

| 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 900547 HDK |               | Scheduled To be Heard on 5/30/90 | 36  |          |               |               |
| 2        | C 890162 ZMM |               |                                  | 37  |          |               |               |
| 3        | C 900322 ZSM |               |                                  | 38  |          |               |               |
| 4        | C 900605 ZSM |               |                                  | 39  |          |               |               |
| 5        | C 900180 ZSM |               |                                  | 40  |          |               |               |
| 6        | N 900378 ZRM |               |                                  | 41  |          |               |               |
| 7        | C 900613 ZMM |               |                                  | 42  |          |               |               |
| 8        | N 900614 ZRM |               |                                  | 43  |          |               |               |
| 9        | N 900615 ZRM |               |                                  | 44  |          |               |               |
| 10       | N 900616 ZRM |               |                                  | 45  |          |               |               |
| 11       | N 900628 ZRM |               |                                  | 46  |          |               |               |
| 12       | C 900240 ZMM |               |                                  | 47  |          |               |               |
| 13       | C 900241 ZSM |               |                                  | 48  |          |               |               |
| 14       | N 900687 ZRM |               | ✓                                | 49  |          |               |               |
| 15       |              |               |                                  | 50  |          |               |               |
| 16       |              |               |                                  | 51  |          |               |               |
| 17       |              |               |                                  | 52  |          |               |               |
| 18       |              |               |                                  | 53  |          |               |               |
| 19       |              |               |                                  | 54  |          |               |               |
| 20       |              |               |                                  | 55  |          |               |               |
| 21       |              |               |                                  | 56  |          |               |               |
| 22       |              |               |                                  | 57  |          |               |               |
| 23       |              |               |                                  | 58  |          |               |               |
| 24       |              |               |                                  | 59  |          |               |               |
| 25       |              |               |                                  | 60  |          |               |               |
| 26       |              |               |                                  | 61  |          |               |               |
| 27       |              |               |                                  | 62  |          |               |               |
| 28       |              |               |                                  | 63  |          |               |               |
| 29       |              |               |                                  | 64  |          |               |               |
| 30       |              |               |                                  | 65  |          |               |               |
| 31       |              |               |                                  | COMMISSION ATTENDANCE Present/Absent          |          |               |               |
| 32       |              |               |                                  | RICHARD L. SCHAFFER, <i>Chairman</i>          | ✓        | _____         |               |
| 33       |              |               |                                  | DENISE M. SCHEINBERG, <i>Vice-Chairperson</i> | ✓        | _____         |               |
| 34       |              |               |                                  | SALVATORE C. GAGLIARDO                        | ✓        | _____         |               |
| 35       |              |               |                                  | RAFAEL MARTINEZ                               | ✓        | _____         |               |
|          |              |               |                                  | WM. GARRISON McNEIL                           | ✓        | _____         |               |
|          |              |               |                                  | DANIEL T. SCANNELL, <i>Commissioners</i>      | ✓        | _____         |               |

Lois McDaniel, Calendar Officer  
22 Reade Street, Room 2E  
New York, New York 10007-1216  
(212) 720-3370

Meeting Adjourned at 2:49 P.M.

COMPREHENSIVE  
CITY PLANNING CALENDAR

of

The City of New York

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CITY PLANNING COMMISSION

SPECIAL MEETING OF THE CITY PLANNING COMMISSION  
HELD IN SPECTOR HALL, 22 READE STREET, MAIN FLOOR  
NEW YORK, NEW YORK 10007



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MONDAY, MAY 14, 1990

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RICHARD L. SCHAFER, *Chairman*  
DENISE M. SCHEINBERG, *Vice-Chairperson*  
SALVATORE C. GAGLIARDO  
RAFAEL MARTINEZ  
WM. GARRISON McNEIL  
DANIEL T. SCANNELL, *Commissioners*

M O N D A Y

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Special Meeting of ~~May~~ 14, 1990

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, MAY 30, 1990  
STARTING AT 10 A.M.  
IN CITY HALL  
NEW YORK, NEW YORK**

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**BOROUGH OF BROOKLYN**

**No. 1**

**CD 16**

**C 900547 HDK**

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

The property to be disposed, 2182 Atlantic Avenue (Block 1433, Lot 38), is located on the southerly side of Atlantic Avenue, between Saratoga and Hopkinson Avenues, and is a 4-story new law walk-up building with 16 residential units. The Department of Housing Preservation and Development (HPD) intends to sell the property to an Article XI (New York State Private Housing Finance Law) Housing Development Fund Corporation for the purpose of providing housing for low-income families.

The property has been managed and maintained by a Community group since December 1, 1988 under contract with HPD's Community Management Program.

**Resolution for adoption scheduling May 30, 1990 for a public hearing.**

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**BOROUGH OF MANHATTAN**

**Nos. 2 and 3**

*(Applications for an amendment of the Zoning Map and the grant of a Special Permit concerning the 17 Penn Plaza development)*

**No. 2**

**CD 4**

**C 890162 ZMM**

**IN THE MATTER OF** an application submitted by 34th Street American Planning Partners pursuant to Sections 197-c and 200 of the New York City Charter for **an amendment of the Zoning Map**, Section 8d:

- a) Changing from a C6-2M District to a C6-4 District, property bounded by West 35th Street, a line 150 feet West of 8th Avenue, West 33rd Street and 9th Avenue; and
- b) Changing from a C6-4M District to a C6-4 District, property bounded by West 35th Street, 8th Avenue, West 33rd Street and a line 150 feet West of 8th Avenue;

as shown on a diagram dated March 12, 1990.

**Resolution for adoption scheduling May 30, 1990 for a public hearing.**

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**No. 3**

**CD 4**

**C 900322 ZSM**

**IN THE MATTER OF** an application submitted by 34th Street American Planning Partners pursuant to Sections 197-c and 200 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-87 of the Zoning Resolution to permit a 2.0 F.A.R. bonus for a covered pedestrian space of 13,198 square feet with direct access to a subway station on a zoning lot to be occupied by a 28-story office building between West 33rd Street and West 34th Street west of Eighth Avenue, within a proposed C6-4 District (Block 757, Lots 20, 22, 26, 27, 41, 43, 44, 45, 46, 50 and 51).

(The C6-4 District is proposed to be established under related zoning map amendment application C 890162 ZMM).

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 May 30, 1990 for a public hearing.**

## NOTICE

**On May 30, 1990 at 10:00 a.m. in City Hall, New York, a public hearing will be held by the Department of City Planning and the Department of Environmental Protection to receive comments related to the Draft Environmental Impact Statement concerning the proposed 17 Penn Plaza development pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR No. 88-113M).**

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### No. 4

CD 5

C 900605 ZSM

**IN THE MATTER OF** an application submitted by John Chapman pursuant to Sections 197-c and 200 of the New York City Charter for the **grant of a special permit** pursuant to Section 81-232 of the Zoning Resolution to **allow the construction of metal gates to limit access at night in an existing urban plaza at 126 West 42nd Street**, on the westerly side of Avenue of the Americas, extending from West 41st Street to West 42nd Street (Block 994, Lot 33).

The urban plaza was previously approved as part of a special permit application (CP-20877A) pursuant to Section 74-72 of the Zoning Resolution, involving the modifications of height and setback regulations, by the City Planning Commission on November 26, 1969 and by the Board of Estimate on December 4, 1969. A modification of the urban plaza (M 890491 ZSM) was subsequently approved by the City Planning Commission on July 26, 1989.

Plans for this proposed construction of metal gates in the urban plaza are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**Resolution for adoption scheduling May 30, 1990 for a public hearing.**

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### No. 5

CD 4

C 900180 ZSM

**IN THE MATTER OF** an application submitted by New York Foundation for Senior Citizens, Inc. pursuant to Sections 197-c and 200 of the New York City Charter for the **grant of a special permit** pursuant to Sections 96-104, 96-105 and 96-108 of the Zoning Resolution as follows:

1. to modify the special height restrictions of Section 96-104 (Preservation Area) to allow the construction to a height of 90 feet above curb level.

2. to modify the dwelling unit regulations of Section 96-105 (Preservation Area) to allow the construction of one 2-bedroom dwelling unit; and
3. to permit the demolition of five 5-story buildings containing dwelling units within the Preservation Area;

to facilitate the construction of a 10-story 100-dwelling unit apartment building for the elderly and elderly handicapped, located at 404-412 West 54th Street, on the westerly side of Ninth Avenue, extending from West 53rd Street to West 54th Street (Block 1063, Tax Lots 39, 41 and parts of Lots 17, 25, 26, 27 and 28), within the Special Clinton 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 May 30, 1990 for a public hearing.**

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**No. 6**

*(Amendments to the loft zoning regulations for SoHo/NoHo and Tribeca to permit certain oversized buildings occupied in 1980 as residences or joint living-work quarters for artists to legalize such use provided certain criteria are met.)*

CD 1, 2

N 900378 ZRM

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for **amendment of the Zoning Resolution** of the City of New York, relating to Sections 42-14D, 42-141, 111-103, and 111-202:

Matter in **Boldface** is new, to be added

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

Matter in *Italics* is defined in Section 12-10

42-14D Special Uses in M1-5A and M1-5B Districts

1. *Joint living-work quarters for artists in buildings* in M1-5A and M1-5B Districts provided:

\* \* \*

- (b) *The lot coverage of such building* does not exceed 5000 square feet except that in *buildings* with frontage along Broadway the *lot coverage* shall not exceed 3600 square feet. However, such quarters may also be located in a *building* occupying more than 5000 square feet if the entire *building* was held in cooperative ownership by *artists* on September 15, 1970. *Joint*

*living-work quarters for artists* are permitted in other *buildings* or other *structures* only by special permit of the City Planning Commission pursuant to Section 74-782[-], or by **minor modification of the Chairman of the City Planning Commission pursuant to Section 42-141 (e).**

\* \* \*

**42-141 Modification by Certification of the Chairman of the City Planning Commission of uses in M1-5A and M1-5B Districts**

In M1-5A and M1-5B Districts the requirements of Section 42-14D 1 (b), (c), (d) and (e), or 42-14D 2 may be modified by certification of the Chairman of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least twenty days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests it must do so within 31 days of such modification.

\* \* \*

- (e) **The requirements of Section 42-14D 1 (b) relating to *joint living-work quarters for artists* in *buildings* where the *lot coverage* is 5000 square feet or more, or 3600 square feet or more in *buildings* with frontage along Broadway, may be modified provided that**
- (i) **such *floor area* was occupied on September 1, 1980 as *joint living-work quarters for artists*, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law, and**
  - (ii) **such *building* consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the *building*, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy or separate utilities or systems for the entirety of each section of the *building*, and**
  - (iii) **the section within which such *floor area* is located has a *lot coverage* of less than 5000 square feet of *lot area*, except that in *buildings* with frontage along Broadway the *lot coverage* shall not exceed 3600 square feet.**

\* \* \*

## Chapter XI

## Special Lower Manhattan Mixed Use District

\* \* \*

## 111-103 Additional use restrictions

\* \* \*

- (b) Within Area B1 and B2 *loft dwellings* and *joint living-work quarters for artists* shall be permitted in *buildings* where the *lot coverage* is less than 5000 square feet. *Loft dwellings* and *joint living-work quarters for artists* shall be permitted in other *buildings* or other *structures* only by special permit of the City Planning Commission pursuant to Section 74-782 (Special Permit) [-] or by **minor modification of the Chairman of the City Planning Commission pursuant to Section 111-202(d) or (e).**

However, within the Area B1 bounded by Thomas Street, Hudson Street, Jay Street, Greenwich Street, North Moore Street, West Broadway, White Street, and the eastern boundary of the LMM Special District, *loft dwellings* and *joint living-work quarters for artists* above the level of the second floor, which the Chairman of the City Planning commission determines were occupied on March 1, 1984 shall be a permitted *use*, provided that a complete application for a determination of occupancy is filed by the owner of the *building* or the occupant of a *dwelling unit* in such *building* not later than January 12, 1986. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of *residential* occupancy on March 1, 1984 shall be deemed to permit *residential use* as-of-right for such *loft dwelling units* or *joint living-work quarters for artists*.

\* \* \*

## 111-20 MINOR MODIFICATIONS

\* \* \*

## 111-202

On application, the Chairman of the City Planning Commission may grant minor modifications to the following provisions of this chapter:

\* \* \*

- (d) **The requirements of Section 111-103(b) relating to *loft dwellings* and *joint living-work quarters for artists* in *buildings* within Area B1 and B2 where the *lot coverage* is 5000 square feet or more may be modified provided that**



- (i) such *floor area* was occupied on September 1, 1980 as *loft dwellings* or *joint living-work quarters for artists*, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law, and
  - (ii) such *building* consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the *building*, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy, or separate utilities or systems for the entirety of each section of the *building*, and
  - (iii) the section within which such *floor area* is located has a *lot coverage* of less than 5000 square feet of *lot area*.
- (e) The requirements of Section 111-103 (b) relating to *loft dwellings* and *joint living-work quarters for artists* in *buildings* having *lot coverage* of 5000 square feet or more within Area B1 bounded by Thomas Street, Hudson Street, Jay Street, Greenwich Street, North Moore Street, West Broadway, White Street, and the eastern boundary of the LMM Special District may be modified provided that
- (i) such *floor area* was occupied on March 1, 1984 as *loft dwellings* or *joint living-work quarters for artists*, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law, and
  - (ii) such *building* consisted, on January 12, 1986, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the *building*, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy or separate utilities or systems for the entirety of each section of the *building*, and
  - (iii) the section within which such *floor area* is located has a *lot coverage* of less than 5000 square feet of *lot area*.

## No. 7

CD 4

C 900613 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 No. 8c** involving:

1. changing from an M1-5 District to an R8 district, property bounded by:
  - a. West 45th Street, a line 450 feet westerly of Tenth Avenue, West 47th Street and the easterly boundary line of the Central Rail Road right-of-way;
  - b. West 48th Street, a line 450 feet westerly of Tenth Avenue, a line midway between West 48th Street and West 49th Street, and the easterly boundary line of the Central Rail Road right-of-way; and
  - c. West 49th Street, a line 175 feet easterly of Eleventh Avenue, West 50th Street and the easterly boundary line of the Central Rail Road right-of-way; and
2. eliminating within an existing R8 district a C1-5 district, property bounded by:
  - a. a line midway between West 45th Street and West 46th Street, a line 100 feet easterly of Tenth Avenue, West 46th Street and a line 100 feet westerly of Ninth Avenue;
  - b. a line midway between West 46th Street and West 47th Street, a line 100 feet easterly of Tenth Avenue, West 47th Street and a line 100 feet westerly of Ninth Avenue;
  - c. a line midway between West 50th Street and West 51st Street, a line 100 feet easterly of Ninth Avenue, a line midway between West 51st Street and West 52nd Street, and a line 150 feet westerly of Eighth Avenue; and
  - d. a line midway between West 52nd Street and West 53rd Street, a line 100 feet easterly of Tenth Avenue, West 53rd Street, and a line 100 feet westerly of Ninth Avenue;

in the Special Clinton District, as shown on a diagram dated March 12, 1990.

**Resolution for adoption scheduling May 30, 1990 for a public hearing.**

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## No. 8

*(Amendment of Article IX, Chapter 6, Special Clinton District, of the Zoning Resolution to amend the district map, to eliminate the floor area bonus for a park and to clarify the language and intent of certain provisions of the Special District)*

CD 4

N 900614 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 amendments of the Zoning Resolution** of the City of New York, relating to Sections 96-00, 96-03, 96-10, 96-107, 96-109, 96-111, 96-20, 96-21, 96-211, 96-213, 96-22, 96-23, 96-30, 96-301, 96-302 and 96-40, 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;

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

## Article IX

## Special Purpose Districts

## Chapter 6 Special Clinton District

## 96-00 GENERAL PURPOSES

The "Special Clinton District" (**hereinafter also referred to as the "Special District"**) established in this resolution is designed to promote and protect public health, safety, general welfare and amenity. Because of the unique geographical **location situation** of the Clinton community, situated between ~~the Convention Center and its related activities~~ and the waterfront on the west and ~~by~~ a growing central business district on **the east, it is necessary to provide** ~~propose~~ specific programs and regulations which will assure realization of community and city-wide goals.

These goals ~~which are part of the plan for the Clinton Area~~ include, among others, the following:

- (a) To preserve and strengthen the residential character of the community;
- (b) To permit rehabilitation and new construction within the **Special District area** in character with the **existing scale of the area community** and ~~at rental levels which will not substantially alter the~~ **for the** mixture of income groups presently residing in the area;
- (c) To preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;

- (d) To provide amenities such as ~~public open space~~ and street trees to improve the physical environment;
- (e) To restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and
- (f) To promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

\* \* \*

## 96-03

## District Map

The District Map for the Special Clinton District (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the Special Clinton District. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

## Area A — PRESERVATION AREA —

Section 96-10

## Area B — PERIMETER AREA —

Section 96-20

Area C — ~~MIXED USE AREA~~ —**OTHER AREAS**

Section 96-30

~~Area D — OTHER AREAS~~

Section 96-40

## 96-10 PRESERVATION AREA

\* \* \*

## 96-107

## Special regulations for community facility uses

*Developments, enlargements or extensions of community facility uses* or conversions of an existing building to a community facility use are permitted on zoning lots containing existing buildings with residential uses only pursuant to the provisions of this Section. The City Planning Commission, by special permit after public notice and hearing and subject to City Council action as provided in the New York City Charter, may permit *developments, enlargements, or extensions of community facility uses* provided that the Commission makes the following findings:

- (a) That the existing building is not eligible for rehabilitation under any active publicly aided program under which funds are available;

- (b) That, prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the owner shall have notified the **Commissioner of Housing Preservation and Development Administrator of Housing and Development** of his or her intention to demolish the *building*;
- (c) That the eviction and relocation practices followed by the owner of the *building* satisfy all applicable legal requirements and that no harassment has occurred or if it has been determined by the applicable governmental agency that legal relocation or eviction requirements have not been satisfied or that harassment has occurred, that the owner has complied with Section 96-110.

This special permit shall be in addition to any special permits required for nursing homes, health related facilities and domiciliary care facilities for adults pursuant to the provisions of Section 74-90.

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

~~All applications for special permits under the provisions of this Section shall be referred to Borough of Manhattan, Community Board #4 for its recommendation in accordance with the provisions of Section 84(d) of the New York City Charter.~~

\* \* \*

## 96-109

### Alterations of buildings

Prior to the issuance of an alteration permit by the Department of Buildings for an alteration other than an incidental alteration for a *building* containing *residential uses* within the Preservation Area, the **Commissioner of Housing Preservation and Development Administrator of Housing and Development** shall certify to the Department of Buildings:

- (a) That prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration, the owner shall have notified the **Commissioner of Housing Preservation and Development Administrator of Housing and Development** of his intention to alter the *building*;
- (b) That the eviction and relocation practices followed by the owner of the *building* satisfy all applicable legal requirements and that no harassment has occurred, or if it has been determined by the applicable governmental agency that legal relocation or eviction requirements have not been satisfied or that harassment has occurred, that the owner has complied with Section 96-110.

## 96-111

### Off-street parking regulations

*Accessory off-street parking spaces, public parking lots or public parking*

*garages* are not permitted within the Preservation Area except by special permit as set forth in Section 13-461 (Accessory off-street parking garages and public parking lots) and Section 13-462 (Public parking garages and public parking lots). In addition, the Commission shall find that:

- (a) the property has been or will be vacated pursuant to the provisions of Section 96-108;
- (b) the applicant has followed the relocation procedures set forth in Section 96-23.

#### 96-20 PERIMETER AREA

~~The Perimeter Area shall consist of the Western Perimeter Area (B1) and the Eastern Perimeter Area (B2).~~

*Developments* within the entire Perimeter Area shall be eligible for ~~bonuses~~ **increased floor area** pursuant to Section 96-21. Because of increased pressures for *development attributable to the plan for the Clinton area in the Western Perimeter Area* the relocation provisions of Section 96-23 shall apply therein for all demolition, *development, enlargement or extensions* on lots containing *residential uses*. All existing legal *uses* in enclosed *buildings* shall be considered conforming *uses*. Except ~~as otherwise as~~ provided in this Chapter, any existing *commercial or manufacturing uses* may be changed ~~subject to the applicable underlying district regulations pursuant to the change of nonconforming use to another non-conforming use only in accordance with the provisions of Sections 52-31, 52-33, 52-34, 52-35 and 52-36.~~

#### 96-21

##### Floor Area ~~Bonus~~ Increase

For any *development* the *floor area ratio* permitted by the underlying district may be increased from 10.0 to 12.0 only by complying with either the provisions of Section 23-90 (INCLUSIONARY HOUSING), ~~or Section 96-212 (Floor area bonus for a park) or a combination of these two sections.~~ For every .1 increase of permitted *floor area ratio* above 10.00, the *lot area per room* requirements as set forth in Section 23-22 (Required Lot Area Per Dwelling Unit or Per Room) may be reduced by .255 square feet. ~~In no event shall such reduction exceed 17 percent of the applicable lot area requirements set forth in Section 23-22.~~ A permanent certificate of occupancy for any *building* incorporating **bonus floor area increase** pursuant to this section shall not be issued by the Department of Buildings until the issuance of a permanent certificate of occupancy for lower income housing ~~and/or park hereunder~~. In addition to the requirements of Section 23-90 (Inclusionary Housing), any units for which a *floor area* increase has been earned pursuant to Section 23-90 shall be within the *Special Clinton District*.

## 96-211

**Floor-area bonus for a park**

For each square foot of park provided in the Preservation Area, the total *floor area* permitted on a *zoning lot* in the Perimeter Area may be increased by 7.5 square feet, providing that the Chairman of the City Planning Commission certifies to the Department of Buildings that the following conditions are met:

- (a) ~~That the proposed park site must have been vacant or developed as a parking lot on July 1, 1974;~~
- (b) ~~That the park is located on a *zoning lot* separate from the bonused *zoning lot*;~~
- (c) ~~That the park shall have direct access to a *street* and shall be open to the public each day between the hours of 6:00 a.m. and 12:00 midnight;~~
- (d) ~~That no dimension of the park shall be less than 40 feet and that the park shall not at any point be more than 5 feet below or 5 feet above *curb level* of the street providing access to the park;~~
- (e) ~~That the park shall be developed as a passive and active recreational area with lighting, seating, landscaping including trees and shrubs, and active recreation facilities. The following types of usage are illustrative of acceptable active recreational facilities: Basketball or handball courts where bounding walls of adjoining development have no lot line windows, bocce courts, children's playgrounds and tot lots;~~
- (f) ~~That the park shall be maintained in accordance with a maintenance program approved by the Chairman of the City Planning Commission specifying the character and frequency of maintenance;~~
- (g) ~~That the owner of the park has entered into a restrictive declaration filed with the City Register covenanting that the park shall be used only as a park and maintained in accordance with the approved maintenance program, and that no floor area and rooms shall be attributable thereto;~~
- (h) ~~That within 30 days of the filing of an application for certification under the provisions of this Section, notification of filing of such application shall be given by the Chairman of the City Planning Commission to Borough of Manhattan, Community Board #4.~~

## 96-213 96-22

**Special Permit for Modification of Height and Setback Regulations**

The City Planning Commission by special permit after public notice and hearing and subject to City Council action as provided in the New York City Charter, may permit modifications of height and setback regulations for developments which have generated ~~a~~ an increase in the *floor area bonus ratio* of not more than 2.0 under the provisions of Sections ~~Section 96-211 or 96-212~~ 96-21 provided that such modification is necessary to achieve better site planning. The Commission may prescribe

additional conditions and safeguards to minimize adverse effects on the character of the surrounding area. All applications for special permits under the provisions of this Section shall be referred to Borough of Manhattan, Community Board #4 for its recommendation in accordance with the provisions of Section 84(d) of the New York City Charter.

96-22

**Demolition of Buildings in the Eastern Perimeter Area**

Prior to the issuance of a demolition permit by the Department of Buildings for a ~~building containing residential uses within the Eastern Perimeter Area (B2)~~ the Administrator of Housing and Development shall certify to the Department of Buildings:

- (a) ~~That prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the developer shall have notified the Housing and Development Administration of his intention to demolish the building;~~
- (b) ~~That the eviction and relocation practices followed by the developer satisfy all applicable legal requirements and that no harassment has occurred.~~

96-23

**Relocation and Demolition of Buildings Provision in the Western Perimeter Area**

Prior to the issuance by the Department of Buildings of a demolition permit or a permit for any *development, enlargement or extension* on any zoning lot containing residential uses within the ~~Western Perimeter Area (B1), B,~~ the ~~Administrator of Housing and Development~~ **Commissioner of Housing Preservation and Development** shall certify to the Department of Buildings:

- (a) That prior to evicting or otherwise terminating the occupancy of any tenant in connection with vacating any *building*, the developer shall have notified the ~~Housing and Development Administration~~ **Department of Housing Preservation and Development** of his plan for the relocation of tenants which shall:
  - (i) to the extent possible provide for the relocation of tenants within the Clinton area District;
  - (ii) provide for the satisfaction of all the requirements for the issuance of a certificate of eviction under ~~Part V of the Rent and Eviction Regulations of the Housing and Development Administration Office of Rent Control, including all currently effective amendments,~~ **applicable rent control and rent stabilization regulations of the State of New York.**
- (b) That the developer has complied with the relocation plan submitted pursuant to paragraph (a) above and that no harassment has occurred, ~~or if it has been determined by the applicable governmental agency that legal relocation or eviction requirements have not been satisfied or that harassment has occurred, that the owner has complied with Section 96-110.~~



**96-30 MIXED USE AREA**

All existing *residential buildings* within the Mixed Use Area shall be considered *complying buildings* for all purposes including but not limited to alterations, enlargements or extensions. Any existing *building* which is damaged or destroyed by any means may be reconstructed to its bulk prior to such damage or destruction. All existing *residential uses* shall be considered *conforming uses*.

**96-301**

Special regulations for buildings containing residential uses

Enlargements not involving an increase in *lot coverage* of more than 20 percent, *extensions* and *alterations* of all existing *residential buildings* or any existing *buildings* containing *dwelling units* or *rooming units* within the Mixed Use Area of the Special District are permitted and shall be governed by the *bulk* regulations of an R8 District except as modified in this Section:

- (a) Where any existing *building* containing *dwelling units* or *rooming units* is enlarged for *residential uses*, the open space and *floor area* provisions of Section 23-142 shall not apply and the maximum *floor area ratio* of the *zoning lot* shall not exceed 4.2;
- (b) The minimum required rear yard for the *enlarged* portion of such *building* shall be 30 feet;
- (c) The *lot area per room* requirements of Article II Chapter 3 shall not apply;

The average number of rooms in a *dwelling unit* in the *enlarged* or *extended* portion of such *building* shall be at least 3 1/2 rooms. In the case of an alteration there shall be no increase in the number of *dwelling units* existing prior to alteration. No new *rooming units* shall be permitted within the Mixed Use Area.

- (d) Any non-*residential uses* permitted by the underlying district regulations shall be located below the level of the lowest *story* containing a *residential use*.

**96-302**

Development or conversions

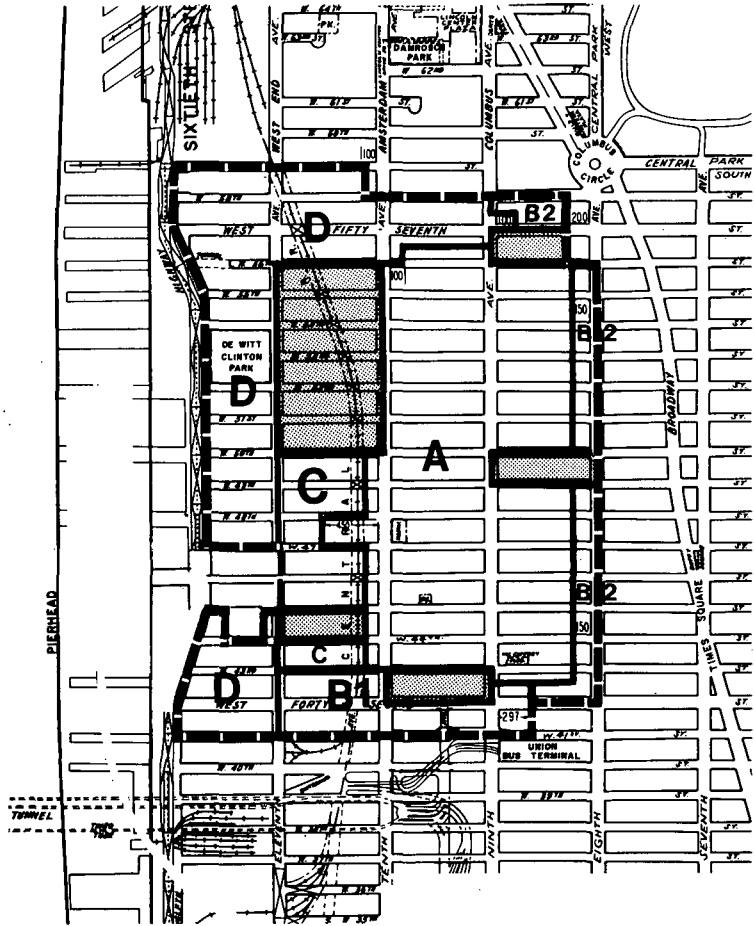
No new *building* containing *residential uses* or conversions of any existing completely non-*residential building* to *residential uses* shall be permitted with the Mixed Use Area.

**96-40 96-30 OTHER AREAS**

In areas other than the Preservation Area, the Perimeter Area or the Mixed Use Area. In Area C, the regulations of the underlying Districts shall apply, except as otherwise set forth in this Chapter.

[MAP TO BE DELETED]

## APPENDIX A

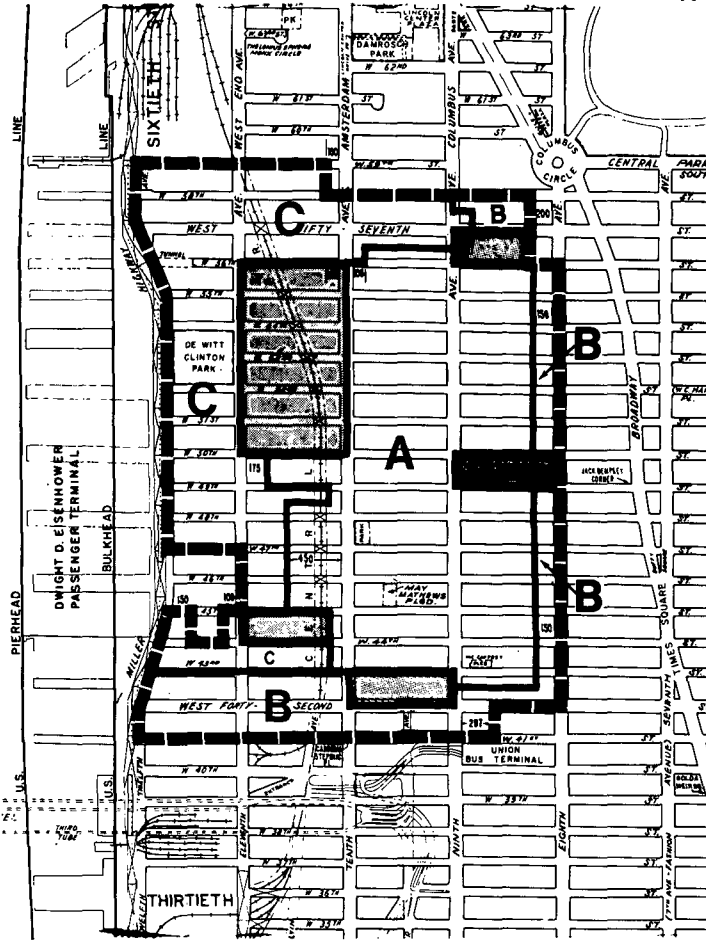


## DISTRICT MAP

- A PRESERVATION AREA
- B PERIMETER AREA
- C MIXED USE AREA
- D OTHER AREAS




 EXCLUDED AREA  
 DISTRICT BOUNDARY

MAP TO BE ADDED  
APPENDIX A



DISTRICT MAP

- A PRESERVATION AREA
- B PERIMETER AREA
- C OTHER AREA

-  EXCLUDED AREA
-  DISTRICT BOUNDARY

Resolution for adoption scheduling May 30, 1990 for a public hearing.

## No. 9

*(Amendment to Section 96-108 and 96-110 of the Special Clinton District, to permit alteration, demolition or new construction on sites with prior findings relating to harassment or improper eviction or relocation practices)*

CD 4

N 900615 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 amendments of the Zoning Resolution** of the City of New York, relating to Sections 96-108 and 96-110, 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.

\* \* \*

## Article IX

## Special Purpose Districts

## Chapter 6 — Special Clinton District

## 96-108

## Demolition of buildings

No demolition permit or alteration permit for partial demolition involving a decrease of **more than 20 percent** in the amount of residential floor area in a building shall be issued by the Department of Buildings for any building containing dwelling units ~~or rooming units~~ within the Preservation Area unless it is an unsafe *building* and demolition is required pursuant to the provisions of ~~Chapter 26, Title C, Part I, Article 8~~ **Title 26, Sub-chapter 3, Article 8** of the New York City Administrative Code.

However, the City Planning Commission, by a special permit after public notice and hearing and subject to City Council action as provided in the New York City Charter, may permit demolition of *buildings* containing *dwelling units* or rooming units other than unsafe *buildings* within the Preservation Area provided that the Commission makes the following findings:

- (a) That the existing *building* ~~is~~:
- (i) is not eligible for rehabilitation under any active publicly aided program under which funds are available; **or**

- (ii) is to be demolished for the purpose of implementing a publicly assisted program (exclusive of any tax abatement or tax exemption) for the construction of housing units for lower income households as defined in Section 23-92 and which units are to be administered by a not-for-profit agent, and either the funds may not lawfully be used to rehabilitate the existing *building* or the project sponsor demonstrates that rehabilitation of the existing *building* is not appropriate in view of the specific requirements of the funding program as to the nature of the units to be constructed, services to be provided or population to be served; or
- (iii) is to be substantially preserved and requires an alteration permit to allow the removal and replacement of 20 percent or more of the *floor area*.
- (b) That prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition the owner shall have notified the Commissioner of the Department of Housing, Preservation and Development of his applicable governmental agency of its intention to demolish the *building*;
- (c) That the eviction and relocation practices followed by the owner satisfy all applicable legal requirements and that no harassment has occurred, (or if it has been determined by the applicable governmental agency that harassment has occurred or if the owner has waived in writing the need for such a determination,) that the owner has complied with Section 96-110. However, the owner has the right to withdraw its harassment determination waiver at any time prior to the issuance of a special permit pursuant to this section;
- \* \* \*
- (d) That an acceptable program for new *development* of the *zoning lot* is submitted to the Commission which indicated that to the extent permitted by the provisions of Section 96-10 (PRESERVATION AREA) the number of new *dwelling units* to be constructed is at least equal to the number of *dwelling units* to be demolished and that the *floor area* of the new *residential development* is at least equal to the *floor area* of the *dwelling units* to be demolished and that site development will commence within a period of twelve months from completion of relocation.

The Commission may prescribe appropriate conditions and safeguards to insure that any interim *uses* proposed on the site prior to any construction are in conformance with the purposes of this Special District. ~~All applications for special permits under the provisions of this section shall be referred to the Borough of Manhattan, Community Board #4 for its recommendations in accordance with the provisions of Section 107c of the New York City Charter.~~

\* \* \*

96-110

**Harassment and cure**

- (a) Notwithstanding any provision to the contrary contained in this Chapter, a permit may be issued by the Department of Buildings pursuant to Sections 96-108, 96-109, 96-22 or 96-23 or a special permit may be granted by the City Planning Commission pursuant to Sections 96-107 or 96-108 with respect to any *building* on a *zoning lot* in which harassment or other failure to satisfy applicable legal requirements in eviction and relocation has occurred, provided that the Department of Housing Preservation and Development has determined and certified that all parties in interest to the *zoning lot* (as the term "party in interest" is defined in the Section 12-10 definition of *zoning lot*) have entered into a legal agreement approved by the Department of Housing Preservation and Development which shall run with the land and bind all parties in interest and their successors. Such agreement shall provide ~~that~~ **for either the floor area cure or land cure as set forth below:**

**(1) Floor area cure**

- (+) (i) Lower income housing in an amount equal to at least 28 percent (the "cure percentage") of the total *residential floor area* of any *building* to be altered or demolished in which harassment (as defined in subparagraph (d)) has occurred shall be provided in a new or altered *building* on the same *zoning lot* as the *building* to be altered or demolished.
- (+) (ii) If at the time of filing an application for a building permit or special permit, an existing building to be altered contains occupied units, the requirement set forth in subsection (a)(1) regarding the provision of lower income housing shall be satisfied as follows:
- (+) (A) not less than 28 percent of the *floor area* of all vacant units shall be provided for lower income housing; and
- (+) (B) the balance of any required lower income housing shall be comprised of qualifying occupied units.
- (+) (iii) Such designated lower income housing units shall be in compliance with the applicable regulations of Section 23-90 (Inclusionary Housing) except that in the Preservation Area, paragraph (b) of Section 23-941 (On-site new construction option) shall be inapplicable and in its place and stead, paragraph (a) of Section 96-105 (Dwelling unit regulations) shall be applicable.

**(2) Land cure**

- (i) That sufficient land on the same *zoning lot* has been donated or provided for nominal consideration by the owner of the land for the construction of lower income housing at a rate of 1.0 square foot of lower income housing floor area for every 1.1 square feet of existing *residential floor area* of a *building* subject to the cure provisions.
- (ii) The legal instruments relating to the transfer of title to an administering agent have been approved pursuant to Section 23-90.
- (iii) The administering agent has signed an agreement with a city, state or federal housing or development agency to fully fund the construction of lower income housing.
- (iv) Such lower income housing shall comply with the requirements of Section 23-90 (Inclusionary Housing), except that the lower income housing may receive city, state or federal subsidies.
- (v) The total amount of new *residential floor area* to be provided pursuant to this section shall in no event be less than the amount required under Section 96-108(d).
- (vi) No demolition permit shall be issued by the Department of Buildings pursuant to Section 96-108 until there has been a funding closing with a city, state or federal housing or development agency to finance the construction of the lower income housing units to be constructed as required in paragraph (i) above.
- (vii) No temporary Certificate of Occupancy shall be issued for any purpose other than lower income housing on the same *zoning lot* until a temporary Certificate of Occupancy for all units of lower income housing has been issued. No permanent Certificate of Occupancy shall be issued for any purpose other than lower income housing on the same *zoning lot* until a permanent Certificate of Occupancy for all units of lower income housing has been issued.

**Resolution for adoption scheduling May 30, 1990 for a public hearing.**

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## No. 10

*(Amendment to Section 96-20 of the Special Clinton District, to include special urban design controls relating to retail continuity and street wall requirements for any construction fronting on West 42nd Street)*

CD 4

N 900616 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 amendments of the Zoning Resolution of the City of New York, relating to Section 96-20, as follows:

**96-201**

**Special urban design regulations relating to retail continuity and street wall requirements**

- (a) The provisions of Section 96-201 shall apply to *developments or enlargements* located in all *commercial districts* within the area bounded by: Starting at a point 297 feet east of Ninth Avenue, south to the southern boundary of West 41st Street, west to the east side of Twelfth Avenue, north along the eastern border of Twelfth Avenue to 43rd Street, east on West 43rd Street to the eastern side of Tenth Avenue, south along Tenth Avenue to the southern boundary of West 42nd Street, east on West 42nd Street to Ninth Avenue, north along the western boundary of Ninth Avenue to the midblock of 42nd/43rd Street, east from that midblock point for 297 feet, south to the southerly boundary of 41st Street;
- (b) For any *development or enlargement* fronting on West 42nd Street, between 9th and 12th Avenues, *uses* located on the ground floor level, or within five feet of the *curb level* shall be limited to *uses* in Use Groups 4A, 6A, 6C, 10A, 11, 12A and 12B and shall occupy total *street* frontage not less than 50 percent of the linear feet of the *street wall* of a *building*;
- (c) At least 50 percent of the length of the facade of such *street wall* fronting on West 42nd Street shall be glazed with transparent material to a height of not less than 16 feet above *curb level*. The lowest point of such glazed area shall not be higher than four feet above *curb level*;
- (d) At least 80 percent of the *aggregate width of street walls* of a *building* fronting on West 42nd Street, up to a height of 45 feet, shall be located within 10 feet of the *street line* of such *street*;
- (e) The minimum height of the *street wall* of a *building* above *curb level* shall be no less than 45 feet or the height of the *building*, whichever is less and no more than 85 feet. Above this required height, the *street wall* of a *building* shall set back at least five feet. The requirements of paragraph (e) shall also apply to any *development or enlargement* on a



**wide street frontage within a distance of 50 feet from its intersection with West 42nd Street.**

**Resolution for adoption scheduling May 30, 1990 for a public hearing.**

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No. 11

*(Amendment to Section 96-105 of the Special Clinton District to modify the applicability of two-bedroom dwelling unit distribution requirement for certain alterations or for new construction of non-profit residences for the elderly)*

CD 4

N 900628 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 amendments of the Zoning Resolution** of the City of New York, relating to Section 96-105, 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

\* \* \*

Article IX

Special Purpose Districts

Chapter 6 — Special Clinton District

96-105

Dwelling unit regulations

(a) Dwelling unit distribution

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

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

bedrooms are not permitted unless the resulting *building* will contain at least 20 percent two-bedroom units.

However, notwithstanding any provision to the contrary contained in this section, the minimum *lot area per dwelling unit* requirement and the 20 percent two-bedroom unit requirement shall not apply to alterations which add a code-complying bathroom, pursuant to Article 31 of the Housing Maintenance Code of the City of New York, to a *dwelling unit* which is publicly assisted (exclusive of any tax abatement or tax exemption program), and which is administered by a not-for-profit agent.

The City Planning Commission by special permit, after public notice and hearing, and subject to City Council action as provided in the New York City Charter, may modify the **two-bedroom unit distribution requirement** and the *lot area per dwelling unit* requirements of this Section ~~with respect to~~ for a **non-profit residence for the elderly or for a residence** substantially for the elderly handicapped under jurisdiction of a State or City agency, provided that the following findings are made:

- (1) That **such residences** are sponsored by a voluntary non-profit organization ~~active within the Special Clinton District.~~
- (2) That the location and size of ~~this~~ **such** facility does not create an undue concentration of *dwelling units* of this type and *community facilities* with sleeping accommodations within the immediate area.
- (3) That there are social service, health and related programs for the residents including a maintenance and security plan.
- (4) That on-site recreation areas for the *use* of the residents are provided.
- (5) That the proposed *residence* will not overburden existing public services ~~to~~ in the neighborhood.

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

- (b) Special provisions for owner-occupied residential buildings.

For alterations of *residential buildings* which are owner-occupied and which contain four or fewer *dwelling units*, the *dwelling unit* distribution provisions of Section 96-105 shall not apply.

\* \* \*

**Resolution for adoption scheduling May 30, 1990 for a public hearing.**

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**Nos. 12 and 13**

*(Applications for an amendment of the Zoning Map and the grant of a special permit to facilitate the development of a mixed use building at 355-371 Fifth Avenue)*

**No. 12****CD 5****C 900240 ZMM**

**IN THE MATTER OF** an application submitted by KMO-361 Realty Associates pursuant to Sections 197-c and 200 of the New York City Charter, for an **amendment of the Zoning Map, Section 8d:**

- a) changing from a C5-2 district to a C5-3 district property bounded by Fifth Avenue, East 35th Street, a line 150 feet east of Fifth Avenue, and East 34th Street; and
- b) establishing within the proposed C5-3 district a Special Midtown District (MiD) on property bounded by Fifth Avenue, East 35th Street, a line 150 feet east of Fifth Avenue, and East 34th Street,

as shown on the diagram dated March 14, 1990.

**Resolution for adoption scheduling May 30, 1990 for a public hearing.**

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**No. 13**
**CD 5****C 900241 ZSM**

**IN THE MATTER OF** an application submitted by the Landmarks Preservation Commission on behalf of KMO-Realty Associates pursuant to Sections 197-c and 200 of the New York City Charter for the **grant of a special permit** pursuant to Section 74-711 of the Zoning Resolution to **allow the modification of bulk regulations** to permit the movement of floor area across district boundaries, and to allow the modification of height and setback regulations to **facilitate the development of a mixed-use building** containing retail and office space **on property located at 355-371 Fifth Avenue**, bounded by Fifth Avenue, East 35th Street, Madison Avenue, and East 34th Street (Block 864, Lot 1) within an existing C5-2 district, a portion of which is proposed in a related application (C 900240 ZMM) to be rezoned from a C5-2 district to a C5-3 (MiD) district.

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

**Resolution for adoption scheduling May 30, 1990 for a public hearing.**

**NOTICE**

**On May 30, 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 B. Altman's Project, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR No. 88-069M).**

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No. 14

N 900687 ZRM

CB 1

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for amendments of the Zoning Resolution of the City of New York relating to Sections 84-22 (Requires Building Walls), 84-221 (Front wall recesses), and Appendix 2.4 (Mandatory Arcades) of the Special Battery Park City District as follows:

#### Reading Proposed Zoning Text Changes

|                             |  |
|-----------------------------|--|
| Words in plain character    | = existing text to remain                                |
| Words <del>struck-out</del> | = existing text to be deleted                            |
| Words in <i>Italics</i>     | = term whose meaning is defined in the Zoning Resolution |
| Words in <u>grey tone</u>   | = new text   |

\* \* \*

#### 84-22

##### Required Building Walls

Where the Zone A District Plan in Appendix 2.1 or Appendix 3.1 shows a requirement for a *development* to be built to a *mandatory front building wall line*, any such *development* shall have a mandatory front building wall coincident with and constructed along such *mandatory front building wall line*, which shall rise without setback for a height above *curb level* not less nor more than the amount specified below, except that, at ground level, openings in the required building walls will be permitted to provide access to courtyards.

\* \* \*

84-221

Front wall recesses

Front wall recesses for architectural or decorative purposes are permitted, except in an arcade required in Section 84-13 (Mandatory Arcades), provided that ~~the aggregate area of all such recesses below the level of the second story ceiling at the level of any story shall not exceed 20 percent of the aggregate area of the mandatory front building wall at that story, and provided further that the depth of such recess does not exceed 10~~ 20 feet. At any story above the level of the second story ceiling, ~~additional~~ recesses to the amount of 25 percent of the aggregate area of the wall at each story are permitted, provided the depth of any such ~~additional~~ recess does not exceed 10 feet. All recesses shall be subject to the applicable provisions of Section 23-84 (Outer court Regulations).

\* \* \*

# APPENDIX 2.4: SPECIAL BATTERY PARK CITY DISTRICT- MANDATORY ARCADES

(EXISTING MAP  
TO BE DELETED)

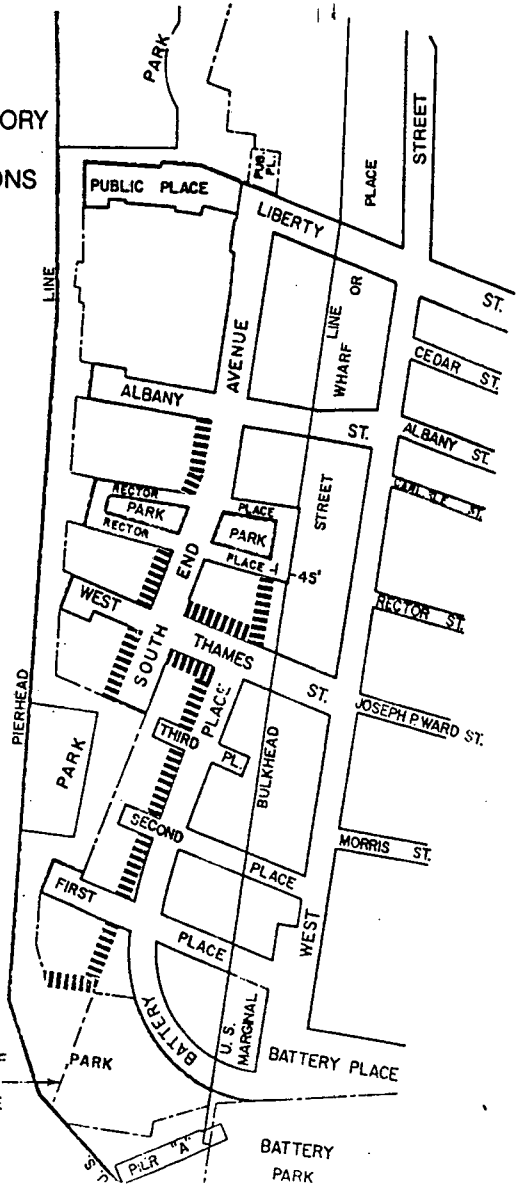
||||| MANDATORY  
ARCADE  
LOCATIONS



HUDSON  
RIVER

PIERHEAD  
PARK

EXTENSION OF  
FRONT WALLS  
ON WEST SIDE  
OF BATTERY  
PLACE



BATTERY  
PARK

# APPENDIX 2.4 SPECIAL BATTERY PARK CITY DISTRICT - MANDATORY ARCADES

(PROPOSED MAP  
TO BE ADDED)

