

DISPOSITION SHEET: CPC PUBLIC MEETING OF WEDNESDAY, DECEMBER 27, 1989 CITY HALL, NY 10:00 A.M.

Cal. No.	C.P. No.	Repts. B.O.E.	C.P.C. Action	Cal. No.	C.P. No.	Repts. B.O.E.	C.P.C. Action
1	C 890226 GFQ		Scheduled For Hrng. 1-17-90	36	C 890960 PPK	✓	FAVORABLE Report Adopted
2	C 890441 PSQ			37	C 900022 MMK		Laid Over
3	NOTICE C 890456 ZSQ			38	C 900023 ZMK		
4	N 900283 ZRQ			39	C 900024 ZSK		
5	C 890831 PLQ			40	C 900025 ZSK		
6	C 890970 PPQ			41	N 880525 ZAK		AUTHORIZATION APPROVED
7	C 890682 PPK			42	N 800402 ZAR		Authorization Approved
8	C 890953 PPK			43	C 890400 PLR		Laid Over
9	C 890958 PPK			44	N 870488 ZRM	✓	FAV. REPORT ADOPTED
10	C 900081 HDM			45	C 890086 ZSM		Laid Over
11	C 900100 PLM			46	C 890433 ZSM	✓	Favorable Reports Adopted
12	C 900102 ZSM			47	C 880506 ZMM *	✓	
13	NOTICE C 880205 GFM			48	C 880507 ZSM *	✓	
14	C 890470 HDM			49	C 890856 MMM *	✓	
15	C 890464 VTM			50	C 870307 ZSM ***	✓	
16	C 890465 VTM			51	C 900052 ZMM *	✓	
17	C 900027 PPX			52	N 900053 ZRM *	✓	
18	C 890399 ZSX			53	C 890353 ZSM *	✓	
19	C 870520 ZMX			54	C 890354 ZSM *	✓	
20	C 890828 PPX			55	N 891068 ZMM *	✓	
21	C 900144 ZMK		Hrng. closed	56	N 890513 ZRY	✓	
22	C 900258 ZMK			57	N 900158 ZRY	✓	
23	C 900130 HDM			58	N 900159 ZRY	✓	
24	C 870529 ZSM			59	C 890070 ZMX	✓	
25	C 890789 PLM			60	C 900029 PPX	✓	
26	C 891046 PSM			61			
27	C 860156 ZMQ	✓	FAVORABLE Report Adopted	62			
28	C 890160 MMQ	✓		63			
29	C 890547 HDQ	✓		64			
30	C 890739 ZMQ	✓		65			
31	C 890971 PPQ	✓		COMMISSION ATTENDANCE Present/Absent			
32	C 890205 MMQ	✓		Sylvia Deutsch, Chair.	✓		
33	C 890918 PLQ		Laid Over	Denise Scheinberg, V.C.***	✓		
34	C 890235 ZMK			Sal. C. Gagliardo, Comm.	✓		
35	C 890951 PPK	✓	Favorable Report Adopted	Marilyn Mammano, "	✓		
				Rafael Martinez, "	✓		
				Wm. Gary McNeil, "***	✓		
				Daniel Scannell, "	✓		

DIS. McDANIEL, Calendar Officer (212) 720-3370  
 Reade Street, Room 2E  
 New York, New York 10007-1216  
 2) 720-3370

Meeting Adjourned at 10:55 A.M.

*Logged* 12/27

\* = Voted in opposition  
 \*\* = Voted in opposition  
 \*\*\* = Voted in opposition

**COMPREHENSIVE  
CITY PLANNING CALENDAR**

**of**

**The City of New York**

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**CITY PLANNING COMMISSION**

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**WEDNESDAY, DECEMBER 27, 1989**

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



**Edward I. Koch, Mayor**

**City of New York**

**[No. 24]**

**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

## 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, December 27, 1989

Roll Call; approval of minutes .....	1
I. Scheduling January 17, 1990 .....	1
II. Public Hearings .....	10
III. Reports .....	13
IV. Schedule of Meetings — January 1–June 30, 1990 .....	73

**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 January 17, 1990, 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, December 27, 1989

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APPROVAL OF MINUTES OF Regular Meeting of December 13, 1989  
and Special Meeting of November 27, 1989

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, JANUARY 17, 1990  
STARTING AT 10 A.M.  
IN CITY HALL  
NEW YORK, NEW YORK**

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**BOROUGH OF QUEENS**

**No. 1**

**CD 2**

**C 890226 GFQ**

**IN THE MATTER OF** an application submitted by Citibank, N.A. for a revocable consent for a period of ten years to allow the construction, maintenance and use of thirteen lampposts and fixtures on 44th Drive, Jackson Avenue and 45th Avenue, and four lampposts and fixtures in the "plaza" area at 44th Drive and Jackson Avenue.

Resolution for adoption scheduling January 17, 1990 for a public hearing.

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**No. 2**

**CD 5**

**C 890441 PSQ**

**IN THE MATTER OF** an application submitted by the Department of Environmental Protection (DEP), Bureau of Heavy Construction, pursuant to Section 197-c of the New York City Charter for the selection and acquisition of private property located at 5301 Grand Avenue (Block 2610, Lot 119), to construct a water tunnel shaft (Shaft 19B) to link City Water Tunnel No. 3 with the existing water grid.

Resolution for adoption scheduling January 17, 1990 for a public hearing.

**NOTICE**

**On January 17, 1990 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 Water Supply Shaft 19B of Water Tunnel No. 3, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR) No. 89-117Q.**

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**Nos. 3 and 4**

*(Requests for the granting of Special Permits and a Zoning Text change concerning the Chapin Home for the Aging).*

**No. 3**

**CD 8**

**C 890456 ZSQ**

**IN THE MATTER OF** an application submitted by the Chapin Home for the Aging pursuant to Sections 197-c and 200 of the New York City Charter for the **grant of special permits pursuant to Sections 74-90 and 74-902 of the Zoning Resolution to permit the enlargement to 220 beds of, and to allow the community facility floor area ratio of Section 24-11 to apply to, an existing 78-bed nursing home facility on property located at 165-01 Chapin Parkway (Block 9858, Lot 39) on the north side of Chapin Parkway, approximately 200 feet east of 164 Street, in an R4 District.**

**NOTE:** Under related application (N 900283 ZRQ), Section 74-903 (Designation of Community District in Which Special Permits are Required for Certain Community Facility Uses) of the Zoning Resolution is proposed to be revised to add Community District 8 in the Borough of Queens to the list of community districts in which special permit provisions of Section 74-90 apply. The special permit pursuant to Section 74-90 (C 890456 ZSQ) is being sought in accordance with the proposed text change).

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 January 17, 1990 for a public hearing.**

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No. 4

CD 8

N 900283 ZRQ

**IN THE MATTER OF** an amendment of the Zoning Resolution of the City of New York pursuant to Section 200 of the New York City Charter, relating to Section 74-903, to include Community District 8, Queens under the Special Permit Provisions of Section 74-903, as required pursuant to Sections 22-13, 22-42 and 32-45 of the Zoning Resolution as follows:

- Matter in **bold** is new;
- Matter in ~~strikeout~~ is old, to be omitted;
- Matter in *italics* is defined in Section 12-10

74-903

Designation of Community Districts in which Special Permits are Required for Certain Community Facility Uses

The special permit provisions of Section 74-90 shall apply to all nursing homes and health related facilities within the boundaries of Community Districts 7, 11, 12, 13 and 14 in The Bronx, Community Districts 2, 6, 8, 11, 12, 13, 14, 15 and 17 in Brooklyn, Community Districts 4, 7, 11 and 12 in Manhattan, Community Districts 4, 7, 8, 12 and 14 in Queens and Community Districts 2 and 3 in Staten Island, where the findings of Section 22-13 have been made.

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**



No. 5

CD 4

C 890831 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 **renewal of a lease for a term up to ten years of private property located at 87-11 Whitney Avenue (Block 1559, Lot 28), for continued use as a senior citizen center.**

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**





## No. 6

CD 13

C 890970 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 five (5) 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 January 17, 1990 for a public hearing.**

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**BOROUGH OF BROOKLYN**

## No. 7

CD 4

C 890682 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 twenty-four (24) 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 January 17, 1990 for a public hearing.**

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No. 8

CD 6

C 890953 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 one (1) City-owned property located at 230-32 10th Street, Block No. 1015, Lot No. 16.**

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**

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## No. 9

CD 14

C 890958 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 one (1) City-owned property located at 1616 Newkirk Avenue, Block No. 5237, Lot No. 6.

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**

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 BOROUGH OF MANHATTAN

## No. 10

CD 10

C 900081 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, 8 Morningside Avenue (Tax Block 1849, Lot 18) on the easterly side of Morningside Avenue between West 114th and West 115th Streets 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 community group since May 15, 1981.

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**

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 No. 11

CD 10

C 900100 PLM

**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 renewal of a lease for up to a ten-year term of private property located at 120 West 146th Street (Block 2014, Lot 36), for continued use as a senior citizen center.

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**

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## No. 12

CD 4

C 900102 ZSM

**IN THE MATTER OF** an application submitted by the 9th & 33rd Associates, L.P., 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 allow development over a rail road yard; and for the **grant of a special permit** pursuant to **Sections 13-462 and 74-52** of the **Zoning Resolution to allow an attended public parking garage** with a maximum capacity of 312 spaces, to facilitate the development of a **31-story office building over the Pennsylvania/Long Island Rail Road yard on property located on the southwest corner of Ninth Avenue, and West 33rd Street (Block 729, Lot 9060), within an M1-6 District.**

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

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**

## N O T I C E

**On January 17, 1990 at 10:00 a.m. in City Hall, New York, a public hearing is being held by the Departments of City Planning and Environmental Protection to receive comments related to the Draft Environmental Impact Statement concerning the proposed Office Tower at Ninth Avenue and 33rd Street, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR) No. 86-331M.**

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 No. 13

CD 6

C 880205 GFM

**IN THE MATTER OF** an application submitted by Glick Development Affiliates for a **revocable consent for a period of ten years** to allow the installation, maintenance and use of **fifteen (15) lampposts** in the public sidewalk **along the northerly and southerly street frontages of East 37th Street between First Avenue and the FDR Drive** in connection with a building constructed at 415 East 37th Street.

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**

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## No. 14

CD 11

C 890470 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 **comprises Site 34R in the Milbank-Frawley Urban Renewal Area**, located on the southerly side of Luis Munoz Marin Boulevard (East 116th Street) between Fifth and Madison Avenues (Block 1621, Lots 66, 67, and 68). Of these properties, one is a vacant 5-story building to be rehabilitated to provide 10 cooperative apartments for low and very low-income families. The two adjoining lots are to be used for parking.

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**

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## No. 15

CD 1, 2, 3, 4, 5, 6, 7, 8

C 890464 VTM

**IN THE MATTER OF** an application submitted by Manhattan Cable Television, Inc. for the **renewal of an existing franchise for a period of twenty years, pursuant to Sections 197-c and 366a of the New York City Charter**, to continue to **construct, maintain and use a cable television system** within the streets of Manhattan, southerly of West 79th and East 86th Streets and including Roosevelt Island.

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**

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## No. 16

CD 7, 8, 9, 10, 11, 12

C 890465 VTM

**IN THE MATTER OF** an application submitted by Paragon Cable Manhattan for the **renewal of an existing franchise for a period of twenty years**, pursuant to sections 197-c and 366a of the New York City Charter, **to continue to construct, maintain and use a cable television system** within the streets of Manhattan, northerly of West 79th and East 86th Streets.

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**

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**BOROUGH OF BRONX****No. 17****CD 3****C 900027 PPX**

**IN THE MATTER OF** an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of two (2) City-owned properties.**

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 January 17, 1990 for a public hearing.**

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**Nos. 18, 19 and 20**

*(Request for a Zoning Special Permit, Zoning Map change, and Disposition of real property for the Southern Boulevard Parking Lot.)*

**No. 18****CD 2****C 890399 ZSX**

**IN THE MATTER OF** an application submitted by Bronx Community Board 2 and the Division of Real Property of the New York City Department of General Services pursuant to Section 74-512 of the Zoning Resolution to **allow an attended public parking lot with a maximum capacity of 178 spaces**, on property located at 999 Hoe Avenue, Block 2742, Lots 47, 49, 50, 52, 53, 55, 57, 66, in a C4-4 district.

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

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**

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**No. 19**
**CD 2****C 870520 ZMX**

**IN THE MATTER OF** an application submitted by Bronx Community Board 2 and the Division of Real Property of the NYC Department of General Services pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning Map**, Section No. 6c, changing from an R7-1 District to a C4-4 district property bounded by Aldus Street, Hoe Avenue, a line perpendicular to Hoe Avenue distant 465 feet northerly from the intersection of Hoe Avenue and East

163rd Street, and a line midway between Hoe Avenue and Southern Boulevard, as shown on a diagram dated November 6, 1989.

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**

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No. 20

CD 2

C 890828 PPX

**IN THE MATTER OF** an application submitted by the Division of Real Property of the New York City Department of General Services pursuant to Section 197-c of the New York City Charter for **unrestricted disposition of real property located on the southwest corner of Hoe Avenue and Aldus Street (Block 2742, Lots 47, 49, 50, 52, 53 and 55).**

**Resolution for adoption scheduling January 17, 1990 for a public hearing.**

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## II. PUBLIC HEARINGS

### BOROUGH OF BROOKLYN

#### No. 21

CD 7

C 900144 ZMK

**PUBLIC HEARING:**

**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. 16b and 22a, changing from an M1-2 district to an M1-2D district property bounded by 2nd Avenue, a line midway between 44th Street and 45th Street, Third Avenue, and 54th Street, as shown on a diagram dated October 16, 1989.

(On December 11, 1989 Cal. No. 1, the Commission scheduled December 27, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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#### No. 22

CD 7

C 900258 ZMK

**PUBLIC HEARING:**

**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. 16b and 16d;

1. changing from an M1-2 district to an M1-2D district property bounded by 3rd Avenue, Prospect Avenue, 4th Avenue and a line midway between 37th Street and 38th Street; and
2. changing from an M1-1 district to an M1-1D district property bounded by 24th Street, 5th Avenue, a line midway between 28th Street and 29th Street, and 4th Avenue;

as shown on a diagram dated October 16, 1989.

(On December 11, 1989 Cal. No. 2, the Commission scheduled December 27, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**BOROUGH OF MANHATTAN****No. 23****CD 11****C 900130 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, **129-31 East 102nd Street** (Tax Block 1630, Lot 16) on the Northerly side of East 102nd Street between Park and Lexington avenues, is a six-story new law walk-up building with 33 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 community group since July 19, 1979, under HPD's Community Management Program.

(On December 11, 1989 Cal. No. 3, the Commission scheduled December 27, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 24**
**CD 4****C 870529 ZSM****PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by 310 Associates pursuant to Sections 197-c and 200 of the New York City Charter for the grant of a special permit pursuant to **Section 96-104** of the Zoning Resolution to modify the special height restrictions of **Section 96-10** (Preservation Area) to allow the enlargement to a height of 99 feet of two existing 2-story buildings at **310-312 West 53rd Street** on a zoning lot (Block 1043, Tax Lots 39, 40, 1001-1066 and 1101-1166) located on the southwest corner of West 53rd Street and Eighth Avenue, within the Special Clinton District.

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 December 11, 1989 Cal. No. 4, the Commission scheduled December 27, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 25**

**CD 1**

**C 890789 PLM**

**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 **lease of up to a 15-year term of private property** located at **350 Broadway** (Block 171, Lot 1), **for use as a senior citizens center.**

(On December 11, 1989 Cal. No. 5, the Commission scheduled December 27, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 26**

**CD 11**

**C 891046 PSM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Human Resources Administration pursuant to section 197-c of the New York City Charter for the **selection of property** located on a **part of the block bounded by East 119th Street, Madison Avenue, East 118th Street and Fifth Avenue** (Block 1745, lots 5, 9 through 12, 59, 160, 61, 62, 162, 63, 163, 64, 65 and 165), **for the construction of a supported housing center for single homeless persons.**

(On December 11, 1989 Cal. No. 6, the Commission scheduled December 27, 1989 for a public hearing which has been duly advertised.)

**Close the hearing.**

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### III. REPORTS

#### BOROUGH OF QUEENS

No. 27

*(Dutch Kills Rezoning)*

CD 1

C 860156 ZMQ

**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 No. 9b, changing from an M1-3 district to an M1-3D district property bounded by 37th Avenue, the north prolongation of Standard Lane, Northern Boulevard, 40th Road, 29th Street, 41st Avenue, 23rd Street, 39th Avenue, and 24th Street, as shown on a diagram dated October 2, 1989.

(On November 29, 1989 Cal. No. 1, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 3 the hearing was closed.)

**For consideration.**

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No. 28

CD 4

C 890160 MMQ

**IN THE MATTER OF** an application submitted by the New York City Health and Hospitals Corporation 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 78th Street from Broadway to 41st Avenue in connection with the Elmhurst Hospital Center in accordance with Map No. 4861 dated July 14, 1989 and signed by the Borough President. The map was referred to the City Planning Commission by the Board of Estimate on August 17, 1989 (Calendar No. 526).

(On November 29, 1989 Cal. No. 2, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 4 the hearing was closed.)

**For consideration.**

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No. 29

CD 1

C 890547 HDQ

**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, **Lot 12 in block 884**, located on a part of the block bounded by 22nd Street, 25th Road, 23rd Street and Astoria Avenue, comprises an area approximately 24,000 square feet, and is the site for a residential development containing 73 dwelling units **for the elderly and handicapped**. The project is tentatively known as Long Island City Senior House.

The property is to be disposed to the Long Island City Senior Houses Housing Development Fund Company, Inc., a corporation formed under Article XI of the Private Housing Finance Law of New York State.

Financing is to be provided by a direct Federal Loan under Section 202 of the National Housing Act of 1957, as amended, with subsidy for 100% of the unit provided under Section 8 of the United States Housing Act of 1937, as amended.

(On November 29, Cal. No. 3, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 5 the hearing was closed.)

**For consideration.**

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**No. 30**

*(Winchester Estates Rezoning)*

**CD 11**

**C 890739 ZMQ**

**IN THE MATTER OF** an application submitted by Winchester Estates Civic Association pursuant to Sections 197-c and 200 of the New York City Charter **for an amendment of the Zoning Map**, Section No. 11b, changing from an R4 district to an R2 district property bounded by Douglaston Parkway, the northerly street line of 242nd Street and its westerly and easterly prolongations, a southerly boundary line of a park, a westerly boundary line of a park and its southerly prolongation, and a line at right angles to and passing through a point on the easterly street line of Douglaston Parkway distant 100 feet southerly from the point of intersection of Douglaston Parkway and 244th Street, as shown on a diagram dated October 2, 1989.

(On November 29, 1989 Cal. No. 4, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 6 the hearing was closed.)

**For consideration.**

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**No. 31**

**CD 14**

**C 890971 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 11 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 November 29, 1989 Cal. No. 5, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 7 the hearing was closed.)

**For consideration.**

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**No. 32**

**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).

(On November 8, 1989 Cal. No. 27, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 15 the hearing was closed. On December 13, 1989 Cal. No. 19 the item was laid over.)

**For consideration.**

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**No. 33**

**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.**

(On November 8, 1989 Cal. No. 28, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 16 the hearing was closed. On December 13, 1989, Cal. No. 20, the item was laid over.)

**For consideration.**

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**BOROUGH OF BROOKLYN****No. 34****CD 11, 15****C 890235 ZMK**

**IN THE MATTER OF** an application, submitted by Top Tomato, Inc., pursuant to Sections 197-c and 200 of the New York City Charter, for **an amendment of the Zoning Map**, Section No. 28c, establishing within an existing R5 district, a C2-3 district bounded by 86th Street, West 12th Street, Avenue U, 86th Street, West 13th Street, a line 150 feet northerly of Avenue U, a line midway between West 12th Street and West 11th Street, Avenue U, West 11th Street, and a line 150 feet southerly of Avenue U, as shown on a diagram dated August 28, 1989.

(On November 29, 1989 Cal. No. 6, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 8 the hearing was closed.)

**For consideration.**

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**No. 35****CD 4****C 890951 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 8 city-owned properties**.

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

(On November 29, 1989 Cal. No. 7, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 9 the hearing was closed.)

**For consideration.**

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**No. 36****CD 16****C 890960 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 2 city-owned properties**, located at 1377 East New York Avenue, and 18-22 Blake Avenue.

(On November 29, 1989 Cal. No. 8, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 10 the hearing was closed.)

**For consideration.**

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## Nos. 37, 38, 39 and 40

*(Applications for an amendment to the City Map, a Zoning Map change and Special permits concerning the Proposed Brighton-By-The-Sea development)*

## No. 37

CD 21

C 900022 MMK

**IN THE MATTER OF** an application submitted by Alexander Muss and Sons pursuant to Sections 197-c and 199 of the New York City Charter for an **amendment to the City Map** involving the elimination of Brightwater Avenue from Coney Island Avenue to Seacoast Terrace, Brighton 11th Street from Brightwater Avenue to Brighton Beach Avenue, and Brighton 12th Street from Brighton 11th Street to Brighton Beach Avenue, and the adjustment of legal grades related thereto, and the delineation of a public access easement, to facilitate construction of a mixed use development, in accordance with Map No. 2549 dated October 25, 1989 and signed by the Borough President.

(On November 8, 1989 Cal. No. A, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 23 the hearing was closed.)

**For consideration.**

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 No. 38

CD 13

C 900023 ZMK

**IN THE MATTER OF** an **application** submitted by Alexander Muss and sons pursuant to Sections 197-c and 200 of the New York City Charter **for an amendment of the Zoning map**, Sections Nos. 28d and 29b:

- a) changing from a C3 District to an R7-1 District property bounded by Brighton Beach Avenue, Seacoast Terrace, a line 500 feet north of Brightwater Avenue, Brighton 14th Street, Brighton 15th Street, the northerly and westerly boundary lines of a park, the northerly boundary line of Coney Island Beach, Coney Island Avenue, a line 100 feet south of Brighton Beach Avenue and a line 230 feet east of Coney Island Avenue (center line of Brighton 11th Street which is proposed to be eliminated and is the subject of related application C 900022 MMK).
- b) changing from an R6 District to a R7-1 District property bounded by Brighton Beach Avenue, a line 230 feet east of Coney Island Avenue, a line 100 feet south of Brighton Beach Avenue and a line 200 feet east of Coney Island Avenue (within the bed of Brighton 11th Street

which is proposed to be eliminated and is the subject of related application C 900022 MMK);

- c) eliminating from the existing R6 District a C1-2 District bounded by Brighton Beach Avenue, a line 230 feet east of Coney Island Avenue, line 100 feet south of Brighton Beach Avenue and a line 200 feet east of Coney Island Avenue; and
- d) establishing within the proposed R7-1 District a C2-2 District bounded by Brighton Beach Avenue, Seacoast Terrace, the northerly and westerly boundary lines of a park, the northerly boundary line of Coney Island Beach, Coney Island Avenue, a line 100 feet south of Brighton Beach Avenue and a line 200 feet east of Coney Island Avenue;

as shown on a diagram dated October 30, 1989.

(On November 8, 1989 Cal. No. B, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 24 the hearing was closed.)

**For consideration.**

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**No. 39**

**CD 13**

**C 900024 ZSK**

**IN THE MATTER OF** an application submitted by Alexander Muss and Sons pursuant to Sections 197-c of and 200 of the New York City Charter and Sections 78-312 (c), (d), and (f) of the Zoning Resolution for the **grant of a special permit** to allow minor variations of rear yard, height and setback and minimum distance between buildings requirements on property bounded by Brighton Beach Avenue, Seacoast Terrace, a park, and Coney Island Avenue (Block 8720, Lot 14 and part of Lot 1).

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

(On November 8, 1989 Cal. No. C, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 25 the hearing was closed.)

**For consideration.**

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## No. 40

CD 13

C 900025 ZSK

**IN THE MATTER OF** an application submitted by Alexander Muss and Sons pursuant to Sections 197-c of and 200 of the New York City Charter and Section 74-512 of the Zoning Resolution for the **grant of a special permit** for a public parking garage with a maximum capacity of 1,856 spaces on property bounded by Brighton Beach Avenue, Seacoast Terrace, a park, and Coney Island Avenue (Block 8720, Lot 14 and part of Lot 1).

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, NY 10007.

(On November 8, 1989 Cal. No. D, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 26 the hearing was closed.)

**For consideration.**

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 No. 41

CD 12

N 880525 ZAK

**IN THE MATTER OF** an application submitted by Maimonides Medical Center, involving a previously approved large-scale community facility development, **for the grant of authorizations** pursuant to **Section 79-21** of the **Zoning Resolution to locate a new Medical Arts Building** without regard for the height and setback regulations which would otherwise apply along a portion of a street within the large-scale community facility development and without regard for the rear yard regulations which would otherwise apply along portions of a lot line abutting other zoning lots within the large-scale community facility development, and to modify the boundaries of the large-scale community facility development, on property within the area bounded generally by 47th Street, Fort Hamilton Parkway, 50th Street, and 9th Avenue.

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

**For consideration.**

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**BOROUGH OF STATEN ISLAND****No. 42****CD 3****N 800402 ZAR**

**IN THE MATTER OF** an application submitted by Jeffrey Associates, for the **grant of authorizations** pursuant to Sections 78-311(a), 78-311(b), and 78-311(c) of the Zoning Resolution, **involving a 49-unit large-scale residential development** on the westerly side of Joline Avenue, 140 feet southerly of Truman Street, within the Special South Richmond Development District; for the grant of an authorization pursuant to Section 78-232 of the Zoning Resolution for an accessory sewage disposal plan to serve the large-scale residential development; and for certifications pursuant to Section 107-08 (Future Subdivision) and Section 107-123 (Public Schools) involving the Special South Richmond Development District.

**For consideration.**


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**No. 43**
**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.**

(On November 8, 1989 Cal. No. 2, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 19 the hearing was closed. On December 13, 1989 Cal. No. 26, the item was laid over).

**For consideration.**


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**BOROUGH OF MANHATTAN**
**No. 44***(Sidewalk Cafe Text Change)***CD 3, 6, 8, 11****N 870488 ZRM**

**IN THE MATTER OF** an amendment, pursuant to Section 200 of the New York City Charter, relating to Article I, Chapter 4, Section 14-70, Appendix C of the Sidewalk Cafe Regulations, to allow enclosed and unenclosed sidewalk cafes in all Special Transit Land Use Districts.

Matter in **bold** is new, to be added;  
 Matter in ~~strikeout~~ is old, to be deleted;  
 Matter in *italic* is defined in Section 12-10;  
 Matter denoted by \* \* \* is unchanged.

14-70

\* \* \*

## APPENDIX C

Special Zoning Districts—where cafes shall or shall not be allowed where permitted by the underlying zoning:

Manhattan	Enclosed	Unenclosed
1. Theater District	No	No
2. Lincoln Square District	No	Yes
3. United Nations Development District	No	Yes
4. Fifth Avenue District	No	No
5. Madison Avenue Preservation District	No	No
6. Yorkville-East 86th Street	No	No
7. Clinton Preservation District	Yes	Yes
8. N.Y.C. Convention & Exhibition Center Development District	Yes	Yes
9. Transit Land Use District	<del>No</del> Yes	<del>No</del> Yes
10. Greenwich Street Development District	No	No
11. Battery Park City District	Yes	Yes
12. Manhattan Landing Development District	Yes	Yes
13. South Street Seaport District	Yes	Yes
14. Little Italy District	No	Yes
15. Limited Commercial District	No	No
16. Park Improvement District	No	No
17. Lower Manhattan Mixed Use District	Yes	Yes

\* \* \*

(On November 29, 1989 Cal. No. 9, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 11 the hearing was closed.)

**For consideration.**

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## No. 45

CD 1

C 890086 ZSM

**IN THE MATTER OF** an application submitted by New York Chinese Baptist Church pursuant to sections 197-c and 200 of the New York City Charter and Section 74-921 of the Zoning Resolution **for the grant of a special permit** to allow a church (Use Group 4) to be located at **82 and 84 Walker Street** (Block 196, Lots 27 and 28) in an M1-5 District.

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

(On November 29, 1989 Cal. No. 10, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 12 the hearing was closed.)

**For consideration.**

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 No. 46

*(Request for a special permit to legalize 11 dwelling units on floors two, five and six in a loft building where lot coverage is greater than 5,000 sq. ft. in the Lower Manhattan mixed use District M1-5.)*

CD 1

C 890433 ZSM

**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 Martin and Don Weston, requesting a **special permit** to modify Section 111-103 (b) of the Zoning Resolution to legalize the conversion of 11 dwelling units on floors two, five and six at **13-17 Laight Street**, a loft building where lot coverage is greater than 5,000 sq. ft., located on the south side of Laight Street between Varick Street and St. John's Lane, in an M1-5 District within the Lower Manhattan Mixed Use District.

(On November 29, 1989 Cal. No. 11, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 13 the hearing was closed.)

**For consideration.**

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## Nos. 47, 48 and 49

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

## No. 47

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.)

(On November 8, 1989 Cal. No. 6, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 30 the hearing was closed.)

**For consideration.**

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## No. 48

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), 74-746, 74-745 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 to be located without regard for zoning lot lines, and also for **authorizations** pursuant to Sections 32-442(b) and 13-453 of the Zoning Resolution for the size and configuration of all zoning lots on property including a portion of a permanently discontinued railroad yard and right-of-way, and for a curb cut on West End Avenue (a wide street), 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.

(On November 8, 1989 Cal. No. 7, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 31 the hearing was closed.)

**For consideration.**

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 No. 49

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 general large scale 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.

(On November 8, 1989 Cal. No. 8, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 32 the hearing was closed.)

**For consideration.**

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**No. 50**

**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.

(On November 8, 1989 Cal. No. 9, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 33 the hearing was closed.)

**For consideration.**

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**Nos. 51 and 52**

*(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. 51**

**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.

(On November 8, 1989 Cal. No. 10, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 34 the hearing was closed.)

**For consideration.**

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## No. 52

CD 4

N 900053 ZRM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 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.

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

## 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. Jamits 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.

\* \* \*

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 the aggregate, more than 40 lineal feet or 25 percent of a *zoning lot's* side 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* within a building permitted by the underlying district regulations shall not be located in a 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 shall be 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 low 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**

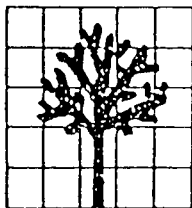
The following public space signage systems shall be required for the pedestrian way:

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).

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

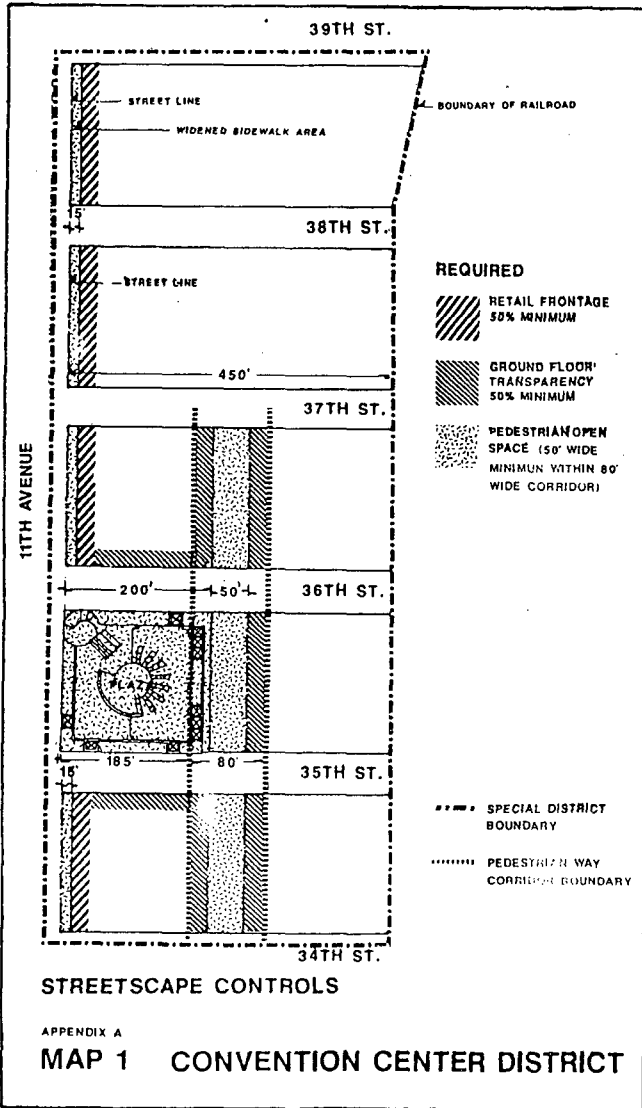
All *accessory business signs*, other than window *signs* shall be located in a horizontal band not higher than 2 feet, the base of which is located not less than 13 feet nor more than 16 feet above *curb level*. Where there is a grade change of at least 1.5 feet in 100 along the portion of the *street*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

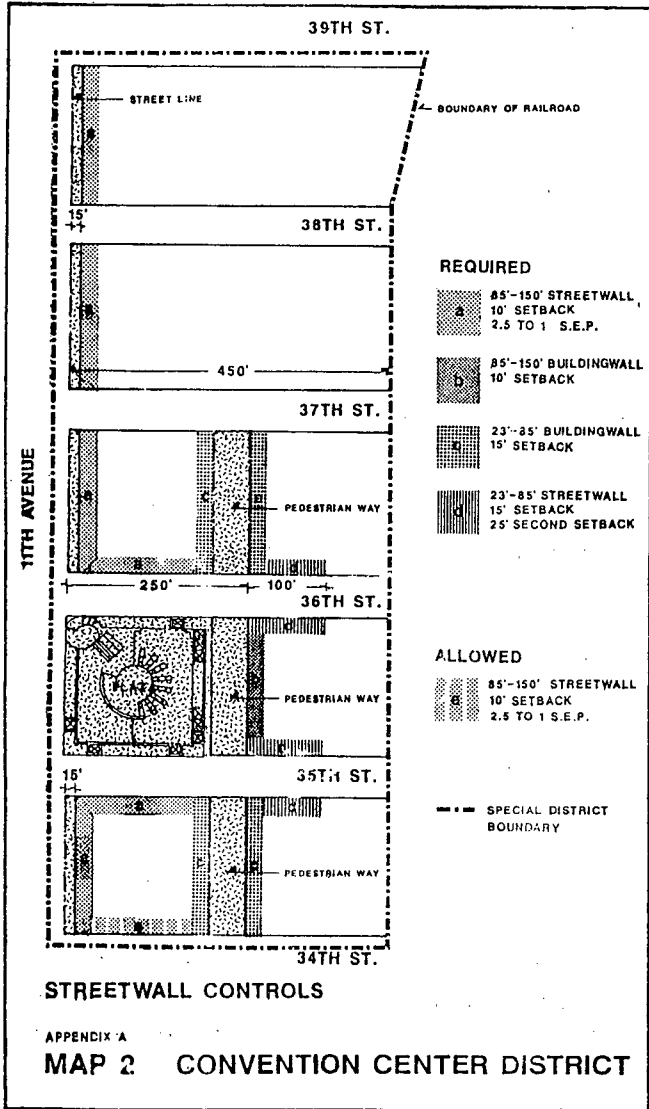
### 93-35 Curb Cuts

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.





(On November 8, 1989 Cal. No. 11, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 35 the hearing was closed.)

**For consideration.**

## Nos. 53, 54 and 55

*(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. 53

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.

(On November 8, 1989 Cal. No. 12, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 36 the hearing was closed.)

**For consideration.**

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 No. 54

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:

- 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;

(Authorization)

- 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 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.

(On November 8, 1989 Cal. No. 13, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 37 the hearing was closed.)

**For consideration.**

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No. 55

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.

(On November 8, 1989 Cal. No. 14, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 38 the hearing was closed.)

**For consideration.**



No. 56

*(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 the 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.

\* \* \*

(On November 8, 1989 Cal. No. 17, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 41 the hearing was closed.)

**For consideration.**

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**No. 57**

*(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, 74-745, 74-746, 74-747, and 74-748 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 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.

**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 areas to adjacent *streets, surrounding development, adjacent open areas 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 permit *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 permit 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 requirements 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 previously granted 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.

(On November 8, 1989 Cal. No. 17, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 42 the hearing was closed.)

For consideration.

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No. 58

*(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 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* ~~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~~ *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 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 yard**), 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-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 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 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~~ *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 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

**Development 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 74-62) 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.
  - (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.

(On November 8, 1989 Cal. No. 19, the Commission scheduled November 29, 1989 for a public hearing. On November 29, 1989, Cal. No. 43 the hearing was closed.)

**For consideration.**

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**BOROUGH OF BRONX**

No. 59

CD 2

C 890070 ZMX

**IN THE MATTER OF** an application submitted by Joseph Milea pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning Map**, Section No. 6c:

1. changing from an R7-1 district to a C8-3 district property bounded by Timpson Place, East 149th Street, a line midway between Timpson Place and Southern Boulevard, and the northerly prolongation of an existing line perpendicular to and passing through a point on the southerly street line of Timpson Place distant 300 feet easterly from the intersection of East 149th Street and Timpson Place; and
2. eliminating from the existing R7-1 district a C1-4 district bounded by Timpson Place, East 149th Street, a line midway between Timpson Place and Southern Boulevard, and a line 100 feet easterly of East 149th Street,

as shown on a diagram dated October 2, 1989.

(On November 29, 1989 Cal. No. 13, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 1 the hearing was closed.)

**For consideration.**

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 No. 60

CD 6

C 900029 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** on Block 2945, Lot 65, located at 1840 Belmont Avenue.

(On November 29, 1989 Cal. No. 14, the Commission scheduled December 13, 1989 for a public hearing. On December 13, 1989, Cal. No. 2 the hearing was closed.)

**For consideration.**

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**IV. CITY PLANNING COMMISSION SCHEDULE OF MEETINGS  
JANUARY 1 - JUNE 30, 1990**

	S	M	T	W	T	F	S	NOTES
<b>J A N U A R Y</b>		1 NEW YEAR'S DAY	2	3	4	5	6	
	7	8 REVIEW SESSION	9	10	11 BOE PUB. MTG.	12	13	
	14	15 M.L. KING DAY	16	17 CPC PUB. MTG.	18	19	20	
	21	22 REVIEW SESSION	23	24	25 BOE PUB. MTG.	26	27	
	28	29 REVIEW SESSION	30	31 CPC PUB. MTG.				
<b>F E B R U A R Y</b>					1	2	3	
	4	5 REVIEW SESSION	6	7	8 BOE PUB. MTG.	9	10	
	11	12 LINCOLN'S BIRTHDAY	13 REVIEW SESSION	14 CPC PUB. MTG.	15	16	17	
	18	19 WASHINGTON'S BIRTHDAY	20	21	22 BOE PUB. MTG.	23	24	
	25	26 REVIEW SESSION	27	28 CPC PUB. MTG.				
<b>M A R C H</b>					1	2	3	
	4	5 REVIEW SESSION	6	7	8 BOE PUB. MTG.	9	10	
	11	12 REVIEW SESSION	13	14 CPC PUB. MTG.	15	16	17	
	18	19	20	21	22 BOE PUB. MTG.	23	24	
	25	26 REVIEW SESSION	27	28 CPC PUB. MTG.	29	30	31	

**CITY PLANNING COMMISSION SCHEDULE OF MEETINGS (Cont'd.)  
JANUARY 1 – JUNE 30, 1990**

	S	M	T	W	T	F	S	NOTES
<b>A P R I L</b>	1	2	3	4	5	6	7	
		REVIEW SESSION			BOE PUB. MTG.			
	8	9	10	11	12	13	14	
			1ST DAY PASSOVER	2ND DAY PASSOVER	HOLY THURSDAY	GOOD FRIDAY		
	15	16	17	18	19	20	21	
	REVIEW SESSION	8TH DAY PASSOVER	CPC PUB. MTG.					
	22	23	24	25	26	27	28	
					BOE PUB. MTG.			
	29	30						
		REVIEW SESSION						
<b>M A Y</b>			1	2	3	4	5	
				CPC PUB. MTG.				
	6	7	8	9	10	11	12	
		REVIEW SESSION			BOE PUB. MTG.			
	13	14	15	16	17	18	19	
	REVIEW SESSION		CPC PUB. MTG.					
	20	21	22	23	24	25	26	
		REVIEW SESSION			BOE PUB. MTG.			
	27	28	29	30	31			
		MEMORIAL DAY		CPC PUB. MTG.				
<b>J U N E</b>						1	2	
	3	4	5	6	7	8	9	
		REVIEW SESSION			BOE PUB. MTG.			
	10	11	12	13	14	15	16	
	REVIEW SESSION		CPC PUB. MTG.					
	17	18	19	20	21	22	23	
					BOE PUB. MTG.			
	24	25	26	27	28	29	30	
		REVIEW SESSION		CPC PUB. MTG.				

*Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 P.M.  
Public meetings are held on the second floor of City Hall in the Board of Estimate  
Chambers starting at 10:00 A.M.*