

# CITY PLANNING COMMISSION

## DISPOSITION SHEET

**PUBLIC MEETING:**  
**WEDNESDAY, DECEMBER 15, 1993**  
**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 930039 PCX	2	Scheduled to be Heard 1/5/94	23	N 940127(A)ZRM	7	Hearing Closed
2	C 930097 PPX	11	" "	24	N 940128(A)ZRM	7	" "
3	C 930038 PCK	13	" "	25	N 940127(B)ZRM	7	" "
4	C 940072 HDK	13	" "	26	N 940128(B)ZRM	7	" "
5	C 930099 HUK	13	" "	27	C 920569 PQX	3	Favorable Report Adopted
6	C 920503 PQK	2	" "	28	N 940248 HKX	8	Laid Over
7	C 930287 ZSK	6	" "	29	C 920457 PQK	9	Favorable Report Adopted
8	C 930288 ZSK	6	" "	30	C 930479 PPK	5	" "
9	C 930512 HAM	7	" "	31	N 940091 ZAK	14	Authorization Approved
10	C 930050 PQM	7	" "	32	N 940230 PXM	1	Favorable Report Adopted
11	C 930548 ZSM	8	" "	33	C 920459 PQM	10	" "
12	C 940063 ZSM	5	" "	34	C 940052 HMM	8	" "
13	C 920472 PQQ	7	" "	35	N 910515 ZRM	4-7	" "
14	C 920684 PQQ	7	" "	36	N 940231 PXQ	12	" "
15	C 930135 ZSQ	7	" "	37	N 940232 PXQ	10	" "
16	C 920361 PQR	1	" "	38	N 940195 HKQ	3	Forward Report to City Council
17	C 930402 PCR	3	" "	39	C 920456 PQQ	13	Favorable Report Adopted
18	C 930348 PCR	3	" "	40	C 920677 PQQ	13	" "
19	C 910442 ZMX	2	Hearing Closed	41	C 930360 DMQ	12	" "
20	C 940054(A)GFY	ALL	" "	42	N 930414 ZAQ	2	Authorization Approved
21	N 940127 ZRM	7	" "	43	C 930398 ZSR	3	Favorable Report Adopted
22	N 940128 ZRM	7	" "	44	AMENDED RULES		Laid Over

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:																	
		Calendar Numbers																	
		In Favor - Y Oppose - N Abstain - AB																	
		27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44
Richard L. Schaffer, <i>Chairman</i>	P	Y		Y	Y	Y	Y	Y	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	Y	Y	Y	Y	Y	Y	
Eugenie L. Birch, <i>A.I.C.P.</i>	P	Y	L	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	L
Amanda M. Burden, <i>A.I.C.P.</i>	P	N	A	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
Anthony I. Giacobbe, <i>ESQ.</i>	P	Y	I	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	I
Maxine Griffith	P	Y	D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	D
James C. Jao, <i>R.A.</i>	A																		
Brenda Levin	P	N	O	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O
Joel A. Miele, <i>SR., P.E.</i>	P	N	V	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	V
Edward T. Rogowsky	P	N	E	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	E
Ronald Shiffman, <i>A.I.C.P.</i>	P	Y	R	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	R
Analisa Torres, <i>ESQ.</i>	P	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Jacob B. Ward, <i>ESQ., Commissioners</i>	P	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

MEETING ADJOURNED AT: 3:30 P.M.

**COMPREHENSIVE**  
**CITY PLANNING CALENDAR**  
**of**  
**The City of New York**  

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**CITY PLANNING COMMISSION**  

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**WEDNESDAY, DECEMBER 15, 1993**  

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**MEETING AT 10:00 A.M.**  
**in**  
**CITY HALL**



**David N. Dinkins, Mayor**  
**City of New York**  
**[No. 25]**  
**Prepared by Lois McDaniel, Calendar Officer**

A

**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 Commission 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**

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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, A.I.C.P.
- ANTHONY I. GIACOBBE, *Esq.*
- MAXINE GRIFFITH
- JAMES C. JAO, R.A.
- BRENDA LEVIN
- JOEL A. MIELE, SR., P.E.
- EDWARD T. ROGOWSKY
- RONALD SHIFFMAN, A.I.C.P.
- ANALISA TORRES, *Esq.*
- JACOB B. WARD, *Esq., 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.

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**ORDER OF BUSINESS AND INDEX**

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**WEDNESDAY, DECEMBER 15, 1993**

Roll Call; approval of minutes . . . . .	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 January 5, 1994, in 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 Hearing" 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, December 15, 1993

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APPROVAL OF MINUTES OF Regular Meeting of December 1, 1993

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, JANUARY 5, 1994  
STARTING AT 10:00 A.M.  
IN CITY HALL  
NEW YORK, NEW YORK**

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**BOROUGH OF THE BRONX**

**No. 1**

**CD 2**

**C 930039 PCX**

**IN THE MATTER OF** an application submitted by the 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 property located at 838 Fox Street (Block 2721, Lots 10 and 11) for use as a day care center. (Banana Kelly Day Care Center).*

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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**No. 2**

**CD 11**

**C 930097 PPX**

**IN THE MATTER OF** an application by the Department of General Services, Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of two (2) city-owned properties**, pursuant to zoning.

A list and description of the properties can be seen at the Bronx Office of the Department of City Planning, One Fordham Plaza, Bronx, N.Y. 10458.

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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**BOROUGH OF BROOKLYN****Nos. 3, 4 and 5**

*(Applications for site selection and acquisition of property, the disposition of city-owned property and an amendment to the Coney Island I Urban Renewal Plan to facilitate the construction of commercial space and a day care center within the Coney Island I Urban Renewal Area)*

**No. 3****CD 13****C 930038 PCK**

**IN THE MATTER OF** an application submitted by the 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 property** located at **1515-21 Mermaid Avenue** (Block 7022, Lots 49, 51, 52 and 57) for use as a **day care center**. (Astella Day Care Center).

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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**No. 4****CD 13****C 940072 HDK**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, pursuant to section 197-c of the New York City Charter, for the **disposition of city-owned properties, Site 68 and Site 67B** (as now proposed), within the Coney Island I Urban Renewal Area.

The properties to be disposed (Block 7022, Lots 49, 51, 52 and 57) comprise the southerly part of the block bounded by Mermaid Avenue, West 15th Street, Neptune Avenue and West 16th Street to **facilitate the construction of commercial space and a day care facility**.

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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## No. 5

CD 13

C 930099 HUK

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter and Section 505, Article 15 of the General Municipal Law (Urban Renewal Law) of New York State, for an amendment to the Coney Island I Urban Renewal Plan, providing for:

- 1) The addition of Site 68 to the list of commercial sites permitting the development of community facility uses (Section C, subsection 2(a)).
- 2) The addition of subsection 3 to Section G of the urban renewal plan, to permit the merging and/or subdivision of development sites.

The proposed amendment would facilitate the construction of commercial space and a day care facility on Sites 68 and 67B (as proposed).

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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 No. 6

CD 2

C 920503 PQK

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services, pursuant to Section 197-c of the New York City Charter for acquisition of property located at 122 Pierrepont Street (Block 243, Lot 1), for continued use as an Agency Operated Boarding Home.

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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**Nos. 7 and 8**

*(Applications for the grant of special permits concerning the enlargement of an existing nursing home)*

**No. 7****CD 6****C 930287 ZSK**

**IN THE MATTER OF** an application submitted by the Landmarks Preservation Commission on behalf of the Cobble Hill Nursing Home, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the **grant of a special permit** pursuant to Section 74-711 of the Zoning Resolution to **allow the modification of the height regulations of Section 24-59 (Limited Height Districts), and the height and setback regulations of Section 24-522 (Front setbacks in districts where front yards are not required), to allow the enlargement of an existing nursing home on property located at 380 Henry Street (Block 300, Lot 17), in a Limited Height District (LH-1), in an R6 District, within the Cobble Hill 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.

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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**No. 8****CD 6****C 930288 ZSK**

**IN THE MATTER OF** an application submitted by the Cobble Hill Nursing Home, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the **grant of a special permit** pursuant to Sections 74-90 and 74-902 of the Zoning Resolution to **allow the proposed enlargement, and to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percent of Lot Coverage) to apply to the proposed enlargement, of an existing nursing home, on property located at 380 Henry Street (Block 300, Lot 17), in a Limited Height District (LH-1), in an R6 District, within the Cobble Hill 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.

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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**BOROUGH OF MANHATTAN**

**No. 9**

**CD 7**

**C 930512 HAM**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State for:
  - a) **the designation of 13 West 103rd Street, between Central Park West and Manhattan Avenue, (Block 1839, Lot 23), as an Urban Development Action Area;**
  - b) **an Urban Development Action Area project for such area.**
2. pursuant to Section 197-c of the New York City Charter for **the disposition of such property to a developer to be selected by HPD.**

Approval of this application would **facilitate the rehabilitation of a vacant five-story building located at 13 West 103rd Street.** The proposed project, tentatively known as Bridge House #7, is to contain 17 studio apartments; 16 apartments intended for **mentally ill persons, and one for a resident manager/relief counselor.**

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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**No. 10**

**CD 7**

**C 930050 PQM**

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services, pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 107 West 85th Street (Block 1216, Lot 26), for continued use as a Group Foster Home.**

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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**No. 11****CD 8****C 930548 ZSM**

**IN THE MATTER OF** an application submitted by the Landmarks Preservation Commission on behalf of Noga Realty, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-711 of the Zoning Resolution to permit the modification of:

- a) the use regulations of Article II, Chapter 2 (Use Regulations) to allow office use (use group 6B) in the cellar and on the 1st through the 6th floors; and
- b) the height regulations of Section 92-09 (Special Regulations for Narrow Buildings) to allow an enlargement on the 6th floor and a bulkhead on the roof level of the proposed enlargement for a stairway;

for an existing 6-story building on property located at 57 East 64th Street (Block 1379, Lot 33), in an R10 District, within the Special Park Improvement District and the Upper East Side Historic District.

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

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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**No. 12**
**CD 5****C 940063 ZSM**

**IN THE MATTER OF** an application submitted by Time Out Family Amusement Centers, Inc. and Mid-City Associates pursuant to Sections 197-c and 201 of the New York City Charter and Section 74-47 of the Zoning Resolution for **the renewal of a previously approved special permit (C 900723 ZSM) to allow the continued operation of an existing amusement arcade on the Long Island Rail Road concourse level of property located at One Penn Plaza**, within a C6-4 District.

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

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

**BOROUGH OF QUEENS**

No. 13

CD 7

C 920472 PQQ

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services, pursuant to Section 197-c of the New York City Charter for acquisition of property located at 138-35 Elder Avenue (Block 5137, Lot 127), for continued use as an Agency Operated Boarding Home.

Resolution for adoption scheduling January 5, 1994 for a public hearing.

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No. 14

CD 7

C 920684 PQQ

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services, pursuant to Section 197-c of the New York City Charter for acquisition of property located at 112-25 15th Avenue (Block 4064, Lot 28), for continued use as an Agency Operated Boarding Home.

Resolution for adoption scheduling January 5, 1994 for a public hearing.

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No. 15

CD 7

C 930135 ZSQ

**IN THE MATTER OF** an application submitted by Flushing Geriatric Realty pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-90 and 74-902 of the Zoning Resolution to permit the development of a nursing home and to allow the community facility floor area ratio of Section 24-11 to apply to a proposed nursing home with approximately 299 beds on property located on the east side of Parsons Boulevard, between 37th Avenue and Northern Boulevard, (Block 5014, Lots 4 and 86) 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, New York 10007.

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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**BOROUGH OF STATEN ISLAND**

**No. 16**

**CD 1**

**C 920361 PQR**

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 159 Broadway (Block 174, Lot 6), for use as a day care center. (Richmond Early Learning Day Care Center)

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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**No. 17**

**CD 3**

**C 930402 PCR**

**IN THE MATTER OF** an application submitted by the Department of Transportation and the Department of General Services, pursuant to Section 197-c of the New York City Charter, for site selection and acquisition of property adjacent to the Amboy Road Bridge over Lemon Creek, located between Terrace and Maguire avenues (Block 6760, Lots 42, 46), for use as a staging area to facilitate bridge reconstruction and the widening of Amboy Road.

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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CD 3

C 930348 PCR

**IN THE MATTER OF** an application submitted by the Department of Environmental Protection, the Department of Parks and Recreation 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**, (Block 6674, Lot 1; Block 6675, Lot 34, 35, Block 6676, Lot 1) and **site selection of city-owned property** (Block 6675, Lot 50), generally bounded by Holten Avenue, Atkins Street, Seguire Avenue, and Knox Street, including the beds of mapped Holten Avenue, between Knox and Atkins streets, part of Singleton Street from the intersection of Holten Avenue, and part of Hathaway Avenue from the intersection of Holten Avenue, for expansion of a public park.

**Resolution for adoption scheduling January 5, 1994 for a public hearing.**

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**II. PUBLIC HEARINGS**

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**BOROUGH OF THE BRONX**

**No. 19**

**CD 2**

**C 910442 ZMX**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by 676 Hunts Point Avenue Realty Corp., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c:

- a) changing from an R6 district to an M1-1 district property bounded by Spofford Avenue, Longfellow Avenue, Hunt's Point Avenue and Byrant Avenue; and
- b) eliminating from the existing R6 district a C2-4 district bounded by Spofford Avenue, Longfellow Avenue, Hunt's Point Avenue and Byrant Avenue,

as shown on a diagram (for illustrative purposes only) dated September 7, 1993 and subject to the conditions of CEQR Declaration E-49.

(On November 17, 1993, Cal. No. 1, the Commission scheduled December 1, 1993 for a public hearing which has been duly advertised.)

**Close the hearing.**

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## CITYWIDE

## No. 20

*(Modification of the proposed franchise Siting and Clearance Guidelines to expand the zoning districts in which automatic public toilets (APTs) and public service kiosks (PSKs) may be located. APT's and PSK's originally proposed to be located only in C4, C5 & C6 districts may in addition be located in M zones and C zones on wide streets.*

*Modification of the proposed franchise to increase the dimensional limits of APTs.*

*The APT dimensional limits are increased;*

- a) from 12 feet lengthwise to 12 feet 6 inches lengthwise,*
- b) from 6 feet and 6 inches in width to 8 feet in width, and*
- c) from a maximum height of 9 1/2 feet (except pillar type units) to a maximum height of 10 feet.)*

CD All

C 940054 (A) GFY

**PUBLIC HEARING:**

**IN THE MATTER OF** a modified application submitted by the Department of Transportation pursuant to Section 197-c and Section 363 e(2) of the New York City Charter and Section 7.030 of the Uniform Land Use Review Procedure for a franchise involving the construction, operation and maintenance of automatic public toilets (APT,s) and public service kiosks (PSK,s) to be located in all five Boroughs.

(On December 1, 1993, Supplemental Cal. No. 3, the Commission scheduled December 15, 1993 for a public hearing which has been duly advertised.)

Close the hearing.

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**BOROUGH OF MANHATTAN**

**Nos. 21 and 22**

*(Applications for amendments to the Zoning Resolution to retain/eliminate mandatory arcades and to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District)*

**No. 21**

**[Amendments to the Zoning Resolution to retain the mandatory arcades and to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District in the Borough of Manhattan]**

**CD 7**

**N 940127 ZRM**

**CONTINUED 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 Article VIII, Chapter 2, Section 82-00, to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District and to reference in other sections, as follows:

Matter in ~~Graytone~~ is new, to be added;

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

Matter in italics or within # # is defined in Section 12-10;

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

**Article VIII**

**Chapter 2 Special Lincoln Square District**

**82-00 GENERAL PURPOSES**

\* \* \*

**82-01**

**Definitions**

\* \* \*

**Development**

For purposes of this Chapter a "development" includes both #development# and #enlargement# as defined in Section 12-10 (DEFINITIONS).

**82-02****General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Lincoln Square District# and in accordance with the provisions of this Chapter, certain specified #bulk# regulations of the districts on which the #Special Lincoln Square District# is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each #development# within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter; and the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may grant special permits authorizing modifications of specified applicable district #bulk# regulations for any #development# in the #Special Lincoln Square District#. In addition to meeting the requirements, conditions, and safeguards proscribed by the Commission as set forth in this Chapter, each such #development# shall conform to and comply with all of the applicable district regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory signs#, #accessory# off-street parking and off-street loading, and all other applicable provisions of this resolution, except as otherwise specifically provided in this Chapter.

**82-03****Action by the Board of Estimate**

Delete entire section

**82-04****82-03****Requirements for Applications**

An application to the City Planning Commission for the grant of a special permit or an authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and the proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and proposed off-street parking spaces, and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit or an authorization is warranted. Such information shall include, but not be limited to, justification of the proposed #development# in relation to the general purposes of the #Special Lincoln Square District#; (Section 82-00), its relation to public improvements (82-05), its proposed #uses# (Section 82-06), its parking facilities (Section 82-07), and its bulk and height (Section 82-08), as well, in

applicable locations, as the inclusion of Mandatory Arcades (Section 82-09), public amenities (Section 82-10) and location of building walls in relation to certain street lines# (Section 82-11).

#### 82-05

##### Relationship to Public Improvement Projects

Delete entire section

#### 82-04

##### District Plan

The District Plan for the #Special Lincoln Square District# included as Appendix A identifies specific subdistricts in which special zoning regulations carry out the general purposes of the #Special Lincoln Square District#. These areas are: Subdistrict A, Subdistrict B and Subdistrict C.

The District Plan also identifies #blocks# with mandatory #front lot line street walls#. The District Plan is hereby incorporated as an integral part of the #Special Lincoln Square District#.

#### 82-05

##### Right to Construct

For the purpose of this Chapter, the right to continue to construct shall terminate if the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) are not met by the date of approval of this amendment by the City Planning Commission.

#### 82-10

##### MANDATORY DISTRICT IMPROVEMENTS

The provisions of this Section specify mandatory physical improvements to be provided in connection with #developments# on certain #zoning lots# located within the Special District.

#### 82-09

#### 82-11

##### Mandatory Arcades

Any #development# located on a #zoning lot# with a #lot line# which coincides with any either of the following #street lines#: ~~the north side of 61st Street between Central Park West and Broadway~~, the east side of Broadway between West 61st and West 65th Streets or the east side of Columbus Avenue between West 65th and West 66th Streets, shall contain an #arcade# as defined in Section 12-10, except that:

- (a) The #arcade# shall extend the full length of the #zoning lot# along the #street lines# described above. However, the required #arcade# along the east side of Columbus Avenue may be terminated at a point 40 feet south of West 66th Street;
- (b) The exterior face of #building# columns shall lie along the #street lines# described above;
- (c) The minimum depth of the #arcade# shall be 15 feet (measured perpendicular to the exterior face of the #building# columns located on the #street line#) and the average minimum height of the #arcade# along the center line of its longitudinal axis shall not be less than 20 feet;
- (d) The #arcade# shall contain no permanent obstruction within the area delineated by the minimum width and height requirements of this Section except for the following:
- (1) Unenclosed cafes, provided that there is at least a 6 six-foot feet wide unobstructed pedestrian way adjacent to the #building# #street wall#. In no event may such cafes be enclosed at any time.
  - (2) Structural columns not exceeding 2 feet by 3 feet provided that the longer dimension of such columns is parallel to the #street line#, that such columns are spaced at a minimum of 17 feet on center, and that the space between such columns and the face of the #building# #street wall# is at least 13 feet wide. No other columns shall project beyond the face of the building #street wall#.
- (e) No #signs# may be affixed to any part of the #arcade# or #building# columns except on a parallel to the #building# #street wall# projecting no more than 18 inches therefrom parallel to the #street line# along which the #arcade# lies.
- (f) The #arcade# shall be illuminated only by incandescent lighting to a standard of average 8 eight foot-candle intensity with a minimum 5 five foot-candle intensity at any point within the #arcade#.

#### 82-12

#### Mandatory Off-Street Relocation of a Subway Stair

Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the #zoning lot# in accordance with the provisions of Section 37-032 (Standards for

relocation, design and hours of public accessibility) and 37-033 (Administrative procedure for a subway stair relocation).

### 82-13

#### Special Provisions for a Transit Easement

Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.

### 82-06

### 82-20

#### SPECIAL USE AND SIGN REGULATIONS

~~In order to ensure that a wide variety of consumer and service needs of local residence are met, a special limitation is imposed on the amount of street frontage that can be elevated to any one type of commercial use, and a special incentive is provided to encourage uses compatible with the General Purposes of Section 82-00.~~

In order to provide for the special cultural needs, convenience, enjoyment, education and recreation of the residents of the area and of the many visitors who are attracted to the Lincoln Center for the Performing Arts, a limitation is imposed on the ground floor #uses# within the Special District.

The provisions of this Section shall apply to all a #development# or change of #use# within the Special District.

### 82-061

### 82-21

#### Restrictions on Street Level Uses

#Uses# on the ground floor level along Broadway, Amsterdam or Columbus Avenues except lobby space shall be limited to Use Group L uses or #commercial uses# permitted by the underlying district regulations. On any #zoning lot# which abuts Columbus, Amsterdam Avenues or Broadway, the maximum length of street frontage along Broadway or Columbus or Amsterdam Avenues which may be devoted to any permitted #use# shall be 40 feet unless the use also is included in Use Group L (Section 82-062) #Uses# under Use Group L are permitted without #street# frontage limitation.

Within 30 feet of Broadway, Columbus Avenue or Amsterdam Avenue #street lines#, #uses# located on the ground floor level or within five feet of #curb level# shall be

limited to those listed in Use Groups 6A, 6C, 8A, 10A, eating or drinking establishments listed in 12A, or 12B. Within Use Groups 3A or 4B #uses# shall be limited to colleges, universities including professional schools, museums, libraries or non-commercial art galleries. At the ground floor level and within five feet of #curb level# the #floor area# shall be allocated exclusively to such #uses#, except lobby space, building entrance space, #accessory# loading berths where permitted pursuant to Section 82-50, or entrance areas to subway stations.

82-062

#### Use Group L

Delete entire section

82-22

#### Location of Floors Occupied by Commercial Uses

The provisions of Section 32-422 (Location of Floors Occupied by Non-Residential Uses) shall not apply to any #commercial use# located in a portion of a #mixed building# that has separate direct access to the #street# and has no access within the #building# to the #residential# portion of the #building# at any #story#. In no event shall such #commercial use# be located directly over any #dwelling units#.

82-23

#### Special Floor Area Regulations for Use Groups 8 and 12 Uses

Within Subdistrict A or Subdistrict C, the maximum #floor area ratio# that may be used on a #zoning lot# for #uses# listed in Use Groups 8A or 12A shall not exceed 1.0, except that this limitation shall not apply to eating or drinking establishments.

82-24

#### Street Wall Transparency

When the front building wall or #street wall# of any #development# is located on Broadway, Columbus Avenue or Amsterdam Avenue, at least 50 percent of the total surface area of the #street wall# between #curb level# and 12 feet above #curb level# or to the ceiling of the first #story#, whichever is higher, shall be transparent. Such transparency shall begin not higher than two feet six inches above #curb level#.

82-063

82-25

#### Supplementary Sign Regulations

No permitted #business sign# shall extend above #curb level# at a height greater than 20 feet or obstruct an #arcade#.

82-07

#### Modification of Parking and off-street Loading Requirements

Delete entire section

**§2-08****Modification of Bulk and Height and Setback Requirements**

Delete entire section

**§2-10****PUBLIC AMENITIES**

Delete entire section

**§2-30****SPECIAL BULK REGULATIONS****§2-31****Floor Area Ratio Regulations for Commercial Uses**

Within Subdistrict A, for any #development# in a C4-7 District the maximum permitted # commercial floor area ratio# on a #zoning lot# shall be 3.4.

**§2-311****Floor area increase by special permit**

The City Planning Commission may by special permit allow the #commercial floor area ratio# permitted on a #zoning lot# within Subdistrict A to be increased from 3.4 to 10.0 for #commercial uses#. As a condition for such special permit, the Commission shall find that:

- (a) the #uses# are appropriate for the location and shall not unduly affect the #residential uses# in the nearby area or impair the future land use and development of the adjacent areas;
- (b) the #uses# shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c) the additional #bulk# devoted to #commercial uses# shall not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow; and
- (d) the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on the character of the surrounding area.

**§2-32****Special Provisions for Increases in Floor Area**

The provisions of Sections 23-16, 24-14 or 33-13 (Floor Area Bonus for a Plaza), Sections 23-17, 24-15 or 33-14 (Floor Area Bonus for a Plaza-Connected Open

Area), Sections 23-18, 24-16, or 33-15 (Floor Area Bonus for Arcades), or Section 23-23 (Density Bonus for a Plaza-Connected Open Area or Arcade) shall not apply. In lieu thereof the following provisions shall apply, which may be used separately or in combination, provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0:

(a) Floor Area Increase for Inclusionary Housing

For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90 (INCLUSIONARY HOUSING).

(b) Floor Area Bonus for Public Amenities

(1) For any #development# to which the provisions of Section 82-11 (Mandatory Arcades) are applicable, the maximum permitted #floor area ratio# may be increased by a maximum of 10 percent. For a mandatory #arcade#, there shall be not more than three square feet of bonus #floor area# for every square foot of #arcade# space.

(2) When a #development# is located on a #Zoning lot# that is adjacent to the West 59th Street (Columbus Circle) or the West 66th Street subway station mezzanine, platform, concourse or connecting passageway, with no tracks intervening to separate the #zoning lot# from these elements, and such #zoning lot# contains 5,000 square feet or more of #lot area#, the City Planning Commission may, by special permit pursuant to Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) grant a maximum of 20 percent #floor area# bonus.

For a subway station improvement or for a subsurface concourse connection to a subway, the amount of #floor area# bonus that may be granted shall be at the discretion of the Commission. In determining the precise amount of #floor area# bonus, the Commission shall consider:

(i) the direct construction cost of the public amenity;

(ii) the cost of maintaining the public amenity; and

(iii) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to or reconfigurations of



circulation space, including provision of escalators or elevators.

### 82-33

#### Modification of Bulk Regulations

The Commission may, by special permit, modify the height and setback regulations, yard regulations, regulations governing minimum distance between buildings on a single zoning lot and regulations governing courts and minimum distance between legally required windows and walls or lot lines for any development provided the City Planning Commission finds that such modifications are necessary to:

- (a) facilitate good design; or
- (b) allow design flexibility for any development to which the mandatory provisions of Section 82-10 are applicable; or
- (c) incorporate a floor area allowance pursuant to Section 82-32 (Special Provisions for Increases in Floor Area) where inclusion of the proposed public amenity will significantly further the specific purposes for which the Special Lincoln Square District is established.

The floor area requirements for the non-residential portion of a building which is eligible for a floor area allowance under the provisions of paragraph (b) of Section 82-32 may be reduced or waived by the Commission provided that the Commission makes the additional finding that such modification will not adversely affect the uses within the building or the surrounding area.

### 82-34

#### Bulk Distribution

Within the Special District, not more than 40 per cent of the total floor area permitted on a zoning lot shall be within stories located entirely above a height of 150 feet from curb level.

For the purposes of determining allowable floor area, where a zoning lot has a mandatory 85 foot high street wall requirement along Broadway, the portion of the zoning lot located within 50 feet of Broadway shall not be included in floor area unless such portion contains or will contain a building with a wall at least 85 feet high coincident with the entire street line of Broadway.

### 82-35

#### Height and Setback Regulations

Within the Special District, all developments shall be subject to the height and setback regulations of the underlying districts, except as set forth in:

- (a) Paragraph (a) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line#; and
- (b) Paragraphs (b), (c) and (d) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line# and to penetrate the #sky exposure plane# above a height of 85 feet from #curb level#.

## 82-36

### Special Tower Coverage and Setback Regulations

The requirements set forth in Sections 33-45 (Tower Regulations) or 35-63 (Special Tower Regulations for Mixed Buildings) for any #building# or portion thereof that qualifies as a "tower" shall be modified as follows:

- (a) At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate:
- (i) not more than 40 per cent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the per cent set forth in Section 23-651 (Tower on small lots); and
  - (ii) not less than 30 per cent of the #lot area# of a #zoning lot#. However, the highest four #stories# of the tower or 40 feet, whichever is less, may cover less than 30 per cent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 per cent of the gross area of the #story# directly below it.
- (b) At all levels at or above a height of 85 feet from #curb level#, the minimum required set back of the #street wall# of a tower shall be at least 15 feet from the street line of Broadway or Columbus Avenue, and at least 20 feet on a #narrow street#.
- (c) In Subdistrict A, the provisions of paragraph (a) of Section 35-63, as modified by paragraphs (a) and (b) above, shall apply to any #mixed building#.

For the purposes of determining the permitted tower coverage in Block 3 as indicated on the District Plan, that portion of a #zoning lot# located within 100 feet of the west #street line# of Central Park West shall be treated as if it were a separate #zoning lot# and the tower regulations shall not apply to such portion.

## 82-11

### Building Walls Along Certain Street Lines

Delete the entire section

## 82.37

## Street Walls along Certain Street Lines

(a) For any #development# on a #zoning lot# with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street# and shall rise without setback to a height of 85 feet above #curb level#:

- (1) the east side of Broadway between West 61st Street and West 65th Street;
- (2) the east side of Columbus Avenue between West 65th Street and West 66th Street;
- (3) the east side of Broadway between West 67th Street and West 68th Street;
- (4) the west side of Broadway between West 66th Street and West 68th Street; and
- (5) the west side of Broadway between West 60th Street and West 62nd Street.

Such #street wall# shall extend on a #narrow street# to a distance of not less than 50 feet from its intersection with the #street line# of Broadway or Columbus Avenue and shall include a 20-foot setback at a height of 85 feet above #curb level# as required in Section 33-432 (in Other Commercial Districts).

(b) For any #development# on a #zoning lot# in Block 1 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#:

- (1) the west side of Broadway between West 62nd Street and West 63rd Street;
- (2) the south side of West 63rd Street between Broadway and Columbus Avenue; and
- (3) the east side of Columbus Avenue between West 62nd Street and West 63rd Street.

The #street wall# located on the south side of West 63rd Street shall rise vertically without setback to a height of 150 feet above #curb level# before

a setback of not less than 10 feet and extend on Columbus Avenue and/or Broadway for one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and shall include a 20-foot setback at that height as required in Section 33-432 (In Other Commercial Districts).

(c) For any #development# on a #zoning lot# in Block 2 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#:

- (1) the east side of Broadway between West 67th Street and West 66th Street;
- (2) the north side of West 66th Street between Broadway and Columbus Avenue; and
- (3) the west side of Columbus Avenue between West 66th Street and West 67th Street.

The #street wall# located on the north side of West 66th Street shall rise vertically without setback to a height of 150 feet above the #curb level# before a setback of not less than 10 feet and extend on Broadway and/or Columbus Avenue for one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and shall include a 20-foot setback at that height as required in Section 33-432 (In Other Commercial Districts).

(d) For any #development# on a #zoning lot# in Block 3 with a #front lot line# coincident with the #street line# of Central Park West, the #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#.

The #street wall# fronting on Central Park West shall rise vertically without setback to a height of at least 125 feet but not greater than 150 feet and shall extend along the #street line# of West 61st Street and along the #street line# of West 62nd Street to a distance of not less than 50 feet but not more than 100 feet from their intersection with the west #street line# of Central Park West. Above that height no #building or other structure# shall penetrate a #sky exposure plane# that starts at the #street line# and rises over the #zoning lot# at a ratio of 2.5 : 1.

Recessed fenestration and special architectural expression lines in the #building# facade of a #development# are required as follows:

- (a) Except as set forth in paragraph (b) below, the aggregate length of all recesses in the #street wall# along Broadway of a #development# shall be between 15 per cent and 30 per cent of the entire length of such #street wall# at any #story# between the ground floor and 85 feet above #curb level#.
- (b) In Block 1, for any #development# that fronts on the #street line# of the south side of West 63rd Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front, the aggregate length of all recesses in the #street walls# along each such #street# frontage shall be between 15 percent and 30 per cent of the entire length of each #street wall# at any story between ground floor and 85 feet above curb level and shall be between 30 percent and 50 percent of the entire length of each #street wall# at any #story# between 85 feet and 150 feet above #curb level#.
- (c) In Block 2 the requirement of #street wall# recesses in paragraph (b) above shall also apply to a #development# that fronts on the #street line# of the north side of West 66th Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 per cent of the #block# front.

Such recesses shall be a minimum of one foot in depth and shall not exceed a depth of 10 feet. No recesses deeper than one foot shall be permitted in the #street wall# of a #building# within a distance of 10 feet from the intersection of any two #street lines#.

In addition, along the #street lines# of Broadway, West 63rd Street and West 66th Street, within Blocks 1 and 2, the #street wall# shall provide at a height of 20 feet above #curb level#, an architectural expression line consisting of a minimum six inch recess or projection, for a minimum height of one foot and maximum height of two feet.

### 82:39

#### Dormer

A dormer may be allowed as a permitted obstruction within the required setback distance of the #street wall# of a #building# at all setback levels. The #street wall# of a dormer shall rise vertically as an extension of the #street wall# of the #building#. A dormer may be located anywhere on a #wide# or #narrow street# frontage.

On any #street# frontage the aggregate width of all dormers at the required setback level shall not exceed 60 per cent of the length of the #street wall# of a #building#.

For each foot of height above the required setback level, the aggregate width of all dormers shall be decreased by one per cent of its maximum permissible width at the required setback level. All dormers shall count as #floor area# but not as #lot coverage#.

## §2-40

### SPECIAL HEIGHT LIMITATION

For #developments# located in Block 1 or Block 2, the maximum height of a #building or other structure# or portion thereof shall not exceed 300 feet above #curb level#, except that a penthouse may be located above such height, provided that such penthouse:

- (1) contains not more than four #stories# or 40 feet, whichever is less; and
- (2) the gross area of each #story# does not exceed 80 per cent of the gross area of that #story# directly below it.

## §2-124

### §2-50

#### OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The regulations of Article I, Chapter 3 (COMPREHENSIVE OFF-STREET PARKING REGULATIONS IN COMMUNITY DISTRICTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN THE BOROUGH OF MANHATTAN) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section.

#### (a) Accessory Off-Street Parking Spaces

#Accessory# off-street parking spaces are permitted only by special permit of the City Planning Commission pursuant to Section 13-461 (Accessory off-street parking spaces).

#### (b) Curb Cuts

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets#, where such curb cuts are needed exclusively for required off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-453 (Curb Cuts) and the loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

#### (c) Waiver of Loading Berth Requirements

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

- (i) be hazardous to traffic safety; or

- (ii) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement, or
- (iii) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

~~§2-122~~

~~Public parking garages~~

Delete entire section

~~§2-60~~

~~PUBLIC PARKING GARAGES~~

In that portion of the Special Lincoln Square District located within a C4-7 District, the Commission may permit #public parking garages# with any capacity pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

~~§2-13~~

~~Special Regulations for Zoning Lots Divided by District Boundaries~~

Delete entire section

~~§2-14~~

~~§2-70~~

~~EXISTING PLAZAS OR OTHER PUBLIC AMENITIES~~

No existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, pursuant to regulations antedating May 24, 1984 shall be eliminated or reduced in size anywhere within the #Special Lincoln Square District#, without a corresponding reduction in the #floor area of the building# or the substitution of equivalent complying areas for such amenity elsewhere on the #zoning lot#.

Any elimination or reduction in size or volume of such an existing public amenity in #developments# which include prior approved #bulk modifications#, shall be permitted in the #Special Lincoln Square District# only by ~~special permit of an authorization, after public notice and hearing, by the City Planning Commission and by the Board of Estimate.~~ As a condition for such ~~permit authorization,~~ the Commission shall find that the proposed change will provide a greater benefit in light of the public amenity's purposes and the purposes of the #Special Lincoln Square District#.

An application for such ~~special permit authorization~~ shall contain exact and detailed plans, drawings, and other description as to fully explain the use and quality of all

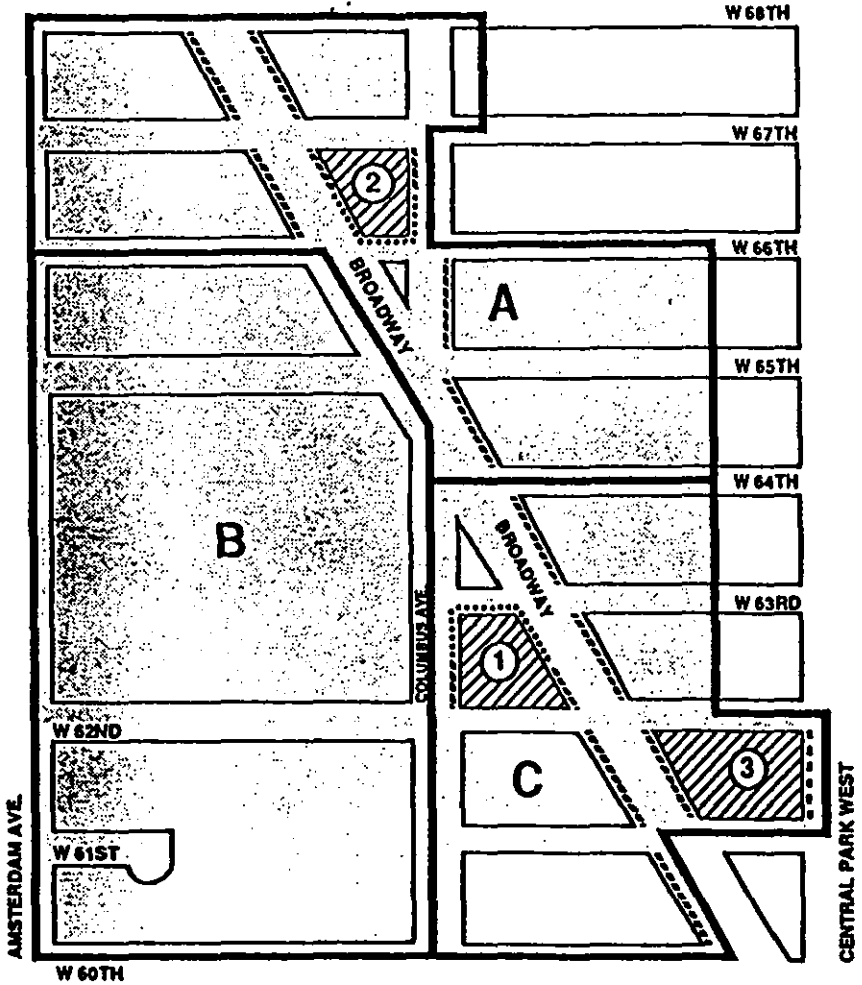
features of the proposed public amenity revisions and any other information and documentation as may be required by the Commission.







~~The Chairman of the City Planning Commission shall furnish a copy of the application for such authorization to Community Board No. 7, Manhattan for 30 days and will give due consideration to their opinion as to the appropriateness of such a facility to the area. The Commission shall act within 45 days from the date of receipt of the Community Board recommendations or within 45 days of the date on which the Community Board review period expires, whichever is earlier. The Board of Estimate shall act on the application within 45 days of receipt of the Commission recommendations.~~



NEW - To be Added

# APPENDIX A - DISTRICT PLAN SPECIAL LINCOLN SQUARE DISTRICT



-  SPECIAL DISTRICT BOUNDARY
-  SUBDISTRICT
-  REQUIRED 85' STREETWALL
-  REQUIRED 150' STREETWALL
-  REQUIRED 125' STREETWALL
-  DEVELOPMENT BLOCK

Other Related Amendments

1. The following definitions are hereby deleted in their entirety in Section 12-10:
  - #Covered Plaza#
  - #Pedestrian Mall#
  
2. All references to Section 82-08 (Modification of Bulk and Height and Setback Requirements) are hereby deleted in the following sections:
 

Section 23-15	(Maximum Floor Area Ratio in R10 Districts)
Section 33-131	(Commercial buildings in certain specified Commercial Districts)
Section 33-133	(Community facility buildings in certain other specified Commercial Districts)
Section 33-141	(Commercial buildings in certain specified Commercial Districts)
Section 33-151	(Commercial buildings in certain specified Commercial Districts)
Section 33-153	(Commercial facility buildings in certain other specified Commercial Districts)
Section 35-35	(Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in connection with Mixed Buildings)
Section 33-43	(Maximum Height of Front Wall and Required Front Setbacks)
Section 33-44	(Alternate Front Setbacks)
Section 33-455	(Alternate regulations for towers on lots bounded by two or more streets)
Section 33-456	(Alternate setback regulations on lots bounded by two or more streets)
Section 35-41	(Lot Area Requirements for Non-residential Portions of Mixed Buildings)
Section 35-62	(Maximum Height of Front Wall in Initial Setback Distance)
Section 74-87	(Covered Pedestrian Space)
  
3. All reference to Section 82-11 (Building Walls Along Certain Street Lines) is hereby deleted in Section 33-43 (Maximum Height of Front Wall and Required Front Setbacks).
  
4. All references to Section 82-07 (Modification of Parking and Off-street Loading Requirements) are hereby deleted in the following sections:

- Section 36-11 (General Provisions)
- Section 36-21 (General Provisions)
- Section 36-31 (General Provisions)
- Section 36-33 (Requirements Where Group Parking Facilities Are Provided)
- Section 36-34 (Modification of Requirements for Small Zoning Lots)
- Section 36-61 (Permitted Accessory Off-street Loading Berths)

(On November 3, 1993, Cal. No. 6, the Commission scheduled November 17, 1993 for a public hearing. On November 17, 1993, Cal. No. 15, the hearing was continued. On December 1, 1993, Cal. No. 8, the hearing was continued.)

Close the hearing.

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No. 22

**[Amendments to the Zoning Resolution to eliminate the mandatory arcades and to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District in the Borough of Manhattan]**

CD 7

N 940128 ZRM

**CONTINUED 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 Article VIII, Chapter 2, Section 82-00, to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District and to reference in other sections, as follows:

- Matter in ~~Graytone~~ is new, to be added;
- Matter in ~~strikeout~~ is old, to be deleted;
- Matter in italics or within # # is defined in Section 12-10;
- \*\*\* indicate where unchanged text appears in the Zoning Resolution.

Article VIII

Chapter 2 Special Lincoln Square District

82-00 GENERAL PURPOSES

\* \* \*

82-01  
Definitions

\* \* \*

~~Development~~

~~For purposes of this Chapter a "development" includes both #development# and #enlargement# as defined in Section 12-10 (DEFINITIONS).~~

82-02  
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Lincoln Square District# and in accordance with the provisions of this Chapter, certain specified #bulk# regulations of the districts on which the #Special Lincoln Square District# is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each #development# within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter; and the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may grant special permits authorizing modifications of specified applicable district #bulk# regulations for any #development# in the #Special Lincoln Square District#. In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such #development# shall conform to and comply with all of the applicable district regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory sign#, #accessory# off-street parking and off street loading, and all other applicable provisions of this resolution, except as otherwise specifically provided in this Chapter.

82-03  
~~Action by the Board of Estimate~~  
Delete entire section

82-04  
~~82-03~~

Requirements for Applications

An application to the City Planning Commission for the grant of a special permit or an authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and the proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and proposed off-street parking spaces, and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit or an authorization is warranted. Such information shall include, but not be limited to, justification of the proposed #development# in relation to the general purposes of the #Special Lincoln Square District#; (Section 82-00), its relation to public improvements (82-05), its proposed #uses# (Section 82-06), its parking

~~facilities (Section 82-07), and its bulk and height (Section 82-08), as well, in applicable locations, as the inclusion of Mandatory Arcades (Section 82-09), public amenities (Section 82-10) and location of #building# walls in relation to certain #street lines# (Section 82-11).~~

#### ~~82-05~~

##### ~~Relationship to Public Improvement Projects~~

~~Delete entire section~~

#### ~~82-04~~

##### ~~District Plan~~

~~The District Plan for the #Special Lincoln Square District# included as Appendix A identifies specific subdistricts in which special zoning regulations carry out the general purposes of the #Special Lincoln Square District#. These areas are: Subdistrict A, Subdistrict B and Subdistrict C.~~

~~The District Plan also identifies #blocks# with mandatory #front lot line street walls#.~~

~~The District Plan is hereby incorporated as an integral part of the #Special Lincoln Square District#.~~

#### ~~82-05~~

##### ~~Right to Construct~~

~~For the purpose of this Chapter, the right to continue to construct shall terminate if the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) are not met by the date of approval of this amendment by the City Planning Commission.~~

#### ~~82-10~~

##### ~~MANDATORY DISTRICT IMPROVEMENTS~~

~~The provisions of this Section specify mandatory physical improvements to be provided in connection with #developments# on certain #zoning lots# located within the Special District.~~

#### ~~82-09~~

##### ~~Mandatory Arcades~~

~~Delete entire section~~

#### ~~82-11~~

##### ~~Mandatory Off-Street Relocation of a Subway Stair~~

Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the #zoning lot# in accordance with the provisions of Section 37-032 (Standards for relocation, design and hours of public accessibility) and 37-033 (Administrative procedure for a subway stair relocation).

## 82-12

### Special Provisions for a Transit Easement

Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.

## 82-06

## 82-20

### SPECIAL USE AND SIGN REGULATIONS

~~In order to ensure that a wide variety of consumer and service needs of local residence are met, a special limitation is imposed on the amount of street frontage that can be elevated to any one type of commercial use, and a special incentive is provided to encourage uses compatible with the General Purposes of Section 82-00.~~

In order to provide for the special cultural needs, convenience, enjoyment, education and recreation of the residents of the area and of the many visitors who are attracted to the Lincoln Center for the Performing Arts, a limitation is imposed on the ground floor #uses# within the Special District.

The provisions of this Section shall apply to all #development# or change of #use# within the Special District.

## 82-061

## 82-21

### Restrictions on Street Level Uses

~~#Uses# on the ground floor level along Broadway, Amsterdam or Columbus Avenues except lobby space shall be limited to Use Group L uses or #commercial uses# permitted by the underlying district regulations. On any #zoning lot# which abuts Columbus, Amsterdam Avenues or Broadway, the maximum length of street frontage along Broadway or Columbus or Amsterdam Avenues which may be devoted to any permitted #use# shall be 40 feet unless the use also is included in Use Group L (Section 82-062) #Uses# under Use Group L are permitted without #street# frontage limitation.~~

Within 30 feet of Broadway, Columbus Avenue or Amsterdam Avenue #street lines#, #uses# located on the ground floor level or within five feet of #curb level# shall be limited to those listed in Use Groups 6A, 6C, 8A, 10A, eating or drinking establishments listed in 12A, or 12B. Within Use Groups 3A or 4B #uses# shall be limited to colleges, universities including professional schools, museums, libraries or non-commercial art galleries. At the ground floor level and within five feet of #curb level# the #floor area# shall be allocated exclusively to such #uses#, except lobby space, building entrance space, #accessory# loading berths where permitted pursuant to Section 32-50, or entrance areas to subway stations.

### 32-062

#### Use Group L

Delete entire section

### 32-22

#### Location of Floors Occupied by Commercial Uses

The provisions of Section 32-422 (Location of Floors Occupied by Non-Residential Uses) shall not apply to any #commercial use# located in a portion of a #mixed building# that has separate direct access to the #street# and has no access within the #building# to the #residential# portion of the #building# at any #story#. In no event shall such #commercial use# be located directly over any #story# containing #dwelling units#.

### 32-23

#### Special Floor Area Regulations for Use Groups 8 and 12 Uses

Within Subdistrict A or Subdistrict C, the maximum #floor area ratio# that may be used on a #zoning lot# for #uses# listed in Use Groups 8A or 12A shall not exceed 1.0, except that this limitation shall not apply to eating or drinking establishments.

### 32-24

#### Street Wall Transparency

When the front building wall or #street wall# of any #development# is located on Broadway, Columbus Avenue or Amsterdam Avenue, at least 50 percent of the total surface area of the #street wall# between #curb level# and 12 feet above #curb level# or to the ceiling of the first #story#, whichever is higher, shall be transparent. Such transparency shall begin not higher than two feet six inches above #curb level#.

### 32-063

### 32-25

#### Supplementary Sign Regulations

No permitted #business sign# shall extend above #curb level# at a height greater than 20 feet.

**82-07****Modification of Parking and off-street Loading Requirements**

Delete entire section

**82-08****Modification of Bulk and Height and Setback Requirements**

Delete entire section

**82-10****PUBLIC AMENITIES**

Delete entire section

**82-30****SPECIAL BULK REGULATIONS****82-31****Floor Area Ratio Regulations for Commercial Uses**

Within Subdistrict A, for any #development# in a C4-7 District the maximum permitted # commercial floor area ratio# on a #zoning lot# shall be 3.4.

**82-311****Floor area increase by special permit**

The City Planning Commission may by special permit allow the #commercial floor area ratio# permitted on a #zoning lot# within Subdistrict A to be increased from 3.4 to 10.0 for #commercial uses#. As a condition for such special permit, the Commission shall find that:

- (a) the #uses# are appropriate for the location and shall not unduly affect the #residential uses# in the nearby area or impair the future land use and development of the adjacent areas;
- (b) the #uses# shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c) the additional #bulk# devoted to #commercial uses# shall not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow; and
- (d) the #streets# providing access to such #uses# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on the character of the surrounding area.



## 82-32

**Special Provisions for Increases in Floor Area**

The provisions of Sections 23-16, 24-14 or 33-13 (Floor Area Bonus for a Plaza), Sections 23-17, 24-15 or 33-14 (Floor Area Bonus for a Plaza-Connected Open Area), Sections 23-18, 24-16, or 33-15 (Floor Area Bonus for Arcades), or Section 23-23 (Density Bonus for a Plaza-Connected Open Area or Arcade) shall not apply. In lieu thereof the following provisions shall apply, which may be used separately or in combination, provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0:

**(a) Floor Area Increase for Inclusionary Housing**

For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90 (INCLUSIONARY HOUSING).

**(b) Floor Area Bonus for Public Amenities**

(i) When a #development# is located on a #zoning lot# that is adjacent to the West 59th Street (Columbus Circle) or the West 66th Street subway station mezzanine, platform, concourse or connecting passageway, with no tracks intervening to separate the #zoning lot# from these elements, and such #zoning lot# contains 5,000 square feet or more of #lot area#, the City Planning Commission may, by special permit pursuant to Section 24-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) grant a maximum of 20 percent #floor area# bonus.

For a subway station improvement or for a subsurface concourse connection to a subway, the amount of #floor area# bonus that may be granted shall be at the discretion of the Commission. In determining the precise amount of #floor area# bonus, the Commission shall consider:

(i) the direct construction cost of the public amenity;

(ii) the cost of maintaining the public amenity; and

(iii) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators.

**82-33****Modification of Bulk Regulations**

The Commission may, by special permit, modify the height and setback regulations, #yard# regulations, regulations governing minimum distance between #buildings# on a single #zoning lot# and regulations governing #courts# and minimum distance between #legally required windows# and walls or #lot lines# for any #development# provided the City Planning Commission finds that such modifications are necessary to:

- (a) facilitate good design; or
- (b) allow design flexibility for any #development# to which the mandatory provisions of Section 82-12 are applicable; or
- (c) incorporate a #floor area# allowance pursuant to Section 82-32 (Special Provisions for Increases in Floor Area) where inclusion of the proposed public amenity will significantly further the specific purposes for which the #Special Lincoln Square District# is established.

The #lot area# requirements for the non-#residential# portion of a #building# which is eligible for a #floor area# allowance under the provisions of paragraph (b) of Section 82-32 may be reduced or waived by the Commission provided that the Commission makes the additional finding that such modification will not adversely affect the #uses# within the #building# or the surrounding area.

**82-34****Bulk Distribution**

Within the Special District, not more than 40 per cent of the total #floor area# permitted on a #zoning lot# shall be within #stories# located entirely above a height of 150 feet from #curb level#.

For the purposes of determining allowable #floor area#, where a #zoning lot# has a mandatory 85 foot high #street wall# requirement along Broadway, the portion of the #zoning lot# located within 50 feet of Broadway shall not be included in #lot area# unless such portion contains or will contain a #building# with a wall at least 85 feet high coincident with the entire #street line# of Broadway.

**82-35****Height and Setback Regulations**

Within the Special District, all #developments# shall be subject to the height and setback regulations of the underlying districts, except as set forth in:

- (a) Paragraph (a) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line#, and

(b) Paragraphs (b), (c) and (d) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line# and to penetrate the #sky exposure plane# above a height of 85 feet from #curb level#.

## 82-36

### Special Tower Coverage and Setback Regulations

The requirements set forth in Sections 33-45 (Tower Regulations) or 35-63 (Special Tower Regulations for Mixed Buildings) for any #building# or portion thereof that qualifies as a "tower" shall be modified as follows:

(a) At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate:

(i) not more than 40 per cent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the per cent set forth in Section 23-651 (Tower on small lots); and

(ii) not less than 30 per cent of the #lot area# of a #zoning lot#. However, the highest four #stories# of the tower or 40 feet, whichever is less, may cover less than 30 per cent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 per cent of the gross area of the #story# directly below it.

(b) At all levels at or above a height of 85 feet from #curb level#, the minimum required set back of the #street wall# of a tower shall be at least 15 feet from the street line of Broadway or Columbus Avenue, and at least 20 feet on a #narrow street#.

(c) In Subdistrict A, the provisions of paragraph (a) of Section 35-63, as modified by paragraphs (a) and (b) above, shall apply to any #mixed building#.

For the purposes of determining the permitted tower coverage in Block 3 as indicated on the District Plan, that portion of a #zoning lot# located within 100 feet of the west #street line# of Central Park West shall be treated as if it were a separate #zoning lot# and the tower regulations shall not apply to such portion.

## 82-11

### Building Walls Along Certain Street Lines

Delete the entire section

82-37

**Street Walls along Certain Street Lines**

(a) For any #development# on a #zoning lot# with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street# and shall rise without setback to a height of 85 feet above #curb level#:

- (1) the east side of Broadway between West 61st Street and West 65th Street;
- (2) the east side of Columbus Avenue between West 65th Street and West 66th Street;
- (3) the east side of Broadway between West 67th Street and West 68th Street;
- (4) the west side of Broadway between West 66th Street and West 68th Street; and
- (5) the west side of Broadway between West 60th Street and West 62nd Street.

Such #street wall# shall extend on a #narrow street# to a distance of not less than 50 feet from its intersection with the #street line# of Broadway or Columbus Avenue and shall include a 20-foot setback at a height of 85 feet above #curb level# as required in Section 33-432 (In Other Commercial Districts).

(b) For any #development# on a #zoning lot# in Block 1 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#:

- (1) the west side of Broadway between West 62nd Street and West 63rd Street;
- (2) the south side of West 63rd Street between Broadway and Columbus Avenue; and
- (3) the east side of Columbus Avenue between West 62nd Street and West 63rd Street.

The street wall located on the north side of West 63rd Street shall rise vertically without setback to a height of 150 feet above curb level before a setback of not less than 10 feet and extend on Columbus Avenue and/or Broadway for one-half of the length of the total block front. The street wall located on the remaining block front on Broadway shall rise to a height of 85 feet above curb level and shall include a 20-foot setback at that height as required in Section 33-432 (In Other Commercial Districts).

(9) For any development on a zoning lot in Block 2 with a front lot line coincident with any of the following street lines, a street wall shall be located on such street line for the entire frontage of the zoning lot on that street:

(1) the east side of Broadway between West 67th Street and West 66th Street

(2) the north side of West 66th Street between Broadway and Columbus Avenue; and

(3) the west side of Columbus Avenue between West 66th Street and West 67th Street

The street wall located on the north side of West 66th Street shall rise vertically without setback to a height of 150 feet above the curb level before a setback of not less than 10 feet and extend on Broadway and/or Columbus Avenue for one-half of the length of the total block front. The street wall located on the remaining block front on Broadway shall rise to a height of 85 feet above curb level and shall include a 20-foot setback at that height as required in Section 33-432 (In Other Commercial Districts).

(8) For any development on a zoning lot in Block 3 with a front lot line coincident with the street line of Central Park West, the street wall shall be located on such street line for the entire frontage of the zoning lot on that street.

The street wall fronting on Central Park West shall rise vertically without setback to a height of at least 125 feet but not greater than 150 feet and shall extend along the street line of West 61st Street and along the street line of West 62nd Street to a distance of not less than 50 feet but not more than 100 feet from their intersection with the west street line of Central Park West. Above that height no building or other structure shall penetrate a sky exposure plane that starts at the street line and rises over the zoning lot at a ratio of 2.5 : 1.

**§2.38****Recesses in the Street Wall of a Building**

Recessed fenestration and special architectural expression lines in the #building# facade of a #development# are required as follows:

- (a) Except as set forth in paragraph (b) below, the aggregate length of all recesses in the #street wall# along Broadway of a #development# shall be between 15 per cent and 30 per cent of the entire length of such #street wall# at any #story# between the ground floor and 85 feet above #curb level#.
- (b) In Block 1, for any #development# that fronts on the #street line# of the south side of West 63rd Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front, the aggregate length of all recesses in the #street walls# along each such #street# frontage shall be between 15 percent and 30 per cent of the entire length of each #street wall# at any #story# between ground floor and 85 feet above #curb level# and shall be between 30 percent and 50 percent of the entire length of each #street wall# at any #story# between 85 feet and 150 feet above #curb level#.
- (c) In Block 2 the requirement of #street wall# recesses in paragraph (b) above shall also apply to a #development# that fronts on the #street line# of the north side of West 66th Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 per cent of the #block# front.

Such recesses shall be a minimum of one foot in depth and shall not exceed a depth of 10 feet. No recesses deeper than one foot shall be permitted in the #street wall# of a #building# within a distance of 10 feet from the intersection of any two #street lines#.

In addition, along the #street lines# of Broadway, West 63rd Street and West 66th Street within Blocks 1 and 2, the #street wall# shall provide at a height of 20 feet above #curb level#, an architectural expression line consisting of a minimum six inch recess or projection, for a minimum height of one foot and maximum height of two feet.

**§2.39****Dormer**

A dormer may be allowed as a permitted obstruction within the required setback distance of the #street wall# of a #building# at all setback levels. The #street wall# of a dormer shall rise vertically as an extension of the #street wall# of the #building#. A dormer may be located anywhere on a #wide# or #narrow street# frontage.

On any #street# frontage the aggregate width of all dormers at the required setback level shall not exceed 60 per cent of the length of the #street wall# of a #building#. For each foot of height above the required setback level, the aggregate width of all dormers shall be decreased by one per cent of its maximum permissible width at the required setback level. All dormers shall count as #floor area# but not as #lot coverage#.

§2-40

#### SPECIAL HEIGHT LIMITATION

For #developments# located in Block 1 or Block 2, the maximum height of a #building# or other structure# or portion thereof shall not exceed 300 feet above #curb level#, except that a penthouse may be located above such height, provided that such penthouse:

- (1) contains not more than four #stories# or 40 feet, whichever is less; and
- (2) the gross area of each #story# does not exceed 80 per cent of the gross area of that #story# directly below it.

§2-121

§2-50

#### OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The regulations of Article I, Chapter 3 (COMPREHENSIVE OFF-STREET PARKING REGULATIONS IN COMMUNITY DISTRICTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN THE BOROUGH OF MANHATTAN) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section.

##### (a) Accessory Off-Street Parking Spaces

#Accessory# off-street parking spaces are permitted only by special permit of the City Planning Commission pursuant to Section 13-461 (Accessory off-street parking spaces);

##### (b) Curb Cuts

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets#, where such curb cuts are needed exclusively for required off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-453 (Curb Cuts) and the loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

**(c) Waiver of Loading Berth Requirements**

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

- (i) be hazardous to traffic safety; or
- (ii) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; or
- (iii) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

**82-122****Public parking garages**

Delete entire section

**82-60****PUBLIC PARKING GARAGES**

In that portion of the Special Lincoln Square District located within a C4-7 District, the Commission may permit #public parking garages# with any capacity pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

**82-13****Special Regulations for Zoning Lots Divided by District Boundaries**

Delete entire section

**82-14****82-70****EXISTING PLAZAS OR OTHER PUBLIC AMENITIES**

No existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, pursuant to regulations antedating May 24, 1984 shall be eliminated or reduced in size anywhere within the #Special Lincoln Square District#, without a corresponding reduction in the #floor area of the building# or the substitution of equivalent complying areas for such amenity elsewhere on the #zoning lot#.

Any elimination or reduction in size or volume of such an existing public amenity in #developments# which include prior approved #bulk modifications#, shall be permitted in the #Special Lincoln Square District# only by special permit of an authorization, after public notice and hearing, by the City Planning Commission and by the Board of Estimate. As a condition for such permit authorization, the



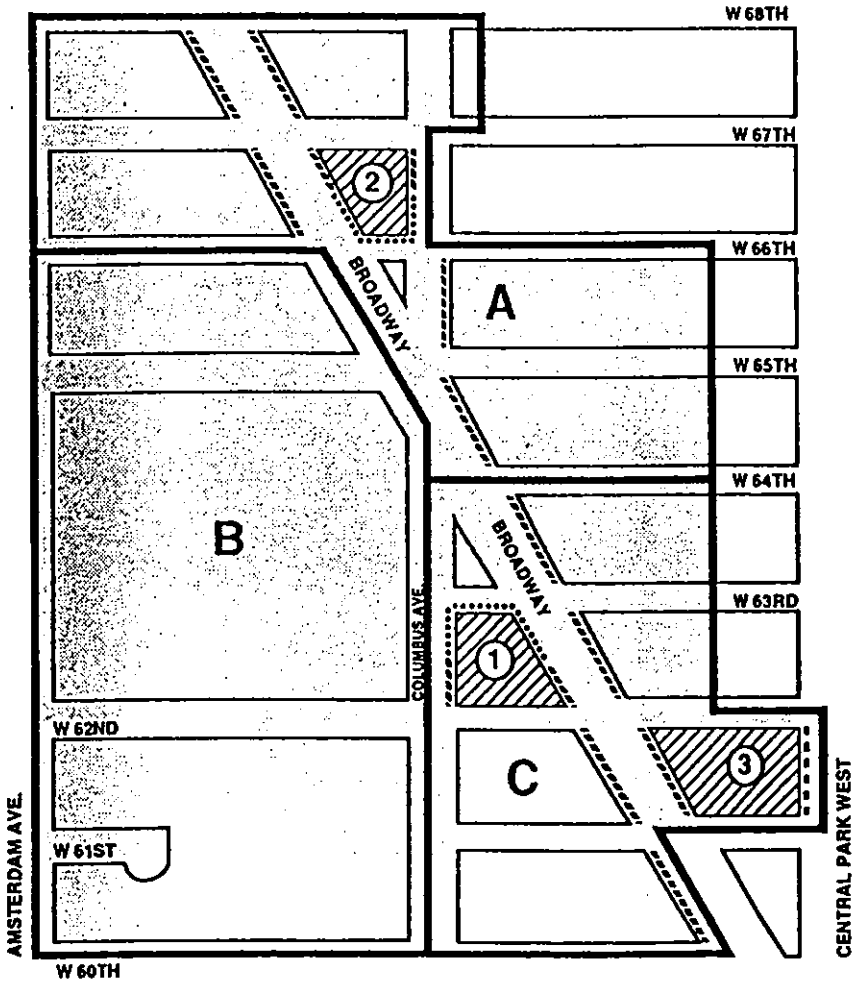
Commission shall find that the proposed change will provide a greater benefit in light of the public amenity's purposes and the purposes of the #Special Lincoln Square District#.

An application for such ~~special permit~~ authorization shall contain exact and detailed plans, drawings, and other description as to fully explain the use and quality of all features of the proposed public amenity revisions and any other information and documentation as may be required by the Commission.

~~The Chairman of the City Planning Commission shall furnish a copy of the application for such authorization to Community Board No. 7, Manhattan for 30 days and will give due consideration to their opinion as to the appropriateness of such a facility to the area. The Commission shall act within 45 days from the date of receipt of the Community Board recommendations or within 45 days of the date on which the Community Board review period expires, whichever is earlier. The Board of Estimate shall act on the application within 45 days of receipt of the Commission recommendations.~~

NEW - To be Added

# APPENDIX A - DISTRICT PLAN SPECIAL LINCOLN SQUARE DISTRICT



- SPECIAL DISTRICT BOUNDARY
- A** SUBDISTRICT
- ////// REQUIRED 85' STREETWALL
- ..... REQUIRED 150' STREETWALL
- ..... REQUIRED 125' STREETWALL
- (1)** DEVELOPMENT BLOCK

Other Related Amendments

1. The following definitions are hereby deleted in their entirety in Section 12-10:
  - #Covered Plaza#
  - #Pedestrian Mall#
  
2. All references to Section 82-08 (Modification of Bulk and Height and Setback Requirements) are hereby deleted in the following sections:
 

Section 23-15	(Maximum Floor Area Ratio in R10 Districts)
Section 33-131	(Commercial buildings in certain specified Commercial Districts)
Section 33-133	(Community facility buildings in certain other specified Commercial Districts)
Section 33-141	(Commercial buildings in certain specified Commercial Districts)
Section 33-151	(Commercial buildings in certain specified Commercial Districts)
Section 33-153	(Commercial facility buildings in certain other specified Commercial Districts)
Section 35-35	(Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in connection with Mixed Buildings)
Section 33-43	(Maximum Height of Front Wall and Required Front Setbacks)
Section 33-44	(Alternate Front Setbacks)
Section 33-455	(Alternate regulations for towers on lots bounded by two or more streets)
Section 33-456	(Alternate setback regulations on lots bounded by two or more streets)
Section 35-41	(Lot Area Requirements for Non-residential Portions of Mixed Buildings)
Section 35-62	(Maximum Height of Front Wall in Initial Setback Distance)
Section 74-87	(Covered Pedestrian Space)
  
3. All reference to Section 82-11 (Building Walls Along Certain Street Lines) is hereby deleted in Section 33-43 (Maximum Height of Front Wall and Required Front Setbacks).
  
4. All references to Section 82-07 (Modification of Parking and Off-street Loading Requirements) are hereby deleted in the following sections:

Section 36-11	(General Provisions)
Section 36-21	(General Provisions)
Section 36-31	(General Provisions)
Section 36-33	(Requirements Where Group Parking Facilities Are Provided)
Section 36-34	(Modification of Requirements for Small Zoning Lots)
Section 36-61	(Permitted Accessory Off-street Loading Berths)

(On November 3, 1993, Cal. No. 7, the Commission scheduled November 17, 1993 for a public hearing. On November 17, 1993, Cal. No. 16, the hearing was continued. On December 1, 1993, Cal. No. 9, the hearing was continued.)

Close the hearing.

---

Nos. 23 and 24

*(Applications for modified amendments to reduce the maximum permissible building height on Blocks 1 and 2 from 300 feet plus a penthouse to 275 feet, plus a penthouse)*

No. 23

**[Amendments to the Zoning Resolution to retain the mandatory arcades and to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District in the Borough of Manhattan]**

CD 7

N 940127 (A) ZRM

**CONTINUED 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 Article VIII, Chapter 2, Section 82-00, to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District and to reference in other sections, as follows:

Matter in ~~Graytone~~ is new, to be added;

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

Matter in italics or within # # is defined in Section 12-10;

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

## Article VIII

## Chapter 2 Special Lincoln Square District

## 82-00 GENERAL PURPOSES

\* \* \*

## 82-01

## Definitions

\* \* \*

**Development**

For purposes of this Chapter a "development" includes both ~~#development#~~ and ~~#enlargement#~~ as defined in Section 12-10 (DEFINITIONS).

## 82-02

## General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the ~~#Special Lincoln Square District#~~ and in accordance with the provisions of this Chapter, certain specified ~~#bulk#~~ regulations of the districts on which the ~~#Special Lincoln Square District#~~ is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each ~~#development#~~ within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter. ~~and the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may grant special permits authorizing modifications of specified applicable district #bulk# regulations for any #development# in the #Special Lincoln Square District#. In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such #development# shall conform to and comply with all of the applicable district regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory signs#, #accessory# off-street parking and off-street loading, and all other applicable provisions of this resolution, except as otherwise specifically provided in this Chapter.~~

## 82-03

~~Action by the Board of Estimate~~

Delete entire section

## 82-04

~~82-03~~

## Requirements for Applications

An application to the City Planning Commission for the grant of a special permit or

~~an authorization~~ respecting any ~~#development#~~ under the provisions of this Chapter shall include a site plan showing the location and the proposed ~~#use#~~ of all ~~#buildings or other structures#~~ on the site; the location of all vehicular entrances and exits and proposed off-street parking spaces, and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit ~~or an authorization~~ is warranted. Such information shall include, but not be limited to, justification of the proposed ~~#development#~~ in relation to the general purposes of the ~~#Special Lincoln Square District#~~; ~~(Section 82-00), its relation to public improvements (82-05), its proposed #uses# (Section 82-06), its parking facilities (Section 82-07), and its bulk and height (Section 82-08), as well, in applicable locations, as the inclusion of Mandatory Arcades (Section 82-09), public amenities (Section 82-10) and location of #building# walls in relation to certain #street lines# (Section 82-11).~~

#### 82-05

##### ~~Relationship to Public Improvement Projects~~

Delete entire section

#### 82-04

##### ~~District Plan~~

~~The District Plan for the #Special Lincoln Square District# included as Appendix A identifies specific subdistricts in which special zoning regulations carry out the general purposes of the #Special Lincoln Square District#. These areas are: Subdistrict A, Subdistrict B and Subdistrict C.~~

~~The District Plan also identifies #blocks# with mandatory #front lot line street walls#. The District Plan is hereby incorporated as an integral part of the #Special Lincoln Square District#.~~

#### 82-05

##### ~~Right to Construct~~

~~For the purpose of this Chapter, the right to continue to construct shall terminate if the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) are not met by the date of approval of this amendment by the City Planning Commission.~~

#### 82-10

##### ~~MANDATORY DISTRICT IMPROVEMENTS~~

~~The provisions of this Section specify mandatory physical improvements to be provided in connection with #developments# on certain #zoning lots# located within the Special District.~~

82-09

§2-11

**Mandatory Arcades**

Any #development# located on a #zoning lot# with a #lot line# which coincides with any #either# of the following #street lines#: ~~the north side of 61st Street between Central Park West and Broadway,~~ the east side of Broadway between West 61st and West 65th Streets or the east side of Columbus Avenue between West 65th and West 66th Streets, shall contain an #arcade# as defined in Section 12-10, except that:

- (a) The #arcade# shall extend the full length of the #zoning lot# along the #street lines# described above. However, the required #arcade# along the east side of Columbus Avenue may be terminated at a point 40 feet south of West 66th Street;
- (b) The exterior face of #building# columns shall lie along the #street lines# described above;
- (c) The minimum depth of the #arcade# shall be 15 feet (measured perpendicular to the exterior face of the #building# columns located on the #street line#) and the average minimum height of the #arcade# along the center line of its longitudinal axis shall not be less than 20 feet;
- (d) The #arcade# shall contain no permanent obstruction within the area delineated by the minimum width and height requirements of this Section except for the following:
  - (1) Unenclosed cafes, provided that there is at least a 6 six-foot feet wide unobstructed pedestrian way adjacent to the #building# #street wall#. In no event may such cafes be enclosed at any time.
  - (2) Structural columns not exceeding 2 feet by 3 feet provided that the longer dimension of such columns is parallel to the #street line#, that such columns are spaced at a minimum of 17 feet on center, and that the space between such columns and the face of the #building# #street wall# is at least 13 feet wide. No other columns shall project beyond the face of the building #street wall#.
- (e) No #signs# may be affixed to any part of the #arcade# or #building# columns except on a parallel to the #building# #street wall# projecting no more than 18 inches therefrom parallel to the #street line# along which the #arcade# lies.

- (f) The #arcade# shall be illuminated only by incandescent lighting to a standard of average 8 #candle# foot-candle intensity with a minimum 5 #candle# foot-candle intensity at any point within the #arcade#.

#### 82-12

##### Mandatory Off-Street Relocation of a Subway Stair

Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the #zoning lot# in accordance with the provisions of Section 37-032 (Standards for relocation, design and hours of public accessibility) and 37-033 (Administrative procedure for a subway stair relocation).

#### 82-13

##### Special Provisions for a Transit Easement

Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.

#### 82-06

#### 82-20

### SPECIAL USE AND SIGN REGULATIONS

~~In order to ensure that a wide variety of consumer and service needs of local residence are met, a special limitation is imposed on the amount of street frontage that can be elevated to any one type of commercial use, and a special incentive is provided to encourage uses compatible with the General Purposes of Section 82-00.~~

In order to provide for the special cultural needs, convenience, enjoyment, education and recreation of the residents of the area and of the many visitors who are attracted to the Lincoln Center for the Performing Arts, a limitation is imposed on the ground floor #uses# within the Special District.

The provisions of this Section shall apply to all a #development# or change of #use# within the Special District.

#### 82-061

#### 82-21

##### Restrictions on Street Level Uses



~~#Uses# on the ground floor level along Broadway, Amsterdam or Columbus Avenues except lobby space shall be limited to Use Group L uses or #commercial uses# permitted by the underlying district regulations. On any #zoning lot# which abuts Columbus, Amsterdam Avenues or Broadway, the maximum length of street frontage along Broadway or Columbus or Amsterdam Avenues which may be devoted to any permitted #use# shall be 40 feet unless the use also is included in Use Group L (Section 82-062) #Uses# under Use Group L are permitted without #street# frontage limitation.~~

~~Within 30 feet of Broadway, Columbus Avenue or Amsterdam Avenue #street lines#, #uses# located on the ground floor level or within five feet of #curb level# shall be limited to those listed in Use Groups 6A, 6C, 8A, 10A, eating or drinking establishments listed in 12A, or 12B. Within Use Groups 3A or 4B #uses# shall be limited to colleges, universities including professional schools, museums, libraries or non-commercial art galleries. At the ground floor level and within five feet of #curb level# the #floor area# shall be allocated exclusively to such #uses#, except lobby space, building entrance space, #accessory# loading berths where permitted pursuant to Section 82-50, or entrance areas to subway stations.~~

#### 82-062

##### ~~Use Group L~~

Delete entire section

#### 82-22

##### Location of Floors Occupied by Commercial Uses

~~The provisions of Section 32-422 (Location of Floors Occupied by Non-Residential Uses) shall not apply to any #commercial use# located in a portion of a #mixed building# that has separate direct access to the #street# and has no access within the #building# to the #residential# portion of the #building# at any #story#. In no event shall such #commercial use# be located directly over any #dwelling units#.~~

#### 82-23

##### Special Floor Area Regulations for Use Groups 8 and 12 Uses

~~Within Subdistrict A or Subdistrict C, the maximum #floor area ratio# that may be used on a #zoning lot# for #uses# listed in Use Groups 8A or 12A shall not exceed 1.0, except that this limitation shall not apply to eating or drinking establishments.~~

#### 82-24

##### Street Wall Transparency

~~When the front building wall or #street wall# of any #development# is located on Broadway, Columbus Avenue or Amsterdam Avenue, at least 50 percent of the total surface area of the #street wall# between #curb level# and 12 feet above #curb level#~~

or to the ceiling of the first #story#, whichever is higher, shall be transparent. Such transparency shall begin not higher than two feet six inches above #curb level#.

~~82-063~~

~~82-25~~

**Supplementary Sign Regulations**

No permitted #business sign# shall extend above #curb level# at a height greater than 20 feet or obstruct an #arcade#.

~~82-07~~

**Modification of Parking and off-street Loading Requirements**

Delete entire section

~~82-08~~

**Modification of Bulk and Height and Setback Requirements**

Delete entire section

~~82-10~~

**PUBLIC AMENITIES**

Delete entire section

~~82-30~~

**SPECIAL BULK REGULATIONS**

~~82-31~~

**Floor Area Ratio Regulations for Commercial Uses**

Within Subdistrict A, for any #development# in a C4-7 District the maximum permitted # commercial floor area ratio# on a #zoning lot# shall be 3.4.

~~82-311~~

**Floor area increase by special permit**

The City Planning Commission may by special permit allow the #commercial floor area ratio# permitted on a #zoning lot# within Subdistrict A to be increased from 3.4 to 10.0 for #commercial uses#. As a condition for such special permit, the Commission shall find that:

- (a) the #uses# are appropriate for the location and shall not unduly affect the #residential uses# in the nearby area or impair the future land use and development of the adjacent areas;
- (b) the #uses# shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;

- (c) the additional #bulk# devoted to #commercial uses# shall not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow; and
- (d) the #streets# providing access to such #uses# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on the character of the surrounding area.

## 82-32

### Special Provisions for Increases in Floor Area

The provisions of Sections 23-16, 24-14 or 33-13 (Floor Area Bonus for a Plaza), Sections 23-17, 24-15 or 33-14 (Floor Area Bonus for a Plaza-Connected

Open Area), Sections 23-18, 24-16, or 33-15 (Floor Area Bonus for Arcades), or Section 23-23 (Density Bonus for a Plaza-Connected Open Area or Arcade) shall not apply. In lieu thereof the following provisions shall apply, which may be used separately or in combination, provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0:

#### (a) Floor Area Increase for Inclusionary Housing

For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90 (INCLUSIONARY HOUSING).

#### (b) Floor Area Bonus for Public Amenities

(1) For any #development# to which the provisions of Section 82-11 (Mandatory Arcades) are applicable, the maximum permitted #floor area ratio# may be increased by a maximum of 10 percent. For a mandatory #arcade#, there shall be not more than three square feet of bonus #floor area# for every square foot of #arcade# space.

(2) When a #development# is located on a #zoning lot# that is adjacent to the West 59th Street (Columbus Circle) or the West 66th Street subway station mezzanine, platform, concourse or connecting passageway, with no tracks intervening to separate the #zoning lot# from these elements, and such #zoning lot# contains 5,000 square feet or more of #lot area#, the City Planning Commission may, by special permit pursuant to Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) grant a maximum of 20 percent #floor area# bonus.

For a subway station improvement or for a subsurface concourse connection to a subway, the amount of #floor area# bonus that may be granted shall be at the discretion of the Commission. In determining the precise amount of #floor area# bonus, the Commission shall consider:

- (i) the direct construction cost of the public amenity;
- (ii) the cost of maintaining the public amenity; and
- (iii) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators.

#### 82-33

##### Modification of Bulk Regulations

The Commission may, by special permit, modify the height and setback regulations, #yard# regulations, regulations governing minimum distance between #buildings# on a single #zoning lot# and regulations governing #courts# and minimum distance between #legally required windows# and walls or #lot lines# for any #development# provided the City Planning Commission finds that such modifications are necessary to:

- (a) facilitate good design; or
- (b) allow design flexibility for any #development# to which the mandatory provisions of Section 82-10 are applicable; or
- (c) incorporate a #floor area# allowance pursuant to Section 82-32 (Special Provisions for Increases in Floor Area) where inclusion of the proposed public amenity will significantly further the specific purposes for which the #Special Lincoln Square District# is established.

The #lot area# requirements for the non-#residential# portion of a #building# which is eligible for a #floor area# allowance under the provisions of paragraph (b) of Section 82-32 may be reduced or waived by the Commission provided that the Commission makes the additional finding that such modification will not adversely affect the #uses# within the #building# or the surrounding area.

#### 82-34

##### Bulk Distribution

Within the Special District, not more than 40 per cent of the total #floor area# permitted on a #zoning lot# shall be within #stories# located entirely above a height of 150 feet from #curb level#.

For the purposes of determining allowable #floor area#, where a #zoning lot# has a mandatory 85 foot high #street wall# requirement along Broadway, the portion of the #zoning lot# located within 50 feet of Broadway shall not be included in #lot area# unless such portion contains or will contain a #building# with a wall at least 85 feet high coincident with the entire #street line# of Broadway.

### §2-35

#### Height and Setback Regulations

Within the Special District, all #developments# shall be subject to the height and setback regulations of the underlying districts, except as set forth in:

- (a) Paragraph (a) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line#; and
- (b) Paragraphs (b), (c) and (d) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line# and to penetrate the #sky exposure plane# above a height of 85 feet from #curb level#.

### §2-36

#### Special Tower Coverage and Setback Regulations

The requirements set forth in Sections 33-45 (Tower Regulations) or 35-63 (Special Tower Regulations for Mixed Buildings) for any #building# or portion thereof that qualifies as a "tower" shall be modified as follows:

- (a) At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate:
  - (i) not more than 40 per cent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the per cent set forth in Section 23-651 (Tower on small lots); and
  - (ii) not less than 30 per cent of the #lot area# of a #zoning lot#. However, the highest four #stories# of the tower or 40 feet, whichever is less, may cover less than 30 per cent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 per cent of the gross area of the #story# directly below it.
- (b) At all levels at or above a height of 85 feet from #curb level#, the minimum required set back of the #street wall# of a tower shall be at least 15 feet from the street line of Broadway or Columbus Avenue, and at least 20 feet on a #narrow street#.

- (c) In Subdistrict A, the provisions of paragraph (a) of Section 35-63, as modified by paragraphs (a) and (b) above, shall apply to any mixed building.

For the purposes of determining the permitted tower coverage in Block J as indicated on the District Plan, that portion of a zoning lot located within 100 feet of the west street line of Central Park West shall be treated as if it were a separate zoning lot and the tower regulations shall not apply to such portion.

## 82-11

### Building Walls Along Certain Street Lines

Delete the entire section

## 82-37

### Street Walls along Certain Street Lines

- (a) For any development on a zoning lot with a front lot line coincident with any of the following street lines, a street wall shall be located on such street line for the entire frontage of the zoning lot on that street and shall rise without setback to a height of 85 feet above curb level:

- (1) the east side of Broadway between West 61st Street and West 65th Street;
- (2) the east side of Columbus Avenue between West 65th Street and West 66th Street;
- (3) the east side of Broadway between West 67th Street and West 68th Street;
- (4) the west side of Broadway between West 66th Street and West 68th Street; and
- (5) the west side of Broadway between West 60th Street and West 62nd Street.

Such street wall shall extend on a narrow street to a distance of not less than 50 feet from its intersection with the street line of Broadway or Columbus Avenue and shall include a 20-foot setback at a height of 85 feet above curb level as required in Section 33-432 (In Other Commercial Districts).

- (b) For any development on a zoning lot in Block J with a front lot line coincident with any of the following street lines, a street wall shall be located on such street lines for the entire frontage of the zoning lot on that street:

- (1) the west side of Broadway between West 62nd Street and West 63rd Street;
- (2) the south side of West 63rd Street between Broadway and Columbus Avenue; and
- (3) the east side of Columbus Avenue between West 62nd Street and West 63rd Street.

The #street wall# located on the south side of West 63rd Street shall rise vertically without setback to a height of 150 feet above #curb level# before a setback of not less than 10 feet and extend on Columbus Avenue and/or Broadway for one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and shall include a 20-foot setback at that height as required in Section 33-432 (In Other Commercial Districts).

- (c) For any #development# on a #zoning lot# in Block 2 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#:

- (1) the east side of Broadway between West 67th Street and West 66th Street;
- (2) the north side of West 66th Street between Broadway and Columbus Avenue; and
- (3) the west side of Columbus Avenue between West 66th Street and West 67th Street.

The #street wall# located on the north side of West 66th Street shall rise vertically without setback to a height of 150 feet above the #curb level# before a setback of not less than 10 feet and extend on Broadway and/or Columbus Avenue for one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and shall include a 20-foot setback at that height as required in Section 33-432 (In Other Commercial Districts).

- (d) For any #development# on a #zoning lot# in Block 3 with a #front lot line# coincident with the #street line# of Central Park West, the #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#.

The #street wall# fronting on Central Park West shall rise vertically without setback to a height of at least 125 feet but not greater than 150 feet and shall extend along the #street line# of West 61st Street and along the #street line# of West 62nd Street to a distance of not less than 50 feet but not more than 100 feet from their intersection with the west #street line# of Central Park West. Above that height no #building or other structure# shall penetrate a #sky exposure plane# that starts at the #street line# and rises over the #zoning lot# at a ratio of 2.5 : 1.

## §2-38

### Recesses in the Street Wall of a Building

Recessed fenestration and special architectural expression lines in the #building# facade of a #development# are required as follows:

- (a) Except as set forth in paragraph (b) below, the aggregate length of all recesses in the #street wall# along Broadway of a #development# shall be between 15 per cent and 30 per cent of the entire length of such #street wall# at any #story# between the ground floor and 85 feet above #curb level#.
- (b) In Block 1, for any #development# that fronts on the #street line# of the south side of West 63rd Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front, the aggregate length of all recesses in the #street walls# along each such #street# frontage shall be between 15 percent and 30 per cent of the entire length of each #street wall# at any story between ground floor and 85 feet above curb level and shall be between 30 percent and 50 percent of the entire length of each #street wall# at any #story# between 85 feet and 150 feet above #curb level#.
- (c) In Block 2 the requirement of #street wall# recesses in paragraph (b) above shall also apply to a #development# that fronts on the #street line# of the north side of West 66th Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 per cent of the #block# front.

Such recesses shall be a minimum of one foot in depth and shall not exceed a depth of 10 feet. No recesses deeper than one foot shall be permitted in the #street wall# of a #building# within a distance of 10 feet from the intersection of any two #street lines#.

In addition, along the #street lines# of Broadway, West 63rd Street and West 66th Street, within Blocks 1 and 2, the #street wall# shall provide at a height of 20 feet above #curb level#, an architectural expression line consisting of a



minimum six inch recess or projection, for a minimum height of one foot and maximum height of two feet.

### §2-39 Dormer

A dormer may be allowed as a permitted obstruction within the required setback distance of the fastest wall of a building at all setback levels. The fastest wall of a dormer shall rise vertically as an extension of the fastest wall of the building. A dormer may be located anywhere on a wide or narrow street frontage.

On any street frontage the aggregate width of all dormers at the required setback level shall not exceed 60 per cent of the length of the fastest wall of a building. For each foot of height above the required setback level, the aggregate width of all dormers shall be decreased by one per cent of its maximum permissible width at the required setback level. All dormers shall count as floor area but not as lot coverage.

### §2-40 SPECIAL HEIGHT LIMITATION

For developments located in Block 1 or Block 2, the maximum height of a building or other structure or portion thereof shall not exceed 275 feet above curb level, except that a penthouse may be located above such height, provided that such penthouse:

(1) contain not more than four stories or 40 feet, whichever is less; and

(2) the gross area of each story does not exceed 80 per cent of the gross area of that story directly below it.

### §2-121 §2-50

### OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The regulations of Article I, Chapter 3 (COMPREHENSIVE OFF-STREET PARKING REGULATIONS IN COMMUNITY DISTRICTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN THE BOROUGH OF MANHATTAN) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the Special Lincoln Square District except as otherwise provided in this Section.

### (a) Accessory Off-Street Parking Spaces

Accessory off-street parking spaces are permitted only by special permit of the City Planning Commission pursuant to Section 13-61 (Accessory off-street parking spaces).

**(b) Curb Cuts**

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets#, where such curb cuts are needed exclusively for required off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-453 (Curb Cuts) and the loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

**(c) Waiver of Loading Berth Requirements**

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

- (i) be hazardous to traffic safety; or
- (ii) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement, or
- (iii) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

**82-122****Public parking garages**

Delete entire section

**82-60****PUBLIC PARKING GARAGES**

In that portion of the Special Lincoln Square District located within a C4-7 District, the Commission may permit #public parking garages# with any capacity pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

**82-13****Special Regulations for Zoning Lots Divided by District Boundaries**

Delete entire section

**82-14****82-70****EXISTING PLAZAS OR OTHER PUBLIC AMENITIES**

No existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, pursuant to regulations antedating May 24, 1984 shall be eliminated or reduced in size anywhere within the #Special Lincoln Square District#, without a corresponding reduction in the #floor area of the building# or the substitution of equivalent complying areas for such amenity elsewhere on the #zoning lot#.

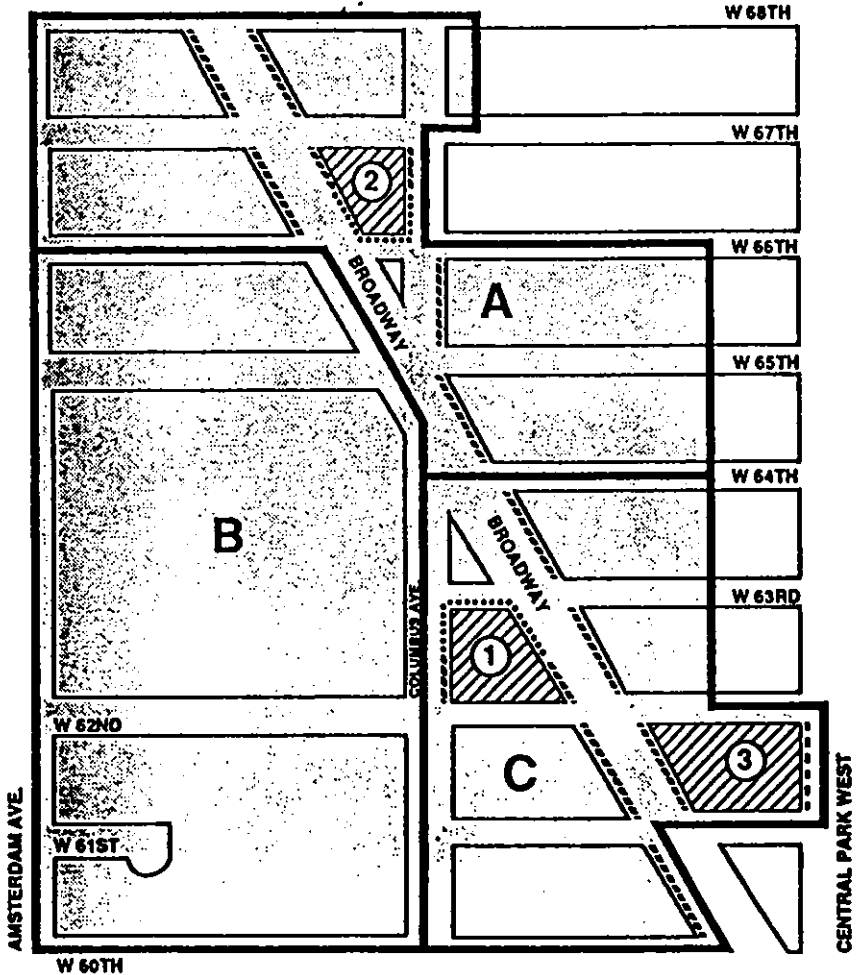
Any elimination or reduction in size or volume of such an existing public amenity in #developments# which include prior approved #bulk modifications#, shall be permitted in the #Special Lincoln Square District# only by ~~special permit of an authorization, after public notice and hearing,~~ by the City Planning Commission and by the Board of Estimate. As a condition for such ~~permit authorization,~~ the Commission shall find that the proposed change will provide a greater benefit in light of the public amenity's purposes and the purposes of the #Special Lincoln Square District#.







An application for such ~~special permit authorization~~ shall contain exact and detailed plans, drawings, and other description as to fully explain the use and quality of all features of the proposed public amenity revisions and any other information and documentation as may be required by the Commission.

~~The Chairman of the City Planning Commission shall furnish a copy of the application for such authorization to Community Board No. 7, Manhattan for 30 days and will give due consideration to their opinion as to the appropriateness of such a facility to the area. The Commission shall act within 45 days from the date of receipt of the Community Board recommendations or within 45 days of the date on which the Community Board review period expires, whichever is earlier. The Board of Estimate shall act on the application within 45 days of receipt of the Commission recommendations.~~

NEW - To be Added

# APPENDIX A - DISTRICT PLAN SPECIAL LINCOLN SQUARE DISTRICT



-  SPECIAL DISTRICT BOUNDARY
-  SUBDISTRICT
-  REQUIRED 85' STREETWALL
-  REQUIRED 150' STREETWALL
-  REQUIRED 125' STREETWALL
-  DEVELOPMENT BLOCK

Other Related Amendments

1. The following definitions are hereby deleted in their entirety in Section 12-10:
  - #Covered Plaza#**
  - #Pedestrian Mall#**
  
2. All references to Section 82-08 (Modification of Bulk and Height and Setback Requirements) are hereby deleted in the following sections:
 

<b>Section 23-15</b>	<b>(Maximum Floor Area Ratio in R10 Districts)</b>
<b>Section 33-131</b>	<b>(Commercial buildings in certain specified Commercial Districts)</b>
<b>Section 33-133</b>	<b>(Community facility buildings in certain other specified Commercial Districts)</b>
<b>Section 33-141</b>	<b>(Commercial buildings in certain specified Commercial Districts)</b>
<b>Section 33-151</b>	<b>(Commercial buildings in certain specified Commercial Districts)</b>
<b>Section 33-153</b>	<b>(Commercial facility buildings in certain other specified Commercial Districts)</b>
<b>Section 35-35</b>	<b>(Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in connection with Mixed Buildings)</b>
<b>Section 33-43</b>	<b>(Maximum Height of Front Wall and Required Front Setbacks)</b>
<b>Section 33-44</b>	<b>(Alternate Front Setbacks)</b>
<b>Section 33-455</b>	<b>(Alternate regulations for towers on lots bounded by two or more streets)</b>
<b>Section 33-456</b>	<b>(Alternate setback regulations on lots bounded by two or more streets)</b>
<b>Section 35-41</b>	<b>(Lot Area Requirements for Non-residential Portions of Mixed Buildings)</b>
<b>Section 35-62</b>	<b>(Maximum Height of Front Wall in Initial Setback Distance)</b>
<b>Section 74-87</b>	<b>(Covered Pedestrian Space)</b>
  
3. All reference to Section 82-11 (Building Walls Along Certain Street Lines) is hereby deleted in Section 33-43 (Maximum Height of Front Wall and Required Front Setbacks).
  
4. All references to Section 82-07 (Modification of Parking and Off-street Loading Requirements) are hereby deleted in the following sections:

Section 36-11	(General Provisions)
Section 36-21	(General Provisions)
Section 36-31	(General Provisions)
Section 36-33	(Requirements Where Group Parking Facilities Are Provided)
Section 36-34	(Modification of Requirements for Small Zoning Lots)
Section 36-61	(Permitted Accessory Off-street Loading Berths)

(On November 17, 1993, Supplemental Cal. No. 1, the Commission scheduled December 1, 1993 for a public hearing. On December 1, 1993, Cal. No. 6, the hearing was continued.)

Close the hearing.

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No. 24

**[Amendments to the Zoning Resolution to eliminate the mandatory arcades and to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District in the Borough of Manhattan]**

CD 7

N 940128 (A) ZRM

**CONTINUED 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 Article VIII, Chapter 2, Section 82-00, to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District and to reference in other sections, as follows:

Matter in ~~Graytons~~ is new, to be added;

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

Matter in italics or within # # is defined in Section 12-10;

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

Article VIII

Chapter 2 Special Lincoln Square District

82-00 GENERAL PURPOSES

\* \* \*

82-01

Definitions

\* \* \*

**Development**

For purposes of this Chapter a "development" includes both ~~#development#~~ and ~~#enlargement#~~ as defined in Section 12-10 (DEFINITIONS).

**82-02****General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the ~~#Special Lincoln Square District#~~ and in accordance with the provisions of this Chapter, certain specified ~~#bulk#~~ regulations of the districts on which the ~~#Special Lincoln Square District#~~ is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each ~~#development#~~ within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter, and the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may grant special permits authorizing modifications of specified applicable district ~~#bulk#~~ regulations for any ~~#development#~~ in the ~~#Special Lincoln Square District#~~. In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such ~~#development#~~ shall conform to and comply with all of the applicable district regulations on ~~#use#~~, ~~#bulk#~~, supplementary ~~#use#~~ regulations, regulations applying along district boundaries, ~~#accessory signs#~~, ~~#accessory#~~ off-street parking and off-street loading, and all other applicable provisions of this resolution, except as otherwise specifically provided in this Chapter.

**82-03****Action by the Board of Estimate**

Delete entire section

**82-04****82-03****Requirements for Applications**

An application to the City Planning Commission for the grant of a special permit or an authorization respecting any ~~#development#~~ under the provisions of this Chapter shall include a site plan showing the location and the proposed ~~#use#~~ of all ~~#buildings~~ or other structures# on the site; the location of all vehicular entrances and exits and proposed off-street parking spaces, and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit or an authorization is warranted. Such information shall include, but not be limited to, justification of the proposed ~~#development#~~ in relation to the general purposes of the ~~#Special Lincoln Square District#~~; ~~(Section 82-00)~~, its relation to public improvements ~~(82-05)~~, its proposed ~~#uses#~~ ~~(Section 82-06)~~, its parking facilities ~~(Section 82-07)~~, and its bulk and height ~~(Section 82-08)~~, as well, in

~~applicable locations, as the inclusion of Mandatory Arcades (Section 82-09), public amenities (Section 82-10) and location of #building# walls in relation to certain #street lines# (Section 82-11).~~

## ~~82-05~~

### ~~Relationship to Public Improvement Projects~~

~~Delete entire section~~

## ~~82-04~~

### ~~District Plan~~

~~The District Plan for the #Special Lincoln Square District# included as Appendix A identifies specific subdistricts in which special zoning regulations carry out the general purposes of the #Special Lincoln Square District#. These areas are: Subdistrict A, Subdistrict B and Subdistrict C.~~

~~The District Plan also identifies #blocks# with mandatory #front lot line street walls#.~~

~~The District Plan is hereby incorporated as an integral part of the #Special Lincoln Square District#.~~

## ~~82-05~~

### ~~Right to Construct~~

~~For the purpose of this Chapter, the right to continue to construct shall terminate if the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) are not met by the date of approval of this amendment by the City Planning Commission.~~

## ~~82-10~~

### ~~MANDATORY DISTRICT IMPROVEMENTS~~

~~The provisions of this Section specify mandatory physical improvements to be provided in connection with #developments# on certain #zoning lots# located within the Special District.~~

## ~~82-09~~

### ~~Mandatory Arcades~~

~~Delete entire section~~

## ~~82-11~~

### ~~Mandatory Off-Street Relocation of a Subway Stair~~

~~Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the~~



#zoning lot# in accordance with the provisions of Section 37-032 (Standards for relocation, design and hours of public accessibility) and 37-033 (Administrative procedure for a subway stair relocation).

## 82-12

### Special Provisions for a Transit Easement

Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.

## 82-06

## 82-20

### SPECIAL USE AND SIGN REGULATIONS

In order to ensure that a wide variety of consumer and service needs of local residence are met, a special limitation is imposed on the amount of street frontage that can be elevated to any one type of commercial use, and a special incentive is provided to encourage uses compatible with the General Purposes of Section 82-00.

In order to provide for the special cultural needs, convenience, enjoyment, education and recreation of the residents of the area and of the many visitors who are attracted to the Lincoln Center for the Performing Arts, a limitation is imposed on the ground floor #uses# within the Special District.

The provisions of this Section shall apply to all a #development# or change of #use# within the Special District.

## 82-061

## 82-21

### Restrictions on Street Level Uses

#Uses# on the ground floor level along Broadway, Amsterdam or Columbus Avenues except lobby space shall be limited to Use Group L uses or #commercial uses# permitted by the underlying district regulations. On any #zoning lot# which abuts Columbus, Amsterdam Avenues or Broadway, the maximum length of street frontage along Broadway or Columbus or Amsterdam Avenues which may be devoted to any permitted #use# shall be 40 feet unless the use also is included in Use Group L (Section 82-062) #Uses# under Use Group L are permitted without #street# frontage limitation.

Within 30 feet of Broadway, Columbus Avenue or Amsterdam Avenue #street lines#, #uses# located on the ground floor level or within five feet of #curb level# shall be limited to those listed in Use Groups 6A, 6C, 5A, 10A, eating or drinking establishments listed in 12A, or 12B. Within Use Groups 3A or 4B #uses# shall be

limited to colleges, universities including professional schools, museums, libraries or non-commercial art galleries. At the ground floor level and within five feet of #curb level# the #floor area# shall be allocated exclusively to such #uses#, except lobby space, building entrance space, #accessory# loading berths where permitted pursuant to Section 82-50, or entrance areas to subway stations.

#### 82-062

##### ~~Use Group L~~

Delete entire section

#### 82-22

##### Location of Floors Occupied by Commercial Uses

The provisions of Section 32-422 (Location of Floors Occupied by Non-Residential Uses) shall not apply to any #commercial use# located in a portion of a #mixed building# that has separate direct access to the #street# and has no access within the #building# to the #residential# portion of the #building# at any #story#. In no event shall such #commercial use# be located directly over any #story# containing #dwelling units#.

#### 82-23

##### Special Floor Area Regulations for Use Groups 8 and 12 Uses

Within Subdistrict A or Subdistrict C, the maximum #floor area ratio# that may be used on a #zoning lot# for #uses# listed in Use Groups 8A or 12A shall not exceed 1.0, except that this limitation shall not apply to eating or drinking establishments.

#### 82-24

##### Street Wall Transparency

When the front building wall or #street wall# of any #development# is located on Broadway, Columbus Avenue or Amsterdam Avenue, at least 50 percent of the total surface area of the #street wall# between #curb level# and 12 feet above #curb level# or to the ceiling of the first #story#, whichever is higher, shall be transparent. Such transparency shall begin not higher than two feet six inches above #curb level#.

#### 82-063

#### 82-25

##### Supplementary Sign Regulations

No permitted #business sign# shall extend above #curb level# at a height greater than 20 feet.

#### 82-07

##### Modification of Parking and off-street Loading Requirements

Delete entire section

**82-08****Modification of Bulk and Height and Setback Requirements**

Delete entire section

**82-10****PUBLIC AMENITIES**

Delete entire section

**82-30****SPECIAL BULK REGULATIONS****82-31****Floor Area Ratio Regulations for Commercial Uses**

Within Subdistrict A, for any #development# in a C4-7 District the maximum permitted # commercial floor area ratio# on a #zoning lot# shall be 3.4.

**82-311****Floor area increase by special permit**

The City Planning Commission may by special permit allow the #commercial floor area ratio# permitted on a #zoning lot# within Subdistrict A to be increased from 3.4 to 10.0 for #commercial uses#. As a condition for such special permit, the Commission shall find that:

- (a) the #uses# are appropriate for the location and shall not unduly affect the #residential uses# in the nearby area or impair the future land use and development of the adjacent areas;
- (b) the #uses# shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c) the additional #bulk# devoted to #commercial uses# shall not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow; and
- (d) the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on the character of the surrounding area.

**82-32****Special Provisions for Increases in Floor Area**

The provisions of Sections 23-16, 24-14 or 33-13 (Floor Area Bonus for a Plaza), Sections 23-17, 24-15 or 33-14 (Floor Area Bonus for a Plaza-Connected Open Area), Sections 23-18, 24-16, or 33-15 (Floor Area Bonus for Arcades), or Section

23-23 (Density Bonus for a Plaza-Connected Open Area or Arcade) shall not apply. In lieu thereof the following provisions shall apply, which may be used separately or in combination, provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0:

(a) Floor Area Increase for Inclusionary Housing

For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90 (INCLUSIONARY HOUSING).

(b) Floor Area Bonus for Public Amenities

(i) When a #development# is located on a #zoning lot# that is adjacent to the West 59th Street (Columbus Circle) or the West 66th Street subway station mezzanine, platform, concourse or connecting passageway, with no tracks intervening to separate the #zoning lot# from these elements, and such #zoning lot# contains 5,000 square feet or more of #lot area#, the City Planning Commission may, by special permit pursuant to Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) grant a maximum of 20 percent #floor area# bonus.

For a subway station improvement or for a subsurface concourse connection to a subway, the amount of #floor area# bonus that may be granted shall be at the discretion of the Commission. In determining the precise amount of #floor area# bonus, the Commission shall consider:

- (i) the direct construction cost of the public amenity;
- (ii) the cost of maintaining the public amenity; and
- (iii) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators.

82-33

Modification of Bulk Regulations

The Commission may, by special permit, modify the height and setback regulations, #yard# regulations, regulations governing minimum distance between #buildings# on a single #zoning lot# and regulations governing #courts# and minimum distance between #legally required windows# and walls or #lot lines# for any #development# provided the City Planning Commission finds that such modifications are necessary to:

- (a) facilitate good design; or
- (b) allow design flexibility for any #development# to which the mandatory provisions of Section 82-12 are applicable; or
- (c) incorporate a #floor area# allowance pursuant to Section 82-32 (Special Provisions for Increases in Floor Area) where inclusion of the proposed public amenity will significantly further the specific purposes for which the #Special Lincoln Square District# is established.

The #floor area# requirements for the non-#residential# portion of a #building# which is eligible for a #floor area# allowance under the provisions of paragraph (b) of Section 82-32 may be reduced or waived by the Commission provided that the Commission makes the additional finding that such modification will not adversely affect the #uses# within the #building# or the surrounding area.

#### 82-34

##### Bulk Distribution

Within the Special District, not more than 40 per cent of the total #floor area# permitted on a #zoning lot# shall be within #stories# located entirely above a height of 150 feet from #curb level#.

For the purposes of determining allowable #floor area#, where a #zoning lot# has a mandatory 85 foot high #street wall# requirement along Broadway, the portion of the #zoning lot# located within 50 feet of Broadway shall not be included in #lot area# unless such portion contains or will contain a #building# with a wall at least 85 feet high coincident with the entire #street line# of Broadway.

#### 82-35

##### Height and Setback Regulations

Within the Special District, all #developments# shall be subject to the height and setback regulations of the underlying districts, except as set forth in:

- (a) Paragraph (a) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line#; and
- (b) Paragraphs (b), (c) and (d) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line# and to penetrate the #sky exposure plane# above a height of 85 feet from #curb level#.

#### 82-36

##### Special Tower Coverage and Setback Regulations

The requirements set forth in Sections 33-45 (Tower Regulations) or 35-63 (Special Tower Regulations for Mixed Buildings) for any #building# or portion thereof that qualifies as a "tower" shall be modified as follows:

- (a) At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate:
- (i) not more than 40 per cent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the per cent set forth in Section 23-651 (Tower on small lots); and
  - (ii) not less than 30 per cent of the #lot area# of a #zoning lot#. However, the highest four #stories# of the tower or 40 feet, whichever is less, may cover less than 30 per cent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 per cent of the gross area of the #story# directly below it.
- (b) At all levels at or above a height of 85 feet from #curb level#, the minimum required set back of the #street wall# of a tower shall be at least 15 feet from the street line of Broadway or Columbus Avenue, and at least 20 feet on a #narrow street#.
- (c) In Subdistrict A, the provisions of paragraph (a) of Section 35-63, as modified by paragraphs (a) and (b) above, shall apply to any #mixed building#.

For the purposes of determining the permitted tower coverage in Block 3 as indicated on the District Plan, that portion of a #zoning lot# located within 100 feet of the west #street line# of Central Park West shall be treated as if it were a separate #zoning lot# and the tower regulations shall not apply to such portion.

## 82-11

### Building Walls Along Certain Street Lines

Delete the entire section

## 82-37

### Street Walls along Certain Street Lines

- (a) For any #development# on a #zoning lot# with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street# and shall rise without setback to a height of 85 feet above #curb level#:
- (1) the east side of Broadway between West 61st Street and West 65th Street;
  - (2) the east side of Columbus Avenue between West 65th Street and West 66th Street;

(3) the east side of Broadway between West 67th Street and West 68th Street;

(4) the west side of Broadway between West 66th Street and West 68th Street; and

(5) the west side of Broadway between West 60th Street and West 62nd Street.

Such #street wall# shall extend on a #narrow street# to a distance of not less than 50 feet from its intersection with the #street line# of Broadway or Columbus Avenue and shall include a 20-foot setback at a height of 85 feet above #curb level# as required in Section 33-432 (In Other Commercial Districts).

(b) For any #development# on a #zoning lot# in Block 1 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street lines# for the entire frontage of the #zoning lot# on that #street#:

(1) the west side of Broadway between West 62nd Street and West 63rd Street;

(2) the south side of West 63rd Street between Broadway and Columbus Avenue; and

(3) the east side of Columbus Avenue between West 62nd Street and West 63rd Street.

The #street wall# located on the south side of West 63rd Street shall rise vertically without setback to a height of 150 feet above #curb level# before a setback of not less than 10 feet and extend on Columbus Avenue and/or Broadway for one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and shall include a 20-foot setback at that height as required in Section 33-432 (In Other Commercial Districts).

(c) For any #development# on a #zoning lot# in Block 2 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street lines# for the entire frontage of the #zoning lot# on that #street#:

(1) the east side of Broadway between West 67th Street and West 66th Street;

(2) the north side of West 66th Street between Broadway and Columbus Avenue; and

(3) the west side of Columbus Avenue between West 66th Street and West 67th Street.

The #street wall# located on the north side of West 66th Street shall rise vertically without setback to a height of 150 feet above the #curb level# before a setback of not less than 10 feet and extend on Broadway and/or Columbus Avenue for one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and shall include a 20-foot setback at that height as required in Section 33-432 (In Other Commercial Districts).

(d) For any #development# on a #zoning lot# in Block 3 with a #front lot line# coincident with the #street line# of Central Park West, the #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#.

The #street wall# fronting on Central Park West shall rise vertically without setback to a height of at least 125 feet but not greater than 150 feet and shall extend along the #street line# of West 61st Street and along the #street line# of West 62nd Street to a distance of not less than 50 feet but not more than 100 feet from their intersection with the west #street line# of Central Park West. Above that height no #building or other structure# shall penetrate a #sky exposure plane# that starts at the #street line# and rises over the #zoning lot# at a ratio of 2.5 : 1.

### §7-38

#### Recesses in the Street Wall of a Building

Recessed fenestration and special architectural expression lines in the #building# facade of a #development# are required as follows:

(a) Except as set forth in paragraph (b) below, the aggregate length of all recesses in the #street wall# along Broadway of a #development# shall be between 15 per cent and 30 per cent of the entire length of such #street wall# at any #story# between the ground floor and 85 feet above #curb level#.

(b) In Block 1, for any #development# that fronts on the #street line# of the south side of West 63rd Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front, the aggregate length of all recesses in the #street wall# along each such #street# frontage shall be between 15 percent and 30



per cent of the entire length of each #street wall# at any #story# between ground floor and 85 feet above #curb level# and shall be between 30 percent and 50 percent of the entire length of each #street wall# at any #story# between 85 feet and 150 feet above #curb level#.

- (c) In Block 2 the requirement of #street wall# recesses in paragraph (b) above shall also apply to a #development# that fronts on the #street line# of the north side of West 66th Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 per cent of the #block# front.

Such recesses shall be a minimum of one foot in depth and shall not exceed a depth of 10 feet. No recesses deeper than one foot shall be permitted in the #street wall# of a #building# within a distance of 10 feet from the intersection of any two #street lines#.

In addition, along the #street lines# of Broadway, West 63rd Street and West 66th Street within Blocks 1 and 2, the #street wall# shall provide at a height of 20 feet above #curb level#, an architectural expression line consisting of a minimum six inch recess or projection, for a minimum height of one foot and maximum height of two feet.

#### 82-39

##### Dormer

A dormer may be allowed as a permitted obstruction within the required setback distance of the #street wall# of a #building# at all setback levels. The #street wall# of a dormer shall rise vertically as an extension of the #street wall# of the #building#. A dormer may be located anywhere on a #wide# or #narrow street# frontage.

On any #street# frontage the aggregate width of all dormers at the required setback level shall not exceed 60 per cent of the length of the #street wall# of a #building#. For each foot of height above the required setback level, the aggregate width of all dormers shall be decreased by one per cent of its maximum permissible width at the required setback level. All dormers shall count as #floor area# but not as #lot coverage#.

#### 82-40

##### SPECIAL HEIGHT LIMITATION

For #developments# located in Block 1 or Block 2, the maximum height of a #building or other structure# or portion thereof shall not exceed 275 feet above #court level#, except that a penthouse may be located above such height, provided that such penthouse:

- (1) contains not more than four #stories# or 40 feet, whichever is less; and
- (2) the gross area of each #story# does not exceed 80 per cent of the gross area of that #story# directly below it.

82-121

82-50

**OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS**

The regulations of Article I, Chapter 3 (COMPREHENSIVE OFF-STREET PARKING REGULATIONS IN COMMUNITY DISTRICTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN THE BOROUGH OF MANHATTAN) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section.

**(a) Accessory Off-Street Parking Spaces**

#Accessory# off-street parking spaces are permitted only by special permit of the City Planning Commission pursuant to Section 13-461 (Accessory off-street parking spaces).

**(b) Curb Cuts**

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets#, where such curb cuts are needed exclusively for required off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-453 (Curb Cuts) and the loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

**(c) Waiver of Loading Berth Requirements**

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

- (i) be hazardous to traffic safety; or
- (ii) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement, or
- (iii) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

82-122

**Public parking garages**

Delete entire section

~~82-60~~~~PUBLIC PARKING GARAGES~~

~~In that portion of the Special Lincoln Square District located within a C4-7 District, the Commission may permit #public parking garages# with any capacity pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).~~

82-13

~~Special Regulations for Zoning Lots Divided by District Boundaries~~

Delete entire section

82-14

~~82-70~~~~EXISTING PLAZAS OR OTHER PUBLIC AMENITIES~~

~~No existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, pursuant to regulations antedating May 24, 1984 shall be eliminated or reduced in size anywhere within the #Special Lincoln Square District#, without a corresponding reduction in the #floor area of the building# or the substitution of equivalent complying areas for such amenity elsewhere on the #zoning lot#.~~

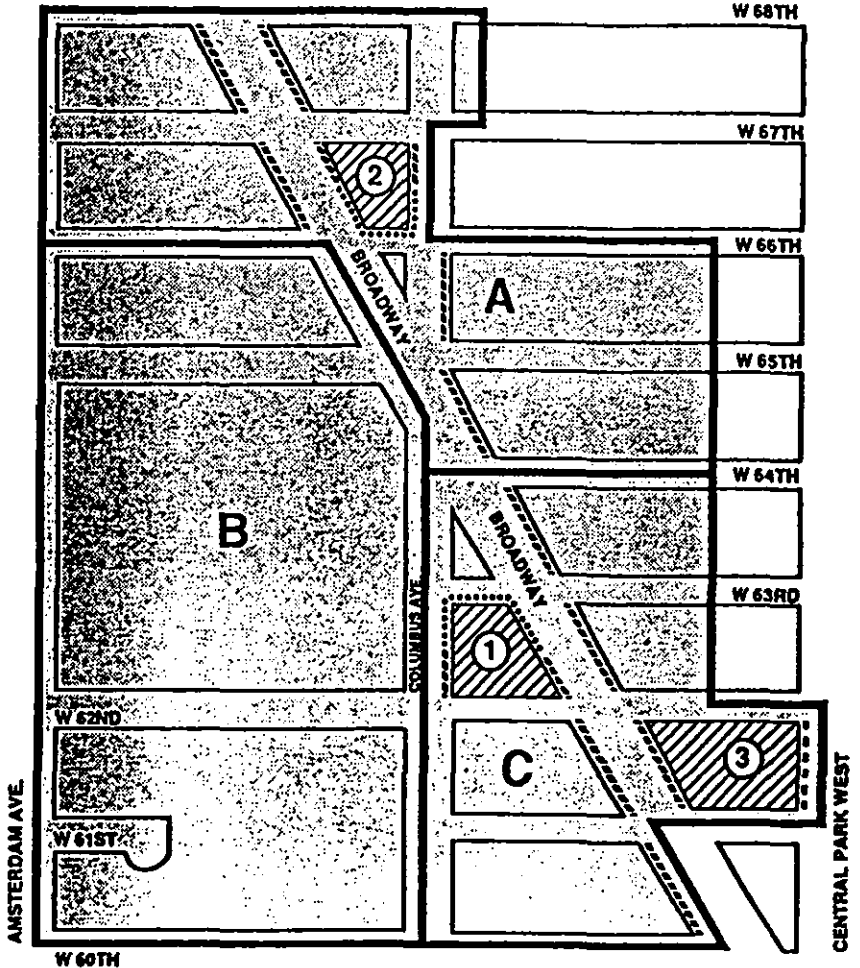
~~Any elimination or reduction in size or volume of such an existing public amenity in #developments# which include prior approved #bulk modifications#, shall be permitted in the #Special Lincoln Square District# only by special permit of an authorization, after public notice and hearing, by the City Planning Commission and by the Board of Estimate. As a condition for such permit authorization, the Commission shall find that the proposed change will provide a greater benefit in light of the public amenity's purposes and the purposes of the #Special Lincoln Square District#.~~







~~An application for such special permit authorization shall contain exact and detailed plans, drawings, and other description as to fully explain the use and quality of all features of the proposed public amenity revisions and any other information and documentation as may be required by the Commission.~~

~~The Chairman of the City Planning Commission shall furnish a copy of the application for such authorization to Community Board No. 7, Manhattan for 30 days and will give due consideration to their opinion as to the appropriateness of such a facility to the area. The Commission shall act within 45 days from the date of receipt of the Community Board recommendations or within 45 days of the date on which the Community Board review period expires, whichever is earlier. The Board of Estimate shall act on the application within 45 days of receipt of the Commission recommendations.~~

NEW - To be Added

# APPENDIX A - DISTRICT PLAN SPECIAL LINCOLN SQUARE DISTRICT



-  SPECIAL DISTRICT BOUNDARY
-  SUBDISTRICT
-  REQUIRED 85' STREETWALL
-  REQUIRED 150' STREETWALL
-  REQUIRED 125' STREETWALL
-  DEVELOPMENT BLOCK

Other Related Amendments

1. The following definitions are hereby deleted in their entirety in Section 12-10:
  - #Covered Plaza#
  - #Pedestrian Mall#
  
2. All references to Section 82-08 (Modification of Bulk and Height and Setback Requirements) are hereby deleted in the following sections:
 

Section 23-15	(Maximum Floor Area Ratio in R10 Districts)
Section 33-131	(Commercial buildings in certain specified Commercial Districts)
Section 33-133	(Community facility buildings in certain other specified Commercial Districts)
Section 33-141	(Commercial buildings in certain specified Commercial Districts)
Section 33-151	(Commercial buildings in certain specified Commercial Districts)
Section 33-153	(Commercial facility buildings in certain other specified Commercial Districts)
Section 35-35	(Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in connection with Mixed Buildings)
Section 33-43	(Maximum Height of Front Wall and Required Front Setbacks)
Section 33-44	(Alternate Front Setbacks)
Section 33-455	(Alternate regulations for towers on lots bounded by two or more streets)
Section 33-456	(Alternate setback regulations on lots bounded by two or more streets)
Section 35-41	(Lot Area Requirements for Non-residential Portions of Mixed Buildings)
Section 35-62	(Maximum Height of Front Wall in Initial Setback Distance)
Section 74-87	(Covered Pedestrian Space)
  
3. All reference to Section 82-11 (Building Walls Along Certain Street Lines) is hereby deleted in Section 33-43 (Maximum Height of Front Wall and Required Front Setbacks).
  
4. All references to Section 82-07 (Modification of Parking and Off-street Loading Requirements) are hereby deleted in the following sections:

Section 36-11	(General Provisions)
Section 36-21	(General Provisions)
Section 36-31	(General Provisions)
Section 36-33	(Requirements Where Group Parking Facilities Are Provided)
Section 36-34	(Modification of Requirements for Small Zoning Lots)
Section 36-61	(Permitted Accessory Off-street Loading Berths)

(On November 17, 1993, Supplemental Cal. No. 2, the Commission scheduled December 1, 1993 for a public hearing. On December 1, 1993, Cal. No. 7, the hearing was continued.)

Close the hearing.

---

No. 25 and 26

*(Applications for modified amendments to reduce the height limit on Blocks 1 and 2 from 300 feet to 275 feet and to eliminate the penthouse provisions throughout the Special Lincoln Square District)*

No. 25

[Amendments to the Zoning Resolution to retain the mandatory arcades and to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District in the Borough of Manhattan]

CD 7

N 940127 (B) ZRM

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 2, Section 82-00, to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District and to reference in other sections, as follows:

Matter in ~~Graytone~~ is new, to be added;

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

Matter in italics or within # # is defined in Section 12-10;

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

## Article VIII

## Chapter 2 Special Lincoln Square District

## 82-00 GENERAL PURPOSES

\* \* \*

## 82-01

## Definitions

\* \* \*

~~Development~~

~~For purposes of this Chapter a "development" includes both #development# and #enlargement# as defined in Section 12-10 (DEFINITIONS).~~

## 82-02

## General Provisions

~~In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Lincoln Square District# and in accordance with the provisions of this Chapter, certain specified #bulk# regulations of the districts on which the #Special Lincoln Square District# is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each #development# within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter; and the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may grant special permits authorizing modifications of specified applicable district #bulk# regulations for any #development# in the #Special Lincoln Square District#. In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such #development# shall conform to and comply with all of the applicable district regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory signs#, #accessory# off-street parking and off-street loading, and all other applicable provisions of this resolution, except as otherwise specifically provided in this Chapter.~~

## 82-03

## Action by the Board of Estimate

Delete entire section

## 82-04

~~82-04~~

Requirements for Applications

An application to the City Planning Commission for the grant of a special permit or an authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and the proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and proposed off-street parking spaces, and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit or an authorization is warranted. Such information shall include, but not be limited to, justification of the proposed #development# in relation to the general purposes of the #Special Lincoln Square District#; ~~(Section 82-00), its relation to public improvements (82-05), its proposed #uses# (Section 82-06), its parking facilities (Section 82-07), and its bulk and height (Section 82-08), as well, in applicable locations, as the inclusion of Mandatory Arcades (Section 82-09), public amenities (Section 82-10) and location of #building# walls in relation to certain #street lines# (Section 82-11).~~

#### 82-05

##### Relationship to Public Improvement Projects

Delete entire section

#### 82-04

##### District Plan

The District Plan for the #Special Lincoln Square District# included as Appendix A identifies specific subdistricts in which special zoning regulations carry out the general purposes of the #Special Lincoln Square District#. These areas are: Subdistrict A, Subdistrict B and Subdistrict C.

The District Plan also identifies #blocks# with mandatory #front lot line street walls#. The District Plan is hereby incorporated as an integral part of the #Special Lincoln Square District#.

#### 82-05

##### Right to Construct

For the purpose of this Chapter, the right to continue to construct shall terminate if the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) are not met by the date of approval of this amendment by the City Planning Commission.

#### 82-10

##### MANDATORY DISTRICT IMPROVEMENTS

The provisions of this Section specify mandatory physical improvements to be provided in connection with #developments# on certain #zoning lots# located within the Special District.



82-09

82-11

**Mandatory Arcades**

Any #development# located on a #zoning lot# with a #lot line# which coincides with any ~~either~~ of the following #street lines#: ~~the north side of 61st Street between Central Park West and Broadway,~~ the east side of Broadway between ~~West~~ 61st and ~~West~~ 65th Streets or the east side of Columbus Avenue between ~~West~~ 65th and ~~West~~ 66th Streets, shall contain an #arcade# as defined in Section 12-10, except that:

- (a) The #arcade# shall extend the full length of the #zoning lot# along the #street lines# described above. However, the required #arcade# along the east side of Columbus Avenue may be terminated at a point 40 feet south of ~~West~~ 66th Street;
- (b) The exterior face of #building# columns shall lie along the #street lines# described above;
- (c) The minimum depth of the #arcade# shall be 15 feet (measured perpendicular to the exterior face of the #building# columns located on the #street line#) and the ~~average~~ ~~minimum~~ height of the #arcade# along the center line of its longitudinal axis shall not be less than 20 feet;
- (d) The #arcade# shall contain no permanent obstruction within the area delineated by the minimum width and height requirements of this Section except for the following:
  - (1) Unenclosed cafes, provided that there is at least a ~~6~~ ~~six-foot~~ ~~feet~~ wide unobstructed pedestrian way adjacent to the #building# ~~street~~ wall#. In no event may such cafes be enclosed at any time.
  - (2) Structural columns not exceeding 2 feet by 3 feet provided that the longer dimension of such columns is parallel to the #street line#, that such columns are spaced at a minimum of 17 feet on center, and that the space between such columns and the face of the #building# ~~street~~ wall# is at least 13 feet wide. No other columns shall project beyond the face of the ~~building~~ #street wall#.
- (e) No #signs# may be affixed to any part of the #arcade# or #building# columns except on a parallel to the #building# ~~street~~ wall# projecting no more than 18 inches therefrom parallel to the #street line# along which the #arcade# lies.

- (f) The #arcade# shall be illuminated only by incandescent lighting to a standard of average 8 ~~sight~~ foot-candle intensity with a minimum 5 ~~five~~ foot-candle intensity at any point within the #arcade#.

### 82-12

#### Mandatory Off-Street Relocation of a Subway Stair

Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the #zoning lot# in accordance with the provisions of Section 37-032 (Standards for relocation, design and hours of public accessibility) and 37-033 (Administrative procedure for a subway stair relocation).

### 82-13

#### Special Provisions for a Transit Easement

Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.

### 82-06

### 82-20

#### SPECIAL USE AND SIGN REGULATIONS

~~In order to ensure that a wide variety of consumer and service needs of local residence are met, a special limitation is imposed on the amount of street frontage that can be elevated to any one type of commercial use, and a special incentive is provided to encourage uses compatible with the General Purposes of Section 82-00.~~

In order to provide for the special cultural needs, convenience, enjoyment, education and recreation of the residents of the area and of the many visitors who are attracted to the Lincoln Center for the Performing Arts, a limitation is imposed on the ground floor #uses# within the Special District.

The provisions of this Section shall apply to all a #development# or change of #use# within the Special District.

### 82-061

### 82-21

#### Restrictions on Street Level Uses

~~#Uses# on the ground floor level along Broadway, Amsterdam or Columbus Avenues except lobby space shall be limited to Use Group L uses or #commercial uses# permitted by the underlying district regulations. On any #zoning lot# which abuts~~

Columbus, Amsterdam Avenues or Broadway, the maximum length of street frontage along Broadway or Columbus or Amsterdam Avenues which may be devoted to any permitted ~~uses~~ shall be 40 feet unless the use also is included in Use Group L (Section 82-062) ~~Uses~~ under Use Group L are permitted without ~~street~~ frontage limitation.

Within 30 feet of Broadway, Columbus Avenue or Amsterdam Avenue ~~street lines~~, ~~uses~~ located on the ground floor level or within five feet of ~~curb level~~ shall be limited to those listed in Use Groups 6A, 6C, 8A, 10A, eating or drinking establishments listed in 12A, or 12B. Within Use Groups 3A or 4B ~~uses~~ shall be limited to colleges, universities including professional schools, museums, libraries or non-commercial art galleries. At the ground floor level and within five feet of ~~curb level~~ the ~~floor area~~ shall be allocated exclusively to such ~~uses~~, except lobby space, building entrance space, ~~accessory~~ loading berths where permitted pursuant to Section 82-50, or entrance areas to subway stations.

#### 82-062

##### Use Group L

Delete entire section

#### 82-22

##### Location of Floors Occupied by Commercial Uses

The provisions of Section 32-422 (Location of Floors Occupied by Non-Residential Uses) shall not apply to any ~~commercial use~~ located in a portion of a ~~mixed building~~ that has separate direct access to the ~~street~~ and has no access within the ~~building~~ to the ~~residential~~ portion of the ~~building~~ at any ~~story~~. In no event shall such ~~commercial use~~ be located directly over any ~~dwelling unit~~.

#### 82-23

##### Special Floor Area Regulations for Use Groups 8 and 12 Uses

Within Subdistrict A or Subdistrict C, the maximum ~~floor area ratio~~ that may be used on a ~~zoning lot~~ for ~~uses~~ listed in Use Groups 8A or 12A shall not exceed 1.0, except that this limitation shall not apply to eating or drinking establishments.

#### 82-24

##### Street Wall Transparency

When the front building wall or ~~street wall~~ of any ~~development~~ is located on Broadway, Columbus Avenue or Amsterdam Avenue, at least 50 percent of the total surface area of the ~~street wall~~ between ~~curb level~~ and 12 feet above ~~curb level~~ or to the ceiling of the first ~~story~~, whichever is higher, shall be transparent. Such transparency shall begin not higher than two feet six inches above ~~curb level~~.

~~82-063~~~~§2-28~~~~Supplementary Sign Regulations~~~~No permitted #business sign# shall extend above #curb level# at a height greater than 20 feet or obstruct an #arcade#.~~~~82-07~~~~Modification of Parking and off-street Loading Requirements~~~~Delete entire section~~~~82-08~~~~Modification of Bulk and Height and Setback Requirements~~~~Delete entire section~~~~82-10~~~~PUBLIC AMENITIES~~~~Delete entire section~~~~82-30~~~~SPECIAL BULK REGULATIONS~~~~82-31~~~~Floor Area Ratio Regulations for Commercial Uses~~~~Within Subdistrict A, for any #development# in a C4-7 District the maximum permitted # commercial floor area ratio# on a #zoning lot# shall be 3.4.~~~~82-311~~~~Floor area increase by special permit~~~~The City Planning Commission may by special permit allow the #commercial floor area ratio# permitted on a #zoning lot# within Subdistrict A to be increased from 3.4 to 10.0 for #commercial uses#. As a condition for such special permit, the Commission shall find that:~~

- ~~(a) the #uses# are appropriate for the location and shall not unduly affect the #residential uses# in the nearby area or impair the future land use and development of the adjacent areas;~~
- ~~(b) the #uses# shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;~~
- ~~(c) the additional #bulk# devoted to #commercial uses# shall not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow; and~~

(d) the #streets# providing access to such #uses# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on the character of the surrounding area.

## §2-32

### Special Provisions for Increases in Floor Area

The provisions of Sections 23-16, 24-14 or 33-13 (Floor Area Bonus for a Plaza), Sections 23-17, 24-15 or 33-14 (Floor Area Bonus for a Plaza-Connected Open Area), Sections 23-18, 24-16, or 33-15 (Floor Area Bonus for Arcades), or Section 23-23 (Density Bonus for a Plaza-Connected Open Area or Arcade) shall not apply. In lieu thereof the following provisions shall apply, which may be used separately or in combination, provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0:

#### (a) Floor Area Increase for Inclusionary Housing

For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90 (INCLUSIONARY HOUSING).

#### (b) Floor Area Bonus for Public Amenities

(1) For any #development# to which the provisions of Section 82-11 (Mandatory Arcades) are applicable, the maximum permitted #floor area ratio# may be increased by a maximum of 10 percent. For a mandatory #arcade#, there shall be not more than three square feet of bonus #floor area# for every square foot of #arcade# space.

(2) When a #development# is located on a #zoning lot# that is adjacent to the West 59th Street (Columbus Circle) or the West 66th Street subway station mezzanine, platform, concourse or connecting passageway, with no tracks intervening to separate the #zoning lot# from these elements, and such #zoning lot# contains 5,000 square feet or more of #lot area#, the City Planning Commission may, by special permit pursuant to Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) grant a maximum of 20 percent #floor area# bonus.

For a subway station improvement or for a subsurface concourse connection to a subway, the amount of #floor area# bonus that may be granted shall be at the discretion of the Commission. In determining the precise amount of #floor area# bonus, the Commission shall consider:

- (i) the direct construction cost of the public amenity;
- (ii) the cost of maintaining the public amenity; and
- (iii) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators.

## 82-33

### Modification of Bulk Regulations

The Commission may, by special permit, modify the height and setback regulations, yard regulations, regulations governing minimum distance between buildings on a single zoning lot and regulations governing courts and minimum distance between legally required windows and walls or lot lines for any development provided the City Planning Commission finds that such modifications are necessary to:

- (a) facilitate good design; or
- (b) allow design flexibility for any development to which the mandatory provisions of Section 82-10 are applicable; or
- (c) incorporate a floor area allowance pursuant to Section 82-32 (Special Provisions for Increases in Floor Area) where inclusion of the proposed public amenity will significantly further the specific purposes for which the Special Lincoln Square District is established.

The lot area requirements for the non-residential portion of a building which is eligible for a floor area allowance under the provisions of paragraph (b) of Section 82-32 may be reduced or waived by the Commission provided that the Commission makes the additional finding that such modification will not adversely affect the uses within the building or the surrounding area.

## 82-34

### Bulk Distribution

Within the Special District, not more than 40 per cent of the total floor area permitted on a zoning lot shall be within stories located entirely above a height of 150 feet from curb level.

For the purposes of determining allowable floor area, where a zoning lot has a mandatory 85 foot high street wall requirement along Broadway, the portion of the zoning lot located within 50 feet of Broadway shall not be included in lot area unless such portion contains or will contain a building with a wall at least 85 feet high coincident with the entire street line of Broadway.

## 82-35

## Height and Setback Regulations

Within the Special District, all #developments# shall be subject to the height and setback regulations of the underlying districts, except as set forth in:

- (a) Paragraph (a) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line#; and
- (b) Paragraphs (b), (c) and (d) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line# and to penetrate the #sky exposure plane# above a height of 85 feet from #curb level#.

## 82-36

## Special Tower Coverage and Setback Regulations

The requirements set forth in Sections 33-45 (Tower Regulations) or 35-63 (Special Tower Regulations for Mixed Buildings) for any #building# or portion thereof that qualifies as a "tower" shall be modified as follows:

- (a) At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate:
  - (i) not more than 40 per cent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the per cent set forth in Section 23-651 (Tower on small lots); and
  - (ii) not less than 30 per cent of the #lot area# of a #zoning lot#.
- (b) At all levels at or above a height of 85 feet from #curb level#, the minimum required set back of the #street wall# of a tower shall be at least 15 feet from the street line of Broadway or Columbus Avenue, and at least 20 feet on a #narrow street#.
- (c) In Subdistrict A, the provisions of paragraph (a) of Section 35-63, as modified by paragraphs (a) and (b) above, shall apply to any #mixed building#.

For the purposes of determining the permitted tower coverage in Block 3 as indicated on the District Plan, that portion of a #zoning lot# located within 100 feet of the west #street line# of Central Park West shall be treated as if it were a separate #zoning lot# and the tower regulations shall not apply to such portion.

**§2-11****Building Walls Along Certain Street Lines**

Delete the entire section

**§2-37****Street Walls along Certain Street Lines**

(a) For any development on a zoning lot with a front lot line coincident with any of the following street lines, a street wall shall be located on such street line for the entire frontage of the zoning lot on that street and shall rise without setback to a height of 35 feet above fourth level:

- (1) the east side of Broadway between West 61st Street and West 65th Street;
- (2) the east side of Columbus Avenue between West 65th Street and West 66th Street;
- (3) the east side of Broadway between West 67th Street and West 68th Street;
- (4) the west side of Broadway between West 66th Street and West 68th Street; and
- (5) the west side of Broadway between West 60th Street and West 62nd Street.

Such street wall shall extend on a narrow street to a distance of not less than 50 feet from its intersection with the street line of Broadway or Columbus Avenue and shall include a 20-foot setback at a height of 35 feet above fourth level as required in Section 33-432 (In Other Commercial Districts).

(b) For any development on a zoning lot in Block 1 with a front lot line coincident with any of the following street lines, a street wall shall be located on such street lines for the entire frontage of the zoning lot on that street:

- (1) the west side of Broadway between West 62nd Street and West 63rd Street;
- (2) the south side of West 63rd Street between Broadway and Columbus Avenue; and



- (3) the east side of Columbus Avenue between West 62nd Street and West 63rd Street.

The #street wall# located on the south side of West 63rd Street shall rise vertically without setback to a height of 150 feet above #curb level# before a setback of not less than 10 feet and extend on Columbus Avenue and/or Broadway for one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and shall include a 20-foot setback at that height as required in Section 33-432 (In Other Commercial Districts).

- (c) For any #development# on a #zoning lot# in Block 2 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#:

- (1) the east side of Broadway between West 67th Street and West 66th Street;
- (2) the north side of West 66th Street between Broadway and Columbus Avenue; and
- (3) the west side of Columbus Avenue between West 66th Street and West 67th Street.

The #street wall# located on the north side of West 66th Street shall rise vertically without setback to a height of 150 feet above the #curb level# before a setback of not less than 10 feet and extend on Broadway and/or Columbus Avenue for one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and shall include a 20-foot setback at that height as required in Section 33-432 (In Other Commercial Districts).

- (d) For any #development# on a #zoning lot# in Block 3 with a #front lot line# coincident with the #street line# of Central Park West, the #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#.

The #street wall# fronting on Central Park West shall rise vertically without setback to a height of at least 125 feet but not greater than 150 feet and shall extend along the #street line# of West 61st Street and along the #street line# of West 62nd Street to a distance of not less than 50 feet but not more than 100 feet from their intersection with the west #street line# of Central Park West. Above that height no #building or other structure# shall penetrate a #sky exposure plane# that starts at the #street line# and rises over the #zoning lot# at a ratio of 2.5 : 1.

## 82-38

## Recesses in the Street Wall of a Building

Recessed fenestration and special architectural expression lines in the #building# facade of a #development# are required as follows:

- (a) Except as set forth in paragraph (b) below, the aggregate length of all recesses in the #street wall# along Broadway of a #development# shall be between 15 per cent and 30 per cent of the entire length of such #street wall# at any #story# between the ground floor and 85 feet above #curb level#.
- (b) In Block 1, for any #development# that fronts on the #street line# of the south side of West 63rd Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front, the aggregate length of all recesses in the #street wall# along each such #street# frontage shall be between 15 percent and 30 per cent of the entire length of each #street wall# at any story between ground floor and 85 feet above curb level and shall be between 30 percent and 50 percent of the entire length of each #street wall# at any #story# between 85 feet and 150 feet above #curb level#.
- (c) In Block 2 the requirement of #street wall# recesses in paragraph (b) above shall also apply to a #development# that fronts on the #street line# of the north side of West 66th Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 per cent of the #block# front.

Such recesses shall be a minimum of one foot in depth and shall not exceed a depth of 10 feet. No recesses deeper than one foot shall be permitted in the #street wall# of a #building# within a distance of 10 feet from the intersection of any two #street lines#.

In addition, along the #street line# of Broadway, West 63rd Street and West 66th Street, within Blocks 1 and 2, the #street wall# shall provide at a height of 20 feet above #curb level#, an architectural expression line consisting of a minimum six inch recess or projection, for a minimum height of one foot and maximum height of two feet.

## 82-39

## Dormer

A dormer may be allowed as a permitted obstruction within the required setback distance of the #street wall# of a #building# at all setback levels. The #street wall# of a dormer shall rise vertically as an extension of the #street wall# of the #building#.

A dormer may be located anywhere on a #wide# or #narrow street# frontage.

On any #street# frontage the aggregate width of all dormers at the required setback level shall not exceed 60 per cent of the length of the #street wall# of a #building#. For each foot of height above the required setback level, the aggregate width of all dormers shall be decreased by one per cent of its maximum permissible width at the required setback level. All dormers shall count as #floor area# but not as #lot coverage#.

82-40

#### SPECIAL HEIGHT LIMITATION

For #developments# located in Block 1 or Block 2, the maximum height of a #building or other structure# or portion thereof shall not exceed 275 feet above #curb level#.

82-121

82-50

#### OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The regulations of Article I, Chapter 3 (COMPREHENSIVE OFF STREET PARKING REGULATIONS IN COMMUNITY DISTRICTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN THE BOROUGH OF MANHATTAN) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section.

##### (a) Accessory Off-Street Parking Spaces

#Accessory# off-street parking spaces are permitted only by special permit of the City Planning Commission pursuant to Section 13-461 (Accessory off-street parking spaces).

##### (b) Curb Cuts

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets#, where such curb cuts are needed exclusively for required off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-453 (Curb Cuts) and the loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

##### (c) Waiver of Loading Berth Requirements

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

- (i) be hazardous to traffic safety; or
- (ii) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement, or

(iii) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

§2-122

Public parking garages

Delete entire section

§2-60

PUBLIC PARKING GARAGES

In that portion of the Special Lincoln Square District located within a C4-7 District, the Commission may permit #public parking garages# with any capacity pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

§2-13

Special Regulations for Zoning Lots Divided by District Boundaries

Delete entire section

§2-14

§2-70

EXISTING PLAZAS OR OTHER PUBLIC AMENITIES

No existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, pursuant to regulations antedating May 24, 1984 shall be eliminated or reduced in size anywhere within the #Special Lincoln Square District#, without a corresponding reduction in the #floor area of the building# or the substitution of equivalent complying areas for such amenity elsewhere on the #zoning lot#.

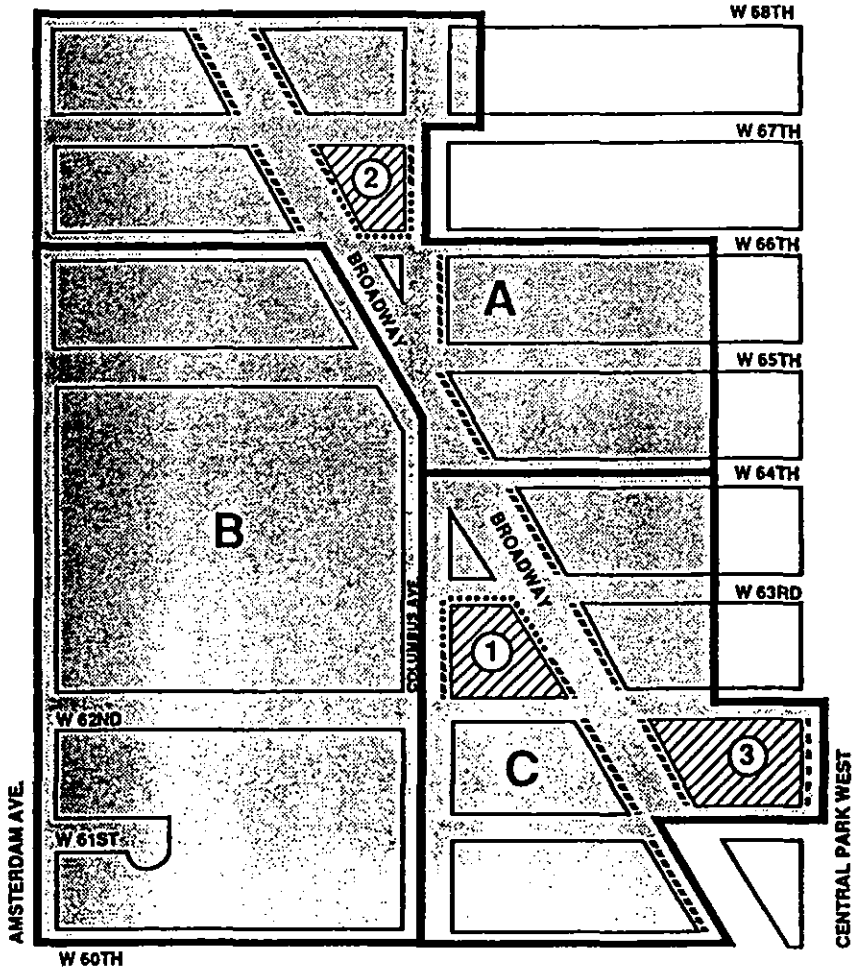
Any elimination or reduction in size or volume of such an existing public amenity in #developments# which include prior approved #bulk modifications#, shall be permitted in the #Special Lincoln Square District# only by ~~special permit of an authorization, after public notice and hearing,~~ by the City Planning Commission and by the Board of Estimate. As a condition for such ~~permit authorization,~~ the Commission shall find that the proposed change will provide a greater benefit in light of the public amenity's purposes and the purposes of the #Special Lincoln Square District#.







An application for such ~~special permit authorization~~ shall contain exact and detailed plans, drawings, and other description as to fully explain the use and quality of all features of the proposed public amenity revisions and any other information and documentation as may be required by the Commission.

~~The Chairman of the City Planning Commission shall furnish a copy of the application for such authorization to Community Board No. 7, Manhattan for 30 days and will give due consideration to their opinion as to the appropriateness of such a facility to the area. The Commission shall act within 45 days from the date of receipt of the Community Board recommendations or within 45 days of the date on which the Community Board review period expires, whichever is earlier. The Board of Estimate shall act on the application within 45 days of receipt of the Commission recommendations.~~

NEW - To be Added

# APPENDIX A - DISTRICT PLAN SPECIAL LINCOLN SQUARE DISTRICT



-  SPECIAL DISTRICT BOUNDARY
-  SUBDISTRICT
-  REQUIRED 85' STREETWALL
-  REQUIRED 150' STREETWALL
-  REQUIRED 125' STREETWALL
-  DEVELOPMENT BLOCK

Other Related Amendments

1. The following definitions are hereby deleted in their entirety in Section 12-10:
  - #Covered Plaza#
  - #Pedestrian Mall#
  
2. All references to Section 82-08 (Modification of Bulk and Height and Setback Requirements) are hereby deleted in the following sections:
 

Section 23-15	(Maximum Floor Area Ratio in R10 Districts)
Section 33-131	(Commercial buildings in certain specified Commercial Districts)
Section 33-133	(Community facility buildings in certain other specified Commercial Districts)
Section 33-141	(Commercial buildings in certain specified Commercial Districts)
Section 33-151	(Commercial buildings in certain specified Commercial Districts)
Section 33-153	(Commercial facility buildings in certain other specified Commercial Districts)
Section 35-35	(Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in connection with Mixed Buildings)
Section 33-43	(Maximum Height of Front Wall and Required Front Setbacks)
Section 33-44	(Alternate Front Setbacks)
Section 33-455	(Alternate regulations for towers on lots bounded by two or more streets)
Section 33-456	(Alternate setback regulations on lots bounded by two or more streets)
Section 35-41	(Lot Area Requirements for Non-residential Portions of Mixed Buildings)
Section 35-62	(Maximum Height of Front Wall in Initial Setback Distance)
Section 74-87	(Covered Pedestrian Space)
  
3. All reference to Section 82-11 (Building Walls Along Certain Street Lines) is hereby deleted in Section 33-43 (Maximum Height of Front Wall and Required Front Setbacks).
  
4. All references to Section 82-07 (Modification of Parking and Off-street Loading Requirements) are hereby deleted in the following sections:

- Section 36-11 (General Provisions)
- Section 36-21 (General Provisions)
- Section 36-31 (General Provisions)
- Section 36-33 (Requirements Where Group Parking Facilities Are Provided)
- Section 36-34 (Modification of Requirements for Small Zoning Lots)
- Section 36-61 (Permitted Accessory Off-street Loading Berths)

(On December 1, 1993, Supplemental Cal. No. 1, the Commission scheduled December 15, 1993 for a public hearing which has been duly advertised.)

Close the hearing.

---

No. 26

[Amendments to the Zoning Resolution to eliminate the mandatory arcades and to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District in the Borough of Manhattan]

CD 7

N 940128 (B) ZRM

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for **amendment of the Zoning Resolution** of the City of New York, relating to Article VIII, Chapter 2, Section 82-00, to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District and to reference in other sections, as follows:

Matter in ~~Graytons~~ is new, to be added;

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

Matter in italics or within # # is defined in Section 12-10;

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

Article VIII

Chapter 2 Special Lincoln Square District

82-00 GENERAL PURPOSES

\* \* \*

82-01

Definitions

\* \* \*



**Development**

For purposes of this Chapter a "development" includes both ~~#development#~~ and ~~#enlargement#~~ as defined in Section 12-10 (DEFINITIONS).

**82-02****General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the ~~#Special Lincoln Square District#~~ and in accordance with the provisions of this Chapter, certain specified ~~#bulk#~~ regulations of the districts on which the ~~#Special Lincoln Square District#~~ is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each ~~#development#~~ within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter; ~~and the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may grant special permits authorizing modifications of specified applicable district #bulk# regulations for any #development# in the #Special Lincoln Square District#. In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such #development# shall conform to and comply with all of the applicable district regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory signs#, #accessory# off-street parking and off street loading, and all other applicable provisions of this resolution, except as otherwise specifically provided in this Chapter.~~

**82-03****Action by the Board of Estimate**

Delete entire section

**82-04****82-03****Requirements for Applications**

An application to the City Planning Commission for the grant of a special permit ~~or an authorization~~ respecting any ~~#development#~~ under the provisions of this Chapter shall include a site plan showing the location and the proposed ~~#use#~~ of all ~~#buildings or other structures#~~ on the site; the location of all vehicular entrances and exits and proposed off-street parking spaces, and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit ~~or an authorization~~ is warranted. Such information shall include, but not be limited to, justification of the proposed ~~#development#~~ in relation to the general purposes of the ~~#Special Lincoln Square District#~~; ~~(Section 82-00)~~, its relation to public improvements ~~(82-05)~~, its proposed ~~#use#~~ ~~(Section 82-06)~~, its parking facilities ~~(Section 82-07)~~, and its bulk and height ~~(Section 82-08)~~, as well, in applicable locations, as the inclusion of Mandatory Arcades ~~(Section 82-09)~~, public amenities ~~(Section 82-10)~~ and location of ~~#building#~~ walls in relation to certain ~~#street lines#~~ ~~(Section 82-11)~~.

**82-05****Relationship to Public Improvement Projects**

Delete entire section

**82-04****District Plan**

The District Plan for the #Special Lincoln Square District# included as Appendix A identifies specific subdistricts in which special zoning regulations carry out the general purposes of the #Special Lincoln Square District#. These areas are: Subdistrict A, Subdistrict B and Subdistrict C.

The District Plan also identifies #blocks# with mandatory #front lot line street walls#.

The District Plan is hereby incorporated as an integral part of the #Special Lincoln Square District#.

**82-05****Right to Construct**

For the purpose of this Chapter, the right to continue to construct shall terminate if the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) are not met by the date of approval of this amendment by the City Planning Commission.

**82-10****MANDATORY DISTRICT IMPROVEMENTS**

The provisions of this Section specify mandatory physical improvements to be provided in connection with #developments# on certain #zoning lots# located within the Special District.

**82-09****Mandatory Areades**

Delete entire section

**82-11****Mandatory Off-Street Relocation of a Subway Stair**

Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the #zoning lot# in accordance with the provisions of Section 37-032 (Standards for relocation, design and hours of public accessibility) and 37-033 (Administrative procedure for a subway stair relocation).

**§2-12****Special Provisions for a Transit Easement**

Any ~~#development#~~ located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the ~~#zoning lot#~~ for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.

**§2-06****§2-20****SPECIAL USE AND SIGN REGULATIONS**

~~In order to ensure that a wide variety of consumer and service needs of local residence are met, a special limitation is imposed on the amount of street frontage that can be elevated to any one type of commercial use, and a special incentive is provided to encourage uses compatible with the General Purpose of Section 82-00.~~

~~In order to provide for the special cultural needs, convenience, enjoyment, education and recreation of the residents of the area and of the many visitors who are attracted to the Lincoln Center for the Performing Arts, a limitation is imposed on the ground floor #uses# within the Special District.~~

The provisions of this Section shall apply to all ~~#development#~~ or change of ~~#use#~~ within the Special District.

**§2-061****§2-21****Restrictions on Street Level Uses**

~~#Uses# on the ground floor level along Broadway, Amsterdam or Columbus Avenues except lobby space shall be limited to Use Group L uses or #commercial uses# permitted by the underlying district regulations. On any #zoning lot# which abuts Columbus, Amsterdam Avenues or Broadway, the maximum length of street frontage along Broadway or Columbus or Amsterdam Avenues which may be devoted to any permitted #use# shall be 40 feet unless the use also is included in Use Group L (Section 82-062). #Uses# under Use Group L are permitted without #street# frontage limitation.~~

~~Within 30 feet of Broadway, Columbus Avenue or Amsterdam Avenue #street lines#, #uses# located on the ground floor level or within five feet of #curb level# shall be limited to those listed in Use Groups 6A, 6C, 8A, 10A, eating or drinking establishments listed in 12A, or 12B. Within Use Groups 3A or 4B #uses# shall be limited to colleges, universities including professional schools, museums, libraries or non-commercial art galleries. At the ground floor level and within five feet of #curb level# the #floor area# shall be allocated exclusively to such #uses#, except lobby space, building entrance space, #accessory# loading berths where permitted pursuant to Section 82-50, or entrance areas to subway stations.~~

~~82-063~~~~Use Group L~~~~Delete entire section~~~~82-22~~~~Location of Floors Occupied by Commercial Uses~~~~The provisions of Section 32-422 (Location of Floors Occupied by Non-Residential Uses) shall not apply to any #commercial use# located in a portion of a #mixed building# that has separate direct access to the #streets# and has no access within the #building# to the #residential# portion of the #building# at any #story#. In no event shall such #commercial use# be located directly over any #story# containing #dwelling units#.~~~~82-23~~~~Special Floor Area Regulations for Use Groups 8 and 12 Uses~~~~Within Subdistrict A or Subdistrict C, the maximum #floor area ratio# that may be used on a #zoning lot# for #uses# listed in Use Groups 8A or 12A shall not exceed 1.0, except that this limitation shall not apply to eating or drinking establishments~~~~82-24~~~~Street Wall Transparency~~~~When the front building wall or #street wall# of any #development# is located on Broadway, Columbus Avenue or Amsterdam Avenue, at least 50 percent of the total surface area of the #street wall# between #curb level# and 12 feet above #curb level# or to the ceiling of the first #story#, whichever is higher, shall be transparent. Such transparency shall begin not higher than two feet six inches above #curb level#.~~~~82-063~~~~82-25~~~~Supplementary Sign Regulations~~~~No permitted #business sign# shall extend above #curb level# at a height greater than 20 feet.~~~~82-07~~~~Modification of Parking and off-street Loading Requirements~~~~Delete entire section~~~~82-08~~~~Modification of Bulk and Height and Setback Requirements~~~~Delete entire section~~~~82-10~~~~PUBLIC AMENITIES~~~~Delete entire section~~

82-30

**SPECIAL BULK REGULATIONS**

82-31

**Floor Area Ratio Regulations for Commercial Uses**

Within Subdistrict A, for any #development# in a C4-7 District the maximum permitted # commercial floor area ratio# on a #zoning lot# shall be 3.4.

82-311

**Floor area increase by special permit**

The City Planning Commission may by special permit allow the #commercial

floor area ratio# permitted on a #zoning lot# within Subdistrict A to be increased from 3.4 to 10.0 for #commercial uses#. As a condition for such special permit, the Commission shall find that:

- (a) the #uses# are appropriate for the location and shall not unduly affect the #residential uses# in the nearby area or impair the future land use and development of the adjacent areas;
- (b) the #uses# shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c) the additional #bulk# devoted to #commercial uses# shall not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow; and
- (d) the #streets# providing access to such #uses# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on the character of the surrounding area.

82-32

**Special Provisions for Increases in Floor Area**

The provisions of Sections 23-16, 24-14 or 33-13 (Floor Area Bonus for a Plaza), Sections 23-17, 24-15 or 33-14 (Floor Area Bonus for a Plaza-Connected Open Area), Sections 23-18, 24-16, or 33-15 (Floor Area Bonus for Arcades), or Section 23-23 (Density Bonus for a Plaza-Connected Open Area or Arcade) shall not apply. In lieu thereof the following provisions shall apply, which may be used separately or in combination, provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0:

- (a) **Floor Area Increase for Inclusionary Housing**  
For any #development# to which the provisions of Section 23-90

(INCLUSIONARY HOUSING) are applicable, the maximum permitted residential floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90 (INCLUSIONARY HOUSING).

(b) Floor Area Bonus for Public Amenities

(1) When a #development# is located on a #zoning lot# that is adjacent to the West 59th Street (Columbus Circle) or the West 66th Street subway station mezzanine, platform, concourse or connecting passageway, with no tracks intervening to separate the #zoning lot# from these elements, and such #zoning lot# contains 5,000 square feet or more of #lot area#, the City Planning Commission may, by special permit pursuant to Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) grant a maximum of 20 percent #floor area# bonus.

For a subway station improvement or for a subsurface concourse connection to a subway, the amount of #floor area# bonus that may be granted shall be at the discretion of the Commission. In determining the precise amount of #floor area# bonus, the Commission shall consider:

- (i) the direct construction cost of the public amenity;
- (ii) the cost of maintaining the public amenity; and
- (iii) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators.

82-33

Modification of Bulk Regulations

The Commission may, by special permit, modify the height and setback regulations, #yard# regulations, regulations governing minimum distance between #buildings# on a single #zoning lot# and regulations governing #courts# and minimum distance between #legally required windows# and walls or #lot lines# for any #development# provided the City Planning Commission finds that such modifications are necessary to:

- (a) facilitate good design; or
- (b) allow design flexibility for any #development# to which the mandatory provisions of Section 82-12 are applicable; or
- (c) incorporate a #floor area# allowance pursuant to Section 82-32 (Special

Provisions for increases in Floor Area) where inclusion of the proposed public amenity will significantly further the specific purposes for which the #Special Lincoln Square District# is established:

The #lot area# requirements for the non-#residential# portion of a #building# which is eligible for a #floor area# allowance under the provisions of paragraph (b) of Section 82-32 may be reduced or waived by the Commission provided that the Commission makes the additional finding that such modification will not adversely affect the #uses# within the #building# or the surrounding area.

#### 82-34

##### Dark Distribution

Within the Special District, not more than 40 per cent of the total #floor area# permitted on a #zoning lot# shall be within #stories# located entirely above a height of 150 feet from #curb level#.

For the purposes of determining allowable #floor area#, where a #zoning lot# has a mandatory 85 foot high #street wall# requirement along Broadway, the portion of the #zoning lot# located within 50 feet of Broadway shall not be included in #lot area# unless such portion contains or will contain a #building# with a wall at least 85 feet high coincident with the entire #street line# of Broadway.

#### 82-35

##### Height and Setback Regulations

Within the Special District, all #developments# shall be subject to the height and setback regulations of the underlying districts, except as set forth in:

- (a) Paragraph (a) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line#; and
- (b) Paragraphs (b), (c) and (d) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line# and to penetrate the #sky exposure plane# above a height of 85 feet from #curb level#.

#### 82-36

##### Special Tower Coverage and Setback Regulations

The requirements set forth in Sections 33-45 (Tower Regulations) or 35-63 (Special Tower Regulations for Mixed Buildings) for any #building# or portion thereof that qualifies as a "tower" shall be modified as follows:

- (a) At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate:

- (i) not more than 40 per cent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the per cent set forth in Section 23-651 (Tower on small lots); and
  - (ii) not less than 30 per cent of the #lot area# of a #zoning lot#;
- (b) At all levels at or above a height of 85 feet from #curb level#, the minimum required set back of the #street wall# of a tower shall be at least 15 feet from the street line of Broadway or Columbus Avenue, and at least 20 feet on a #narrow street#.
- (c) In Subdistrict A, the provisions of paragraph (a) of Section 35-63, as modified by paragraphs(a) and (b) above, shall apply to any #mixed building#.

For the purposes of determining the permitted tower coverage in Block 3 as indicated on the District Plan, that portion of a #zoning lot# located within 100 feet of the west #street line# of Central Park West shall be treated as if it were a separate #zoning lot# and the tower regulations shall not apply to such portion.

#### 82-11

##### Building Walls Along Certain Street Lines

Delete the entire section

#### 82-37

##### Street Walls along Certain Street Lines

- (a) For any #development# on a #zoning lot# with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street# and shall rise without setback to a height of 85 feet above #curb level#:
- (1) the east side of Broadway between West 61st Street and West 65th Street;
  - (2) the east side of Columbus Avenue between West 65th Street and West 66th Street;
  - (3) the east side of Broadway between West 67th Street and West 68th Street;
  - (4) the west side of Broadway between West 66th Street and West 68th Street; and



(5) the west side of Broadway between West 60th Street and West 62nd Street;

Such #street wall# shall extend on a #narrow street# to a distance of not less than 50 feet from its intersection with the #street line# of Broadway or Columbus Avenue and shall include a 20-foot setback at a height of 85 feet above #curb level# as required in Section 33-432 (in Other Commercial Districts).

(b) For any #development# on a #zoning lot# in Block 1 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#:

(1) the west side of Broadway between West 62nd Street and West 63rd Street;

(2) the south side of West 63rd Street between Broadway and Columbus Avenue; and

(3) the east side of Columbus Avenue between West 62nd Street and West 63rd Street;

The #street wall# located on the south side of West 63rd Street shall rise vertically without setback to a height of 150 feet above #curb level# before a setback of not less than 10 feet and extend on Columbus Avenue and/or Broadway for one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and shall include a 20-foot setback at that height as required in Section 33-432 (in Other Commercial Districts).

(c) For any #development# on a #zoning lot# in Block 2 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#:

(1) the east side of Broadway between West 67th Street and West 66th Street;

(2) the north side of West 66th Street between Broadway and Columbus Avenue; and

(3) the west side of Columbus Avenue between West 66th Street and West 67th Street.

The #street wall# located on the north side of West 66th Street shall rise vertically without setback to a height of 150 feet above the #curb level# before a setback of not less than 10 feet and extend on Broadway and/or Columbus Avenue for one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and shall include a 20-foot setback at that height as required in Section 33-432 (In Other Commercial Districts).

- (d) For any #development# on a #zoning lot# in Block 3 with a #front lot line# coincident with the #street line# of Central Park West, the #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#.

The #street wall# fronting on Central Park West shall rise vertically without setback to a height of at least 125 feet but not greater than 150 feet and shall extend along the #street line# of West 61st Street and along the #street line# of West 62nd Street to a distance of not less than 50 feet but not more than 100 feet from their intersection with the west #street line# of Central Park West. Above that height no #building or other structure# shall penetrate a #sky exposure plane# that starts at the #street line# and rises over the #zoning lot# at a ratio of 2.5 : 1.

## §2-38

### Recesses in the Street Wall of a Building

Recessed fenestration and special architectural expression lines in the #building# facade of a #development# are required as follows:

- (a) Except as set forth in paragraph (b) below, the aggregate length of all recesses in the #street wall# along Broadway of a #development# shall be between 15 per cent and 30 per cent of the entire length of such #street wall# at any #story# between the ground floor and 85 feet above #curb level#.
- (b) In Block 1, for any #development# that fronts on the #street line# of the south side of West 63rd Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front, the aggregate length of all recesses in the #street wall# along each such #street# frontage shall be between 15 percent and 30 per cent of the entire length of each #street wall# at any #story# between ground floor and 85 feet above #curb level# and shall be between 30 percent and 50 percent of the entire length of each #street wall# at any #story# between 85 feet and 150 feet above #curb level#.

(c) In Block 2 the requirement of #street wall# recesses in paragraph (b) above shall also apply to a #development# that fronts on the #street line# of the north side of West 66th Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 per cent of this #block# front.

Such recesses shall be a minimum of one foot in depth and shall not exceed a depth of 10 feet. No recesses deeper than one foot shall be permitted in the #street wall# of a #building# within a distance of 10 feet from the intersection of any two #street lines#.

In addition, along the #street line# of Broadway, West 63rd Street and West 66th Street within Blocks 1 and 2, the #street wall# shall provide at a height of 20 feet above #curb level#, an architectural expression line consisting of a minimum six inch recess or projection, for a minimum height of one foot and maximum height of two feet.

#### §2-39

##### Dormer

A dormer may be allowed as a permitted obstruction within the required setback distance of the #street wall# of a #building# at all setback levels. The #street wall# of a dormer shall rise vertically as an extension of the #street wall# of the #building#. A dormer may be located anywhere on a #wide# or #narrow street# frontage.

On any #street# frontage the aggregate width of all dormers at the required setback level shall not exceed 60 per cent of the length of the #street wall# of a #building#. For each foot of height above the required setback level, the aggregate width of all dormers shall be decreased by one per cent of its maximum permissible width at the required setback level. All dormers shall count as #floor area# but not as #lot coverage#.

#### §2-40

##### SPECIAL HEIGHT LIMITATION

For #developments# located in Block 1 or Block 2, the maximum height of a #building or other structure# or portion thereof shall not exceed 275 feet above #curb level#.

#### §2-121

##### §2-50

##### OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The regulations of Article I, Chapter 3 (COMPREHENSIVE OFF-STREET PARKING REGULATIONS IN COMMUNITY DISTRICTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN THE BOROUGH OF MANHATTAN) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall

apply in the ~~Special Lincoln Square District~~ except as otherwise provided in this Section.

(a) ~~Accessory Off-Street Parking Spaces~~

~~Accessory~~ off-street parking spaces are permitted only by special permit of the City Planning Commission pursuant to Section 13-461 (Accessory off-street parking spaces).

(b) ~~Curb Cuts~~

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two ~~street lines~~, or on ~~wide streets~~, where such curb cuts are needed exclusively for required off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-453 (Curb Cuts) and the loading berths are arranged so as to permit head-in and head-out truck movements to and from the ~~zoning lot~~.

(c) ~~Waiver of Loading Berth Requirements~~

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

- (i) be hazardous to traffic safety; or
- (ii) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; or
- (iii) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

~~82-122~~

~~Public parking garages~~

Delete entire section

~~82-60~~

~~PUBLIC PARKING GARAGES~~

In that portion of the ~~Special Lincoln Square District~~ located within a C4-7 District, the Commission may permit ~~public parking garages~~ with any capacity pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

~~82-13~~

~~Special Regulations for Zoning Lots Divided by District Boundaries~~

Delete entire section

82-14

~~§2-70~~**EXISTING PLAZAS OR OTHER PUBLIC AMENITIES**

No existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, pursuant to regulations antedating May 24, 1984 shall be eliminated or reduced in size anywhere within the #Special Lincoln Square District#, without a corresponding reduction in the #floor area of the building# or the substitution of equivalent complying areas for such amenity elsewhere on the #zoning lot#.

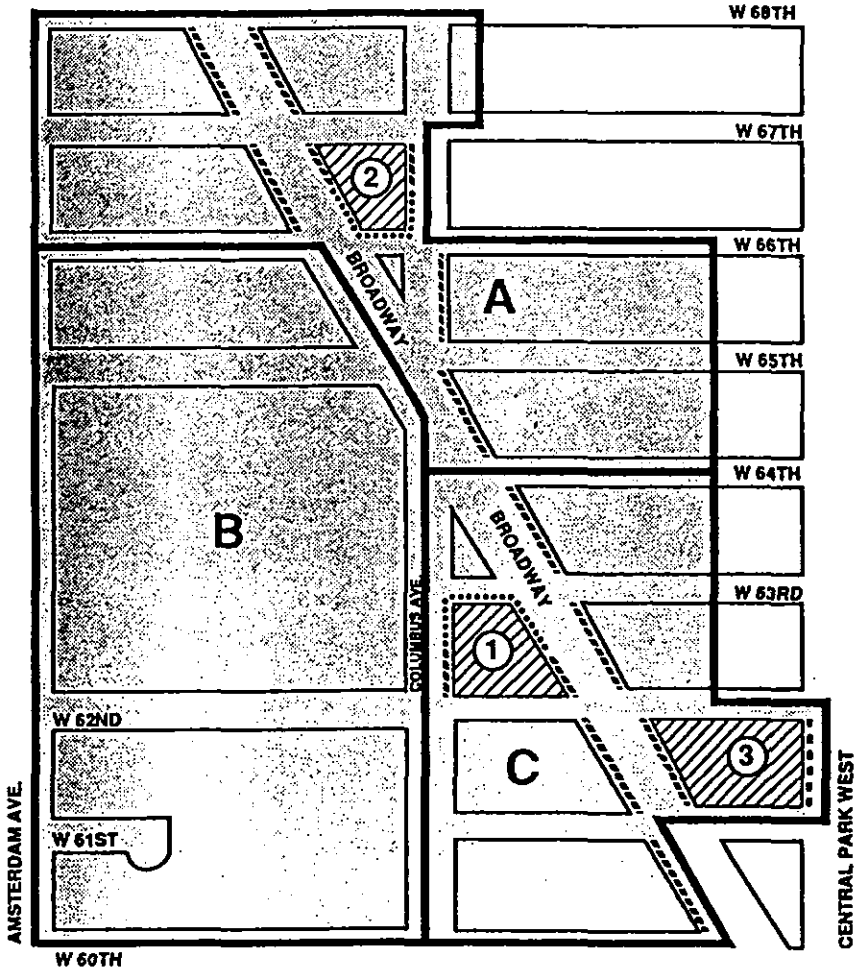
Any elimination or reduction in size or volume of such an existing public amenity in #developments# which include prior approved #bulk modifications#, shall be permitted in the #Special Lincoln Square District# only by ~~special permit of an authorization, after public notice and hearing,~~ by the City Planning Commission ~~and by the Board of Estimate.~~ As a condition for such ~~permit authorization,~~ the Commission shall find that the proposed change will provide a greater benefit in light of the public amenity's purposes and the purposes of the #Special Lincoln Square District#.







An application for such ~~special permit authorization~~ shall contain exact and detailed plans, drawings, and other description as to fully explain the use and quality of all features of the proposed public amenity revisions and any other information and documentation as may be required by the Commission.

~~The Chairman of the City Planning Commission shall furnish a copy of the application for such authorization to Community Board No. 7, Manhattan for 30 days and will give due consideration to their opinion as to the appropriateness of such a facility to the area. The Commission shall act within 45 days from the date of receipt of the Community Board recommendations or within 45 days of the date on which the Community Board review period expires, whichever is earlier. The Board of Estimate shall act on the application within 45 days of receipt of the Commission recommendations.~~

NEW - To be Added

# APPENDIX A - DISTRICT PLAN SPECIAL LINCOLN SQUARE DISTRICT



-  SPECIAL DISTRICT BOUNDARY
-  SUBDISTRICT
-  REQUIRED 85' STREETWALL
-  REQUIRED 150' STREETWALL
-  REQUIRED 125' STREETWALL
-  DEVELOPMENT BLOCK

Other Related Amendments

1. The following definitions are hereby deleted in their entirety in Section 12-10:
  - #Covered Plaza#
  - #Pedestrian Mall#
  
2. All references to Section 82-08 (Modification of Bulk and Height and Setback Requirements) are hereby deleted in the following sections:
 

Section 23-15	(Maximum Floor Area Ratio in R10 Districts)
Section 33-131	(Commercial buildings in certain specified Commercial Districts)
Section 33-133	(Community facility buildings in certain other specified Commercial Districts)
Section 33-141	(Commercial buildings in certain specified Commercial Districts)
Section 33-151	(Commercial buildings in certain specified Commercial Districts)
Section 33-153	(Commercial facility buildings in certain other specified Commercial Districts)
Section 35-35	(Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in connection with Mixed Buildings)
Section 33-43	(Maximum Height of Front Wall and Required Front Setbacks)
Section 33-44	(Alternate Front Setbacks)
Section 33-455	(Alternate regulations for towers on lots bounded by two or more streets)
Section 33-456	(Alternate setback regulations on lots bounded by two or more streets)
Section 35-41	(Lot Area Requirements for Non-residential Portions of Mixed Buildings)
Section 35-62	(Maximum Height of Front Wall in Initial Setback Distance)
Section 74-87	(Covered Pedestrian Space)
  
3. All reference to Section 82-11 (Building Walls Along Certain Street Lines) is hereby deleted in Section 33-43 (Maximum Height of Front Wall and Required Front Setbacks).
  
4. All references to Section 82-07 (Modification of Parking and Off-street Loading Requirements) are hereby deleted in the following sections:

- Section 36-11 (General Provisions)
- Section 36-21 (General Provisions)
- Section 36-31 (General Provisions)
- Section 36-33 (Requirements Where Group Parking Facilities Are Provided)
- Section 36-34 (Modification of Requirements for Small Zoning Lots)
- Section 36-61 (Permitted Accessory Off-street Loading Berths)

(On December 1, 1993, Supplemental Cal. No. 2, the Commission scheduled December 15, 1993 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**III. REPORTS**

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**BOROUGH OF THE BRONX**

No. 27

CD 3

C 920569 PQX

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 417-421 East 161st Street (Block 2383, Lot 12), for continued use as a day care center. (Iola Jordan Day Care Center).

(On November 3, 1993, Cal. No. 1, the Commission scheduled November 17, 1993 for a public hearing. On November 17, 1993, Cal. No. 10, the hearing was closed.)

**For consideration.**

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No. 28

CD 8

N 940248 HKX

**IN THE MATTER OF** a communication dated November 24, 1993 from the Executive Director of the Landmarks Preservation Commission regarding the following landmarks designated by the Landmarks Preservation Commission on November 16, 1993 (List 253) for the landmarking of the Anthony Campagna Estate, located at 640 West 249th Street, Block 5914, Lot 315.

**For consideration.**

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**BOROUGH OF BROOKLYN**

**No. 29**

**CD 9**

**C 920457 PQK**

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 771 Crown Street (Block 1414, Lot 51), for continued use as a day care center. (Ohel Sarah Day Care Center).

(On November 3, 1993, Cal. No. 2, the Commission scheduled November 17, 1993 for a public hearing. On November 17, 1993, Cal. No. 11, the hearing was closed.)

**For consideration.**

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**No. 30**

**CD 5**

**C 930479 PPK**

**IN THE MATTER OF** an application submitted by the Department of General Services, Division of Real Property, pursuant to Section 197-c of the New York City Charter for the disposition of one (1) city-owned property located at 2626-2636 Pitkin Avenue (Block 4229, Lots 16, 17, 18, 19) restricted to community facility use.

(On November 3, 1993, Cal. No. 4, the Commission scheduled November 17, 1993 for a public hearing. On November 17, 1993, Cal. No. 13, the hearing was closed.)

**For consideration.**

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## No. 31

*(Request for the grant of an authorization to reduce the existing open space and to increase the existing floor area to allow the rehabilitation of an existing non-complying multiple dwelling)*

CD 14

N 940091 ZAK

**IN THE MATTER OF** an application submitted by Community Developers, Inc./MHANY Joint Venture for **the grant of an authorization**, pursuant to Section 54-314 of the Zoning Resolution to reduce the existing open space by not more than 5 percent and to increase the existing floor area by not more than 5 percent in connection with a substantial rehabilitation of a non-complying multiple dwelling located at 161 Woodruff Avenue (Block 5054, Lot 56) which has been in existence prior to December 15, 1961, in an R7-1 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.

**For consideration.**

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**BOROUGH OF MANHATTAN**

## No. 32

CD 1

N 940230 PXM

**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 30,000 square feet of space, being the entire 6th floor of a building located at 40 Rector Street (Block 55, Lot 2), (Office of Administrative Trials and Hearings.)

(On November 18, 1993, the Commission duly advertised December 1, 1993 for a public hearing. On December 1, 1993, Cal. No. 10, the hearing was closed.)

**For consideration.**

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## No. 33

CD 10

C 920459 PQM

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 151-157 West 136th Street (Block 1921, Lot 10), for use as a day care center. (James Varick Day Care Center).**

(On November 3, 1993, Cal. No. 5, the Commission scheduled November 17, 1993 for a public hearing. On November 17, 1993, Cal. No. 14, the hearing was closed.)

**For consideration.**

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No. 34

CD 8

C 940052 HMM

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for **the disposition of city-owned property located on the easterly side of Park Avenue between East 75th and East 76th streets, 823 Park Avenue (Block 1410, Lot 2).**

The property, an occupied twelve-story plus basement residential building with 38 units, would be disposed through a sealed bid auction.

(On October 6, 1993, Cal. No. 7, the Commission scheduled October 20, 1993 for a public hearing. On October 20, 1993, Cal. No. 17, the hearing was closed.)

**For consideration.**

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**(Amendment to Section 81-231 of the Special Midtown District concerning public access within an existing urban plaza)**

CD 4,5,6,7

N 910515 ZRM

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for an **amendment of the Zoning Resolution** of the City of New York, relating to Section 81-231 and 232, as follows:

Matter in ~~Graytone~~ is new, to be added:

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

Matter within # # is defined in Section 12-10;

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

\*\*\*

81-231

**Standards for Urban Plazas**

An "urban plaza" is a continuous area open to the sky which fronts upon a ~~#street#~~ or sidewalk widening and is accessible to the public at all times, ~~except as set forth in paragraph (s) of this Section, for the use and enjoyment of large numbers of people. Unless specifically permitted in this Chapter, no part of an urban plaza may be closed to the public.~~

\*\*\*

**(s) Closing of existing urban plazas**

~~The City Planning Commission may, upon application, authorize the closing of existing urban plazas at certain nighttime hours, provided the Commission finds that:~~

- ~~(1) such closing is necessary for public safety and maintenance of the urban plaza as documented by the applicant;~~
- ~~(2) the layout and design of the urban plaza will promote public use and free and easy pedestrian circulation throughout the space and that the enclosure or barrier which limits public access shall: (i) be of a design that is integrated with the design of the urban plaza in a manner that would promote the attractiveness of the space for public use and enjoyment; (ii) be either removable~~

or designed to be unobtrusive during the hours of public access; and (iii) not obstruct visual access to any portion of the urban plaza;

- (3) the maintenance program for the upkeep and protection of the urban plaza set forth in the existing restrictive declaration, or any modification thereof, is still in full force and effect and is not being violated and that the bond required pursuant to Section 81-231 (c)(4) is in full force and in the amount specified in such Section;
- (4) public access to the urban plaza between the hours of 7:00 a.m. and 8:30 p.m. from May 1 to September 30 and from 7:00 a.m. to 7:00 p.m. from October 1 to April 30, or a schedule specified by the Commission is assured by appropriate legal documents and that an additional entry plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the urban plaza;
- (5) the urban plaza is otherwise in full compliance with the requirements set forth in Section 81-231 (a) through (r).

In order to promote increased public use of the urban plaza, the Commission may require additional improvements to the existing urban plaza.

A copy of the land use application for an authorization under this section shall be sent to the applicable Community Board and Borough President. If the Community Board or Borough President elects to comment on such application, it must do so within 30 days of receipt of such application.

#### (e) Penalties for Violation

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81-232

Existing plazas or other public amenities

No existing #plaza, urban open space,# or other public amenity open or enclosed for which a #floor area# bonus has been received pursuant to regulations antedating the ~~effective date of this amendment~~ ~~May 13, 1982~~ shall be eliminated or reduced in size anywhere within the #Special Midtown District# without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#. Any elimination or reduction in size of such an existing public amenity shall be permitted in the #Special Midtown District# only by special permit of the City Planning Commission ~~subject to Board of Estimate action~~ and to a finding by the Commission that the proposed change will provide a greater public benefit in the light of the public amenity's purpose and the purposes of the #Special Midtown District#.

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(On September 9, 1992, Cal. No. 11, the Commission scheduled September 23, 1992 for a public hearing. On September 23, 1992, Cal. No. 16, the hearing was continued. On October 21, 1992, Cal. No. 27, the hearing was closed.

**For consideration.**

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## BOROUGH OF QUEENS

No. 36

CD 12

N 940231 PXQ

**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 50,000 square feet of space located on the 1st floor, basement and the mezzanine of 144-06 94th Avenue (Block 9993, Lot 3), (Department of Finance, Queens Property Division Office).

(On November 18, 1993, the Commission duly advertised December 1, 1993 for a public hearing. On December 1, 1993, Cal. No. 13, the hearing was closed.)

**For consideration.**

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## No. 37

CD 10

N 940232 PXQ

**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 384 square feet of space on the 1st floor located at 115-01 Lefferts Boulevard, (Block 11663, Lot 33), (Queens Community Board 10 Offices).

(On November 18, 1993, the Commission duly advertised December 1, 1993 for a public hearing. On December 1, 1993, Cal. No. 14, the hearing was closed.)

For consideration.

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No. 38

*(Historic District Designation Pursuant to Section 3020.8(b)  
of the New York City Charter)*

CD 3

N 940195 HKQ

**IN THE MATTER OF** a communication dated October 25, 1993, from the Executive Director of the Landmarks Preservation Commission regarding the following historic district designated by the Landmarks Preservation Commission on October 19, 1993, (List No. 254) for the Jackson Heights Historic District generally bounded by Northern Boulevard and 34th Avenue on the north, 88th Street on the east, Roosevelt Avenue on the south, and 76th, 77th and 78th streets on the west.

(On November 19, 1993, the Commission duly advertised December 1, 1993 for a public hearing. On December 1, 1993, Cal. No. 17, the hearing was closed.)

For consideration.

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CD 13

C 920456 PQQ

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services, pursuant to Section 107-c of the New York City Charter for acquisition of property located at 76-04 Little Neck Parkway (Block 8505, Lot 38) for continued use as an Agency Operated Boarding Home.

(On November 3, 1993, Cal. No. 8, the Commission scheduled November 17, 1993 for a public hearing. On November 17, 1993, Cal. No. 17, the hearing was closed.)

For consideration.

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No. 40

CD 13

C 920677 PQQ

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services, pursuant to Section 197-c of the New York City Charter for acquisition of property located at 116-36 207th Street (Block 11079, Lot 41), for continued use as an Agency Operated Boarding Home.

(On November 3, 1993, Cal. No. 9, the Commission scheduled November 17, 1993 for a public hearing. On November 17, 1993, Cal. No. 18, the hearing was closed.)

For consideration.

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No. 41

CD 12

C 930360 DMQ

**IN THE MATTER OF** an application submitted by the Department of General Services, Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 170-30 Jamaica Avenue (Block 10212, Lot 12). Disposition is proposed with direct development restrictions (within a mandated time frame). If unsuccessful, disposition would be pursuant to zoning.

(On November 3, 1993, Cal. No. 10, the Commission scheduled November 17, 1993 for a public hearing. On November 17, 1993, Cal. No. 19, the hearing was closed.)

For consideration.

*(Request for the grant of an authorization to allow the enlargement of an existing 3-family residential building located within the Special Hunters Point Mixed Use District)*

CD 2

N 930414 ZAQ

**IN THE MATTER OF** an application submitted by Adony Velasquez, for the grant of an authorization pursuant to the following sections of the Zoning Resolution:

- Section 117-12 (a): to allow modification of side yard regulations for residential uses in an enlargement;
- Section 117-12 (c): to allow enlargement of an existing residential building sharing a side lot line with a manufacturing use; and
- Section 117-12 (d): to allow enlargement of an existing residence on a zoning lot sharing a common lot line in the rear with a manufacturing use;

in connection with an enlargement of an existing 3-family residential building located at 5-46 47th Road (Block 30, Lot 43), in an M3-1 District, within the Special Hunters Point Mixed Use 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.

For consideration.

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**BOROUGH OF STATEN ISLAND**

CD 3

C 930398 ZSR

**IN THE MATTER OF** an application submitted by the Law Office of Sheldon Lobel pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 107-73 of the Zoning Resolution to modify the height regulations as set forth in Section 107-43 of the Zoning Resolution to allow a monopole and antenna (accessory to a telephone exchange - Use Group 6D) on property located at 4288 Arthur Kill Road (Block 7328, Lots 240 and 600), within the Special South Richmond Development 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 November 3, 1993, Cal. No. 11, the Commission scheduled November 17, 1993 for a public hearing. On November 17, 1993, Cal. No. 20, the hearing was closed.)

**For consideration.**

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**CITYWIDE**

**No. 44**

*(Proposed Amendment to the City Planning Commission's Rule governing the Natural Feature Restoration Fee)*

**IN THE MATTER OF a Proposed Amendment to the Rules of the City Planning Commission to amend an existing rule regarding the natural feature restoration fee, pursuant to Section 1043 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter and by Sections 105-45, 107-321 and 119-40 of the Zoning Resolution of the City of New York.**

Written comments regarding this amendment may be sent to the Office of William Valletta, General Counsel, Department of City Planning, 22 Reade Street, New York, N.Y. 10007 or before November 30, 1993. A public hearing on the proposed amendment to the rule was held on November 17, 1993 beginning at 10:00 a.m. at City Hall, New York, N.Y. 10007. 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: October 18, 1993

Richard L. Schaffer

**Amended Rule**

Matter in underlining is new, to be added;

Matter in [bracketing] is old, to be deleted;

Section 1-07 of Chapter 1 of Title 62 of the Rules of the City of New York is amended to change the provisions relating to the natural feature restoration fee as follows:

**§1-07 Natural Feature Restoration Fee.** [a] In the event that an application, pursuant to §§105-~~[40]45~~, 107-~~[30]321~~, 107-65 and 119-40 of the Zoning Resolution, for the [removal of trees six inches caliper or more] restoration of trees that have

been removed or topography that has been altered without the prior approval of the City Planning Commission pursuant to §§ 105-40, 107-60, 119-10, 119-20 or 119-30 of the Zoning Resolution is filed [for work completed prior to the filing of such application and/or approval thereof], the following fees for such application shall apply:

1. Zoning lot area of up to 20,000 square feet.....\$.40 per square foot
2. Zoning lot area of 20,001 square feet to 4 acres.....\$.20 per square foot
3. Zoning lot area greater than 4 acres.....\$.10 per square foot

[A fee shall be payable equal to one dollar (\$1.00) less than the cost of replacing removed trees in accordance with a restoration plan and appraisal prepared by a licensed architect and, which conforms to the surrounding tree and growth of an estimate of the original site conditions.

(b) In the event that an application, pursuant to §§105-40 and 107-30 for the modification of existing natural topography is filed for work completed prior to the filing of such application and/or approval thereof:

A fee shall be payable equal to one dollar (\$1.00) less than the cost of restoring such topography to original elevations in accordance with an estimate prepared by a licensed landscape architect or professional engineer.]

This section shall not apply to developments for which zoning applications have been approved by the City Planning Commission prior to January 6, 1983 and for which an application for a building permit has been filed prior to January 6, 1983.

Statement of Basis and Purpose:

The City Planning Commission believes that it is in the best interests of City of New York and its natural areas to bring this restoration fee into conformity with the fees for other City Planning actions. Such fee calculations are generally based upon the size of the affected zoning lot. This amended rule will bring the present rule into conformity with such standard method of fee calculation.

(On October 18, 1993, the City Planning Commission published in the City Record a Notice of Public Hearing and Opportunity to Comment on the proposed Rule to Amend the Natural Feature Restoration Fee. On November 17, 1993, Cal. No. 9, the hearing was closed. On December 1, 1993, Cal. No. 34, the item was laid over.)

**For consideration.**

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**IV CITY PLANNING COMMISSION SCHEDULE OF MEETINGS**

JANUARY 1- JUNE 30, 1994

	S	M	T	W	T	F	S	NOTES
<b>JANUARY</b>							1 <small>NEW YEAR'S DAY</small>	
	2	3 <small>NEW YEAR'S DAY</small>	4	5 <small>REG. MTS.</small>	6	7	8	
	9	10 <small>NEW YEAR'S DAY</small>	11	12 <small>REG. MTS.</small>	13	14	15	
	16	17 <small>NEW YEAR'S DAY</small>	18	19 <small>REG. MTS.</small>	20	21	22	
	23 <small>NEW YEAR'S DAY</small>	24 <small>NEW YEAR'S DAY</small>	25	26 <small>REG. MTS.</small>	27	28	29	
30								
<b>FEBRUARY</b>			1 <small>REG. MTS.</small>	2	3	4	5	
	6	7	8	9	10	11 <small>JACKSON BIRTHDAY</small>	12	
	13	14 <small>NEW YEAR'S DAY</small>	15	16 <small>REG. MTS.</small>	17	18	19	
	20	21 <small>NEW YEAR'S DAY</small>	22	23 <small>REG. MTS.</small>	24	25	26	
	27	28 <small>NEW YEAR'S DAY</small>						
<b>MARCH</b>			1 <small>REG. MTS.</small>	2	3	4	5	
	6	7	8	9	10	11	12	
	13	14 <small>NEW YEAR'S DAY</small>	15	16 <small>REG. MTS.</small>	17	18	19	
	20	21	22	23	24	25	26	
	27 <small>NEW YEAR'S DAY</small>	28 <small>NEW YEAR'S DAY</small>	29	30 <small>REG. MTS.</small>	31			
<b>APRIL</b>						1 <small>GOOD FRIDAY</small>	2	
	3 <small>NEW YEAR'S DAY</small>	4 <small>NEW YEAR'S DAY</small>	5	6 <small>REG. MTS.</small>	7	8	9	
	10	11	12	13	14	15	16	
	17	18 <small>NEW YEAR'S DAY</small>	19	20 <small>REG. MTS.</small>	21	22	23	
	24	25	26	27	28	29	30	
<b>MAY</b>	1	2 <small>NEW YEAR'S DAY</small>	3	4 <small>REG. MTS.</small>	5	6	7	
	8	9	10	11	12	13	14	
	15	16 <small>NEW YEAR'S DAY</small>	17	18 <small>REG. MTS.</small>	19	20	21	
	22	23 <small>NEW YEAR'S DAY</small>	24	25 <small>REG. MTS.</small>	26	27	28	
	29	30 <small>NEW YEAR'S DAY</small>	31					
<b>JUNE</b>				1 <small>REG. MTS.</small>	2	3	4	
	5	6	7	8	9	10	11	
	12	13 <small>NEW YEAR'S DAY</small>	14	15 <small>REG. MTS.</small>	16	17	18	
	19	20	21	22	23	24	25	
	26	27 <small>NEW YEAR'S DAY</small>	28	29 <small>REG. MTS.</small>	30			

Review Sessions are held in Specter Hall at 22 Reade Street starting at 1:00 P.M.

Public meetings are held on the second floor of City Hall in Room 16 (former Board of Estimate Chambers) starting at 10:00 A.M.