

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, JANUARY 9, 2008
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

**Yvette V. Gruel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
1	C 080096 HUM	11	KINGSGATE HOUSE	Scheduled to be Heard 1/30/08
2	C 080097 HAM	11	" "	" "
3	C 080099 ZMM	9,10,11	125 TH STREET PLAN	" "
4	C 080099(A) ZMM	9,10,11	" "	" "
5	C 080100 ZRM	9,10,11	" "	" "
6	C 080100(A) ZRM	9,10,11	" "	" "
7	C 070551 HAK	7	4213-4223 SECOND AVENUE	Favorable Report Adopted
8	N 080120 BDK	6, 7	PARK SLOPE BID	" "
9	N 080196 HKK	14	FLATBUSH DISTRICT #1 SCHOOL LANDMARK	Forward Report to City Council
10	C 080043 HAM	10	FREDERICK DOUGLASS BOULEVARD	Favorable Report Adopted
11	C 080044 PQM	10	" "	" "
12	C 080054 ZSM	7	THE PHILLIPS CLUB	" "
13	C 070055 ZSM	2	309 CANAL STREET	" "
14	C 070338 ZSM	8	400 EAST 67 TH STREET GARAGE	" "
15	C 040054 ZSM	2	115 WOOSTER STREET	" "
16	C 070451 PCQ	12	QUEENS CENTRAL LIBRARY ANNEX	" "
17	N 050519 RAR	3	HYLAN BOULEVARD	Authorization Approved

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		7	8	9	10	11	12	13	14	15	16	17			
Amanda M. Burden, AICP, Chair	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Angela M. Battaglia	A														
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Alfred C Cerullo, III	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Betty Chen	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Maria M. Del Toro	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Richard W. Eaddy	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Nathan Leventhal	A														
Shirley A. McRae	P	AB	AB	AB	AB	AB	AB	AB	AB	AB	AB	AB			
John Merolo	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Karen A. Phillips, Commissioners	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			

MEETING ADJOURNED AT: 12:09 P.M.

Note: Vice Chair Knuckles and Commissioner Cantor Recused on Cal. No. 22

CITY PLANNING COMMISSION DISPOSITION SHEET

PUBLIC MEETING:
WEDNESDAY, JANUARY 9, 2008
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007

Yvette V. Gruel, Calendar Officer
 22 Reade Street, Room 2E
 New York, New York 10007-1216
 (212) 720-3370

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
18	C 060377 ZMK	1	WALLABOUT STREET REZONING	Hearing Closed
19	C 050192 ZMK	4	70 WYCKOFF AVENUE REZONING	" "
20	C 070072 MMK	17,18	AVENUE H. BRIDGE	Hearing Continued to 2/13/08
21	C 070161 ZSM	2	341 CANAL STREET	Hearing Closed
22	C 060525 ZSM	2	SKIDMORE HOUSE	" "
23	C 070499 ZSM	1	THE VISIONAIRE	" "
24	C 060228 ZMQ	1	31 ST STREET REZONING	" "
25	C 080091 HAR	1	STAPLETON COURT	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:														
		In Favor - Y Oppose - N Abstain - AB Recuse - R														
Calendar Numbers:																
Amanda M. Burden, AICP, Chair																
Kenneth J. Knuckles, Esq., Vice Chairman																
Angela M. Battaglia																
Irwin Cantor, P.E.																
Angela R. Cavaluzzi, R.A.																
Alfred C Cerullo, III																
Betty Chen																
Maria M. Del Toro																
Richard W. Eaddy																
Nathan Leventhal																
Shirley A. McRae																
John Merolo																
Karen A. Phillips, Commissioners																

MEETING ADJOURNED AT:

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

CITY PLANNING COMMISSION

WEDNESDAY, JANUARY 9, 2008

**MEETING AT 10:00 A.M. AT SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK**



Michael R. Bloomberg, Mayor

City of New York

[No. 1]

Prepared by Yvette V. Gruel, Calendar Officer

To view the Planning Commission Calendar and/or the Zoning Resolution on the Internet,
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: in Section I, (Scheduling Dates for Future Public Hearings), in Section II, (Reports), and in Section III, (Public Hearings). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

NOTICE--CALENDARS: City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site (www.nyc.gov/planning). The availability of these documents on-line will occur earlier than the current printed documents.

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below. Any individual or organization that would like to receive paper copies of the aforementioned documents will be able to do so at a fee of \$120.00 annually. Please have the 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.

For Calendar Information: call (212) 720-3368, 3369, 3370.

Note to Subscribers: Notify us of change of address including E-mail 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

- AMANDA M. BURDEN, AICP, Chair**
- KENNETH J. KNUCKLES, Esq., Vice Chairman**
- ANGELA M. BATTAGLIA**
- IRWIN G. CANTOR, P.E.**
- ANGELA R. CAVALUZZI, R.A.**
- ALFRED C. CERULLO, III**
- BE TTY Y. CHEN**
- MARIA M. DEL TORO**
- RICHARD W. EADDY**
- NATHAN LEVENTHAL**
- JOHN MEROLO**
- KAREN A. PHILLIPS, Commissioners**
- YVETTE V. GRUEL, Calendar Officer**

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

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

The next regular public meeting of the City Planning Commission is scheduled for January 30, 2008 at the City College of New York, Aaron Davis Hall, 138 Convent Avenue (West 135th Street and Convent Avenue) New York, New York at 9:30 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 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 support of the proposal and those speaking in opposition.

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: _____

JANUARY 9, 2008

**APPROVAL OF MINUTES OF the Regular Meeting of December 19, 2007 and
Special Meeting of January 7, 2008**

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, JANUARY 30, 2008
STARTING AT 9:30 A.M.
CITY COLLEGE OF NEW YORK, AARON DAVIS HALL,
138 CONVENT AVENUE (WEST 135TH STREET AND CONVENT AVENUE)
NEW YORK, NEW YORK**

BOROUGH OF MANHATTAN

Nos. 1 & 2

KINGSGATE HOUSE

No. 1

CD 11

C080096 HUM

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 14th amendment to the Harlem-East Harlem Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area.

The proposed amendment extends the expiration date of the urban renewal plan and removes the density restriction of Site 13.

Resolution for adoption scheduling January 30, 2008 for a public hearing.

No. 2

CD 11

C080097 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 property located at 237, 241, 243, and 247 East 124th Street, and 2417 Second Avenue (Block 1789, Lots 18, 19, 20, 22, and 121), part of Site 13 within the Harlem-East Harlem Urban Renewal Area, as an Urban Development Action Area; and
 - 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 a 12-story, mixed-use building, tentatively known as Kingsgate House, with approximately 185 residential units and commercial space.

Resolution for adoption scheduling January 30, 2008 for a public hearing.

Nos. 3, 4, 5 & 6

125TH STREET PLAN

No. 3

CDs 9, 10 & 11

C 080099 ZMM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 5c, 6a & 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by Broadway, West 125th Street/ Dr. Martin Luther King Jr. Boulevard, and the easterly centerline prolongation of Tiemann Place;
2. changing from an R7-2 District to an R6A District property bounded by a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, a line midway between East 125th Street/ Dr. Martin Luther King Jr. Boulevard and East 124th Street, a line 200 feet westerly of Madison Avenue, East 124th Street, West 124th Street, and a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard;
3. changing from a C4-4 District to an R6A District property bounded by:
 - a. West 126th Street, a line 235 feet westerly of Fifth Avenue, a line midway between West 126th Street and West 125th Street/ Dr. Martin

Luther King Jr. Boulevard, and a line 125 feet easterly of Lenox Avenue– Malcolm X. Boulevard; and

- b. East 126th Street, a line 90 feet westerly of Park Avenue, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 85 feet easterly of Fifth Avenue;
4. changing from an R7-2 District to an R7A District property bounded by West 126th Street, Amsterdam Avenue, a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet westerly of Morningside Avenue, West 126th Street, Morningside Avenue, West 125th Street/ Dr. Martin Luther King Jr. Boulevard and its southeasterly centerline prolongation, and Broadway;
5. changing from an R7-2 District to a C4-4A District property bounded by:
 - a. a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard, West 124th Street, and Lenox Avenue – Malcolm X. Boulevard; and
 - b. a line midway between East 125th Street/ Dr. Martin Luther King Jr. Boulevard and East 124th Street, a line 85 feet easterly of Madison Avenue, East 124th Street, and a line 200 feet westerly of Madison Avenue;
6. changing from a C4-4 District to a C4-4A District property bounded by:
 - a. West 126th Street, a line 275 feet westerly of Adam Clayton Powell Jr. Boulevard, a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 225 feet easterly of Frederick Douglass Boulevard;
 - b. West 126th Street, a line 125 feet easterly of Lenox Avenue– Malcolm X. Boulevard, a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, and Lenox Avenue– Malcolm X. Boulevard; and
 - c. a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 235 feet westerly of Fifth Avenue, West 126th Street, East 126th Street, a line 85 feet easterly of Fifth Avenue, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 90 feet westerly of Park Avenue, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 215 feet westerly of Park Avenue, a line midway between East 125th Street/ Dr. Martin Luther King Jr. Boulevard and East 124th Street, a line midway between West 125th Street/ Dr. Martin Luther

King Jr. Boulevard and West 124th Street, and a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard;

7. changing from a C4-4 District to a C4-4D District property bounded by:
 - a. West 126th Street, a line 225 feet easterly of Frederick Douglass Boulevard, a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, Frederick Douglass Boulevard, West 125th Street/ Dr. Martin Luther King Jr. Boulevard, St. Nicholas Avenue, West 124th Street, Hancock Place, and Morningside Avenue;
 - b. a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, a line 65 feet westerly of Adam Clayton Powell Jr. Boulevard, West 124th Street, and Frederick Douglass Boulevard;
 - c. a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, Lenox Avenue– Malcolm X. Boulevard, West 124th Street, and a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard; and
 - d. a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 115 westerly of Lexington Avenue, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, Lexington Avenue, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, Third Avenue, a line 75 feet southerly of East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 130 feet easterly of Third Avenue, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, Second Avenue, East 124th Street, and a line 90 feet easterly of Park Avenue;
8. changing from a C4-4A District to a C4-4D District property bounded by East 126th Street, Lexington Avenue, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 115 feet westerly of Lexington Avenue;
9. changing from a C4-5 District to a C4-4D District property bounded by West 125th Street/ Dr. Martin Luther King Jr. Boulevard, Frederick Douglass Boulevard, West 124th Street, and St. Nicholas Avenue;
10. changing from an M1-2 District to a C4-4D District property bounded by:
 - a. East 126th Street, a line 115 feet westerly of Lexington Avenue, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 90 feet easterly of Park Avenue; and

- b. East 126th Street, Third Avenue, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and Lexington Avenue;
- 11. changing from a C4-4 District to a C4-7 District property bounded by a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard, West 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 380 feet easterly of Lenox Avenue– Malcolm X. Boulevard;
- 12. changing from a C4-4 District to a C6-3 District property bounded by:
 - a. West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard, a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard, West 124th Street, a line 65 feet westerly of Adam Clayton Powell Jr. Boulevard, a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, and Frederick Douglass Boulevard; and
 - b. East 126th Street, the westerly boundary line of the New York Central Railroad Right-of-Way, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 90 feet easterly of Park Avenue, East 124th Street, the westerly boundary line of the New York Central Railroad Right-of-Way, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 90 feet westerly of Park Avenue;
- 13. changing from an M1-2 District to a C6-3 District property bounded by East 126th Street, a line 90 feet easterly of Park Avenue, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and the westerly boundary line of the New York Central Railroad Right-of-Way;
- 14. establishing within an existing R7-2 District a C2-4 District bounded by West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line perpendicular to the southerly street line of West 125th Street/ Dr. Martin Luther King Jr. Boulevard distant 340 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of Broadway and southerly street line of West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet southerly of West 125th Street/ Dr. Martin Luther King Jr. Boulevard, and the easterly centerline prolongation of Tiemann Place, and Broadway; and
- 15. establishing a Special 125th Street District (125) bounded by West 126th Street, Amsterdam Avenue, a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet westerly of Morningside Avenue, West 126th Street, East 126th Street, Third Avenue, a line

75 feet southerly of East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 130 feet easterly of Third Avenue, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, Second Avenue, East 124th Street, West 124th Street, Morningside Avenue, a line 100 feet southerly of West 125th Street/ Dr. Martin Luther King Jr. Boulevard and its southeasterly centerline prolongation, the easterly centerline prolongation of Tiemann Place, and Broadway;

as shown on a diagram (for illustrative purposes only) dated October 1, 2007, and subject to the conditions of CEQR Declaration E-201.

Resolution for adoption scheduling January 30, 2008 for a public hearing.

No. 4

CDs 9, 10 & 11

C 080099(A) ZMM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for an amendment of the Zoning Map, Section Nos. 5c, 6a & 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by Broadway, West 125th Street/ Dr. Martin Luther King Jr. Boulevard, and the easterly centerline prolongation of Tiemann Place;
2. changing from an R7-2 District to an R6A District property bounded by a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, a line midway between East 125th Street/ Dr. Martin Luther King Jr. Boulevard and East 124th Street, a line 200 feet westerly of Madison Avenue, East 124th Street, West 124th Street, and a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard;
3. changing from a C4-4 District to an R6A District property bounded by:
 - a. West 126th Street, a line 235 feet westerly of Fifth Avenue, a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 125 feet easterly of Lenox Avenue– Malcolm X. Boulevard; and
 - b. East 126th Street, a line 90 feet westerly of Park Avenue, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 85 feet easterly of Fifth Avenue;

4. changing from an R7-2 District to an R7A District property bounded by West 126th Street, Amsterdam Avenue, a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet westerly of Morningside Avenue, West 126th Street, Morningside Avenue, West 125th Street/ Dr. Martin Luther King Jr. Boulevard and its southeasterly centerline prolongation, and Broadway;
5. changing from an R7-2 District to a C4-4A District property bounded by:
 - a. a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard, West 124th Street, and Lenox Avenue – Malcolm X. Boulevard; and
 - b. a line midway between East 125th Street/ Dr. Martin Luther King Jr. Boulevard and East 124th Street, a line 85 feet easterly of Madison Avenue, East 124th Street, and a line 200 feet westerly of Madison Avenue;
6. changing from a C4-4 District to a C4-4A District property bounded by:
 - a. West 126th Street, a line 275 feet westerly of Adam Clayton Powell Jr. Boulevard, a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 225 feet easterly of Frederick Douglass Boulevard;
 - b. West 126th Street, a line 125 feet easterly of Lenox Avenue– Malcolm X. Boulevard, a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, and Lenox Avenue– Malcolm X. Boulevard; and
 - c. a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 235 feet westerly of Fifth Avenue, West 126th Street, East 126th Street, a line 85 feet easterly of Fifth Avenue, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, Madison Avenue, a line midway between East 125th Street/ Dr. Martin Luther King Jr. Boulevard and East 124th Street, a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, and a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard;
7. changing from a C4-4 District to a C4-4D District property bounded by:
 - a. West 126th Street, a line 225 feet easterly of Frederick Douglass Boulevard, a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, Frederick Douglass Boulevard, West 125th Street/ Dr. Martin Luther King Jr. Boulevard, St.

Nicholas Avenue, West 124th Street, Hancock Place, and Morningside Avenue;

- b. a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, a line 65 feet westerly of Adam Clayton Powell Jr. Boulevard, West 124th Street, and Frederick Douglass Boulevard;
 - c. a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, Lenox Avenue– Malcolm X. Boulevard, West 124th Street, and a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard;
 - d. a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 90 feet westerly of Park Avenue, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 215 feet westerly of Park Avenue, a line midway between East 125th Street/ Dr. Martin Luther King Jr. Boulevard and East 124th Street, and Madison Avenue; and
 - e. a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 115 feet westerly of Lexington Avenue, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, Lexington Avenue, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, Third Avenue, a line 75 feet southerly of East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 130 feet easterly of Third Avenue, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, Second Avenue, East 124th Street, and a line 90 feet easterly of Park Avenue;
8. changing from a C4-4A District to a C4-4D District property bounded by East 126th Street, Lexington Avenue, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 115 feet westerly of Lexington Avenue;
 9. changing from a C4-5 District to a C4-4D District property bounded by West 125th Street/ Dr. Martin Luther King Jr. Boulevard, Frederick Douglass Boulevard, West 124th Street, and St. Nicholas Avenue;
 10. changing from an M1-2 District to a C4-4D District property bounded by:
 - a. East 126th Street, a line 115 feet westerly of Lexington Avenue, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 90 feet easterly of Park Avenue; and

- b. East 126th Street, Third Avenue, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and Lexington Avenue;
- 11. changing from a C4-4 District to a C4-7 District property bounded by a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard, West 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 380 feet easterly of Lenox Avenue– Malcolm X. Boulevard;
- 12. changing from a C4-4 District to a C6-3 District property bounded by:
 - a. West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard, a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard, West 124th Street, a line 65 feet westerly of Adam Clayton Powell Jr. Boulevard, a line midway between West 125th Street/ Dr. Martin Luther King Jr. Boulevard and West 124th Street, and Frederick Douglass Boulevard; and
 - b. East 126th Street, the westerly boundary line of the New York Central Railroad Right-of-Way, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 90 feet easterly of Park Avenue, East 124th Street, the westerly boundary line of the New York Central Railroad Right-of-Way, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and a line 90 feet westerly of Park Avenue;
- 13. changing from an M1-2 District to a C6-3 District property bounded by East 126th Street, a line 90 feet easterly of Park Avenue, a line midway between East 126th Street and East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and the westerly boundary line of the New York Central Railroad Right-of-Way;
- 14. establishing within an existing R7-2 District a C2-4 District bounded by West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line perpendicular to the southerly street line of West 125th Street/ Dr. Martin Luther King Jr. Boulevard distant 340 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of Broadway and southerly street line of West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet southerly of West 125th Street/ Dr. Martin Luther King Jr. Boulevard, and the easterly centerline prolongation of Tiemann Place, and Broadway; and
- 15. establishing a Special 125th Street District (125) bounded by West 126th Street, Amsterdam Avenue, a line midway between West 126th Street and West 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet westerly of Morningside Avenue, West 126th Street, East 126th Street, Third Avenue, a line

75 feet southerly of East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 130 feet easterly of Third Avenue, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, Second Avenue, East 124th Street, West 124th Street, Morningside Avenue, a line 100 feet southerly of West 125th Street/ Dr. Martin Luther King Jr. Boulevard and its southeasterly centerline prolongation, the easterly centerline prolongation of Tiemann Place, and Broadway;

as shown on a diagram (for illustrative purposes only) dated December 19, 2007, and subject to the conditions of CEQR Declaration E-201.

Resolution for adoption scheduling January 30, 2008 for a public hearing.

No. 5

CDs 9, 10 & 11

N 080100 ZRM

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, concerning Article IX, Chapter 7 (Special 125th Street District), establishing a special district in the Borough of Manhattan, Community Districts 9, 10 and 11, and modifying related regulations.

Matter in Graytone or Underlined is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution
[5 18 07]

* * *

**ARTICLE I
GENERAL PROVISIONS**

* * *

**11-12
Establishment of Districts**

* * *

Establishment of the Special 125th Street District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 7, the Special 125th Street District is hereby established.

Establishment of the Special Battery Park City District

* * *

**12-10
DEFINITIONS**

* * *

Special 125th Street District

The "Special 125th Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply. The #Special 125th Street District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

Special Battery Park City District

* * *

**Chapter 3
Sidewalk Cafe Regulations**

* * *

**14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

* * *

Manhattan	Sidewalk Café#	#Enclosed Sidewalk Café#	#Unenclosed
125 th Street District	Yes	Yes	
Battery Park City District	Yes	Yes	

* * *

**Article II
Residence District Regulations**

* * *

**Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts**

* * *

**23-00
APPLICABILITY AND GENERAL PURPOSES**

* * *

**23-011
Quality Housing Program**

* * *

- (c) The Quality Housing Program shall not apply to:
- (1) Article VII, Chapter 8 (Large Scale Residential Developments);
 - (2) Special Purpose Districts, except the following:

* * *

(viii) the #Special Downtown Brooklyn District#; ~~or~~

(ix) the #Special 125th Street District#; or

* * *

**24-161
Maximum floor area ratio for zoning lots containing community facility and residential uses**

* * *

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan Bk-1, ~~the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program~~ the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

* * *

**35-31
Maximum Floor Area Ratio for Mixed Buildings**

* * *

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

* * *

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, ~~the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.~~ the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90.

ARTICLE IX, CHAPTER 7
(97-00) IS NEW TEXT; IT IS NOT UNDERLINED

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 7
Special 125th Street District

97-00
GENERAL PURPOSES

The “Special 125th Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125th Street as Harlem’s “Main Street” and the role of 125th Street as Upper Manhattan’s premier mixed use corridor;
- (b) to guide development on the 125th Street corridor;
- (c) to expand the retail and commercial character of 125th Street and enhance the area’s role as a major arts, entertainment and cultural destination in the City;
- (d) to support mixed use development through out the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (e) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
- (f) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
- (g) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.

97-01
Definitions

Special 125th Street District (Repeated from Section 12-10)

The "Special 125th Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply. The #Special 125th Street District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

97-02**General Provisions**

In harmony with the general purposes of the #Special 125th Street District# and in accordance with the provisions of this Chapter, the express requirements of the #Special District# shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the Special District. The regulations of the Special District shall supersede, supplement or modify the requirements of the underlying zoning districts on which the Special District is superimposed, except as described in Section 97-05 (Applicability of Special Transit Land Use District Regulations).

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

97-03**District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including the map of the #Special 125th Street District#, is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

97-04**Establishment of Core Subdistrict**

In order to carry out the purposes and provisions of this Chapter, the Core Subdistrict is established within the #Special 125th Street District# and includes specific regulations designed to promote and maintain the establishment of an arts and entertainment-related environment along 125th Street, from Frederick Douglass Boulevard on the west to 545 feet east of Lenox Avenue on the east and from 124th to 126th Streets. The Core Subdistrict is shown on the map of the #Special 125th Street District# in Appendix A of this Chapter.

97-05

Applicability of Special Transit Land Use District Regulations

Wherever the #Special Transit Land Use District# includes an area which also lies within the #Special 125th Street District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications of Section 97-433 (Street wall location).

#Street wall# location requirements for that portion of the #Special Transit Land Use District# that is also within the #Special 125th Street District# are described in paragraph (e) of Section 97-433.

97-10

SPECIAL USE AND LOCATION REGULATIONS

Within the #Special 125th Street District#, for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the locational and access requirements of Sections 97-20, inclusive. On #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet from the 125th Street #street line#.

97-11

Special Arts and Entertainment Uses

In order to sustain the arts and entertainment character of the 125th Street corridor, the following #uses# shall be designated as special arts and entertainment #uses# within the #Special 125th Street District# and shall be permitted to be located anywhere within the #development# or #enlargement# according to the requirements of Section 97-21:

- Art galleries
- Auditoriums
- Bookstores
- Clubs, including music, dance or comedy clubs
- Eating or drinking establishments, with table service only
- Historical exhibits
- Museums
- Music stores
- Performance spaces
- Studios, art, music, dancing or theatrical
- Studios, radio, television or motion picture
- Theaters.

Within the Core Subdistrict, such special arts and entertainment #uses# shall be provided in new #developments# or #enlargements#, pursuant to the provisions of Section 97-12.

97-12

Arts and Entertainment Uses within the Core Subdistrict

Within the Core Subdistrict, as shown on the map in Appendix A of this Chapter, for new #developments# or #enlargements# that contain at least 60,000 square feet of #floor area# and are located on #zoning lots# with frontage on 125th Street, a minimum of five percent of the #floor area# of the #development# or #enlargement# shall contain the arts and entertainment #uses# listed in Section 97-11. Such #uses# shall be accessible from 125th Street.

97-20

Location and Access Regulations

97-21

Location of Arts and Entertainment Uses

Within the #Special 125th Street District#, the arts and entertainment #uses# listed in Section 97-11 may be located anywhere throughout a #building# if one of the following conditions has been met:

- (a) any #residential use# is located on a floor wholly above such non-#residential use#; or
- (b) any non-#residential use# shall be permitted on the same #story# as a #residential use#, provided that:
 - (1) no access exists between any non-#residential use# and #residential use# at any level; and
 - (2) non-#residential uses# are not located directly over any #residential uses#.

Such non-#residential use#, however, may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

97-22

Uses Not Permitted on the Ground Floor of Buildings

Within the #Special 125th Street District#, the #uses# listed in this Section are not permitted at the ground floor level of #developments# and #enlargements# that front upon 125th Street, or within five feet of the as-built level of the adjoining sidewalk. Entranceways and lobby space for access to such #uses# shall comply with the provisions of Section 97-221 (Access to non-ground floor uses).

From Use Group 2:
All #uses#.

From Use Groups 3A and 3B:
All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:
All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:
All #uses#.

From Use Groups 6A, 6B, 6C and 6E:
Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40% of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), electrolysis studios, frozen food lockers, laundry establishments, loan offices, offices or veterinary medicine offices.

From Use Group 6D:
All #uses#.

From Use Group 7:
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:
All #uses#.

From Use Groups 9A, 9B and 9C:
All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:
All #uses#.

Use Groups 12A and 12B:

Trade expositions.

Use Groups 12C and 12D:

All #uses#.

Use Group 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

97-221

Access to non-ground floor uses

Within the Special District, for #uses# listed in Section 97-22 (Uses Not Permitted On Ground Floor Of Buildings), the length of #street# frontage allocated to an entranceway or lobby space shall be no more than 25 linear feet or 40 percent of the #zoning lot#, whichever is less, except that an entranceway or lobby space need not be less than 20 feet.

For a #development# or #enlargement# with more than one entranceway or lobby for non-ground floor #uses#, each entranceway or lobby for such #uses# shall be no more than 25 linear feet and, in the aggregate, shall not exceed 40 percent of the ground floor frontage of the #zoning lot#.

For #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the length of #street# frontage allocated to entranceways or lobby space shall be no more than 40 linear feet of the ground floor frontage of the #zoning lot#.

97-23

Transparency Requirements

For all #uses#, other than houses of worship and libraries, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

97-24

Security Gates

Within the #Special 125th Street District#, all security gates installed after (date of enactment), that are swung, drawn or lowered to secure commercial or community facility

premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

**97-30
SPECIAL SIGN REGULATIONS**

#Signs# for all #uses# within the #Special 125th Street District# shall be subject to the applicable #sign# requirements for #commercial uses# in Section 32-60, subject to the modifications of Sections 97-31 and 97-32.

**97-31
Height of Signs for Arts and Entertainment Uses**

Within the #Special 125th Street District#, all #accessory signs# for arts and entertainment #uses# listed in Section 97-11 may exceed the maximum height listed in Section 32-655 (Height of signs in all other Commercial Districts), provided such #signs# are not higher than 85 feet or the maximum base height of the #building#, whichever is lower. In any event, no such sign shall be located at a height higher than three foot below any floor containing a #residential use#.

**97-32
Marquee Signs**

Notwithstanding the regulations of paragraph (b) of Section 32-653 (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following #uses# located along 125th Street within the #Special 125th Street District# shall be considered places of public assembly permitted to erect a marquee sign on 125th Street above the entrance to such #use#:

- Art galleries
- Auditoriums
- Clubs, including music, dance or comedy clubs
- Eating or drinking establishments with table service only
- Historical exhibits
- Museums
- Performance spaces
- Studios, art, music, dancing or theatrical
- Studios, radio, television or motion picture
- Theaters.

No part of the marquee shall be less than 15 feet above the level of the sidewalk and the height of any portion of the marquee shall be governed by the requirements of Section 97-31. Such marquee shall be supported entirely from the building wall. The marquee may

extend in length up to 10 feet beyond the #street line#, but in no case shall such structure be closer to the curb in plan than three feet.

All marquees shall comply with the construction and maintenance requirements of Title 27, Subchapter 4, Article 9 of the New York City Building Code pertaining to projecting signs, or its successor. In the event of a conflict between the provisions of this Chapter and other regulations of the Administrative Code, the provisions of this Chapter shall apply.

**97-40
SPECIAL BULK REGULATIONS**

Within the #Special 125th Street District#, except as indicated in this Section, inclusive, all #developments# and #enlargements# shall comply with the requirements of Article II, Chapter 8 (Quality Housing) and the applicable #bulk# regulations of the underlying districts.

**97-41
Floor Area Regulations**

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

**97-411
Maximum floor area ratio in C4-4D, C4-7 and C6-3 districts**

In C4-4D, C4-7 or C6-3 Districts within the Special District, the maximum permitted #floor area ratios# for new #developments# or #enlargements# shall be as listed in the following table for #residential#, #commercial# and #community facility uses#, and may be only increased pursuant to Section 97-42 (Floor Area Bonus).

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES			
District	#Residential Floor Area Ratio# (max)	Commercial #Floor Area Ratio# (max)	Community Facility #Floor Area Ratio# (max)
C4-4D	5.4	5.4	6.0

C6-3	6.0	6.0	6.0
C4-7	9.0	10.0	10.0

97-412**Maximum lot coverage in C6-3 districts**

In C6-3 Districts within the Street District, the maximum #lot coverage# for #residential use# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#.

93-413**Lot coverage on small corner lots**

Within the Special District, there shall be no maximum #lot coverage# applied to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

97-42**Floor Area Bonus**

The maximum #floor area ratio# for a #development# or #enlargement# within the #Special 125th Street District# may be increased by a floor area bonus, pursuant to Sections 97-421 and 23-90 (Inclusionary Housing).

97-421**Inclusionary Housing**

Within the Special District, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (Definitions), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus for the provision of affordable housing, on-site or off-site, within the borough of Manhattan, pursuant to the provisions of Section 23-90, inclusive.

97-43**Special Height and Setback Regulations**

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

97-431

Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the Special District, except that the provisions of paragraph (c) shall not apply. In lieu thereof, the following regulations shall apply:

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane# provided that either:

- (a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (b) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

97-432

Height and setback regulations for C4-7 and C6-3 districts

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within the Special District:

- (a) The minimum and maximum base height of the #street wall# and the maximum height of a #development# or #enlargement# shall be modified, as set forth in the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT			
District	Street Wall Height (in feet)		Maximum Building Height (in feet)
	Minimum Height	Base Maximum Height	
C6-3	60	85	160
C4-7	60	85	290

All portions of buildings that exceed a height of 85 feet in C4-7 and C6-3 Districts shall be set back at least 15 feet from the #street line#, except that such setback depth may include the depth of any permitted recess in the #street wall#, according to the provisions of 97-433 (Street wall location).

- (b) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.
- (c) In C4-7 Districts, within 50 feet of the 126th Street frontage on the #block# between Adam Clayton Powell Boulevard and Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #development# or #enlargement# shall be limited to 80 feet.

97-433

Street wall location

In all #commercial districts# within the Special District, the following #street wall# location provisions shall apply along 125th Street and along intersecting #streets# within 50 feet of their intersection with 125th Street:

The #street wall# of any #development# or #enlargement# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions pertaining to the #street# intersections along 125th Street, however, shall be modified, as follows:

- (a) To allow articulation of #street walls# at the intersection of 125th Street and any #street# other than Park Avenue, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

On Park Avenue, within 50 feet of its intersection with 125th Street, the #street wall# may be located anywhere within 15 feet of the Park Avenue #street line#.

- (b) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet and up to the applicable minimum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate length of such recesses does not exceed 30 percent of the length of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.
- (c) All #developments# or #enlargements# shall comply with the #street wall# location and minimum #street wall# height provisions of this Section, except that such requirements shall not apply to any existing #buildings# fronting upon 125th Street that are to remain on the #zoning lot#.
- (d) The requirements of this Section shall not apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line.

97-44

Special Provisions for Zoning Lots Divided by District Boundaries

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125th Street District#, except that within the Core Subdistrict, as shown on the map in Appendix A of this Chapter, if a #through lot# which is completely within the Subdistrict has #street# frontage on 125th Street and is partially within a C4-4D District and partially within a C6-3 District, the #floor area# may be located anywhere on the #zoning lot# without regard to the requirements of Sections 77-22 (Floor Area Ratio).

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125th Street District#, except that for a

#through lot# that is completely within the Core Subdistrict, #floor area# may be located anywhere on the #zoning lot# without regard to the requirements of Section 77-22 (Floor Area Ratio).

97-50

SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The underlying provisions of Article II, Chapter 5, Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-Street Parking and Off-Street Loading Regulations) shall apply within the #Special 125th Street District#, subject to modification by the regulations of this Section, inclusive.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences# shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.

The applicable district regulations for the location of #accessory# off-street parking spaces along 125th Street within the Special District may be modified, so that such facilities may be provided off-site, within the same #zoning district#, but at a distance no greater than 1,200 feet from the zoning lot#.

97-51

Required Accessory Off-Street Residential Parking

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

97-52

Required Accessory Off-Street Commercial Parking

In Commercial Districts within the #Special 125th Street District#, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial uses# in C4-4D Districts.

97-53

Location of Access to the Street

Curb cuts for entrances and exits to #accessory# off-street parking facilities or for loading berths shall not be located on 125th Street or any other #wide street# that intersects with

125th Street, other than under the specific conditions of Sections 97-55 (Certification for access to required uses) and 97-56 (Authorization for access to permitted uses)

Such certification or authorization shall not be required if parking and loading requirements can be met through the provisions of 97-54 (Parking access through residential zoning lots).

**97-54
Parking Access through Residential Zoning Lots**

When a #residential zoning lot# fronts upon either 124th or 126th Street within the #Special 125th Street District# and the #rear lot line# abuts a #zoning lot# that fronts only on 125th Street, and such #zoning lot# has been vacant since (date of enactment), access for parking and loading purposes may be made through such #zoning lot#.

**97-55
Certification for Access to Required Uses**

If access to a required #accessory# residential parking facility or loading berth is not possible because of the requirements of Section 97-53 a curb cut may be allowed if the City Planning Commission certifies to the Commissioner of Buildings that such location is:

- (a) the only possible location for the facility or loading berth;
- (b) not hazardous to traffic safety;
- (c) located not less than 50 feet from the intersection of any two #street lines#; and
- (d) constructed and maintained so as to have a minimal effect on the streetscape.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

**97-56
Authorization for Access to Permitted Parking Facilities or Loading Berths**

The City Planning Commission may authorize curb cuts for the following parking facility or loading berths:

- (a) If access to a permitted #accessory residential# or public parking facility is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #uses#, provided such curb cuts:
 - (1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and
 - (2) will not interfere with the efficient functioning of public transit facilities.
- (b) If access to a permitted loading berth is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #use#, provided:
 - (1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;
 - (2) such maneuvering area is at least equal in size to the area of the loading berth; and
 - (3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

**97-57
Public Parking Facilities**

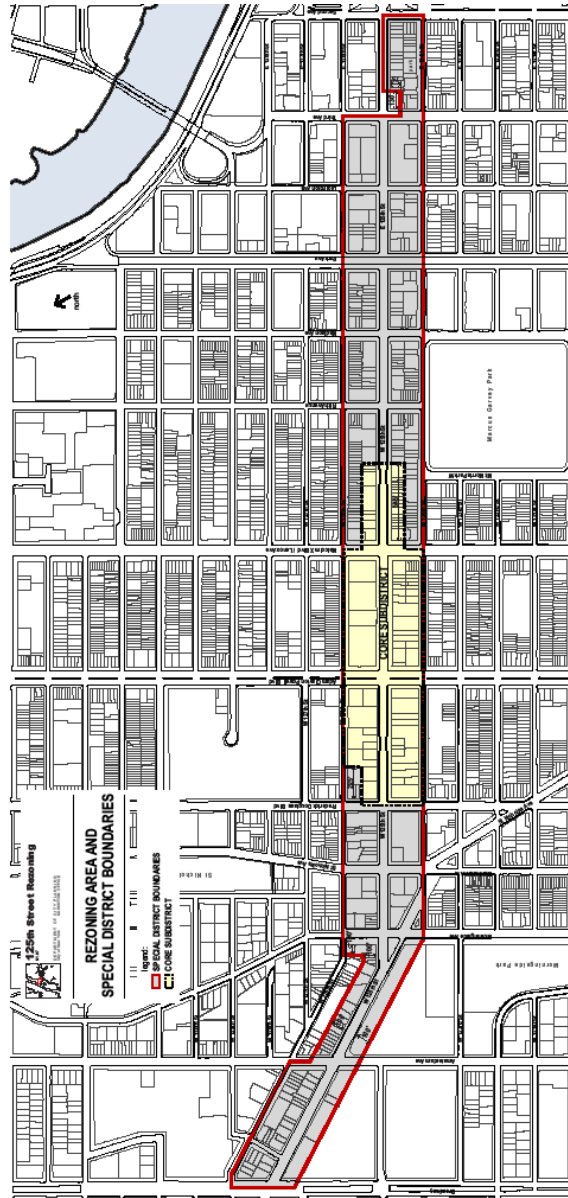
Notwithstanding the special permit regulations of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas), #public parking garages# with 150 spaces or less shall be permitted as-of-right in C4-7 and C6 Districts, subject to the requirements of Section 36-50, inclusive, pertaining to surfacing and screening, and Section 97-53 (Location of Access to the Street). #Public parking garages# with more than 150 spaces shall be subject to the requirements of Sections 74-512 and 74-52.

#Public parking lots# are not permitted on zoning lots with 125th Street frontage between Second Avenue and Broadway.

* * *

Special 125th Street District

**Appendix A
Special 125th Street District Map**



Resolution for adoption scheduling January 30, 2008 for a public hearing.

No. 6

CDs 9, 10 & 11

N 080100(A) ZRM

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, concerning Article IX, Chapter 7 (Special 125th Street District), establishing a special district in the Borough of Manhattan, Community Districts 9, 10 and 11, and modifying related regulations.

Matter in underline is new, to be added

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

Matter within # # is defined in 12-10 or

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

* * *

**ARTICLE I
GENERAL PROVISIONS**

* * *

**11-12
Establishment of Districts**

* * *

Establishment of the Special 125th Street District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 7, the Special 125th Street District is hereby established.

Establishment of the Special Battery Park City District

* * *

**12-10
DEFINITIONS**

* * *

Special 125th Street District

The "Special 125th Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply. The #Special 125th Street District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

Special Battery Park City District

* * *

**Chapter 3
Sidewalk Cafe Regulations**

* * *

**14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

* * *

<u>Manhattan</u>	<u>Sidewalk Café#</u>	<u>#Enclosed Sidewalk Café#</u>	<u>#Unenclosed</u>
125 th Street District	Yes	Yes	
Battery Park City District	Yes	Yes	

* * *

**Article II
Residence District Regulations**

* * *

**Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts**

* * *

**23-00
APPLICABILITY AND GENERAL PURPOSES**

* * *

**23-011
Quality Housing Program**

* * *

(c) The Quality Housing Program shall not apply to:

- (1) Article VII, Chapter 8 (Large Scale Residential Developments)
- (2) Special Purpose Districts, except the following:

* * *

(viii) the #Special Downtown Brooklyn District#; ~~or~~

(ix) the #Special 125th Street District#; or

* * *

**24-161
Maximum floor area ratio for zoning lots containing community facility and residential uses**

* * *

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7X R8 R9 R10
In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan Bk-1, ~~the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program~~ the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

* * *

**35-31
Maximum Floor Area Ratio for Mixed Buildings**

* * *

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

* * *

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, ~~the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.~~ the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90.

* * *

**ARTICLE IX, CHAPTER 7
(97-00) IS NEW TEXT; IT IS NOT UNDERLINED;**

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 7
Special 125th Street District**

**97-00
GENERAL PURPOSES**

The “Special 125th Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125th Street as Harlem’s “Main Street” and the role of 125th Street as Upper Manhattan’s premier mixed use corridor;
- (b) to guide development on the 125th Street corridor;
- (c) to expand the retail and commercial character of 125th Street;
- (d) to provide incentives for the creation of visual and performing arts space and enhance the area’s role as a major arts, entertainment and cultural destination in the City
- (e) to support mixed use development through out the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
- (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
- (h) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.

97-01

Definitions

Special 125th Street District

The "Special 125th Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply. The #Special 125th Street District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

97-02

General Provisions

In harmony with the general purposes of the #Special 125th Street District# and in accordance with the provisions of this Chapter, the express requirements of the #Special District# shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the Special District. The regulations of the Special District shall supersede,

supplement or modify the requirements of the underlying zoning districts on which the Special District is superimposed, except as described in Section 97-05 (Applicability of Special Transit Land Use District Regulations).

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

97-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including the map of the #Special 125th Street District#, is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

97-04

Establishment of Core Subdistrict

In order to carry out the purposes and provisions of this Chapter, the Core Subdistrict is established within the #Special 125th Street District# and includes specific regulations designed to promote and maintain the establishment of an arts and entertainment environment along 125th Street, from Frederick Douglass Boulevard on the west to 545 feet east of Malcolm X Boulevard on the east and from 124th to 126th Streets. The boundaries of the Core Subdistrict are shown on the map of the #Special 125th Street District# in Appendix A of this Chapter.

97-05

Applicability of Special Transit Land Use District Regulations

Wherever the #Special Transit Land Use District# includes an area which also lies within the #Special 125th Street District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications described in paragraphs (e) and (f) of Section 97-433 (Street wall location).

The #Special Transit Land Use District# includes the area within the #Special 125th Street District# bounded by a line 50 feet west of Second Avenue from 124th Street midway to 125th Street where such area widens to a line 100 feet west of Second Avenue.

97-10

SPECIAL USE AND LOCATION REGULATIONS

**97-11
Special Arts and Entertainment Uses**

In order to sustain the arts and entertainment character of the 125th Street corridor, the provisions of this Section shall apply.

- (a) The following #uses# shall be designated as entertainment #uses#:
 - Auditoriums
 - Bookstores
 - Clubs, including music, dance or comedy clubs
 - Eating or drinking establishments, with table service only
 - Music stores
 - Studios, art, music, dancing or theatrical
 - Studios, radio, television or motion picture
- (b) The following #uses# shall be designated as visual or performing arts #uses#:
 - Art galleries
 - Historical exhibits
 - Museums
 - Performance spaces
 - Theaters
- (c) All #uses# designated in this Section shall be permitted to locate anywhere within a #development# or #enlargement# pursuant to the requirements of Section 97-21.
- (d) Within C4-4D, C4-7 and C6-3 Districts, one or more of the visual or performing arts #uses# designated in this Section shall be provided in new #developments# and #enlargements# in order to apply for bonus #floor area# pursuant to the provisions of Section 97-422 (Floor Area Bonus for Arts Uses).

**97-12
Entertainment and Arts Related Use Requirement**

Within the Core Subdistrict, as shown on the map in Appendix A of this Chapter, for new #developments# or #enlargements# that contain at least 60,000 square feet of #floor area# and are located on #zoning lots# with frontage on 125th Street, a minimum of five percent of the #floor area# of the #development# or #enlargement# shall be occupied by one or more of the #uses# designated in Section 97-11 (Special Arts and Entertainment Uses).

**97-20
LOCATION AND ACCESS REGULATIONS**

Within the #Special 125th Street District#, for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the locational and access requirements of Sections 97-20, inclusive. On #through lots# or #corner lots#

with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

97-21

Location and Access of Arts and Entertainment Uses

The designated #uses# listed in Section 97-11 may be located anywhere throughout a #building# that fronts on 125th Street, provided the following conditions are met:

- (a) any such designated #uses# within the Core Subdistrict required pursuant to Section 97-12 are accessed from 125th Street; and
- (b) any #residential use# is located on a floor wholly above any non-#residential use#; or
- (c) any non-#residential use# shall be permitted on the same #story# as a #residential use#, provided that:
 - (1) no access exists between any non-#residential use# and #residential use# at any level; and
 - (2) non-#residential uses# are not located directly over any #residential uses#.

Such non-#residential use#, however, may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

97-22

Uses Not Permitted on the Ground Floor of Buildings

Within the #Special 125th Street District#, the #uses# listed in this Section are not permitted at the ground floor level of #developments# and #enlargements# that front upon 125th Street, within 100 feet from 125th Street, or within five feet of the as-built level of the adjoining sidewalk. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level provided that they comply with the provisions of Section 97-221 (Access to non-ground floor uses).

From Use Group 2:

All #uses#.

From Use Groups 3A and 3B:

All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:

All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:
All #uses#.

From Use Groups 6A, 6B, 6C and 6E:
Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, measured to a depth of 30 feet from 125th Street, except that such frontage need not be less than 20 feet), electrolysis studios, frozen food lockers, laundry establishments, loan offices, offices or veterinary medicine offices.

From Use Group 6D:
All #uses#.

From Use Group 7:
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:
All #uses#.

From Use Groups 9A, 9B and 9C:
All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:
All #uses#.

Use Groups 12A and 12B:
Trade expositions.

Use Groups 12C and 12D:
All #uses#.

Use Group 14A and 14B:
All #uses#, except for bicycle sales, rental or repair shops.

Within the Special District, for #developments# and #enlargements# that are no more than one #story#, a #use# permitted by the regulations of the underlying district shall be allowed.

97-221**Access to non-ground floor uses**

Within the Special District, for #uses# listed in Section 97-22 (Uses Not Permitted On Ground Floor Of Buildings), the length of #street# frontage allocated to an entranceway or lobby space shall be no more than 25 linear feet or 40 percent of the #zoning lot#, whichever is less, except that an entranceway or lobby space need not be less than 20 feet.

For a #development# or #enlargement# with more than one entranceway or lobby for non-ground floor #uses#, each entranceway or lobby for #uses# listed in Section 97-22 shall be no more than 25 linear feet and, in the aggregate, shall not exceed 40 percent of the ground floor frontage of the #zoning lot#.

For #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the length of #street# frontage allocated to entranceways or lobby space for such #uses# shall be no more than 40 linear feet of the ground floor frontage of the #zoning lot#.

97-23**Transparency Requirements**

For all #uses#, other than houses of worship and libraries, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

97-24**Security Gates**

Within the #Special 125th Street District#, all security gates installed after (date of enactment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

97-30**SPECIAL SIGN REGULATIONS**

#Signs# for all #uses# within the #Special 125th Street District# shall be subject to the applicable #sign# requirements in Section 32-60, inclusive, subject to the modifications of Sections 97-31 through 97-34, inclusive.

#Marquee signs# for an arts #use# may be combined, subject to the requirements of Section 32-641 (Total surface area of signs).

In the event of a conflict between the provisions of this Section, 97-30, inclusive, and other regulations of the Administrative Code, the provisions of this Chapter shall apply.

97-31

Definitions

Marquee

A “marquee” is a permanent structure or canopy located above the primary entrance to an arts #use# fronting on 125th Street, that projects over the sidewalk and is attached to, and entirely supported from, the #street wall# of the #building#. The location and dimensions of the #marquee# shall be determined by the requirements of Sections 97-32.

All marquees shall comply with the construction and maintenance requirements of Title 27, Subchapter 4, Article 9, of the New York City Building Code pertaining to projecting signs, or its successor.

Marquee sign

A “marquee sign” is a #sign#, other than an #advertising sign#, mounted on a #marquee# that identifies the arts #use# and provides informational displays about such #use#.

97-32

Accessory Signs for Arts Uses

Notwithstanding the regulations of paragraph (b) of Section 32-653 (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following arts #uses# fronting on 125th Street within the #Special 125th Street District# shall be permitted to erect a #marquee sign# on or above a #marquee#:

- Museums
- Performance spaces
- Theaters.

Flashing #signs# shall not be permitted as #accessory signs# for arts #uses#.

97-33

Location, Height and Width of Marquees and Marquee Signs

For the purposes of this Chapter, #marquees# shall be permitted only above the primary entrance to an arts #use# listed in Section 97-32 and fronting upon 125th Street.

Marquees shall project over the sidewalk no more than 15 feet from the #lot line# and shall be no nearer to the curb than two feet.

(a) Height of #marquees#

The minimum height of a #marquee# or a #marquee sign# shall be three feet; the maximum height for such structure and #sign# shall be five feet. No part of a #marquee# or a #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

(b) Width of #marquees#

The width of a #marquee# or a #marquee sign# shall be no greater than 50 percent of the width of the #building# frontage to which it is attached or 40 feet, whichever is less.

97-34

Vertical Distance above Sidewalk of Marquees and Marquee Signs

The minimum vertical distance from the sidewalk for a #marquee# shall be 12 feet; the maximum vertical distance above the sidewalk for such #sign# shall be 20 feet.

Notwithstanding the provisions of paragraph (b) of Section 32-653 (Additional regulations for projecting signs), additional #signs# may be displayed on a #marquee#, provided such #sign# is no more than two feet above the #marquee#.

No #marquee# or #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

97-40

SPECIAL BULK REGULATIONS

Within the #Special 125th Street District#, except as set forth in this Section, inclusive, all #developments# and #enlargements# shall comply with the requirements of Article II, Chapter 8 (Quality Housing) and the applicable #bulk# regulations of the underlying districts, except as modified in this Section, inclusive.

97-41

Floor Area Regulations

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

97-411

Maximum floor area ratio in C4-4D, C4-7 and C6-3 Districts

In C4-4D, C4-7 or C6-3 Districts within the Special District, the maximum permitted #floor area ratios# for new #developments# or #enlargements# shall be as listed in the following table for #residential#, #commercial# and #community facility uses#, and may only be increased pursuant to Section 97-42 (Floor Area Bonuses).

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES			
District	#Residential Floor Area Ratio# (max)	Commercial #Floor Area Ratio# (max)	Community Facility #Floor Area Ratio# (max)
C4-4D	5.4	4.0	6.0
C4-7	9.0	10.0	10.0
C6-3	6.0	6.0	6.0

97-42

Floor Area Bonuses

The maximum #floor area ratio# for a #development# or #enlargement# within the #Special 125th Street District# may be increased by a floor area bonus, pursuant to Sections 97-421 and 23-90 (Inclusionary Housing) or 97-422 (Floor Area Bonus for Visual or Performing Arts Uses), which may be used concurrently.

97-421

Inclusionary Housing

Within the #Special 125th Street District#, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (Definitions), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be

increased by an Inclusionary Housing bonus for the provision of affordable housing, on-site or off-site, pursuant to the provisions of Sections 23-90, inclusive.

97-422

Floor area bonus for visual or performing arts uses

In C4-4D, C4-7 or C6-3 Districts within the #Special 125th Street District#, the maximum #floor area ratio# for #residential# and #commercial uses# listed in Section 97-411 for a new #development# or #enlargement# with frontage on 125th Street, may be increased by four square feet for each square foot of #floor area# committed to the provision of those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), up to the maximum #floor area ratio# specified in the following table, upon meeting the requirements for certification set forth in Section 97-423.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) WITH FLOOR AREA BONUS FOR ARTS USES FOR RESIDENTIAL AND COMMERCIAL USES				
District	#Residential Floor Area Ratio# (max)		Commercial #Floor Area Ratio# (max)	
	Base FAR	Maximum FAR	Base FAR	Maximum FAR
C4-4D	5.4	7.2	4.0	5.4
C4-7	9.0	12.0	10.0	12.0
C6-3	6.0	8.0	6.0	8.0

97-423

Certification for floor area bonus for visual or performing arts uses

The #floor area# bonus provisions of Section 97-422 shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

- (a) Drawings have been provided that clearly designate all #floor area# for any new visual or performing arts #uses# for which a bonus is to be received pursuant to Section 97-422. Such drawings shall be of sufficient detail to show that such

visual or performing arts space shall be designed, arranged and used for the exhibition of visual arts or the presentation of live drama, music, dance, interactive or multidisciplinary performances and the rehearsals associated with such performances. Such drawings shall indicate that a maximum of 40 percent of such bonus #floor area# shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory use# occupies more than 25 percent of the total bonused #floor area#. #Accessory uses# shall include but are not limited to educational and classroom space, rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and theater equipment space;

- (b) Drawings have been provided that show all bonused #floor area# occupied by visual or performing arts #uses# is to be located at or above ground level and accessed from 125th Street. Drawings shall also show that signage is to be provided at the 125th Street entrance that identifies the visual or performing arts facility and its primary #use#;
- (c) A signed lease has been provided from the prospective operator of the visual or performing arts space, or a written commitment from the owner of such space, if such owner is also the operator, for occupancy of such space, and its operation as a visual or performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;
- (d) A letter from the Department of Cultural Affairs has been submitted certifying that:
 - (1) the proposed operator of the visual or performing arts space is a bona-fide non-profit organization;
 - (2) the proposed operator of the visual or performing arts space has the fiscal and managerial capacity to successfully operate such space;
 - (3) the proposed operator of the visual or performing arts space will have a program of regularly scheduled presentations that are open to the public;
 - (4) preliminary design plans have been provided from the applicant to the Department of Cultural Affairs for the new visual or performing arts space, which shall include sufficient detail regarding core, shell, structural, mechanical, electrical, plumbing and HVAC systems necessary to ensure that such visual or performing arts space will operate efficiently for its intended use; and
 - (5) a written commitment from the applicant has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work;

- (e) A legal commitment has been provided for inspection and ongoing maintenance of the visual or performing arts space to ensure its continued availability for #use# as a visual or performing arts space by the operator, as identified in paragraphs (a) through (d) of this Section. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Commissioner of the Department of Cultural Affairs and the Chairperson of the City Planning Commission. Such report shall identify the operator utilizing the space, describe the condition of the space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of such space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and
- (f) A legal commitment has been provided for continuance of the #use# of all #floor area# for which a bonus has been received, pursuant to this Section, as a visual or performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of the Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of paragraph (d) of this Section have been met as to the proposed operator. An #adult establishment# #use# shall be prohibited for the life of the related #development#

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the visual or performing arts space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the Chairperson of the City Planning Commission under the terms of such declaration, and receipt of a certified copy of such declaration shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete, which shall, for this purpose, mean that such visual or performing arts space is usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any Temporary or Final Certificate of Occupancy for the #building#.

**97-43
Special Lot Coverage Regulations**

The maximum #lot coverage# for #residential use# in C6-3 Districts within the #Special 125th Street District# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#.

Within the Special District, there shall be no maximum #lot coverage# applied to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

**97-44
Special Height and Setback Regulations**

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

The provisions of paragraph (b) of Section 23-663 (Required rear setbacks for tall buildings in other districts) shall not be applicable within the Special District.

**97-441
Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the Special District, except that the provisions of paragraph (c) shall not apply. In lieu thereof, the following regulations shall apply:

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane# provided that either:

- (a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (b) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

97-442

Height and setback regulations for C4-7 and C6-3 districts

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within the Special District:

- (a) The minimum and maximum base height of the #street wall# and the maximum height of a #development# or #enlargement# shall be modified, as set forth in the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT						
District	Street Wall Height (in feet)				Maximum Building Height (in feet)	
	Minimum Height	Base	Maximum Height	Base		
C4-7	60		85		290	
C6-3	60		85		160	

All portions of buildings that exceed a height of 85 feet in C4-7 and C6-3 Districts shall be set back at least 15 feet from the #street line#, except that such setback depth may include the depth of any permitted recess in the #street wall#, according to the provisions of 97-433 (Street wall location).

- (b) In C4-7 Districts, within 50 feet of the 126th Street frontage on the #block# between Adam Clayton Powell Boulevard and Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #development# or #enlargement# shall be limited to 80 feet.
- (c) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

**97-443
Street wall location**

In all #Commercial Districts# within the #Special 125th Street District#, the #street wall# of any #development# or #enlargement# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions shall be modified, as follows:

- (a) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection;
- (b) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection;
- (c) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate length of such recesses does not exceed 30 percent of the length of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.
- (d) All #developments# or #enlargements# shall comply with the #street wall# location and minimum #street wall# height provisions of this Section, except that such requirements shall not apply to any existing #buildings# that are to remain on the #zoning lot#.
- (e) For any #development# or #enlargement# within the #Special 125th Street District# that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the residential portion of such #development# or #enlargement# may be subject to the R8A #streetwall# requirements and the commercial portion of such #development# or #enlargement# may be subject to the C4-4D #street wall# requirements in lieu of the requirements of this Section.
- (f) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot#

need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.

97-44

Special Provisions for Zoning Lots Divided by District Boundaries

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125th Street District#, except that for a #through lot# that is completely within the Core Subdistrict, #floor area# may be located anywhere on the #zoning lot# without regard to the requirements of Section 77-22 (Floor Area Ratio).

97-50

SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The underlying provisions of Article II, Chapter 5, Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-Street Parking and Off-Street Loading Regulations) shall apply within the #Special 125th Street District#, subject to modification by the regulations of this Section, inclusive.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences# shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.

The applicable district regulations for the location of #accessory# off-street parking spaces along 125th Street within the Special District may be modified, so that such facilities may be provided off-site, within a #Commercial District#, but at a distance no greater than 1,200 feet from the zoning lot#.

97-51

Required Accessory Off-Street Residential Parking

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

97-52

Required Accessory Off-Street Commercial Parking

In Commercial Districts within the #Special 125th Street District#, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET

LOADING REGULATIONS) , inclusive, except that no #accessory# parking spaces shall be required for #commercial uses# in C4-4D Districts.

97-53

Location of Access to the Street

Curb cuts for entrances and exits to #accessory# off-street parking facilities or for loading berths shall not be located on 125th Street or any other #wide street# that intersects with 125th Street, other than under the specific conditions of Sections 97-55 (Certification for access to required uses) and 97-56 (Authorization for access to permitted uses)

Such certification or authorization shall not be required if parking and loading requirements can be met through the provisions of 97-54 (Parking access through residential zoning lots).

97-54

Parking Access through Residential Zoning Lots

When a #residential zoning lot# fronts upon either 124th or 126th Street within the #Special 125th Street District# and the #rear lot line# abuts a #zoning lot# that fronts only on 125th Street, and such #zoning lot# has been vacant since (date of enactment), access for parking and loading purposes may be made through such #zoning lot#.

97-55

Certification for Access to Required Uses

If access to a required #accessory# residential parking facility or loading berth is not possible because of the requirements of Section 97-53 a curb cut may be allowed if the City Planning Commission certifies to the Commissioner of Buildings that such location is:

- (a) the only possible location for the facility or loading berth;
- (b) not hazardous to traffic safety;
- (c) located not less than 50 feet from the intersection of any two #street lines#; and
- (d) constructed and maintained so as to have a minimal effect on the streetscape.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

97-56

Authorization for Access to Permitted Parking Facilities or Loading Berths

The City Planning Commission may authorize curb cuts for the following parking facility or loading berths:

- (a) If access to a permitted #accessory residential# or public parking facility is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #uses#, provided such curb cuts:
 - (1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and
 - (2) will not interfere with the efficient functioning of public transit facilities.
- (b) If access to a permitted loading berth is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #use#, provided:
 - (1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;
 - (2) such maneuvering area is at least equal in size to the area of the loading berth; and
 - (3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

97-57 Public Parking Facilities

Notwithstanding the special permit regulations of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas), #public parking garages# with 150 spaces or less shall be permitted as-of-right in C4-7 and C6 Districts, subject to the requirements of Section 36-50, inclusive, pertaining to surfacing and screening, and

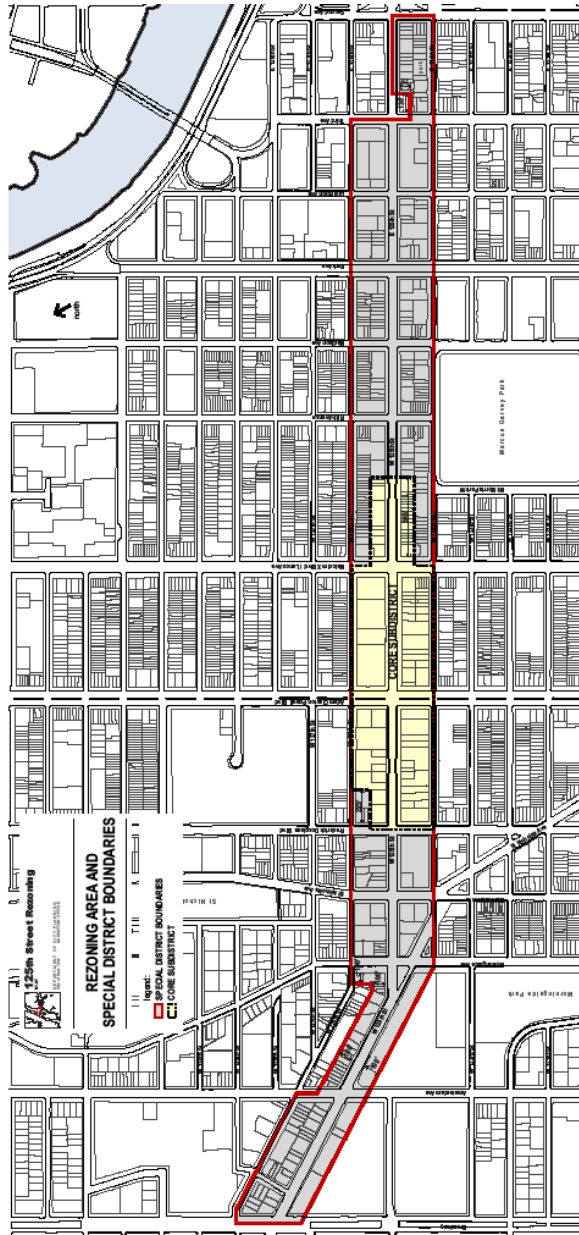
Section 97-53 (Location of Access to the Street). #Public parking garages# with more than 150 spaces shall be subject to the requirements of Sections 74-512 and 74-52.

#Public parking lots# are not permitted on zoning lots with 125th Street frontage within the Special District.

* * *

Special 125th Street District

**Appendix A
Special 125th Street District Map**



Resolution for adoption scheduling January 30, 2008 for a public hearing.



NOTICE

On Wednesday, January 30, 2008, at 9:30 a.m., at the City College of New York, in Aaron Davis Hall, 138 Convent Avenue at West 135th Street, in Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearings to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning zoning map amendments, zoning text amendments, amendment to the Harlem-East Harlem Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area, designation of property as an Urban Development Action Area and Project and for the disposition of property regarding a new special purpose district-the Special 125th Street District, and to facilitate housing in Manhattan Community Districts 9, 10 and 11. The Project Area is roughly bounded by 124th Street, 126th Street, Broadway and Second Avenue.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 07DCP030M.

II. REPORTS

BOROUGH OF BROOKLYN

No. 7

4213-4223 SECOND AVENUE

CD 7

C 070551 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 4213-4223 Second Avenue (Block 722, Lot 1) as an Urban Development Action Area; and
 - 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 the continued use of a commercial property.

(On December 5, 2007, Cal. No. 4, the Commission scheduled December 19, 2007 for a public. On December 19, 2007, Cal. No. 38, the hearing was closed.)

For consideration.

No. 8

PARK SLOPE BID

CD 6 & 7

N 080120 BDK

IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the Park Slope Fifth Avenue Business Improvement District pursuant to Section 25-405 of the Administrative Code of the City of New York, as amended, concerning the formation of the Park Slope Fifth Avenue Business Improvement District.

(On December 5, 2007, Cal. No. 3, the Commission scheduled December 19, 2007 for a public hearing. On December 19, 2007, Cal. No. 37, the hearing was closed.)

For consideration.

No. 9

FLATBUSH DISTRICT #1 SCHOOL LANDMARK

CD 14

N 080196 HKK

IN THE MATTER OF a communication dated December 3, 2007, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Flatbush District No. 1 School, later known as Public School 90, 2274 Church Avenue, (Block 5103; Lot58), by the Landmarks Preservation Commission on November 20, 2007 (List No. 398/LP: 2285).

For consideration.

BOROUGH OF MANHATTAN

Nos. 10 & 11

FREDERICK DOUGLASS BOULEVARD

No. 10

CD 10

C 080043 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 property located at 2282 and 2284 Frederick Douglass Boulevard (Block 1928, Lots 63 and 64) as an Urban Development Action Area; and
 - 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 a twelve-story mixed-use building, tentatively known as Frederick Douglass Boulevard with approximately 89 residential units, retail, and community facility uses.

(On December 5, 2007, Cal. No. 7, the Commission scheduled December 19, 2007 for a public hearing. On December 19, 2007, Cal. No. 27, the hearing was closed.)

For consideration.

No. 11

CD 10

C 080044 PQM

IN THE MATTER OF an application submitted by the Police Department and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 2282 - 2284 Frederick Douglass Boulevard (Block 1928, lots 3, 4, 62, 63 and 64) for use as impounded vehicle storage.

(On December 5, 2007, Cal. No. 8, the Commission scheduled December 19, 2007 for a public hearing. On December 19, 2007, Cal. No. 28, the hearing was closed.)

For consideration.

No. 12

THE PHILLIPS CLUB

CD 7

C 080054 ZSM

IN THE MATTER OF an application submitted by Millennium Partners, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-311 of the Zoning Resolution to modify the requirements of Section 82-31 (Floor Area Ratio Regulations for Commercial Uses) to allow 226,774 square feet of commercial floor area on an existing zoning lot located at 155 West 66th Street and 1965 Broadway (Block 1138, Lots 1201-1457, 1501-1590), in a C4-7 District, within the Special Lincoln Square District (Subdistrict 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.

(On December 5, 2007, Cal. No. 9, the Commission scheduled December 19, 2007 for a public hearing. On December 19, 2007, Cal. No. 29, the hearing was closed.)

For consideration.

No. 13

309 CANAL STREET

CD 2

C 070055 ZSM

IN THE MATTER OF an application submitted by 309 Canal, 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 modify the requirements of Section 42-10 to allow U.G. 2 uses (residential use) on the second through fourth floors and a portion of the fifth floor of an existing 5-story building on property located at 309 Canal Street (Block 231, Lot 5), in an M1-5B District, within the SoHo Cast Iron Historic District.

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

(On December 5, 2007, Cal. No. 10, the Commission scheduled December 19, 2007 for a public hearing. On December 19, 2007, Cal. No. 30, the hearing was closed.)

For consideration.

No. 14

400 EAST 67TH STREET GARAGE

CD 8

C 070338 ZSM

IN THE MATTER OF an application submitted by the 400 East 67 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory off-street parking garage with a maximum capacity of 142 spaces on a portion of the ground floor, Cellar 4 level and Cellar 5 level of a proposed mixed-use building on property located at 400 East 67th Street (Block 1461, Lots 1 & 45), in C1-9 and R8 Districts.

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

(On December 5, 2007, Cal. No. 11, the Commission scheduled December 19, 2007 for a public hearing. On December 19, 2007, Cal. No. 31, the hearing was closed.)

For consideration.

No. 15

115 WOOSTER STREET

CD 2

C 040054 ZSM

IN THE MATTER OF an application submitted by Jordan Wooster Street 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 74-711 of the Zoning Resolution to modify the use regulations of Section 42-14D(1)(b) to allow Joint Living Working Quarters for Artists (JLWQA) on a portion of the third floor in a building with a lot coverage greater than 5,000 square feet; and Section 42-14D(2)(a) to allow retail uses (Use Group 6) on portions of the ground floor and cellar of an existing 6-story building with a lot area greater than 3,600 square feet, on property located at 115 Wooster Street, a.k.a 433 West Broadway, (Block 501, Lot 20), in an M1-5A District, within the SoHo Cast-Iron Historic District.

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

(On December 5, 2007, Cal. No. 12, the Commission scheduled December 19, 2007 for a public hearing. On December 19, 2007, Cal. No. 32, the hearing was closed.)

For consideration.

BOROUGH OF QUEENS

No. 16

QUEENS CENTRAL LIBRARY ANNEX

CD 12

C 070451 PCQ

IN THE MATTER OF an application submitted by the Queens Borough Public Library 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 89-25 Merrick Boulevard (Block 9798, Lot 15) for an expansion of a library.

(On December 5, 2007, Cal. No. 13, the Commission scheduled December 19, 2007 for a public hearing. On December 19, 2007, Cal. No. 33, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 17

HYLAN BOULEVARD

CD 3

N 050519 RAR

IN THE MATTER OF an application submitted by Henry Lieberman for grant of an authorization pursuant to Section 107-68 of the Zoning Resolution for modification of group parking facility and access regulations to facilitate the construction of two curb cuts on Hylan Boulevard at 7266, 7270, 7274, 7278, 7282 Hylan Blvd. (Block 7910, Lots 1, 3, 5, 7, 9) in an R3A district within the Special South Richmond District (SRD).

Plans for this 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.

III. PUBLIC HEARINGS

BOROUGH OF BROOKLYN

No. 18

WALLABOUT STREET REZONING

CD 1

C 060377 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Thomas Klein LLC 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 M1-2 District to an R7-1 District property bounded by Wallabout Street, Lee Avenue, Flushing Avenue, and the northerly centerline prolongation of Walworth Street; and
2. establishing within the proposed R7-1 District a C2-4 District bounded by a line midway between Wallabout Street and Flushing Avenue, Lee Avenue, Flushing Avenue, and the northerly centerline prolongation of Walworth Street;

as shown on a diagram (for illustrative purposes) dated September 17, 2007 and subject to the conditions of CEQR Declaration E-199.

(On December 19, 2007, Cal. No. 1, the Commission scheduled January 9, 2008 for a public hearing which has been duly advertised.)

Close the hearing.

No. 19

70 WYCKOFF AVENUE REZONING

CD 4

C 050192 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by 70 Wyckoff Ave LLC 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 R6 District property bounded by Wyckoff Avenue, Dekalb Avenue, a line 400 feet northwesterly of Irving Avenue and Suydam Street;
2. establishing within an existing R6 District a C2-4 District bounded by Wyckoff Avenue, Dekalb Avenue, a line 400 feet northwesterly of Irving Avenue and Suydam Street

as shown on a diagram (for illustrative purposes only) dated October 1, 2007 and subject to the conditions of CEQR Declaration E-197.

(On December 19, 2007, Cal. No. 2, the Commission scheduled January 9, 2008 for a public hearing which has been duly advertised.)

Close the hearing.

No. 20

AVENUE H BRIDGE

CD 17 & 18

C 070072 MMK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the widening of Avenue H at the northwest corner of its intersection with Albany Avenue;
- the adjustment of grades on Avenue H, Albany Avenue and East 40th Street; and
- any acquisition or disposition of real property related thereto.

in accordance with Map No. X-2702 dated September 19, 2007 and signed by the Borough President.

(On December 19, 2007, Cal. No. 3, the Commission scheduled January 9, 2008 for a public hearing which has been duly advertised.)

Continue Hearing to February 13, 2008.

BOROUGH OF MANHATTAN

No. 21

341 CANAL STREET

CD 2

C 070161 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Judo Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant 74-712 of the Zoning Resolution to modify:

1. the use regulations of:
 - a. Section 42-10 to allow U.G. 2 uses (residential use) on the 2nd thru 6th floor and penthouse; and
 - b. Section 42-14D(2) to allow U.G. 6 uses (retail use) on portions of the ground floor and cellar, and
2. the height and setback regulations of Section 43-43 (Minimum Height of Front Wall and Required Front Setbacks);

to facilitate the development of a mixed use building on a zoning lot where not more than twenty percent of the lot area is occupied by an existing building on property located at 341 Canal Street (Block 229, Lot 1), in an M1-5B District, within the SoHo Cast-Iron Historic District.

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

(On December 19, 2007, Cal. No. 4, the Commission scheduled January 9, 2008 for a public hearing which has been duly advertised.)

Close the hearing.

No. 22

SKIDMORE HOUSE

CD 2

C 060525 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by To Better Days, 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 modify:

1. the use regulations of:
 - a. Section 42-10 to allow Use Group 2 uses (residential uses) on the 2nd – 15th floors; and
 - b. Section 42-14D(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar, and
2. the height and setback regulations of Section 43-43 (Minimum Height of Front Wall and Required Front Setbacks);

to facilitate the development of a 15-story mixed use building on a zoning lot containing a landmark designated by the Landmarks Preservation Commission located at 35-39 East 4th Street (Block 544, Lots 59, 65, 66, 67 & 68) in an M1-5B 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 December 19, 2007, Cal. No. 5, the Commission scheduled January 9, 2008 for a public hearing which has been duly advertised.)

Close the hearing.

No. 23

THE VISIONAIRE

CD 1

C 070499 ZSM

IN THE MATTER OF an application submitted by Battery Place Green, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 84-031 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 100 spaces on portions of the ground floor, and cellar of a proposed mixed use building on property located at 70 Little West Street (Block 16, Lot 35), within the Special Battery Park City District, Zone A, Subarea A-1.

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 December 19, 2007, Cal. No. 6, the Commission scheduled January 9, 2008 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 24

31ST STREET REZONING

CD 1

C 060228 ZMQ

PUBLIC HEARING:

IN THE MATER OF an application submitted by Scaldafiore Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c changing from an R5 District to an R6A District property bounded by 21st Avenue, a line 175 feet northwesterly of 31st Street, a line 100 feet southwesterly of 20th Avenue, and 31st Street, as shown on a diagram (for illustrative purposes only), dated October 1, 2007, and subject to the conditions of CEQR Declaration E-200.

(On December 19, 2007, Cal. No. 8, the Commission scheduled January 9, 2008 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF STATEN ISLAND

No. 25

STAPLETON COURT

CD 1

C 080091 HAR

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 property located at 551 and 571 Bay Street (Block 491, Lots 11 and 1) as an Urban Development Action Area; and
 - 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 property located at 551 Bay Street (Block 491, Lot 11) to a developer selected by HPD;

to facilitate development of two, five-story mixed-use buildings, tentatively known as Stapleton Court, with approximately 160 residential units and commercial space, to be developed under the New York City Housing Development Corporation's Affordable Cooperative Housing Program.

(On December 19, 2007, Cal. No. 9, the Commission scheduled January 9, 2008 for a public hearing which has been duly advertised.)

Close the hearing.

IV. CITY PLANNING COMMISSION 2008 SCHEDULE OF MEETINGS
January 1 to June 30

	SUN	MON	TUE	WED	THU	FRI	SAT
JANUARY			1 NEW YEAR'S DAY	2	3	4	5
	6 REVIEW SESSION	7	8 CPC PUBLIC MEETING	9	10	11	12
	13	14	15	16	17	18	19
	20 MARTIN LUTHER KING, JR. DAY	21	22	23	24	25	26
	27 REVIEW SESSION	28	29 CPC PUBLIC MEETING	30	31		
FEBRUARY						1	2
	3	4	5	6 ASH WEDNESDAY	7	8	9
	10 REVIEW SESSION	11 LINCOLN'S BIRTHDAY	12 CPC PUBLIC MEETING	13	14	15	16
	17	18 PRESIDENTS' DAY	19	20	21	22 WASHINGTON'S BIRTHDAY	23
	24 REVIEW SESSION	25	26 CPC PUBLIC MEETING	27	28	29	
MARCH	2	3	4	5	6	7	8
	9 REVIEW SESSION	10	11 CPC PUBLIC MEETING	12	13	14	15
	16 PALM SUNDAY	17 ST. PATRICK'S DAY	18	19	20	21	22
	23 EASTER	24 REVIEW SESSION	25 CPC PUBLIC MEETING	26	27	28 GOOD FRIDAY	29
	30	31					
APRIL			1	2	3	4	5
	6 REVIEW SESSION	7	8 CPC PUBLIC MEETING	9	10	11	12
	13	14	15	16	17	18	19
	20 PASSOVER	21 REVIEW SESSION	22 CPC PUBLIC MEETING	23	24	25	26
	27	28	29	30			
MAY					1	2	3
	4 REVIEW SESSION	5	6 CPC PUBLIC MEETING	7	8	9	10
	11	12	13	14	15	16	17
	18 REVIEW SESSION	19	20 CPC PUBLIC MEETING	21	22	23	24
	25 MEMORIAL DAY OBSERVED	26	27	28	29	30	31
JUNE	1 REVIEW SESSION	2	3 CPC PUBLIC MEETING	4	5	6	7
	8	9	10	11	12	13	14
	15 REVIEW SESSION	16	17 CPC PUBLIC MEETING	18	19	20	21
	22	23	24	25	26	27	28
	29 REVIEW SESSION	30					

Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 P.M.
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 A.M.

V. CITY PLANNING COMMISSION 2008 SCHEDULE OF MEETINGS
July 1 to December 31

	SUN	MON	TUE	WED	THU	FRI	SAT
JULY			1	CPC PUBLIC MEETING 2	3	INDEPENDENCE DAY 4	5
	6	7	8		9	10	11
	13	14	15	16	17	18	19
	20	REVIEW SESSION 21	22	CPC PUBLIC MEETING 23	24	25	26
	27	28	29	30	31		
AUGUST						1	2
	3	4	5	6	7	8	9
	10	REVIEW SESSION 11	12	CPC PUBLIC MEETING 13	14	15	16
	17	18	19	20	21	22	23
	24	REVIEW SESSION 25	26	CPC PUBLIC MEETING 27	28	29	30
31							
SEPTEMBER		LABOR DAY 1	2	3	4	5	6
	7	REVIEW SESSION 8	9	CPC PUBLIC MEETING 10	11	12	13
	14	15	16	17	18	19	20
	21	REVIEW SESSION 22	23	CPC PUBLIC MEETING 24	25	26	27
	28	29	ROSH HASHANAH 30				
OCTOBER				1	2	3	4
	5	REVIEW SESSION 6	CPC PUBLIC MEETING 7	8	YOM KIPPUR 9	10	11
	12	COLUMBUS DAY OBSERVED 13	14	15	16	17	18
	19	20	21	22	23	24	25
	26	REVIEW SESSION 27	28	CPC PUBLIC MEETING 29	30	31	
NOVEMBER							1
	2	3	ELECTION DAY 4	5	6	7	8
	9	10	VETERANS' DAY 11	12	13	14	15
	16	REVIEW SESSION 17	18	CPC PUBLIC MEETING 19	20	21	22
	23	24	25	26	THANKSGIVING 27	28	29
30							
DECEMBER		REVIEW SESSION 1	2	CPC PUBLIC MEETING 3	4	5	6
	7	8	9	10	11	12	13
	14	REVIEW SESSION 15	16	CPC PUBLIC MEETING 17	18	19	20
	21	HANUKKAH 22	23	24	CHRISTMAS 25	KWANZAA BEGINS 26	27
	28	29	30	31			

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