

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:  
WEDNESDAY, AUGUST 8, 2001  
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 010615 ZMK	1	Scheduled to be Heard 8/22/01	18	C 000355/356 ZSM	4	Hearing Closed
2	C 010616 ZSK	1	" "	19	C 010098 MMM	4	" "
3	C 010 619 HAK	1	" "	20	C 010381 PPM	6	" "
4	C 010061 MEM	9	" "	21	C 010382 ZMM	6	" "
5	N 010510 ZRM	11	" "	22	C 000535 ZSX	10	Favorable Report Adopted
6	C 010511 ZMM	11	" "	23	C 010394 PSX	9	" "
7	C 010513 HDM	11	" "	24	C 990141 MMX	7, 12	" "
8	C 010118 ZSM	2	" "	25	C 010551 HAX	1	" "
9	C 010592 PPM	6	" "	26	C 000023 ZSK	3	" "
10	N 010720 HAX	4	Hearing Closed	27	C 010139 PPK	5	" "
11	C 010593 HUK	4	" "	28	N 020006 HKK	7	Forward Rep't to City Council
12	C 010594 ZMK	4	" "	29	C 000413 MMM	1	Favorable Report Adopted
13	C 010595 HAK	4	" "	30	C 010524 HAM	11	" "
14	N 010564(A) ZRK	1,2	4	31	N 010629 ZRM	1	" "
15	N 020008 HKM	5	" "	32	N 020007 HKM	3	Forward Rep't to City Council
16	C 000353 PCM	4	" "	33	N 020009 HKR	2	" "
17	C 000354 ZMM	4	" "	34	N 010508 ZRY	cw	Fav. Rept. Adopted as Modified

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y    Oppose - N    Abstain - AB    Recuse - R													
Calendar Numbers:		22	23	24	25	26	27	28	29	30	31	32	33	34	
Joseph B. Rose, 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	N	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	
Angela R. Cavaluzzi, R.A.	A														
Kathy Hirata Chin, Esq.	A														
Alexander Garvin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Marilyn G. Gelber	P	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	
William J. Grinker	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	AB
Kenneth J. Knuckles, Esq.	P	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	
John Merolo, Commissioners	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

MEETING ADJOURNED AT: 1:58 P.M.

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

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**CITY PLANNING COMMISSION**

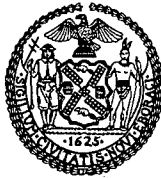
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**WEDNESDAY, AUGUST 8, 2001**

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

**CITY HALL**  
**NEW YORK, NEW YORK**



**Rudolph W. Giuliani, Mayor**

**City of New York**

**[No. 15]**

**Prepared by Rosa R. Romero, Calendar Officer**

**To view the Planning Commission Calendar and/or the Zoning Resolution  
on the World Wide Web, visit the Department of City Planning (DCP)  
home page at: [nyc.gov/planning](http://nyc.gov/planning)**

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**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 Community Board, 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 \$100.00 for a one 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

**JOSEPH B. ROSE**, *Chairman*  
**ALBERT ABNEY**  
**ANGELA M. BATTAGLIA**  
**AMANDA M. BURDEN**, *A.I.C.P.*  
**IRWIN G. CANTOR**, *P.E.*  
**ANGELA R. CAVALUZZI**, *R.A.*  
**KATHY HIRATA CHIN**, *Esq.*  
**ALEXANDER GARVIN**  
**MARILYN G. GELBER**  
**WILLIAM J. GRINKER**  
**KENNETH J. KNUCKLES**, *Esq.*  
**JOHN MEROLO**, *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.

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**ORDER OF BUSINESS AND INDEX**

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**WEDNESDAY, AUGUST 8, 2001**

Roll Call; approval of minutes .....	1
I. Scheduling of August 22, 2001 .....	1
II. Public Hearings .....	11
III. Reports .....	34

**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 August 22, 2001 at City Hall, Manhattan, New York at 10:00 a.m.

C

**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: \_\_\_\_\_

AUGUST 8, 2001

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APPROVAL OF MINUTES OF Regular Meeting of July 25, 2001

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, AUGUST 22, 2001  
STARTING AT 10:00 A.M.  
IN CITY HALL  
NEW YORK, NEW YORK**

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**BOROUGH OF BROOKLYN**

**Nos. 1, 2, and 3**

**(Applications for an amendment to the Zoning Map, designation of an Urban Development Action Area and Project, disposition of property, and grant of a special permit, to facilitate a mixed-use development on the former Schaefer Brewery site)**

**No. 1**

**CD 1**

**C 010615 ZMK**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 12d:**

- a. changing from an M3-1 District to an R7-3 District property bounded by Kent Avenue, a line 560 feet southerly of the westerly centerline prolongation of South 8<sup>th</sup> Street, the U.S. Pierhead Lines of Wallabout Channel and the East River, and a line 290 feet southerly of the westerly centerline prolongation of South 8<sup>th</sup> Street; and**
- b. establishing within the proposed R7-3 District a C2-4 District bounded by Kent Avenue, a line 560 feet southerly of the westerly centerline prolongation of South 8<sup>th</sup> Street, a line 100 feet westerly of Kent Avenue, and a line 290 feet southerly of the westerly centerline prolongation of South 8<sup>th</sup> Street;**

as shown on a diagram (for illustrative purposes only) dated May 7, 2001.

**Resolution for adoption scheduling August 22, 2001 for a public hearing.**

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**No. 2**

**CD 1**

**C 010616 ZSK**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-736 of the Zoning Resolution to allow the modification of the maximum building height requirements of Section 62-351(c)(2), the maximum residential tower size of Section 62-351(c)(4), and the additional setback provisions of Section 62-351(c)(5), to facilitate the development of a 15-story and a 25-story mixed use development on property located at 460 Kent Avenue (Block 2134, Lot 36), in R7-3\* and R7-3/C2-4\* Districts.

\* Note: An amendment of the Zoning Map, Section 12d, changing an M3-1 District to R7-3 District and C2-4 Districts is proposed under related application C 010615 ZMK.

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 August 22, 2001 for a public hearing.**

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**No. 3**

**CD 1**

**C 010619 HAK**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 460 Kent Avenue (Block 2134, Lot 36), 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 development of approximately 350 units of new housing with ground floor retail space in two 17 buildings.

**Resolution for adoption scheduling August 22, 2001 for a public hearing.**

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**BOROUGH OF MANHATTAN**

**No. 4**

**CD 9**

**C 010061 MEM**

**IN THE MATTER OF** an application submitted by the Department of Parks and Recreation (DPR) and the United States National Park Service (NPS), pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving the establishment of a permanent easement within St. Nicholas Park, between 141<sup>st</sup> Street and St. Nicholas Terrace, and any acquisition or disposition of real property related thereto, in accordance with Map Acc. No. 30210 dated April 9, 2001 and signed by the Borough President.

**Resolution for adoption scheduling August 22, 2001 for a public hearing.**

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**Nos. 5, 6, and 7**

**(Applications for amendments to the zoning resolution and zoning map, and disposition of property to facilitate a museum, office, and school within the Milbank Frawley Circle-East Urban Renewal Area)**

**No. 5**

**CD 11**

**N 010510 ZRM**

**(Amendment to the Zoning Resolution concerning the proposed development of the Museum of African Art and the Edison School, Inc.)**

**IN THE MATTER OF** an application submitted by Edison Schools and the Museum of African Art, pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York relating to Article IX, Chapter 2 (Special Park Improvement District) concerning special use and bulk regulations within the Special Park Improvement District.



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

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

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

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

**Article IX - Special Purpose Districts**

**Chapter 2**

**Special Park Improvement District**

**92-00**

**GENERAL PURPOSES**

The "Special Park Improvement District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to preserve and protect the unique character and architectural quality of the residential part of Fifth Avenue and Park Avenue which includes many landmarks and other cultural buildings;
- (b) to provide alternatives to plaza and arcade development along Fifth Avenue and Park Avenue which are redundant in view of the existence of Central Park and the Park Avenue malls;
- (c) to channel private expenditures which would otherwise be spent on redundant facilities into development, beautification and maintenance of proximate public parks and other public areas;
- (d) to encourage the development of buildings compatible with the height of present development; and
- (e) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

**92-01**

**Definitions**

**Development**

For purposes of this Chapter a "development" includes the construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot#, and an #enlargement# involving an increase in #lot coverage#.

**Special Park Improvement District**

(repeated from Section 12-10)

The "Special Park Improvement District" is a Special Purpose District designated by the letters "PI" in which special regulations set forth in Article IX, Chapter 2, apply to all #developments#. The #Special Park Improvement District# and its regulations supplement or supersede those of the districts on which it is superimposed.

## 92-02

### General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

~~For the purposes of this Chapter, Duke Ellington Circle, located at the intersection of Fifth Avenue and East 110<sup>th</sup> Street, shall be considered a separate #street#.~~

## ~~92-03~~

### ~~Special Use Regulations~~

~~For any #zoning lot# located between Fifth Avenue, Duke Ellington Circle, East 109<sup>th</sup> Street and East 110<sup>th</sup> Streets:~~

~~1. #commercial uses# shall only be permitted beyond 100 feet of Fifth Avenue and shall be restricted to office #uses# listed in Use Group 6B.~~

~~2. The underlying district #sign# regulations shall not apply. In lieu thereof, #signs accessory# to a #commercial use# shall conform with all the #sign# regulations applicable in C-10 Districts, except that illuminated #signs# shall not be permitted, and within 100 feet of Fifth Avenue, signs shall conform with the #sign# regulations for #Residence Districts# set forth in Section 22-30 (SIGN REGULATIONS).~~

## 92-03 92-04

### Special Bulk Provisions

## 92-041

### Maximum Floor Area Ratio

For the purposes of this Chapter, the maximum #floor area ratio# for any #development# or #enlargement# on a #zoning lot# shall not exceed 10.0. No #floor area# bonuses shall be permitted.

## 92-04 92-042

### Mandatory Front Building Walls Along Certain Street Lines

Except as provided in paragraph (b) of this Section, The front building wall of for all #developments# on #zoning lots# having frontage on Fifth Avenue or Park Avenue, and for all #developments# along #street lines# within 50 feet of their intersection with the #street lines# of Fifth Avenue or Park Avenue, shall extend along the full length of its #street line# fronting on such #street# without setback for a height of 125 feet above #curb level# or the full height of the #building#, whichever is less., except that where the aggregate length of balconies located along the front building wall, at the level of any #story#, exceeds 20 percent of the length of such front building wall, the front building wall may be set back not more than three feet from the #street line#. Above the height of 150 feet above #curb level#, the front building wall shall be set back 10 feet from the #street line#. The mandatory front building wall requirements are optional for the next 20 feet along the #street line# of a #narrow street# or for the next 75 feet along the #street line# of a #wide street#. However, where the front wall of a #building# with a height less than 125 feet above #curb level# was constructed with a setback from the #street lines#, #enlargement# of such #building# may be permitted by vertical extension of its existing building wall.

For any #zoning lot# having frontage on Fifth Avenue, Duke Ellington Circle, East 109<sup>th</sup> Street and East 110<sup>th</sup> Street, the provisions of this paragraph (b) shall apply. The front building wall of any #development# shall extend along the full length of the Fifth Avenue and Duke Ellington Circle #street lines# and along the full length of the East 109<sup>th</sup> Street and East 110<sup>th</sup> Street #street lines# within 50 feet of their intersection with Fifth Avenue and Duke Ellington Circle and rise without setback to a minimum height of 85 feet above #curb level# or the full height of the #building#, whichever is less. Above a height of 150 feet, the front building wall shall be set back at least 10 feet from such #street lines#. Such mandatory front building wall requirements are optional for the next 50 feet along the East 109<sup>th</sup> Street and East 110<sup>th</sup> Street #street lines#.

These mandatory front building wall requirements also apply to all #development# along all #street lines# within 50 feet of their intersection with the #street line# of Fifth Avenue or Park Avenue.

The mandatory front building wall requirements are optional for the next 20 feet along the #street line# of a #narrow street# or for the next 75 feet along the #street line# of a #wide street#. The underlying district height and setback regulations apply along #street lines# or portions thereof not subject to the front building wall requirement.

Front wall recesses are permitted within mandatory front building walls for architectural or decorative purposes, provided that the aggregate length at the level of any #story# does not exceed 50 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed 6 ~~six~~ feet. No front wall recesses are permitted within 20 feet of the intersection of two #street lines#.

Where the aggregate length of balconies located along the front building wall for the level of any #story# exceeds 20 percent of the length of such front building wall, the front building wall may be set back not more than three feet from the #street line#.

The underlying district height and setback regulations apply along #street lines# or portions thereof not subject to the front building wall requirement.

**92-043**

**Special Height Limitation**

The maximum height of a #building or other structure# or portion thereof shall not exceed 19 #stories# or 210 feet above #curb level#, whichever is less.

**92-05**

**Mandatory Tree Planting Provisions**

All new #developments# within the Special District shall provide and maintain trees of not less than four-inch caliper at the time of planting on sidewalks for the entire length of #street# frontages of the #zoning lot#. These trees shall be planted at maximum intervals of 30 feet and in accordance with Department of Transportation guidelines.

**92-06**

**Special Height Limitation**

The maximum height of a #building or other structure# or portion thereof shall not exceed 19 #stories# or 210 feet above #curb level#, whichever is less.

**92-07**~~92-06~~

**Maximum Number of Accessory Off-Street Parking Spaces**

In no case shall the number of #accessory# off-street parking spaces for a #residential use# exceed 40 percent of the number of #dwelling units#. In no case shall curb cuts for vehicular access be located on Fifth Avenue or Park Avenue or on a #street# within 50 feet of its intersection with the #street line# of Fifth Avenue or Park Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District. All #accessory# parking spaces shall be designed and operated exclusively for the long term storage of the private passenger motor vehicles used by the occupants of such #residences#.

The parking requirements set forth in Sections 25-21, 25-31, 36-21 or 36-31 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

The maximum number of permitted and the minimum number of required #accessory# off-street parking spaces for new #developments# or #enlargements# in the area of the Special

District located within Manhattan Community District 8 are set forth in Article I, Chapter 3.

*(The following entire Sections are being deleted because there is no longer a special permit specifically applicable to this Chapter)*

**92-20**

**~~SPECIAL PERMIT PROCEDURE~~**

**92-201**

**Requirements for applications**

\* \* \*

**92-202**

**Action by the Board of Estimate**

\* \* \*

**92-203**

**Relationship to public improvement projects**

\* \* \*

**Resolution for adoption scheduling August 22, 2001 for a public hearing.**



No. 6

**CD 11**

**C 010511 ZMM**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, the Museum for African Art, and the Edison School, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 6b, changing from an R9 District to a C4-6 District property bounded by East 109<sup>th</sup> Street, Fifth Avenue, East 110<sup>th</sup> Street and a line 150 feet easterly of Fifth Avenue, in the Special Park Improvement District, within the Milbank Frawley Circle-East Urban Renewal Area, as shown on a diagram (for illustrative purposes only) dated May 7, 2001.**

**Resolution for adoption scheduling August 22, 2001 for a public hearing.**



## No. 7

CD 11

C 010513 HDM

**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 to the Economic Development Corporation of city-owned property located at 2 E. 110<sup>th</sup> Street, 4/6 E. 110<sup>th</sup> Street, 3/5 E. 109<sup>th</sup> Street and 7/9 E. 109<sup>th</sup> Street (Block 1615, Lots 68, 66, 5 and 7), part of Sites 24B and 24 within the Milbank Frawley Circle-East Urban Renewal Area, restricted to a mixed-use project which would be used for public school and commercial use by an entity, that directly or through one of its affiliates, operates such public school on behalf of the Board of Education of the City of New York.

The disposition would facilitate the construction development of a museum, school and office development.

**Resolution for adoption scheduling August 22, 2001 for a public hearing.**

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No. 8

CD 2

C 010118 ZSM

**IN THE MATTER OF** an application submitted by 387 West Broadway LLC 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 use regulations of the following Sections of the Zoning Resolution:

1. Section 42-14D(1)(b): to permit joint living-work quarters for artists in a building with more than 5,000 square feet of lot coverage; and
2. Section 42-14D(2)(a): To permit Use Group 6 uses (retail) below the floor level of the second story in a building occupying more than 3,600 square feet of lot area;

in an existing building located at 387 West Broadway (Block 487, Lot 14), in M1-5A District, in 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.

**Resolution for adoption scheduling August 22, 2001 for a public hearing.**

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CD 6

C 010592 PPM

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

<u>Block</u>	<u>Lot</u>	<u>Address</u>
1337	1102	One United Nations Plaza
1337	14	Two United Nations Plaza
1336	31	Three United Nations Plaza

**Resolution for adoption scheduling August 22, 2001 for a public hearing.**

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**II. PUBLIC HEARINGS**

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**BOROUGH OF THE BRONX**

**No. 10**

**CD 4**

**N 010720 HAX**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for:

- 1) the designation of 1325 Walton Avenue and 25 East Clarke Place (Block 2840, lots 22 and 32), as an Urban Development Action Area; and
- 2) an Urban Development Action Area Project for such area;

to facilitate the development of an eight-story building tentatively known as East Clarke Place Affordable Apartments with 62 units of housing for low-income and homeless families and one superintendent's unit and developed under the New York State Housing Trust Fund Program.

(On July 25, 2001, Cal. No. 1, the Commission scheduled August 8, 2001 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**BOROUGH OF BROOKLYN**

**Nos. 11, 12, and 13**

**(Applications for an amendment to the West Bushwick Urban Renewal Plan, amendment to the Zoning Map, designation of an Urban Development Action Area and Project, and disposition of property)**

**No. 11**

**CD 4**

**C 010593 HUK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD), 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 West Bushwick Urban Renewal Plan, for the West Bushwick Urban Renewal Area.**

The proposed plan provides for the acquisition of 51 parcels (13 privately owned) to facilitate development of new housing, community facilities, open space and commercial space.

The following properties are proposed for acquisition:

<u>Site</u>	<u>Block</u>	<u>Lot(s)</u>
1	3145	p/o 1*, p/o 2*, 3*, 5, 6*, 7*, 8*, 11*, p/o 12*
2	3151	p/o 17*,18*, 19*, 20*, 22*, 24*, 26*, 27*, p/o 28*
3	3151	p/o 9*, 12*, 14*, 15*, 16*, p/o 17*, p/o 28*
4	3151	1*, 2, 3, 5, 6, 8, p/o 9*, p/o 59*, 64*, 65*, 66*, 67, 68, 69*, 70*
5	3145	p/o 1*, p/o 2*, p/o 12*, 14*
6	3151	p/o 28*
7	3151	p/o 9*, p/o 28*, p/o 59*
8	3137	1, 6, 9, 11, 12*, 15*, 17*,p/o 86*, 95*, 97*, 99*

9	3137	p/o 86*
10	3137	24*

## Streets to be mapped

3151 100\*  
3151 p/o 28\*

## All mapped and/or built streets within the Project Boundary

## \*City-owned property

(On July 25, 2001, Cal. No. 2, the Commission scheduled August 8, 2001 for a public hearing which has been duly advertised.)

## Close the hearing.

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**No. 12**

CD 4

C 010594 ZMK

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

- 1) changing from an M1-1 District to an R7-2 District property bounded by Garden Street, Forrest Street, Stanwix Street, Melrose Street, Bushwick Avenue, Arion Place, Beaver Street, and a line 100 feet southerly of Flushing Avenue; and
- 2) establishing within the proposed R7-2 District a C2-4 district bounded by:
  - a) Garden Street, Bushwick Avenue, Arion Place, Beaver Street, a line perpendicular to the northeasterly street line of Beaver Street distant 400 feet northwesterly from the intersection of the northeasterly street line of Beaver Street and a street line perpendicular to the terminus of the southwesterly street line of Bushwick Avenue; and
  - b) Forrest Street, a line 100 feet northeasterly of Bushwick Avenue, a line 100 feet northwesterly of Melrose Street, Stanwix Street, Melrose Street, and Bushwick

Avenue,

as shown on a diagram (for illustrative purposes only) dated May 7, 2001.

(On July 25, 2001, Cal. No. 3, the Commission scheduled August 8, 2001 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

No. 13

CD 4

C 010595 HAK

**PUBLIC HEARING:**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of properties within the West Bushwick Urban Renewal Area, 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 development of new housing, community facilities, open space and commercial space.

A list and description of the properties can be seen in the Brooklyn Office of the Department of City Planning, 16 Court Street, 7th floor, Brooklyn, NY 11241.

(On July 25, 2001, Cal. No. 4, the Commission scheduled August 8, 2001 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

CDs 1, 2 and 4

N 010564(A) ZRK

**PUBLIC HEARING:**

**IN THE MATTER OF** a modified application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, **for amendment of the Zoning Resolution of the City of New York concerning Article I, Chapter 5, and related Sections, that would permit the legalization of certain loft residences in specified manufacturing areas in Brooklyn.**

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;

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

\* \* \*

**Chapter 2  
Construction of Language and Definitions**

**12-00  
RULES FOR CONSTRUCTION OF LANGUAGE**

\* \* \*

**12-10  
DEFINITIONS**

Words in the text or tables of this Resolution which are #*italicized*# shall be interpreted in accordance with the provisions set forth in this Section.

\* \* \*

Incidental alteration - see Alteration, incidental

~~Industrial Loft Advisory Council~~

~~The "Industrial Loft Advisory Council" shall be the council in the Mayor's Office for Economic Development created by Executive Order of the Mayor and composed of representatives of local industry, which may advise the Mayor, the City Planning Commission and its Chairperson, or the Board of Standards and Appeals concerning applications pursuant to the Zoning Resolution. The ILAC shall be an interested party for the purpose of Section 668(c) of the New York City Charter.~~

\* \* \*

**Chapter 5****Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens**

\* \* \*

**15-00****GENERAL PURPOSES**

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, special regulations for the conversion to dwelling units of non-residential buildings or portions thereof erected prior to December 15, 1961, have been established in order to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

\* \* \*

**15-01****Applicability**

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, ~~and in Brooklyn Community District 4~~ in accordance with the provisions of paragraph (f) of Section 15-021, the conversion to #dwelling units# of non-#residential buildings# or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of this Chapter. In addition, in Manhattan Community District 1, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, the conversion to #dwelling units# of non-#residential buildings#, or portion thereof, erected prior to January 1, 1977 shall be subject to the provisions of this Chapter. Existing floor space used for mechanical equipment and not counted as #floor area# in non-#residential buildings# built prior to January 1, 1977 may be converted to #dwelling units# under the provisions of this Chapter.

\* \* \*

**15-011****Special Districts**

The Preservation Area of the #Special Clinton District# is excluded from the applicability of the provisions of this Chapter.

For the purposes of this Chapter, ~~R(M)D~~ districts indicated on the #zoning map# ~~for the Special Northside Mixed Use District as M(R) shall be considered #Manufacturing Districts#, and districts indicated on the #zoning map# as R(M) or for any Special Mixed Use Districts specified in Section 123-90 shall be considered #Residential~~ Districts#.

\* \* \*

## 15-02

## General Provisions

## 15-021

## Special use regulations

- (a) In C5 and C6 Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all existing lawful #uses# in Use Groups 17B or E in #buildings# erected prior to December 15, 1961, shall be considered conforming. Such #uses# may be extended within such #buildings#.
- (b) In C6-2M and C6-4M Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all new #uses# listed in Use Groups 17B or E are permitted as-of-right in #buildings# erected prior to December 15, 1961, subject to the provisions of Section 32-42 (Location within Buildings).
- (c) In M1-5 and M1-6 Districts located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

All #dwelling units# permitted pursuant to this paragraph (c) shall be required to comply with the requirements of Section 15-22 (Number of Permitted Dwelling Units) or Section 15-026 where applicable, and with Section 15-23 (Light and Air Provisions).

Where the Chairperson of the City Planning Commission has determined that #floor area# was occupied as #dwelling units# on September 1, 1980, and where such #dwelling units# are located in a #building# which, on the date of application to the Department of City Planning under the provisions of this Section, also has #floor area# which is occupied by a #use# listed in Section 15-50 (REFERENCED COMMERCIAL AND MANUFACTURING USES), the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

- (1) the total amount of #floor area# to be used for #dwelling units# does not exceed the amount of #floor area# occupied as #dwelling units# on September 1, 1980;
- (2) any #use# listed in Section 15-50 which is located on #floor area# to be used for #dwelling units# has been offered a new or amended lease within the #building#, with a minimum term of two years from the date of application, at a fair market rental for the same amount of #floor area# previously occupied, and such lease is not subject to cancellation by the landlord;
- (3) any #residential# tenant who occupied a #dwelling unit# shall be relocated to a #dwelling unit# within the #building# with a #floor area# equal to not less than 95

percent of the amount of #floor area# in the #dwelling unit# previously occupied; and

- (4) as a result of such action by the Chairperson #residential uses# will be located on #stories# above #manufacturing uses#.
- (d) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:
- (1) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#.
  - (2) in any #building# for which an alteration application for conversion of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this paragraph (d) shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.
- (e) In C6-1G and C6-2G Districts, in all manufacturing and #commercial buildings# except police stations, courthouses and fire houses, or portions thereof, erected prior to December 15, 1961, #residential use# shall not be permitted unless the City Planning Commission has granted a special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts). However, if the Chairperson of the City Planning Commission determines that #floor area# in such #buildings# was occupied for #residential use# on April 1, 1984, such #residential use# shall be permitted to remain and no special permit shall be required, provided that a complete application for determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than April 17, 1985.
- (f) In C8 and M1 Districts, no new #dwelling units# are permitted. However, within such districts, ~~#dwelling units# in the following areas: shall be considered a permitted #use#; provided the requirements of either paragraph (1)(1) or (1)(2) of this Section have been met.~~
- (1) Areas in Brooklyn Community District 1
- (i) ~~bounded by South 10th Street, Berry Street, Division Avenue and Wythe Avenue;~~
  - (ii) ~~bounded by South 6th Street, Broadway, Driggs Avenue, South 8th Street and Wythe Avenue;~~

- (iii) — bounded by South 4th Street, Driggs Avenue, South 5th Street and Berry Street;
  - (iv) — bounded by North 4th Street, Berry Street, North 3rd Street and Wythe Avenue;
  - (v) — bounded by Metropolitan Avenue, Havemeyer Street, Hope Street and Roebling Street; and
- (2) An Area in Brooklyn Community District 2, bounded by Water Street, Washington Street, Plymouth Street, Bridge Street, Front Street, Jay Street, York Street, Washington Street, Front Street and Dock Street;

#dwelling units# which the Commissioner of the Department of Buildings determines:

- (i) — were occupied on June 4, 1981; and
- (ii) — are located in a #building# in which more than 45 percent of the #floor area# consists of #dwelling units# that were occupied on June 4, 1981;

shall be a permitted #use#, provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than May 30, 1986.

**11** In the areas bounded by South 4th Street, Driggs Avenue, South 5th Street and Berry Street in Community District 1, Brooklyn, where the Commissioner of Buildings has determined that #dwelling units# were occupied on June 4, 1981, and are located in a #building# in which more than 45 percent of the #floor area# consists of #dwelling units# that were occupied on June 4, 1981, such #dwelling units# shall be a permitted #use#, provided that a complete application for a determination of occupancy has been filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than May 30, 1986;

For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a filing of determination of #residential# occupancy on June 4, 1981 shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

**12** In the areas shown on the maps in Appendix A (Loft Conversion Areas in Brooklyn) where the Department of Housing Preservation and Development has determined that #floor area# was occupied as #dwelling units# for a continuous 30 day period between September 1, 2000 and November 30, 2000, such #dwelling units# shall be a permitted #use#, provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than (18 months after the effective date of this amendment);

For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy between September 1, 2000, and



~~November 30, 2000 shall be deemed to permit residential use as of right for such dwelling units.~~

The provisions of Section 15-025~~3~~ (Double glazed windows) shall not apply to #dwelling units# permitted pursuant to this paragraph~~3~~ (f). All #dwelling units# permitted pursuant to this paragraph (f) shall be required to have double glazed windows.

#### 15-022

##### Location within building

#Dwelling units# converted under the provisions of this Chapter are not subject to the provisions of Section 32-42 (Location Within Buildings).

#### 15-023

##### Notice to residential tenants in mixed use buildings

The owner or developer of a #building# converted under the provisions of this Chapter and containing one or more #dwelling units# and one or more #commercial# or #manufacturing uses# above the first #story# shall be required to notify all prospective #residential# occupants of such #dwelling units# that:

- (a) ~~such #dwelling units# are located in a mixed #use building# containing #commercial# or #manufacturing uses# which the City is committed to maintain; and~~
- (b) ~~such prospective occupants should make any investigation they deem necessary to determine that the conditions existing or permitted to exist are not offensive to such prospective occupant.~~

~~Prior to the issuance of a building permit, the owner or developer shall file an affidavit with the Department of Buildings that such notice will be provided in all #residential# leases and offering plans.~~

#### 15-024

##### Notice of filing to create dwelling units

~~Within ten days of filing an application with the Department of Buildings for an alteration permit for #dwelling units#, a duplicate copy of such application shall be sent to the Department of City Planning by the applicant for information purposes.~~

#### 15-025 ~~15-023~~

##### Double glazed windows

All #dwelling units# in #buildings# which contain one or more #uses# listed in Section 15-50 (REFERENCED COMMERCIAL AND MANUFACTURING USES) and converted under the provisions of this Chapter shall be required to have double glazing on all windows. However, #dwelling units# occupied by #residential# tenants on September 1, 1980, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or in Brooklyn Community Districts 1,

2, 6 and 8, and Queens Community Districts 1 and 2, shall not be required to have double glazed windows.

~~15-026~~ ~~15-024~~

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

- (a) The minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and 111-111 may be replaced by the requirements of this Section for #dwelling units#, #joint living-work quarters for artists# or #loft dwellings#-
- (1) existing on September 1, 1980, for which a determination of #residential# or #joint living-work quarters for artists# occupancy has been made pursuant to Sections 15-021 paragraph (c), 15-215, 42-133 paragraph (a), 42-141 paragraph (b), 74-782; or 111-201 paragraph (a); or
- (2) that are registered Interim Multiple Dwellings or ~~are~~ ~~were~~ found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
- (3) that the New York City Loft Board determines ~~it~~ were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.
- (b) Unless required by the Department of Buildings or Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law, #dwelling units# or #joint living-work quarters for artists# described in paragraph (a) and existing on such dates may not be divided subsequently into units or quarters of less than 1,200 square feet, and #loft dwellings# may not be divided subsequently into dwellings that do not meet the requirements of Section 111-111, paragraphs (a), (b)(1) and (c).
- No #building# that meets the density requirements of Sections 15-111 or 111-111, paragraph (c), may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of this Section have been applied may subsequently add additional units or quarters except in accordance with the requirements of Sections 15-111 or 111-111, paragraph (c).
- (c) In lieu of the stated minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and 111-111, the following regulations shall apply:
- (1) The minimum size of a #dwelling unit#, #joint living-work quarters for artists#; or #loft dwelling# may be no less than 415 square feet of #floor area#, provided that all of the following requirements are met:
- (i) the unit or quarters shall contain one or more windows that open onto a #street# or thirty foot #yard#;

- (ii) the area of such required window shall be not less than eight percent of the #floor area# of the unit or quarters and 50 percent of the area of such required window shall be openable; and
  - (iii) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width; or
- (2) The minimum size of a #dwelling unit#, #joint living-work quarters for artists#, or #loft dwelling# may be no less than 600 square feet of #floor area#, provided that all of the following requirements are met:
- (i) the unit or quarters shall contain one or more windows that open onto either:
    - (a) a ten foot #yard#, where the window sill of such required window is at least 23 feet above #curb level#; or
    - (b) a 15 foot #yard#, where the window sill of such required window is less than 23 feet above #curb level#; or
    - (c) a #court# with a minimum dimension of 15 feet perpendicular to such required window and 375 square feet or more in area; or
    - (d) a #street#; ~~and~~
  - (ii) the minimum horizontal distance between such required window opening onto a #yard# and any wall opposite such window on the same or another #zoning lot# shall be at least 15 feet;
  - (iii) the area of such required window shall be no less than five percent of the #floor area# of the unit or quarters, and 50 percent of the area of such required window shall be openable;
  - (iv) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width;
  - (v) the average width of such unit or quarters shall be no less than 14 feet; and
  - (vi) not less than two-thirds of the #floor area# of the unit or quarters shall have a floor-to-ceiling height of nine feet or more.

\* \* \*

## 15-21

### Use Regulations - Transfer of Preservation Obligations and Conversion Rights

In C6-2M, C6-4M, M1-5M and M1-6M Districts, the conversion of #floor area# to #dwelling units# in existing non-#residential buildings#, or portions thereof is permitted subject to the certification by the Chairperson of the City Planning Commission that #floor area# has been preserved for #commercial# or #manufacturing uses# in accordance with the provisions of this Section. The applicant shall provide a copy of any application for a certification under

~~this Section to the #Industrial Loft Advisory Council#, c/o Mayor's Office of Economic Development. For the purposes of this Section only, the following mixed-#use# areas are defined:~~

\* \* \*

**74-782**

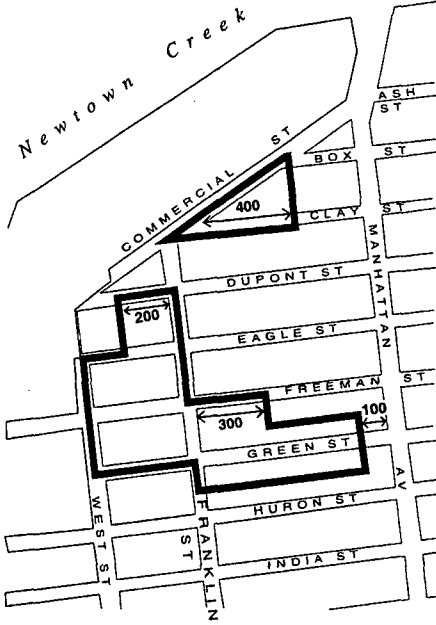
**Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts**

\* \* \*

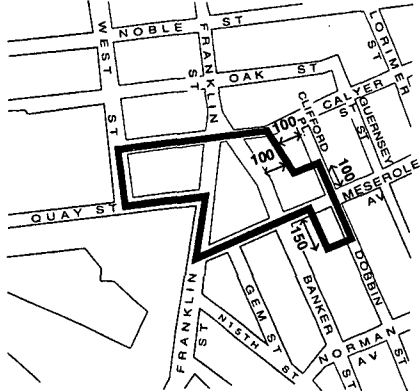
~~The applicant shall provide a copy of any application for a special permit under this Section to the #Industrial Loft Advisory Council#, c/o Mayor's Office of Economic Development.~~

\* \* \*

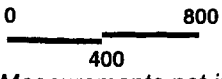
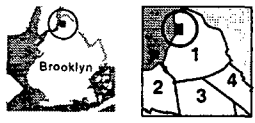
# APPENDIX A Loft Conversion Areas in Brooklyn



Map 1



Map 2



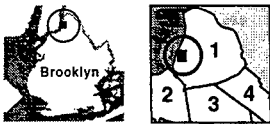
Measurements not indicated for boundaries located at midblock.

# APPENDIX A

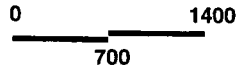
## Loft Conversion Areas in Brooklyn



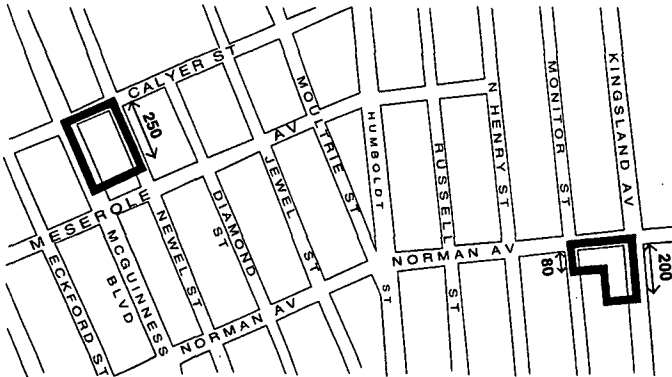
Map 3



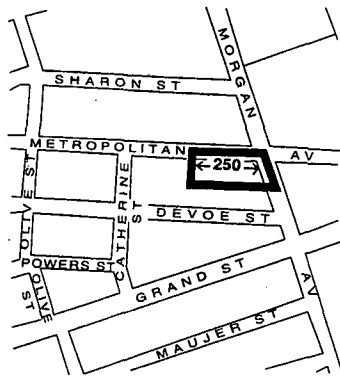
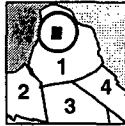
Measurements not indicated for boundaries located at midblock.



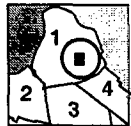
# APPENDIX A Loft Conversion Areas in Brooklyn



Map 4



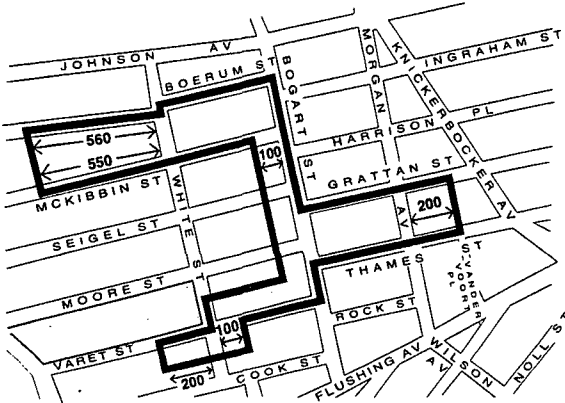
Map 5



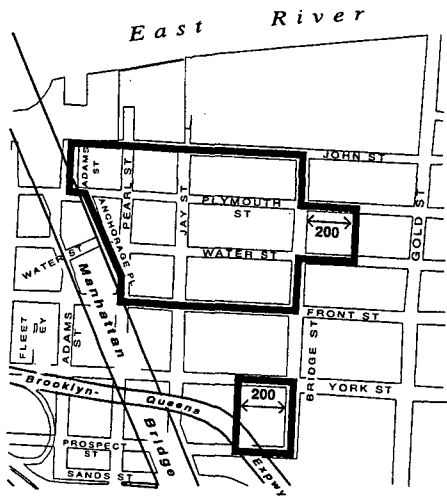
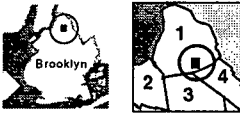
Measurements not indicated for boundaries located at midblock.

# APPENDIX A

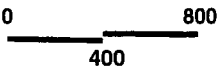
## Loft Conversion Areas in Brooklyn



Map 6



Map 7

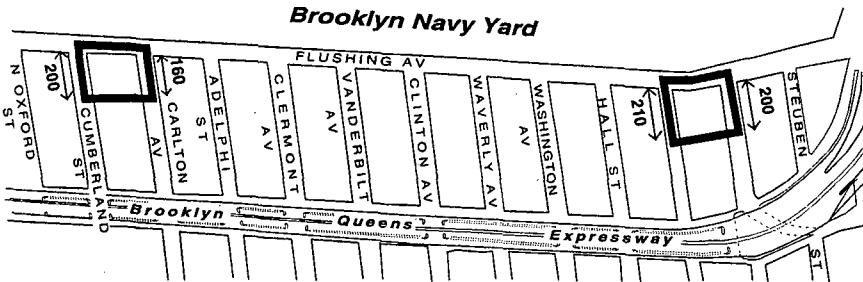


Measurements not indicated for boundaries located at midblock.

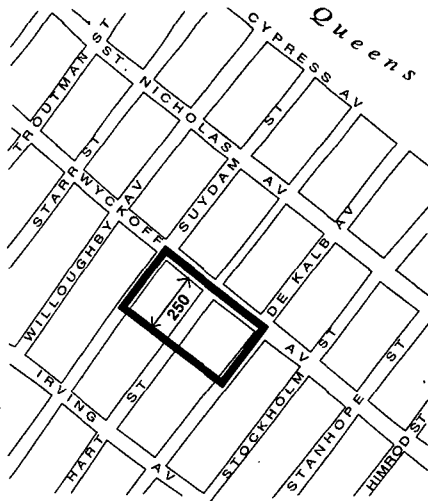
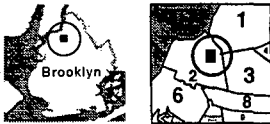


# APPENDIX A

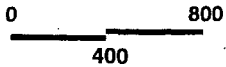
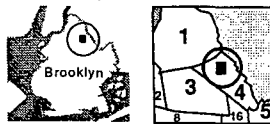
## Loft Conversion Areas in Brooklyn



Map 8



Map 9



Measurements not indicated for boundaries located at midblock.

(On July 25, 2001, Cal. No. 5, the Commission scheduled August 8, 2001 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

**BOROUGH OF MANHATTAN**

*(Public Hearing pursuant to Section 3020.8(a)(b)  
of the City Charter concerning the Designation of the  
Madison Square North Historic District)*

**No. 15**

**CD 5**

**N 020008 HKM**

**PUBLIC HEARING:**

**IN THE MATTER OF** a communication dated July 5, 2001 from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the **Madison Square North Historic District**, by the Landmarks Preservation Commission on June 26, 2001 (List No. 328). The boundaries are:

Property bounded by a line beginning at the northwest corner of Fifth Avenue and West 25<sup>th</sup> Street, extending northerly along the western curbline of Fifth Avenue to the northwest corner of Fifth Avenue and West 26<sup>th</sup> Street, easterly across Fifth Avenue, easterly along the northern curbline of East 26<sup>th</sup> Street, northerly along the eastern property line of 23 - 25 East 26<sup>th</sup> Street, easterly along the southern property line of 23 - 25 East 26<sup>th</sup> Street, northerly along the western curbline of Madison Avenue, westerly along the southern curbline of East 27<sup>th</sup> Street to a point at said curbline extending southerly from the eastern property line of 9 - 15 East 27<sup>th</sup> Street (Block 857, Lot 66), northerly along the eastern property line of 9 - 15 East 27<sup>th</sup> Street (Block 857, Lot 66), easterly along the northern property line of 17 - 19 East 27<sup>th</sup> Street, northerly along the eastern property line of 10 - 20 East 28<sup>th</sup> Street (Block 857, Lot 66), westerly along the southern curbline of East 28<sup>th</sup> Street to a point at said curbline extending southerly from the eastern property line of 3 - 5 East 28<sup>th</sup> Street (Block 858, Lot 6), northerly along the eastern property line of 3 - 5 East 28<sup>th</sup> Street (Block 858, Lot 6), westerly along the northern property line of 3 - 5 East 28<sup>th</sup> Street (Block 858, Lot 6), northerly along the eastern property line of 259 - 263 Fifth Avenue, aka 2 - 6 East 29<sup>th</sup> Street (Block 858, Lot 78), westerly along the southern curbline of East 29<sup>th</sup> Street to the southeast corner of Fifth Avenue and East 29<sup>th</sup> Street, southerly along the eastern curbline of Fifth Avenue to a point at said curbline extending easterly from the northern property line of 256 Fifth Avenue (Block 830, Lot 41), westerly across Fifth Avenue, westerly along the northern property line of 256 Fifth Avenue (Block 830, Lot 4), westerly along the northern property line of 250 - 252 Fifth Avenue, aka 1-5 West 28<sup>th</sup> Street (Block 830, Lot 37), westerly along the northern property line of 7 West 28<sup>th</sup> Street (Block 830, Lot 34) to a point in the northern property line of 13 - 15 West 28<sup>th</sup> Street (Block 830, Lot 30) where it intersects with the eastern property line of 14 West 29<sup>th</sup> Street (Block 830, Lot 53), northerly along the eastern

property line of 14 West 29<sup>th</sup> Street (Block 830, Lot 53), westerly along the southern curblineline of West 29<sup>th</sup> Street to the southeast corner of Broadway and West 29<sup>th</sup> Street, southerly along the eastern curblineline of Broadway to the southeast corner of Broadway and West 28<sup>th</sup> Street, westerly across Broadway, westerly along the southern curblineline of West 28<sup>th</sup> Street, southerly along the western property line of 1181-1183 Broadway, aka 22 West 28<sup>th</sup> Street (Block 829, Lot 57), westerly along the northern property line of 31 to 55 West 27<sup>th</sup> Street, southerly along the western property line of 49 - 55 West 27<sup>th</sup> Street (Block 829, Lot 7), easterly along the northern curblineline of West 27<sup>th</sup> Street to a point in said curblineline extending northerly from the western property line of 40 - 42 West 27<sup>th</sup> Street (Block 828, Lot 70), southerly across West 27<sup>th</sup> Street, southerly along the western property line of 40-42 West 27<sup>th</sup> Street (Block 828, Lot 70), westerly along the northern property line of 37 - 43 West 26<sup>th</sup> Street (Block 828, Lot 9), southerly along the western property line of 37-43 West 26<sup>th</sup> Street (Block 828, Lot 9), easterly along the northern curblineline of West 26<sup>th</sup> Street to a point in said curblineline extending northerly from the western property line of 1129 - 1137 Broadway, aka 10 West 26<sup>th</sup> Street (Block 827, Lot 49), southerly across West 26<sup>th</sup> Street, southerly along the western property line of 1129 - 1137 Broadway, aka 10 West 26<sup>th</sup> Street (Block 827, Lot 49), easterly along the southern property line of 1129 - 1137 Broadway, aka 10 West 26<sup>th</sup> Street (Block 827, Lot 49), southerly along the western property line of 11 West 25<sup>th</sup> Street (Block 827, Lot 27), easterly along the northern curblineline of West 25<sup>th</sup> Street to the point of the beginning.

(On July 26, 2001, the Commission duly advertised August 8, 2001 for a public hearing.)

**Close the hearing.**

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**Nos. 16, 17, 18, and 19**

**(Applications for site selection, amendments of the Zoning and City Map, and the grant of special permits to facilitate development of a sanitation garage)**

**No. 16**

**CD 4**

**C 000353 PCM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for site selection of property above a portion of West 56<sup>th</sup> Street and for site selection and acquisition of property located at the northeastern corner of West 55<sup>th</sup> Street and Twelfth Avenue (Block 1103, Lot 10), for use as a sanitation garage.

(On July 25, 2001, Cal. No. 6, the Commission scheduled August 8, 2001 for a public hearing which has been duly advertised.)

Close the hearing.

---

No. 17

CD 4

C 000354 ZMM

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of Zoning Map, Section No. 8c, changing from an M3-2 District to an M1-5 District property bounded by West 55<sup>th</sup> Street, Twelfth Avenue, West 57<sup>th</sup> Street, a line perpendicular to the southerly street line of West 57<sup>th</sup> Street distant 157 feet easterly from the intersection of the easterly street line of Twelfth Avenue and the southerly street line of West 57<sup>th</sup> Street, a line midway between West 56<sup>th</sup> Street and West 57<sup>th</sup> Street, and a line perpendicular to the northerly street line of West 55<sup>th</sup> Street distant 300 feet easterly from the intersection of the easterly street line of Twelfth Avenue and the northerly street line of West 55<sup>th</sup> Street, within the Special Clinton District, as shown on a diagram (for illustrative purposes only) dated April 23, 2001.

(On July 25, 2001, Cal. No. 7, the Commission scheduled August 8, 2001 for a public hearing which has been duly advertised.)

Close the hearing.

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No. 18

CD 4

C 000355 ZSM  
C 000356 ZSM

**PUBLIC HEARING:**

**IN THE MATTER OF** applications (C 000355 ZSM and C 000356 ZSM) submitted by the Department of Sanitation and the Department of Citywide Administrative Services pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following Sections of the Zoning Resolution:

1. (C 000355 ZSM) Section 74-743(3) to allow the location of a proposed building without regard for the applicable yard and height and setback regulations; and
2. (C 000356 ZSM) Section 74-746 to allow a volume above a portion of West 56<sup>th</sup> Street\* that has been eliminated, discontinued and closed, to be considered part of the adjoining zoning lot and to allow development within such volume;

to facilitate the development of a 4-story, approximately 120-foot high sanitation garage, on property generally bounded by West 57<sup>th</sup> Street, 12<sup>th</sup> Avenue, West 55<sup>th</sup> Street, a line 300 feet easterly of 12<sup>th</sup> Avenue, a line midway between West 56<sup>th</sup> Street and West 57<sup>th</sup> Street, and a line 157 feet easterly of 12<sup>th</sup> Avenue (Block 1103, Lots 10 and 44, Block 1104, Lot 1, including a volume above street grade of a portion of West 56<sup>th</sup> Street\*), in a proposed M1-5 District\*\*, in a general large-scale development, within the Special Clinton District.

\* Note: A volume of West 56<sup>th</sup> Street 16 feet above street grade is proposed to be eliminated, discontinued and closed under a related application (C 010098 MMM) for a change in the City Map.

\*\* Note: The development site is proposed to be rezoned from an M3-2 District to an M1-5 District under a related application (C 000354 ZMM) for a change in the Zoning Map.

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 July 25, 2001, Cal. No. 8, the Commission scheduled August 8, 2001 for a public hearing which has been duly advertised.)

**Close the hearing.**

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No. 19

CD 4

C 010098 MMM

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Sanitation (DOS) and the Department of Citywide Administrative Services (DCAS), 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 the elimination, discontinuance and closing and the establishment of volumes of portions of West 56<sup>th</sup> Street, the adjustment of legal grades necessitated thereby **and any acquisition or disposition of real property related thereto**, in accordance with Map ACC No. 30209 dated March 5, 2001 and signed by the Borough President

(On July 25, 2001, Cal. No. 9, the Commission scheduled August 8, 2001 for a public hearing which has been duly scheduled.)

**Close the hearing.**

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Nos. 20 and 21

**(Applications for the disposition of city-owned property, and an amendment of the Zoning Map to facilitate the development of a park and community environmental center)**

**No. 20**

CD 6

C 010381 PPM

**CONTINUED PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Business Services and the Economic Development Corporation, pursuant to Section 197-c of the New York City Charter, for disposition to the Economic Development Corporation of city-owned property located within Marginal Street, Wharf or Place at the East River between E. 20<sup>th</sup> and E. 23<sup>rd</sup> streets, pursuant to zoning.

(On July 11, 2001, Cal. No. 3, the Commission scheduled July 25, 2001 for a public hearing. On July 25, 2001, Cal. No. 12, the hearing was continued.)

Close the hearing.

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**No. 21**

CD 6

C 010382 ZMM

**CONTINUED PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Business Services and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of Zoning Map, Section No. 12c, changing from an M2-3 District to an M1-1 District property bounded by a line 100 feet southerly of the easterly prolongation of the southerly street line of East 25<sup>th</sup> Street, the U.S. Pierhead Line of the East River, the U.S. Pierhead and Bulkhead Line of the East River, East 15<sup>th</sup> Street and its easterly prolongation, the westerly street line of Franklin D. Roosevelt Drive, the northerly prolongation of the easterly boundary line of John J. Murphy Park, and the centerline of the elevated portions of Franklin D. Roosevelt Drive located within Franklin D. Roosevelt Drive, Marginal Street, Wharf or Place and Franklin D. Roosevelt Drive, as shown on a diagram (for illustrative purposes only) dated April 10, 2001.

(On July 11, 2001, Cal. No. 4, the Commission scheduled July 25, 2001 for a public hearing. On July 25, 2001, Cal. No. 13, the hearing was continued.)

Close the hearing.

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III. REPORTS

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BOROUGH OF THE BRONX

No. 22

CD 10

C 000535 ZSX

**IN THE MATTER OF** an application submitted by the Little Sisters of The Poor pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to permit the development of a 30-bed nursing home on portions of the first, second and third floors of a proposed 4-story community facility building on property bounded by Monsignor Halpin Place, Throggs Neck Boulevard, Schurz Avenue and Hollywood Avenue (Block 5452, Lot 90), in an R4 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 June 27, 2001, Cal. No. 1, the Commission scheduled July 11, 2001 for a public hearing. On July 11, 2001, Cal. No. 12, the hearing was closed.)

**For consideration.**

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No. 23

CD 9

C 010394 PSX

**IN THE MATTER OF** an application by the Fire Department and the Department of Citywide Administrative Services (DCAS) pursuant to Section 197-c of the New York City Charter, for site selection of property located on Zerega and Havemeyer avenues, north of Lacombe Avenue (Block 3540, part of lot 1), for use as an ambulance station.

(On June 27, 2001, Cal. No. 2, the Commission scheduled July 11, 2001 for a public hearing. On July 11, 2001, Cal. No. 13, the hearing was closed.)

**For consideration.**

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## No. 24

CDs 7,12

C 990141 MMX

**IN THE MATTER OF** an application submitted by the Bronx Borough Presidents's Office and 3170 Webster Avenue Associates, LLC, 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 the elimination, discontinuance and closing of Burke Avenue between Webster Avenue and Bronx Boulevard, the elimination of the Bronx River Parkway Reservation, the layout of a park addition, the adjustment of grades necessitated thereby, **and any acquisition or disposition of real property related thereto**, in accordance with map No 13087, dated April 3, 2001 and signed by the Borough President.

(On June 27, 2001, Cal. No. 3, the Commission scheduled July 11, 2001 for a public hearing. On July 11, 2001, Cal. No. 14, the hearing was closed.)

**For consideration.**

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 No. 25

CD 1

C 010551 HAX

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property generally located on the eastern portion of the block bounded by Third and Elton avenues and E. 157<sup>th</sup> and E. 158<sup>th</sup> streets, Site 9 within the Melrose Commons Urban Renewal Area (Block 2379, Lots 49-57 and 60), 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, tentatively known as La Casa de Felicidad, with 84 units of housing for elderly persons of low income, plus one superintendent's unit, to be developed under the federal Section 202 program.

(On June 27, 2001, Cal. No. 4, the Commission scheduled July 11, 2001 for a public hearing. On July 11, 2001, Cal. No. 15, the hearing was closed.)

**For consideration.**

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**BOROUGH OF BROOKLYN**

No. 26

CD 3

C 000023 ZSK

**IN THE MATTER OF** an application submitted by Dekalb Avenue Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow a supermarket (Use Group 6) in excess of 10,000 square feet and Use Group 10A uses with no limitation on floor area on a portion of the ground floor of an existing 2-story building on property located at 585 DeKalb Avenue (Block 1764, Lot 1, 20 24 and 29), in an M1-5 District, within the Bedford-Stuyvesant I Urban Renewal Area.

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

(On June 27, 2001, Cal. No. 5, the Commission scheduled July 11, 2001 for a public hearing. On July 11, 2001, Cal. No. 16, the hearing was closed.)

**For consideration.**

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No. 27

CD 5

C 010139 PPK

**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 fifty-eight (58) city-owned properties pursuant to zoning.

A list and description of the properties can be seen in the Brooklyn Office of the Department of City Planning, 16 Court Street, 7th floor, Brooklyn, NY 11241.

(On June 27, 2001, Cal. No. 10, the Commission scheduled July 11, 2001 for a public hearing. On July 11, 2001, Cal. No. 21, the hearing was closed.)

**For consideration.**

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*(Report pursuant to Section 3020.8(b) of the  
City Charter concerning the landmark designation  
of the (Former) Sunset Park Courthouse)*

No. 28

CD 7

N 020006 HKK

**IN THE MATTER OF** a communication dated July 5, 2001 from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of (Former) Sunset Park Court House, 4201 Fourth Avenue, by the Landmarks Preservation Commission, whether of a historic district or landmark, on June 26, 2001 (List No.328/LP No. 2096).

**For consideration.**

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**BOROUGH OF MANHATTAN**

No. 29

CD 1

C 000413 MMM

**IN THE MATTER OF** an application submitted by the Battery Park City Authority (BPCA) pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving the elimination of Park Place West between River Terrace and Marginal Street Wharf or Place, the adjustment of legal grades necessitated thereby, and any acquisition or disposition of real property related thereto, located in Battery Park City, in accordance with Map Acc No.30208, dated February 28, 2001, and signed by the Borough President.

(On June 27, 2001, Cal. No. 11, the Commission scheduled July 11, 2001 for a public hearing. On July 11, 2001, Cal. No. 23, the hearing was closed.)

**For consideration.**

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No. 30

CD 11

C 010524 HAM

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of 169/71, 173/75, 177 & 179 E. 109<sup>th</sup> Street (Block 1637, Lots 28, 30, 31, and 32), 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, tentatively known as the **Ortiz Wittenberg Residence**, with 44 units of housing for low income families and formally homeless persons, to be developed under the New York State Supportive Housing Program.

(On June 27, 2001, Cal. No. 12, the Commission scheduled July 11, 2001 for a public hearing. On July 11, 2001, Cal. No. 24, the hearing was closed.)

**For consideration.**

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**No. 31**

*(Amendment of the Zoning Resolution concerning the proposed expansion of the Museum of Jewish Heritage in the Special Battery Park City District)*

CD 1

N 010629 ZRM

**IN THE MATTER OF** an application submitted by the Battery Park City Authority, pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York relating to Article VIII, Chapter 4 concerning the mandatory front building walls, curb cut location and mandatory arcades regulations of Sections 84-132, 84-144 and Appendices 2.4 and 2.6 of the *Special Battery Park City District*.

Matter in Graytone is new, to be added;

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

Matter within # # is defined in Sections 12-10 of the Zoning Resolution

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

**84-132**

**Mandatory front building walls**

Except as set forth in paragraph (f) and (i) of this Section, where Appendices 2.1 or 3.1 shows a requirement for a #development# in Zone A to be built to a #mandatory front building wall line#, any such #development# shall have a mandatory front building wall coincident with and constructed along such #mandatory front building wall line#, which shall rise without setback for a height above #curb level# as specified in this Section, except that, at building entrances, openings below the second #story# ceiling in the mandatory front building walls will be permitted to provide access to courtyards:

- (a) except as set forth in paragraph (d) of this Section, with respect to any 60-85 foot #mandatory front building wall line# shown in Appendix 2.1, a height of not less than 60 feet nor more than 85 feet;

- (b) with respect to any 110-135 foot #mandatory front building wall line# shown in Appendix 2.1, a height of not less than 110 feet nor more than 135 feet. However, a setback of not more than 10 feet may be provided at a height of 85 feet or more above #curb level#;
- (c) on the portion of any #zoning lot# designated as a #special height location# in Appendix 2.2, a height of not less than the applicable amount set forth in paragraphs (a) or (b) of this Section and not more than the maximum height indicated in Appendix 2.2 or in paragraph (d)(1) of Section 84-135 (Limited height of buildings);
- (d) with respect to any #zoning lot# south of West Thames Street, east of South End Avenue, north of Third Place and west of Battery Place, a height of not less than 18 feet nor more than 85 feet above #curb level#;
- (e) with respect to any 110-135 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 135 feet;
- (f) with respect to any 110-230 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 230 feet, except that:
- (1) the length of the mandatory front building wall in excess of a height of 135 feet shall not exceed 120 feet along any frontage;
  - (2) where the length of the #mandatory front building wall line# along #street lines# intersecting North End Avenue exceeds 100 feet, the mandatory front building wall in excess of a height of 135 feet shall not exceed a length of 75 feet along North End Avenue. However, the length of the mandatory front building wall along #street lines# intersecting North End Avenue may be reduced to not less than 100 feet in order to accommodate landscaping and other improvements within or adjacent to the public open space areas shown in Appendix 3.6;
  - (3) a setback of ten feet at a height of 135 feet is required along all street frontages, except Park Place West, at a height of 135 feet;
  - (4) a setback of not less than five feet and not more than ten feet is required in other locations at a height of 135 feet, as shown in Appendix 3.1; and
  - (5) a setback of not less than five feet is required at a height of 210 feet on all sides of the building, except for #special height locations# provided in Section 84-135 (Limited height of buildings) and shown in Appendix 3.2;
- (g) with respect to any 150-250 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 150 feet nor more than 250 feet; except that the height may not exceed either 150 feet for more than 120 feet or 75 percent of the length of the site's western property line, whichever is less, and a setback of not less than five feet and not more than ten feet is required at a height of 150 feet. Where Appendix 3.1 shows a requirement for a #development# to be built to a #mandatory front building wall line# along frontage on River Terrace, any such #development# may have a mandatory front building wall coincident with and constructed along a line set back one

and one-half feet from the #street line# along River Terrace to accommodate landscaping treatment as required by the Battery Park City Authority; and

- (h) on the portion of any #zoning lot# designated as a #special height location# in Appendix 3.2, a height of not less than the applicable amount set forth in paragraphs (e), (f) or (g) of this Section and not more than the height shown in Appendix 3.2.
- (i) on the #zoning lot# south of First Place and west of Battery Place, the eastern mandatory front building wall may be located within 30 feet from the eastern #mandatory front building wall line#, and the southern mandatory front building wall may be reduced in length up to 30 feet along the southern #mandatory front building wall line# within 30 feet from the intersection with the eastern #mandatory building wall line#.

Subject to the provisions of Section 84-133 (Front wall recesses), the mandatory front building wall requirements set forth in this Section shall also apply to all #developments# along all #street lines# within 50 feet of their intersection with any #mandatory front building wall line#. For the next 20 feet along the #street line#, the mandatory front building wall requirements are optional except that, for any #development# north of Vesey Street and Vesey Place, the mandatory front building wall requirements are optional for the next 25 feet. The height limit of 85 feet shall apply along #street lines# or to #developments# not subject to the mandatory front building wall requirements.

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#### 84-144

##### Location of curb cuts

Curb cuts are permitted only in the areas or locations indicated in Appendix 2.6 and Appendix 3.5. The aggregate width of all curb cuts provided for any #development# shall not exceed 20 feet, except that:

- (a) for the #zoning lot# bounded to the north by a mapped public place, to the west by North Park, to the south by Chambers Street, and to the east by Marginal Street, the aggregate width of all curb cuts shall not exceed 40 feet;
- (b) for the #zoning lot# bounded by Warren Street to the north, River Terrace to the west, North End Avenue to the east and Park Place West to the south, the aggregate width of all curb cuts shall not exceed 30 feet, comprised of two 15 foot curb cuts;
- (c) for the #zoning lot# bounded by Murray Street to the north, River Terrace to the west, North End Avenue to the east and Vesey Place to the south, the aggregate width of all curb cuts shall not exceed 40 feet, including a 25 foot wide curb cut to the #accessory# off-street parking facility;
- (d) for the #zoning lot# south of First Place and east of Battery Place, the aggregate width of all curb cuts shall not exceed 50 feet; and
- (e) for each #zoning lot# located on the east side of Battery Place between First Place and Third Place, the aggregate width of all curb cuts shall not exceed 40 feet.

(f) for the #zoning lot# south of First Place and west of Battery Place, the aggregate width of all curb cuts shall not exceed 24 feet.

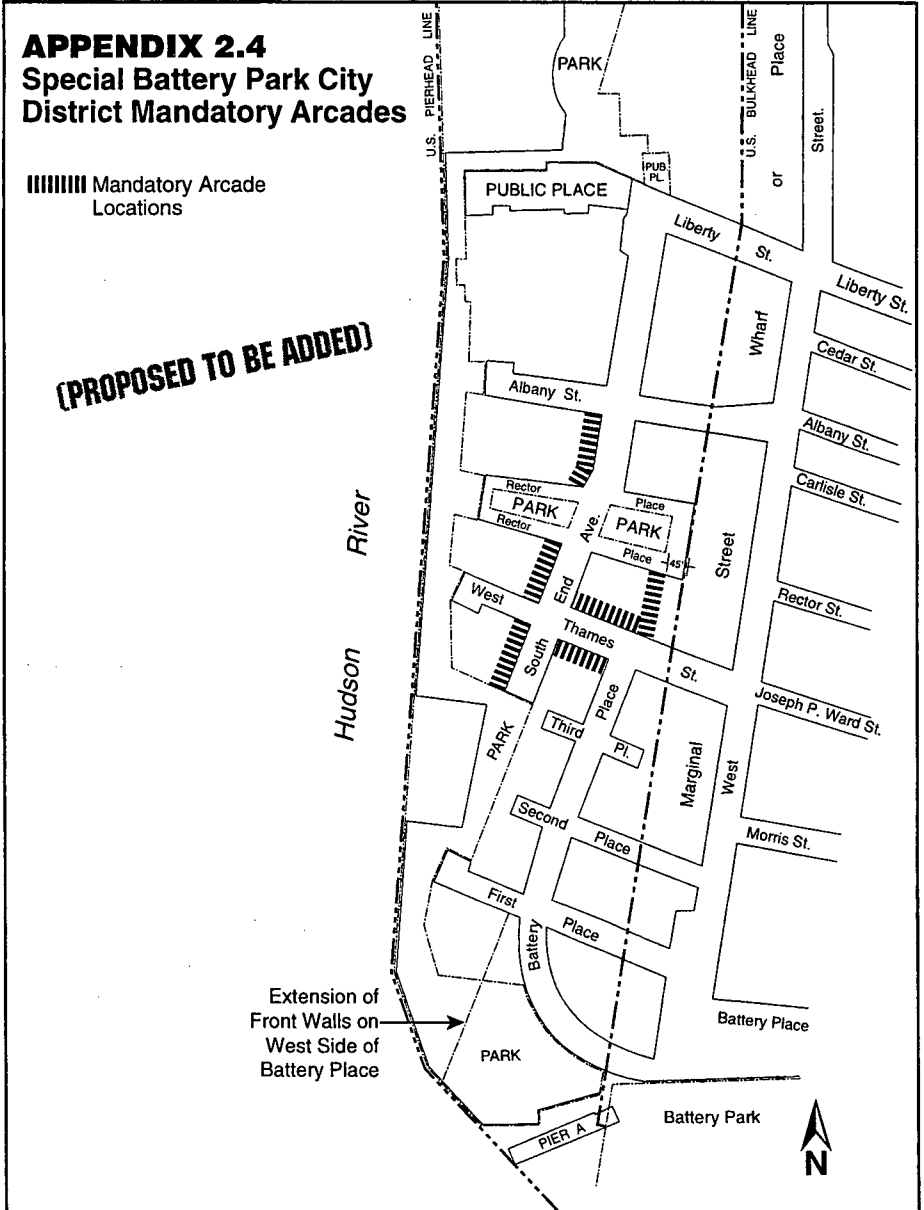
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# APPENDIX 2.4 Special Battery Park City District Mandatory Arcades

||||| Mandatory Arcade  
Locations

**(PROPOSED TO BE ADDED)**

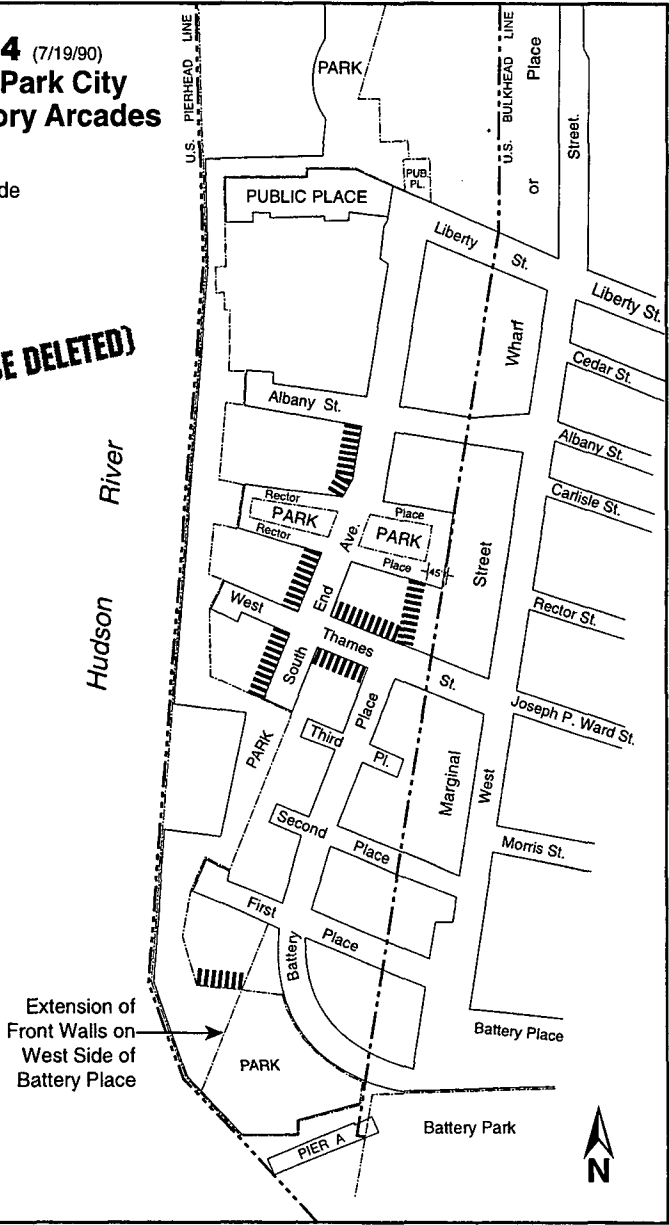
Extension of  
Front Walls on  
West Side of  
Battery Place



# APPENDIX 2.4 (7/19/90) Special Battery Park City District Mandatory Arcades

||||||| Mandatory Arcade  
Locations

**(PROPOSED TO BE DELETED)**





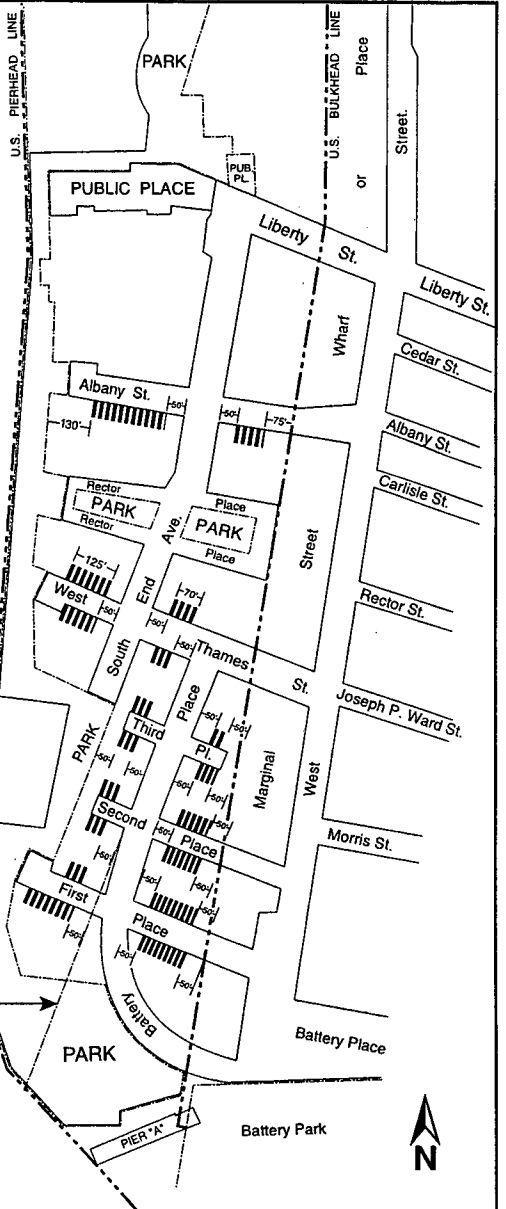
# APPENDIX 2.6 Special Battery Park City District Curb Cut Locations

||||||| Permitted Curb Cut Locations

**(PROPOSED TO BE ADDED)**

Extension of Property Line on West Side of Battery Place

**NOTE:**  
All setbacks are from property lines



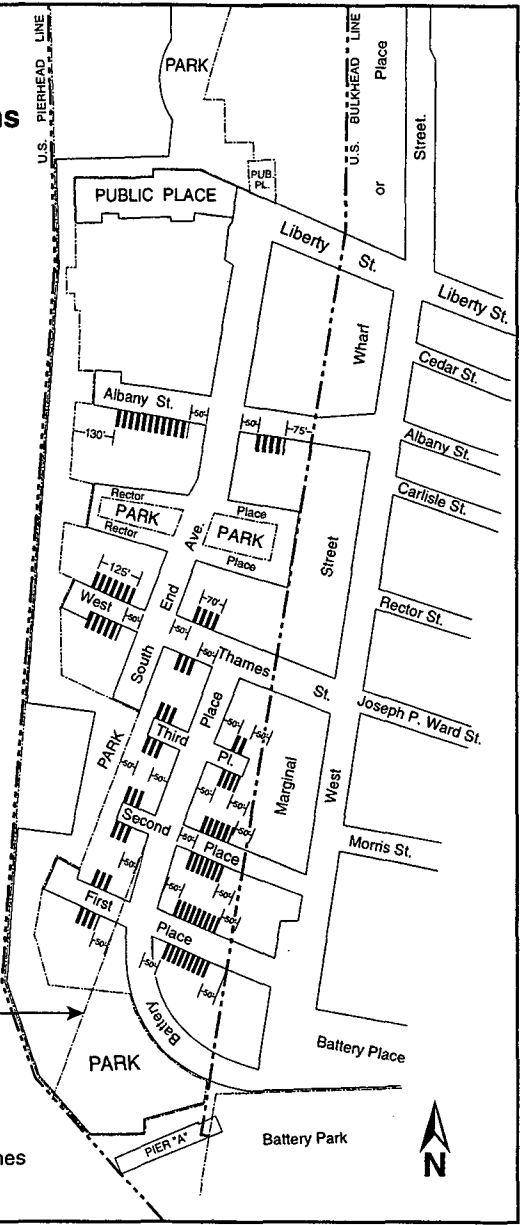
# APPENDIX 2.6 (7/19/90) Special Battery Park City District Curb Cut Locations

||||||| Permitted Curb Cut Locations

**(PROPOSED TO BE DELETED)**

Extension of Property Line  
on West Side  
of Battery Place

**NOTE:**  
All setbacks are  
from property lines



(On June 27, 2001, Cal. No. 13, the Commission scheduled July 11, 2001 for a public hearing. On July 11, 2001, Cal. No. 25, the hearing was closed.)

**For consideration.**

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**(Report pursuant to Section 3020.8(b) of the  
City Charter concerning the landmark designation  
of the German-American Shooting Society Clubhouse)**

**No. 32**

**CD3**

**N 020007 HKM**

**IN THE MATTER OF** a communication dated July 5, 2001, from the Executive Director of the Landmarks Preservation Commission regarding **the landmark designation of the German-American Shooting Society Clubhouse**, 12 St. Mark's Place (Block 463, Lot 15) by the Landmarks Preservation Commission on June 26, 2001 (List No. 328, LP No. 2094), Borough of Manhattan, Community District 3.

**For consideration.**

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**BOROUGH OF STATEN ISLAND**

**(Report pursuant to Section 3020.8(b) of the  
City Charter concerning the landmark designation  
of the Edwards-Barton House)**

**No. 33**

**CD 2**

**N 020009 HKR**

**IN THE MATTER OF** a communication dated July 5, 2001 from the Executive Director of the Landmarks Preservation Commission regarding the following landmark designated by the Landmarks Preservation Commission on June 26, 2001 (List No. 328) for the landmarking of the Edwards-Barton House, 3742 Richmond Road (aka) 3738 Richmond Road, 4-Court Place), Richmondtown, Staten Island, Block 4441 part of Lot 1.

**For consideration.**

## CITYWIDE

No. 34

CITYWIDE

N 010508 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to adult establishments.

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

Matter in ~~strikeout~~ is existing text, to be deleted;

\*\*\* indicates where unchanged text appears in the Resolution

Section 12-10  
DEFINITIONS

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Adult Establishment (10/25/95)

1. ~~Adult Establishment:~~ An "adult establishment" is a commercial establishment where a ~~"substantial portion"~~ of the establishment which is or includes an adult book store, adult eating or drinking establishment, adult theater, or other adult commercial establishment, or any combination thereof as defined below:

(a) An adult book store is a book store ~~which has as that offers~~ "printed or visual material" for sale or rent to customers where a "substantial portion" of its stock-in-trade of "printed or visual material" consists of "adult printed or visual material", defined as any one or more of the following:

(1) ~~books, magazines, periodicals or other printed matter which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas";~~ or

(2) ~~photographs, films, motion pictures, video cassettes or other visual representations which are "printed or visual material" characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas";~~

(b) An adult eating or drinking establishment is an eating or drinking establishment which regularly features in any portion of such establishment any one or more of the following:

(1) live performances which are characterized by an emphasis on "specified anatomical areas" or "specified sexual activities"; or

(2) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

- (3) employees who, as part of their employment, regularly expose to patrons "specified anatomical areas"; and

which is not customarily open to the general public during such features because it excludes or restricts minors by reason of age.

- (c) An adult theater is a ~~theater~~ commercial establishment which regularly features one or more of the following:
- (1) films, motion pictures, videocassettes, slides or similar photographic reproductions characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
  - (2) live performances characterized by an emphasis on "specified anatomical areas" or "specified sexual activities"; and

which is not customarily open to the general public during such features because it excludes or restricts minors by reason of age.

An adult theater shall include commercial establishments where such materials or performances are viewed from one or more individual enclosures.

- (d) An other adult commercial establishment is a facility — other than an adult book store, adult eating or drinking establishment, adult theater, commercial studio, or business or trade school — which features employees who as part of their employment, regularly expose to patrons "specified anatomical areas" and which is not customarily open to the general public during such features because it excludes or restricts minors by reason of age.

For the purpose of defining adult establishments,

2. Defined Terms:

- (a) For purposes of paragraph (1) (a), "printed or visual materials" are books, magazines, or other printed matter, including product packaging or wrapping, or photographs, films, motion pictures, video cassettes, slides or other visual matter;
- (b) For purposes of paragraph (1)(a)(b) and (c), "specified sexual activities" are: (1 i) human genitals in a state of sexual stimulation or arousal; (2 ii) actual or simulated acts of human masturbation, sexual intercourse or sodomy; or (3 iii) fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast;
- (c) For purposes of paragraph (1)(a)(b)(c) and (d), "specified anatomical areas" are: (1 i) less than completely and opaquely concealed: (1 aa) human genitals, pubic region, (1 bb) human buttock, anus, or (1 cc) female breast below a point immediately above the top of the areola; or (2 ii) human male genitals in a discernibly turgid state, even if completely and opaquely concealed.

For the purpose of determining whether a "substantial portion" of an establishment includes an adult bookstore, adult eating or drinking establishment, adult theater, or other adult

commercial establishment, or combination thereof, the following factors shall be considered: (1) the amount of floor area and cellar space accessible to customers and allocated to such uses and (2) the amount of floor area and cellar space accessible to customers and allocated to such uses as compared to the total floor area and cellar space accessible to customers in the establishment:

- (d) For the purpose of determining under paragraph (1)(a) whether a bookstore has a "substantial portion" of its stock in materials defined in paragraphs (a)(1) or (a)(2) hereof a book store's stock-in-trade of "printed or visual" material consists of "adult printed or visual material", the following factors shall be considered: (1) (i) the amount of such stock of "adult printed or visual material" accessible to customers as compared to the total stock of "printed or visual material" accessible to customers in the establishment; and (2) (ii) the amount of floor area and cellar space accessible to customers containing such stock of "adult printed or visual material"; and (3) (iii) the amount of floor area and cellar space accessible to customers containing such stock of adult printed or visual material" as compared to the total amount of floor area and cellar space accessible to customers in the establishment containing "printed or visual material" which is not "adult printed or visual material", provided that "printed or visual material" which is not "adult printed or visual material" (hereinafter for purposes of this paragraph "other printed or visual material") shall not be considered stock-in-trade for purposes of this paragraph where such store has one or more of the following features:
- (aa) The absence of separate sections of the store with stock-in-trade of any "adult printed or visual material" and stock-in-trade of "other printed or visual material," or the presence of any "adult printed or visual material" in a section of the store otherwise consisting primarily of "other printed or visual material."
  - (bb) An absence of any fixed, permanent and complete visual partition between a section of the store with "adult printed or visual material" and a section of the store with "other printed or visual material";
  - (cc) An interior configuration and lay-out which requires customers to pass through a section of the store with "adult printed or visual material" in order to access a section of the store with "other printed or visual material";
  - (dd) One or more individual enclosures where adult movies or live performances are available for viewing by customers;
  - (ee) A method of operation which requires customer transactions with respect to "other printed or visual material" to be made in a section of the store which includes "adult printed or visual material";
  - (ff) A method of operation under which "other printed or visual material" is offered to customers on a substantially more limited basis than "adult printed or visual material," such as the offering of "other printed or visual material" for sale only and the offering of "adult printed or visual material" for sale or rental;

- (gg) A greater number of different titles of "adult printed or visual material" than the number of different titles of "other printed or visual material";
- (hh) A method of operation which excludes or restricts minors from the store as a whole or from any section of the store with "other printed or visual material";
- (ii) A sign that advertises the availability of "adult printed or visual material" which is disproportionately large relative to a sign that advertises the availability of "other printed or visual material," when compared with the proportions of adult and other printed or visual materials offered for sale or rent in the store, or the proportions of floor area or cellar space accessible to customers containing stock of adult and other printed or visual materials;
- (jj) A window display in which the number of products or area of display of "adult printed or visual material" is disproportionately high relative to the number of products or area of display of "other printed or visual material," when compared with the proportions of adult and other printed or visual materials offered for sale or rent in the store, or the proportions of floor area or cellar space accessible to customers containing stock of adult and other printed or visual materials;
- (kk) Other features, as set forth in rules adopted by the commissioner of buildings, which render the sale or rental of "adult printed or visual material" a substantial purpose of the business conducted in such store as evidenced by an amount of customer activity and/or volume of sale or rental transactions involving "other printed or visual material" relative to the amount of customer activity and/or volume of sale or rental transactions involving "adult printed or visual material" which is disproportionately low by comparison with the proportion of "other printed or visual material" and "adult printed or visual material" offered for sale or rent in the store, or the proportion of #floor area# and #cellar# space accessible to customers containing stock of "adult printed or visual material" to that containing stock of "other printed or visual material";
- (e) For the purposes of paragraph (1) (b), an "eating or drinking establishment" includes: (i) any portion of a commercial establishment within which food or beverages are offered for purchase, or are available to or are consumed by customers or patrons, and (ii) any portion of a commercial establishment from which a portion of a commercial establishment described in (i) above is accessible by customers or patrons.

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32-01  
Special Provisions for Adult Establishments

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- (b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, ~~#adult establishments#~~ no ~~#adult establishment#~~ shall be located at least established less than 500 feet from a church, a ~~#school#~~, a ~~#Residence District#~~, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a ~~#Manufacturing District#~~, other than an M1-6M District, in which new ~~#residences#~~, new ~~#joint living-work quarters for artists#~~ or new ~~#loft dwellings#~~ are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. ~~No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.~~ However, on or after October 25, 1995, an ~~adult...~~
- (c) in C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, ~~#adult establishments#~~ no ~~#adult establishment#~~ shall be located established at least less than 500 feet from another a previously established ~~#adult establishment#~~.
- (d) in C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7, or C8 districts, no more than one ~~#adult establishment#~~ permitted under this Section shall be located established on a ~~#zoning lot#~~.

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- (f) ~~#adult establishments#~~ which existed on were established on the effective date...

~~For purposes of this section, an #adult establishment# shall be established upon the date of a permit issued by the department of buildings therefor, or, in the case of an #adult establishment# in existence prior to [effective date of proposed text], as determined by the department of buildings, subject to rules as the department of buildings may prescribe regarding the failure to perform work authorized under a permit or to commence operation pursuant to a permit and the discontinuance of an #adult establishment#.~~

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#### 42-01 Special Provisions for Adult Establishments

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- (a) ~~#adult establishments#~~ are not permitted in a ~~#Manufacturing District#~~ in which ~~#residences#~~, ~~#joint living-work quarters for artists#~~ or ~~#loft dwellings#~~ are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization. ~~No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.~~
- (b) In all other ~~#Manufacturing Districts#~~, ~~#adult establishments#~~ no ~~#adult establishment#~~ shall be located established at least less than 500 feet from a church, a ~~#school#~~, a



~~#Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a church or a #school# is established on or after April 10, 1995 within 500 feet of such #adult establishment#.~~

- (c) ~~#Adult establishments# No #adult establishment# shall be located at least established less than 500 feet from another #adult establishment#.~~
- (d) ~~No more than one #adult establishment# permitted under this Section shall be located established on a #zoning lot#.~~

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- (f) ~~#Adult establishments# which existed on were established on October 25, 1995 and conform to all provisions of the Zoning Resolution relating to #adult establishments# other than the provisions of all or any combination of paragraphs (c), (d), and (e) of this Section, shall not be subject to the provisions of Section 52-77 (Termination of Adult Establishments).~~

~~For purposes of this section, an #adult establishment# shall be established upon the date of a permit issued by the department of buildings therefor, or, in the case of an #adult establishment# in existence prior to [effective date of proposed text], as determined by the department of buildings, subject to rules as the department of buildings may prescribe regarding the failure to perform work authorized under a permit or to commence operation pursuant to a permit and the discontinuance of an #adult establishment#.~~

(On May 7, 2001, Cal. No. 1, the Commission scheduled May 23, 2001 for a public hearing On May 23, 2001, Cal. No. 10, the hearing was closed.)

**For consideration.**