

# CITY PLANNING COMMISSION

## DISPOSITION SHEET

**PUBLIC MEETING:**  
**WEDNESDAY, OCTOBER 9, 1991**  
**10:00 A.M. IN CITY HALL**

Lois McDaniel, Calendar officer  
 22 Reade Street, Room 2E  
 New York, New York 1000-1216  
 (212) 720-3370

CAL NO.	ULURP NO.	CD NO.	C.P.C. ACTION	CAL NO.	ULURP NO.	CD NO.	C.P.C. ACTION
1	C 910003 ZSK	2	Scheduled to be Heard 10/23/91	23	N 880993 RCR	3	Certification Approved
2	C 900916 PQK	8	" "	24	N 900156 RAR	3	Authorization Approved
3	C 920040 HDK	1	" "	25	N 900265 RAR	3	" "
4	C 920041 DLK	1	" "	26	N 891048 ZAR	2	" "
5	C 910206 ZSM	2	" "	27	C 910432 PPX	2	Favorable Report Adopted
6	C 900676 MMQ	2	" "	28	C 900652 ZMK	1	" "
7	C 900267 ZSX	7	" "	29	C 910272 ZMK	10	" "
8	C 910083 ZMR	3	Hearing Closed	30			
9	N 900213 HGM	10	" "	31			
10	C 900214 HUM	10	" "	32			
11	C 900280 HDM	10	" "	33			
12	C 900344 ZSM	10	" "	34			
13	C 910239 PCM	7	Hearing Continued	35			
14	N 920094 PXM	2	Hearing Closed	36			
15	C 910189 HUX	6	Hearing Continued	37			
16	C 900211 ZSQ	2	Hearing Continued	38			
17	C 910338 ZSQ	2	Hearing Closed	39			
18	N 910609(A) ZRY		" "	40			
19	Major Concession		" "	41			
20	C 910141 ZSM	2	Favorable Report Adopted	42			
21	C 900701 ZSM	2	" "	43			
22	N 920082 HKM	5	Forward Report to City Council	44			

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD: Calendar Numbers											In Favor - Y Oppose - N Abstain - AB		
		20	21	22	23	24	25	26	27	28	29				
Richard L. Schaffer, <i>Chairman</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Victor G. Alcea, <i>Vice Chairman</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Eugenie L. Birch	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Amanda M. Burden	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Anthony I. Giacobbe	P														
Maxine Griffith	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
James C. Jao, <i>R.A.</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Brenda Levin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Joel A. Miele, <i>SR., P.E.</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Edward T. Rogowsky	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Ronald Shiffman	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Jacob B. Ward	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Deborah C. Wright, <i>Commissioners</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				

MEETING ADJOURNED AT: 2:20 P.M.

**COMPREHENSIVE  
CITY PLANNING CALENDAR**

of

**The City of New York**

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**CITY PLANNING COMMISSION**

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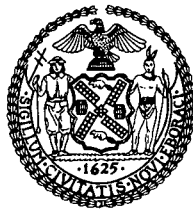
**WEDNESDAY, OCTOBER 9, 1991**

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**MEETING AT 10:00 A.M.**

in

**CITY HALL**



**David N. Dinkins, Mayor**

**City of New York**

**[No. 19]**

**Prepared by Lois McDaniel, Calendar Officer**

## CITY PLANNING COMMISSION

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### GENERAL RULES OF PROCEDURE AS PERTAINING TO PUBLIC MEETINGS

1. A quorum shall consist of 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.

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**CALENDARS:** Any member of a Community Board, any civic association or non-profit organization may write the Calendar Officer of the Commission to be placed on the mailing list to receive the Comprehensive City Planning Calendar which consists of the City Planning Commission Public Meeting Calendar, Supplemental Calendar and Special Meeting Calendar, and Community Board Public Hearing Notices. Calendars are also available to the public in the Calendar Information Office, 22 Reade Street, Room 2E, New York, N.Y. 10007. Any other individual or organization wishing to be placed on the calendar mailing list may do so by sending a certified check, made out to the **City of New York—Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216. The fee, including tax, is \$64.95 for a two year subscription.

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

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

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

B

CITY PLANNING COMMISSION

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

- RICHARD L. SCHAFFER, *Chairman*
- VICTOR G. ALICEA, *Vice-Chairman*
- EUGENIE L. BIRCH, A.I.C.P.
- AMANDA M. BURDEN
- ANTHONY I. GIACOBBE
- MAXINE GRIFFITH
- JAMES C. JAO, R.A.
- BRENDA LEVIN
- JOEL A. MIELE, Sr., P.E.
- EDWARD T. ROGOWSKY
- RONALD SHIFFMAN, A.I.C.P.
- 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

OCTOBER 9, 1991

- Roll Call; approval of minutes ..... 1
- I. Scheduling October 23, 1991 ..... 1
- II. Public Hearings ..... 6
- III. Reports ..... 36

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 October 23, 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, October 9, 1991

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APPROVAL OF MINUTES OF Regular Meeting of September 25, 1991  
and Special Meetings of September 16, 1991 and September 23, 1991

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, OCTOBER 23, 1991  
STARTING AT 10:00 A.M.  
IN CITY HALL  
NEW YORK, NEW YORK**

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**BOROUGH OF BROOKLYN**

**No. 1**

**CD 2**

**C 910003 ZSK**

**IN THE MATTER OF** an application submitted by St. Jerome's Health Services Corp., an affiliate of Catholic Medical Center of Brooklyn & Queens, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-90 of the Zoning Resolution, **to allow the development of a 288-bed nursing home** (the Bishop Mugavero Center for Geriatric Care), **on property located at 155 Dean Street**, (Block 189, Lot 1) in an R6 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, N.Y. 10007

**Resolution for adoption scheduling October 23, 1991 for a public hearing.**

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**No. 2**

**CD 8**

**C 900916 PQK**

**IN THE MATTER OF** an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 1173 Bergen Street**, (Block 1214, Lot 76) for **continued use as a day care center**, (John Edward Bruce Day Care Center).

**Resolution for adoption scheduling October 23, 1991 for a public hearing.**

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**No. 3**

**CD 1**

**C 920040 HDK**

**IN THE MATTER OF the designation and disposition of city-owned property, of the New York State General Municipal Law (Urban Development Action Area Act) and Section 197-c of the New York City Charter.**

Approval of three separate matters is required:

1. The designation as an Urban Development Action Area of the property **located** on the northerly portion of the block bounded by Jackson Street, Debevoise Avenue, Maspeth Avenue and Kingsland Avenue, **28-34 Kingsland Avenue, 302-310 Jackson Street and 276-284 Jackson Street** (Tax Block 2885, part of Lot 1);
2. Approval of an Urban Development Action Area project for such property; and
3. Disposition of such property by the Department of Housing Preservation and Development (HPD) to the Neighborhood Women of Williamsburg-Greenpoint.

The property is proposed for disposition to **facilitate the substantial rehabilitation of two former nurses' residences and a former laboratory to provide approximately 33 units of rental housing for low-income and doubled-up or homeless families and individuals.** The buildings are to rehabilitated under HPD's Enterprise Rehabilitation Program, Round III.

The application was submitted by HPD on August 2, 1991.

**Resolution for adoption scheduling October 23, 1991 for a public hearing.**

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**No. 4**

**CD 1**

**C 920041 DLK**

**IN THE MATTER OF the designation and disposition of city-owned property, pursuant to Article 16 of the New York State General Municipal Law (Urban Development Action Area Act) and Section 197-c of the New York City Charter.**

Approval of three separate matters is required:

1. The designation as an Urban Development Action Area of property **located** as follows:
  - On the southwesterly corner of the intersection of Jackson Street and Debevoise Avenue, **29-39 Debevoise Avenue** (Tax Block 2885, part of Lot 1)
  - On the northerly side of Seigel Street between Graham Avenue and Humboldt Street, **110 Seigel Street** (Tax Block 3097, Lot 12)
2. Approval of an Urban Development Action Area project for such property; and
3. Disposition of such property by the Department of Housing Preservation and Development (HPD) to the Saint Nicholas Church Neighborhood Preservation Corporation.

The property is proposed for disposition to **facilitate the substantial rehabilitation of one former hospital physicians' residence and a vacant multiple dwelling to provide approximately 18 units of rental housing for low-income and doubled-up or homeless families and individuals.** The buidings are to be rehabilitated under HPD's Local Initiatives Support Corporation (LISC) Program, Round III.

This application was submitted by HPD on August 2, 1991.

**Resolution for adoption scheduling October 23, 1991 for a public hearing.**

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**BOROUGH OF MANHATTAN**

**No. 5**

**CD 2**

**C 910206 ZSM**

**IN THE MATTER OF** an application submitted by 3 Great Jones Street Tenants Corp., pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-781 of the New York City Zoning Resolution to permit modification of Section 42-14 (D) 2(b) **to allow retail use (Use Group 6) on the ground floor with accessory storage space in the cellar in a loft building located at 3 Great Jones Street** between Lafayette Street and Shinbone Alley (Block 530, Lot 9) within an M1-5B 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, N.Y. 10007.

**Resolution for adoption scheduling October 23, 1991 for a public hearing.**



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**BOROUGH OF QUEENS****No. 6****CD 2****C 900676 MMQ**

**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 and Sections 5-430 *et seq.* of the New York City Administrative Code for **an amendment to the City Map involving the elimination, discontinuance and closing of a portion of Thomson Avenue between Jackson Avenue and Court Square and the establishment of Albert E. Short Square Park**, in accordance with Map No. 4880 dated February 14, 1991 and signed by the Borough President.

**Resolution for adoption scheduling October 23, 1991 for a public hearing.**

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**BOROUGH OF THE BRONX****No. 7****CD 7****C 900267 ZSX**

**IN THE MATTER OF** an application submitted by the Montifiore Medical Center pursuant to Sections 197-c and 201 of the New York City Charter for:

- 1. the grant of a special permit** pursuant to Section 74-53 of the Zoning Resolution to allow an unattended accessory parking garage with a maximum capacity of 400 spaces;
- 2. the grant of authorizations** pursuant to Section 79-21 of the Zoning Resolution to allow a) permitted floor area and lot coverage to be distributed without regard for zoning lot lines, b) location of buildings without regard for height and setback regulations which would otherwise apply along portions of streets wholly within the development, and c) location of community facility buildings without regard to rear yard regulations which would otherwise apply along portions of lot lines abutting other zoning lots within the development and; **and**
- 3. the modification of the large scale community facility development boundary line** to include Lot 81 of Block 3326.

**to facilitate the construction of a medical office building, a one-story building for medical facilities, and an accessory parking garage** within a previously approved large scale community facility development (CP-18694, approved by the City Planning Commission on November 10, 1964, Cal. No. 19) **on property generally bounded by Kossuth Avenue, DeKalb Avenue, East Gun Hill Road, Tyron Avenue, Reservoir Oval West, East 210th Street, Bainbridge Avenue, and East 208th Street**, parts of Blocks 3326, 3327, 3337, 3338, and 3343.

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.

**Resolution for adoption scheduling October 23, 1991 for a public hearing.**

**II. PUBLIC HEARINGS**

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**BOROUGH OF STATEN ISLAND****No. 8****CD 3****C 910083 ZMR****PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by Eltingville Homeowners and Civic Association, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 33c:**

a) changing from an R3-2 district to an R3A district property bounded by Leverett Avenue, Richmond Avenue, Sylvia Street, Stuyvesant Avenue, the northerly boundary line of the New York City Right-of-Way (leased by the Staten Island Rapid Transit Operating Authority (SIRTOA)), Arden Avenue, a line 100 feet westerly of Van Brunt Street, Rye Place, and Pompey Avenue; and

b) changing from an R3-2 district to an R3-1 district property bounded by Arden Avenue, Annadale Road, the centerline prolongation of Grantwood Avenue, Mott Street, Serrell Avenue, Pompey Avenue, Rye Place and a line 100 feet westerly of Van Brunt Street,

within the Special South Richmond Development District, as shown on a diagram dated June 17, 1991.

(On September 25, 1991 Cal. No. 1, the Commission scheduled October 9, 1991 for a public hearing which was duly advertised.)

**Close the hearing.**

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**BOROUGH OF MANHATTAN**
**Nos. 9, 10, 11 and 12**

*(Applications for the designation of the North Harlem III Urban Renewal Area, acquisition and redevelopment of Sites 1 and 1A, disposition of city-owned property and the grant of a special permit to allow the construction of a New York City Housing Authority Police Service area.)*

**No. 9**
**CD 10**
**N 900213 HGM**
**PUBLIC HEARING:**

**IN THE MATTER OF the designation of the North Harlem III Urban Renewal Area**, pursuant to Section 504, Article 15 of the General Municipal Law (Urban Renewal Law) of New York State.

The proposed urban renewal area designation would facilitate the construction of a New York City Housing Authority (NYCHA) Police Service Area, which is to service NYCHA projects in the vicinity. The property to be designated is described below:

Site 1 —Property on the westerly part of the block bounded by West 148th Street, Adam Clayton Powell, Jr. Boulevard, West 147th Street and Frederick Douglass Boulevard.

Block#	Lot#	Address
2033	1	2770 Frederick Douglass Boulevard
	3	2774 Frederick Douglass Boulevard
	5	293 West 147th Street
	7	291 West 147th Street
	8	289 West 147th Street
	54	234-240 West 148th Street
	58	242 West 148th Street
	60	244 West 148th Street
	61	2786 Frederick Douglass Boulevard
	63	2782 Frederick Douglass Boulevard
	64	2778 Frederick Douglass Boulevard

Site 1A—Property on the northerly side of West 148th Street between Frederick Douglass Boulevard and Adam Clayton Powell, Jr. Boulevard.

Block#	Lot#	Address
2034	15	227 West 148th Street
	16	225 West 148th Street

17 223 West 148th Street

18 221 West 148th Street

(On September 25, 1991 Cal. No. 2, the Commission scheduled October 9, 1991 for a public hearing which was duly advertised.)

**Close the hearing.**

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**No. 10**

**CD 10**

**C 900214 HUM**

**PUBLIC HEARING:**

**IN THE MATTER OF** the plan for the North Harlem III Urban Renewal Area, pursuant to Section 505 of Article 15 of the General Municipal Law (Urban Renewal Law) of the New York State and Section 197-c of the New York City Charter.

The proposed plan provides for **the acquisition and redevelopment of the** following sites within the North Harlem III Urban Renewal Area:

**Site 1** —Property on the westerly part of the block bounded by West 148th Street, Adam Clayton Powell, Jr. Boulevard, West 147th Street and Frederick Douglass Boulevard.

Block#	Lot#	Address
2033	1	2770 Frederick Douglass Boulevard
	3	2774 Frederick Douglass Boulevard
	5	293 West 147th Street
	7	291 West 147th Street
	8	289 West 147th Street
	54	234-240 West 148th Street
	58	242 West 148th Street
	60	244 West 148th Street
	61	2786 Frederick Douglass Boulevard
	63	2782 Frederick Douglass Boulevard
	64	2778 Frederick Douglass Boulevard

**Site 1A**—Property on the northerly side of West 148th Street between Frederick Douglass Boulevard and Adam Clayton Powell, Jr. Boulevard.

Block#	Lot#	Address
2034	15	227 West 148th Street
	16	225 West 148th Street
	17	223 West 148th Street
	18	221 West 148th Street

(On September 25, 1991 Cal. No. 3, the Commission scheduled October 9, 1991 for a public hearing which was duly advertised.)

**Close the hearing.**

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**No. 11**

**CD 10**

**C 900280 HDM**

**PUBLIC HEARING:**

**IN THE MATTER OF the disposition of city-owned property located in the North Harlem III Urban Renewal Area, pursuant to Section 197-c of the New York City Charter.**

The property proposed for disposition to the New York City Housing Authority (NYCHA) would facilitate the construction of a NYCHA Police Service Area, which is to service NYCHA projects in the vicinity. The property is described below:

**Site 1** —Property on the westerly part of the block bounded by West 148th Street, Adam Clayton Powell, Jr., Boulevard, West 147th Street and Frederick Douglass Boulevard.

Block#	Lot#	Address
2033	1	2770 Frederick Douglass Boulevard
	3	2774 Frederick Douglass Boulevard
	5	293 West 147th Street
	7	291 West 147th Street
	8	289 West 147th Street
	54	234-240 West 148th Street
	58	242 West 148th Street
	60	244 West 148th Street
	61	2786 Frederick Douglass Boulevard
	63	2782 Frederick Douglass Boulevard
	64	2778 Frederick Douglass Boulevard

**Site 1A**—Property on the northerly side of West 148th Street between Frederick Douglass Boulevard and Adam Clayton Powell, Jr., Boulevard.

Block#	Lot#	Address
2034	15	227 West 148th Street
	16	225 West 148th Street
	17	223 West 148th Street
	18	221 West 148th Street

(On September 25, 1991 Cal. No. 4, the Commission scheduled October 9, 1991 for a public hearing which was duly advertised.)

**Close the hearing.**

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**No. 12****CD 10****C 900344 ZSM****PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter, for **the grant of a special permit** pursuant to Section 74-67 of the Zoning Resolution for a **new police station (Police Service Area #6)** to be located partly within an R7-2 district on property fronting on the east side of Frederick Douglass Boulevard extending from West 147th Street to West 148th Street (Block 2033, Lots 1, 3, 5, 7, 8, 54, 58, 60, 61, 63, 64) with accessory parking in an R7-2 district on the north side of West 148th Street between Frederick Douglass Boulevard and Adam Clayton Powell, Jr. Boulevard (Block 2034, Lots 15, 16, 17, 18) within the proposed North Harlem III Urban Renewal 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 September 25, 1991 Cal. No. 5 the Commission scheduled October 9, 1991 for a public hearing which was duly advertised.)

**Close the hearing.**

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**No. 13****CD 7****C 910239 PCM****PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the New York City Human Resources Administration, and the Department of General Services pursuant to Section 197-c of the New York City Charter, for **site selection and acquisition of privately-owned property located at 2720/4 Broadway a/k/a 233 West 104th Street (Block 1876, Lot 20), for use as transitional housing for homeless families.**

(On September 25, 1991 Cal. No. 6, the Commission scheduled October 9, 1991 for a public hearing which was duly advertised.)

**Close the hearing.**

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 No. 14

CD 2

N 920094 PXM

**PUBLIC HEARING:**

**IN THE MATTER OF a Notice of Intent to Acquire Office Space** submitted by the Department of General Services, Division of Real Property, pursuant to Section 195 of the New York City Charter **for use of up to 100,000 square feet of space located on the second and part of the third floors of 770 Broadway** (Block 554, Lot 1), (Department of Transportation, Parking Violations Bureau Offices.)

(On September 25, 1991 the Commission duly advertised October 9, 1991 for a public hearing.)

**Close the hearing.**

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**BOROUGH OF THE BRONX**

## No. 15

CD 6

C 910189 HUX

**PUBLIC HEARING:**

**IN THE MATTER OF the Eighth Amendment to the plan for the Twin Parks East Urban Renewal Area**, pursuant to Section 505 of Article 15 of the General Municipal Law (Urban Renewal Law) of New York State and Section 197-c of the New York City Charter.

1) The proposed amendment provides **for the acquisition and redevelopment of the following sites** within the Twin Parks East Urban Renewal Area:

Site 10A—Property on part of the block bounded by Garden Street, Prospect Avenue, East 182nd Street and Crotona Avenue.

Block#	Lot#	Address
3099	12	723 East 182nd Street
	16	721 East 182nd Street
	25	702 Garden Street
	26	706 Garden Street
	27	708 Garden Street
	28	Garden Street
	30	724 Garden Street



Site 18B—Property on the southeasterly corner of East 182nd Street and Clinton Avenue.

Block# Lot# Address

3097 24 Clinton Avenue

Site 19B—Property on the northeasterly part of the of the block bounded by East 182nd Street, Clinton Avenue, East 181st Street and Crotona Avenue.

Block# Lot# Address

3098 27 714 East 182nd Street

28 716 East 182nd Street

31 2169 Clinton Avenue

33 2167 Clinton Avenue

34 Clinton Avenue

35 2163 Clinton Avenue

Site 20B—Property on the easterly side of Crotona Avenue, between East 182nd and East 181st Street.

Block # Lot# Address

3098 7 Crotona Avenue

2) The proposed plan provides for the Subdivision of former Site 12B into Site 12B and Site 17B on part of the block bounded by East 182nd Street, Prospect Avenue, East 181st Street and Clinton Avenue:

Site 12B—

Block# Lot# Address

3097 4 Clinton Avenue

5 Clinton Avenue

7 Clinton Avenue

Site 17B—

Block# Lot# Address

3097 1 East 181st Street

2 East 181st Street

\*55 Prospect Avenue

\*56 2135 Prospect Avenue

57 2131 Propsect Avenue

59 Prospect Avenue

60 747 East 181st Street

63 743 East 181st Street

64 741 East 181st Street

65 739 East 181st Street

66 737 East 181st Street

67 East 181st Street

\* These properties are to be acquired pursuant to the urban renewal plan.

3) The plan also provides for the Subdivision of Site 1B-2 into Site 1B-2 and 1B-1 on the entire block bounded by East 181st Street, Prospect Avenue, East 180th Street, and Clinton Avenue:

Site 1B-1—

Block#	Lot#	Address
3096	10	737 East 180th Street
	13	

Site 1B-2—

Block#	Lot#	Address
3096	1	East 181st Street
	2	East 181st Street
	4	East 181st Street
	7	East 181st Street
	15	Clinton Avenue
	16	Clinton Avenue
	17	Clinton Avenue
	22	East 181st Street
	23	East 181st Street
	25	East 181st Street
	27	East 181st Street
	29	East 181st Street
	33	Prospect Avenue

These changes would facilitate the construction of approximately 90 units of low-rise housing for moderate-income families on Sites 10A, 18B, 19B, 20B, 1B-1 (formerly part of 1B-2) and 17B (formerly part of 12B).

(On September 25, 1991 Cal. No. 7, the Commission scheduled October 9, 1991 for a public hearing which was duly advertised.)

**Close the hearing.**

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**BOROUGH OF QUEENS**

No. 16

CD 2

C 900211 ZSQ

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Korean Church of Eternal Life pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-921 of the Zoning Resolution **to allow a church (Use Group 4A)) in an existing building on property located at 37-05 54th Street, on the southeast corner of 37th Avenue and 54th Street, (Block 1209, Lot 11), within an M1-1 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 September 25, 1991 Cal. No. 8, the Commission scheduled October 9, 1991 for a public hearing which was duly advertised.)

**Close the hearing.**

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No. 17

CD 2

C 910338 ZSQ

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by Margaret M. Weiri pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 103-06 of the Zoning Resolution **to allow a one-story enlargement of an existing one-family residential building at 39-20 45th Street (Block 155, Lot 68), within the Special Planned Community Preservation 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 September 25, 1991 Cal. No. 9, the Commission scheduled October 9, 1991 for a public hearing which was duly advertised.)

**Close the hearing.**

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## CITYWIDE

## No. 18

*(Modified amendments to Sections 15-50 to 15-58 of the Zoning Resolution, continuing the Relocation Incentive Program (BRAC) to January 1, 1998 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. This modification to the proposed text substitutes the Commissioner of Employment for the Commissioner of Housing Preservation and Development on the BRAC Board of Directors.)*

N 910609(A) ZRY

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for **amendment of 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 **retention and** relocation assistance in accordance with the intent of this Chapter.

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 of 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:

- (a) If in Manhattan Community Districts 1, 2, 3, 4, 5, and 6
  - (1) 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) 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
- (b) If in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2

- (1) 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) 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~~ **Department of Business Services**, 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~~ **Employment**, the President of the New York City ~~Public Development Corporation~~ **Economic Development Corporation**, three representatives appointed by the Speaker of the City Council, and two 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 **retention and** 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~~ **Department of Business Services**;
- (d) the Board of Standards and Appeals;
- (e) the Speaker of the City Council and the Council's Land Use and Economic Development Committee Chairpersons;
- (f) the *Industrial Loft Advisory Council* ;
- (g) the Comptroller; and
- (h) the Borough Presidents.

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 (h) 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 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 (h) 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.

## 15-53

## Conversion Contribution

## 15-531

## Rate of contribution

The *conversion contribution* shall be paid into the *Fund*. If tendered prior to September 1, 1990, such contribution shall be at the rate of \$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, 1990, the *conversion contribution* shall be at the rate of \$5.90 per square foot.



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 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 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~~ **Department of Business Services** with a copy of said application. Within 30 days of the receipt of any such application, the ~~Office for Economic Development~~ **Department of Business Services** 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%

(b)Direct Help Payments When Tenant Relocates to a Smaller Space

An *eligible tenant* shall receive a direct help payment of 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 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 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 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 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 tenant's 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 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 in the form of a direct help payment. 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 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 for more than 24 months prior to the filing for the authorization for the direct help payment discount under Section 15-541; or
- (b) 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
- (c) where the *floor area* was occupied by a *use* not listed in Section 15-58.

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 Department of Business Services** at the time of filing. The **Office of Economic Development Department of Business Services** 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 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

#### Vesting

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 March 21, 1991 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, ~~1992~~ **1998**, unless re-adopted by the City Planning Commission on or before such date. No later than September 1, ~~1991~~ **1996**, 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~~ **1996**.

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 September 23, 1991 Cal. No. 1, the Committee scheduled October 9, 1991 for a public hearing which was duly advertised.)

**Close the hearing.**

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No. 19

*(This item will not be  
heard before 12:00 noon)*

*(Proposed Rules for the Definition of Major Concessions)*

**PUBLIC HEARING:**

**IN THE MATTER OF proposed Rules of the City Planning Commission for the Definition of Major Concessions**, pursuant to the authority vested in the City Planning Commission by Section 374 of the New York City Charter, and in accordance with the requirements of Section 1043 of the New York City Charter. The proposed rules are shown below. All material is new.

Written comments regarding the proposed rules may be sent to William Valletta, Counsel, Department of City Planning, 22 Reade Street, Room 2N, New York, New York 10007 on or before October 20, 1991. A public hearing regarding the proposed rules shall be held on October 9, 1991 beginning at 12:00 noon in the Board of Estimate Chambers, City Hall, Borough of Manhattan. Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m., at the office of the Counsel, 22 Reade Street, Room 2N, New York, New York 10007.

Dated: August 22, 1991

City Planning Commission

**RULES FOR THE DEFINITION OF MAJOR CONCESSIONS**

**§1. Major concessions**

(a) A concession shall be considered a major concession if it:

(1) has been determined pursuant to City Environmental Quality Review (CEQR) to require an Environmental Impact Statement;

(2) is on the list of major concessions in section two of these rules; or

(3) is determined by the Department of City Planning to be a major concession pursuant to the procedure and criteria set forth in section three of these rules.

(b) Notwithstanding any other provision of these rules, the following shall not be considered major concessions unless they have been determined pursuant to CEQR to require an Environmental Impact Statement:

(1) a concession occupying less than 20,000 square feet of gross floor area and/or open space, unless such a concession occupies more than 25 percent of the total square footage of a separate parcel of parkland;

(2) a concession of any size for a use that will not exceed seven consecutive days within any calendar year;

(3) a concession for underground pipes not used for the transport of people, except that sections two and three of these rules will apply for purposes of above-ground structures or uses; or

(4) any renewal, reissuance or amendment of a concession if the renewal, reissuance or amendment is not described in section two or three of these rules.

## **§2. List of major concessions**

A concession shall be considered a major concession and therefore be subject to ULURP if it constitutes:

(a) a change in the use of land, where the new use occupies in excess of 240,000 square feet;

(b) a change in the use of land requiring the erection of a new structure exceeding 240,000 square feet of gross floor area;

(c) a change in the use of an existing structure, where the new use occupies in excess of 240,000 square feet of gross floor area;

(d) a concession occupying more than 25 percent of the total square footage of a separate parcel of parkland; or

(e) a renewal, reissuance or amendment of a concession which includes modifications that meet one or more of the criteria in subdivisions (a) through (d) of this section.

For purposes of this section, a change in the use of land or of a structure shall mean a change in use group category, as defined in the Zoning Resolution.

## **§3. Concessions determined by the Department of City Planning to be major concessions**

(a) A concession that does not require an Environmental Impact Statement and is not on the list of major concessions in section two of these rules shall be reviewed by the Department of City Planning for a determination whether it is a major concession if it constitutes:

(1) a change in the use of land, where the new use occupies in excess of 20,000 square feet;

(2) a change in the use of land requiring the erection of a new structure exceeding 20,000 square feet of gross floor area;

(3) a change in the use of an existing structure, where the new use occupies in excess of 20,000 square feet of gross floor area; or

(4) a renewal, reissuance or amendment of a concession that, considered in its entirety, meets one or more of the criteria in paragraphs (1) through (3) of this subdivision.

(b) A concession described in subdivision (a) of this section shall be referred by the agency proposing to grant the concession to the Department of City Planning. The referral form shall be accompanied by a copy of the Project Data Statement or Environmental Assessment Statement, and the determination of significance if any, prepared pursuant to CEQR. Within sixty days of such referral, the department shall determine whether the concession is a major concession, and therefore is subject to ULURP. In making such determination, the department shall consider the following:

(1) whether the proposed concession is likely to unduly inhibit or unduly increase pedestrian flow in a residential neighborhood;

(2) whether the proposed concession is likely to unduly increase the number of vehicles using residential streets;

(3) whether the proposed concession is likely to unduly contribute to congestion in mass transit facilities;

(4) whether the proposed concession is likely to cause undue disturbance to the natural features of parkland or open space or to aquatic features. Disturbance to such natural or aquatic features may include but shall not be limited to removal of topsoil, removal of trees, excavation, filling, dumping, changes in existing drainage systems, relocation of erratic boulders, or removal or relocation of a portion of parkland, open space or aquatic features; and

(5) whether the proposed concession may produce undue noise, as measured by the ambient noise quality criteria and standards in section 24-243 of the Administrative Code.

#### STATEMENT OF BASIS AND PURPOSE OF PROPOSED MAJOR CONCESSION RULE

Section 374 of the City Charter requires the City Planning Commission to adopt rules that "either list major concessions or establish a procedure for determining whether a concession is a major concession." This rule provides standards for determining major concessions based upon their land use impacts or implications.

(On September 3, 1991, the Commission published in the City Record a notice of opportunity to comment on proposed Rules for the Definition of Major Concessions pursuant to Section 374 of the New York City Charter.)

**Close the hearing.**

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### III. REPORTS

#### BOROUGH OF MANHATTAN

##### No. 20

CD 2

C 910141 ZSM

**IN THE MATTER OF** an application submitted by the Landmarks Preservation Commission on behalf of 476 Broadway Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-711 of the Zoning Resolution **to modify the use regulations** of Section 42-14D(1)(b) **to allow the conversion to joint living-work quarters for artists, of two units** on the seventh floor and **one unit** on the eleventh floor in a building located at **476 Broadway, a.k.a. 38 Crosby Street** (Block 473, Lot 8), on the east side of Broadway, 175 feet north of Grand Street, in an M1-5B District, within the SoHo Cast Iron Historic 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, N.Y. 10007.

(On August 14, 1991 Cal. No. 5, the Commission scheduled September 11, 1991 for a public hearing. On September 11, 1991, Cal. 10 the hearing was closed.)

**For consideration.**

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##### No. 21

CD 2

C900701 ZSM

**IN THE MATTER OF** an application submitted by Sligo Realty and Service Corp. pursuant to Sections 197-c and 201 of the New York City Charter and Sections 13-462 and 74-52 of the Zoning Resolution for **the grant of a special permit to allow an attended public parking garage** with a maximum capacity of 60 spaces on property located at **534 Hudson Street**, Block 620, Lot 9.

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

(On August 14, 1991 Cal. No. 6, the Commission scheduled September 11, 1991 for a public hearing. On September 11, 1991, Cal. No. 11 the hearing was closed.)

**For consideration.**

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**No. 22**

CD 5

N 920082 HKM

**IN THE MATTER OF** a communication, dated August 23, 1991, from the Executive Director of the Landmarks Preservation Commission regarding the following landmarks designated by the Landmarks Preservation Commission on August 13, 1991, (List No. 238) for the **landmarking of the OSBORNE APARTMENTS** located at **205 West 57th Street**, Block 1029, Lot 27.

**For consideration.**

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**BOROUGH OF STATEN ISLAND****No. 23**

CD 3

N 880993 RCR

**IN THE MATTER OF** an application pursuant to Section 107-08 of the Zoning Resolution for the **grant of a certification for future subdivision** at **34, 54, 64 Marjorie Street**, Block 7328, Lot 600.

A survey for the proposed subdivision is on file and may be seen at the Staten Island Office of the Department of City Planning, 56 Bay Street, Staten Island, New York 10301.

**For consideration.**

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**No. 24**

CD 3

N 900156 RAR

**IN THE MATTER OF** an application pursuant to Section 107-68 of the Zoning Resolution from AKR Enterprises for the **grant of an authorization to modify the size of an accessory group parking lot** at **34 Marjory Street**, Block 7328, Lot 600.

Plans for the proposed development are on file and may be seen at the Staten Island Office of the Department of City Planning, 56 Bay Street, Staten Island, New York 10301.

**For consideration.**

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## No. 25

CD 3

N 900265 RAR

**IN THE MATTER OF** an application pursuant to Sections 107-08, 107-123, 107-64 and 107-65 of the Zoning Resolution from Thomas Handel for **the grant of certifications** for future subdivision and public school seats and **for granting authorization** for tree removal and modification of topography at **451-491 Winchester Avenue, Block 5238, Lot 1.**

Plans for the proposed development are on file and may be seen at the Staten Island Office of the Department of City Planning, 56 Bay Street, Staten Island, New York 10301.

**For consideration.**

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 No. 26

CD 2

N 891048 ZAR

*(Request for the grant of authorizations to permit the construction of four single-family residences on a parcel of property in the Special Natural Area District [NA-1] of Staten Island.)*

**IN THE MATTER OF** an application, submitted by Vito Fossella, Land Planning and Engineering Consultants, for **the grant of authorizations** pursuant to Section 105-421 and 105-423 of the Zoning Resolution, **involving modification of existing topography and alteration of the botanic environment including the removal of thirty-five (35) trees, to allow the construction of four single-family residences on property located on the south side of Ocean Terrace, 1188.5 feet east of Elmhurst Avenue (Block 864 Lot 157) within the Special Natural Area District (NA-1).**

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.**

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**BOROUGH OF THE BRONX****No. 27****CD 2****C 910432 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 located at 951-953 Whittier Street, Block 2755, Lots 109 and 110.**

(On August 14, 1991 Cal. No. 1, the Commission scheduled September 11, 1991 for a public hearing. On September 11, 1991, Cal. No. 14 the hearing was closed.)

**For consideration.**

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**BOROUGH OF BROOKLYN****No. 28****CD 1****C 900652 ZMK**

**IN THE MATTER OF** an application submitted by Sheldon Lobel pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 13b:**

- a) changing from an R6 District to a C4-3 District, property bounded by Varet Street, a line 125 feet east of Graham Avenue/Avenue of Puerto Rico, Cook Street and Graham Avenue/Avenue of Puerto Rico; and
- b) eliminating from an existing R6 District a C1-3 District bounded by Varet Street, a line 150 feet east of Graham Avenue/Avenue of Puerto Rico, Cook Street and Graham Avenue/Avenue of Puerto Rico;  
as shown on a diagram dated May 6, 1991.

(On August 14, 1991 Cal. No. 2, the Commission scheduled September 11, 1991 for a public hearing. On September 11, 1991, Cal. No. 7 the hearing was closed.)

**For consideration.**

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**No. 29****CD 7, 10****C 910272 ZMK**

**IN THE MATTER OF** an application submitted by Andrew Kohen, the Metropolitan Transportation Authority and Bay Ridge Christian Center, pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 22a**, changing from an M1-1 District to an M1-2 District, property bounded by 64th Street, 6th Avenue, the northerly boundary line of the Long Island Rail Road (Bay Ridge Division) right-of-way, 7th Avenue, a line 150 feet northeasterly of 64th Street and a line 225 feet northwesterly of 8th Avenue, as shown on a diagram dated June 17, 1991.

(On August 14, 1991 Cal. No. 3, the Commission scheduled September 11, 1991 for a public hearing. On September 11, 1991, Cal. No. 8 the hearing was closed.)

**For consideration.**

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