

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, NOVEMBER 5, 1997
10:00 A.M. CITY HALL
NEW YORK, NEW YORK 10007**

**Rosa R. Romero, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(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 980092 HUX	6	Scheduled to be Heard 11/19/97	19	C 970676 PPM	10	Favorable Report Adopted
2	C 970768 HAX	6	" "	20	C 970260 PPM	9	" "
3	C 970424 DMX	3	" "	21	N 970583 ZAM	8	Authorization Approved
4	C 970248 HAK	1	" "	22	N 970775 ZAM	8	" "
5	C 970656 GFQ	2	" "	23	C 960122 MMQ	2	Favorable Report Adopted
6	C 950278 MMR	1	" "	24	N 970657 ZAR	2	Authorization Approved
7	C 960249 PSK	16	Hearing Closed		N 970658 ZCR	2	Certification Approved
8	C 970613 ZSM	1	" "				
9	C 970802 ZSM	2	" "				
10	C 970772 PCQ	1	" "				
11	C 970771 PCQ	14	" "				
12	C 970752 ZMX	1	Favorable Report Adopted				
13	N 970751 ZRX	1	" "				
14	C 970280 ZSK	15	" "				
15	C 970477 ZMK	18	" "				
16	C 970327 PPM	11	" "				
17	C 970332 PPM	11	" "				
18	C 970497 PPM	8	" "				

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD: In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		12	13	14	15	16	17	18	19	20	21	22	23	24	
Joseph B. Rose, Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Victor G. Alicea, Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Albert Abney	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Angela M. Battaglia	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Amanda M. Burden, A.I.C.P.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Kathy Hirata Chin, Esq.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Alexander Garvin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Anthony I. Giacobbe, Esq.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
William J. Grinker	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Brenda Levin	P	Y	Y	Y	Y	N	N	Y	N	N	Y	Y	Y	Y	
Edward Rogowsky	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Jacob B. Ward, Esq., Commissioners	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

MEETING ADJOURNED AT: 10:28 A.M.

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, NOVEMBER 5, 1997

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



Rudolph W. Giuliani, Mayor
City of New York

[No. 20]

Prepared by Rosa R. Romero, Calendar Officer

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

NOTE - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section II, (Public Hearings), and third in Section III, (Reports). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

CALENDARS: Any member of a Community Board, any civic association or non-profit organization may write the Calendar Officer of the Commission to be placed on the mailing list to receive the Comprehensive City Planning 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

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

JOSEPH B. ROSE, *Chairman*
VICTOR G. ALICEA, *Vice-Chairman*
ALBERT ABNEY
ANGELA M. BATTAGLIA
AMANDA M. BURDEN, A.I.C.P.
IRWIN G. CANTOR, P.E.
KATHY HIRATA CHIN, *Esq.*
ALEXANDER GARVIN
ANTHONY I. GIACOBBE, *Esq.*
WILLIAM J. GRINKER
BRENDA LEVIN
EDWARD T. ROGOWSKY
JACOB B. WARD, *Esq., Commissioners*
ROSA R. ROMERO, *Calendar Officer*

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

ORDER OF BUSINESS AND INDEX

WEDNESDAY, NOVEMBER 5, 1997

Roll Call; approval of minutes	2
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**Community Board Public Hearing Notices are available in the
Calendar Information Office, Room 2E, 22 Reade Street,
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for November 19, 1997 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: _____

To view the Planning Commission Calendar on the World Wide Web, visit the Department of City Planning (DCP) home page at:

<http://www.ci.nyc.ny.us/html/dcp/home.html>

NOTICE

PLEASE NOTE THAT APPLICATIONS AND INSTRUCTIONS FOR LAND
USE ACTIONS HAVE BEEN REVISED. THE NEW APPLICATION
PACKAGE IS AVAILABLE AT THE DCP MAIN OFFICE MAP AND
BOOK STORE AT 22 READE STREET, GROUND FLOOR

NEW FORMS MAY BE FILED EFFECTIVE IMMEDIATELY.

OLD FORMS WILL

NO LONGER BE ACCEPTED

WEDNESDAY, NOVEMBER 5, 1997

APPROVAL OF MINUTES OF Regular Meeting of October 22, 1997

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, NOVEMBER 19, 1997
STARTING AT 10:00 A.M.
IN CITY HALL,
NEW YORK, NEW YORK**

BOROUGH OF THE BRONX

Nos. 1 and 2

(Applications for the third amendment to the Bronx Park South Urban Renewal Plan for the Bronx Park South Urban Renewal Area, the designation of an urban development action area and project, and the disposition of city-owned property)

No. 1

CD 6

C 980092 HUX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the third amendment to the Bronx Park South Urban Renewal Plan for the Bronx Park South Urban Renewal Area.

The third amended plan proposes the following changes:

1. Table 1 on Page 6 changes the maximum Floor Area Ratio for parcel 2 from 1.0 to 1.6.
2. The notes for Table 1 on Page 7 adds parcel 2 to the list of parcels where enclosed parking is not required.

The proposed changes would facilitate construction of a 99 unit development for the elderly on Site 2.

Resolution for adoption scheduling November 19, 1997 for a public hearing.

No. 2

CD 6

C 970768 HAX

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 961-989 E. 180th Street (Block 3133, Lots 1,4, 35, 40), as an Urban Development Action Area;
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate construction of a seven-story building with 98 units of rental housing for elderly persons of low income, plus one unit for a superintendent, tentatively known as Casella Plaza Housing for the Elderly to be developed under the Federal Section 202 Supportive Housing Program for the Elderly.

Resolution for adoption scheduling November 19, 1997 for a public hearing.

No. 3

CD 3

C 970424 DMX

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of three (3) city-owned properties pursuant to zoning:

<u>Block</u>	<u>Lot</u>	<u>Address</u>
2370	32	3367 Third Avenue
2961	45	1285 Union Avenue
2981	2	1462 Southern Boulevard

Resolution for adoption scheduling November 19, 1997 for a public hearing.

BOROUGH OF BROOKLYN

No. 4

CD 1

C 970248 HAK

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 81-87 Throop Avenue (Block 2270, Lot 1), as an Urban Development Action Area;
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD

to facilitate construction of a six-story building with 46 units of housing.

Resolution for adoption scheduling November 19, 1997 for a public hearing.

BOROUGH OF QUEENS

No. 5

CD 2

C 970656 GFQ

IN THE MATTER OF an application submitted by Schick Technologies Inc. pursuant to Section 197-c of the New York City Charter, for a revocable consent to construct, maintain and use a bridge over 31st Street between 47th and 48th Avenues, connecting the fifth floors of 31-00 and 30-00 47th Avenue.

Resolution for adoption scheduling November 19, 1997 for a public hearing.

BOROUGH OF STATEN ISLAND

No. 6

CD 1

C 950278 MMR

IN THE MATTER OF an application submitted by Rabbi Jacob Joseph School, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving:

- o the elimination of a portion of Cambridge Avenue between Caswell Avenue and Auburn Avenue, and the discontinuance and closing of a portion thereof;
- o the elimination of a portion of Thurston Street between Cambridge Avenue and Woodbine Avenue;
- o the adjustment of grades necessitated thereby, and
- o the delineation of a sewer easement in the former street beds.

and any acquisition or disposition of real property related thereto, in accordance with Map No. 4128 dated July 8, 1996 and signed by the Borough President.

Resolution for adoption scheduling November 19, 1997 for a public hearing.

II. PUBLIC HEARINGS

BOROUGH OF BROOKLYN

No. 7

CD 16

C 960249 PSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for site selection of property located at 1909/25 Sterling Place and 1431/85 East New York Avenue (Block 1468, Lots 66, 72 and 74-81) for use as a parking lot.

(On October 22, 1997, Cal. No. 1, the Commission scheduled November 5, 1997 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 8

CD 1

C 970613 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Sheldon Lobel, P.C. on behalf of Almark Holding Co. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 89 spaces in a mixed use building located at 121 Reade Street (Block 140, Lot 5). within Area A4 of the Special Lower Manhattan Mixed-Use District, in a C6-3A District.

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

(On October 22, 1997, Cal. No. 2, the Commission scheduled November 5, 1997 for a public hearing which has been duly advertised.)

Close the hearing.

No. 9

CD 2

C 970802 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Landmarks Preservation Commission on behalf of the Solomon R. Guggenheim Foundation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Sections 42-12 and 42-14D(5)(a) to allow a museum use (Use Group 3A) which is not ancillary to motion picture production, radio or television studios on the third floor, fourth floor and a portion of the subcellar in a building located at 569-575 Broadway, a.k.a. 142-146 Mercer Street, a.k.a. 85-91 Prince Street (Block 512, Lot 23), in an M1-5B District, within the SoHo-Cast Iron Historic District.

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

(On October 22, 1997, Cal. No. 3, the Commission scheduled November 5, 1997 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 10

CD 1

C 970772 PCQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Fire Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for site selection and acquisition of property located at 25-10 30th Avenue (Block 576, Part of Lots 9 & 12), for use as an ambulance station.

(On October 22, 1997, Cal. No. 4, the Commission scheduled November 5, 1997 for a public hearing which has been duly advertised.)

Close the hearing.

No. 11

CD 14

C 970771 PCQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Fire Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for **site selection and acquisition of property located at 51-15 Beach Channel Drive (Block 15843, Part of Lot 1), for use as an ambulance station.**

(On October 22, 1997, Cal. No. 5, the Commission scheduled November 5, 1997 for a public hearing which has been duly advertised.)

Close the hearing.

III. REPORTS

BOROUGH OF THE BRONX**Nos. 12 and 13**

(An amendment to the Zoning Resolution establishing a new Special Mixed Use District, and an amendment to the Zoning Map, mapping a Special Mixed Use District in the Port Morris area of the Bronx.)

No. 12**CD 1****C 970752 ZMX**

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an **amendment of the Zoning Map, Section No. 6a:**

- 1) changing from an M1-2 District to an M1-2/R6A District property bounded by East 134th Street, Brown Place, Bruckner Boulevard, and Lincoln Avenue;
- 2) changing from an M2-1 District to an M1-2/R6A District property bounded by East 135th Street, Lincoln Avenue, Bruckner Boulevard, and Third Avenue; and
- 3) establishing a Special Mixed Use District (MX-1) within the area bounded by East 135th Street, Lincoln Avenue, East 134th Street, Brown Place, Bruckner Boulevard, and Third Avenue;

as shown on a diagram (for illustrative purposes only) dated June 16, 1997.

(On September 17, 1997, Cal. No. 1, the Commission scheduled October 8, 1997 for a public hearing. On October 8, 1997, Cal. No. 14, the hearing was closed.)

For consideration.

CD 1

N 970751 ZRX

IN THE MATTER OF an amendment to the Zoning Resolution of the City of New York pursuant to Section 201 of the New York City Charter creating a new special purpose district known as the Special Mixed Use District, Article XII, Chapter 3 (Special Mixed Use District) and specifying a Special Mixed Use District in Port Morris, Community District 1, Borough of the Bronx.

Matter in ~~Greytone~~ 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.

11-12

Establishment of Districts

* * *

Establishment of the Special Midtown District

* * *

~~Establishment of the Special Mixed Use District~~

~~In order to carry out the purposes of this Resolution as set forth in Article XII, Chapter 3, the Special Mixed Use District is hereby established.~~

Establishment of the Special Natural Area District

* * *

12-10

DEFINITIONS

* * *

Special Midtown District

* * *

Special Mixed Use District

The "Special Mixed Use District" is a Special Purpose District designated by the letters "MX" in which special regulations set forth in Article XII, Chapter 3, apply. The #Special Mixed Use District# appears on the #zoning maps# superimposed on paired M1 and #Residence# Districts, and its regulations supplement or modify those of the M1 and #Residence# Districts. The Special Mixed Use District includes any district that begins with the letters "MX".

Special Natural Area District

* * *

21-15

R3-2, R4B, R4, R5, R6, R7, R8, R9 and R10 General Residence Districts

These districts are designed to provide for all types of residential buildings, in order to permit a broad range of housing types, with appropriate standards for each district on density, open space, and spacing of buildings.

* * *

R7-3 and R9-1 Districts may be mapped only within the #waterfront area# and in the #Special Mixed Use District#.

* * *

62-324

Non-residential buildings in Residence Districts

* * *

MAXIMUM LOT COVERAGE FOR COMMUNITY FACILITY BUILDINGS

<u>District</u>	<u>Maximum #Lot Coverage# (in percent)</u>
R1 R2 R3 R4 R5	60
R6B	65
R6 R6A R7B R7-1	70
R7-2 R7-3 R7X R8 R9A	75
R9 R9-1 R9X R10	80

Any portion of a #building# at any height up to but not exceeding 23 feet above the #base plane# may be excluded in determining the percent of #lot coverage# set forth in the preceding table.

In #Special Mixed Use Districts#, #lot coverage# requirements shall not apply to #community facility uses#.

* * *

62-327

Maximum floor area ratio for a mixed use building in the Special Mixed Use District

The maximum #floor area ratio# for a mixed use building in a #Special Mixed Use District# shall be in accordance with the provisions of Section 123-64.

* * *

ALL OF THE FOLLOWING TEXT IS NEW

ARTICLE XII: SPECIAL PURPOSE DISTRICTS CHAPTER 3: SPECIAL MIXED USE DISTRICT

123-00

GENERAL PURPOSES

The "Special Mixed Use District" regulations established in this Section of the Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner ensuring the health and safety of people using the area;
- (b) to promote the opportunity for workers to live in the vicinity of their work;
- (c) to create new opportunities for mixed use neighborhoods;
- (d) to recognize and enhance the vitality and character of existing and potential mixed use neighborhoods; and
- (e) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings and thereby protect City tax revenues.

123-10

General Provisions

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable.

except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

In #Special Mixed Use Districts#, an M1 District is paired with a #Residence District#, as indicated on the #zoning maps#.

The designated #Residence Districts# in #Special Mixed Use Districts# shall not include either an R1 or an R2 District.

123-11

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Accessory use

In addition to those "accessory uses" listed in Section 12-10 (Definitions), for the purposes of this Chapter an #accessory use# shall also include a #dwelling unit# in connection with any commercial, manufacturing or community facility establishment permitted in #Special Mixed Use Districts# pursuant to Section 123-20, provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1200 square feet or contain more than one kitchen.

Building, mixed use

For the purposes of this Chapter, a "mixed use building" is a #building# in the #Special Mixed Use District# used partly for #manufacturing, commercial# or #community facility use# and partly for #residential use#.

Home occupation

For the purposes of this Chapter, the #home occupation# provisions of Section 12-10 shall apply, except that:

- (a) up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#;
- (b) such #home occupation# may occupy more than 500 square feet of #floor area#; and
- (c) businesses operated as #home occupations# may have up to three non-#residential# employees.

123-20

SPECIAL USE REGULATIONS

In #Special Mixed Use Districts#, all #uses# permitted in the designated #Residence District# and all #uses# permitted in the designated M1 District, as set forth in any

other provision of this Resolution other than Special Purpose Districts, shall be permitted, except as superseded, modified or supplemented by this Section and provided that #signs# shall comply with the requirements of Section 123-40.

123-21

Modification of Use Groups 2, 3 and 4

The #uses# listed in Use Group 2, and the following #uses# listed in Use Groups 3 and 4: college or school dormitories or fraternity or sorority houses, domiciliary care facilities for adults, nursing homes and health related facilities, philanthropic or non-profit institutions with sleeping accommodations, monasteries, convents or novitiates, #non-profit hospital staff dwellings# without restriction on location, and non-profit or voluntary hospitals, may only locate in the same #building# as, or share a common wall with a #building# containing, an existing #manufacturing# or #commercial use#, upon certification by a licensed engineer to the Department of Buildings that such #manufacturing# or #commercial use#:

- (a) does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
- (b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

123-22

Modification of Use Groups 16, 17 and 18

The following #uses# shall be permitted in the #Special Mixed Use District#, in accordance with the applicable district #use# regulations, subject to the following modifications:

123-221

Uses permitted as-of-right

From Use Group 16A:

Automobile, motorcycle, trailer, or boat sales, open or enclosed

Building materials sales, open or enclosed limited to 10,000 square feet of #lot area# per establishment, provided that not more than 5,000 square feet of such #lot area# is used for open storage

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing, or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 square feet of #lot area# per establishment

Glass cutting shops

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers, or air conditioning units

Ice or wood sales, open or enclosed, limited to 5,000 square feet of # lot area# per establishment

Machinery rental or sales establishments

Motorcycle or motor scooter rental establishments

Poultry or rabbit killing establishments, for retail sale on the same #zoning lot# only

Riding academies, open or enclosed

Stables for horses

Trade schools for adults, except those using substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

From Use Group 16B:

Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than ten automobiles per washing lane

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed building#

Automobile, truck, motorcycle, or #trailer# repairs, excluding body repair

From Use Group 16C:

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps

Dead storage of motor vehicles

From Use Group 16D:

Diaper supply establishments

Laundries, except medical or laboratory

Linen or towel supply establishments, where cleaning is done on a separate #zoning lot#

Moving or storage offices, with no limitation as to storage or #floor area# per establishment

Packing or crating establishments, except for the packing and crating of substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment

Warehouses, except for the warehousing of substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Wholesale establishments, with no limitation on #accessory# storage, except for wholesale establishments selling, as part of their stock, substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances, if they are stored on the same #zoning lot#

From Use Group 17A:

Building materials or contractor's yards, open or enclosed, including sales, storage or handling of building materials, with no limitation on #lot area# per establishment, except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment, and provided that any yard in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

Produce or meat markets, wholesale

From Use Group 17B:

Manufacturing Establishments

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Bottling work, for all beverages

Canvas products, not involving the manufacturing of canvas

Cork products

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt or feather products, except washing, curing or dyeing

Hosiery

Ice, natural

Jute, hemp, sisal or oakum products

Mattresses, including rebuilding or renovating

Scenery construction

Shoddy

Soap or detergents, packaging only

Textiles, spinning, weaving, manufacturing, knit goods, yarn, thread or cordage, not involving printing or dyeing

Upholstering, bulk, excluding upholstering shops dealing directly with consumers

Wax products

From Use Group 17C:

Agriculture, including greenhouses, nurseries or truck gardens

Docks for passenger ocean vessels

Docks for sightseeing, excursion or sport fishing vessels, with no limitation on vessel or dock capacity

Docks for vessels not otherwise listed

Public transit, railroad or electric utility substations, open or enclosed, with no limitations as to size

Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

Truck weighing stations, open or enclosed

Trucking terminals or motor freight stations, with no limitation on #lot area# per establishment

From Use Group 18:

Breweries limited to 10,000 square feet of #floor area# per establishment

#Uses accessory# to the preceding listed #uses#

123-222

Uses permitted with restrictions

The following #uses# from Use Groups 16 and 17 are permitted in the #Special Mixed Use District# subject to the certification requirements and locational restrictions of this Section:

From Use Group 16A:

Animal hospitals or kennels

Blacksmith shops

Carpentry, custom woodworking or custom furniture making shops

Fuel, oil, or coal sales, open or enclosed, limited to 5,000 square feet of # lot area# per establishment

Mirror silvering shops

Sign painting shops, with no limitation on # floor area# per establishment

Silverplating shops, custom

Soldering or welding shops

Tool, die, or pattern-making establishments, or similar small machine shops

Trade schools for adults, that use substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

From Use Group 16B:

Automobile, truck, motorcycle or #trailer# body repairs, provided such #use# is conducted within a #completely enclosed building#

From Use Group 16D:

Carpet cleaning establishments

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment

Laundries, medical or laboratory

Linen or towel supply establishments where cleaning is done on the same #zoning lot#

Packing or crating establishments for substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Photographic developing or printing with no limitation on #floor area# per establishment

Warehouses for substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Wholesale establishments selling, as part of their stock, substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances, with no limitation on #accessory storage#

From Use Group 17B:

Manufacturing Establishments

Adhesives, excluding manufacture of basic components

Advertising displays

Aircraft, including parts

Automobiles, trucks, or #trailers#, including parts or rebuilding of engines

Beverages, non-alcoholic

Boats less than 200 feet in length, building or repair, open or enclosed, provided that such #use# or portion thereof may be conducted outside a #completely enclosed building# only if located at a distance greater than 200 feet from a #Residence District# boundary, or if effectively screened by a wall or fence at least eight feet in height with no boat building located less than 30 feet from a #Residence District# boundary

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas

Carpets

Ceramic products, including pottery, small glazed tile, or similar products

Chemicals, compounding or packaging

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances

Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies

Film, photographic

Food products, except slaughtering of meat or preparation of fish for packaging

Ice, dry

Ink or inked ribbon

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar products

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretches, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or soaps, compounding only

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Printing or publishing, with no limitation on #floor area# per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, including manufacture of natural or synthetic rubber

Silverware, plate or sterling

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious or church art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

Textiles, dyeing or printing

Tobacco, including curing, or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys

Umbrellas

Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on # floor area# per establishment

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

#Uses accessory# to the preceding listed #uses#

Any #use# from Use Group 16 or 17, listed in this Section, may only locate in a #building enlarged# or #developed# after (the effective date of this amendment) containing a #use# listed in Section 123-21 (Modification of Use Groups 2, 3 and 4), or share a common wall with such #building#, upon certification by a licensed engineer to the Department of Buildings that any such #use# listed in Use Group 16 or 17:

- (a) does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
- (b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

123-223

Excluded Uses

The following #uses# listed in Use Groups 16 and 18 shall not be allowed in #Special Mixed Use Districts#:

From Use Group 16A:

Animal pounds or crematoriums

Crematoriums, human

From Use Group 16C:

Public transit yards, open or enclosed, including accessory motor fuel pumps

From Use Group 18:

Any **#use#** listed in Use Group 18, except that breweries limited to 10,000 square feet of **#floor area#** shall be permitted as-of-right

#Uses accessory# to the preceding listed **#uses#**

123-23

Modification of Special Permit Requirements

In the event that provisions of this Resolution permit a **#use#** by special permit, authorization or certification in both designated M1 and **#Residence Districts#**, no more than one special permit, authorization or certification is required to permit any such **#use#** in the **#Special Mixed Use District#**.

In the event that a provision of this Resolution permits a **#use#** by special permit, authorization or certification in either a designated M1 or **#Residence District#** and another provision permits such **#use#** without a special permit, authorization or certification in the other designated district, no special permit, certification or authorization shall be required in the **#Special Mixed Use District#**. In such case, the bulk regulations of the district allowing the **#use#** as-of-right shall control.

123-30

SUPPLEMENTARY USE REGULATIONS

123-31

Provisions Regulating Location of Uses in Mixed Use Buildings

In **#Special Mixed Use Districts#**, in any **#building#** or portion of a **#building#** occupied by **#residential uses#**, **non-#residential uses#** may be located only on a **#story#** below the lowest **#story#** occupied by such **#residential uses#**, except that this limitation shall not preclude the:

- (a) location of **#residential#** lobby space below or on the same **#story#** as **non-#residential uses#**;
- (b) extension of a permitted **#business sign#**, **#accessory#** to such **non-#residential use#**, to a maximum height of two feet above the level of a finished floor of the second **#story#**, but in no event higher than six inches below the lowest window sill on the second **#story#**;
- (c) location of **non-#residential uses#** on the same **#story#**, or on a **#story#** higher than that occupied by **#residential uses#**, in **non-#residential buildings#** or portions thereof, in existence on or prior to (the effective date of this amendment), that are partially converted to **#residential use#** pursuant to paragraph (a) of Section 123-68 (Residential Conversion), or were previously so converted pursuant to Article

I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens); or

- (d) location of non-#residential uses# on the same #story#, or on a #story# higher than that occupied by #residential uses#, provided that the non-#residential uses#:
- (1) are located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
 - (2) are not located directly over any portion of a #building# containing #dwelling units#.

123-32

Environmental Conditions

In #Special Mixed Use Districts#, all new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation to maintain an interior noise level of 45dB(A) or less, with windows closed, and shall provide an alternate means of ventilation.

123-40

SIGN REGULATIONS

In #Special Mixed Use Districts#, the provisions regulating #signs# in C6-1 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), shall apply for any #sign#. For the purposes of applying such regulations in #Special Mixed Use Districts#, all references to #mixed buildings# shall include #mixed use buildings#.

123-50

Modification of Article V, Chapter 2 (Non-Conforming Uses)

In the #Special Mixed Use District#, a #non-conforming use# may be changed only to a #conforming use#.

The following Sections of Article V, Chapter 2 (Non-Conforming Uses), shall not apply: Sections 52-32 through 52-37 inclusive; Sections 52-43 through 52-46 inclusive; Sections 52-54, 52-56, 56-62, 52-72, 52-731, 52-732, 52-74, and 52-75.

123-60

SPECIAL BULK REGULATIONS

123-61

General Provisions

All #buildings or other structures# on #zoning lots# within the #Special Mixed Use District# shall comply with the #bulk# regulations of this Chapter.

In #Special Mixed Use Districts#, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure#, and the #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #commercial# and #community facility uses# in a #building or other structure#, except as set forth in Sections 123-60 through 123-67, inclusive.

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

123-62

Maximum Floor Area Ratio for Community Facilities

The maximum #floor area ratio# permitted for the #community facility# portion of a #building# pursuant to Article IV, Chapter 3, shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for the #community facility# portion of a #building# shall be the maximum #floor area ratio# allowed for the #community facility# portion of a #building# pursuant to the designated #Residence District# regulations set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage). #Lot coverage# requirements shall not apply.

When the designated district is an R7-3 District, the maximum #floor area ratio# for the #community facility# portion of a #building# shall be 5.0.

When the designated district is an R9-1 District, the maximum #floor area ratio# for the #community facility# portion of a #building# shall be 9.0.

123-63

Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the provisions of Sections 23-142 (In R6, R7, R8 or R9 Districts) through 23-144 regulating minimum required #open space ratios# and maximum #floor area ratios# shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed or enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-145, or Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in Section 23-147.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

123-64

Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings

(a) Maximum #Floor Area Ratio#

(1) Manufacturing or Commercial portions

The maximum #floor area ratio# permitted for the #manufacturing# or #commercial# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial buildings# under the provisions of Section 43-12 in accordance with the designated M1 District.

(2) #Community facility# portion

The maximum #floor area ratio# permitted for the #community facility# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #community facility buildings# in #Residence Districts# under the provisions of Section 24-11, in accordance with the designated #Residence District#.

(3) #Residential# portion

Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use District# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Section 23-14 and 23-141, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Section 123-63, in accordance with the designated #Residence District#.

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# in #Special Mixed Use Districts# shall be the maximum #floor area# permitted for either the #commercial, manufacturing, community facility# or #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

(b) **Lot Coverage Requirements**

Lot coverage requirements shall not apply to any portion of a mixed use building in Special Mixed Use Districts.

123-641

Floor area bonus for a residential plaza, urban plaza, open air concourse, sidewalk widening, or arcades in connection with mixed use buildings

Any floor area bonus for a residential plaza, urban plaza, open air concourse, sidewalk widening or arcade permitted under the applicable district regulations for any residential, commercial or community facility portion of a mixed use building may be applied to a mixed use building, provided that any given residential plaza, urban plaza, open air concourse, sidewalk widening or arcade shall be counted only once in determining a bonus.

123-65

Density Regulations for Residential and Mixed Use Buildings in R6, R7, R8, R9 and R10 Districts

Where the Residence District designation is an R6, R7, R8, R9 or R10 District, the lot area per room requirements of Section 23-223, paragraphs (a) and (b), shall not apply. In lieu thereof, the lot area per dwelling unit or rooming unit requirements of Section 23-223, paragraph (c), shall apply. In addition, each dwelling unit shall have at least 400 square feet of floor area.

Where the Residential District designation is an R7-3 District, there shall be a minimum lot area per dwelling unit of 135 square feet and a minimum lot area per rooming unit of 100 square feet.

Where the Residential District designation is an R9-1 District, there shall be a minimum lot area per dwelling unit of 98 square feet and a minimum lot area per rooming unit of 78 square feet.

123-651

Density or lot area bonus in mixed use buildings

For each percent of the total lot area provided as a residential plaza or urban plaza, or for each two percent of the total lot area covered by an arcade, or for each .70 of one percent increase in floor area permitted to compensated developments pursuant to the Inclusionary Housing program as set forth in Section 23-93 (Floor Area Compensation), the lot area requirements set forth in Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) or Section 23-24 (Special Provisions for Buildings Used Partly for Non-Residential Uses) shall be reduced by .60 of one percent, to the extent that the building is used for residential use, and the lot area requirements set forth in Section 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) shall be reduced

by .60 of one percent to the extent that the #building# is used for #commercial# or #community facility uses#. However, in no event shall such reductions exceed 17 percent of the applicable #lot area# requirement set forth in Section 23-22.

For #developments# or #enlargements# utilizing the Inclusionary Housing program, the #lot area# reduction set forth in Section 23-93 (Floor Area Compensation) shall be applicable.

123-66

Special Yard Regulations

123-661

Special yard regulations for residential buildings

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, for #residential buildings# other than #single-# or #two-family residences#, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of eight feet.

123-662

Special yard regulations for mixed use buildings

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of eight feet; except if the #mixed use building# contains no more than two #dwelling units#, the open area extending along a #side lot line# may be less than eight feet in width at the level of the #dwelling unit#. For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at any level not higher than the floor level of the lowest #story# containing #dwelling units# or #rooming units#.

123-663

Special provisions applying along district boundaries

Along such portion of the #Special Mixed Use District# boundary that coincides with a #side lot line# of a #zoning lot# within an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# and with a width of at least eight feet shall be required within the #Special Mixed Use District#.

123-67

Height and Setback Regulations

The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

123-671

Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the height and setback regulations of Section 23-60 and Section 43-40 shall not apply to #mixed use buildings#. In lieu thereof, no #building or other structure# shall exceed a height of 35 feet within 25 feet of a #street line#. Beyond 25 feet of a #street line#, no #building or other structure# shall exceed a height of 60 feet. Notwithstanding the foregoing, the provisions of Sections 23-62, 24-51 and 43-42 (Permitted Obstructions) shall apply to any #mixed use building#.

123-672

All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations.

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Section 23-60 and Section 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, except an R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height of a #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street# may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum building height specified in Table A of this Section. However, a #building or other structure# may exceed such maximum building height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum building height does not exceed 80 percent of the gross area of that #story# directly below it.

Table A
**HEIGHT AND SETBACK FOR ALL BUILDINGS
 IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS**

<u>District</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Building Height (in feet)</u>
R6	60	110
R7-1 R7-2	60	135
R7-3	85	185
R8	85	210
R9	85	225
R9-1	90	280
R10	110	350

- (b) Medium and high density contextual districts
 In Special Mixed Use Districts where the Residence District designation is an R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, no building or other structure shall exceed the maximum building height specified in Table B of this Section.

Setbacks are required for all portions of buildings that exceed the maximum base height specified in Table B of this Section. Such setbacks shall be provided in accordance with the following provisions:

- (1) Building walls facing a wide street shall provide a setback at least ten feet deep from such wall of the building at a height not lower than the minimum base height specified in Table B of this Section. Building walls facing a narrow street shall provide a setback at least 15 feet deep from such wall of the building at a height not lower than the minimum base height specified in Table B.
- (2) These setback provisions are optional for any building wall that is either located beyond 50 feet of a street line or oriented so that lines drawn perpendicular to such building wall would intersect a street line at an angle of 65 degrees or less. In the case of an irregular street line, the line connecting the most extreme points of intersection shall be deemed to be the street line.

- (3) Required setback areas may be penetrated by dormers in accordance with paragraph (c) of this Section.
- (4) Where the #Residence District# designation is an R10X District, no maximum building height shall apply. However, the minimum coverage of any portion of a #building# that exceeds the permitted maximum base height shall be 33 percent of the #lot area# of the #zoning lot#. Such minimum #lot# coverage requirement shall not apply to the highest four #stories# of the #building#.

TABLE B
HEIGHT AND SETBACK FOR ALL BUILDINGS
IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS

<u>District</u>	<u>Minimum Base Height</u>	<u>Maximum Base Height</u>	<u>Maximum Building Height</u>
R6B	30	40	50
R6A	40	60	70
R7B	40	60	75
R7A	40	65	80
R7X	60	85	125
R8B	55	60	75
R8A	60	85	120
R8X	60	85	150
R9A**	60	95	135
R9A*	60	102	145

R9X**	60	120	160
R9X*	105	120	170
R10A**	60	125	185
R10A*	125	150	210
R10X	60	85	***

- * Refers to that portion of a district which is within 100 feet of a #wide street#.
- ** Refers to that portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#.
- *** #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (b)(4) of this Section.

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections 23-62, 24-51 or 43-42. In addition, within a required setback area, a dormer may exceed a maximum base height specified in Table A or Table B of this Section and thus penetrate a required setback area, provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the length of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See Illustration of Dormer in Section 62-351).

123-68

Residential Conversion

- (a) The provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts), shall not apply in the #Special Mixed Use District# except as expressly set forth herein.

In #Special Mixed Use Districts#, in any community district in the City, the conversion to #dwelling units# of non-#residential# portions of #buildings#, in existence on or prior to (the effective date of this amendment), shall be permitted subject to Sections 15-11, 15-12 and Section 15-30(b). However, the provisions of paragraph (b) of Section 15-111 shall not apply. In lieu thereof, all #floor

area# may be converted, provided the minimum average #floor area# per #dwelling unit# requirements set forth in the table in Section 15-111 are met.

#Uses# in #buildings# in existence on or prior to (the effective date of this amendment) containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 123-31 (Provisions Regulating Location of Uses in Mixed Use Buildings).

For the purposes of applying paragraph (a) of Section 15-111 to #Special Mixed Use Districts# where the designated #Residence District# is an R3 District, the minimum #floor area# per #dwelling unit# applicable to R4 Districts shall apply.

- (b) The conversion to #dwelling units# of non-#residential buildings# constructed after (the effective date of this amendment) shall comply with the special #bulk# regulations of this Chapter for new #residential development#.

123-70

PARKING AND LOADING

123-71

Manufacturing and Commercial Uses

For #manufacturing# and #commercial uses#, the #accessory# off-street parking and loading regulations of the designated M1 District, as set forth in Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations), shall apply.

123-72

Residential and Community Facility Uses

For #residences# and #community facility uses#, the #accessory# off-street parking and loading regulations of the designated #Residence District#, as set forth in Article II, Chapter 5, shall apply, except that:

- (a) the provisions of Section 25-50 (Restrictions on Location of Accessory Off-Street Parking Spaces) shall not apply. In lieu thereof, the provisions of Section 44-30 (Restrictions on Location and Use of Accessory Off-Street Parking Spaces) shall apply to such #uses#; and
- (b) in #mixed use buildings# the provisions of Section 25-60 (Additional Regulations for Permitted or Required Accessory Off-Street Parking Spaces) shall not apply. In lieu thereof, the provisions of Section 44-40 (Additional Regulations for Permitted or Required Accessory Off-Street Parking Spaces) shall apply to such #uses#.

123-80

Modification of Article V, Chapter 4

In Article V, Chapter 4 (Non-Complying Buildings), Section 54-311 (Buildings non-complying as to lot area per dwelling unit, lot area per room or floor area per room), shall not apply.

123-90

Special Mixed Use Districts Specified

The Special Mixed Use District is mapped in the following areas:

Special Mixed Use District - 1: Port Morris, The Bronx

The Special Mixed Use District - 1 is established in Port Morris in the Bronx as indicated on the #zoning maps#.

(On September 17, 1997, Cal. No. 2, the Commission scheduled October 8, 1997 for a public hearing. On October 8, 1997, Cal. No. 15, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 14

CD 15

C 970280 ZSK

IN THE MATTER OF an application submitted by the Palm Beach Home for Adults pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-904 of the Zoning Resolution to permit the enlargement of an existing domiciliary care facility for adults and Section 74-902 to permit the allowable floor area ratio of Section 23-144 (For non-profit residences for the elderly) to apply to a proposed approximately 10,706 square foot enlargement of an existing domiciliary care facility, without an increase in the total number of beds (192), at 2900 Bragg Street (Block 8815, Lot 112) at the southwest corner of Emmons Avenue, within Area H of the Special Sheepshead Bay District, in a C2-2 District mapped within an R5 District.

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

(On September 17, 1997, Cal. No. 3, the Commission scheduled October 8, 1997 for a public hearing. On October 8, 1997, Cal. No. 16, the hearing was closed.)

For consideration.

No. 15

CD 18

C 970477 ZMK

IN THE MATTER OF an application submitted by Flatlands & 107 Co., LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an **amendment of the Zoning Map, Section No. 23c**, establishing within an existing R5 District a C2-3 District bounded by Flatlands Avenue, East 108th Street, a line 410 feet southeasterly of Flatlands Avenue, and East 107th Street, as shown on a diagram (for illustrative purposes only) dated June 9, 1997.

(On September 17, 1997, Cal. No. 4, the Commission scheduled October 8, 1997 for a public hearing. On October 8, 1997, Cal. No. 17, the hearing was closed.)

For consideration.

BOROUGH OF MANHATTAN

No. 16

CD 11

C 970327 PPM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for the **disposition of seven (7) city-owned properties, pursuant to zoning.**

A list and description of the properties can be seen at the Manhattan Office of the Department of City Planning, 22 Reade Street, 6th Floor, New York 10007.

(On September 17, 1997, Cal. No. 5, the Commission scheduled October 8, 1997 for a public hearing. On October 8, 1997, Cal. No. 18, the hearing was closed.)

For consideration.

No. 17

CD 11

C 970332 PPM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property, located at 161 East 108th Street (Block 1636, Lot 126), pursuant to zoning.

(On September 17, 1997, Cal. No. 6, the Commission scheduled October 8, 1997 for a public hearing. On October 8, 1997, Cal. No. 19, the hearing was closed.)

For consideration.

No. 18

CD 8

C 970497 PPM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 204 East 95th Street (Block 1540 Lot 45), pursuant to zoning.

(On September 17, 1997, Cal. No. 7, the Commission scheduled October 8, 1997 for a public hearing. On October 8, 1997, Cal. No. 20, the hearing was closed.)

For consideration.

No. 19

CD 10

C 970676 PPM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property, located at 330 St. Nicholas Avenue (Block 1953, Lot 44), pursuant to zoning.

(On September 17, 1997, Cal. No. 9, the Commission scheduled October 8, 1997 for a public hearing. On October 8, 1997, Cal. No. 22, the hearing was closed.)

For consideration.

No. 20

CD 9

C 970260 PPM

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

<u>Block</u>	<u>Lot</u>	<u>Address</u>
1950	55	4 Hancock Place
1950	57	350 West 124th Street

(On September 17, 1997, Cal. No. 10, the Commission scheduled October 8, 1997 for a public hearing. On October 8, 1997, Cal. No. 23, the hearing was closed.)

For consideration.

 No. 21

CD 8

N 970583 ZAM

IN THE MATTER OF an application submitted by the One East River Realty Company, L.L.C. for the grant of an authorization pursuant to Section 13-552 of the Zoning Resolution to allow an attended public parking lot with a maximum capacity of 41 spaces on property located at 530 East 73rd Street (Block 1484, part of Lot 26) in a M1-4 District.

Plans for the proposed public parking lot is on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

For consideration.

No. 22

CD 8

N 970775 ZAM

IN THE MATTER OF an application submitted by Waterford Condominiums for the grant of an authorization pursuant to Section 37-06 of the Zoning Resolution to allow the closing during certain nighttime hours of an existing plaza (known as Waterford Plaza) at 300 East 93rd Street (Block 1555, Lots 1101-1323) within C2-8 and R8B Districts.

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.

For consideration.

BOROUGH OF QUEENS

No. 23

CD 2

C 960122 MMQ

IN THE MATTER OF an application submitted by the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving a change of legal grade in 65th Place from Woodside Avenue to Queens Boulevard, and any acquisition or disposition of real property related thereto, in accordance with Map No 4905 dated July 18, 1996 and signed by the Borough President.

(On September 17, 1997, Cal. No. 11, the Commission scheduled October 8, 1997 for a public hearing. On October 8, 1997, Cal. No. 24, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 24

(Request for the grant of authorizations and certification and compliance with special review provisions to allow the development of one single-family dwelling with accessory pool within the Special Natural Area District)

CD 2

**N 970657 ZAR
N 970658 ZCR**

IN THE MATTER OF an application submitted by Sandy Chiu for the grant of authorizations pursuant to Sections 105-421, 105-423 and 105-424 involving the modification of existing topography, removal of trees and alteration of other natural features (steep slope), and certification pursuant to Section 105-45 for compliance with special review provisions (landscape restoration plan) to allow the construction of one single-family dwelling with accessory pool located at 68 Butterworth Avenue (Block 687, Lot 90) within the Special Natural Area District (NA-1).

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

For consideration.
