

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		Hearing Closed	36	C 900459 PPX		Printed IN ERROR
2	C 890162 ZMM			37	C 900466 PPX	✓	FAVORABLE Report Adopted
3	C 900322 ZSM NOTICE			38			
4	C 900605 ZSM			39			
5	C 900180 ZSM			40			
6	C 900613 ZMM			41			
7	N 900614 ZRM			42			
8	N 900615 ZRM			43			
9	N 900616 ZRM			44			
10	N 900628 ZRM			45			
11	N 900687 ZRM			46			
12	C 900240 ZMM			47			
13	C 900241 ZSM NOTICE			48			
14	N 900378 ZRM			49			
15	C 900104 PPQ	✓	FAVORABLE Report Adopted	50			
16	C 870732 HDK	✓	" "	51			
17	C 870733 ZMK	✓	" "	52			
18	C 870734 ZSK	✓	" "	53			
19	C 900121-124 PPK	✓	" "	54			
20	C 890166 PLK	✓	" "	55			
21	C 900625 PSK	✓	" "	56			
22	C 900417 ZSK	✓	" "	57			
23	C 900325 ZMK		Laid OVER	58			
24	C 860244 ZMR	✓	FAVORABLE Report Adopted	59			
25	C 900392 PSR	✓	" "	60			
26	C 860425 ZMR		Laid OVER	61			
27	C 860426 MMR		Laid OVER	62			
28	N 900498 ZAR		Authorization Adopted	63			
29	C 900225 ZSM	✓	FAVORABLE Report Adopted	64			
30	C 900157 ZSM		Laid OVER	65			
31	C 900404 ZMM		" "	COMMISSION ATTENDANCE Present/Absent			
32	C 900272 PPM		" "	RICHARD L. SCHAFER, Chairman ✓			
33	C 900430 PPM		" "	DENISE M. SCHEINBERG, Vice-Chairperson ✓			
34	C 900431 PPM		" "	SALVATORE C. GAGLIARDO ✓			
35	C 900450-452 PPX	✓	FAVORABLE Report Adopted	RAFAEL MARTINEZ ✓			
				WM. GARRISON McNEIL ✓			
				DANIEL T. SCANNELL, Commissioners ✓			

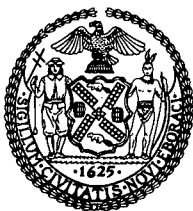
Lois McDaniel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370

Meeting Adjourned at 1:55 p.m.

May 30, 1990

Logged ✓

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York
—
CITY PLANNING COMMISSION
—
WEDNESDAY, MAY 30, 1990
—
MEETING AT 10:00 A.M.
in the
CITY HALL



David N. Dinkins, Mayor

City of New York

[No. 10]

Prepared by Lois McDaniel, Calendar Officer

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO PUBLIC MEETINGS

1. A quorum shall consist of four members.
2. Final action by the Commission shall be by the affirmative vote of not less than four members.
3. Except by unanimous consent, matters upon which public 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.

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

B

CITY PLANNING COMMISSION

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

RICHARD L. SCHAFFER, *Chairman*

DENISE M. SCHEINBERG, *Vice-Chairperson*

SALVATORE C. GAGLIARDO

RAFAEL MARTINEZ

WM. GARRISON McNEIL

DANIEL T. SCANNELL, *Commissioners*

LOIS McDANIEL, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a.m. in City Hall, Manhattan, unless otherwise ordered.

ORDER OF BUSINESS AND INDEX

WEDNESDAY, May 30, 1990

Roll Call; approval of minutes	1
I. Public Hearings	1
II. Reports	32

**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 June 13, 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, May 30, 1990

APPROVAL OF MINUTES OF Regular Meeting of May 16, 1990
and Special Meeting of May 14, 1990

IN CITY HALL
NEW YORK, NEW YORK

I. PUBLIC HEARINGS
BOROUGH OF BROOKLYN

No. 1

CD 16

C 900547 HDK

PUBLIC HEARING:

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

The property to be disposed, **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.

(On May 14, 1990 Cal. No. 1, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

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****PUBLIC HEARING:**

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.

(On May 14, 1990 Cal. No. 2, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

No. 3
CD 4**C 900322 ZSM****PUBLIC HEARING:**

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.

(On May 14, 1990 Cal. No. 3, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

N O T I C E

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).

No. 4

CD 5

C 900605 ZSM

PUBLIC HEARING:

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.

(On May 14, 1990 Cal. No. 4, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

No. 5

CD 4

C 900180 ZSM

PUBLIC HEARING:

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.

(On May 14, 1990 Cal. No. 5, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

 No. 6

CD 4

C 900613 ZMM

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 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.

(On May 14, 1990 Cal. No. 7, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

No. 7

(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

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 200 of the New York City Charter, **for amendments of the Zoning Resolution** of the City of New York, relating to 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 area in character with the community and which will not substantially alter the mixture of income groups present in the **community**;
- (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 Board of Estimate action, 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 and demolition 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;~~

- (e) 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 Board of Estimate action, 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.~~

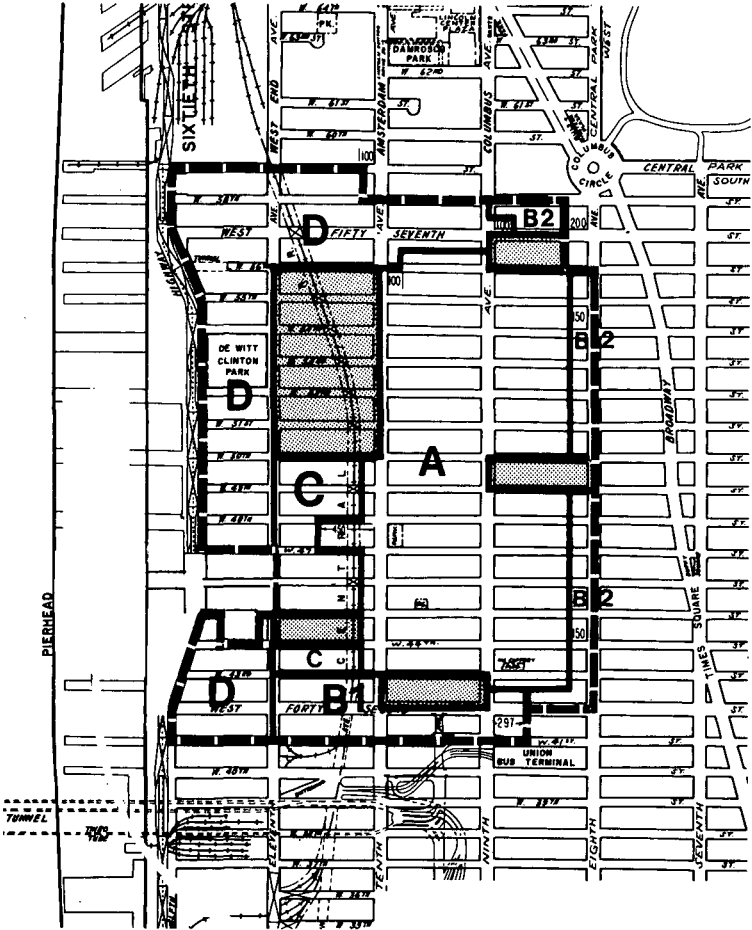
~~96-40 96-30 OTHER AREAS~~

~~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



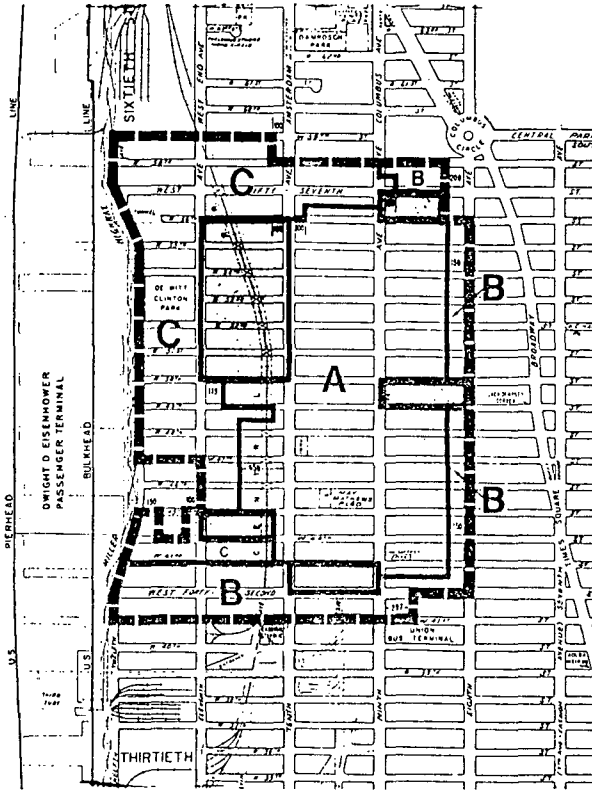
DISTRICT MAP

- 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

(On May 14, 1990 Cal. No. 8, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

No. 8

(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

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 200 of the New York City Charter, for amendments of the Zoning Resolution of the City of New York, relating to 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 Board of Estimate action, 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 ~~developer~~ 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 ~~developer~~ 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 197c 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

- (1) (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.
- (2) (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:
- (i) (A) not less than 28 percent of the *floor area* of all vacant units shall be provided for lower income housing; and
- (ii) (B) the balance of any required lower income housing shall be comprised of qualifying occupied units.
- (3) (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.

(On May 14, 1990 Cal. No. 9, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

No. 9

(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

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 200 of the New York City Charter, for amendments of the **Zoning Resolution** of the City of New York, relating to 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 150 feet west of Eighth 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 to a point 150 feet west of Eighth Avenue, 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.*

(On May 14, 1990 Cal. No. 10, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

No. 10

(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

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 200 of the New York City Charter, **for amendments of the Zoning Resolution** of the City of New York, relating to 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* meets the 20 percent two-bedroom requirement.

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 Board of Estimate action, 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 residences 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.

(On May 14, 1990 Cal. No. 11, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

No. 11

CD 1

N 900687 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 **amendments of the Zoning Resolution** of the City of New York relating to Section 84-22 (Requires Building Walls), Section 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 struck out	= existing text to be deleted
Words in <i>Italics</i>	= term whose meaning is defined in the Zoning Resolution
Words in bold	= 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*, and 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 buildings entrances, openings below the level of second story ceiling in the required building walls will be permitted to provide access to courtyards.**

* * *

84-221

Front wall recesses

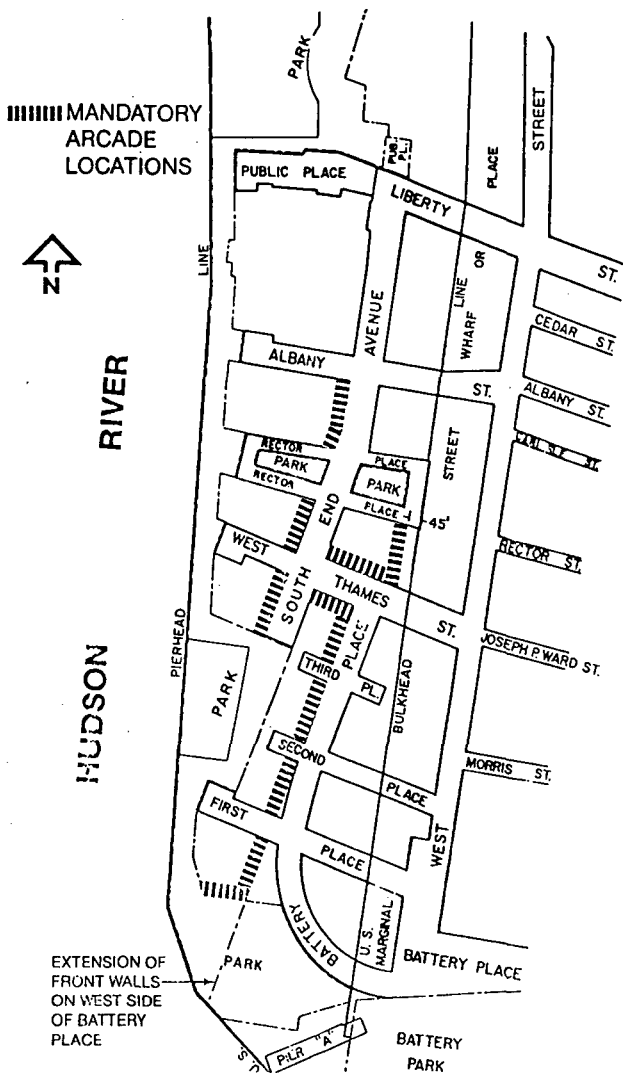
Front wall recesses for architectural or decorative purposes are permitted, except in an *arcade* required in Section 84-13 (Mandatory Arcades), provided that **the aggregate area of all such recesses below the level of the second story ceiling at the level of any story shall not exceed 20 percent of 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).

* * *

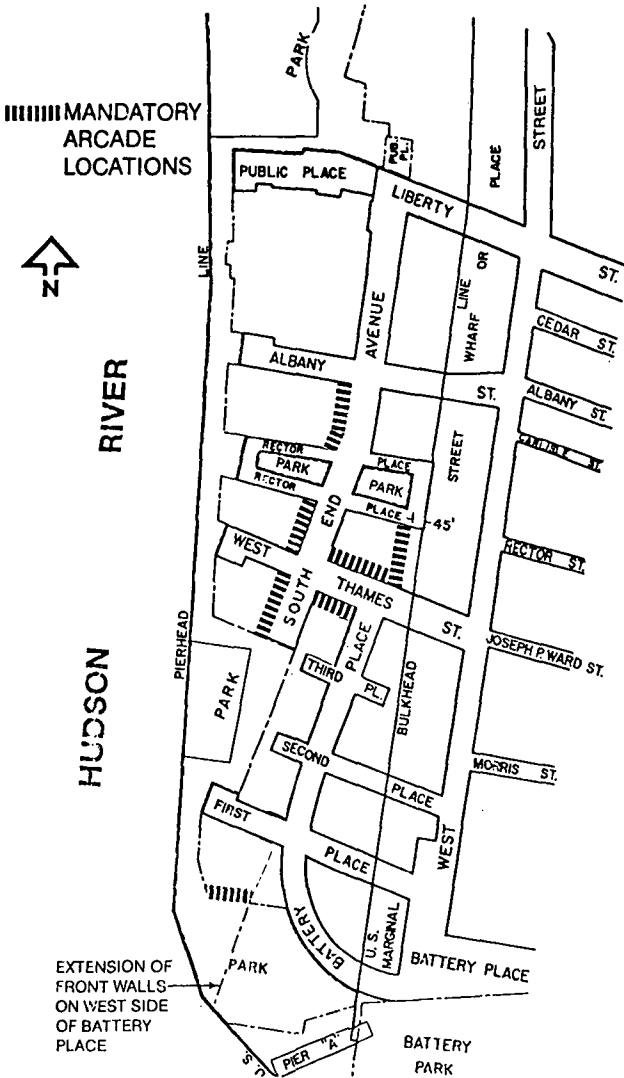
(EXISTING MAP TO BE DELETED)

APPENDIX 2.4: SPECIAL BATTERY PARK CITY DISTRICT- MANDATORY ARCADES



(PROPOSED MAP TO BE ADDED)

**APPENDIX 2.4
SPECIAL BATTERY PARK CITY DISTRICT -
MANDATORY ARCADES**



(On May 14, 1990 Cal. No. 14, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

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

PUBLIC HEARING:

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.

(On May 14, 1990 Cal. No. 12, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

 No. 13

CD 5

C 900241 ZSM

PUBLIC HEARING:

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.

(On May 14, 1990 Cal. No. 13, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the 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).

No. 14

(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*.

(On May 14, 1990 Cal. No. 6, the Commission scheduled May 30, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

II. REPORTS

BOROUGH OF QUEENS

No. 15

CD 14

C 900104 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 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.

(On May 2, 1990 Cal. No. 4, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 17 the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

Nos. 16, 17 and 18

(Applications by the Department of Housing Preservation and Development for the disposition of city-owned property, amendment to the Zoning Map and grant of a special permit to allow the construction of a large scale development project within the Atlantic Terminal Urban Renewal Area)

No. 16

CD 2

C 870732 HDK

IN THE MATTER OF the disposition of city-owned property located on Site 5 of the Atlantic Terminal Urban Renewal Area. The property proposed for disposition is approximately 58,860 square in area and comprises the entire block bounded by Atlantic Avenue, Flatbush Avenue, Pacific Street and 4th Avenue (block 927, Lot 1). A mixed-use building is proposed to be constructed on this site containing 246 dwelling units, community facility spaces, commercial space and parking spaces for 187 cars, (89 of which are for public parking, 98 are accessory to the residential use).

The site is to be disposed to a developer selected by the Department of Housing Preservation and Development.

(On May 2, 1990 Cal. No. 6, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 32 the hearing was closed.)

For consideration.

No. 17

CD 2

C 870733 ZMK

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 200 of the New York City Charter for **an amendment to the Zoning Map, Section No. 16c:** a) changing from an R6 district to a C6-2 district; and b) eliminating from the existing R6 district a C2-3 district; property bounded by Atlantic Avenue, Flatbush Avenue, Pacific Street, and Fourth Avenue, as shown on a diagram dated March 5, 1990.

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.

(On May 2, 1990 Cal. No. 7, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 33 the hearing was closed.)

For consideration.

No. 18

CD 2

C 870734 ZSK

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 200 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-52 of the Zoning Resolution **to develop an attended public parking garage** with a maximum capacity of **187 spaces, on property bounded by Atlantic Avenue, Flatbush Avenue, Pacific Street, and Fourth Avenue (Block 927, Lot 1) within a C6-2 zoning 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.

(On May 2, 1990 Cal. No. 8, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 34 the hearing was closed.)

For consideration.

No. 19

CD 3, 4, 13, 18

C 900121-124 PPK

IN THE MATTER OF applications by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the disposition of four (4) city-owned properties.

<u>ULURP No.</u>	<u>C.B. No.</u>	<u>No. of Parcels</u>
900121 PPK	3	1
900122 PPK	4	1
900123 PPK	13	1
900124 PPK	18	1

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 May 2, 1990 Cal. No. 9, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 35 the hearing was closed.)

For consideration.

 No. 20

CD 18

C 890166 PLK

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 fifteen (15) year term of property located at 103-15 Farragut Road (Block 8152, Lot 201), for continued use as a senior citizen and day care center.

(On May 2, 1990 Cal. No. 10, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 36 the hearing was closed.)

For consideration.

 No. 21

CD 2

C 900625 PSK

IN THE MATTER OF an application submitted by the Human Resources Administration and the New York City Public Development Corporation pursuant to Section 197-c of the New York City Charter for a lease for up to twenty five years, with an option to acquire a property located at 101 Fleet Street (Block 2061, Lots 100 and part of 1), for use as a day care center.

(On May 2, 1990 Cal. No. 11, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 37 the hearing was closed.)

For consideration.

No. 22

CD 2

C 900417 ZSK

IN THE MATTER OF an application submitted by New York City Department of Housing Preservation and Development pursuant to Section 197-c and 200 of the New York City Charter for the **grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to allow the display of accessory business signs** at a height greater than 40 feet above curb level and above the roof of a building **on property bounded by Flatbush Avenue Extension, Gold Street, Willoughby Street, Duffield Street and Myrtle Avenue** (Block 2059).

Plans for these proposed accessory business signs are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On May 2, 1990 Cal. No. 12, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 38 the hearing was closed.)

For consideration.

No. 23

CD 2

C 900325 ZMK

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. 16c:**

- a) changing from an R6 district within an LH-1 district to an R6B district within an LH-1 district, property bounded by Livingston Street, a line 100 feet westerly of Court Street, a line midway between State Street and Atlantic Avenue, and a line 100 feet easterly of Clinton Street; and
- b) changing from a C6-1 district to a C6-2A district, property bounded by Livingston Street, a line 100 feet easterly of Court Street, Atlantic Avenue and a line 100 feet westerly of Court Street.

as shown on a diagram dated March 5, 1990.

(On April 30, 1990 Cal. No. 3, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 39 the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 24

CD 1

C 860244 ZMR

IN THE MATTER OF an application submitted by Morris Simon pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning Map, Section No. 20d**, establishing within an existing R3-2 district a C2-2 district bounded by Richmond Avenue, North Tremont Avenue, Forest Avenue, Willow Road and a line 100 feet northeasterly of Vedder Avenue, as shown on a diagram dated March 5, 1990.

(On May 2, 1990 Cal. No. 13, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 40 the hearing was closed.)

For consideration.

No. 25

CD 3

C 900392 PSR

IN THE MATTER OF an application submitted by the New York Public Library pursuant to Section 197-c of the New York City Charter for the **selection and acquisition of property located at 200 Clarke Avenue** (Block 4470, Lots 1 and 6), for use as a public library branch.

(On May 2, 1990 Cal. No. 14, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 41 the hearing was closed.)

For consideration.

No. 26

CD 1

C 860425 ZMR

IN THE MATTER OF an application submitted by Sanford Nalitt & Associated Companies pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning Map, Section 20d**, changing from an M1-1 district to a C8-1 district, property bounded by Willcox Street, Heaney Avenue,

Forest Avenue and a line 100 feet westerly of Van Name Avenue, as shown on a diagram dated February 26, 1990.

(On April 18, 1990 Cal. No. 1, the Commission scheduled May 2, 1990 for a public hearing. On May 2, 1990 Cal. No. 17, the hearing was closed.)

For consideration.

No. 27

CD 1

C 860426 MMR

IN THE MATTER OF an application submitted by Sanford Nalitt & Associated Companies pursuant to Sections 197-c and 199 of the New York City Charter for an **amendment to the City Map** involving the elimination of Coonley Avenue between Forest Avenue and Willcox Street, to **facilitate the development of a shopping center**, in accordance with Map No. 4080, dated January 26, 1989 and signed by the Borough President.

(On April 18, 1990 Cal. No. 2, the Commission scheduled May 2, 1990 for a public hearing. On May 2, 1990 Cal. No. 18, the hearing was closed.)

For consideration.

No. 28

(Request for the grant of authorizations to allow the restoration of the natural topography and botanic environment in the Special Hillside Preservation District [SHP] of Staten Island.)

CD 1

N 900498 ZAR

IN THE MATTER OF an application, submitted by Salvatore Calabrese, Serpentine Art and Nature Commons, and the Trust for Public Land for **the grant of authorizations** pursuant to Section 119-213 in compliance with Section 119-40 of the Zoning Resolutions, involving grading work in the rear yard more than fifteen (15) feet beyond the building foundation at **70 Howard Circle** (Block 614, Lots 35, 80 and 136 within the Special Hillside Preservation District (SHP)).

Plans for the proposal are on file with the City Planning Commission and may be seen at 56 Bay Street, 6th Floor, Staten Island, New York 10301.

For consideration.

BOROUGH OF MANHATTAN

No. 29

CD 8

C 900225 ZSM

IN THE MATTER OF an application submitted by 80-81 & First Associates pursuant to Sections 197-c and 200 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-96 of the Zoning Resolution to permit the modification of an existing residential plaza in a C1-9 district, **on property located at 401-403 East 80th Street** (Block 1560, Lots 1 and 44).

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.

(On April 30, 1990 Cal. No. 2, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 42 the hearing was closed.)

For consideration.

 No. 30

CD 11

C 900157 ZSM

IN THE MATTER OF an application submitted by the Terence Cardinal Cooke Health Care Center pursuant to Sections 197-c and 200 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-90 of the Zoning Resolution to permit the development of a 42-bed health-related facility in an R7-2 district, **on property located at 112-114 East 106th Street**. (Block 1633, Lot 660).

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

(On April 30, 1990 Cal. No. 1, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 43 the hearing was closed.)

For consideration.

 No. 31

CD 8, 11

C 900404 ZMM

IN THE MATTER OF an application submitted by the New York City Department of City Planning pursuant to Sections 197-c and 200 of the New York City Charter for **an amendment of the Zoning Map**, Sections 6b, 8c and 9a, **changing from an R10 district to an R10A district property bounded by:**

1. a line 125 feet easterly of Park Avenue, a line midway between East 72nd Street and East 73rd Street, a line 125 feet westerly of York Avenue, a line midway between East 71st Street and East 72nd Street, a line 125 feet easterly of First Avenue, East 71st Street, a line 125 feet westerly of First Avenue, and a line midway between East 71st Street and East 72nd Street;
2. a line 125 feet easterly of Park Avenue, a line midway between East 79th Street and East 80th Street, a line 125 feet westerly of York Avenue, East 80th Street, a line 125 feet easterly of York Avenue, a line midway between East 79th Street and East 80th Street, a line 125 feet westerly of East End Avenue, a line midway between East 85th Street and East 86th Street, First Avenue, East 87th Street, a line 125 feet easterly of First Avenue, a line midway between East 86th Street and East 87th Street, a line 125 feet westerly of York Avenue, East 87th Street, a line 125 feet easterly of York Avenue, a line midway between East 86th Street and East 87th Street, a line 100 feet westerly of Henderson Place, East 86th Street, East End Avenue, East 87th Street, a line 125 feet westerly of East End Avenue, East 90th Street and its easterly prolongation, the U.S. Pierhead and Bulkhead Line, East 78th Street and its easterly prolongation, the southerly prolongation of a line 125 feet westerly of East End Avenue, a line midway between East 78th Street and East 79th Street, a line 125 feet easterly of York Avenue, East 78th Street, a line 125 feet westerly of York Avenue, and a line midway between East 78th Street and East 79th Street; and
3. a line 150 feet easterly of Park Avenue, a line midway between East 96th Street and East 97th Street, First Avenue, East 95th Street, a line 100 feet westerly of First Avenue, and a line midway between East 95th Street and East 96th Street;

as shown on a diagram dated December 28, 1989.

(On March 28, 1990 Cal. No. 11, the Commission scheduled April 18, 1990 for a public hearing. On April 18, 1990, Cal. No. 39 the hearing was closed. On May 2, 1990, Cal. No. 50 the item was laid over.)

For consideration.

No. 32

CD 6

C 900272 PPM

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned commercial condominium located partially in the lobby, basement and sub-basement of 415 E. 54th Street, Block No. 1366, Lot No. 1001.

(On March 28, 1990 Cal. No. 17, the Commission scheduled April 18, 1990 for a public hearing. On April 18, 1990, Cal. No. 45 the hearing was closed. On May 2, 1990, Cal. No. 56 the item was laid over. On May 16, Cal. No. 55 the item was laid over.)

For consideration.

No. 33

CD 6

C 900430 PPM

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 150-54 East 57th Street, Block No. 1311, Lot No. 44.

(On April 18, 1990 Cal. No. 4, the Commission scheduled May 2, 1990 for a public hearing. On May 2, 1990 Cal. No. 20, the hearing was closed. On May 16, 1990 Cal. No. 48, the item was laid over.)

For consideration.

No. 34

CD 7

C 900431 PPM

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 264-266 West 96th Street, Block No. 1243, Lot No. 57.

(On April 18, 1990 Cal. No. 5, the Commission scheduled May 2, 1990 for a public hearing. On May 2, 1990 Cal. No. 21, the hearing was closed. On May 16, 1990 Cal. No. 49, the item was laid over.)

For consideration.

BOROUGH OF BRONX**No. 35****CD 1, 11, 12****C 900450-452 PPX**

IN THE MATTER OF applications by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for **the disposition of six (6) city-owned properties.**

<u>ULURP No.</u>	<u>C.B. No.</u>	<u>No. of Parcels</u>
900450 PPX	1	1
900451 PPX	11	1
900452 PPX	12	4

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 May 2, 1990 Cal. No. 1, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 14 the hearing was closed.)

For consideration.

No. 36
CD 1**C 900459 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 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.

(On May 2, 1990 Cal. No. 2, the Commission scheduled May 16, 1990 for a public hearing. On May 16, 1990, Cal. No. 15 the hearing was closed.)

For consideration.

No. 37
CD 7**C 900466 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.