

CITY PLANNING COMMISSION DISPOSITION SHEET

PUBLIC MEETING:

**WEDNESDAY, NOVEMBER 6, 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 890060 MMQ	1	Scheduled to be Heard 11/20/91	23	C 910083 ZMR	3	Favorable Report Adopted
2	C 900078 ZMQ N O T I C E	1	" "	24	N 920112 PXR	1	" "
3	C 900874 PQQ	1	" "	25	N 910490 ZRY		" "
4	C 900852 PQK	6	" "	26	N 890422 ZAX	8	Authorization Approved
5	C 900917 PQK	3	" "	27	N 890920 ZAX	8	" "
6	N 910556 ZRY		" "	28			
7	C 890846 ZMX	4	Hearing Closed	29			
8	C 900873 PQX	3	" "	30			
9	C 900851 PQQ	14	" "	31			
10	C 900850 PQQ	12	" "	32			
11	C 920050 ZMQ	2	" "	33			
12	C 900912 PQK	16	" "	34			
13	C 910359 HDK	16	" "	35			
14	C 910360 ZMK	16	" "	36			
15	C 910604 PPK	5	" "	37			
16	C 900608 PQM	10	" "	38			
17	C 910001 ZSM	2	" "	39			
18	C 910520 ZSM	2	" "	40			
19	C 910523 PCM	9	" "	41			
20	C 920040 HDK	1	Favorable Report Adopted	42			
21	C 920041 DLK	1	" "	43			
22	C 910003 ZSK	2	" "	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					
Richard L. Schaffer, <i>Chairman</i>	P	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				
Eugenie L. Birch	P	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Amanda M. Burden	P	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Anthony I. Giacobbe	P	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Maxine Griffith	A													
James C. Jao, <i>R.A.</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Brenda Levin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Joel A. Miele, <i>SR., P.E.</i>	P	Y	Y	Y	Y	Y	N	Y	Y	Y				
Edward T. Rogowsky	P	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Ronald Shiffman	P	AB	AB	Y	Y	Y	Y	Y	Y	Y				
Jacob B. Ward	P	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				

MEETING ADJOURNED AT: 11:19 A.M.

**COMPREHENSIVE
CITY PLANNING CALENDAR**

of

The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, NOVEMBER 6, 1991

MEETING AT 10:00 A.M.

in

CITY HALL



David N. Dinkins, Mayor

City of New York

[No. 21]

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

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

NOVEMBER 6, 1991

Roll Call; approval of minutes	1
I. Scheduling November 20, 1991	1
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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 November 20, 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, November 6, 1991

APPROVAL OF MINUTES OF Regular Meeting of October 23, 1991

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, NOVEMBER 20, 1991
STARTING AT 10:00 A.M.
IN CITY HALL
NEW YORK, NEW YORK**

BOROUGH OF QUEENS

Nos. 1 and 2

*(Applications for a change in the City Map and an Amendment of the Zoning
Map concerning the West Queens Housing site)*

No. 1

CD 1

C 890060 MMQ

IN THE MATTER OF an application submitted by the Department of Housing, Preservation and Development, 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 33rd Avenue between 13th and 21st streets, 14th Place between Broadway and 33rd Avenue and a portion of 14th Street between Broadway and 34th Street; the establishment of a turnaround between 33rd and 34th avenues, the delineation of a sewer easement and the adjustment of grades necessitated thereby and any acquisition or disposition of property related thereto**, all in accordance with Map No. 4854 dated February 10, 1989 and signed by the Borough President.

Resolution for adoption scheduling November 20, 1991 for a public hearing.

No. 2**CD 1****C 900078 ZMQ**

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 9a:**

a) changing from an R5 district to an R6 district property bounded by Broadway, a line 150 feet westerly of 21st Street, 33rd Avenue*, 21st Street, the westerly prolongation of the northerly street line of 33rd Road, 14th Street, 34th Avenue, 13th Street, 33rd Avenue, and a line 175 feet easterly of 12th Street; and

b) establishing within the existing and proposed R6 districts a C1-4 district bounded by Broadway, 21st Street, the westerly prolongation of the northerly street line of 33rd Road, and a line 100 feet westerly of 21st Street, as shown on a diagram dated August 12, 1991.

*NOTE: 33rd Avenue is proposed to be eliminated by a related application for an amendment of the City Map C 890060 MMQ.

Resolution for adoption scheduling November 20, 1991 for a public hearing.

NOTICE

On November 20, 1991 at 10:00 a.m. in City Hall, New York, a public hearing is being held by the Departments of City Planning and Environmental Protection to receive comments related to the Draft Environmental Impact Statement concerning the proposed West Queens Housing site, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review Act (CEQR No. 88-201Q.)

No. 3**CD 1****C 900874 PQQ**

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 38-11 27th Street (Block 386, Lot 7), for continued use as a day care center.

Resolution for adoption scheduling November 20, 1991 for a public hearing.

BOROUGH OF BROOKLYN

No. 4

CD 6

C 900852 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 242 Hoyt Street** (Block 409, Lot 38), for continued use as a day care center.

Resolution for adoption scheduling November 20, 1991 for a public hearing.

No. 5

CD 3

C 900917 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 265 Marcus Garvey Boulevard** (Block 1624, Lot 1), for continued use as a day care center.

Resolution for adoption scheduling November 20, 1991 for a public hearing.

CITYWIDE

No. 6

(Amendments to Article I Chapter 5 of the Zoning Resolution (Residential Loft Conversions) to permit flexibility in meeting elevator comparability and other requirements, and to clarify language.)

N 910556 ZRY

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 Article I Chapter 5, as follows:

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

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

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

Chapter 5

Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens

* * *

15-012

M1-5A, M1-5B or the LMM Districts

Except as specifically set forth in Sections ~~15-41~~, **15-013**, ~~15-026~~ and 15-50, ~~and except for the provisions of Section 15-013~~, the provisions of this Chapter are not applicable in M1-5A, M1-5B or LMM Districts.

* * *

15-026

Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists, and loft dwellings

* * *

(B) The minimum size of a *dwelling unit, joint living-work quarters for artists, or loft dwelling* may be no less than 600 square feet of *floor area*, provided that all of the following requirements are met:

(i) the unit or quarters shall contain one or more windows that open onto either

* * *

(c) a *court* with a minimum dimension of fifteen feet perpendicular to such required window and 375 square feet or more in area ; , or

(d) a *street*.

* * *

15-10

REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN RESIDENTIAL AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS

* * *

15-111

Number of permitted dwelling units

* * *

(a) Floor area which does not exceed the maximum *residential floor area* permitted by the provisions of the applicable district may be converted to *dwelling units*. The number of *dwelling units* attributable to the *floor area* permitted under the provisions of the applicable district shall be determined by the following tables:

MINIMUM AVERAGE FLOOR AREA PER DWELLING UNIT
IN SPECIFIC ZONING DISTRICTS

Applicable District	Maximum Residential Minimum Average Floor Area Per Dwelling Unit Permitted	
	Floor Area Ratio Permitted	Area Per Dwelling Unit Permitted

* * *

- (b) In existing *non-residential buildings* the *residential floor area* which exceeds the *residential floor area* permitted by the provisions of the applicable district may be converted to *dwelling units* provided that there shall ~~not~~ be **less than a minimum average of 1,800 square feet of gross floor area per dwelling unit** in such excess *residential floor area*.

However, for *floor area* converted to public or publicly assisted housing or *non-profit residences for the elderly* as described in Section 25-25 there shall be ~~not~~ **less than a minimum average of 1,500 square feet of gross floor area per dwelling unit** in such excess *floor area*.

* * *

15-20

REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN C6-2M, C6-4M, M1-5M and M1-6M DISTRICTS

* * *

15-21

Use Regulations; Transfer of Preservation Obligations and Conversion Rights

In C6-2M, C6-4M, M1-5M and M1-6M Districts, the conversion of *floor area* to *dwelling units* in existing *non-residential buildings*, or portions thereof, is permitted subject to the certification by the Chairman of the City Planning Commission that *floor area* has been preserved for *commercial or manufacturing uses* in accordance with the provisions of this Section. The applicant shall provide a copy of any application for a certification under this Section to the *Industrial Loft Advisory Council* c/o Mayor's Office of Economic Development. For the purposes of this Section only, the following mixed use areas are defined:

Southeast Chelsea - All C6-2M, C6-4M, M1-5M and M1-6M Districts between 13th Street and 23rd Street, and Park and Eighth Avenues.

Garment Center East - The C6-2M and C6-4M Districts located between West 33rd Street and West 35th Street, and between Seventh Avenue and Tenth Avenue.

15-211

Floor Area Preservation

The amount or configuration of floor area to be preserved may be reduced modified in accordance with the provisions of Section 15-215 (Modification for existing ~~non-conforming~~ dwelling units).

The amount of floor area to be preserved for permitted *commercial* or permitted *manufacturing uses* shall be in accordance with Table I below if the floor area to be converted is located in a C6-2M or C6-4M District, and in accordance with Table II below if the floor area to be converted is located in a M1-5M or M1-6M district, unless modified by the City Planning Commission pursuant to Section 15-41. Such floor area shall be comparable to the floor area to be converted, as required by Section 15-213.

Such floor area may be preserved in the *building* to be converted, or in any other *building* within the same mixed-use area as defined in Section 15-21 above.

Except as provided in Section 15-215 (Modification for existing dwelling units), floor area may not be preserved on portions of floors.

* * *

All requirements for preservation of floor area shall be determined by the entire lot area of the zoning lot, and by the total floor area of the building to be converted, regardless of the amount of floor area being converted within the building. For the purposes of this Section, any portion of the building to be converted that has a residential certificate of occupancy shall be excluded from the building's total floor area.

Any building that has been partially converted pursuant to Section 15-21 and complied with the preservation requirements of such Section, shall not be required to preserve additional floor area for any subsequent conversion.

TABLE I
FOR CONVERSION IN C6-2M OR C6-4M DISTRICTS
Floor Area Preserved for Permitted Commercial or Permitted
Manufacturing Use ¹

Lot Area of Zoning Lot containing Floor Area to be Converted	Percentage of Building's Total Floor Area to be Preserved Amount of Floor Area to be Preserved as a Percentage of Floor Area of the Building to be Converted
--	--

* * *

TABLE II

FOR CONVERSION IN M1-5M OR M1-6M DISTRICTS

Floor Area Preserved for Permitted Commercial or Permitted
Manufacturing Use ¹

Lot Area of Zoning Lot containing Floor Area to be Converted	Percentage of Building's Total Floor Area to be Preserved Amount of Floor Area to be Preserved as a Percentage of Floor Area of the Building to be Converted
---	---

-
- ¹ All requirements for preservation of *floor area* shall be determined by the entire *lot area* of the *zoning lot*, and by the total *floor area* of the *building* to be converted, regardless of the amount of *floor area* being converted within the *building*.

* * *

15-212

Reduced Floor Area Preservation

* * *

TABLE I

FOR CONVERSION IN C6-2M OR C6-4M DISTRICTS

Reduced Floor Area and Floors Preserved
for Permitted Commercial or Permitted
Manufacturing Use ¹

Lot Area of Zoning Lot containing Floor Area to be Converted	Percentage of Building's Total Floor Area to be Preserved Amount of Floor Area to be Preserved as a Percentage of Floor Area of the Building to be Converted
---	---

* * *

TABLE II
 FOR CONVERSION IN M1-5M OR M1-6M DISTRICTS
 Reduced Floor Area and Floors Preserved
 for Permitted Commercial or Permitted
 Manufacturing Use ¹

Lot Area of Zoning Lot containing Floor Area to be Converted	Percentage of Building's Total Floor Area to be Preserved Amount of Floor Area to be Preserved as a Percentage of Floor Area of the Building to be Converted
---	---

¹All requirements for preservation of *floor area* shall be determined by the entire *lot area* of the *zoning lot*, and by the total *floor area* of the *building* to be converted, regardless of the amount of *floor area* being converted within the *building*.

* * *

15-213

Comparability

Where the *floor area* to be preserved is not located within the *building* to be converted, such *floor area* must be comparable to *floor area* in the *building* to be converted. Comparability, shown by an affidavit from a professional engineer or a registered architect, licensed under the laws of the State of New York, shall exist where the *floor area* to be preserved meets the following criteria:

- (1) Elevators: Load and number

The load and number requirements of this paragraph shall not apply when the *floor area* to be preserved is located on the ground floor or has level access to a *street* or loading facility.

- (a) Load

Each elevator shall have a minimum load of 2,000 pounds. The total load of all elevators servicing the *floor area* to be preserved shall be in accordance with the following ratio:

Total Load gross floor area of building to be pre- served	is greater than or equal to 80% of	Total Load gross floor area of building to be convert- ed
--	---------------------------------------	--

- (b) Number

There shall be a minimum of two elevators. The number of elevators servicing the *floor area* to be preserved shall be in accordance with the following ratio:

Number of Elevators Gross <i>floor area</i> of the <i>building</i> to be pre- served	is greater than or equal to 80% of	Number of Elevators Gross <i>floor area</i> of <i>building</i> to be convert- ed
---	---------------------------------------	---

Notwithstanding the above, where there is only one elevator servicing the *floor area* to be converted, there may be one elevator servicing the *floor area* to be preserved if the following exist:

- (i) the *floor area* to be serviced by the elevator in the *building* to be preserved does not exceed the *floor area* serviced by the elevator in the *building* to be converted by more than 10%, and
- (ii) the ratio of the volume of the elevator servicing the *floor area* to be preserved to the *floor area* to be preserved is at least 90% of the ratio of the volume of the elevator servicing the *floor area* to be converted to the *floor area* to be converted.

If the number of elevators required pursuant to the above ratio includes a fraction of an elevator, this fraction shall be rounded to the nearest whole number.

(2) **Floor Load**

The floors shall have a minimum live load capacity of 100 pounds per square foot (100 psf).

(3) **Size of Floors**

(a) The *floor area* shall be located on floors of not less than 3,000 square feet or 50% of the size of the floors in the *building* to be converted, whichever is greater.

(b) *Floor area* may not be preserved on portions of floors.

(4) **Loading Facilities**

The loading facilities shall be at least equal in number to those in the *building* to be converted. In addition, if such *building* has an off-street loading dock, the *building* containing the *floor area* to be preserved must have such off-street loading facilities.

(5) **Column Spacing**

There shall be a minimum distance between columns of 15 feet, measured on center. In addition, the average distance between columns shall not be less than 90% of the average distance between columns in the *building* to be converted.

(6) Height of Stories

The *stories* shall have an average minimum height of ten feet.

The Chairman of the City Planning Commission may authorize a modification of the requirements listed in paragraphs (1), (3)(a) or (4) above pursuant to the regulations of 15-30(c) (MINOR MODIFICATIONS).

15-214

Certification and other requirements of preservation and conversion

* * *

- (b) The *floor area* to be preserved shall not already have been preserved by a legal commitment under the provisions of Section 15-21, as evidenced by the report from the title company issued pursuant to (a) above.
- (c) **When preservation obligations pursuant to Section 15-211 or 15-212 are transferred between *buildings*, the amount of *floor area* required to be preserved in any *building* pursuant to Section 15-211 or 15-212 shall not be reduced by the existence of a previously issued legal commitment for preservation on a portion of the *floor area* in the *building*.**
- (d) **Any *building* that has been partially converted pursuant to Section 15-21 and complied with the preservation requirements of such Section, shall not be required to preserve additional *floor area* for any subsequent conversion.**

* * *

15-215

Modification for existing ~~non-conforming~~ dwelling units

The requirements of Section 15-211 or 15-212 regarding the amount or configuration of *floor area* to be preserved for permitted *commercial* or permitted *manufacturing uses* may be ~~waived~~ **modified** by the Chairman of the City Planning Commission **if provided that:**

- (a) Such *floor area* has a *residential certificate of occupancy*, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law, or was occupied as *dwelling units* as of September 1, 1980 and ~~provided that~~ a complete application for a determination of occupancy has been filed with the Department of City Planning by the owner of the *building* or the occupant of a *dwelling unit* in the *building* not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of *residential* occupancy shall be deemed to permit *residential use* as-of-right for such *floor area*; and

- (b) As a result of such *residential* occupancy, the remaining amount of *floor area* in the *building* is less than the amount required to be preserved for permitted *commercial* or *manufacturing uses* pursuant to Section 15-211 or 15-212, or consists of portions of floors.

Such modification of the preservation requirement shall be the minimum necessary in order to permit the legalization of existing *dwelling units* for which a determination of occupancy has been made.

Notwithstanding the above, the Chairman of the City Planning Commission shall not issue a certification pursuant to Section 15-21 until an application for such certification and ~~waiver~~ **modification** is submitted by the owner of the *building*.

* * *

15-30 MINOR MODIFICATIONS

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

* * *

- (c) The requirements of paragraphs (1) or (4) of Section 15-213 (Comparability) relating to comparability of elevators or loading facilities may be modified provided that the Chairman of the City Planning Commission has administratively certified to the Department of Buildings that the elevators or loading facilities serving the *floor area* to be preserved provide facilities for *manufacturing* or *commercial uses* that are equivalent or superior to those serving the *floor area* to be converted.

The requirements of paragraph (3)(a) of Section 15-213 (Comparability) relating to comparability of size of floors may be modified provided that the Chairman of the City Planning Commission has administratively certified to the Department of Buildings that the *floor area* to be preserved consists of floors that are of equivalent or larger size than the floors in the *building* to be converted.

* * *

15-40 SPECIAL PERMIT

15-41

Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M, and M1-6M, M1-5A, M1-5B and LMM Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Sections 15-021 (e) or 15-21; in M1-5A and M1-5B districts the City Planning Commission may permit the modification of the requirements of Section 42-14D1(b) and in the LMM Special Purpose District the City Planning Commission may permit the modification of the requirements of Section 111-103, in accordance with the provisions of Section 74-711 or 74-782.

* * *

74-78

Conversions of Non-Residential Buildings

* * *

74-782

Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M, M1-6M Districts, the City Planning Commission, ~~subject to the approval of the Board of Estimate,~~ may permit modification of the requirements of Sections 15-021 (e) or 15-21; in M1-5A and M1-5B Districts the City Planning Commission, ~~subject to the approval of the Board of Estimate,~~ may permit the modification of the requirements of Section 42-14(D)1(b); and in the LMM Special Purpose District the City Planning Commission, ~~subject to the approval of the Board of Estimate,~~ may permit the modification of the requirements of Section 111-103, provided that the Commission finds that:

Resolution for adoption scheduling November 20, 1991 for a public hearing.

II. PUBLIC HEARINGS

BOROUGH OF THE BRONX**No. 7****CD 4****C 890846 ZMX****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by Mar-Al Realty Corporation N.Y. pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section Nos. 3b and 6a**, changing from:

- a) an R8 District to a C4-6 District property bounded by E. 162nd Street, a line 100 feet west of Sheridan Avenue, E. 161st Street, and a line 150 feet east of Grand Boulevard and Concourse; and
- b) a C8-3 District to a C4-6 District property bounded by E. 162nd Street, Sheridan Avenue, E. 161st Street, and a line 100 feet west of Sheridan Avenue,

as shown on a diagram dated July 29, 1991.

(On October 23, 1991 Cal. No. 5, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

No. 8**CD 3****C 900873 PQX****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 1332 Fulton Avenue** (Block 2931, Lot 15) for **continued use as a day care center** (Fulton Avenue Day Care Center).

(On October 23, 1991 Cal. No. 6, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 9

CD 14

C 900851 PQQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 1279 Redfern Avenue** (Block 15529, Lot 38), **for continued use as a day care center.**

(On October 23, 1991 Cal. No. 7, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

No. 10

CD 12

C 900850 PQQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 123-10 143rd Street**, (Block 12039, Lot 44), **for continued use as a day care center and senior citizens center** (Omega Psi Phi Day Care Center and Rockaway Senior Citizens Center).

(On October 23, 1991 Cal. No. 8, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

No. 11

CD 2

C 920050 ZMQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the New York City Department of City Planning pursuant to Sections 197-c and 200 of the New York City Charter for **an amendment of the Zoning Map, Section No. 9d:**

1. establishing within an existing R5 District a C2-2 District bounded by Queens Boulevard, 64th Street, a line 100 feet north of Queens Boulevard, and 65th Street; and
2. eliminating from the existing R5 District a C2-2 District bounded by:
 - a. a line 100 feet north of Queens Boulevard, 65th Street, a line 150 feet north of Queens Boulevard, and 65th Place;
 - b. a line perpendicular to the easterly street line of 68th Street, distant 60 feet north of the northeast intersection of the northerly street line of Queens Boulevard and the easterly street line of 68th Street, 68th Street, a line 150 feet north of Queens Boulevard, and 69th Street;
 - c. 44th Avenue, a line 150 feet north of Queens Boulevard, a line 100 feet north of 45th Avenue, a line 100 feet north of Queens Boulevard, a line 50 feet south of 44th Avenue, and 69th Street; and
 - d. 45th Avenue, a line 200 feet east of the intersection of the northerly street lines of Queens Boulevard and 45th Avenue, a line 100 feet north of 45th Avenue, and a line 300 feet east of the intersection of the northerly street lines of Queens Boulevard and 45th Avenue;

as shown on a diagram dated September 16, 1991.

(On October 23, 1991 Cal. No. 9, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF BROOKLYN

No. 12

CD 16

C 900912 P Q K

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 20 Sutter Avenue, (Block 3531, Lot 23), for continued use as a day care center.** (Salvation Army Day Care Center)

(On October 23, 1991 Cal. No. 10, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 13 and 14

(Applications for the disposition of city-owned property and an amendment of the Zoning Map to facilitate the construction of a 99-unit housing development for the elderly and handicapped.)

No. 13**CD 16****C 910359 HDK****PUBLIC HEARING:**

IN THE MATTER OF the disposition of city-owned property, pursuant to Section 197-c of the New York City Charter. The property to be disposed, **Lot 25 in Block 1473**, comprises a vacant lot on an easterly part of the block bounded by St. John's Place, Howard Avenue, Eastern Parkway, Lincoln Place and Ralph Avenue, and is the site **for a 99 unit new construction housing development for the elderly and handicapped**, with one apartment for the superintendent. The project is tentatively known as the John Walter Edwards Apartments and is financed by a HUD Section 202 direct loan, with Section 8 subsidy for 100% of the units.

This submission is made by the Department of Housing Preservation and Development on behalf of the St. Mark's Senior Citizen Housing Development Fund Corporation, a non-profit housing company formed under Article XI of the New York State Private Housing Finance Law.

(On October 23, 1991 Cal. No. 11, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

No. 14**CD 16****C 910360 ZMK****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter, **for an amendment of the Zoning Map, Section No. 17b, changing from a C8-2 district to an R6 district, property bounded by St. Johns Place, Howard Avenue, Eastern Parkway, Lincoln Place, and a line 275 feet westerly of Howard Avenue**, as shown on a diagram dated July 29, 1991 and subject to the conditions of CEQR Declaration E-37.

(On October 23, 1991 Cal. No. 12, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

No. 15

CD 5

C 910604 PPK

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 one (1) city-owned property, located 111-13 Snediker Ave, Block 3698, Lot 1.**

(On October 23, 1991 Cal. No. 13, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 16

CD 10

C 900608 PQM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 110 West 146th Street (Block 2014, Lot 36), for continued use as a day care center (Association of Black Social Workers Day Care Center.)**

(On October 23, 1991 Cal. No. 1, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

No. 17

CD 2

C 910001 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Joseph Pell Lombardi, 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 42-14D 2(a) of the Zoning Resolution **to allow retail use (Use Group 6) on the ground floor and cellar of a loft building located at 104-110 Greene Street (Block 499, Lot 7), within an M1-5A district.**

Plans for this proposal are on file with the City Planning Commission and may be seen at 2 Lafayette Street, Room 1400, New York, N.Y. 10007.

(On October 23, 1991 Cal. No. 2, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

No. 18

CD 2

C 910520 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Spring and Wooster Company, pursuant to Section 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 42-14D 2(a) of the Zoning Resolution **to allow retail use (Use Group 6) on the ground floor and cellar in a loft building located at 139 Spring Street (Block 500, Lot 40) within an M1-5A zoning district.**

Plans for this proposal are on file with the City Planning Commission and may be seen at 2 Lafayette Street, Room 1400, New York, N.Y. 10007

(On October 23, 1991 Cal. No. 3, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

No. 19

CD 9

C 910523 PCM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Juvenile Justice and the Department of General Services pursuant to Section 197-c of the New York City Charter for **site selection and acquisition of property located at 419 West 145th Street, (Block 2060, Lot 22), for use as a group home.**

(On October 23, 1991 Cal. No. 4, the Commission scheduled November 6, 1991 for a public hearing which has been duly advertised.)

Close the hearing.

III. REPORTS

BOROUGH OF BROOKLYN

No. 20

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 NWR Associates Limited Partnership.

The property is proposed for disposition **to facilitate the substantial rehabilitation of three buildings** (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.

(On October 9, 1991 Cal. No. 3, the Commission scheduled October 23, 1991 for a public hearing. On October 23, 1991, Cal. No. 21 the hearing was closed.)

For consideration.

No. 21

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 southerly 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 Northern Daybreak Limited Partnership.

The property is proposed for disposition to **facilitate the substantial rehabilitation of two buildings** (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 buildings 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.

(On October 9, 1991 Cal. No. 4, the Commission scheduled October 23, 1991 for a public hearing. On October 23, 1991, Cal. No. 22 the hearing was closed.)

For consideration.

No. 22

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

(On October 9, 1991 Cal. No. 1, the Commission scheduled October 23, 1991 for a public hearing. On October 23, 1991 Cal. No. 19 the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND**No. 23****CD 3****C 910083 ZMR**

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. On October 9, 1991, Cal. No. 8 the hearing was closed.)

For consideration.

No. 24**CD 1****N 920112 PXR**

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 1,956 square feet of space located on part of the eighth floor of 60 Bay Street (Block 5, Lot 51), (Law Department Offices).

(On October 9, 1991 the Commission duly advertised October 23, 1991 for a public hearing. On October 23, 1991, Cal. No. 23 the hearing was closed.)

For consideration.

 CITYWIDE

No. 25

(Amendments to Sections 11-30 through 11-41 and 11-412 of the Zoning Resolution concerning the vesting and continued construction of projects started prior to the adoption of the 1961 Zoning Resolution or prior to the adoption of a zoning amendment.)

N 910490 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for **amendments of the Zoning Resolution** of the City of New York relating to Sections 11-30 through 11-41, and 11-412.

Matter in **Bold** is new, to be added;

Matter in ~~Strikout~~ is old, to be deleted;

Matter in *italics* is defined in Section 12-10;

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

11-30 **BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF RESOLUTION OR AMENDMENT**

11-31

General Provisions

For the purposes of Sections ~~11-32 or~~ 11-33, relating to Building Permits Issued before Effective Date of ~~Resolution or Amendment to this Resolution~~, the following terms and general provisions shall apply;

- (a) A lawfully issued building permit shall be a building permit which is based on an approved application showing complete plans and specifications, authorizes the entire construction and not merely a part thereof, and is issued prior to ~~December 15, 1961 or any applicable amendment thereto to this Resolution.~~ **In the case of a multiple dwelling for which such a building permit is issued prior to December 15, 1961, such complete plans and specifications shall also comply with the provisions of Sections 26 and 27 of the Multiple Dwelling Law as in full force and effect prior to the enactment of Chapter 1072 of the Laws of 1960 of the State of New York.**

For the purposes of Section 11-32 (Building Permits Issued before Effective Date of Resolution) only, a lawfully issued building permit shall also include a permit which is issued after the effective date of this Resolution, which permit is based on an approved application showing complete plans and specifications and authorizes the entire construction and not merely a part thereof, provided that the application has been filed before such effective date or, in the case of an application for a variance, exception, or permit pending before the Board of Standards and Appeals as set forth in Section 11-34 (Powers of the Board of Standards and Appeals to Act on Pending Matters after Effective Date of Resolution), within six months after the Board has rendered a final decision thereon. Any such application showing plans for a *building* which is part of a major *development*, the approval of which application has expired by limitation under the provisions of Section C26-177.0 of the Administrative Code, may be reinstated under the provisions of said Section of the Administrative Code within six months after the date of the expiration of the approval, provided that it complies with all other applicable provisions of this Section and that the construction of at least one *building* of the *development* has been completed at the time the application for reinstatement is made. A lawfully issued building permit may be based on an approved application so reinstated.

In case of dispute as to whether an application includes "complete plans and specifications" as required in this Section or in Section 11-34 (Powers of Board of Standards and Appeals to Act on Pending Matters after Effective Date of Resolution), the Commissioner of Buildings shall determine whether such requirement has been met.

- (b) The rights set forth in these Sections shall be retained only if all modifications, relating to zoning made in such plans after December 15, 1961 or the effective date of any applicable amendment thereto to this Resolution, result in compliance or do not create a new *non-compliance* or *non-conformity* or increase the degree of *non-compliance* or *non-conformity* with the provisions of this Resolution, as amended.

Such rights shall also be retained, in the case of an urban renewal project or other *large-scale development* which was approved by the City Planning Commission and the Board of Estimate prior to the effective date of this Resolution and for which a building permit could be lawfully issued under the terms and provisions of this Section, if a modification of plans is made consisting of a change in the siting of a *building* from one portion of the site of the project or *development* to another, provided that such change has been approved by the City Planning Commission and the Board of Estimate, and that any new *non-compliance* or increase in the degree of *non-compliance* with the provisions of this Resolution is the result of such change in siting and is the minimum *non-compliance* necessary to effect such approved change.

(c) As used in Sections ~~11-32 (Building Permits Issued Before Effective Date of Resolution)~~ or 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment),

(1) "Minor development" shall include:

- (a) construction of any single *building* which will be *non-conforming* or *non-complying* under the provisions of ~~this Resolution~~ or any applicable amendment ~~thereto to this Resolution~~; or
- (b) construction of two or more *buildings on a single zoning lot* which under the provisions of ~~this Resolution~~ or any applicable amendment ~~thereto either to this Resolution~~ will be *non-conforming* or, if designed for use as one family or two family detached residences, will be *non-complying*; or
- (c) construction of two or more *buildings on contiguous zoning lots or zoning lots* which would be contiguous except for their separation by a *street* or *street* intersection and:
 - (i) have been planned as a unit evidenced by a site plan for all such *zoning lots* filed with, and approved by, the Department of Buildings prior to the effective date of the applicable amendment; and
 - (ii) will be *non-conforming* under the provisions of any applicable amendment to this Resolution; or

(e) (d) a major *enlargement*, which is an *enlargement* requiring the installation of foundations and involving at least 50 percent of the total *floor area* of such *enlarged building*, and which *enlargement* will be *non-conforming* or *non-complying* under the provisions of ~~this Resolution~~ or any applicable amendment ~~thereto to this Resolution~~. ~~For the purposes of Section 11-32 (Building Permits Issued before Effective Date of Resolution) only, a major enlargement shall also include any other enlargement adding at least 50,000 square feet to the floor area of an existing building, which enlargement will be non-conforming or non-complying under the provisions of this Resolution.~~

(2) "Major development" shall include:

- (a) ~~A development construction~~ of two or more *buildings on a single zoning lot* which will be *non-complying* under the provisions of ~~this Resolution~~ or any applicable amendment ~~thereto to this Resolution~~; or
- (b) ~~Construction of any single mixed building~~ which will be *non-complying* under the provisions of ~~this Resolution~~ or any applicable amendment ~~thereto, and which building~~:
 - (i) ~~will have a floor area of not less than 1,000,000 square feet; and~~

- (ii) ~~will have not less than 20 percent of its total floor area in the commercial or community facility portion of the building and not less than 20 percent of its total floor area in the residential portion of the building.~~
- (b) construction of two or more *buildings* on contiguous *zoning lots* or *zoning lots* which would be contiguous except for their separation by a *street* or *street* intersection and:
 - (i) have been planned as a unit evidenced by a site plan for all such *zoning lots* filed with, and approved by, the Department of Buildings prior to the effective date of the applicable amendment; and
 - (ii) will be *non-complying* under the provisions of any applicable amendment to this Resolution.
- (3) "Other construction" shall include:
 - (a) any *enlargement* other than a major *enlargement*, or
 - (b) any *extension*, conversion, or structural alteration, or
 - (c) construction of any structure other than a *building*, which will be *non-conforming* or *non-complying* under the provisions of this Resolution or any applicable amendment thereto to this Resolution.

11-32

Building Permits Issued before Effective Date of Resolution

— 11-321

Right to start or continue construction

~~If, before December 15, 1961, a building permit authorizing either a minor development or a major development has been lawfully issued to a person with a possessory interest in a zoning lot, except where such building permit has elapsed before December 15, 1961 because of an amendment of the 1916 Zoning Resolution, such construction, if lawful in other respects, may be started or continued after the effective date. In the event that the construction permitted herein has not been completed before December 15, 1963, the building permit shall automatically lapse and the right to continue construction shall terminate unless an application was filed with and accepted by the Board of Standards and Appeals not later than 30 days after December 15, 1963 for an extension of the period to complete such construction in accordance with the provisions of Section 11-322 (Extension of period to complete construction) or Section 11-323 (Extension for development subject to delay).~~

~~In each case, the extension, if granted, shall be as of December 15, 1963. If such application for an extension is denied by the Board, such permit shall lapse on the date of such denial.~~

If a building permit authorizing other construction has been lawfully issued by June 15, 1963 to a person with a possessory interest in a zoning lot, such construction may be started or continued. In the event that the construction permitted herein has not been completed by September 15, 1963, the building permit shall automatically lapse and the right to continue construction shall terminate.

11-322

Extension of period to complete construction

The Board may extend such building permit in accordance with the following provisions:

- (a) ~~For a minor development, the Board may authorize an extension of time limited to one term of not more than one year, to permit the completion of any building, provided that the Board finds that, as of December 15, 1963 substantial construction of foundations had been completed for such building (or each such building), or, in the case of a major enlargement which does not require the installation of foundations, a substantial portion of such enlargement had been completed.~~
- (b) ~~For a major development, the Board may authorize an extension of time, limited to one term of not more than two years, to permit the continued construction of such development (including the start of new buildings) provided that the Board finds that, as of December 15, 1963:~~
 - (1) ~~for at least one building of the development; or~~
 - (2) ~~for the only building in the case of a development consisting of a single mixed building, substantial construction of foundations had been completed.~~
- (c) ~~For other construction, the Board may authorize an extension of time, limited to one term of not more than three months, to permit the completion of such construction, provided that the Board finds that, on the date the building permit lapsed, a substantial portion of such construction had been completed and substantial expenditures in connection with such construction had been made.~~

11-323

Extension for development subject to delay

The Board may extend such building permit in accordance with the following provisions:

~~For minor developments or major developments, the Board may accept applications for extensions of the period to complete construction in accordance with the provisions of this Section. such an application shall state that plans or other requirements for the *building* or *buildings* were not approved by the Department of Buildings before March 15, 1963 or were not approved by other governmental agencies before March 15, 1963, or that, in the case of developments for which applications for eviction certificates were filed with the Rent and Rehabilitation Administration and were either granted or still pending, the applicant had not gained complete possession of the premises before March 15, 1963 because of possession by tenants against whom eviction proceedings were pending before the Rent and Rehabilitation Administration or in court, or that the start of construction was delayed by an action to enjoin construction of the *building*, which was initiated by service of a summons and complaint before August 1, 1963.~~

~~For such minor or major developments, where approval of plans or other requirements was not obtained before March 15, 1963, or where complete possession of the premises was not gained before March 15, 1963, or where the start of construction was delayed by an action to enjoin construction of the *building*, which was initiated by service of a summons and complaint before August 1, 1963, the Board may authorize extensions of time limited to the maximum number and expiration dates of the respective terms that may be granted for minor or major developments which qualify under the provisions of Section 11-322 (*Extension of period to complete construction*), provided that of the following findings, the Board makes finding (a) or finding (b) or finding (c), and in every case makes finding (d). These findings shall be based on a showing by the applicant as well as the Board's independent investigation.~~

- ~~(a) (1) That failure to obtain required approval of the plans or other requirements by the Department of Buildings or by other governmental agencies before March 15, 1963 was caused by abnormal delays in the processing of the plans by the Department of Buildings or by other governmental agencies; and~~
- ~~(2) that such delays were incurred in spite of continuous diligence on the part of the applicant or his agents in revising the plans to eliminate objections by the Department of Buildings or to meet the requirements of such governmental agencies.~~

- (b) (1) ~~That failure to gain complete possession of the premises before March 15, 1963 was caused by unforeseeable delays in the processing of applications to the Rent and Rehabilitation Administration for eviction certificates or in court proceedings related thereto, or by a combination of such unforeseeable eviction delays and of abnormal delays in the processing of the plans by the Department of Buildings or by other governmental agencies.~~
- (2) ~~That such delays were incurred in spite of continuous diligence on the part of the applicant or his agents in revising the plans to eliminate objections by the Department of Buildings or to meet the requirements of such governmental agencies and in complying with all regulations and requirements which are conditions precedent to the eviction of tenants.~~
- (c) ~~That the start of construction was delayed by an action to enjoin construction of the *building*, which was initiated by service of a summons and complaint before August 1, 1963.~~
- (d) ~~That there were no other factors or conditions which would have prevented the applicant from obtaining approval of the plans or other requirements before March 15, 1963, or from gaining complete possession of the premises before March 15, 1963, or from being in a position to complete before December 15, 1963 the amount of construction required in order to qualify for an extension of time under the provisions of Section 11-322 (Extension of period to complete construction).~~

~~It shall be a further requirement that the decision or determination of the Board shall set forth each required finding in each specific grant of an extension of time, and in each denial thereof, which of the required findings have not been satisfied. In any case, each finding shall be supported by substantial evidence or other data considered by the Board in reaching its decision, including the personal knowledge of or inspection by the members of the Board.~~

11-324

Further extensions

~~For minor or major developments for which extensions of time have been authorized in accordance with the provisions of Section 11-322 (Extension of period to complete construction) or Section 11-323 (Extension for development subject to delay), but which have not been completed within the term of the extension, the Board, upon application filed before the expiration date of the term of the preceding extension, may in appropriate cases grant additional extensions of time, each limited to one term not to exceed one year:~~

- (a) ~~for the completion of any building for which the Board finds that, on or before the date of expiration of the term of the preceding extension, substantial construction of foundations has been completed, or~~
- (b) ~~for the completion of any building for which an extension of time was authorized under the provisions of Section 11-323, but for which substantial construction of foundations has not been completed within the term of the preceding extension, provided that the Board finds that:~~
- (1) ~~the criteria under which the preceding extension was permissible would excuse applicant's failure to complete such amount of construction; or~~
 - (2) ~~applicant was prevented from completing such amount of construction by other hardship or inequity beyond his control, not including real estate market conditions or difficulties in obtaining the necessary financing.~~

~~For any such building which is not completed and for which such application for an additional extension of time is not filed before the expiration date of the term of the preceding extension, or is denied, the building permit shall lapse on such expiration date or on the date of such denial.~~

~~For other construction for which an extension of time has been authorized in accordance with the provisions of Section 11-322 (Extension of period to complete construction), but which has not been completed within the term of the extension, the Board, upon application filed no later than 30 days after the expiration date of the term of the preceding extension or 30 days after the effective date of this amendment (June 11, 1964), whichever is the later date, may in appropriate cases grant only one additional extension of time limited to a term not to exceed one year, for completion of any such construction, for which the Board finds that, at the time the application is filed, a substantial portion of such construction has been completed and substantial expenditures in connection with such construction has been made.~~

~~For any such other construction which is not completed and for which such application for an additional extension of time is not filed within such 30 day period after the expiration date of the term of the preceding extension or 30 days after June 11, 1964, whichever is the later date, or is denied, the building permit shall lapse.~~

11-325

Accessory signs

~~If such building permit does not authorize the erection of accessory signs, such signs may be authorized upon separate sign applications filed before or after December 15, 1961. All such signs for which sign applications were filed before December 15, 1961 shall either:~~

- ~~(a) conform with all the applicable sign regulations of this Resolution; or~~
- ~~(b) conform with all the applicable sign regulations in effect immediately prior to December 15, 1961.~~

~~All such signs for which sign applications are filed after December 15, 1961 shall, if located on a lot which under the provisions of this Resolution is in a Residence District or C3 District, conform with all the sign regulations of this Resolution applicable in C1 Districts as set forth in Sections 32-61 to 32-68 inclusive, relating to sign regulations, or, if located on a lot which under the provisions of this Resolution is in any other district, shall conform with all the applicable sign regulations of this Resolution.~~

~~Erection of any accessory signs which comply in all other respects with the provisions of this Section or with the provisions of Section 11-31 (General Provisions) may be started or continued after December 15, 1961 without limitation on the time for completing the erection of such signs.~~

11-33

Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment

~~The provisions of this Section shall apply to minor developments, or major developments or other construction authorized by building permits lawfully issued before the effective date of an applicable amendment of this Resolution except as specifically provided elsewhere in this Resolution. which developments are not subject to the provisions of Section 11-32 (Building Permits Issued before Effective Date of Resolution) or Section 11-34 Powers of Board of Standards and Appeals to Act on Pending Matters after Effective Date of Resolution).~~

11-331

Right to construct if foundations completed

~~If, before the effective date of an applicable amendment of this Resolution, a all building permits has have been lawfully issued to a person with a possessory interest in a zoning lot, authorizing a minor development or a major development, such construction, if lawful in other respects, may be continued provided that:~~

- ~~(a) in the case of a minor development, all work on foundations had been completed prior to such effective date; or~~
- ~~(b) in the case of a major development, the foundations for~~
 - ~~(1) at least one building of the development, or~~
 - ~~(2) the only building in the case of a development consisting of a single mixed building.~~

~~had been completed prior to such effective date.~~

In the event that such required foundations have been commenced but not completed before such effective date, the building permits shall automatically lapse on the effective date and the right to continue construction shall terminate. An application to renew the building permits may be made to the Board, not more than 30 days after the lapse of such building permits. The Board may renew the building permits and authorize an extension of time limited to one term of not more than six months to permit the completion of the required foundations, provided that the Board finds that, on the date the building permits lapsed, excavation had been completed and substantial progress made on foundations.

11-332

Extension of period to complete construction

In the event that the construction permitted in Section 11-331 (Right to construct if foundations completed) has not been completed and a certificate of occupancy issued therefore within two years after the effective date of any applicable amendment, **or for other construction if construction has not been completed on the effective date of any applicable amendment**, the building permit shall automatically lapse and the right to continue construction shall terminate. Such building permit, may however, be renewed by the Board ~~in the same manner and under the same conditions as set forth in Section 11-332 (Extension of period to complete construction)~~; **for two terms of not more than two years each for a minor development, or three terms of not more than two years each for a major development, or one term of not more than three months for other construction. In granting such an extension, the Board shall find substantial construction has been completed and substantial expenditures made, subsequent to the granting of the permit or previous extension granted, for work required by any applicable law for the use or development of the property pursuant to the permit.**

11-333

Residential developments which pre-date June 30, 1989

~~If before August 1, 1968, building plans for a development claiming certain mechanical space deductions from floor area affected by the final ruling of the Board of Standards and Appeals in the matter of 953-67-BZ have been filed with the Department of Buildings or a special permit has been approved in connection therewith by the Board of Standards and Appeals or by the City Planning Commission and the Board of Estimate, construction may commence or continue on the basis of floor area ratio computations acceptable to the Department of Building prior to such final ruling of the Board of Standards and Appeals, upon which computations such plans were predicated.~~

If on or before June 30, 1989, the foundations of a *residential* major or minor development have been completed and permits issued pursuant to the requirements of Section 11-331, and a certificate of occupancy has not been issued by June 30, 1991, construction may continue until June 30, 1995 for a minor development, or until June 30, 1997 for a major development provided the Commissioner of Buildings determined that 30 percent of the *floor area* of the major or minor development was roofed and enclosed by walls by June 30, 1991. Applications to continue construction under this section must be filed with the Commissioner of Buildings within 30 days of (the effective date of this amendment). A major or minor development utilizing this Section may not seek an extension to complete construction pursuant to Section 11-332.

11-34

~~Powers of Board of Standards and Appeals to Act on Pending Matters after December 15, 1961~~

~~(a) On or before December 15, 1961, the Board of Standards and Appeals may, subject to the provisions of the New York City Charter and other applicable provisions of law:~~

- ~~(1) Hear or decide pending appeals from, and make interpretations of, the Zoning Resolution of July 25, 1916, as amended (including the comprehensive amendment of June 28, 1940, and subsequent amendments thereto adopted prior to December 15, 1961 but not including the comprehensive amendment adopted by the City Planning Commission on October 18, 1960) in accordance with the provisions of this Section. (Such amended resolution shall hereinafter in this Chapter be referred to as the 1916 Zoning Resolution as amended.)~~
- ~~(2) Hear, decide, or determine, in pending applications alleging practical difficulties or unnecessary hardships, whether to vary the application of the provisions of the 1916 Zoning Resolution as amended, in accordance with the provisions of this Section.~~
- ~~(3) Hear or decide pending applications for exceptions or permits under the provisions of the 1916 Zoning Resolution as amended, in accordance with the provisions of this Section.~~
- ~~(4) Hear or decide requests for amendment of the terms or conditions of a variance, exception, or permit previously granted by the Board, provided that no such amendments shall permit a new *noncompliance*, increase the degree of *noncompliance* with the provisions of this Resolution beyond that originally granted, or extend the time period to complete construction beyond that set forth in Section 11-322 (Extension of period to complete construction).~~

- (b) ~~For the purposes of this Section a "pending" appeal or application shall be limited to an appeal or application upon which the Board has not rendered a final decision as of December 15, 1961 and which:~~
- (1) ~~in the case of an appeal for interpretation, arises out of or is based on an application for a building permit which shows complete plans and specifications, includes the entire construction and not merely a part thereof, and was filed with the Department of Buildings before December 15, 1961; or~~
 - (2) ~~in the case of an application for a variance, exception, or permit was filed with the Board before December 15, 1961 and is based on one or more of these sections of the City Charter or of the 1916 Zoning Resolution as amended which are set forth in Section 11-341 (pending matters specified).~~
- (c) ~~Any appeal or application decided by the Board either prior to December 15, 1961 or on or after December 15, 1961 and subsequently remitted to the Board by a Court, upon which the Board has not rendered a final decision in accordance with the determination of the Court, shall also be deemed to be "pending."~~

11-341

Pending matters specified

The powers of the Board set forth in Section 11-34 (Powers of Board of Standards and Appeals to Act on Pending Matters after December 15, 1961) may be exercised in connection with any of the types of appeals or application set forth in this Section, subject to the conditions and limitations set forth therein:

- (a) ~~Pending appeals for interpretations or review of any rule or regulation, order, requirement, decision, or determination of the Commissioner of Buildings, or any duly authorized officer of the Department of Buildings, under the provisions of Section 666, paragraph 6 of the New York City Charter.~~
- (b) ~~Pending appeals or applications remitted to the Board by a Court.~~
- (c) ~~Pending appeals for variances from the strict letter of the provisions of the Resolution, under the provisions of Section 21 of the 1916 Zoning Resolution as amended, provided that:~~
 - (1) ~~No two family dwelling shall be permitted on any lot which under the provisions of this resolution is in an R1 or R2 District.~~
 - (2) ~~No multiple dwelling shall be permitted on any lot which under the provisions of this Resolution is in an R1, R2 or R3-1 District.~~

- ~~(3) No increase in the area, height, or floor area ratio of a multiple dwelling beyond that permitted as of right under the provisions of the 1916 Zoning Resolution, as amended, shall be permitted on any lot which under the provisions of this Resolution is in a Residence District.~~
- ~~(d) Pending applications under the provisions of Section 7(a), 7(b), 7(c), 7(f), 7(g), 7(h), or 7-A(d), of the 1916 Zoning Resolution as amended, provided that:~~
- ~~(1) In connection with applications under the provisions of Section 7(f), no such permit for a gasoline service station or an oil selling station shall be granted on any lot which, under the provisions of this Resolution, is in a Residence District or in a C1, C3, or C5 District, and provided further that no such permit for a garage shall be granted on any lot which, under the provisions of this Resolution, is in a Residence of C3 District.~~
- ~~(2) In connection with applications under the provisions of Section 7(g) or 7(h), no such permit shall be granted on any lot which, under the provisions of this Resolution, is in a Residence or C3 District.~~
- ~~(e) Pending applications under the provisions of Section 7(e) of the 1916 Zoning Resolution as amended, provided that no new use which would have been prohibited in a Restricted Retail District under the provisions of Section 4-B of the 1916 Zoning Resolution as amended, shall be permitted on any lot which under the provisions of this Resolution is in a Residence District.~~
- ~~(f) Pending applications under Section 10 A(j) or 10B(c) of the 1916 Zoning Resolution as amended.~~
- ~~(g) Pending applications under Section 9 A of the 1916 Zoning Resolution as amended, provided that no such permit shall be granted which would authorize the projection of any building or other structure to a height in excess of that permitted under the provisions of Article VI of this Resolution.~~

11-342

Modification of Plans after the Board or Court Action

The rights set forth in Section 11-32 (Building Permits Issued before December 15, 1961) shall be deemed to exist and shall be retained in connection with a building permit lawfully issued pursuant to any appeal or application pending before the Board, provided that all modifications relating to zoning made after December 15, 1961 in the plans submitted to the Board either:

- ~~(a) result in compliance or do not increase the degree of non-compliance with the provisions of this Resolutions; or~~

- ~~(b) are in conformity with a decision of determination of the Board or a Court relating to such appeal of Resolution; or~~
- ~~(c) in cases in which the board of Court did not act favorably on a pending appeal of application, result in compliance with the height and area provisions of the 1916 Zoning Resolution as amended and do not involve a change in the use set forth in the appeal or application.~~

11-40 EXCEPTIONS, VARIANCES, OR PERMITS PREVIOUSLY AUTHORIZED
11-41

General Provisions

Whenever under the provisions of the 1916 Zoning Resolution as amended, either the Board of Standards and Appeals, or the City Planning Commission with the approval of the Board of Estimate, has authorized any *use* to locate in a district in which it is not permitted as-of-right by issuing a variance, exception, or permit, such existing *use* established pursuant to such grant may be continued, changed, *extended*, *enlarged*, or structurally altered only as provided in this Section or in Article VII, Chapter 3 or 4, **provided that the lot area of the zoning lot occupied by such existing use is not increased.** ~~These provisions shall also apply to any variance, exception, or permit issued under the provisions of Section 11-34 (Powers of Board of Standards and Appeals To Act on Pending Matters after December 15, 1961.~~

* * *

11-412

Alterations, extensions, or enlargements

Repairs or *incidental alterations* may be made and in appropriate cases the authorizing agency may permit structural alterations, *extensions* or *enlargements* **limited to the zoning lot that was granted a variance, exception or permit prior to December 15, 1961.** However, the *use* of any *building* or *other structure* shall not be *extended*, and the *building* or *other structure* shall not be *enlarged*, in excess of 50 percent of the *floor area* of such *building* (or size of such structure) occupied or utilized by the *use* on December 15, 1961, and, except as otherwise provided in Article VII, no structural alterations, *extensions*, or *enlargements* shall be authorized for a new *non-conforming use* authorized under the provisions of Section 11-413 (Change of use).

(On July 17, 1991 Cal. No. 8, the Commission scheduled July 31, 1991 for a public hearing. On July 31, 1991, Cal. No. 9 the hearing was closed.)

For consideration.

BOROUGH OF THE BRONX**No. 26****CD 8****N 890422 ZAX**

IN THE MATTER OF an application submitted by Hudson Properties pursuant to Sections 105-421 and 105-423 of the Zoning Resolution for **the grant of authorizations involving the modification of topography and alteration of botanic environment requiring the removal of 22 trees, and a certification** pursuant to Section 105-90 of the Zoning Resolution for subdivision of a zoning lot into two lots **on property located at 5440 Independence Avenue** (Block 5949 Lot 284), within the Special Natural Area District -2(NA-2) of Riverdale.

Plans for the proposal are on file and may be seen at Room 3N, 22 Reade Street, New York, New York, 10007.

For consideration.

No. 27**CD 8****N 890920 ZAX**

IN THE MATTER OF an application submitted by Demitri Sarantitis pursuant to Sections 105-421 and 105-423 of the Zoning Resolution for **the grant of authorizations involving the modification of existing topography and alteration of botanic environment** requiring the **removal of three trees on property located on Independence Avenue between West 246th and West 247th Streets** (Block 5924 Lot 490), within the Special Natural Area District -2(NA-2) of Riverdale.

Plans for the proposal are on file and may be seen at Room 3N, 22 Reade Street, New York, New York, 10007.

For consideration.