

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:  
WEDNESDAY, NOVEMBER 19, 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 080051 ZSK	5	SHOPS AT GATEWAY	Scheduled to be Heard 12/3/08
2	C 070137 ZMM	6	PHIPPS PLAZA SOUTH ZONING AND TEXT CHANGE	" "
3	N 090105 ZRM	6	" "	" "
4	C 060021 ZMQ	3	ASTORIA BOULEVARD REZONING	" "
5	C 090064 PPQ	14	BEACH 84 <sup>TH</sup> STREET PIER	" "
6	N 090095 BDK	3	BED-STUY GATEWAY BID	Favorable Report Adopted
7	N 090118 HKK	16	BETSY HEAD PLAY CENTER LANDMARK	Forward Report to City Council
8	C 080501 HAM	10	WEST 143 <sup>RD</sup> STREET APARTMENTS	Favorable Report Adopted
9	C 080502 PQM	10	" "	" "
10	N 090113 HKM	3	WHEATSWORTH FACTORY LANDMARK	Forward Report to City Council
11	N 090114 HKM	3	PUBLIC NATIONAL BANK OF NEW YORK LANDMARK	" "
12	N 090115 HKM	11	FIRE ENGINE COMPANY 53 LANDMARK	" "
13	N 070476 ZAM	5	133 FIFTH AVENUE	Authorization Approved
14	N 090116-117 HKR	1	TOMPKINSVILLE PLAY CENTER LANDMARK	Forward Report to City Council
15	N 050351 ZAR	1	BUCHANAN STREET	Authorization Approved
16	N 080255 ZAR	1	STAPLETON SENIOR HOUSING	" "
17	C 070443 MMX	2	FOOD CENTER DRIVE	Hearing Closed

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		6	7	8	9	10	11	12	13	14	15	16			
Amanda M. Burden, FAICP, 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, AIA	A														
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	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Shirley A. McRae	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
John Merolo	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Karen A. Phillips, Commissioners	P														

MEETING ADJOURNED AT: 12:02 P.M.

NOTE: Commissioner Phillips was not present for the votes. Commissioner Phillips Recused on Cal. No. 20.

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

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**CITY PLANNING COMMISSION**

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**WEDNESDAY, NOVEMBER 19, 2008**

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**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. 21]**

**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](http://nyc.gov/planning)**

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**CITY PLANNING COMMISSION**

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GENERAL RULES OF PROCEDURE AS PERTAINING TO  
PUBLIC MEETINGS

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

**NOTE** - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: 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.

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**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](http://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, FAICP, Chair**
- KENNETH J. KNUCKLES, Esq., Vice Chairman**
- ANGELA M. BATTAGLIA**
- IRWIN G. CANTOR, P.E.**
- ANGELA R. CAVALUZZI, AIA**
- ALFRED C. CERULLO, III**
- BETTY Y. CHEN**
- MARIA M. DEL TORO**
- RICHARD W. EADDY**
- NATHAN LEVENTHAL**
- SHIRLEY A. MCRAE**
- 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 December 3, 2008 at Spector Hall 22 Reade Street, New York at 10:00 a.m.

C

**GENERAL INFORMATION**

**HOW TO PARTICIPATE:**

**Signing up to speak:** Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials 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: \_\_\_\_\_

**NOVEMBER 19, 2008**

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**APPROVAL OF MINUTES OF the Regular Meetings of October 29, 2008**

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, DECEMBER 3, 2008**

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

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**BOROUGH OF BROOKLYN**

**No. 1**

***SHOPS AT GATEWAY***

**CD 5**

**C 080051 ZSK**

**IN THE MATTER OF** an application submitted by Morgan B. Realty, LLC. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow the development of large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area on property located at 830 Fountain Avenue (Block 4452, Lot 425,), in an M1-1 District.

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

**Resolution for adoption scheduling December 3, 2008 for a public hearing.**

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**BOROUGH OF MANHATAN**

**Nos. 2 & 3**

***PHIPPS PLAZA SOUTH ZONING AND TEXT CHANGE***

**No. 2**

**CD 6**

**C 070137 ZMM**

**IN THE MATTER OF** an application submitted by Phipps Houses pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d:

1. changing from an R8 District to a C1-9 District property bounded by East 26<sup>th</sup> Street, a line 125 feet easterly of Second Avenue, a line midway between East 23<sup>rd</sup> Street and East 24<sup>th</sup> Street, and a line 100 feet easterly of Second Avenue; and
2. changing from a C1-8 District to a C1-9 District property bounded by East 26<sup>th</sup> Street, a line 100 feet easterly of Second Avenue, a line midway between East 23<sup>rd</sup> Street and East 24<sup>th</sup> Street, and Second Avenue;

as shown on a diagram (for illustrative purposes only) dated August 11, 2008.

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

**Resolution for adoption scheduling December 3, 2008 for a public hearing.**

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**No. 3**

**CD 6**

**N 090105 ZRM**

**IN THE MATTER OF** an application submitted by Phipps Houses, pursuant to Section 201 of the New York City Charter for amendment of the Zoning Resolution of the City of New York relating to Section 23-84 (Outer Court Regulations), creating a new Section 23-844 (Modification of court and side yard regulations in the former Bellevue South Urban Renewal Area in the Borough of Manhattan).

Matter 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

**23-84  
Outer Court Regulations**

\* \* \*

**23-844**  
**Modification of court and side yard regulations in the former Bellevue South Urban  
Renewal Area in the Borough of Manhattan**

In the Borough of Manhattan, in the area designated by the former Bellevue South Urban  
Renewal Plan, for a #development# or #enlargement# on a #zoning lot# that adjoins a #zoning  
lot# including a #residential building# with #non-complying courts# along the common #side  
lot line#, the #court# regulations of Section 23-80 and the open area requirements of paragraph  
(c) of Section 23-462 (Side yards for all other residential buildings) may be modified to allow  
an open area at least eight feet wide to extend along a portion of the #side lot line#.

**Resolution for adoption scheduling December 3, 2008 for a public hearing.**



**BOROUGH OF QUEENS**

**No. 4**

***ASTORIA BOULEVARD REZONING***

**CD 3**

**C 060021 ZMQ**

**IN THE MATTER OF** an application submitted by Astoria Blvd. Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c, establishing within an existing R4 District a C2-2 District bounded by 24<sup>th</sup> Avenue, 85<sup>th</sup> Street, Astoria Boulevard and the northerly centerline prolongation of 84<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated August 11, 2008.

**Resolution for adoption scheduling December 3, 2008 for a public hearing.**





**No. 5**

***BEACH 84<sup>TH</sup> STREET PIER***

**CD 14**

**C 090064 PPQ**

**IN THE MATTER OF** an application submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one (1) city-owned property located at 1 Beach 84<sup>th</sup> Street (Block 16110, Lot 44), Community District 14, Borough of Queens, restricted to residential use only.

**Resolution for adoption scheduling December 3, 2008 for a public hearing.**

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**II. REPORTS**

**BOROUGH OF BROOKLYN**

**No. 6**

***BED-STUY GATEWAY BID***

**CD 3**

**N 090095 BDK**

**IN THE MATTER OF** an application submitted by the Department of Small Business Services on behalf of the Bed-Stuy Gateway 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 Bed-Stuy Gateway Business Improvement District.

(On October 7, 2008, Cal. No. 1, the Commission scheduled October 29, 2008 for a public hearing. On October 29, 2008, Cal. No. 14, the hearing was closed.)

**For consideration.**

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**No. 7**

***BETSY HEAD PLAY CENTER LANDMARK***

**CD 16**

**N 09118 HKK**

**IN THE MATTER OF** a communication dated September 25, 2008, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Betsy Head Play Center, located in Betsy Head Memorial Park (Block 3570, Lot 1), by the Landmarks Preservation Commission on September 16, 2008 (Designation List 405/LP-2240).

**For consideration.**

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**BOROUGH OF MANHATTAN**

**Nos. 8 & 9**

***WEST 143<sup>RD</sup> STREET APARTMENTS***

**No. 8**

**CD 10**

**C 080501 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 148 West 143<sup>rd</sup> Street (Block 2011, Lot 57), 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 six-story residential building, tentatively known as West 143<sup>rd</sup> Street Apartments, with approximately 34 residential units.

(On October 7, 2008, Cal. No. 2, the Commission scheduled October 29, 2008 for a public hearing. On October 29, 2008, Cal. No. 15, the hearing was closed.)

**For consideration.**

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**No. 9**

**CD 10**

**C 080502 PQM**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 148 West 143<sup>rd</sup> Street (Block 2011, Lot 57).

(On October 7, 2008, Cal. No. 3, the Commission scheduled October 29, 2008 for a public hearing. On October 29, 2008, Cal. No. 16, the hearing was closed.)

**For consideration.**

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**No. 10**

***WHEATSWORTH FACTORY LANDMARK***

**CD 3**

**N 090113 HKM**

**IN THE MATTER OF** a communication dated September 25, 2008, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Wheatsworth Bakery Building, 444 East 10<sup>th</sup> Street (Block 379, Lot 27), by the Landmarks Preservation Commission on September 16, 2008 (Designation List No. 405/LP-2262).

**For consideration.**



**No. 11**

***PUBLIC NATIONAL BANK OF NEW YORK LANDMARK***

**CD 3**

**N 090114 HKM**

**IN THE MATTER OF** a communication dated September 25, 2008, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Public National Bank of New York building, 106 Avenue C (Block 377, Lot 72), by the Landmarks Preservation Commission on March 18, 2008 (Designation List No. 405/LP-2263).

**For consideration.**



**No. 12**

***FIRE ENGINE COMPANY 53 LANDMARK***

**CD 11**

**N 090115 HKM**

**IN THE MATTER OF** a communication dated September 25, 2008, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of Fire Engine Company No. 53, 175 East 104<sup>th</sup> Street, (Block 1632, Lot 29), by the Landmarks Preservation Commission on September 16, 2008 (List No. 405/LP-2284).

**For consideration.**



**No. 13**

***133 FIFTH AVENUE***

**CD 5**

**N 070476 ZAM**

**IN THE MATTER OF** an application submitted by Dezer Properties 133 LLC, for the grant of an authorization pursuant to Section 15-20(b) of the Zoning Resolution to waive the preservation requirement of Section 15-211, to allow the conversion of non-residential floor area to residential use on the fourth through ninth floors of an existing nine-story building and proposed penthouse on property located at 133 Fifth Avenue (Block 848, Lot 73) in a C6-4M District, Ladies' Mile Historic District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 6W, 22 Reade Street, New York, N.Y. 10007.

**For consideration.**

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**BOROUGH OF STATEN ISLAND**

**No. 14**

***TOMPKINSVILLE PLAY CENTER LANDMARK***

**CD 1**

**N 090116 HKR**

**N 090117 HKR**

**IN THE MATTER OF** a communication dated September 25, 2008, from the Executive Director of the Landmarks Preservation Commission regarding the designation of the Tompkinsville (Joseph H. Lyons) Pool exterior and the Tompkinsville (Joseph H. Lyons) Pool Bath House, first floor interior by the Landmarks Preservation Commission on September 16, 2008 ((Exterior Designation: List 405/LP-2234 and Interior Designation: List 405/LP-2235), located at Block 487, Lots 80, 110, and 112 in part, and portions of the adjacent public way).

**For consideration.**

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**No. 15**

***BUCHANAN STREET***

**CD 1**

**N 050351 ZAR**

**IN THE MATTER OF** an application submitted by Craig S. Shatilla, Executor of the Estate of Ronald Shatilla, for the grant of an authorization pursuant to Section 119-311 of the Zoning Resolution involving the development and site alteration on a zoning lot having a steep slope or steep slope buffer to allow the construction of fourteen detached houses (Block 59, Lots 35, 41, 47, 49, 50, 62, 72; Block 60, Lots 1, 78, 84) within the Special Hillside Preservation District.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6<sup>th</sup> floor, Staten Island, New York, 10301.

**For consideration.**

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**No. 16**

***STAPLETON SENIOR HOUSING***

**CD 1**

**N 080255 ZAR**

**IN THE MATTER OF** an application submitted by BFC Stapleton LLC and the New York City Housing Authority for the grant of an authorization pursuant to Section 23-631(i) of the Zoning Resolution to modify the requirements of Section 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts) to facilitate the development of an 8-story non-profit residence for the elderly on property located at 190 Broad Street (Block 545, p/o Lot 100), in R5 and R5/C2-1 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.

**For consideration.**

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**III. PUBLIC HEARINGS**

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**BOROUGH OF THE BRONX**

**No. 17**

***FOOD CENTER DRIVE***

**CD 2**

**C 070443 MMX**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application, submitted by the Economic Development Corporation and the Department of Small Business Services, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the establishment of Food Center Drive and Hunt's Point Landing east of Halleck Street;
- the elimination, discontinuance and closing of Hunt's Point Avenue between Halleck Street and the U.S. Bulkhead Line, Farragut Street between Hunt's Point Avenue and the U.S. Bulkhead Line, Viele Avenue between Halleck Street and Hunt's Point Avenue, and a portion of Ryawa Avenue between Halleck Street and Hunt's Point Avenue;
- the widening of Halleck Street between Hunt's Point Avenue and Viele Avenue;
- the modification and delineation of sewer corridors necessitated thereby;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto, in accordance with Map No. 13120 dated June 20, 2008 and signed by the Borough President.

(On October 29, 2008, Cal. No. 1, the Commission scheduled November 19, 2008 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**BOROUGHS OF MANHATTAN AND THE BRONX**

**No. 18**

***RANDALL'S ISLAND CONNECTOR***

**CD 11 M  
CD 1 X**

**C 080533 PCY**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Transportation, the Department of Parks and Recreation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for site selection and acquisition of easements (Block 2543, p/o Lot 1 and Block 2583, p/o Lot 2) for use as a pedestrian and bicycle pathway.

(On October 29, 2008, Cal. No. 2, the Commission scheduled November 19, 2008 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**BOROUGH OF MANHATTAN**

**No. 19**

***CROSBY STREET HOTEL***

**CD 2**

**C 080505 ZSM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by Crosby Street Hotel LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements of Section 42-14 (D)(2)(b) to allow Use Group 5 uses (hotel use) and/or Use Group 6 uses (retail uses) to be located below the floor level of the second story of a proposed 11-story building on property located at 79 Crosby Street a.k.a. 246 Lafayette Street (Block 496, Lots 1 & 29), 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 October 29, 2008, Cal. No. 3, the Commission scheduled November 19, 2008 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 20**

***SPECIAL CLINTON DISTRICT THEATER BONUS ZONING TEXT***

**CD 4**

**N 080184(B) ZRM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 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 Resolution of the City of New York, concerning Article IX Chapter 6 (Special Clinton District)

Matter in underline is new, to be added;

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

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

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

Article IX - Special Purpose Districts

Chapter 6

Special Clinton District

\* \* \*

96-20

PERIMETER AREA

\* \* \*

**96-25**

**Floor Area Bonus for New ~~Legitimate~~ Theater Use**

Within Subarea 2 of the 42<sup>nd</sup> Street Perimeter Area as shown in Appendix A of this Chapter, for #developments# or #enlargements# located within the area bounded by West 42<sup>nd</sup> Street, Dyer Avenue, West 41<sup>st</sup> Street and Eleventh Avenue that have fully utilized a #floor area# increase pursuant to Section 23-90 (INCLUSIONARY HOUSING), ~~three~~

additional square feet of #floor area# may be provided for each square foot of new legitimate theater #use#, the #floor area ratio# may be increased from 12.0 to a maximum of 15.0, provided that for every three square feet of bonused #floor area#, one square foot of such bonused #floor area# shall be used for new “performance space”, which, for the purposes of this Section 96-25 shall mean space to be used as a legitimate theater or for non-profit performing arts use. Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions ~~shall exist~~ have been met:

- (a) the total #floor area ratio# on the #zoning lot# shall not exceed 15.0;
- ~~(b)~~(a) all #floor area# for any performance space for which a bonus is received pursuant to this Section shall be limited to floor space exclusively associated with legitimate theater or non-profit performing arts #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, rehearsal space, lobbies, lounges, ticket offices, rest rooms, and circulation space. Any other use of the bonused performance space shall not comprise more than 25% of the total #floor area# of such performance space;
- ~~(c)~~(b) the theater such performance space shall be designed, arranged and used exclusively for live performances and rehearsals of drama, music or dance and shall have at least 99 100 fixed seats and no more than 299 seats. If there is more than one performance space, each shall have at least 100 seats, and adjacent performance spaces may be designed in a manner that allows for their combination into a single performance space provided such combined space has no more than 299 seats. Performance space for which a bonus is received pursuant to this Section shall only be used for non-profit performing arts use provided the #development# or #enlargement# contains at least two performance spaces used exclusively for performances of legitimate theater;
- (c) a letter from the Department of Cultural Affairs shall be submitted certifying that:
  - ~~(d)~~(1) a signed lease shall be ~~has been~~ provided from a the prospective theater operator of the performance space, or a written commitment from the owner of the theater performance space if such owner is also the operator, for occupancy of the theater performance space and its operation as a legitimate theater or non-profit performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;
  - (2) the proposed operator of the performance space has the fiscal and managerial capacity to successfully operate such space;
  - (3) preliminary design plans have been provided to the Department of Cultural Affairs for the performance space, which include sufficient detail regarding core, shell, structural, and mechanical systems, necessary to ensure that such performance space will operate efficiently

for its intended use, and

- ~~(e)~~(4) a plan and program shall be accompanied by written commitment from such owner of the financial resources available to ensure timely completion of the identified scope of work; a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work, and
- (5) the proposed operator of the performance space will have a program of regularly scheduled presentations that are open to the public.
- ~~(f)~~(d) a legal commitment ~~shall be~~ has been provided for inspection and ongoing maintenance of the ~~theater~~ performance space to ensure its continued availability for ~~theater #use#~~ as a legitimate theater or non-profit performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Chairperson of the City Planning Commission, and the Commissioner of the Department of Cultural Affairs and the applicable Community Board, ~~and notice of such report shall be published in the City Record~~. Such report shall describe the condition of the ~~theater~~ performance space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the ~~theater~~ performance 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
- ~~(g)~~(c) a legal commitment ~~shall be~~ has been provided for continuance of the #use# of all #floor area# in the bonused performance space for which a bonus has been received pursuant to this Section as a legitimate theater or non-profit performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of subparagraphs (1), (2) and (3) of paragraph (c) of this Section have been met as to the proposed operator and, where substantial renovation of the performance space, as defined by the Commissioner of the Department of Cultural Affairs, is being proposed in conjunction with the change of operator, that the provisions of subparagraphs (3) and (4) have been met as to such substantial renovation. Such legal commitment shall also prohibit #use# as an #adult establishment# 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 ~~theater~~ performance 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 ~~such a~~ such 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 of the #development# or #enlargement#, until the ~~Chairperson through consultation with the~~ Commissioner of the Department of Cultural Affairs has certified that the ~~theater~~ performance space is substantially complete, which shall, for this purpose, mean that such ~~theater~~ performance 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, the~~ #development# or #enlargement# until the ~~theater~~ performance space has been finally completed in accordance with the approved plans and such final completion has been certified by the ~~Chairperson~~ 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#.

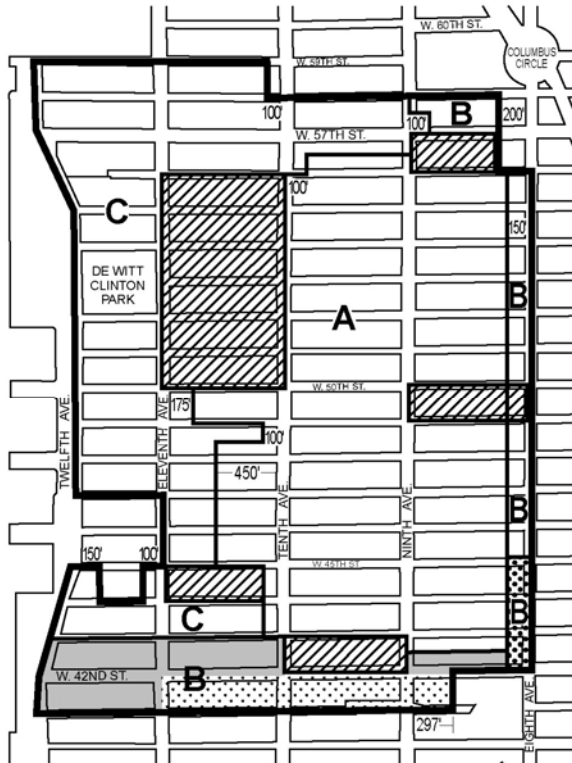
Notwithstanding the foregoing, the Chairperson of the City Planning Commission may accept a declaration of restrictions, or, in the case of a certification issued by the Chairperson of the City Planning Commission prior to [ effective date of text amendment ], a modified declaration of restrictions, which shall allow the owner to apply for and accept, and the Department of Buildings to issue, temporary and permanent certificates of occupancy for the portion of the #development# or #enlargement# which utilizes the increased #floor area# permitted pursuant to this Section prior to substantial or final completion of the performance space, as the case may be, provided that, under the terms of such declaration of restrictions or modified declaration of restrictions, the owner shall not apply for or accept temporary certificates of occupancy for any such portion of the #development# or #enlargement# unless and until:










(a) the Commissioner of the Department of Cultural Affairs has certified that the core and shell of the performance space has been completed in accordance with a core and shell agreement accepted by the Commissioner ; and

(b) ownership of the performance space has been transferred to the prospective operator

\* \* \*

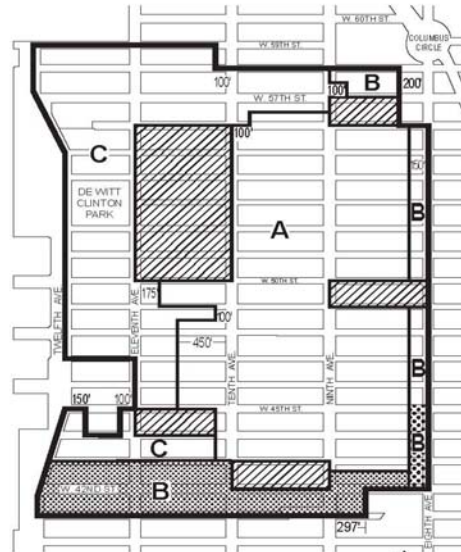
**EXISTING MAP**  
**Special Clinton District**











-  Special Clinton District Boundary
-  Area Boundary
-  Preservation Area
-  Perimeter Area
-  Portion of Perimeter Area also subject to Article VIII, Chapter I (*Special Midtown District*)
-  Subarea 1 of 42nd St. Perimeter Area
-  Subarea 2 of 42nd St. Perimeter Area
-  Other Area
-  Excluded Area

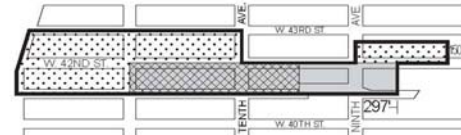
PROPOSED MAP




Special Clinton District



-  Special Clinton District Boundary
-  Area Boundary
-  A Preservation Area
-  B Perimeter Area
-  B Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (See map below)
-  B Portion of Perimeter Area B also subject to Article VIII, Chapter I (Special Midtown District)
-  C Other Area
-  Excluded Area

42nd Street Perimeter Area



-  Subarea 1 of 42nd St. Perimeter Area
-  Subarea 2 of 42nd St. Perimeter Area
-  Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies

(On October 29, 2008, Cal. No. 4, the Commission scheduled November 19, 2008 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**BOROUGH OF QUEENS**

**No. 21**

***NYPD VEHICLE STORAGE FACILITY***

**CD 13**

**C 090087 PSQ**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property generally bounded by Rockaway Boulevard and North Boundary Road (Block 14260, p/o Lot 1) for use as evidence vehicle storage.

(On October 29, 2008, Cal. No. 5, the Commission scheduled November 19, 2008 for a public hearing which has been duly advertised.)

**Close the hearing.**

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IV. 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	12
	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	13	14	15	16	17	18
	19	COLUMBUS DAY OBSERVED 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	22	23	24	25	26	27
	28	HANUKKAH 29	30	31	CHRISTMAS	KWANZAA BEGINS	

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 2009 SCHEDULE OF MEETINGS  
January 1 to June 30

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

**VI. CITY PLANNING COMMISSION 2009 SCHEDULE OF MEETINGS**  
**July 1 to December 31**

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

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