

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, DECEMBER 5, 2001
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK, N. Y. 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 010471 ZMX	11	Scheduled to be Heard 12/19/01	18	C 010116 ZMQ	12	Hearing Closed
2	C 010472 ZSX	11	" "	19	N 020060 HAX	6	Favorable Report Adopted
3	C 010473 ZSX	11	" "	20	N 020173 PXX	7	" "
4	N 020062 ZRM	1	" "	21	N 020174 PXX	2	" "
5	C 020063 ZSM	1	" "	22	N 020175 PXX	2	" "
6	C 020064 ZSM	1	" "	23	N 990151 NPK	1	" "
7	C 020065 ZSM	1	" "	24	N 990152 NPK	1	Laid Over
8	C 010700 ZSM	4	" "	25	C 000648 PCK	3	Favorable Report Adopted
9	C 010560 ZSM	4	" "	26	N 010696 ZRM	4	" "
10	C 010651 ZMM	5	" "	27	C 010697 ZSM	4	Withdrawn
11	N 010292 ZRM	4,5	" "	28	C 010698 ZSM	4	Favorable Report Adopted
12	C 010725 ZMK	2	Hearing Closed	29	C 010699 ZSM	4	" "
13	C 010726 ZSK	2	" "	30	C 010185 ZMQ	1	Laid Over
14	C 020026 HAM	7	" "	31	N020077 ZAR	1	Authorization Approved
15	N 020182 HKM	9	" "	32	N 020037 ZRY	cw	Favorable Report Adopted
16	N 020183 HKM	9	" "				
17	C 010707 PSQ	11	" "				

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		19	20	21	22	23	24	25	26	27	28	29	30	31	32
Joseph B. Rose, Acting Chairman	P	Y	Y	Y	Y	Y		Y	Y		Y	Y		Y	Y
Angela M. Battaglia	P	Y	Y	Y	Y	Y	L	Y	Y	W	Y	Y	L	Y	Y
Amanda M. Burden, A.I.C.P.	P	Y	Y	Y	Y	Y	A	Y	Y	I	Y	Y	A	Y	Y
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	I	Y	Y	T	Y	Y	I	Y	Y
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y	Y	Y	D	Y	Y	H	Y	Y	D	Y	Y
Kathy Hirata Chin, Esq.	P	Y	Y	Y	Y	Y		Y	Y	D	Y	Y		Y	Y
Alexander Garvin	P	Y	Y	Y	Y	Y	O	Y	Y	R	Y	Y	O	Y	Y
Marilyn G. Gelber	P	Y	Y	Y	Y	Y	V	Y	Y	A	Y	Y	V	Y	Y
William J. Grinker	P	Y	Y	Y	Y	Y	E	Y	Y	W	Y	Y	E	Y	Y
Kenneth J. Knuckles, Esq.	P	Y	Y	Y	Y	Y	R	Y	Y	N	Y	Y	R	Y	Y
John Merolo, Commissioners	P	Y	Y	Y	Y	Y		Y	Y		Y	Y		Y	Y

MEETING ADJOURNED AT: 12:46 P.M.

**COMPREHENSIVE
CITY PLANNING CALENDAR**

of

The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, DECEMBER 5, 2001

MEETING AT 10:00 A.M. AT SPECTOR HALL

22 READE STREET

NEW YORK, NEW YORK



Rudolph W. Giuliani, Mayor

City of New York

[No. 23]

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**

A

CITY PLANNING COMMISSION

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

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

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

CALENDARS: Any 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

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

JOSEPH B. ROSE, Acting *Chairman*

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.

ORDER OF BUSINESS AND INDEX

WEDNESDAY, DECEMBER 5, 2001

Roll Call; approval of minutes	1
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**Community Board Public Hearing Notices are available in the
Calendar Information Office, Room 2E, 22 Reade Street,
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for December 19, 2001 at Spector Hall, 22 Reade Street, New York at 10:00 a.m.

GENERAL INFORMATION**HOW TO PARTICIPATE:**

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials and Community Board Chairpersons will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in opposition and those speaking in support of the proposal.

Length of Testimony: In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Written Comments: If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

CITY PLANNING COMMISSION
Calendar Information Office - Room 2E
22 Reade Street, New York, N.Y. 10007

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ Identification No.: _____ CB No.: _____

Position: Opposed _____

In Favor _____

Comments: _____

 Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

DECEMBER 5, 2001

APPROVAL OF MINUTES OF Regular Meeting of November 21, 2001

I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, DECEMBER 19, 2001
STARTING AT 10:00 A.M.
IN SPECTOR HALL, 22 READE STREET
NEW YORK, NEW YORK

BOROUGH OF THE BRONX

Nos. 1, 2, and 3

(Applications for an amendment to the zoning map, and the grant
of special permits to facilitate the enlargement of an existing nursing home)

No. 1

CD 11

C 010471 ZMX

IN THE MATTER OF an application submitted by the Bronx Harbor Health Care Complex, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 4a**, changing from an R3-2 District to an R6 District property bounded by Waring Ave, a line 25 feet northeasterly of the southwesterly street line of Gun Hill Road and its southeasterly prolongation, a line 25 feet southeasterly of the northwesterly street line of Stillwell Avenue and its northeasterly prolongation, Ely Avenue, a line 260 feet southeasterly of Waring Avenue, a line midway between Vance Street and Ely Avenue, a line 100 feet southeasterly of Waring Avenue, and Vance Street, as shown on diagram (for illustrative purposes only) dated October 9, 2001.

Resolution for adoption scheduling December 19, 2001 for a public hearing.

No. 2

CD 11

C 010472 ZSX

IN THE MATTER OF an application submitted by Bronx Harbor Health Care Complex, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to permit an approximately 57,485 square foot enlargement without an increase of the number of beds of an existing 480-bed nursing home on a zoning lot bounded by Waring Avenue, Gun Hill Road, Stillwell Avenue, and Ely Avenue (Block 4423, Lot 1), in a proposed R6 District*.**

* Note: The proposed R6 District is the subject of a related application for an Amendment of the Zoning Map (C 010471 ZMX)

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

Resolution for adoption scheduling December 19, 2001 for a public hearing.

No. 3

CD 11

C 010473 ZSX

IN THE MATTER OF an application submitted by Bronx Harbor Health Care Complex, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to permit an approximately 15,732 square foot enlargement without an increase of the number of beds of an existing 240-bed nursing home located on a zoning lot on the south side of Waring Avenue between Vance Street and Ely Avenue (Block 4422, Lot 1), in a proposed R6 District*.**

* Note: The proposed R6 District is the subject of a related application for an Amendment of the Zoning Map (C 010471 ZMX)

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

Resolution for adoption scheduling December 19, 2001 for a public hearing.

BOROUGH OF MANHATTAN

Nos. 4, 5, 6, and 7

(Applications for an amendment to the Zoning Resolution and the grant of special permits to facilitate the construction of a 45-story mixed building enlargement in the Special Lower Manhattan District)

No. 4

CD 1

N 020062 ZRM

IN THE MATTER OF an application submitted by Liberty Street Realty LLC pursuant to Section 201 of the New York City Charter, to amend the Zoning Resolution of the City of New York relating to Section 91-30 (Height and setback and lot coverage regulations), to eliminate Section 91-311 (Modification of Streetwall Regulations) and to establish Section 91-35 (Modification of Streetwall, Setback, and certain Lot Coverage Regulations, and Maximum Horizontal Dimension for Tall Buildings) of the Special Lower Manhattan District (Article IX, Chapter 1).

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

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

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

* * * represents text for which no change is proposed.

* * *

91-30

HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS

* * *

~~91-311~~~~Modification of streetwall regulations~~

~~Within the #Special Lower Manhattan District#, the City Planning Commission, by special permit, may modify the locational requirements and minimum base heights of Section 91-31 (Street Wall Regulations), provided that the Commission finds such change will:~~

~~(a) produce an improved site plan consistent with existing scale and #street# configuration patterns;~~

~~(b) enhance pedestrian circulation by providing pedestrian amenities that relieve sidewalk congestion; and~~

(c) — ensure a more harmonious relationship between the #development# and the surrounding area:

91-35

Modification of street wall, setback and certain lot coverage regulations, and maximum horizontal dimension for tall buildings

Within the #Special Lower Manhattan District#, the City Planning Commission, by special permit, may modify:

(a) the locational requirements and minimum base heights of Section 91-31 (Street Wall Regulations);

(b) the setback requirements of Section 91-32 (Setback Regulations); or

(c) where such #zoning lots# contain #buildings# existing on December 15, 1961 that exceed a height of 300 feet, #lot coverage# requirements of Section 91-33 (Lot Coverage Regulations), and maximum horizontal dimension requirements of Section 91-34 (Maximum Horizontal Dimension for Tall Buildings), limited to that portion of a #development# or #enlargement# between 300 and 325 feet in height, and a #lot coverage# not to exceed 55 percent

provided that the Commission finds that:

(1) such modification will result in a site plan consistent with existing scale and streetscape patterns;

(2) such modification will ensure a harmonious relationship between the #development# and the surrounding area;

(3) such #street wall# modification will enhance pedestrian circulation by providing pedestrian amenities that relieve sidewalk congestion;

(4) such setback, #lot coverage# or maximum horizontal dimension modification will not unduly obstruct access to light and air to surrounding #streets# and properties; and

(4) such setback, #lot coverage# or maximum horizontal dimension modification will result in a built form that maintains an appropriate relationship between tower and base portions of the #development#

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area

* * *

Resolution for adoption scheduling December 19, 2001 for a public hearing.

No. 5

CD 1

C 020063 ZSM

IN THE MATTER OF an application submitted by Liberty Street Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 91-35* of the Zoning Resolution to permit the modification of the following regulations:

1. **Section 91-31 (a)(3)(Street Wall Regulations)** to allow the street wall along Liberty Street (a "Type 3" street) to terminate at a point 10 feet east of the William Street zoning lot line;
2. **Section 91-32 (Setback Regulations)** to allow the reduction of the 20-foot required depth of setback above the base height to 10 feet along William and Liberty streets;
3. **Section 91-33 (Lot Coverage Regulations)** to allow, above a building height of 300 feet, the increase of maximum lot coverage from 50 percent of the lot area of the zoning lot to 54.83 percent.
4. **Section 91-34 (Maximum Horizontal Dimension for Tall Buildings)** to allow a portion of a proposed building enlargement above a height of 300 feet to exceed the maximum horizontal dimension of 175 feet;

to facilitate the construction of a 45-story mixed building enlargement at 10 Liberty Street on a portion (Lot 22) of a zoning lot (Block 42, Lots 22, 31 and 36), in a C5-5 District, within the Special Lower Manhattan District.

* Note: Section 91-35 of the Zoning Resolution is proposed to be amended under a related application for a text amendment (N 020062 ZRM).

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

Resolution for adoption scheduling December 19, 2001 for a public hearing.

No. 6

CD 1

C 020064 ZSM

IN THE MATTER OF an application submitted by Liberty Street Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 200 spaces on portions of the first floor, cellar, first subcellar, and second subcellar of a proposed 45-story mixed building enlargement to be constructed at 10 Liberty Street on a portion (Lot 22) of a zoning lot (Block 42, Lots 22, 31 and 36), in a C5-5 District, within the Special Lower Manhattan District.

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

Resolution for adoption scheduling December 19, 2001 for a public hearing.

No. 7

CD 1

C 020065 ZSM

IN THE MATTER OF an application submitted by Liberty Street Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-91 of the Zoning Resolution to permit the modification of the following provisions of Section 37-04 (Requirements for Urban Plazas):

1. Section 37-04 (d)(3): to allow the reduction of the 20-foot minimum dimension to 14 feet - 4 ½ inches at the easterly minor portion of the urban plaza; and
2. Section 37-04(f)(1): to allow the surface of the urban plaza within 10 feet of the street line of William Street to be higher than the elevation of the adjoining public sidewalk, and to allow certain permitted obstructions to be located within 20 feet of the street line of William Street;

to facilitate the construction of a 45-story mixed building enlargement at 10 Liberty Street on a portion (Lot 22) of a zoning lot (Block 42, Lots 22, 31 and 36) in a C5-5 District, within the Special Lower Manhattan District.

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

Resolution for adoption scheduling December 19, 2001 for a public hearing.

No. 8

CD 4

C 010700 ZSM

IN THE MATTER OF an application submitted by 306 West 44 L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Sections 13-562, 74-52, 81-13 and 96-111 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 436 spaces in portions of the cellar, first sub-cellar and second sub-cellar of a mixed use building to be constructed on property located at 304 West 44th Street** (Block 1034, Lots 33, 34, 36 and 37), in C6-4 and C6-2 Districts, within the Special Midtown District and Special Clinton 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 December 19, 2001 for a public hearing.

No. 9

CD 4

C 010560 ZSM

IN THE MATTER OF an application submitted by 509-513 West 46 Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 74-681(a)(1) of the Zoning Resolution to permit portions of a railroad right-of-way which will be completely covered by a permanent platform to be included in the lot area for a residential development of two seven-story buildings on a through lot located west of Tenth Avenue with frontage on West 46th Street and West 47th Street** (Block 1075, Lots 23 and 26), in an R8 District, within the Special Clinton District(Area A).

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 December 19, 2001 for a public hearing.

No. 10

CD 5

C 010651 ZMM

IN THE MATTER OF an application submitted by Lechar Realty pursuant to Sections 197-c and 201 of the New York City Charter for an **amendment of the Zoning Map, Section No. 8d**, changing from a C5-3 District to a C6-7 District property bounded by West 41st Street, Broadway, a line 100 feet southerly of West 41st Street, and Seventh Avenue, within the Special Midtown District (Theater Subdistrict), as shown on a diagram (for illustrative purposes only) dated September 10, 2001.

Resolution for adoption scheduling December 19, 2001 for a public hearing.

 No. 11

CD 4,5

N 010192 ZRM

IN THE MATTER OF an application submitted by LB 745 LLC 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 Section 81-724 (Requirements for entertainment-related uses) regarding locational and other provisions of the entertainment related-uses requirement for developments or enlargements within the Theater Subdistrict Core of the Special Midtown District, Borough of Manhattan, Community Districts 4 and 5.

Matter in graytone is new, to be added;
 Matter in ~~strikeout~~ is old, to be deleted;
 Matter between “#”s is defined in Section 12-10;
 * * * * * represents text for which no change is proposed.

* * * * *

81-724**Requirements for entertainment-related uses**

With the exception of a #development# or #enlargement# in which more than 50 percent of the new #floor area# is allocated to #transient hotel use#, or all of the #floor area# of the #development# or #enlargement# is allocated to #public parking garage use#, a #development# or #enlargement# on a #zoning lot# with more than 50 percent of its #zoning lot# area located within the Theater Subdistrict Core shall meet the following requirements:

- (a) If the new #floor area# of the #development# or #enlargement# generated by that portion of the #zoning lot# located within the Theater Subdistrict Core exceeds

60,000 square feet, an amount of floor space on the #zoning lot# equal to five percent of the amount by which the new #floor area# generated by that portion of the #zoning lot# located within the Theater Subdistrict Core exceeds 50,000 square feet shall be allocated to #uses# listed in Section 81-725 (Entertainment-related uses) or #front lot line# ground level #uses# designated thus (***) in Section 81-722 (Use Group T) as satisfying the requirements of this Section.

Except as provided below ~~in paragraphs (b), (f) and (g)~~, the amount of floor space specified shall be located on the same #zoning lot# as the #development# or #enlargement# for which that floor space is provided to meet the requirements of this Section.

- (b) A maximum of 75 percent of the amount of floor space specified in paragraph (a) of this Section may be located on a separate #zoning lot#, with the remainder located on the same #zoning lot# as the #development# or #enlargement#, by authorization of the City Planning Commission provided, upon examination of proposed plans, the Commission finds that:

(1) either one of the following conditions exists:

(i) more than 50 percent of the area of the separate #zoning lot# is located within the Theater Subdistrict Core; or

(ii) ~~the separate #zoning lot# is located within the Theater Subdistrict and the floor space located on the such separate #zoning lot# is allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, and #uses# accessory thereto, or a combination thereof as listed in Section 81-725 and the separate #zoning lot# is located within the Theater Subdistrict;~~
~~or~~

(iii) the separate #zoning lot# is located within an area bounded by 34th Street, 6th Avenue, 32nd Street and a line 150 feet west of 10th Avenue and the floor space located on such separate #zoning lot# is allocated in its entirety to studios (music, dancing, or theatrical), a theater designed and arranged for live performances of drama, music or dance, or a combination thereof, and any support spaces related thereto, not including administrative office space, where such floor space occupies no less than 25,000 square feet.

(2) the floor space located on the separate #zoning lot# is in addition to any floor space provided to meet the requirements of this Section for any other #development# or #enlargement#;

- (3) the floor space located on the separate #zoning lot# is constructed or renovated specifically for the purpose of meeting the requirements of this Section and has not been utilized for any of the #uses# listed in Section 81-725 at any time during the two year period immediately prior to the date on which this authorization as described in paragraph (b) of this Section, is granted; and
- (4) the #use# located on the separate #zoning lot# achieves a reasonable distribution of entertainment-related #uses# and locations of such #uses#.

(c) Except as provided below in this paragraph (c), floor space allocated to entertainment-related uses# listed in Section 81-725 accommodating any number of occupants shall be classified under Sections 27-254 to 27-258 (Title 27, Chapter 1, Subchapter 3, Article 8 - Occupancy Group F-Assembly); of the Administrative Code and shall meet all relevant requirements of Sections 27-522 to 27-549 (Title 27, Chapter 1, Subchapter 8-Places of Assembly) of that Code.

Alternatively, where floor space in an existing #building# is allocated to #uses# listed in Section 81-725 in order to meet the requirements of this Section, the City Planning Commission may, by authorization, modify or waive the above Code requirements of this paragraph (c) if, upon examination of proposed plans, it finds that:

- (1) the existing #building# does not otherwise require structural alteration to accommodate the entertainment-related #uses#; and
- (2) two plaques will be provided prior to the issuance of any certificate of occupancy for the floor space so allocated to be affixed as follows:

(I) -the first affixed in a prominently visible location either to the exterior wall of the #building# at ground level adjacent to the main entry or in the main lobby, stating that floor space in the #building# is provided to meet the requirements of this Section, and

(II) the second affixed either on or immediately adjacent to the corridor or lobby side of the main door to the space itself, stating that such floor space is located within that part of the #building#.

Each plaque shall indicate, in letters not less than one inch high, the amount of entertainment-related floor space in square feet, the floor or floors on which it is located, the category of #use# under Section 81-725 to which it is dedicated, and the name and street address of the #development# or #enlargement# for which it partially fulfills the requirements of

this Section.

- (d) The certificate of occupancy for the #development# or #enlargement# shall record and specifically describe all floor space allocated to meet the requirements of this Section and shall require the permanent reservation of this space for such purposes as a condition of the certificate of occupancy.

If a portion of the amount of ~~the specified~~ floor space ~~specified above~~ is located on a separate #zoning lot#, no certificate of occupancy for the #development# or #enlargement# shall be issued until a certificate of occupancy has been issued for that floor space provided on the separate #zoning lot# and all other floor space allocated to fulfill the requirements of this Section.

The certificate of occupancy for the #development# or #enlargement# shall identify the amount and location of ~~such specified~~ floor space ~~specified above~~ provided on the separate #zoning lot#. The certificate of occupancy of the separate #zoning lot# shall identify the #development# or #enlargement# for which the ~~specified~~ floor space ~~specified above~~ is provided and the amount and location of that floor space on the separate #zoning lot#. Both certificates of occupancy shall require the permanent reservation of the floor space provided on the separate #zoning lot# for #uses# which meet the requirements of this Section.

An amount of floor space allocated in an existing #building# to meet the requirements of this Section may be reallocated to another location, provided that the City Planning Commission finds, by authorization, that all of the requirements of this Section are still met and that the Commission has received sufficient assurances that the certificates of occupancy of the #development# or #enlargement# and the #building# to which the floor space has been reallocated, will be amended within a period of time after the date of such authorization specified therein to accord with the provisions of this Section.

- (e) A written declaration shall be recorded against the #zoning lot# of the #development# or #enlargement# and against the separate #zoning lot#, which contains an agreement that the floor space provided on the separate #zoning lot# shall be used solely for entertainment-related #uses# for the life of the #development# or #enlargement#.

If floor space allocated to entertainment-related #uses# on the separate #zoning lot# is reallocated in accordance with the provisions of paragraph (d) of this Section, the agreement contained in the written declaration shall be amended so that the #zoning lot# on which the newly allocated floor space is located complies with paragraph (d).

- ~~(f) All #uses# satisfying the requirements of this Section shall be subject to the locational requirements of Section 81-72 (Use Regulations Modified). (moved to paragraph (i))~~

(c) If a certificate of occupancy for floor space to be located on a separate #zoning lot# pursuant to the provisions of paragraph (b) of this Section, is not reasonably anticipated to be issued prior to the date upon which the #development# or #enlargement# would otherwise be eligible for issuance of a certificate of occupancy, the City Planning Commission may also authorize the waiver of any or all of the provisions of paragraphs (b)(3), (d) and (e) of this Section, provided that:

(1) the owner or lessee of the #development# or #enlargement#, or an affiliate thereof, will make or cause to be made a financial contribution through payment or repayment of the costs thereof, which will facilitate the #development# on such separate #zoning lot# of a #building# that will consist predominantly of either entertainment-related #uses# and #uses# accessory thereto or community facility #uses#, where at least 25,000 square feet of such floor space allocated to meet the requirements of this Section shall be allocated in its entirety to studios (music, dancing, or theatrical), a theater designed and arranged for live performances of drama, music or dance, or a combination thereof, and any support spaces related thereto not including administrative office space;

(2) the Department of City Planning has received a fully executed copy of a written declaration against such separate #zoning lot#, requiring that the floor space allocated to meet the requirements of this Section and located on the separate zoning lot shall be used solely for entertainment-related uses and uses accessory thereto for the life of the #development# or #enlargement#. Prior to the release of the financial contribution pursuant to paragraph (d)(5) of this Section, such declaration shall be filed and duly recorded in the borough office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the authorization pursuant to this Section;

(3) such financial contribution will be deposited in a trust and agency account, to be released upon certification by the Chairman of the City Planning Commission, made in consultation with the Commissioner of Buildings, that all work on foundations has been completed for such #building#; and

(4) the prospective operator of the entertainment-related #uses# in the #building# on such separate #zoning lot#:

(i) has made substantial financial and construction-related commitments towards the #development# of the #building#, including, at a minimum, commitments for site acquisition, such as a purchase agreement, deed or ground lease, and architectural agreements for the design of the floor space; and

(ii) has secured, or has implemented a fund-raising plan to secure,

the finding necessary for the #development# of the #building# other than the financial contribution by the owner or lessee of the #development# or #enlargement#.

Where the City Planning Commission makes the findings set forth in paragraphs (b)(1) through (b)(2), inclusive, a certificate of occupancy may be issued for the #development# or #enlargement# requiring the provision of such floor space, notwithstanding that no certificate of occupancy has been issued with respect to the floor space located on the separate #zoning lot#.

(g) In the event that all work on foundations of the #building# on the separate #zoning lot# has not been completed within three years of the grant of an authorization provided under the provisions of paragraph (b) of this Section, the owner or lessee of the #development# or #enlargement# shall, in accordance with the terms of the written declaration recorded against the #development# or #enlargement# at the time of the grant of such authorization, apply to the City Planning Commission for:

(1) an extension of the authorization for up to one additional year for good cause shown; or

(2) a new authorization under paragraph (b) of this Section, for alternative floor space consisting of entertainment-related #uses# to be located on a separate #zoning lot# as necessary to meet the requirements of this Section.

In granting such authorization for alternative floor space, the Commission may waive the provisions of paragraph (b)(3), provided the floor space was not utilized for any of the #uses# listed in Section 81-72) at any time during the two-year period immediately prior to the date on which the authorization was originally granted under paragraph (b) of this Section.

(h) Floor space allocated in an existing building on a separate #zoning lot# pursuant to an authorization granted under paragraph (f) of this Section may be reallocated to another location, provided that the City Planning Commission finds, by authorization, that all applicable requirements of this Section are met.

(i) All #uses# satisfying the requirements of this Section shall be subject to the locational requirements of Section 81-72 (Use Regulations Modified).

Resolution for adoption scheduling December 19, 2001 for a public hearing.

II. PUBLIC HEARINGS

BOROUGH OF BROOKLYN

Nos. 12 and 13

**(Applications for an amendment to the zoning map and
the grant of a special permit to facilitate the
construction of a mixed building at 100 Jay Street)**

No. 12

CD 2

C 010725 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Jeffrey M. Brown Associates, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 12d:**

- 1. changing from an M1-2 District to an M1-5/R9-1 District property bounded by Front Street, Jay Street, York Street, and Adams Street; and**
- 2. establishing a Special Mixed Use District (MX-2) on property bounded by Front Street, Jay Street, York Street, and Adams Street;**

as shown on a diagram (for illustrative purposes only) dated September 10, 2001 and subject to the conditions of CEQR Declaration E-109.

(On November 21, 2001, Cal. No. 1, the Commission scheduled December 5, 2001 for a public hearing which has been duly advertised.)

Close the hearing.

No. 13

CD 2

C 010726 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Jeffrey M. Brown Associates, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 268 spaces on portions of the ground floor and cellar and in the entire sub-cellar of a mixed use building to be constructed on property located at 100 Jay Street, between York Street and Front Street (Block 53, Lots 3, 6, 21, 24, 25, 26, and 27), in an M1-5/R9-1* District, within the Special Mixed Use District (MX-2)*.

* Note: An M1-5/R9-1 (MX-2) district is proposed in a related application for an amendment of the Zoning Map (C 010725 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.

(On November 21, 2001, Cal. No. 2, the Commission scheduled December 5, 2001 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 14

CD 7

C 020026 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 55-57 W. 109th Street, 215-17 Manhattan Avenue and 352 Cathedral Parkway (Block 1845, Lots 9, 11 and 56), 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 55-57 W. 109th Street and 352 Cathedral Parkway (Block 1845, Lots 9 and 56) to a developer selected by HPD;

to facilitate construction of a 9 and 13 story building, tentatively known as Cathedral Gardens, with approximately 112 units of housing, dormitory units and other community facility space.

(On November 21, 2001, Cal. No. 3, the Commission scheduled December 5, 2001 for a public hearing which has been duly advertised.)

Close the hearing.

No. 15

*(Public Hearing pursuant to Section 3020.8(a)(b)
of the City Charter concerning the Designation of the
Hamilton Heights/Sugar Hill Historic District Extension)*

CD 9

N 020182 HKM

PUBLIC HEARING:

IN THE MATTER OF a communication dated November 1, 2001 from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the **Hamilton Heights/Sugar Hill Historic District Extension**, by the Landmarks Preservation Commission on October 23, 2001 (List No. 330). The boundaries are:

Properties bounded by a line beginning at a point at the intersection of the west curbline of Edgecombe Avenue and the southern curbline of West 150th Street, then extending westerly along the southern curbline of West 150th Street across St. Nicholas Place and St. Nicholas Avenue to the eastern curbline of Convent Avenue, southerly along said curbline, easterly along the southern property lines of 449 Convent Avenue, 418, 416, and 408-414 West 150th Street, and 795-797 St. Nicholas Avenue, northerly along the western property lines of 791 and 793 St. Nicholas Avenue, easterly along the northern property line of 793 St. Nicholas Avenue to the eastern curbline of St. Nicholas Avenue, southerly along said curbline to a point formed by the intersection of a line extending southerly from the eastern curbline of St. Nicholas Avenue and a line extending easterly from the southern curbline of West 149th Street, easterly to the eastern curbline of St. Nicholas Place, northerly along said curbline, easterly along the southern property line of 2-4 St. Nicholas Place, northerly along the eastern property lines of 2-4 and 6-8 St. Nicholas Place, easterly along the southern property line of 400-402 Edgecombe Avenue (a/k/a 343 Edgecombe Avenue) to the western curbline of Edgecombe Avenue, then extending northerly along said curbline to the point of the

beginning.

(On November 21, 2001, the Commission duly advertised December 5, 2001 for a public hearing.)

Close the hearing.

No. 16

*(Public Hearing pursuant to Section 3020.8(a)(b)
of the City Charter concerning the Designation of the
Hamilton Heights/Sugar Hill Northeast Historic District)*

CD 9

N 020183 HKM

PUBLIC HEARING:

IN THE MATTER OF a communication dated November 1, 2001 from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the **Hamilton Heights/Sugar Hill Northeast Historic District**, by the Landmarks Preservation Commission on October 23, 2001 (List No. 330). The boundaries are:

Properties bounded by a line beginning at a point along the eastern curbline of St. Nicholas Place formed by a line extending easterly from the northern curbline of West 153rd Street, extending southerly along the eastern curbline of St. Nicholas Place to a point in said curbline formed by a line extending westerly from the southern property line of 14 St. Nicholas Place, then easterly along said property line, northerly along the eastern property lines of 14, 16, and 18-20 St. Nicholas Place, easterly along the southern property line of 363 Edgecombe Avenue to the western curbline of Edgecombe Avenue, northerly along the western curbline of Edgecombe Avenue to a point in said curbline formed by a line extending easterly from the northern property line of 409-417 Edgecombe Avenue, westerly along said property line, westerly along the northern property line of 80 St. Nicholas Place to the western curbline of St. Nicholas Place, northerly along said curbline to point formed by a line extending easterly from the northern property line of 87 St. Nicholas Place, westerly along said property line, southerly along the western property lines of 87 and 83 St. Nicholas Place, easterly along the southern property line of 83 St. Nicholas Place, southerly along the western property lines of 79-81 and 75 St. Nicholas Place to the northern curbline of West 153 Street, then extending easterly to the point of the beginning.

(On November 21, 2001, the Commission duly advertised December 5, 2001 for a public hearing.)

Close the hearing.

BOROUGH OF QUEENS

No. 17

CD 11

C 010707 PSQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, **for site selection of property located at Alley Park, on the north side of Northern Boulevard between Alley Creek and the Cross Island Parkway interchange (Block 6331, part of Lot 1), for a combined sewer overflow storage facility.**

(On November 21, 2001, Cal. No. 4, the Commission scheduled December 5, 2001 for a public hearing which has been duly advertised.)

Close the hearing.

No. 18

CD 12

C 010116 ZMQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Wayne Decorators Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 18c**, establishing within an existing R3-2 District a C2-3 District bounded by Inwood Street, Rockaway Boulevard, 144th Street, and a line 100 feet northerly of Rockaway Boulevard, as shown on a diagram (for illustrative purposes only) dated July 23, 2001 and subject to the conditions of CEQR Declaration E-108.

(On November 21, 2001, Cal. No. 5, the Commission scheduled December 5, 2001 for a public hearing which has been duly advertised.)

Close the hearing.

III. REPORTS

BOROUGH OF THE BRONX

No. 19

CD 6

N 020060 HAX

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 1945-49 Vyse Avenue (Block 2992, Lots 52, 59, p/o 60), as an Urban Development Action Area; and
- 2) an Urban Development Action Area Project for such area;

to facilitate development of a six-story building tentatively known as Criscuolo Plaza with 46 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 October 24, 2001, Cal. No. 1, the Commission scheduled November 7, 2001 for a public hearing. On November 7, 2001, Cal. No. 11, the hearing was closed.)

For consideration.

No. 20

CD 7

N 020173 PXX

IN THE MATTER OF a Notice of Intent to Acquire Office Space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at **2501 Grand Concourse** (Block 3167, Lot 1) (ACS's Bronx Field offices).

(On November 7, 2001, the Commission duly advertised November 21, 2001 for a public hearing On November 21, 2001, Cal. No. 7, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 21

CD 2

N 020174 PXX

IN THE MATTER OF a Notice of Intent to Acquire Office Space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 25 Chapel Street (Block 118, Lot 06). (HRA Veterans' Service Center)

(On November 7, 2001, the Commission duly advertised November 21, 2001 for a public hearing. On November 21, 2001, Cal. No. 14, the hearing was closed.)

For consideration.

No. 22

CD 2

N 020175 PXX

IN THE MATTER OF a Notice of Intent to Acquire Office Space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 9 Metrotech Center (Block 2047). (HRA Management Information Systems Office)

(On November 7, 2001, the Commission duly advertised November 21, 2001 for a public hearing. On November 21, 2001, Cal. No. 15, the hearing was closed.)

For consideration.

No. 23

CD 1

N 990151 NPK

IN THE MATTER OF a plan concerning the Williamsburg waterfront, submitted by Brooklyn Community Board One, for consideration pursuant to Section 197-a of the New York City Charter. The proposed plan for adoption is called the, "**Williamsburg Waterfront 197-a Plan.**"

The proposed plan can be reviewed at the City Planning Commission, 22 Reade Street, Room 6N, New York, New York 10007.

(On June 14, 2000, Cal. No. 2, the Commission scheduled June 28, 2000 for a public hearing. On June 28, 2000, Cal. No. 7, the hearing was closed..)

For consideration.

No. 24

CD 1

N 990152 NPK

IN THE MATTER OF a plan concerning the Greenpoint neighborhood in the northern portion of Community District 1, submitted by Brooklyn Community Board One, for consideration pursuant to Section 197-a of the New York City Charter. The proposed plan for adoption is called the "**Greenpoint 197-a Plan.**"

The proposed plan can be reviewed at the City Planning Commission, 22 Reade Street, Room 6N, New York, New York 10007.

(On August 9, 2000, Cal. No. 3, the Commission scheduled August 23, 2000 for a public hearing. On August 23, 2000, Cal. No. 12, the hearing was closed.)

For consideration.

No. 25

CD 3

C 000648 PCK

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 and acquisition of property located at 60 Nostrand Avenue, 48 Sandford Street, a/k/a Warsoff Place, and 56 Nostrand Avenue (Block 1718, Lots 1 and 15), for use as a garage.**

(On November 7, 2001, Cal. No. 3, the Commission scheduled November 21, 2001 for a public hearing. On November 21, 2001, Cal. No. 9, the hearing was closed.)

For consideration.

BOROUGH OF MANHATTAN

Nos. 26, 27, 28, and 29

(Applications for a zoning text amendment, and grant of special permits to facilitate the development of a mixed-use building and a public parking garage in the Special Clinton District)

No. 26

CD 4

N 010696 ZRM

(Amendment to the Zoning Resolution concerning proposed development at 360 and 366 West 43rd Street)

IN THE MATTER OF an application submitted by 42/9 Residential LLC, pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York relating to Section 96-102, to modify lot coverage requirements in the Special Clinton District.

Matter in Greytone is new, to be added;

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

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

* * * indicates where unchanged text would appear in the Zoning Resolution.

* * *

96-102

Lot coverage regulations

For any #development# or #enlargement# within the Preservation Area, the #open space# requirement of Article II, Chapter 3, and the #lot coverage# provisions of Section 24-11, are not applicable. The #lot coverage# provisions of this Section apply to any #development# or #enlargement#. ~~For the purposes of determining lot coverage, any part of a building that is listed as a permitted obstruction in open space or in a rear yard shall not be included in lot coverage.~~ For #zoning lots# or portions thereof located within 100 feet of the #street line# of a #wide street# the maximum #lot coverage# shall not exceed 70 percent. For all #zoning lots# or portions thereof located more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 60 percent.

Any new #development# containing #residential uses# shall provide a minimum of 20 percent of the #lot area# of a #zoning lot# as usable, landscaped open area for the #residential# tenants.

~~The City Planning Commission, by special permit, may permit up to 100% of coverage for a development or enlargement on a corner lot. As a condition for such modification, the Commission shall find that the development or enlargement permits adequate access to light and air to surrounding streets and properties and results in a better relationship to adjacent streets, developments and open areas than would be possible without such lot coverage.~~

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

* * *

(On October 24, 2001, Cal. No. 2, the Commission scheduled November 7, 2001 for a public hearing. On November 7, 2001, Cal. No. 12, the hearing was closed.)

For consideration.

No. 27

CD 4

C 010697 ZSM

IN THE MATTER OF an application submitted by 42/9 Residential LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the **grant of a special permit pursuant to Section 96-102* of the Zoning Resolution to permit up to 100% of lot coverage** for a development to be constructed at 366 West 43rd Street (Block 1033, part of Lot 61), in a C6-2 District, within the Special Clinton District.

*Note: Section 96-102 of the Zoning Resolution is proposed to be amended under a related application for a text amendment (N 010696 ZRM).

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

(On October 24, 2001, Cal. No. 3, the Commission scheduled November 7, 2001 for a public hearing. On November 7, 2001, Cal. No. 13, the hearing was closed.)

For consideration.

No. 28

CD 4

C 010698 ZSM

IN THE MATTER OF an application submitted by 42/9 Residential LLC, pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Sections 13-562, 74-52 and 96-111 of the Zoning Resolution to permit an attended public parking garage with a maximum capacity of 105 spaces** on portions of the first floor and cellar of a proposed mixed building to be constructed at 360 West 43rd Street (Block 1033, Lots 1, 12, 63, 64, 101, 161, 162 and part of 61), in C6-2 and C6-4 Districts, within the Special Clinton District.

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

(On October 24, 2001, Cal. No. 4, the Commission scheduled November 7, 2001 for a public hearing. On November 7, 2001, Cal. No. 14, the hearing was closed.)

For consideration.

No. 29

CD 4

C 010699 ZSM

IN THE MATTER OF an application submitted by 42/9 Residential LLC, pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 96-104 of the Zoning Resolution to permit the modification of the special height restrictions of Section 96-104** to allow a maximum height of 99 feet for a portion of a proposed mixed building to be constructed at 360 West 43rd Street (Block 1033, Lots 1, 12, 63, 64, 101, 161, 162 and part of 61), in C6-2 and C6-4 Districts, within the Special Clinton District.

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

(On October 24, 2001, Cal. No. 5, the Commission scheduled November 7, 2001 for a public hearing. On November 7, 2001, Cal. No. 15, the hearing was closed.)

For consideration.

BOROUGH OF QUEENS

No. 30

CD 1

C 010185 ZMQ

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

- 1) changing from an R5 District to an R7X District property bounded by 23rd Terrace, 21st Street, 24th Avenue, and 19th Street; and
- 2) establishing within the proposed R7X District a C1-2 District bounded by 23rd Terrace, 21st Street, 24th Avenue, and a line 165 feet southwesterly of 21st Street;

as shown on a diagram (for illustrative purposes only) dated June 25, 2001.

(On September 25, 2001, Cal. No. 31, the Commission scheduled October 10, 2001 for a public hearing. On October 9, 2001, Cal. No. 2, the Commission rescheduled October 24, 2001 for a public hearing. On October 24, 2001, Cal. No. 15, the hearing was closed. On November 21, 2001, Cal. No. 33, the item was laid over.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 31

(Request for the grant of authorizations of compliance with special review provisions to allow the development of a Tennis Clubhouse with a deck within the Special Natural Area District)

CD 1

N 020077 ZAR

IN THE MATTER OF an application submitted by the Richmond County Country Club, Corp. for the grant of an authorization pursuant to Section 105-421 of the Zoning Resolution involving the modification of existing topography to allow the construction of a tennis clubhouse with a deck located at 55 Eastentry Road (Block 884, Lot 1) within the Special Natural Area District (NA-1).

Plans for the proposal are on file with the City Planning Commission and may be seen at 130 Stuyvesant Place, 6th Floor, Staten Island, New York 10301.

For consideration.

CITYWIDE

No. 32

Citywide

N 020037 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 Sections 12-10, 26-00, 37-10, 73-69 and 74-97; to establish roadway and streetscape requirements for certain new residential developments utilizing private roads in R3, R4 and R5 Districts, in C1 and C2 Districts mapped within such districts and in C3 Districts, and to establish special permits to waive certain bulk regulations for developments permitted to be located partially within a mapped but unimproved street by Board of Standards and Appeals special permit pursuant to Section 35 of the New York State General City Law.

Matter in Graytone (print) or Redline (screen) 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 1

General Provisions

* * *

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

* * *

Private road

A "private road" is a right-of-way constructed after (the effective date of this amendment), other than a #street#, that provides vehicular access directly from a #street# to any #accessory# parking space located within a #development# containing five or more #dwelling units#. Such #development# shall contain #residential buildings# or #building segments# that are located wholly beyond 50 feet of a #street line# or #street setback line#. An individual driveway serving fewer than five parking spaces shall not be considered a #private road#.

* * *

Street

A "Street" is:

- (a) a way shown on the City Map; or

* * *

- (d) any other public way that on December 15, 1961, was performing the functions usually associated with a way shown on the City Map.

A driveway that serves only to give vehicular access to an #accessory# parking or loading facility, or to allow vehicles to take on or discharge passengers at the entrance to a #building#, shall not be considered a #street#.

A #private road# or A #driveway that serves only to give vehicular access to an #accessory# parking or loading facility, or to allow vehicles to take on or discharge passengers at the entrance to a #building#, shall not be considered a #street#.

* * *

Chapter 6
Special Urban Design Guidelines: Streetscape
Special Requirements for Developments in R9 and R10 Districts and
Special Requirements for Developments with Private Roads

26-00

Applicability of this Chapter

The regulations of this Chapter shall apply to:

- (a) #Developments# in R9 and R10 Districts constructed after April 21, 1977, as set forth in Section 26-10 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN

~~R9 AND R10 DISTRICTS). However, the provisions of Section 26-10 shall not apply within any Special Purpose District for to any #building developed# or #enlarged# pursuant to the Quality Housing Program, and~~

- (b) ~~#Developments# in R3, R4 and R5 Districts, containing #private roads# constructed after (the effective date of this amendment), as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS), except where such #developments# consist entirely of #single-family detached residences#~~

(Section 26-01 is moved and renumbered 26-12)

26-0210

Applicability of this Chapter ~~SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS~~

The regulations of this Chapter shall apply to all #developments# constructed after April 21, 1977, within R9 and R10 Districts. However, this Chapter shall not apply within any Special Purpose District, nor shall it apply to any #development# pursuant to the Quality Housing Program., except as otherwise set forth herein.

An application to the Department of Buildings for a permit respecting any new #development# shall include a plan and an elevation, drawn to a scale of at least one sixteenth inch to a foot, of the new #building# and #buildings# on #contiguous lots# or #contiguous blocks# showing #arcades#, #street wall# articulation, curb cuts, #street# trees, sidewalk paving, a central refuse storage area and such other necessary information as may be required by the Commissioner of Buildings.

26-0011

GENERAL PURPOSES General Purposes

* * *

26-0412

General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of this Chapter ~~Section 26-10~~, the regulations of this Chapter ~~Sections 26-13 through 26-17~~ inclusive are intended to:

- (a) guide the location of arcades to assure horizontal continuity of new developments with existing building arcades and to maintain visual continuity at street level;
- (b) require transparency and/or articulation of front walls to improve the visual quality of the street;

- (c) provide for street tree planting in order to enhance the visual character of the neighborhood;
- (d) require decorative paving to improve the quality of the street environment;
- (e) limit the number and location of curb cuts, minimizing undue conflict between pedestrian and vehicular movements; and
- (f) eliminate trash on sidewalks by requirement central refuse storage areas within the zoning lot.

26-0313

Definitions

~~For the purposes of Sections 26-10 through 26-17, inclusive, the following definitions shall apply:~~

Development

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

Contiguous lot

~~For the purposes of this Chapter, a #contiguous lot# is a #zoning lot# which shares a common #side lot line# with the #zoning lot# of the #development#.~~

Contiguous block

~~For the purpose of this Chapter, a #contiguous block# is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the new #development#.~~

26-0414

Horizontal Continuity

* * *

26-041141
Arcades

* * *

26-042142
Street tree planting

* * *

26-043143
Street wall articulation

* * *

26-0515
Curb Cuts

* * *

26-0616
Central Refuse Storage Area

* * *

26-0717
Streetscape Modifications

* * *

26-20

SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS

To provide for the orderly development of #residences# that are distant from #streets#, site planning requirements are established in Sections 26-20 through 26-27, inclusive, for #developments# in R3, R4 and R5 Districts containing #private roads# constructed after (the effective date of this amendment), except where such #developments# consist entirely of #single-family detached residences#.

The regulations of this Section are intended to:

- (a) optimize vehicular access within a #development# containing #private roads#;
- (b) regulate the size of and distance between curb cuts to minimize undue conflict between pedestrian and vehicular movement;
- (c) provide for sidewalks to facilitate social interaction and enhance pedestrian safety;

and!

- (d) provide for tree planting along #private roads# in order to enhance the visual and environmental character of the neighborhood!

26-21

Requirements for Private Roads

A #private road# shall consist of a paved road bed with a minimum width of 38 feet from curb to curb along its entire length, except as may be increased by the Fire Department pursuant to Section 26-26 (Fire Department Review) or modified by the City Planning Commission pursuant to Section 26-27 (Modification and Waiver Provisions). However, the entrance to any #group parking facility# may be less than 38 feet in width for a distance not to exceed 20 feet. Furthermore, #private roads# may contain landscaped medians provided the paved area of such #private road# is at least 38 feet in width exclusive of such medians!

26-22

Requirements for Curbs and Curb Cuts

Curbs shall be provided along each side of the entire length of a #private road#!

A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#. Curb cuts providing access from #private roads# to parking spaces located outside the road bed of the #private road# shall not exceed a width of 18 feet, including splays!

A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts!

26-23

Requirements for Planting Strips

A minimum three-foot wide planting strip shall be provided adjacent to and along the entire length of the required curb. Within the required planting strip, one tree of at least three inches in caliper shall be planted for every 25 feet of length of such planting strip!

Driveways are permitted to traverse such planting strips, and utilities are permitted to be located within such planting strips!

26-24

Requirements for Sidewalks

A minimum four-foot wide paved sidewalk shall be provided adjacent to and along the entire length of the required planting strips. However, no sidewalk shall be required along that side of a #private road# that does not have a building wall facing it.

26-25

Requirements for Open Areas Between Required Sidewalks and Buildings

An area open to the sky, at least five feet in depth shall be provided between a required sidewalk and any #building#, except that any driveway or parking space located within such open area shall have a depth of at least 18 feet measured perpendicular to such sidewalk. Such open area shall be planted, except for parking spaces and entry ways to #buildings#. Where an open area at least 18 feet in depth is required, overhangs of #buildings# above the first #story# that project not more than three feet into the required open area are permitted, provided the lowest level of the overhang is at least seven feet above grade at the face of the #building#. Supports for such overhang are permitted, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the overhang.

26-26

Fire Department Review

No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include an increase in the required amount of paved roadway.

26-27

Modification and Waiver Provisions

The City Planning Commission may, by authorization, allow modifications to or waivers of the requirements of this Section 26-20, inclusive, provided that:

- (a) such modifications or waivers will enhance the design quality of the #development#;
- (b) any decrease in the required width of the paved road bed is in conjunction with a superior parking plan that would not be feasible with a wider road bed, and
- (c) any decrease in the required width of the paved road bed will result in the preservation of existing natural features or a superior landscaping plan than would not be feasible with a wider road bed.

The approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition precedent for any modification or

waiver

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Chapter 7
Special Regulations

* * *

37-10

Applicability of Article II, Chapter 63 to Developments with Private Roads

In C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts, the provisions of Section 26-20 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS) shall apply to any #development# containing a #private road#. In addition, the open area between buildings and sidewalks required pursuant to Section 26-25 need not be planted where such open areas front upon #commercial uses#.

* * *

Article VII
Chapter 3
Special Permits by the Board of Standards and Appeals

* * *

73-69

Developments in Unimproved Streets

In all districts, where #development# consists in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, the Board of Standards and Appeals may permit the waiver of #bulk# regulations affected by such #streets# where such #development# would be #non-complying# absent such waiver, provided the Board of Standards and Appeals has prescribed conditions pursuant to Section 35 of the General City Law which require the portion of the #development# to be located within the unimproved #streets# to be compliant and conforming to the provisions of this Resolution, and provided such #development# does not contain #private roads#. Such waivers shall only be so necessary to address #non-compliance# resulting from the location of the #development# within and outside the unimproved #streets#, and the #development# as a whole shall comply to the maximum extent feasible with all applicable zoning regulations as if such unimproved #streets# were not mapped.

* * *

Article VII
Chapter 4

Special Permits by the City Planning Commission

* * *

74-97

Waiver of Bulk Regulations for Developments within Unimproved Streets

in R3, R4 and R5 Districts, and in C1 and C2 Districts, mapped within R3, R4 and R5 Districts, and in C3 Districts, for #developments# with #private roads#, consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, the City Planning Commission may permit the waiver of #bulk# regulations affected by such #streets# where such #development# would be #non-complying# absent such waiver, provided the Board of Standards and Appeals has prescribed conditions pursuant to Section 35 of the General City Law which require the portion of the #development# to be located within the unimproved #streets# to be compliant and conforming to the provisions of this Resolution. Such waivers shall only be so necessary to address #non-compliance# resulting from the location of the #development# within and outside the unimproved #streets#. The City Planning Commission shall find that the unimproved #streets# are not necessary for present or future transportation needs, that through the grant of such waivers, the #development# complies to the maximum extent feasible with all applicable zoning regulations as if such unimproved #streets# were not mapped, and that the #private street# system results in a good site plan.

(On September 25, 2001, Cal. No. 36, the Commission scheduled October 10, 2001 for a public hearing. On October 10, 2001, Cal. No. 36, the hearing was closed. On November 7, 1001, Cal. No. 42, the item was laid over. On November 21, 2001, Cal. No. 37, the item was laid over.)

For consideration.

IV. CITY PLANNING COMMISSION 2001 SCHEDULE OF MEETINGS
January 1 to June 30

	SUN	MON	TUE	WED	THU	FRI	SAT	Notes
JANUARY			1 NEW YEAR'S DAY	* 2 REVIEW SESSION	3	4	5	*Review Session will be held on Wednesday, January 2nd only if necessary. **Review Session will be held on Tuesday, January 22nd
	6	7 REVIEW SESSION	8	9 CPC PUBLIC MEETING	10	11	12	
	13	14	15	16	17	18	19	
	20	21 MARTIN LUTHER KING, JR. DAY	** 22 REVIEW SESSION	CPC 23 PUBLIC MEETING	24	25	26	
	27	28	29	30	31			
FEBRUARY						1	2	*Review Session will be held on Tuesday, February 19th
	3	4 REVIEW SESSION	5	CPC 6 PUBLIC MEETING	7	8	9	
	10	11	12	13 ASH WEDNESDAY	14	15	16	
	17	18 WASHINGTON BIRTHDAY OBSERVED	* 19 REVIEW SESSION	CPC 20 PUBLIC MEETING	21	22	23	
	24	25	26	27	28			
MARCH						1	2	
	3	4 REVIEW SESSION	5	CPC 6 PUBLIC MEETING	7	8	9	
	10	11	12	13	14	15	16	
	17	18 REVIEW SESSION	19	CPC 20 PUBLIC MEETING	21	22	23	
	24 ST. PATRICK'S DAY TALK SUNDAY 31 EASTER	25	26	27	28 PASSOVER	29 GOOD FRIDAY	30	
APRIL			1	2 CPC PUBLIC MEETING	3	4	5	
	7	8	9	10	11	12	13	
	14	15 REVIEW SESSION	16	CPC 17 PUBLIC MEETING	18	19	20	
	21	22	23	24	25	26	27	
	28	29 REVIEW SESSION	30					
MAY				CPC 1 PUBLIC MEETING	2	3	4	*Review Session will be held on Tuesday, May 28th
	5	6	7	8	9	10	11	
	12	13 REVIEW SESSION	14	CPC 15 PUBLIC MEETING	16	17	18	
	19	20	21	22	23	24	25	
	26	27 MEMORIAL DAY OBSERVED	* 28 REVIEW SESSION	CPC 29 PUBLIC MEETING	30	31		
JUNE							1	
	2	3	4	5	6	7	8	
	9	10 REVIEW SESSION	11	CPC 12 PUBLIC MEETING	13	14	15	
	16	17	18	19	20	21	22	
	23	24 REVIEW SESSION	25	CPC 26 PUBLIC MEETING	27	28	29	

Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 P.M.
Until further notice, Public Meetings will be held in Spector Hall at 22 Reade Street starting at 10:00 A.M.