>	<b>Modernization of the entrance and control area and provisions of an escalator to street level from the southbound platform of the Lex IRT Wall Street Station (near Rector Street and Broadway).</b>	<b>134,000</b>
<b>*PCI:610</b>	<b>Entrance and control area and stairs to street level from the northbound platform of the Lex IRT Wall Street Station (near Exchange Place and Broadway).</b>	<b>77,000</b>

*PCI:711	Entrance and control area and stairs to street level from the northbound platform of the Bdwy BMT Rector Street Station (near Morris Street and Trinity Place).	129,000
*PCI:812	Rector Street pedestrian bridge. Not required unit the pedestrian connection is provided from Battery Park City to the east side of West Street.	31,000
*PCI:913	<i>Open pedestrian bridge</i> across Greenwich Street connection Cunard Building (25 Broadway) to the <i>development</i> on Block 15. The modification of the Great Hall of the Cunard Building to create a <i>covered pedestrian space</i> with access from both Broadway and the <i>elevated shopping say</i> along the west side of Greenwich Street	15,000
*PCI:1014	Reconstruction of Exchange Alley between Broadway and Trinity Place	3,800
*PCI:1115	The renovation of existing easements leading into the Lexington Avenue Wall Street Station; the renovation of the underpass that connects the 111 and 120 Broadway easements below platform level; the renovation of the underpass connection the northbound and southbound platforms, below platform level, north of Exchange Place and south of Rector Street; the renovation of the stairs leading directly to the street on the west side of Broadway, in front of Trinity Church.	51,000
*PCI:1216	Renovation of BMT Rector Street station.	109,400
PCI:13	<del>Design and construction of a new stair into the Fulton Street IRT Lexington Avenue station to replace existing stairs located on the south side of Dey Street, near Broadway.</del>	72,900

*Elective pedestrian circulation improvements 10, 11, 12 and 13 above have a special priority ahead of the numerical order and equal to each other.*

**\*included for information; improvement has been completed**

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#### Descriptions of Elective Pedestrian Circulation Improvements

(1) PCI:1. A pedestrian tunnel not less than 15 feet wide by 10 feet high by approximately 50 feet long running beneath Church Street, directly beneath the tracks of the Bwy BMT subway, beneath the lower end of the access and escalator enclosure from 1 Liberty Plaza (block 62) (approximately under the east curb line of Church Street) and the pedestrian concourse system of the World Trade Center and

the installation of an escalator in the enclosure provided in the access to 1 Liberty Plaza.

(2) PCI:2. Lengthening the south end of the southbound platform of the Lex IRT Fulton Street Station to a point approximately 15 feet south of the south *street line* (extended) of Cortlandt Street, the construction of a pedestrian tunnel, not less than 15 feet wide by 10 feet high by approximately 12 feet long between the extended platform and the north end of the east *lot line* of block 62 and the provision of a change booth and turnstiles in the tunnel and providing pedestrian access between the Lex IRT Fulton Street Station and the public pedestrian circulation system proposed for block 62.

(3) PCI:3 A pedestrian tunnel not less than 10 feet wide by 10 feet high by approximately 173 feet long running beneath Liberty Street between the east end of the north *lot line* of block 52N and the basement of the World Trade Center and providing pedestrian access between the pedestrian concourse system of the World Trade Center and the public pedestrian circulation system required by block 52N. If at the time PCI:3 is constructed block 52N has not been redeveloped so as to provide the required pedestrian circulation system, PCI:3 shall include access to the sidewalk at the south end of the tunnel by two stairs each 5 feet wide.

(4) PCI:4. A pedestrian tunnel not less than 10 feet wide by 10 feet high by approximately 75 feet long running beneath the sidewalk on the west side of Broadway and beneath Cedar Street between a point approximately 15 feet north of the north *street line* (extended) of Cedar Street and adjacent to the east *lot line* of block 50N (Liberty Park) to the north end of the pedestrian concourse from the north end of the southbound platform of the Lex IRT Wall Street Station, about halfway between Thames Street and Cedar Street and a stair not less than 12 feet wide between the north end of the pedestrian tunnel and ground level in block 50N and providing pedestrian access between the Lex IRT Wall Street Station and ground level in Liberty Park adjacent to Broadway.

(5) PCI:5. The modernization of the central portion of the southbound platform of the Lex IRT Wall Street Station (at Rector Street and Broadway), including (a) the provision of a 48 inch wide escalator between platform level and street level, (b) the replacement of the old turnstiles with modern turnstiles, (c) the provision of a new change booth and (d) relocation of fences, in order to improve access to and control of the station.

(6) PCI:6. A new entrance to the southern portion of northbound platform of the Lex IRT Wall Street Station at (Exchange Place and Broadway), including (a) two stairways, each six feet wide, between platform level and street level on the northeast corner of Broadway and Exchange Place, (b) the provision of a control area, (c) the provision of turnstiles, mechanical entrances and gates and (d) the provision of a change booth, in order to improve access to the station, especially from Exchange Place.

(7) PCI:7. A new entrance to the south end of the northbound platform of the Bwy BMT Rector Street Station (on Trinity Place near Morris Street), including (a) a six foot wide stairway between platform level and street level, (b) the provision of a control area at the south end of the platform, (c) the provision of turnstiles, mechanical entrances and gates and (d) the provision of a change booth, in order to improve access to the station from the south.

(8) PCI:8. A *pedestrian deck* not less than 15 feet wide by approximately 230 feet long located at an average height of 24 feet above the center of Rector Street running between the east edge of West Street and the west end of the south *lot line* of block 53S and providing pedestrian access between the pedestrian bridge which is to be built by Battery Park City as far as the east *street line* of West Street and the elevated pedestrian circulation system required in block 53S.

(9) PCI:9. An *open pedestrian bridge*, spanning Greenwich Street, between the west end of the Great Hall of the Cunard Building (25 Broadway) and the *elevated shopping way* required on the east side of block 14. The renovation of the Great Hall of the Cunard Building shall be in accordance with a plan prepared in consultation with the Landmarks Commission and approved by the City Planning Commission. Above not required if block 14 has not been developed.

(10) PCI:10. Reconstruction of Exchange Alley for its full width between Broadway and Trinity Place.

(11) PCI:11. Renovate or repair walls, ceiling and floor surface, improve lighting in accordance with T.A. standards, and provide and install graphics and signage in four easements leading into Lexington Avenue IRT Wall Street Station, at 61 Broadway, 71 Broadway, 111-115 Broadway and at 120 Broadway. Renovate or repair walls, ceiling and floor surface, improve lighting in accordance with T.A. standards, provide and install graphics on the stairs and in the underpass that connects the 111 Broadway and 120 Broadway easements, below the platform level, and on the stairs and underpass connecting the northbound and southbound platforms of the Lexington Avenue IRT Wall Street Station, below platform level, and north of Exchange Place and south of Rector Street. Renovate or repair two stairways leading from Lexington Avenue IRT Wall Street Station directly to street level on west side of Broadway, north of Rector Street, in front of Trinity Church; renovate or repair stairway kiosks at street level, subject to review by Landmarks Preservation Commission; improve lighting in accordance with T.A. standards and provide and install graphics and signage in both stairway kiosks.

(12) PCI:12. Renovation of BMT Rector Street Station. Rehabilitate the two existing control areas and the high turnstile exit area, including new gates and railings, new wall tile (existing mosaic strip is to be preserved) and painting (including patching and repairing as required) of ceilings., Renovate eight street stairs, including new treads, wall tile, painting of ceilings and provision of new railings and light poles, at street level. Provide new floor tile throughout the station along with requisite

scrubber rooms and scrubbing machines, paint remaining ceilings, all columns and miscellaneous surfaces. Replace existing incandescent light fixtures with new fluorescent fixtures and add supplemental platform lighting; upgrade electrical service as required. Provide acoustical treatment including acoustical block between the trackways and, if required, acoustic treatment under the platform edge and above the platform or track area. Provide new platform furnishings including benches and trash receptacles. Provide artwork in the station. Provide graphics and signage as required. All work is to be done in accordance with T.A. standards.

(13) PCI:13. Design and construction of a new stair into the Fulton Street IRT Lexington Avenue station to replace existing stairs located on the south side of Dey Street, near Broadway. Demolish existing narrow staircases, excavate required area, relocate utilities as required and construct a new 120 foot wide stair and landings. Reconstruct and widen the adjacent sidewalk and make necessary modifications to roadway, in accordance with NYC Department of Transportation requirements, to accommodate the new stairway. The stair shall be designed in accordance with T.A. standards and shall include new floors, wall and ceiling finishes, new lighting and graphics to match and be contiguous with work proposed under the T.A.'s Station Modernization Plan.

(On October 18, 1989 Cal. No. 12 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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## CITYWIDE

### No. 37

*(Proposed amendment of the Zoning Resolution relating to Community facilities in C8 and M1 districts)*

**N 900248 ZRY**

#### **PUBLIC HEARING:**

**IN THE MATTER OF** amendments of various sections of the Zoning Resolution of the City of New York pursuant to Section 200 of the New York City Charter regarding:

- (a) the transfer of government authorized facilities for the temporary lodging of adults, children or families from Use Group 3A, to Use Group 4A community facilities;
- (b) the establishment of requirements for a special permit for government authorized facilities for the temporary lodging of adults, children or families in M1 and C8 districts; and

- (c) the modification of special permit requirements for schools in M1 and C8 districts and for Use Group 4A community facility uses in M1 districts.

Matter in **bold** type is new;

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

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

74-921

Use Group 4A community facilities

In M1 Districts, the City Planning Commission may permit *uses* listed in Use Group 4A Community Facilities. **In addition, in C8 Districts the City Planning Commission may permit government authorized facilities for the temporary lodging of adults, children or families.**

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

- (a) [That] within the neighborhood primarily to be served by the proposed facility there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as-of-right, because appropriate sites in such districts are occupied by substantial improvements;
- (b) [That] an adequate separation from noise, traffic, 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* [.] ;
- (c) [That] such facility is so located as to draw a minimum of vehicular traffic to and through local *streets* and that the *streets* providing access to such *use* will be adequate to handle the traffic generated thereby;
- (d) [That] adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;
- (e) [That] in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities; **and**
- [(f) That such community facility is not located more than 400 feet from the boundary of a district wherein such facility is permitted as of right; and
- (g) that] (f) such *use* will not produce traffic congestion or other adverse effects which interfere with the appropriate *use* of land in the district or in any adjacent district.

**In the case of government authorized facilities for the temporary lodging of adults, children or families, the Commission shall make findings (b) through (f) above and shall also find that:**

- (g) adequate space and facilities are provided on site to accommodate necessary communal social, health, recreational and administrative support services;
- (h) support services, including but not limited to, local schools, local recreational facilities, parks or open space, and local retail shopping and services exist nearby, and have sufficient capacity to serve the additional need created by the facility;
- (i) the facility has a security plan to assure the safety of facility residents and the surrounding area;
- (j) the movement of traffic and equipment through the *street* on which the facility is located can be regulated so as to not present an unsafe situation for the inhabitants of the facility. The Commission shall refer the application to the Department of Traffic for its report with respect to vehicular hazards to the inhabitants of the facility within the block and in the immediate vicinity of the proposed site; and
- (k) adequate measures will be taken to minimize the effects from noise, traffic or other adverse impacts.

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

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:

- (a) That within the neighborhood to be served by the proposed *schools* there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as-of-right, because appropriate sites in such districts are occupied by substantial improvements.
- [(b) That such *school* is located not more than 400 feet from the boundary of a district wherein such *school* is permitted as-of-right.
- (c) (b) That an adequate separation from noise, traffic, 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*.
- [(d)] (c) That the movement of traffic through the *street* on which the *school* is located can be controlled so as to protect children going to and from the *school*. The Board shall refer the application to the Department of Traffic for its report with respect to vehicular hazards to the safety of



children within the block and in the immediate vicinity of the proposed site.

\* \* \*

22-14

Use Group 4

\* \* \*

A. Community Facilities

\* \* \*

Community centers or settlement houses

**Government authorized facilities for the temporary lodging of adults, children or families**

\* \* \*

24-11

Maximum floor area ratio for certain community facility uses

\* \* \*

(b) In the districts indicated, for any *zoning lot* containing nursing homes, health related facilities or domiciliary care facilities for adults each of which have secured certification by the appropriate governmental agency, sanitariums or philanthropic or non-profit institutions with sleeping accommodations as listed in Use Group 3, or **government authorized facilities for the temporary lodging of adults, children or families**, the allowable *floor area ratio* shall not exceed the maximum *floor area ratio* as set forth in the table below, except where the permissible *floor area ratio* is modified pursuant to Section 74-902 (Bulk modifications for certain community facility uses).

\* \* \*

32-13

Use Group 4

Use Group 4, as set forth in Section 22-14

C1 C2 C3 C4 C5 C6 C8

**Government authorized facilities for the temporary lodging of adults, children or families are only allowed in C-8 districts subject to the special permit provisions of Section 74-921.**

\* \* \*

32-32

By the City Planning Commission

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, the following *uses* are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

\* \* \*

C7 C8

Drive in theatres, with a maximum capacity of 500 automobiles

C8

**Government authorized facilities for the temporary lodging of adults, children or families**

C6 C8

Heliports

\* \* \*

33-121

In districts with bulk governed by Residence District bulk regulations

\* \* \*

In C1 and C2 Districts mapped within R3, R4, R5, R6, R7, R8 and R9 districts, for any *zoning lot* containing nursing homes, health related facilities, domiciliary care facilities for adults, sanitariums, [and] philanthropic or non-profit institutions with sleeping accommodations, **or government authorized facilities for the temporary lodging of adults, children or families**, the total *floor area* used for *community facility use* shall not exceed the amount as set forth in paragraph (b) of Section 24-111 unless modified pursuant to Section 74-902.

The maximum *floor area ratio* for any building used partly for *commercial* and partly for nursing homes, health related facilities, domiciliary care facilities for adults, sanitariums, [and] philanthropic or non-profit institutions with sleeping accommodations, **or government authorized facilities for the temporary lodging of adults, children or families**, shall not exceed the amount permitted for a *commercial building* by the applicable district regulations. However, the districts in which the allowable *floor area* as set forth in paragraph (b) of Section 24-111 exceeds

the amount permitted for a *commercial building*, the provisions of paragraph (b) in Section 24-111 shall be used to compute the maximum *floor area* permissible for the *building* unless modified pursuant to Section 74-902.

### 33-123

Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts

\* \* \*

In *buildings* used for both *commercial uses* and *community facility uses*, the total *floor area* used for *commercial use* shall not exceed the amount permitted for *commercial buildings* in Section 33-122.

### C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In [all Commercial Districts] **the districts** [except C7 and C8 Districts] **indicated**, for any *zoning lot* containing nursing homes, health related facilities, domiciliary care facilities for adults, sanitariums, [and] philanthropic or non-profit institutions with sleeping accommodations, **or government authorized facilities for the temporary lodging of adults, children or families**, the total *floor area* used for the *community facility use* shall not exceed the amount as set forth in paragraph (b) of Section 24-111 (Maximum floor area ratio for certain community facility uses) applying the equivalent residential district (indicated in Section 34-112) for the Commercial District in which such *use* is located unless modified pursuant to Section 74-902.

The maximum *floor area ratio* for any *building* used partly for *commercial* and partly for nursing homes, health related facilities, domiciliary care facilities for adults, sanitariums, [and] philanthropic or non-profit institutions with sleeping accommodations, **or government authorized facilities for the temporary lodging of adults, children or families**, shall not exceed the amount permitted for a *commercial building* by the applicable district regulations. However, the districts in which the allowable *floor area* as set forth in paragraph (b) of Section 24-111 exceeds the amount permitted for a *commercial building* the provisions of paragraph (b) in Section 24-111 shall be used to compute the maximum *floor area* permissible for the *building* unless modified pursuant to Section 74-902.

### 74-902

Certain Community Facility Uses in R3 to R9 Districts and Certain Commercial Districts

In R3, R4, R5, R6, R7, R8, R9 Districts, and in all *Commercial Districts* except C7 or C8 Districts, the City Planning commission may permit the allowable community facility *floor area ratio* of Section 24-11 (Maximum Floor Area Ratio and Percent of Lot Coverage) to apply to any *development, extension, [or] enlargement [of] or*

change of *use* involving **government authorized facilities for the temporary lodging of adults, children or families as listed in Use Group 4**; nursing homes, [and] health related facilities, sanitariums, or philanthropic or non-profit institutions as listed in Use Group 3[;], each of which have secured certification by the appropriate government agency; and in R3, R4, R5, R6 and R7 Districts and in Commercial Districts with the equivalent *residential floor area ratio* of Section 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts) to apply to domiciliary homes for adults which have secured certification by the appropriate governmental agency provided the following findings are made:

\* \* \*

On October 18, 1989 Cal. No. 13 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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No. 38

N 890808 (A) ZRY

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for **amendments of the Zoning Resolution** of the City of New York relating to amending language which refers to "incidental music" which has been declared unconstitutional by the State Supreme Court, to easing restriction on clubs with no dancing with capacities under 200 people and to imposing more restrictive regulations on larger entertainment establishments and those with dancing, 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

32-15

Use Group 6	C1	C2	C4	C5	C6	C8
A. CONVENIENCE RE-TAIL OR SERVICE ESTABLISHMENTS						

\* \* \*

Eating or drinking [places] **establishments**, including those which provide outdoor table service or **have accessory music for which there is no cover charge and no specified showtime**, [incidental musical entertainment either by mechanical device or by not more than three persons playing piano, organ, accordion, guitar, or any string instrument], and those which have *accessory* drive-through facilities. (2)

\* \* \*

Parking Requirement

C.	RETAIL OR SERVICE ESTABLISHMENTS	<u>Category</u>	<u>C1</u>	<u>C2</u>	<u>C4</u>	<u>C5</u>	<u>C6</u>	<u>C8</u>
----	----------------------------------	-----------------	-----------	-----------	-----------	-----------	-----------	-----------

\* \* \*

Dry goods or fabric stores, limited to 10,000 square feet of *floor area* per establishment

Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less \*\*\*

B

\* \* \*

\*\*\* Permitted in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3 and C5 Districts - only as provided in Section 73-241

\* \* \*

32-21

C4

C6

C7

C8

Use Group 12

\* \* \*

A. Amusements

\* \* \*

**\*\*Eating or drinking [places without restriction on entertainment or dancing] establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing.**

**In C6-1, C6-2, C6-3 and C6-4 districts a minimum of four square feet of waiting area within the zoning lot shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. In these districts the entrance to such use shall be a minimum of**

• 100 feet from the nearest residential district boundary.

\* \* \*

[Public dance halls]

\* \* \*

**\*\*Permitted in C4 districts only as provided in Section 73-244**

32-30 USES PERMITTED BY SPECIAL PERMIT  
32-31

By the Board of Standards and Appeals

\* \* \*

	Parking Requirement								
	<u>Category</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>C4</u>	<u>C5</u>	<u>C6</u>	<u>C7</u>	<u>C8</u>

Eating or drinking [places] establishments, including those which provide outdoor table service or have accessory music for which there is no cover charge and no specified showtime, [incidental musical entertainment either by mechanical device or by not more than three persons playing piano, organ, accordion, guitar or any string instrument] and those which have accessory drive through facilities

	C1-1								
	C1-2								
B	C1-3			C3					

**Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less**

**B**

**C1-1 C2-1  
C1-2 C2-2  
C1-3 C2-3  
C1-4 C2-4 C3 C5**

**Eating or drinking [places where there is entertainment or dancing] establishments with entertainment and a capacity of 200 persons or establishments of any capacity with dancing**

**D**

**C2 C3 C4**

**\* \* \***

**42-13**

**Use Groups 6C, 9A, and 12B**

**M2 M3**

**Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to Antique stores; Art galleries, commercial; Artists' supply stores; Automobile supply stores; Banks; Bicycle sales; Candy or ice cream stores; Cigar or tobacco stores; Custom furrier shops; Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; Frozen food lockers; Fishing tackle**



or equipment, rental or sales; Jewelry or art metal craft shops; Locksmith shops; Meeting Halls; Millinery shops; Music stores; Newsstands, open or closed; Paint stores; Picture framing shops; and Watch or clock repair shops.

\* \* \*

42-132

M1-5M and M1-6M Districts

\* \* \*

**In M1-5M and M1-6M Districts, eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing are permitted only by special permit of the Board of Standards and Appeals in accordance with Section 73-244.**

\* \* \*

42-14

Use Group 17

\* \* \*

D. Special Uses in M1-5A and M1-5B Districts

M1	M2	M3
M1-5A		
M1-5B		

\* \* \*

3. In addition to the above restrictions, the following *uses* are not permitted as-of-right in *any building or other structure* or on any tract of land in M1-5A or M1-5B Districts:

- (a) All eating or drinking places as listed in Use Groups 6A, 10A, or 12A of more than 5,000 square feet of floor space, except that any eating or drinking place which is listed in Use Group 6A, which had obtained an Alteration Permit prior to July 14, 1976 is permitted.
- (b) Eating or drinking places of less than 5,000 square feet with[out restriction on] entertainment or dancing as listed in Use Groups 6C, 10A, or 12A. However, such *uses* are permitted [only by special permit of the Board of Standards and Appeals in accordance with standards set forth in Section 73-241.]:

- (i) provided that there is entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, only by special permit of the Board of Standards and Appeals in accordance with Section 73-241; or
- (ii) with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing as listed in Use Group 12A only by special permit of the Board of Standards and Appeals in accordance with Section 73-244.

\* \* \*

(f) All other uses listed in Use Group 12A.

Parking  
Requirement

Category      M1 M2 M3

42-30 USES PERMITTED  
BY SPECIAL PERMIT

42-31  
By the Board of Standards  
and Appeals

\* \* \*

Children's amusement  
parks, with sites of not less  
than 10,000 square feet nor  
more than 75,000 square  
feet per establishment

Eating and drinking es-  
tablishments with enter-  
tainment but not danc-  
ing, with a capacity of  
200 persons or less

M1-5A  
M1-5B

Eating or drinking estab-  
lishments with entertain-  
ment and a capacity of  
more than 200 persons or  
establishments of any ca-  
pacity with dancing.

D

M1-5A  
M1-5B  
M1-5M  
M1-6M

\* \* \*

73-241

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4 [C2], C3, C5, M1-5A or M1-5B Districts

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4 [C2], C3, C5, M1-5A or M1-5B Districts, the Board may permit eating or drinking [places] establishments, [where there is] **with entertainment but not dancing, with a capacity of 200 persons or less** for a term not to exceed five years, provided that the following findings are made:

- (a) That such *use* will not impair the character or the future use or development of the surrounding *residential* or mixed-use neighborhood.
- (b) That such *use* will not cause undue congestion in local *streets*.
- (c) In M1-5A and M1-5B Districts eating and drinking places shall be limited to not more than 5,000 square feet of floor space.
- (d) [In M1-5A and M1-5B Districts dancing shall be limited to a clearly defined area of not more than 300 square feet.] **That in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C5, M1-5A and M1-5B Districts such use shall take place in completely enclosed building.**
- (e) **That the application is made jointly by the owner of the building and the operators of such eating or drinking establishment.**

The Board may modify the regulations relating to *accessory business signs* in C3 Districts to permit a maximum total *surface area* of 50 square feet of *non-illuminated* or illuminated *non-flashing* signs, in C3 Districts to permit a maximum total *surface area* of 50 square feet of *non-illuminated* or illuminated *non-flashing signs*, provided that any *illuminated sign* shall not be less than 150 feet from the boundary of any Residence District. The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows; provision of sound-lock vestibules; specification of acoustical insulation; maximum size of establishment; [number,] kinds of amplification of musical instruments or voices; shielding of flood lights; adequate screening, curb cuts, or parking.

73-242

In C3 Districts

In C3 Districts, the Board may permit eating or drinking [places] establishments (including those which provide *accessory music for which there is no cover charge and no specified showtime*) [incidental musical entertainment either by mechanical device or by not more than three persons playing piano, organ, accordion

or any string instrument)] for a term not to exceed five years, provided that the following findings are made:

\* \* \*

73-243

In C1-1, C1-2 and C1-3 Districts

In C1-1, C1-2 and C1-3 Districts, (except in Special Purpose Districts) the Board may permit eating or drinking places (including those which provide outdoor table service) [or incidental musical entertainment either by mechanical device or by not more than three persons playing piano, organ, accordion, or any string instrument)] with *accessory drive-through facilities for a term not to exceed five years, provided that the following findings are made:*

\* \* \*

73-244

In C2, C3, C4, M1-5A, M1-5B, M1-5M, M1-6M and the Special Lower Manhattan Mixed-Use District

In C2, C3, C4, M1-5A, M1-5B, M1-5M, M1-6M and Special Lower Manhattan Mixed-Use District the Board may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing for a term not to exceed three years, provided that the following findings are made:

- (a) That a minimum of four square feet of waiting area within the *zoning lot* shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to the Board to insure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the *street*.
- (b) That the entrance to such *use* shall be a minimum of 100 feet from the nearest *residential* district boundary.
- (c) That such *use* will not cause undue vehicular or pedestrian congestion in local *streets*.
- (d) That such *use* will not impair the character or the future use or development of the surrounding *residential* or mixed-use neighborhoods.
- (e) That such *use* will not cause the sound level in any affected conforming *residential use, joint-living work quarters for artists, or loft dwelling* to exceed the limits set forth in any applicable provision of the New York City Noise Control Code.

(f) That the application is made jointly by the owner of the *building* and the operators of such eating or drinking establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows; provision of sound-lock vestibules; specification of acoustical insulation; maximum size of establishment; kinds of amplification of musical instruments or voices; shielding of flood lights; adequate screening; curb cuts, or parking.

Any violation of the terms of a special permit shall be grounds for its revocation.

81-722

Use Group T

\* \* \*

*Eating or drinking [places] establishments* with [restrictions on] entertainment but not [or] dancing, with a capacity of 200 persons or less in C5 Districts, without restrictions in C6 or M1 Districts.

\* \* \*

81-82

Special Regulations on Permitted and Required Uses

\* \* \*

(c) Use Group F

\* \* \*

Department stores

*Eating or drinking [places] establishments* including those which provide outdoor table service or have *accessory music for which there is no cover charge and no specified showtime* [incidental musical entertainment either by mechanical device or by not more than three persons playing piano, organ, accordion or any string instrument].

\* \* \*

82-062

Use Group L

\* \* \*

F. Amusements

\* \* \*

4. Eating or drinking places, including those which provide outdoor table service without restrictions on entertainment, [or] dancing, **or capacity.**
5. [Public dance halls]
- [6.] **5. Theaters**

\* \* \*

83-03

Use Group "LC"

\* \* \*

## D. Convenience Retail or Service Establishments

\* \* \*

6. Eating [and] **or** drinking [places] **establishments** including those [establishments] which provide *accessory music for which there is no cover charge and no specified showtime* [incidental musical entertainment either by mechanical device or by not more than three persons playing piano, organ, accordion guitar, or any string instrument].

\* \* \*

85-03

Modifications of Use Regulations

\* \* \*

- (c) Eating or drinking [places without restriction] **establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing.**

\* \* \*

86-092

Use Group G

\* \* \*

5. Eating or drinking [places] **establishments**, including those which provide outdoor table service or *accessory music for which there is no cover charge and no specified showtime* [incidental musical entertainment].

\* \* \*

95-081

Use Group T

\* \* \*

## B. Convenience Retail or Service Establishments

\* \* \*

6. Eating or drinking [places] **establishments**, including those which provide outdoor table service or **have accessory music for which there is no cover charge and no specified showtime**, [incidental musical entertainment either by mechanical device or by not more than three persons playing piano, organ, accordion, guitar, or any string instrument].

99-031

Use Group MP

\* \* \*

## 2. RETAIL OR SERVICE ESTABLISHMENTS

\* \* \*

18. Eating or drinking [places] **establishments**, including those which provide outdoor table service or **have accessory music for which there is no cover charge and no specified showtime**, [incidental musical entertainment either by mechanical device or by not more than three persons playing piano, organ, accordion, guitar, or any string instrument].

\* \* \*

109-211

Use Group [A1] LI

\* \* \*

- (6) Eating or drinking [places] **establishments**, including those which provide outdoor table service or **have accessory music for which there is no cover charge and no specified showtime** [entertainment without dancing].
- (7) **Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less.**
- [7](8) Food stores, including supermarkets, grocery stores, meat markets, delicatessen stores limited to 5,000 square feet of floor area per establishment on the ground floor.
- [8](9) Hardware stores
- [9](10) Package liquor stores
- [10](11) Post offices
- [11](12) Stationery stores
- [12](13) Tailor or dressmaking shops, custom
- [13](14) Variety stores, limited to 5,000 square feet of *floor area* per establishment on the ground floor.

\* \* \*

## 111-102

## Use restrictions

Except in Areas A2 and A3, use of the ground floor in *buildings* constructed prior to March 10, 1976 shall be restricted to *uses* listed in Use Groups 7, 9, 11, 16, 17a, 17b, 17c, or 17e, except that:

- (a) In *buildings* having frontage on Chambers Street, Greenwich Street, West Street, Hudson Street, West Broadway or Canal Street, ground floor *uses* shall be permitted in conformance with the underlying districts **except as provided in Section 111-103 (c); or**

\* \* \*

## 111-103

## Additional use restrictions

\* \* \*

- (c) **In all areas of the LMM District, eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing as listed in Use Group 12A in any location within a *building* shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section 73-244.**

## 118-11

## Ground Floor Uses

\* \* \*

Eating or drinking [places] **establishments** including those which provide outdoor table service or **have accessory music for which there is no cover charge and no specified showtime** [incidental musical entertainment either by mechanical device or by not more than three persons playing piano, organ, accordion, guitar or any string instrument].

**Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less.**

(On October 18, 1989 Cal. No. 14 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**BOROUGH OF QUEENS**

Nos. 39 and 40

*(Applications for site selection and acquisition, and Street Closing for the  
Corona Heights Branch Library)*

No. 39

CD 4

C 890445 PSQ

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Queens Borough Public Library pursuant to Section 197-c of the new York City Charter **for the selection and acquisition of city-owned and privately owned property** (Block 1954, Lots 19, 21, 24) in the Corona Heights area of Queens **at the intersection of 108th Street and Martense Avenue, to build a new branch library.**

(On October 18, 1989 Cal. No. 15he Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

 No. 40

CD 4

N 890446 MMQ

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Queens Borough Public Library pursuant to Section 5-430 *et seq.* of the New York City Administrative Code **involving the discontinuance and closing of Makarower Street**, a subdivision street, **between Martense Avenue and 108th Street**, in connection with the **Corona Heights branch library**, in accordance with map number 4859 dated June 29, 1989 and signed by the borough president.

(On October 18, 1989 Cal. No. 16 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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 No. 41

CD 12

C 890986 PLQ

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Human Resources Administration for a **lease of private property for five years, located at 114-58**

**175th Place (Block 12397, Lot 113), for use as an Agency Operated Boarding Home.**

(On October 18, 1989 Cal. No. 17, the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

**BOROUGH OF BROOKLYN**

**No. 42**

**CD 8**

**C 890832 PLK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Human Resources Administration for a lease of private property for a term of up to ten years, located at 1085 Sterling Place (Block 1243, Lot 48), for the use as an Agency Operated Boarding Home.

(On October 18, 1989 Cal. No. 1 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

**No. 43**

**CD 13**

**C 890834 PLK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Human Resources Administration (HRA) pursuant to Section 197-c of the New York City Charter for a 10 year renewal of lease of private property located at 3001 West 37th Street (Block 7065, Lot 1) in the Coney Island area for use as a senior citizen center and child care center.

(On October 18, 1989 Cal. No. 2 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

No. 44

CD 17

C 890991 PLK

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Human Resources Administration for a **lease of private property for a term of up to ten years, located at 860 East 38th Street (Block 7565, part of Lot 39), for use as an Agency Operated Group Home.**

(On October 18, 1989 Cal. No. 44 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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No. 45

CD 6

C 891005 HDK

**PUBLIC HEARING:**

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

The property to be disposed, **74 Fifth Avenue**, (Tax Block 934, Lot 40), between St. Marks Place and Warren Street, is a four-story old law walk-up building with 6 residential units, and 1 commercial unit. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

The property has been managed and maintained by a Tenant Association under HPD's Tenant Interim Lease Program since June 1, 1987.

(On October 18, 1989 Cal. No. 4 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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No. 46

CD 9

C 900135 HDK

**PUBLIC HEARING:**

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

The property to be disposed, **224 Lefferts Avenue**, (Tax Block 1328, Lot 44), between Rogers and Bedford Avenues, is a four-story new law walk-up building with 14 residential units, and 1 commercial unit. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

The property has been managed and maintained by a tenant's association since November 1, 1988, under HPD's Tenant Interim Lease Program.

(On October 18, 1989 Cal. No. 5 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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No. 47

CD 7

C 900136 HDK

**PUBLIC HEARING:**

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

The property to be disposed, **414 61st Street**, (Tax Block 5791, Lot 13), between 4th and 5th Avenues, is a four-story new law walk-up building with 16 residential units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

The property has been managed and maintained by Tenants under HPD's Tenant Interim Lease Program since August 1, 1988.

(On October 18, 1989 Cal. No. 6 the Commission scheduled November 8, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**III. REPORTS**  
**BOROUGH OF STATEN ISLAND**

**No. 48**

**CD 3**

**N 900034 RAR**

**IN THE MATTER OF** an application pursuant to Sections 107-65 and 107-08 of the Zoning Resolution from the OVED Group for granting authorization for the modification of topography and the certification of subdivision at 30, 36, 40 Giffords Glen, Block 5430, Lots 1, 9, 18 and 26.

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.

**For consideration.**

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**No. 49**

**CD 2**

**N 890726 ZAR**

(Request for the grant of authorizations to allow the construction of a single-family dwelling in the Special Natural Area District (NA-1) of Staten Island.)

**IN THE MATTER OF** of an application submitted by Ann Falutico for the grant of authorizations pursuant to Sections 105-421 and 105-423 of the zoning Resolution, involving the modification of existing topography and alteration of the botanic environment, including the removal of sixteen (16) trees on property located at 43 Butterworth Avenue (Block 686, Lot 400, within the Special Natural Area District (NA-1).

Plans for this proposal are on file with the City Planning Commission and may be seen at 56 Bay street 6th Floor, Staten Island, New York 10301.

**For consideration.**

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**BOROUGH OF MANHATTAN**

**No. 50**

**CD 4**

**C 900079 HDM**

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

The property to be disposed, **352-54 West 48th Street** (Tax Block 1038, Lots 58 and 59) between Eighth and Ninth avenues, is a five-story old law walk-up building with 30 residential units. The Department of Housing Preservation and Development (HPD) intends to well the property to an article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation for the **purpose of providing housing for low-income families.**

(On October 2, 1989 Cal. No. 24, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 37 the hearing was closed.)

**For consideration.**

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**No. 51**

**CD 3**

**C 891036 PSM**

**IN THE MATTER OF** an application submitted by the New York City Department of Correction pursuant to Section 197-c of the New York City Charter for the **selection of property for use as a detention facility** to be temporarily located at Pier 36, (Block 241, Part of Lot 13), located at South Street at the foot of Clinton Street.

(On October 2, 1989 Cal. No. 25, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 38 the hearing was closed.)

**For consideration.**

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**No. 52**

**CD 9**

**C 890676 PPM**

**IN THE MATTER OF** an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of twelve (12) 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.

(On October 2, 1989 Cal. No. 26, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 39 the hearing was closed.)

**For consideration.**

## No. 53

CD 7

C 900080 HDM

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

The property to be disposed, **176-178 West 81st Street** (Tax Block 1211, Lots 61 and 62) is a five-story old law walk-up building with 21 residential units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

(On October 2, 1989 Cal. No. 27, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 40 the hearing was closed.)

**For consideration.**

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 No. 54

CD 3

C 891014 HDM

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

The property to be disposed, **519 E. 11th Street** (Tax Block 405, Lot 51) between Avenue A and B, is a five-story old law walk-up building with 11 residential units and 2 community facility units. The Department of Housing Preservation and Development (HPD) Housing intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

(On October 2, 1989 Cal. No. 28, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 41 the hearing was closed.)

**For consideration.**

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 No. 55

CD 7

C 880802 HUM

**IN THE MATTER OF an amendment to the Lincoln Square Urban Renewal Plan for the Lincoln Square Urban Renewal Area**, pursuant to Section 505, Article 15 of the New York State General Municipal Law (Urban Renewal Law) and the New York City Charter.

The proposed amendment changes land use on a northwesterly part of the block bounded by West 60th Street, Amsterdam Avenue, West 62nd Street and Columbus Avenue, as follows:

- Site 4* remains "institutional" but is reduced approximately 22,604 square feet, a parcel which is designated Site 4B.
- Site 4B* formerly part of Site 4, is designated as "residential/commercial" use, and comprises a currently vacant parcel of land, approximately 22,604 square feet in area, (Lot 35 in block 1132), bounded by West 61st Street, Amsterdam Avenue, West 62nd Street and the westerly line of Lot 10 in Block 1132.
- Site 4C* A new site designated as "residential/commercial" use, comprising a major part of West 61st Street as proposed to be de-mapped between Amsterdam Avenue and the westerly line of Lot 10 in Block 1132, approximately 15,004 square feet in area.
- Site 4D* A new site designated for "institutional" use comprising the remaining part of West 61st Street as proposed to be de-mapped from Amsterdam Avenue to the westerly line of Lot 10 in Block 1132, approximately 3,177 square feet in area.

(On September 20, 1989, Cal. No. 16, the Commission scheduled October 4, 1989, for a public hearing. On October 4, 1989, Cal. No. 16 the hearing was closed.)

**For consideration.**

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No. 56

CD 7

C 880544 ZSM

**IN THE MATTER OF** an application submitted by Carol Management Corporation and Fordham University, pursuant to Sections 197-c and 200 of the New York City Charter for the **grant of a special permit** pursuant to Section 82-122 of the Zoning Resolution **to permit a public parking garage** with a maximum capacity of 163 spaces, and to allow the relocation and enlargement of **an existing off-street loading facility and related curb cut** on West 60th Street pursuant to Section 82-07 of the Zoning Resolution, on property bounded by West 60th Street, Amsterdam Avenue, West 62nd Street, and Columbus Avenue, in a C4-7 District within the Special Lincoln Square District and the Lincoln Square Urban Renewal Area.

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



(On September 20, 1989, Cal. No. 18, the Commission scheduled October 4, 1989, for a public hearing. On October 4, 1989, Cal. No. 18 the hearing was closed.)

**For consideration.**

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**BOROUGH OF THE BRONX**

**No. 57**

**CD 8**

**N 870417 ZAX**

**IN THE MATTER OF** an application submitted by M&M Riverdale Associates requesting authorizations pursuant to Section 105-421 and 105-423 of the Zoning Resolution to allow the modification of existing topography and the removal of 32 trees and a certification by the City Planning Commission pursuant to Section 105-90 to allow the subdivision into ten zoning lots of property located at 5245 Blackstone Avenue (A map (C 880738 MMX) showing the elimination of Blackstone Avenue was adopted by the Board of Estimate on August 17, 1989 (Cal. No. 28) but has not been filed by the Borough President's office), Block 5942, Lots 167 and 325, within the Special Natural Area District 2 (NA-2) of Riverdale.

A site plan for this proposed development is on file with the City Planning Commission and may be seen in Room 3 North, 22 Reade Street, New York, New York 10007.

**For consideration.**

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**No. 58**

**CD 11**

**C 880136 MMX**

**IN THE MATTER OF** an application submitted by Albert Einstein College of Medicine of Yeshiva University pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for a **change in the City Map** involving the elimination, discontinuance and closing of Tenbroeck Avenue between Pierce and Sacket Avenues, Community Board 11, Borough of the Bronx, to facilitate the construction of an enlargement of an existing boiler plant, all in accordance with Map. 13032, dated August 31, 1988 and signed by the Borough President.

(On October 2, 1989 Cal. No. 29, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal. No. 43 the hearing was closed.)

**For consideration.**

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No. 59

CD 6

C 890792 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 1 city-owned property, 4259 3rd Avenue, Block 3044, Lot 94.**

(On October 2, 1989 Cal. No. 30, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal. No. 44 the hearing was closed.)

**For consideration.**

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**BOROUGH OF QUEENS**

No. 60

*(Amendment to the City Map to eliminate a paper street)*

CD 14

C 890236 MMQ

**IN THE MATTER OF** an application submitted by the Yeshiva of Far Rockaway pursuant to Sections 197-c and 199 of the New York City Charter for an **amendment to the City Map** involving the elimination of Beach 8th Street — a paper street — from Frisco Avenue to Hicksville Road in order to remove an encumbrance on the applicant's title and to facilitate construction of a new building for the existing Yeshiva located in Far Rockaway, in accordance with Map No. 4858 dated April 28, 1989 and signed by the Borough President. The map was referred to the City Planning Commission by the Board of Estimate on May 23, 1989 (Calendar No. 417).

(On October 2, 1989 Cal. No. 1, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 45 the hearing was closed.)

**For consideration.**

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No. 61

CD 13

C 890787 PLQ

**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 **leasing of up to ten years of private property located at 225-30 104th Avenue (Block 11174, Lot 70), for use as an Agency Operated Boarding Home.**

(On October 2, 1989 Cal. No. 2, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 46 the hearing was closed.)

**For consideration.**

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## No. 62

CD 13

C 890987 PLQ

**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 leasing of up to ten years of private property located at 80-18 232nd Street (Block 7916, Lot 21), for use as an Agency Operated Boarding Home.**

(On October 2, 1989 Cal. No. 3, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 47 the hearing was closed.)

**For consideration.**

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 No. 63

CD 9

C 890968 PPQ

**IN THE MATTER OF** an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, **for the disposition of one (1) City owned property located at 10120 103rd Street, Block No. 9420, Lot No. 12.**

(On October 2, 1989 Cal. No. 4, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 48 the hearing was closed.)

**For consideration.**

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 No. 64

CD 12

C 890785 PLQ

**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 leasing of up to ten years of private property, located at 178-31 Zoller Road (Block 12489, Lot 35), for use as an Agency Operated Boarding Home.**

(On September 20, 1989, Cal. No. 5, the Commission scheduled October 4, 1989, for a public hearing. On October 4, 1989, Cal. No. the hearing was closed.)

**For consideration.**

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## No. 65

CD 13

C 890786 PLQ

**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 **leasing of up to ten years of property located at 218-14 103rd Avenue (Block 11107, Lot 31), for use as an Agency Operated Boarding Home.**

(On September 20, 1989, Cal. No. 6, the Commission scheduled October 4, 1989, for a public hearing. On October 4, 1989, Cal. No. 4 the hearing was closed.)

**For consideration.**

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 No. 66

CD 12

C 890982 PLQ

**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 **leasing of up to seven years of private property located at 128-24 144th Street (Block 12067, Lot 55), for use as an Agency Operated Boarding Home.**

(On September 20, 1989, Cal. No. 7, the Commission scheduled October 4, 1989, for a public hearing. On October 4, 1989, Cal. No. 5 the hearing was closed.)

**For consideration.**

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**BOROUGH OF BROOKLYN**

**Nos. 67, 68, and 69**

*(Applications for the grant of a zoning special permit, UDAAP disposition and an amendment to the Zoning Map concerning the Metropolitan Jewish Geriatric Center)*

**No. 67**

CD 13

C 880723 ZSK

**IN THE MATTER OF** an application submitted by the Metropolitan Jewish Geriatric Center pursuant to Sections 197-c and 200 of the New York City Charter for the **grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to permit the development of a 360-bed skilled nursing home on property located at 2802-2830 Surf Avenue (Block 7068, Lots 14, 20 and 30), on the south side of Surf Avenue, between West 28th Street and West 29th Street.**

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

(On October 2, 1989 Cal. No. 5, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 18 the hearing was closed.)

**For consideration.**

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No. 68

CD 13

C 890247 HAK

**IN THE MATTER OF the disposition of city-owned property, pursuant to 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**, property on the southerly side of Surf Avenue, between West 28 and West 29 Streets (block 7068, Lots 14 and 20)
2. The **approval of an Urban Development Action Area Project** for such property; and
3. The **disposition of such property** to the developer selected by The Department of Housing Preservation and Development (HPD).

The proposed disposition is to facilitate the construction of a 360 bed nursing home, replacing an existing facility.

(On October 2, 1989 Cal. No. 6, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 19 the hearing was closed.)

**For consideration.**

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No. 69

CD 13

C 890248 ZMK

**IN THE MATTER OF** an application submitted by the New York City 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 28d, changing from an R5 District to an R6 District, property bounded by West 28th Street, the northerly boundary line of Coney Island Beach, West 29th Street and Surf Avenue, as shown on a diagram dated August 7, 1989.

(On October 2, 1989 Cal. No. 7, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 20 the hearing was closed.)

**For consideration.**

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## No. 70

CD 17

C 890833 PLK

**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 **leasing of up to ten years of private property** located at **116 Linden Boulevard** (Block 5087, Lot 27), for use as an Agency Operated Group Home.

(On October 2, 1989 Cal. No. 8, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 21 the hearing was closed.)

**For consideration.**

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No. 71

CD 3

C 890742 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 1 city-owned property, 689 Hancock Street**, (Block 1657, Lot 58).

(On October 2, 1989 Cal. No. 9, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 22 the hearing was closed.)

**For consideration.**

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No. 72

CD 6

C 890743 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 1 city-owned property, 535 5th Avenue**, (Block 1042, Lot 10).

(On October 2, 1989 Cal. No. 10, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 23 the hearing was closed.)

**For consideration.**

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No. 73

CD 7

C 890871 HDK

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

The property to be disposed, **88 16th Street** (Tax Block 1051, Lot 24) is a four-story new law walk-up building with 16 residential units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

(On October 2, 1989 Cal. No. 11, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 24 the hearing was closed.)

**For consideration.**

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No. 74

CD 11

C 890874 HDK

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

The property to be disposed, **1513-1515 West 7th Street** (Tax Block 6600, Lot 86) is a four-story new law walk-up building with 16 residential units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

(On October 2, 1989 Cal. No. 12, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 25 the hearing was closed.)

**For consideration.**

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No. 75

CD 2

C 891003 HDK

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

The property to be disposed, **12 St. Marks Place** (Tax Block 395, Lot 6) is a four-story new law walk-up building with 8 residential units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

(On October 2, 1989 Cal. No. 13, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 26 the hearing was closed.)

**For consideration.**

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**No. 76**

**CD 2**

**C 891004 HDK**

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

The property to be disposed, **342 Lafayette Avenue** (Tax Block 1948, Lot 14) is a four-story old law walk-up building with 16 residential units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

(On October 2, 1989 Cal. No. 14, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 27 the hearing was closed.)

**For consideration.**

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**No. 77**

**CD 1**

**C 891006 HDK**

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

The property to be disposed, **728 Driggs Avenue** (Tax Block 2406, Lot 26) is a six-story new law walk-up building with 30 residential units and 6 commercial units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

(On October 2, 1989 Cal. No. 15, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 28 the hearing was closed.)

**For consideration.**

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## No. 78

CD 1

C 891008 HDK

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

The property to be disposed, **218 Scholes Street** (Tax Block 3045, Lot 17) is a five-story exempt class walk-up building with 16 residential units and 3 commercial units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

(On October 2, 1989 Cal. No. 16, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 29 the hearing was closed.)

**For consideration.**

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 No. 79

CD 1

C 891009 HDK

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

The property to be disposed, **265 Lee Avenue** (Tax Block 2264, Lot 5) is a four-story old law walk-up building with 6 residential units and 1 commercial unit. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

(On October 2, 1989 Cal. No. 17, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 30 the hearing was closed.)

**For consideration.**

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 No. 80

CD 1

C 891010 HDK

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

The property to be disposed, **330 South 3rd Street** (Tax Block 2437, Lot 7) is a six-story new law walk-up building with 27 residential units and 2 commercial units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law)

**Housing Development Fund Corporation for the purpose of providing housing for low-income families.**

(On October 2, 1989 Cal. No. 18, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 31 the hearing was closed.)

**For consideration.**

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**No. 81**

**CD 8**

**C 900083 HDK**

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

The property to be disposed, **340 St. Marks Avenue** (Tax Block 1153, Lot 25) between Underhill and Washington Avenues is a three-story new law walk-up building with 6 residential units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation **for the purpose of providing housing for low-income families.**

(On October 2, 1989 Cal. No. 30, the Commission scheduled October 18, 1989 for a public hearing. On October 18, 1989, Cal No. 32 the hearing was closed.)

**For consideration.**

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