

DISPOSITION SHEET

City Planning Commission
 Public Meeting
 Wednesday, February 20, 1991
 At City Hall, 10:00 A.M.

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

CAL. NO.	ULURP NO.	C.P.C. Action	CAL. NO.	ULURP NO.	C.P.C. Action
1	C 900172 ZMR	Scheduled to be heard 3/6/91	23		
2	C 880492 ZMR	" "	24		
3	C 900566 DMK	" "	25		
4	C 890842 MMK	" "	26		
5	C 890843 ZMK	" "	27		
6	C 900800 PPM	Hearing Continued	28		
7	C 910089 DMM	" "	29		
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9	N 910254 BDM	WITHDRAWN	31		
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11	C 890653 MMR	Favorable Rep. Adopted	33		
12	C 890643 MMR	" " "	34		
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14	N 910213 ZRY	" " "	36		
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COMMISSION ATTENDANCE	PRESENT (P) ABSENT (A)	COMMISSION VOTING RECORD				IN FAVOR - Y OPPOSE - N ABSTAIN - AB		
		11	12	13	14			
RICHARD L. SCHAFFER, <i>Chairman</i>	P	Y	Y	Y	Y			
VICTOR G. ALICEA, <i>Vice-Chairman</i>	P	Y	N	Y	Y			
EUGENIE L. BIRCH	P	Y	Y	Y	Y			
AMANDA M. BURDEN	P	Y	Y	Y	Y			
ANTHONY I. GLACOBBE	P	Y	Y	Y	Y			
MAXINE GRIFFITH	P	Y	N	Y	Y			
JAMES C. JAO, R.A.	P	Y	Y	Y	Y			
BRENDA LEVIN	P	Y	AB	Y	Y			
JOEL A. MIELE, SR., P.E.	P	Y	N	Y	Y			
EDWARD T. ROGOWSKY	P	Y	Y	Y	Y			
RONALD SHIFFMAN	P	Y	Y	Y	Y			
JACOB B. WARD	P	Y	N	Y	Y			
DEBORAH C. WRIGHT, <i>Commissioners</i>	P	Y	Y	Y	Y			

**COMPREHENSIVE
CITY PLANNING CALENDAR**

of

The City of New York

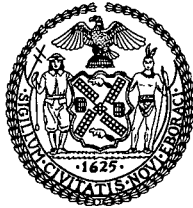
CITY PLANNING COMMISSION

WEDNESDAY, FEBRUARY 20, 1991

MEETING AT 10:00 A.M.

in

CITY HALL



David N. Dinkins, Mayor

City of New York

[No. 4]

Prepared by Lois McDaniel, Calendar Officer

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven 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

CITY PLANNING COMMISSION

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

- RICHARD L. SCHAFFER, *Chairman*
- VICTOR G. ALICEA, *Vice-Chairman*
- EUGENIE L. BIRCH
- AMANDA M. BURDEN
- ANTHONY I. GIACOBBE
- MAXINE GRIFFITH
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- RONALD SHIFFMAN
- JACOB B. WARD
- DEBORAH C. WRIGHT, *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

FEBRUARY 20, 1991

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**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 March 6, 1991, 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 20 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, February 20, 1991

APPROVAL OF MINUTES OF Regular Meeting of February 6, 1991
and Special Meeting of February 4, 1991

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, MARCH 6, 1991
STARTING AT 10:00 A.M.
IN CITY HALL
NEW YORK, NEW YORK**

BOROUGH OF STATEN ISLAND

No. 1

CD 2

C 900172 ZMR

IN THE MATTER OF an application submitted by 2140 Development Corporation pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning Map**, Section No. 26c, establishing within an existing R3-2 district a C1-3 district bounded by Signs Road, Spark Place and Victory Boulevard, as shown on a diagram dated November 26, 1990.

Resolution for adoption scheduling March 6, 1991 for a public hearing.

No. 2

CD 3

C 880492 ZMR

IN THE MATTER OF an application submitted by Fred Shayewitz pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning Map**, Section No. 33c, establishing within an existing R3-2 district a C1-2 district bounded by Wilson Avenue, Richmond Avenue, a line 110 feet northerly of Sylvia Street, and a line 100 feet westerly of Richmond Avenue, within the Special South Richmond Development District, as shown on a diagram dated December 17, 1990.

Resolution for adoption scheduling March 6, 1991 for a public hearing.

BOROUGH OF BROOKLYN

No. 3

CD 5

C 900566 DMK

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 three (3) residential city-owned properties.**

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

Resolution for adoption scheduling March 6, 1991 for a public hearing.

No. 4

CD 5

C 890842 MMK

IN THE MATTER OF an application submitted by Lutheran Medical Center/ Augustana Lutheran Home pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code **for a change in the City Map involving the elimination, discontinuance and closing of 55th Street between 1st and 2nd avenues and any acquisition and disposition of property related thereto**, all in accordance with Maps No. N-2550 and N-2551, dated October 2, 1990 and signed by the Borough President.

Resolution for adoption scheduling March 6, 1991 for a public hearing.

No. 5

CD 7

C 890843 ZMK

IN THE MATTER OF an application submitted by Lutheran Medical Center/ Augustana Lutheran Home pursuant to Sections 197-c and 200 of the New York City Charter, **for an amendment of the Zoning Map**, Section No. 22a:

1. Changing from a C1-7 district to an R6 district, and establishing a C1-3 district within the proposed R6 district, property bounded by 56th Street, 1st Avenue, the centerline prolongation of 55th Street*, and 2nd Avenue;

2. Changing from an M3-1 district to an R6 district, and establishing a C1-3 district within the proposed R6 district, property bounded by the centerline prolongation of 55th Street*, a line 200 feet easterly of 1st Avenue, a line 100 feet southerly of 54th Street, and 2nd Avenue; and
3. Changing from an M3-1 district to an M1-2 district, property bounded by 1st Avenue, 54th Street, 2nd Avenue, a line 100 feet southerly of 54th Street, a line 200 feet easterly of 1st Avenue, and the centerline prolongation of 55th Street*

as shown on a diagram dated November 26, 1990

* Note: 55th Street is proposed to be eliminated from 1st Avenue to 2nd Avenue and is the subject of a related application for an amendment of the City Map (C 890842 MMK).

Resolution for adoption scheduling March 6, 1991 for a public hearing.

II. PUBLIC HEARINGS

BOROUGH OF MANHATTAN

No. 6

CD 10

C 900800 PPM

PUBLIC HEARING:

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

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

(On February 6, 1991 Cal. No. 1, the Commission scheduled February 20, 1991 for a public hearing which was duly advertised.)

Close the hearing.

No. 7

CD 10

C 910089 DMM

PUBLIC HEARING:

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

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 February 6, 1991 Cal. No. 2, the Commission scheduled February 20, 1991 for a public hearing which was duly advertised.)

Close the hearing.

No. 8**CD 4****C 870153 ZSM****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by Briz Realty Corp. pursuant to Sections 197-c and 200 of the New York City Charter for **the grant of a special permit** pursuant to Section 96-108 of the Zoning Resolution to **allow the partial demolition of more than 20 percent in the amount of residential floor area in a building containing dwelling units at 406-408 West 49th Street**, on property located on the south side of West 49th Street, between Ninth Avenue and Tenth Avenue (Block 1058, Lots 37 and 137), in the Special Clinton District (Preservation Area).

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 February 6, 1991 Cal. No. 3, the Commission scheduled February 20, 1991 for a public hearing which was duly advertised.)

Close the hearing.

No. 9**CD 4, 5, 6****N 910254 BDM****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by the Office of Business Development on behalf of the 34th Street District Management Association, pursuant to Section 25-405 of the Administrative Code of the City of New York as amended, concerning **the establishment of the 34th Street Business Improvement District**. The preparation of the plan was authorized by resolution of the Board of Estimate on June 21, 1990, Calendar No. 596.

The district plan is on file at the City Planning Commission and may be seen in Room 4N, 22 Reade Street, New York 10007.

(On February 6, 1991 Cal. No. 5, the Commission scheduled February 20, 1991 for a public hearing which was duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 10

CD 14

C 910173 PPQ

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for **the disposition of three (3) city-owned properties.**

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

(On February 6, 1991 Cal. No. 6, the Commission scheduled February 20, 1991 for a public hearing which was duly advertised.)

Close the hearing.

III. REPORTS

BOROUGH OF STATEN ISLAND

No. 11

CD 1

C 890653 MMR

IN THE MATTER OF an application filed by the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter for a **change in the City Map** establishing a park in the area generally bounded by Wyona Avenue, Willow Road East and Victory Boulevard and any acquisition or disposition of property related thereto, in accordance with Map No. 4111 dated November 30, 1989 and signed by the Borough President.

(On January 9, 1991 Cal. No. 4, the Commission scheduled January 23, 1991 for a public hearing. On January 23, 1991, Cal. No. 8 the hearing was closed.)

For consideration.

No. 12

CD 2

C 890643 MMR

IN THE MATTER OF an application submitted by Barbara S. Warren pursuant to Sections 197-c and 199 of the New York City Charter for **an amendment to the City Map** involving the elimination of the lines and grades of Emerson Avenue from its easterly terminus at Douglas Road to a point approximately 130 feet westerly therefrom and the adjustment of legal grades necessitated thereby, in accordance with Map No. 4144 dated March 13, 1990 and signed by the Borough President.

(On December 19, 1990 Cal. No. 4, the Commission scheduled January 9, 1991 for a public hearing. On January 9, 1991 Cal. No. 9, the hearing was continued. On January 23, 1991, Cal. No. 9 the hearing was closed.)

For consideration.

 No. 13

CD 1

C 900212 MMR

IN THE MATTER OF an application filed by the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter for a **change in the City Map** establishing a park in the area generally bounded by the Staten Island Expressway right-of-way, Forest Avenue and Goethals Road North, and any acquisition or disposition of property related thereto, in accordance with Map No. 4113 dated December 27, 1989 and signed by the Borough President.

(On January 9, 1991 Cal. No. 5, the Commission scheduled January 23, 1991 for a public hearing. On January 23, 1991, Cal. No. 10 the hearing was closed.)

For consideration.

 CITYWIDE

No. 14

N 910213 ZRY

(Amendments to the Zoning Resolution continuing the Relocation Incentive Program (BRAC) with minor modifications, in Brooklyn Community Districts 1, 2 and 6, Manhattan Community Districts 1, 2, 3, 4, 5, and 6, and Queens Community Districts 1 and 2, to January 1, 1992.)

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 to the Zoning Resolution** of the City of New York, relating to Sections 15-50 to 15-58, as follows:

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

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

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

15-50 RELOCATION INCENTIVE PROGRAM

15-51

Preamble

In order to reduce the deleterious effects on commercial and manufacturing uses caused by the reduction of existing floor area available to such uses as the result of the conversion of non-residential buildings to dwelling units or joint living-work quarters for artists, while permitting owners to convert such buildings to dwelling units or joint living-work quarters for artists, thereby increasing the value of such buildings, a Relocation Incentive Program is established. These general goals include, among others, the following specific objectives:

- (a) To provide incentives for eligible commercial and manufacturing uses displaced by the conversion of commercial or manufacturing buildings, or portions thereof, to dwelling units, to relocate within the City of New York.
- (b) To provide certainty to eligible commercial and industrial tenants as to the extent and availability of relocation incentives.
- (c) To ensure that such incentives are available to the eligible commercial or manufacturing uses at the time they relocate.
- (d) To assist in the retention of industrial firms and industrial relocation within the City of New York in accordance with the intent of this Chapter.

Under the Relocation Incentive Program, owners who plan to convert space used for commercial and manufacturing uses to dwelling units or joint living-work quarters for artists under the provisions of this Chapter or Sections 42-14(D), 74-711, 74-78 and 111-00 of this Resolution will be required to pay a conversion contribution or provide direct relocation payments before they can obtain an Alteration Permit. The conversion contribution will be paid into the Industrial Relocation Fund to be administered by the New York City Business Relocation Assistance Corporation. These funds will be used to provide industrial relocation assistance in accordance with the intent of this Chapter.

The Building owners may receive a discount from the conversion contribution if they provide direct assistance to manufacturing tenants which relocate in New York City. The Board of Standards and Appeals shall administratively review applications, authorize discounts or exclusions, and certify that the appropriate relocation assistance has been provided.

Prior to the issuance of an Alteration Permit for the development of dwelling units or joint living-work quarters for artists, an owner must present proof or either payment of the conversion contribution or Board of Standards and Appeals approval of direct relocation payments.

15-52

Definitions

For the purposes of Sections 15-50 through 15-58 matter in italics is defined in this Section or in Section 12-10 (DEFINITIONS).

Applicable Building

An “applicable building” is any existing *building or other structure*, erected prior to December 15, 1961, which:

(Aa) If in Manhattan Community Districts 1, 2, 3, 4, 5, and 6

- (1) (a) is located in a zoning district in which *residential or joint living-work quarters for artists use* is permitted; and
 - (i) on September 1, 1980 was used for a *use* listed in Section 15-58; or
 - (ii) was vacant on September 1, 1980 and was used within 3 years prior to such date for a *use* in such Use Groups; or
- (2) (a) is granted a *use* variance pursuant to the provisions of Sections 72-21 and 72-221; and
 - (i) on April 9, 1981 was used for a *use* listed in Section 15-58; or
 - (ii) was vacant on April 9, 1981, and was used within three years prior to such date for a *use* in such Use Groups; or

(Bb) If in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2

- (1) (a) is located in a zoning district in which *residential use* is permitted; and
 - (i) on April 1, 1984 was used for a *use* listed in Section 15-58; or
 - (ii) was vacant on April 1, 1984 and was used within 3 years prior to such date for a *use* in such Use Groups; or
- (2) (a) is granted a *use* variance pursuant to the provisions of Sections 72-21 and 72-221; and
 - (i) on October 25, 1984 was used for a *use* listed in Section 15-58; or
 - (ii) was vacant on October 25, 1984, and was used within 3 years prior to such date for a *use* in such Use Groups

However any *floor area* consisting of Interim Multiple Dwellings shall be exempt from the Relocation Incentive Program. A *building* consisting entirely of Interim Multiple Dwellings shall not be an *applicable building*.

Conversion Contribution

A “conversion contribution” is the contribution to the Industrial Relocation Fund provided by the owner of an *applicable building*. Such contribution shall be provided by the owner in order to convert such *building* to *dwelling units* or *joint living-work quarters for artists* without meeting the requirements for the *development of dwelling units* in Article II (Residence District Regulations).

The Corporation

The "Corporation" is the New York City Business Relocation Assistance Corporation, a not-for-profit Corporation. The Board of Directors of the Corporation shall consist of the Commissioner or Executive Director of the Office of Economic Development, the Chairman of the City Planning Commission, the Chairman of the Board of Standards and Appeals, the Commissioner of the Department of Housing Preservation and Development, the President of the New York City Public Development Corporation, **three representatives appointed by the Speaker of the City Council**, and two ~~industrial~~ **representatives appointed by the Mayor**.

Eligible Tenant

An "eligible tenant" is a commercial or manufacturing tenant, or commercial or manufacturing owner occupant, determined by the *Corporation* to be engaged in a business listed in Section 15-58 and who:

- (i) occupied and used space within an *applicable building* for not less than 24 months immediately prior to vacating,
- (ii) vacated the premises on or after April 9, 1981 in Manhattan Community Districts 1, 2, 3, 4, 5 and 6 or on or after October 25, 1984 in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, and
- (iii) either purchased, or leased for a term of not less than 24 months, other premises within the City of New York for the purpose of engaging in a business listed in Section 15-58.

A sub-tenant shall be eligible to receive a relocation incentive in accordance with the provisions of Section 15-50 et seq. notwithstanding any lack of eligibility of its prime tenant.

The Fund

The "Fund" is the Industrial Relocation Fund. The *Fund* is established within the *Corporation*. The *Corporation* shall accept the *conversion contribution* to be accredited to the *Fund* and apply such monies toward the relocation of industrial tenants, including any verification action required under the provisions of Section 15-50 et seq. (Relocation Incentive Program), or toward the administration of the *Fund*, and for such other purposes relating to industrial relocation as the *Corporation* may determine.

The Industrial Relocation Fund will be administered by the *Corporation*.

15-521

Rules and regulations for the Fund

The *Corporation* shall promulgate rules and regulations for the distribution of monies from the *Fund*. The *Corporation* shall provide a copy of all proposed rules and regulations and any proposed amendments thereto to:

- (a) Manhattan Community Boards 1 through 6, Brooklyn Community Boards 1, 2 and 6, and Queens Community Boards 1 and 2;

- (b) the City Planning Commission;
- (c) the Office of Economic Development;
- (d) the Board of Standards and Appeals;
- (e) ~~Members of the Board of Estimate~~ **the Speaker of the City Council and the Council's Land Use and Economic Development Committee Chairpersons; and**
- (f) ~~the Industrial Loft Advisory Council, ~~it,~~ and~~
- (g) the Comptroller.**

In addition, the *Corporation* shall publish notice of the existence of proposed rules and regulations and any proposed amendments thereto for five business days in a newspaper of general circulation in the City of New York, and shall make all such proposed rules, regulations and amendments available to the public. Comments on such proposed rules, regulations and amendments shall be accepted for 30 days thereafter. The rules and regulations, or amendments thereto, as adopted, shall be provided to all persons listed in subdivisions (a) through (f) (g) above, and shall be made available to the general public.

15-522

Administration of the Fund

The *Corporation* shall issue a report at the close of each fiscal year detailing the outreach that was made to industrial firms in affected areas to explain the Relocation Incentive Program and the entitlements that are available to eligible commercial and manufacturing firms under the program. The yearly report shall also include the amounts of, and plans to utilize in the upcoming year, any unobligated monies in the Industrial Relocation Fund. The *Corporation's* yearly report for the preceding fiscal year shall include the amount of all administrative costs and management fees paid for with monies from the *Fund* and the method by which they were calculated, the amount and source of each contribution to the *Fund*, and the amount of each grant or loan from the *Fund* and the identity of each recipient of a grant or loan. Management fees and administrative costs paid for with monies from the *Fund* shall not exceed \$550,000 in calendar year 1991. The yearly report shall be provided to all persons listed in subdivisions (a) through (g) in Section 15-521 above.

The *Corporation* shall administer the *Fund* in a manner designed to ensure that monies are spent in a timely manner, and that surpluses in excess of short-term liabilities and prudent reserves are minimized.

Conversion Contribution

15-531

Rate of contribution

The *conversion contribution* shall be paid into the *Fund*. If tendered prior to September 1, ~~1982~~ 1990, such contribution shall be at the rate of ~~\$9.00~~ \$11.80 per square foot of the gross *floor area* to be used for *dwelling units* or *joint living-work quarters for artists* and stairwells, elevator shafts, halls and other common *floor areas* of the *building* used in conjunction with such *dwelling units* or *Joint living-work quarters for artists*, excluding ground floor lobbies, less any discount authorized under the provisions of Section 15-54 (Direct Help) or Section 15-55 (Additional Discounts or Exclusions from Conversion Contributions).

However, in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, in *Residential Districts* or in *Commercial Districts* permitting *residential use*, if tendered prior to September 1, ~~1984~~ 1990, the *conversion contribution* shall be at the rate of ~~\$5.30~~ \$5.90 per square foot.

On ~~September 1, 1982,~~ and on each subsequent September 1, the *Corporation* shall establish the monetary rate at which the *conversion contribution* is to be paid during that year. Said rate change shall be based on the Gross National Product Implicit Price Deflators for the Trucking and Warehousing Industry, prepared by the U.S. Department of Commerce.

15-532

Contribution procedure

- (a) Prior to the issuance of an Alteration Permit, the owner shall pay the *conversion contribution* in an amount equal to the rate applicable at the date of payment multiplied by the gross *floor area* as provided in Section 15-531. The amount of such contribution may be reduced by authorization of the Board of Standards and Appeals pursuant to Section 15-54 (Direct Help) or Section 15-55 (Additional Discounts or Exclusions from Conversion Contributions). Nothing in this Section shall be construed to require such owner to pay the *conversion contribution* in accordance with the provisions of this Section more than once on any particular *floor area*. Upon proof of payment of the *conversion contribution* by the owner, or upon receipt of an authorization exclusion, pursuant to Section 15-551 (Existing conversion) or Section 15-554 (Exclusion for certain vacated space), the Board shall notify the Department of Buildings that the requirements of Section 15-50 et seq. have been met.

- (b) The *conversion contribution* shall be paid into the *Fund* primarily for the benefit of the commercial or manufacturing tenant who last occupied the *floor area* to be converted and subsequently relocated within the City of New York. Within ~~six~~ twelve months of the payment of the *conversion contribution*, and upon verification by the *Corporation* that said tenant is an *eligible tenant*, the *Corporation* shall pay to said tenant the appropriate portion of the *conversion contribution*. The appropriate portion of the *conversion contribution* shall be equal to the amount produced by multiplying the rate of *conversion contribution* applicable at the time of payment of the *conversion contribution* by either the *floor area* occupied by such tenant prior to relocation or the *floor area* occupied by such tenant after relocation, whichever is less; **however, if the *Corporation* finds that after relocation the *eligible tenant* is maintaining substantially the same employment and business operations in a smaller space, it may award such *eligible tenant* the full amount based upon the *floor area* occupied by such tenant prior to relocation.**

An *eligible tenant* may petition the *Corporation* for additional funds, to be paid out of the *Fund*, for reasonable moving or relocation expenses in excess of the amount to which such *eligible tenant* is entitled. The *Corporation* may consider such petitions at its discretion.

The *Corporation* shall determine whether a commercial or manufacturing tenant is an *eligible tenant* within 15 days after a request by said tenant, and, in appropriate cases, verify the eligibility of said tenant. Where a commercial or manufacturing tenant is not an *eligible tenant*, the *Fund* shall retain the *conversion contribution*. Where an *eligible tenant* does not seek verification of eligibility within ~~six~~ twelve months of the payment of the conversion, such tenant shall be ineligible to receive any payment or assistance from the *Corporation*.

Notwithstanding the above, where the eligible tenant has received assistance from the *Corporation*, the amount of such assistance will be subtracted from the amount to which said tenant is eligible under this Section, and the remainder shall be retained by the *Corporation*.

15-54

Direct Help

The Board of Standards and Appeals shall issue an authorization for a discount from all or part of the amount of the *conversion contribution* when it determines that the owner of an *applicable building* has made a direct help payment in accordance with Section 15-541 through Section 15-546. The amount of the discount shall be twice the direct help payment provided to the recipients as required in Section 15-541.

The owner of an *applicable building* shall include a copy of each escrow agreement signed pursuant to Section 15-542 with the application to the Board for the authorization for a direct help discount. The owner of an *applicable building* applying for a direct help discount shall, on the date of such application, provide the Office for Economic Development with a copy of said application. Within 30 days of the receipt of any such application, the Office for Economic Development may provide the Board of Standards and Appeals with a report on the history of commercial and manufacturing tenancy of such *building*.

15-541

Amount of direct help payment

- (a) The direct help payment shall be equal to 50 percent of the *conversion contribution*. To entitle the owner of an *applicable building* to be eligible for the discount authorized under the provisions of Section 15-54, such owner shall make direct help payments in accordance with the following:

Condition of the Space To Be Converted	Recipient of the Direct Help Payment	% of Conversion Contribution Each Recipient Receives
Vacant more than 24 consecutive months	The Corp	50%
Occupied by an <i>eligible tenant</i> listed in Section 15-581	The Tenant	50%
Occupied by an <i>eligible tenant</i> listed in Section 15-582	The Tenant	25%
	The Corp	25%
Occupied by a commercial or manufacturing tenant for more than 24 months but such tenant did not relocate within New York City	The Corp	50%
Occupied by commercial or manufacturing use not listed in Section 15-58 for more than 24 months	The Corp	50%

In Manhattan Community Districts 1,2,3,4,5 & 6: vacant since Sept.1, 1980	The Corp	50%
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In Manhattan Community Districts 1,2,3,4,5 & 6 in R6,R7,R8,R9,R10,C1,C2,or C4: vacant since January 1,1981	The Corp	50%
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In Brooklyn Community Districts 1,2 & 6 and Queens Community Districts 1 & 2: vacant since April 1, 1984	The Corp	50%
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(b) *Direct Help Payments When Tenant Relocates to a Smaller Space*

~~In no event shall~~ An *eligible tenant* shall receive a direct help payment of ~~more than~~ 50 percent of the amount produced by multiplying the currently applicable rate of *conversion contribution* by the *floor area* occupied by such tenant after relocation. If, as a result of such tenant relocating to a smaller space, the amount of direct help payment provided by an owner to an *eligible tenant* is less than the amount of the direct help payment the owner is required to provide pursuant to the provisions of Section 15-541(a), the remainder shall be paid to the *Corporation*. The *Corporation* shall determine if there has been relocation to a smaller space.

Notwithstanding the above paragraph, if the *Corporation* determines that the *eligible tenant*, after relocation, is maintaining substantially the same employment and business operations in a smaller space, the *Corporation* may award such *eligible tenant* the full amount of the *direct help payment* to which it would be entitled had it relocated to a space with the same amount of *floor area* from which it relocated. The owner shall be entitled to a discount for all such direct help payments.

15-542

Establishment of escrow accounts

To receive a discount under the provisions of Section 15-54 (Direct Help), the owner of an *applicable building* shall establish an escrow account in accordance with the provisions established in this Section.

- (a) Such owner shall deposit a sum of money equal to the amount of the direct help payment required under Section 15-541 in an escrow account in a banking institution located in the City of New York. The escrow agent shall be such bank or the owner's attorney. The escrow account shall be established pursuant to an agreement signed by the owner and the escrow agent, which agreement shall be on a form provided by the *Corporation*. Where the commercial or manufacturing tenant is listed in Section 15-581, said escrow agreement shall contain the specific provisions in subsection (i) below; where the commercial or manufacturing tenant is listed in Section 15-582, said escrow agreement shall contain the specific provisions listed in subsection (ii) below:
- (i) The escrow property delivered hereunder shall be held in escrow by (the escrow agent) to be delivered to (the tenant) at such time as the New York City Business Relocation Assistance Corporation, hereinafter called the *Corporation*, has verified that (the tenant) is an *eligible tenant* under the terms of Section 15-50 et seq. of the Zoning Resolution of the City of New York. This escrow property shall be paid in full to (the tenant) within 15 days of such verification, unless the *Corporation* has made a determination that (the tenant) has relocated to a smaller space in accordance with the provisions of Section 15-541(b) of the Zoning Resolution. Where the *Corporation* has determined that (the tenant) has relocated to a smaller space, (the tenant) shall receive payment from the escrow account in an amount equal to that required by Section 15-541(b) of the Zoning Resolution within 15 days of such verification. The remainder of the escrow property shall be paid to the *Corporation* at the same time. In the event that the *Corporation* issues a statement of non-eligibility under Section 15-544(c) of the Zoning Resolution, this escrow property will be paid to the *Corporation* within 15 days of the issuance of such statement. In the event that these conditions are not met within ~~six~~ twelve months from the earlier to occur of the date (the tenant) vacates space in (address of the building) or the date of the establishment of this escrow account, (the escrow agent) shall pay the escrow property delivered hereunder to the *Corporation* at the expiration of said ~~6~~ twelve month period.

Notwithstanding the foregoing, where the *Corporation* notifies (the escrow agent) that (the owner) and (the tenant) have entered into a new lease of the premises at (address of the building) for a term of more than three months, the escrow property delivered hereunder shall be returned to (the owner/escrowor) within 15 days of such notification.

- (ii) The escrow property delivered hereunder shall be held in escrow by (the escrow agent) until such time as the New York City Business Relocation Assistance Corporation, hereinafter called the *Corporation*, has verified that (the tenant) is an *eligible tenant* under the terms of Section 15-50 et seq. of the Zoning Resolution of the City of New York. Within 15 days of such verification, (the escrow agent) shall pay 50 percent of the escrow property here under to (the tenant) and 50 percent of the escrow property to the *Corporation*, unless the *Corporation* has made a determination of relocation to a smaller space in accordance with the provisions of Section 15-541(b) of the Zoning Resolution. Where the *Corporation* has determined that (the tenant) has relocated to a smaller space, (the tenant) shall receive payment from the escrow account in an amount equal to that required by Section 15-541(b) of the Zoning Resolution, on within 15 days of such verification. The remainder of the escrow property shall be paid to the *Corporation* at the same time. In the event that the *Corporation* issues a statement of non-eligibility under Section 15-544(c) of the Zoning Resolution, this escrow property will be paid to the *Corporation* within 15 days of the issuance of such statement.

In the event that the above conditions are not met within ~~six~~ twelve months from the earlier to occur of the date (the tenant) vacates space in (address of the building) or the date of the establishment of this escrow account, (the escrow agent) shall pay the escrow property delivered hereunder to the *Corporation* at the expiration of said ~~6~~ twelve month period.

Notwithstanding the foregoing, where the *Corporation* notifies (the escrow agent) that (the owner) and (the tenant) have entered into a new lease of the premises at (address of the building) for a term of more than three months, the escrow property delivered hereunder shall be returned to the (owner, escrow) within 15 days of such notification.

- (b) All interest which accrues on the escrow account shall be paid to the owner who establishes such escrow account. Any expenses incurred in establishing such account shall be paid by said owner. A copy of all escrow agreements shall be delivered by said owner to the *Corporation*.
- (c) For the purposes of this Section only, an owner shall be deemed to include an agent of the owner or a contract vendee.

15-543

Time for establishment of escrow accounts

For the purpose of this Section only, an *eligible tenant* shall not be required to have purchased or leased other premises within the City of New York.

Escrow accounts shall be established on the dates provided in this Section. However, the escrow account shall not be established more than two months prior to the expiration of the tenant's lease, except by mutual consent of the owner and tenant.

(a) Lease Termination

In the event that an *eligible tenant* has a lease with a term of at least one year, and the owner of an *applicable building* notifies said *eligible tenant* that his tenancy will be terminated on the date said tenants lease expires, or, if there has been no such notification by the owner and said tenant's lease has not been renewed, such owner shall establish the escrow account at least 30 days prior to the date of termination of tenancy.

(b) Holdover or Short-Term Lease

In the event that an *eligible tenant* has a lease of less than one year, or is a holdover tenant with no lease for the space in the *applicable building*, the owner of the *building* shall establish the escrow account not later than 90 days after said tenant notifies the owner of the date said tenant intends to vacate the premises, or 30 days prior to said tenant's date of termination of tenancy, whichever occurs later.

An owner of an *applicable building* shall notify the *eligible tenant* and the *Corporation* in writing of the establishment of the escrow account within 5 days of the establishment of such account. Such notice shall include a copy of the escrow agreement.

15-544

Payment of funds from escrow account

- (a) An *eligible tenant* shall receive its share of the direct help payment from the funds held in the escrow account pursuant to the provisions of Section 15-541 within 15 days of the date the *Corporation* verifies that such tenant is an *eligible tenant*.

- (b) If the *eligible tenant* fails to seek verification from the *Corporation* within ~~6~~ **twelve** months after the earlier of the date such tenant vacates space in the *applicable building* or the date of the establishment of the escrow account, the escrow property shall be paid to the *Fund*. Such tenant shall then be ineligible to receive any relocation assistance either in the form of a direct help payment or ~~assistance from the Corporation~~. Notwithstanding the above, where there is a dispute as to payment of the escrow account to be resolved under the provisions of Section 15-545, and the expiration of the above ~~6~~ **twelve**-month period has resulted in payment to the *Fund*, such tenant shall remain eligible to receive relocation payment from the *Corporation* in an amount equal to the direct help payment for which such tenant was eligible under Section 15-541.
- (c) In the event that a commercial or manufacturing tenant does not relocate in New York City, or for any reason is not an *eligible tenant*, the *Corporation* shall issue a statement of non-eligibility. Within 15 days, of the issuance of said statement, the *Fund* shall receive payment from the escrow account. The acceptance of the direct help payment by the *Corporation* shall not imply the authorization of the direct help payment credit by the Board of Standards and Appeals. Should such authorization be denied, any funds paid to the *Corporation* under this provision shall be considered part of the *conversion contribution*.

15-545

Disputed payments from escrow account

Any dispute in the computation of the amount of the direct help payment to each recipient in accordance with the provisions of Section 15-541 through 15-543, or as to the eligibility of a commercial or manufacturing tenant for relocation assistance, shall be resolved by the Board of Directors of the *Corporation* within six months.

15-546

Direct payment to the Corporation

An owner shall make the direct help payment to the *Corporation*, and shall not be required to establish an escrow account, in the following situations:

- (a) ~~where the floor area to be converted has been vacant since September 1, 1980;~~
- (b) ~~where the floor area is located in R6, R7, R8, R9, R10, C1, C2 or C4 District, and such floor area has been vacant since January 1, 1981;~~
- (ea) where the *floor area* to be converted has been vacant for more than 24 months prior to the filing for the authorization for the direct help payment discount under Section 15-541; or

- (db) where the owner applies to the Board of Standards and Appeals for an authorization for a discount for certain vacated space under Section 15-553; or
- (ec) where the *floor area* was occupied by a *use* not listed in Section 15-58.
- (f) ~~in Brooklyn Community Districts 1, 2, and 6 and Queens Community Districts 1 and 2 where the *floor area* to be converted has been vacant since April 1, 1984.~~

The acceptance of the direct help payment by the *Corporation* shall not imply the authorization of the direct help payment credit by the Board of Standards and Appeals. Should such authorization be denied, any funds paid to the *Corporation* under this provision shall be considered part of the *conversion contribution*.

15-55

Additional Discount or Exclusions from Conversion Contributions

A copy of any application under this Section shall be sent by the applicant to the Office of Economic Development at the time of filing. The Office of Economic Development may provide additional information to the Board.

Authorizations issued under this Section shall not expire during the existence of the Relocation Incentive Program.

15-551

Existing conversion

If the Board of Standards and Appeals determines that *floor area* was used as *dwelling units* or *joint living-work quarters for artists* **other than Interim Multiple Dwellings exempt from the Relocation Incentive Program pursuant to Section 15-52:**

- (a) In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, on September 1, 1980, the Board shall authorize that such *floor area* not be included in computing the *conversion contribution*, provided that a complete application for an authorization under this provision was filed with the Board of Standards and Appeals prior to September 1, 1983.
- (b) In Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, on April 1, 1984, the Board shall authorize that such *floor area* not be included in computing the *conversion contribution*, provided that a complete application for an authorization under this provision was filed with the Board of Standards and Appeals prior to September 1, 1985.

15-552

Non-Industrial related uses

The Board of Standards and Appeals shall issue an authorization that *floor area* used for a *use* not listed in Section 15-58 shall not be included in the computation of the conversion contribution provided that:

- (a) the Board determines that *uses* not listed in Section 15-58 occupied at least 50 percent of the *floor area* of the *building* on September 1, 1980, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or on April 1, 1984 in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, and
- (b) such *floor area* was not vacant on September 1, 1980, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or on April 1, 1984 in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2.

For the purposes of this Section, common areas of the *building* shall not be included in the computation of the *floor area* occupied by such *uses*. The burden of proof is on the applicant to show that the requirements of this Section have been met.

15-553

Discount for certain vacated space

The Board of Standards and Appeals may authorize a discount from the *conversion contribution* in an amount equal to 50 percent of the *conversion contribution* where there is substantial evidence to support a finding that a commercial or manufacturing tenant engaged in a business listed in Section 15-58 and occupying *floor area* within an *applicable building* for at least 24 months immediately prior to an application under this Section had

- (a) vacated *floor area* in an *applicable building* more than 6 months prior to the expiration of said tenants lease, and there is no evidence of harassment by the landlord or the landlords agent; or
- (b) vacated *floor area* in an *applicable building* not earlier than 6 months prior to the expiration of said tenants lease, and the owner can demonstrate that said tenant was offered a lease renewal or extension at fair market rental not less than 6 months prior to the expiration of said lease. Such renewal or extension shall have been for a period of at least 3 years unless the landlord notified said tenant in writing that:
 - (i) such lease renewal or extension was an interim measure until the conversion of such *floor area*; and
 - (ii) at the termination of such interim renewal or extension said tenant would receive a direct help payment in accordance with the provisions of Section 15-54.

Where the Board issues an authorization under this Section, the direct help payment shall be made to the *Corporation*.

15-554

Exclusion for certain vacant space

Upon proof that *floor area* has been vacant ~~since September 1, 1979 in Manhattan Community Districts 1, 2, 3, 4, 5 and 6; since April 1, 1984 in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2 or~~ for a minimum of 5 years immediately preceding the date of application for an exclusion under this Section, the Board of Standards and Appeals shall issue an authorization that no *conversion contribution* shall be required to be made for such *floor area*.

15-555

Discount for building permit issued before April 9, 1981

- (a) The Board of Standards and Appeals may authorize a discount from the *conversion contribution* in an amount equal to 50 percent of the *conversion contribution*, where the Board determines that there was substantial construction in accordance with the provisions of Section 15-013.
- (b) The Board of Standards and Appeals may authorize a reduction in the amount of the *conversion contribution* under paragraph (a) of this Section by an amount equal to any relocation payments provided by the developer, property owner, or contract vendee provided that the Board finds that:
 - (i) such tenant occupied the *floor area* being converted on September 1, 1980, and for not less than 24 months immediately prior to vacating;
 - (ii) such tenant relocated to other premises within the City of New York which such tenant either purchased, or leased for a term of not less than 24 months; and
 - (iii) such amount was paid to such tenant within 30 days after said relocation.

15-56

Verification of Relocation Requirements

Within 15 days after a request by a tenant, but in no event prior to the date of relocation, the *Corporation* shall determine whether a commercial or manufacturing tenant is an *eligible tenant* and, in appropriate cases, verify that relocation has occurred. The *Corporation* shall also determine whether there has been relocation to a smaller space under the provisions of Section 15-541(b). Notwithstanding the above, a commercial or manufacturing tenant may notify the *Corporation*, prior to relocation, of the date of relocation and the *Corporation*, may agree with such tenant to determine whether such tenant is an *eligible tenant* on a specific date subsequent to the relocation.

15-57

Special Provisions

15-571

Non-Separability**Vesting**

~~The provisions of Sections 15-50 through 15-58 (Relocation Incentive Program) shall be deemed to be an integral part of Article I, Chapter 5. If any sentence, clause, paragraph or part of Sections 15-50 through 15-58 shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not be confined in its operation to the sentence, clause, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered, but shall be construed to invalidate and impair the remainder of Article I, Chapter 5, in addition thereto. However, any such judgment shall not act to invalidate any other sentence, paragraph, clause, section or chapter of the Zoning Resolution.~~

Any applicable building which on or after January 1, 1991 has received an alteration permit, but which has not received a certificate of occupancy for residential or joint living-work quarters for artists use on (the effective date of this amendment) shall be subject to the provisions of Sections 15-50 through 15-58.

15-572

Termination

The provisions of Sections 15-50 through 15-58 shall cease to have all force and effect on January 1, 1991-2, unless re-adopted by the City Planning Commission on or before such date. **No later than September 1, 1991, the Corporation shall issue a report detailing the effectiveness of the Relocation Incentive Program in meeting the objectives stated in Section 15-51 during the period commencing July 1, 1990 and ending June 30, 1991.**

15-573

Applicability

Where an *applicable building* is being converted, the provisions of Sections 15-50 through 15-58 (Relocation Incentive Program) shall apply in lieu of the relocation benefits authorized under subdivision 10 of Section 489 of the New York Real Property Tax Law.

15-58

Eligible Commercial and Manufacturing Uses

15-581

Group A

The following *uses* are included in Section 15-581. *Accessory uses* shall be considered part of such *use*. *Uses* which are encompassed within categories under more than one Use Group are included in Section 15-581 as long as one such category is included below:

In Use Group 9A:

Blueprinting or photostating establishments

Medical or dental laboratories

Printing establishments

Studios, art, music, dancing or theatrical

In Use Group 10A

Photographic or motion picture production studios, radio or television studios.

In Use Group 11A:

All *uses*

In Use Group 16A:

Blacksmith shops

Carpentry, custom woodworking or furniture making shops

Household or office equipment or machinery repair shops

Machinery rental or sales establishments

Mirror silvering or glass cutting shops

Silverplating shops

Soldering or welding shops

Tool, die or pattern-making establishments or similar small machines

In Use Group 16D:

Carpet cleaning establishments

Dry cleaning or cleaning and dyeing establishments

Laundries

Photographic developing or printing establishments

In Use Group 17A:

Produce or meat markets, wholesale

In Use Group 17B:

All *uses*

In Use Group 18A, only for the purposes of the Relocation Incentive Program:

All *uses*.

15-582

Group B

The following *uses* are included in Section 15-582. *Accessory uses* shall be considered part of such *uses*. *Uses* which are encompassed within categories under more than one Use Group are included in Section 15-582 as long as one such category is included below:

In Use Group 7B:

Exterminators

Gun repair

Sailmaking establishments

Taxidermists shops

Trade embalmers

Window cleaning contracting establishments

In Use Group 8B:

Upholstering shops

In Use Group 9A:

Musical instrument repair shops

Plumbing, heating or ventilating equipment showrooms

Typewriter or other small business machine sales, rental, or repairs

Umbrella repair shops

In Use Group 9B:

Hair products for head wear wholesaling

In Use Group 10A:

Depositories for storage of office records, etc.

In Use Group 10B:

All *uses*

In Use Group 11B:

All *uses*

In Use Group 16A:

Electrical, glazing, heating, painting, paperhanging, plumbing, roofing, or ventilating contractors establishments

Poultry or rabbit killing establishments

Sign painting shops

In Use Group 16D:

Linen, towel, or diaper supply establishments

Moving or storage offices

Packing or crating establishments

Warehouses

Wholesale establishments

In Use Group 17A:

Building material and contractors yards

In Use Group 17C:

Trucking terminals or motor freight stations

In Use Group 18B, only for the purposes of the Relocation Incentive Program:

All *uses*.

(On January 23, 1991 Cal. No. 5, the Commission scheduled February 6, 1991 for a public hearing. On February 6, 1991, Cal. No. 10 the hearing was closed.)

For consideration.