

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, MARCH 18, 2009
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 090249 PPX	9	NORTH ZEREGA INDUSTRIAL SITE	Scheduled to be Heard 4/1/09
2	C 070504 ZMK	6	111 UNION STREET REZONING	" "
3	N 090318 ZRQ	7	SPECIAL COLLEGE POINT DISTRICT	" "
4	C 090319 ZMQ	7	" "	" "
5	N 090185 ZRR	1, 2, 3	CROSS ACCESS CONNECTION TEXT CHANGE	" "
6	N 080489 ZAX	8	ITTLESON CENTER	Authorization Approved
7	C 070396 ZMK	17	354 CLARKSON AVENUE	Favorable Report Adopted
8	C 090164 PPK	18	FLATLANDS INDUSTRIAL SITE 1	" "
9	C 090132 ZMM	7	150 AMSTERDAM AVENUE ZONING CHANGE	" "
10	C 080008 ZMM	4	THE CLINTON PARK	" "
11	N 080009 ZRM	4	" "	Fav. Report Adopted as Modified
12	C 080010 ZSM	4	" "	" "
13	C 080011 ZSM	4	" "	Favorable Report Adopted
14	C 080106 ZSR	1	121 ST POLICE PRECINCT	" "
15	C 080107 PSR	1	" "	" "
16	C 090228 HAX	3	CARL C. ICHAN CHARTER SCHOOL PLAYGROUND	Hearing Closed
17	C 090227 HAK	5	LIBERTY FOUNTAIN APARTMENTS	" "

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					
Amanda M. Burden, FAICP, Chair	P	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					
Angela M. Battaglia	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Angela R. Cavaluzzi, AIA	P	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					
Betty Chen	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Maria M. Del Toro	A															
Richard W. Eaddy	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Nathan Leventhal	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Shirley A. McRae	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
John Merolo	P	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					

MEETING ADJOURNED AT: 11:44 A.M.

CITY PLANNING COMMISSION DISPOSITION SHEET

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WEDNESDAY, MARCH 18, 2009
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	N 090329 HKK	3	ALICE AND AGATE COURTS HISTORIC DISTRICT	Hearing Closed
19	C 090125 ZMM	11	HOBBS COURT	" "
20	N 090165 ZRM	8	86 TH STREET SIDEWALK CAFES TEXT AMENDMENT	" "
21	N 090327 PXM	12	HPD OFFICE SPACE	" "
22	N 090328 PXM	12	NYPD OFFICE SPACE	" "
23	C 090281 ZMQ	7, 11	NORTH FLUSHING REZONING/R1-2A DISTRICT ZONING TEXT	" "
24	N 090282 ZRY	CW	" "	" "
	Supplemental Cal.			
1	C 090166 MMX	1	LOWER CONCOURSE REZONING	Scheduled to be Heard 4/1/09
2	N 090302 ZRX	1	" "	" "
3	C 090303 ZMX	1	" "	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD: In Favor - Y Oppose - N Abstain - AB Recuse - R													
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Amanda M. Burden, FAICP, Chair															
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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, MARCH 18, 2009

**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. 6]

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, FAICP, Chair**
- KENNETH J. KNUCKLES, Esq., Vice Chairman**
- ANGELA M. BATTAGLIA**
- IRWIN G. CANTOR, P.E.**
- ANGELA R. CAVALUZZI, AIA**
- ALFRED C. CERULLO, III**
- BE TTY 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 April 1, 2009 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: _____

MARCH 18, 2009

APPROVAL OF MINUTES OF the Regular Meeting of March 4, 2009

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, APRIL 1, 2009**

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

BOROUGH OF THE BRONX

No. 1

NORTH ZEREGA INDUSTRIAL SITE

CD 9

C 090249 PPX

IN THE MATTER OF an application submitted by the 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 Block 3838, p/o Lot 60, pursuant to zoning.

Resolution for adoption scheduling April 1, 2009 for a public hearing.

BOROUGH OF BROOKLYN

No. 2

COLUMBIA STREET REZONING

CD 6

C 070504 ZMK

IN THE MATTER OF an application submitted by Columbia Commercial Enterprises LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, by establishing within an existing R6 District a C2-3 District bounded by a line 100 feet northeasterly of Union Street, a line 100 feet northwesterly of Columbia Street, Union Street, and a line 150 feet northwesterly of

Columbia Street, as shown on a diagram (for illustrative purposes only) dated December 15, 2008.

Resolution for adoption scheduling April 1, 2009 for a public hearing.

BOROUGH OF QUEENS

Nos. 3 & 4

SPECIAL COLLEGE POINT DISTRICT

No. 3

CD 7

N 090318 ZRQ

IN THE MATTER OF an application submitted by the Economic Development Corporation pursuant to Section 201 of the New York City Charter for amendments of the Zoning Resolution of the City of New York, concerning the addition of Article XII, Chapter 6 (Special College Point District) and modifications of related sections,

Matter underlined is new, to be added;

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

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

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

* * *

11-12

Establishment of Districts

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special College Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 6, the #Special College Point District# is hereby established.

* * *

**12-10
DEFINITIONS**

* * *

Special Clinton District

The "Special Clinton District" is a Special Purpose District designated by the letters "CL" in which special regulations set forth in Article IX, Chapter 6, apply. The #Special Clinton District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

Special College Point District

The "Special College Point District" is a Special Purpose District designated by the letters "CP" in which special regulations set forth in Article XII, Chapter 6, apply. The #Special College Point District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

* * *

All text is new; it is not underlined

Article XII - Special Purpose Districts

**Chapter 6
Special College Point District**

**126-00
GENERAL PURPOSES**

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

- (a) encourage and retain high performance manufacturing establishments in New York City;
- (b) maintain the high quality business campus environment with landscaped yards within the area known as the College Point Corporate Park; and

- (c) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

126-01

General Provisions

The provisions of this Chapter shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

126-02

District Plan and Map

The District Map is located within Appendix A of this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

126-03

Applicability of Article I, Chapter 1

Within the #Special College Point District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

126-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

**126-11
Recreational Uses**

The regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall be modified to allow the following uses as-of-right within the #Special College Point District#:

From Use Group 4A:

Non-commercial recreation centers

From Use Group 4B:

Golf courses

Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residential zoning lots#.

#Public parks#, playgrounds or private parks

From Use Group 4C:

#Accessory uses#

**126-12
Performance Standards**

Section 42-20 (PERFORMANCE STANDARDS) shall be modified so that the performance standards of an M1 District apply throughout the #Special College Point District#.

**126-13
Enclosure Regulations**

The following provisions supersede Sections 42-41 (Enclosure of Commercial or Manufacturing Activities) and 42-42 (Enclosure or Screening of Storage).

All #commercial# or #manufacturing uses# established by a #development#, #enlargement#, #extension#, or change of #use#, including storage of materials or products, shall be subject to the provisions of this Section, inclusive. With respect to the #enlargement# or #extension# of an existing #use# or storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such #use# or storage.

However, these provisions shall not apply to open parking and loading areas as specifically provided in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-Street Loading Berths).

**126-131
Special enclosure regulations for specific uses**

The following #uses#, including all storage of materials or products, shall be located within a #completely enclosed building#:

From Use Group 17 A:

Produce or meat markets, wholesale

From Use Group 18A:

Incineration or reduction of garbage, offal or dead animals

Radioactive waste disposal services involving the handling or storage of radioactive waste

Sewage disposal plants

Stock yards or slaughtering of animals or poultry

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

From Use Group 18B:

Explosives storage, when not prohibited by other ordinances

Junk or salvage establishments, including auto wrecking or similar establishments

Scrap metal, junk, paper or rags storage, sorting, or baling

All #commercial# or #manufacturing uses# specified in this Section 126-131 shall be permitted, provided the Chairperson of the City Planning Commission certifies that such #uses# comply with the provisions of this Chapter. A site plan indicating the distribution of #bulk#, #uses#, planting areas and planting types shall be submitted to the Commission. Such submission shall be referred to the applicable Community Board for review and comment for a period of no less than 30 days prior to such certification.

**126-132
Enclosure regulations in the M1-1 district**

All #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings#

which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-133

Enclosure regulations in the M2-1 district near residence districts

All #uses#, except storage of materials or products, within 300 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-134

Enclosure of storage in the M1-1 district near residence districts

All storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

126-135

Screening of storage in the M2-1 district near residence districts

Within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

In addition, such solid wall or fence:

- (a) shall not be located within a #front yard#;
- (b) shall be maintained in good condition at all times; and
- (c) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

126-136

Screening of storage

At a distance greater than 200 feet from a #Residence District# boundary, the open storage of materials or products, where permitted, shall be screened from all adjoining #zoning lots#, including #zoning lots# situated across a #street#, by either:

- (a) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (b) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening provided pursuant to paragraphs (a) or (b):

- (1) shall not be located within a #front yard#;
- (2) shall be maintained in good condition at all times;
- (3) may be interrupted by normal entrances or exits; and
- (4) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

126-14 Sign Regulations

Within the #Special College Point District#, no #advertising signs# shall be permitted. #Signs# may be #illuminated# but not #flashing#. The provisions of Section 32-67 (Special Provisions Applying Along District Boundaries) shall not apply for #zoning lots# with frontage on the Whitestone Expressway.

No #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, and no #signs# shall be permitted on the roof of any #building#.

126-141 Special sign regulations in the M2-1 district

In the M2-1 District, only non-#illuminated signs# and #signs with indirect illumination# are permitted. The surface area of all #signs# on a #zoning lot# shall be limited to:

- (a) one #sign# displayed from the wall of a #building# limited to 1.5 square feet of #surface area# for each linear foot of #street wall# or 150 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of 8 feet, and shall not extend to a height greater than 20 feet above #curb level#; and
- (b) one #sign# not affixed to a #building# limited to one square foot of #surface area# for each 200 square feet of #street wall# or 30 square feet, whichever is

less, and further provided that such #signs# shall not exceed a height of five feet above #curb level#.

**126-20
SPECIAL BULK REGULATIONS**

The #bulk# regulations of the underlying district are modified as set forth in this Section, inclusive.

**126-21
Street Tree Planting**

Within the #Special College Point District#, all #developments#, or #enlargements# of 20 percent or more in #floor area#, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is converted from a #manufacturing use# to a #commercial# or #community facility use# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C, 16D, 17 and 18.

**126-22
Floor Area Ratio**

Within the #Special College Point District#, the #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 1.0.

However, within the M2-1 District south of 30th Avenue and its prolongation:

- (a) for portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard, or
- (b) for #zoning lots# with frontage on the Whitestone Expressway,

the maximum #floor area ratio# for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be as permitted in the underlying district.

**126-23
Modification of Yard Regulations**

**126-231
Minimum required front yards**

#Front yards# shall be provided with a depth of 15 feet, except for:

- (a) #zoning lots# with frontage along the Whitestone Expressway, where #front yards# shall be provided with a depth of 20 feet; and
- (b) #corner lots#, where one front yard may have a depth of 10 feet.

126-232

Minimum required side yards

#Side yards# shall be provided with a width of 10 feet.

126-233

Special provisions along district boundaries

The following regulations shall supplement the provisions of Section 43-30 (Special Provisions Applying along District Boundaries).

- (a) Sections 43-301 (Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District) shall be modified so that an open area not higher than #curb level# and at least 20 feet wide shall be provided within the #Manufacturing District# on any #zoning lot# which is within 25 feet of a #residence district#.
- (b) Within the areas depicted on the Special College Point District Map as 60-foot buffer areas, an open area not higher than #curb level# and at least 60 feet wide, or where such open area is adjacent to a #street#, a #front yard# not higher than #curb level# at least 60 feet in depth, shall be provided within the #Manufacturing District#. Such open area shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.
- (c) All open areas required pursuant to this Section and Section 43-30 shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. In addition, except within #front yards#, there shall be a planting strip at least four feet wide, along the portion of the #lot line# adjoining the #Residence District#, complying with the provisions applicable to Section 126-136 (Screening of storage), provided that paragraph (b) of Section 126-136 shall not be a permitted form of screening.

126-234

Planting requirement in front yards

#Front yards# shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. #Front yards# shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

126-235

Storage of materials within yards

Within #side# and #rear yards#, the maximum height of the open storage of materials, where permitted, shall be 12 feet.

126-24

Height and Setback Regulations

Within the #Special College Point District#, the height and setback regulations of an M1-1 district shall apply.

However, within the M2-1 district south of 30th Avenue and its prolongation:

- (a) for portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard, or
- (b) for #zoning lots# with frontage on the Whitestone Expressway,

the height and setback regulations shall be as permitted in the underlying district.

126-30

SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

The off-street parking and loading regulations of the underlying district are modified as set forth in this Section, inclusive.

126-31

Parking Regulations

- (a) #Accessory# off-street parking shall not be permitted within a required #front yard#.
- (b) The provisions of Section 44-21 (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial uses# shall be modified as follows:

Hotels, for the #floor area# used for sleeping accommodations shall be required to provide one parking space per two guest rooms or suites, and for the #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding

chapels or banquet halls, or radio or television studios shall be required to provide one parking space per four persons rated capacity

Places of Assembly, for #uses# in parking requirement category D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit, shall be required to provide one parking space per four persons rated capacity

- (c) For #commercial uses# within the Commercial Areas identified on the Special College Point District Map, the parking requirements of a C4-1 district shall apply.
- (d) Section 37-90 (Parking Lots) shall apply to all #developments# and #enlargements#, as defined in that Section, that provide an open parking area #accessory# to #manufacturing uses# in Use Group 17. Perimeter landscaping required pursuant to Section 37-921 may overlap with required #yards# provided pursuant to Section 126-23 (Modification of Yard Regulations).
- (e) The provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on (date of adoption) and on the date of application for a building permit.

126-32

Loading Regulations

- (a) Off-street loading berths shall not be permitted between a #street wall# and a #street line#.
- (b) All open off-street loading berths shall be screened from all adjoining #zoning lots# pursuant to the standards of Section 44-585 (Screening).

126-33

Curb Cut Restrictions on 15th Avenue

Within the #Special College Point District#, curb cuts shall be prohibited on 15th Avenue.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access to the #street# only through such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

**126-40
SPECIAL APPROVALS**

**126-41
Modification of Planting Requirements**

The requirements of Section 126-234 (Planting requirement) and paragraph (c) of Section 126-233 (Special provisions along district boundaries) may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are unfeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, or a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

**126-42
Authorization for Reduction of Required Parking**

Within the Commercial Areas identified on the Special College Point District Map, the Commission may authorize a reduction of the parking requirement of Section 44-21 (General Provisions) and paragraphs (b) and (c) of Section 126-31 (Parking Regulations) by an amount not to exceed 50 percent, provided that the Commission finds that the proposed parking is sufficient for the #use# proposed.

**126-43
Special Permit to Modify Use or Bulk Regulations**

For any #development#, #enlargement#, alteration or change of #use# on a #zoning lot# within the #Special College Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

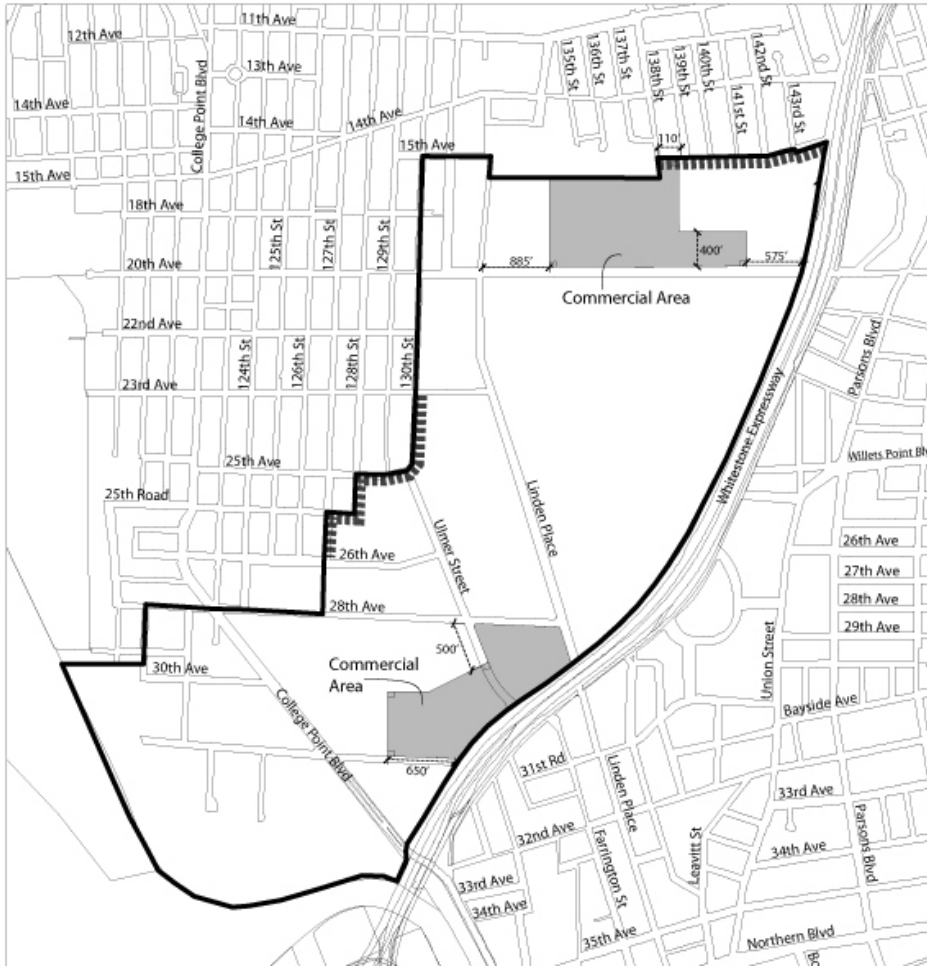
- (a) modification will aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification is necessary for, and the only practicable way to achieve, the programmatic requirements of the #development#;
- (c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;
- (d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) #development# or #enlargement# will relate harmoniously to the character of the surrounding area.

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

Appendix A Special College Point District Map

Appendix : Special College Point District

- Special College Point District
- ▬▬▬▬ 60' wide buffer



Resolution for adoption scheduling April 1, 2009 for a public hearing.

No. 4**CD 7****C 090319 ZMQ**

IN THE MATTER OF an application submitted by the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 7b & 10a:

1. changing from an M3-1 District to an M1-1 District property bounded by a line perpendicular to the southwesterly street line of Ulmer Street distant 500 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of 28th Avenue and the southwesterly street line of Ulmer Street, the centerline of former 131st Street, 31st Avenue, and a line perpendicular to the northerly street line of 31st Avenue distant 650 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Whitestone Expressway and the northerly street line of 31st Avenue;
2. changing from an M1-1 District to an M2-1 District property bounded by:
 - a. 20th Avenue, a line 700 feet northwesterly of Whitestone Expressway, a line 600 feet northeasterly of Linden Place, a line 400 feet northwesterly of Whitestone Expressway, 28th Avenue and its easterly centerline prolongation, 127th Street and its southerly centerline prolongation, the centerline of former 25th Road, the centerline of former 128th Street, 25th Avenue, and 130th Street;
 - b. 28th Avenue, a line 160 feet northeasterly of College Point Boulevard, 30th Avenue and its easterly and westerly centerline prolongations, the centerline of former 119th Street, a line 100 feet southerly of 29th Avenue, and 120th Street; and
 - c. 31st Avenue, the northwesterly service road of the Whitestone Expressway, and the centerline of former 131st Street;
3. changing from an M3-1 District to an M2-1 District property bounded by 28th Avenue, Ulmer Street, a line perpendicular to the southwesterly street line of Ulmer Street distant 500 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of 28th Avenue and the southwesterly street line of Ulmer Street, a line perpendicular to the northerly street line of 31st Avenue distant 650 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Whitestone Expressway and the northerly street line of 31st Avenue, 31st Avenue, the centerline of former 131st Street, the northwesterly service road of the Whitestone Expressway, College Point Boulevard, the northwesterly service road of the Whitestone Expressway, a U.S. Pierhead and Bulkhead Line, a U.S. Pierhead Line, 29th Avenue and its westerly centerline prolongation, 119th Street, the centerline of former 119th Street and its northwesterly prolongation,

30th Avenue and its westerly and easterly centerline prolongations, and a line 160 feet northeasterly of College Point Boulevard; and

4. establishing a Special College Point District bounded by 15th Avenue and its easterly centerline prolongation, the easterly street line of 132nd Street, the southerly boundary line of Frank Golden Memorial Park, the westerly street line of former 138th Street, the westerly street line of 138th Street, 15th Avenue and its westerly centerline prolongation, the northwesterly service road of Whitestone Expressway, College Point Boulevard, the northwesterly service road of Whitestone Expressway, a U.S. Pierhead and Bulkhead Line, a U.S. Pierhead Line, 29th Avenue and its westerly centerline prolongation, 119th Street, a line 100 feet southerly of 29th Avenue, 120th Street, 28th Avenue, 127th Street and its southerly centerline prolongation, the centerline of former 25th Road, the centerline of former 128th Street, 25th Avenue, and 130th Street;

Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only), dated February 17, 2009.

Resolution for adoption scheduling April 1, 2009 for a public hearing.

BOROUGH OF STATEN ISLAND

No. 5

CROSS ACCESS CONNECTION TEXT CHANGE

CD 1, 2, 3

N 090185 ZRR

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 to the Zoning Resolution of the City of New York, relating to Article III, Chapter 6, (Cross Access Connections in the Borough of Staten Island), Article IV, Chapter 4 (Cross Access Connections in the Borough of Staten Island), Article X, Chapter 7 (Planting and screening for open parking areas) concerning establishment of Cross Access Connections in the Borough of Staten Island:

Matter in underline is new, to be added;

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

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

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

* * *

**Article III
Chapter 6
Accessory Off-Street Parking and Loading Regulations**

* * *

**36-50
ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED
ACCESSORY OFF-STREET PARKING SPACES**

* * *

**36-58
Parking Lot Maneuverability and Curb Cut Regulations**

C1 C2 C3 C4 C5 C6 C7 C8

* * *

(b) Parking Lot Maneuverability

All open parking areas shall comply with the maneuverability standards set forth in the following table.

Angle of Park	A	B	C	D
	Minimum length	Minimum Width	Minimum Aisle Travel Lane	Minimum Turnaround
0*	8'-6"	20'-0"	13'-2"	NA
0**	8'-6"	20'-0"	23'-3"	NA
45	17'-1"	8'-6"	12'-10"	18'-0"
50	17'-8"	8'-6"	13'-2"	17'-6"
55	18'-1"	8'-6"	13'-7"	17'-3"
60	18'-5"	8'-6"	14'-6"	17'-0"
65	18'-7"	8'-6"	15'-4"	17'-3"
70	18'-8"	8'-6"	16'-5"	17'-6"
75	18'-7"	8'-6"	17'-10"	18'-0"
90	18'-0"	8'-6"	22'-0"	22'-0"

* Figures given are for one-way traffic

** Figures given are for two-way traffic

* * *

36-59**Cross Access Connections in the Borough of Staten Island****C4-1 C8**

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots. Such vehicular passageways are hereinafter referred to as “cross access connections”, and shall be provided in accordance with the requirements of this Section .

36-591**Applicability and location**

Cross access connections shall be required for:

- (a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use# with an open parking lot that has 18 or more #accessory# parking spaces or is greater than 6,000 square feet in area;
- (b) #enlargements# on a #zoning lot# with an open parking lot that has 18 or more #accessory# parking spaces or is greater than 6,000 square feet in area; or
- (c) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility uses# is increased and such increase results in at least 18 parking spaces or more than 6,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall provide a cross access connection at each #zoning lot line#, or other boundary between properties on the same #zoning lot#, that is contiguous for a distance of at least 60 feet with an adjoining #zoning lot# or boundary between separate parking lots on the same #zoning lot#, within a C4-1, C8 or Manufacturing District.

All cross access connections shall be shown on the site plan required pursuant to Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations), certified pursuant to Section 36-592 and constructed at the time of #development#, #enlargement# or increase in the number of parking spaces.

36-592**Certification of cross access connections**

No excavation, foundation or building permit shall be issued for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access

connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that each required cross access connection:

- (a) is a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#;
- (b) is an extension of a travel lane of the subject open parking lot and;
 - (1) aligns with any previously certified cross access connection for an adjacent open parking lot, or
 - (2) where no previously certified cross access connection exists for an adjacent open parking lot, aligns to the maximum extent practicable with a travel lane in such adjacent open parking lot.
- (c) has a grade not greater than 15 percent;
- (d) is placed in an area that is not blocked by an existing #building or other structure# that is within 50 feet of the #lot line# or other boundary of the subject property; #
- (e) is placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same #zoning lot# or adjacent #zoning lots# ;

Furthermore, an easement through all required cross access connections for vehicular and pedestrian passage between and among adjacent parking lots, in a form acceptable to the Department of City Planning, shall be recorded in the Office of the Richmond County Clerk. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an adjacent property, whether on the same or adjacent #zoning lot#, pursuant to this Section. Accordingly, if an easement pursuant to this Section has previously been recorded against any adjacent property, the subject easement shall be effective immediately upon recordation. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non-customers

The Chairperson may relocate a previously-certified cross access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section.

The Chairperson, however, shall certify to the Department of Buildings that a cross access connection shall be waived along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of:

- (1) grade changes greater than 15 percent;

- (2) #buildings or other structures# located within 50 feet of the subject #zoning lot# or property, or
- (3) wetlands or trees with a caliper of six inches or more,

and no alternate location along such #lot line# or other boundary between properties exists.

No screening or landscaping along a #lot line# shall be required in the connection area, and, upon the effective date of the easement, if such cross access connection is in a location that contained required parking spaces, such connection shall be counted as three required parking spaces.

36-593
Authorizations for waivers or modifications of cross access connections

The City Planning Commission may authorize modifications or waivers of the requirements of Section 36-59, inclusive, provided the Commission finds that:

- (a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or boundaries between properties on the same #zoning lot#, it is not possible to design a complying parking lot with a complying cross access connection; or
- (b) site planning constraints necessitate the placement of a new or enlarged #building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

* * *

Article IV
Chapter 4
Accessory Off-Street Parking and Loading Regulations

* * *

44-40
ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

* * *

44-49**Cross Access Connections in the Borough of Staten Island**

M1 M2 M3

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots. Such vehicular passageways are hereinafter referred to as “cross access connections”, and shall be provided in accordance with the requirements of this Section .

44-491**Applicability and location**

Cross access connections shall be required for:

- (a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial or community facility use# containing an open parking lot that has 18 or more #accessory# parking spaces or is greater than 6,000 square feet in area; or
- (b) #enlargements# on a #zoning lot# with an open parking lot that has 18 or more #accessory# parking spaces or is greater than 6,000 square feet in area; or
- (c) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility uses# is increased and such increase results in at least 18 parking spaces or more than 6,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall provide a cross access connection at each #zoning lot line# or other boundary between properties that is coincident, for a contiguous distance of at least 60 feet, with an adjoining #zoning lot# or other property on the same #zoning lot# within a C4-1, C8 or Manufacturing District.

All cross access connections shall be shown on the site plan required pursuant to Section 44-47 (Parking Lot Maneuverability and Curb Cut Regulations), certified pursuant to Section 44-492 and constructed at the time of #development#, #enlargement# or increase in the number of parking spaces.

44-492**Certification of cross access connections**

No excavation, foundation or building permit shall be issued for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that each required cross access connection:

- (a) is a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#;
- (b) is an extension of a travel lane of the subject open parking lot and:
 - (1) aligns with any previously certified cross access connection for an adjacent open parking lot, or
 - (2) where no previously certified cross access connection exists for an adjacent open parking lot, aligns to the maximum extent practicable with a travel lane in such adjacent open parking lot.
- (c) has a grade not greater than 15 percent;
- (d) is placed in an area that is not blocked by an existing #building or other structure# that is within 50 feet of the #lot line# or other boundary of the subject property;
- (e) is placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same #zoning lot# or adjacent #zoning lots# ;

Furthermore, an easement through all required cross access connections for vehicular and pedestrian passage between and among adjacent parking lots, in a form acceptable to the Department of City Planning, shall be recorded in the Office of the Richmond County Clerk. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an adjacent property, whether on the same or adjacent #zoning lot#, pursuant to this Section. Accordingly, if an easement pursuant to this Section has previously been recorded against any adjacent property, the subject easement shall be effective immediately upon recordation. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non-customers.

The Chairperson may relocate a previously-certified cross access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section.

The Chairperson, however, shall certify to the Department of Buildings that a cross access connection shall be waived along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of:

- (1) grade changes greater than 15 percent;
- (2) #buildings or other structures# located within 50 feet of the subject #zoning lot# or property, or

(3) wetlands or trees with a caliper of six inches or more.

and no alternate location along such #lot line# or other boundary between properties exists.

No screening or landscaping along a #lot line# shall be required in the connection area, and, upon the effective date of the easement, if such cross access connection is in a location that contained required parking spaces, such connection shall be counted as three required parking spaces.

44-493
Authorization for modification or waiver of cross access connections

The City Planning Commission may authorize modifications or waivers of the requirements of Section 44-49, inclusive, provided the Commission finds that:

- (a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or other boundaries between properties, it is not possible to design a parking lot with a complying cross access connection; or
- (b) site planning constraints necessitate the placement of a new or #enlarged building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

* * *

ARTICLE X
Chapter 7
Special South Richmond Development District

* * *

107-40
SPECIAL USE, BULK AND PARKING REGULATIONS

* * *

107-483
Planting and screening for open parking areas

* * *

- (b) Screening requirements

The parking area shall be screened from all adjoining #zoning lots# ~~or #streets#~~ by a perimeter landscaped area at least ~~seven~~ four feet in width, and all adjoining #streets# by a perimeter landscaped area at least seven feet in width. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.

All screening areas shall comply with the provisions of paragraphs (a), (b) and (c) of Section 37-921 (Perimeter landscaping), except that the number of trees shall be as set forth in this Section.

In addition, such screening shall be maintained in good condition at all times and may be interrupted by normal entrances and exits.

Resolution for adoption scheduling April 1, 2009 for a public hearing.

II. REPORTS

BOROUGH OF THE BRONX

No. 6

ITTLESON CENTER

CD 8

N 080489 ZAX

IN THE MATTER OF an application submitted by the Jewish Board of Family and Children's Services pursuant to Sections 105-421, and 105-425 of the Zoning Resolution, for the grant of authorizations involving modifications of topographic features on Tier I sites, and modification of botanic environment and tree preservation and planting requirements to allow the construction of a classroom / recreational building, patio, walkways and expansion of parking facilities on property located at 5050 Iselin Avenue (Block 5839, Lot 4001) within the Special Natural area District (NA-2).

Plans for the proposal are on file with the City Planning Commission and may be seen at One Fordham Plaza, Room 502, Bronx, NY 10458.

For consideration.

BOROUGH OF BROOKLYN

No. 7

354 CLARKSON AVENUE

CD 17

C 070396 ZMK

IN THE MATTER OF an application submitted by ESP Group LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17b:

1. changing from an M1-1 District to an R7A District property bounded by Clarkson Avenue, a line 100 feet westerly of New York Avenue, a line midway between Clarkson Avenue and Lenox Avenue, and a line 100 feet easterly of Nostrand Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by Clarkson Avenue, a line 100' westerly of New York Avenue, a line midway between Clarkson Avenue and Lenox Avenue, and a line 100 feet easterly of Nostrand Avenue;

as shown on a diagram (for illustrative purposes only) dated November 17, 2008.

(On February 4, 2009, Cal. No. 3, the Commission scheduled February 18, 2009 for a public hearing. On February 18, 2009, Cal. No. 29, the hearing was closed.)

For consideration.

No. 8

FLATLANDS INDUSTRIAL SITE 1

CD 18

C 090164 PPK

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 1145 Rockaway Avenue (Block 3644, Lot 210) pursuant to zoning.

(On February 4, 2009, Cal. No. 4, the Commission scheduled February 18, 2009 for a public hearing. On February 18, 2009, Cal. No. 30, the hearing was closed.)

For consideration.

BOROUGH OF MANHATTAN

No. 9

150 AMSTERDAM AVENUE ZONING CHANGE

CD 7

C 090132 ZMM

IN THE MATTER OF an application submitted by 150 Amsterdam Avenue Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, by establishing within an existing R8 District a C2-5 District bounded by a line 230 feet northerly of West 66th Street, Amsterdam Avenue, West 66th Street and a line 100 feet westerly of Amsterdam Avenue, as shown on a diagram (for illustrative purposes only) dated November 17, 2008.

(On February 4, 2009, Cal. No. 6, the Commission scheduled February 18, 2009 for a public hearing On February 18, 2009, Cal. No. 32, the hearing was closed.)

For consideration.

Nos. 10, 11, 12 & 13

THE CLINTON PARK

No. 10

CD 4

C 080008 ZMM

IN THE MATTER OF an application submitted by 536 W 54th LLC A, 536 W 54th LLC B and 536 W 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c changing from an M1-5 District to a C6-3X District property bounded by West 54th Street, a line 470 feet easterly of Eleventh Avenue, West 53rd Street and Eleventh Avenue, as shown on a diagram (for illustrative purposes only) dated October 27, 2008.

(On January 21, 2009, Cal. No. 1, the Commission scheduled February 4, 2009 for a public hearing. On February 4, 2009, Cal. No. 20, the hearing was closed.)

For consideration.

No. 11

CD 4

N 080009 ZRM

IN THE MATTER OF an application submitted by 536 W 54th LLC A, 536 W 54th LLC B and 536 W 54th Street LLC C pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) and relating to Article IX, Chapter 6 (Special Clinton District),

Matter in underline is new, to be added;

Matter in ~~strike-out~~ is old, to be deleted;

Matter within # # is defined in Section 12-10 (DEFINITIONS)

*** indicates where unchanged text appears in the Resolution

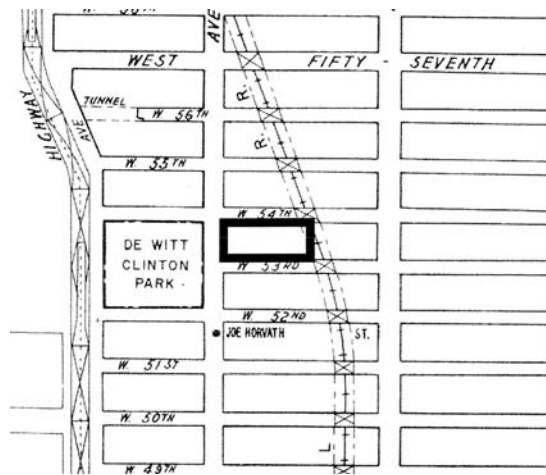
* * *

**23-922
Inclusionary Housing designated areas**

The Inclusionary Housing Program shall apply in the following areas:

* * *

(f) In Community Board 4, in the Borough of Manhattan, in the C6-3X District within the area shown on the following Map 10:



Map 10
Portion of Community District 4, Manhattan

* * *

**23-942
In Inclusionary Housing designated areas**

* * *

(a) Maximum #floor area ratio#

The #floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased by one and one-quarter square feet for each square foot of #floor area# provided for #lower income housing#, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income housing# required to receive such bonus #floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, in the #building#. In addition, the following rules shall apply:

<u>District</u>	<u>Base #floor area ratio#</u>	<u>Maximum #floor area ratio#</u>
R6*	2.2	2.42
R6**	2.7	3.6
R6A	2.7	3.6
R6B	2.0	2.2
R7A	3.45	4.6
R7X	3.75	5.0
R8	5.40	7.2
R9	6.0	8.0
<u>R9X</u>	<u>7.0</u>	<u>9.0</u>
R10	9.0	12.0

 * for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

** for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

* * *

Article IX - Special Purpose Districts

**Chapter 6
 Special Clinton District**

* * *

96-80

EXCLUDED AREAS

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

- (a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue known as the Clinton Community Urban Renewal Development Area, provided that in this area (i) the provisions of Section 96-40

(MODIFICATIONS OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS) and 96-51 (Mandatory Tree Planting Provisions) shall apply; (ii) in C6-3X districts automobile showrooms with automobile sales, preparation of automobiles for delivery and automobile repairs, and police department stables for horses, with accessory automobile parking shall be permitted uses below the level of any floor occupied by dwelling units, should the floor to ceiling height of such police stable as measured from the #base plane# exceed 23 feet then any floor space occupied by accessory parking located on the floor immediately above the floor occupied by such police stable and immediately below the level of any floor occupied by #dwelling units# shall be exempted from the definition of #floor area#.

* * *

(On January 21, 2009, Cal. No. 2, the Commission scheduled February 4, 2009 for a public hearing. On February 4, 2009, Cal. No. 21, the hearing was closed.)

For consideration.

No. 12

CD 4

C 080010 ZSM

IN THE MATTER OF an application submitted by 536 W 54th LLC A, 536 W 54th LLC B and 536 W 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a) of the Zoning Resolution to modify the height and setback regulations of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) to facilitate the construction of a mixed use development on property located at 770 Eleventh Avenue (Block 1082, Lot 1), in a C6-3X* District, within the Special Clinton District (Excluded Area), in a general large-scale development.

*Note The site is proposed to be rezoned by changing an M1-5 District to a C6-3X District, under a related concurrent application C 080008 ZMM.

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 January 21, 2009, Cal. No. 3, the Commission scheduled February 4, 2009 for a public hearing. On February 4, 2009, Cal. No. 22, the hearing was closed.)

For consideration.

No. 13

CD 4

C 080011 ZSM

IN THE MATTER OF an application submitted by 536 W 54th LLC A, 536 W 54th LLC B and 536 W 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Section 74-744(b) of the Zoning Resolution to allow residential and non-residential uses to be arranged on the third floor level without regard for the regulations set forth in Section 32-42 (Location within Buildings) and Section 74-744(c) to modify the sign regulations of Section 32-67 (Special Provisions Applying along District Boundaries) to facilitate the construction of a mixed use development on property located at 770 Eleventh Avenue (Block 1082, Lot 1), in a C6-3X* District, within the Special Clinton District (Excluded Area), in a general large-scale development.

*Note The site is proposed to be rezoned by changing an M1-5 District to a C6-3X District, under a related concurrent application C 080008 ZMM.

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 January 21, 2009, Cal. No. 4, the Commission scheduled February 4, 2009 for a public hearing. On February 4, 2009, Cal. No. 23, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

Nos. 14 & 15

121ST POLICE PRECINCT

No. 14

CD 1

C 080106 ZSR

IN THE MATTER OF an application submitted by the Police Department and the Department of Citywide Administrative Services pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution as follows:

- a. to allow a police station to be located in a residence district; and

- b. to allow the applicable district bulk regulations for community facility buildings as set forth in Article II, Chapter 4 to apply to a proposed building;

to facilitate the development of a police station, on property located at 970 Richmond Avenue (Block 1704, Lot 1), in an R3-2 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 February 4, 2009, Cal. No. 7, the Commission scheduled February 18, 2009 for a public hearing. On February 18, 2009, Cal. No. 33, the hearing was closed.)

For consideration.



No. 15

CD 1

C 080107 PSR

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 located at 970 Richmond Avenue (Block 1704, Lot 1) for use as a police precinct station house.

(On February 4, 2009, Cal. No. 8, the Commission scheduled February 18, 2009 for a public hearing. On February 18, 2009, Cal. No. 34, the hearing was closed.)

For consideration.



III. PUBLIC HEARINGS

BOROUGH OF THE BRONX

No. 16

CARL C. ICHAN CHARTER SCHOOL PLAYGROUND

CD 3

C 090228 HAX

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 404 Claremont Parkway (Block 2896, Lot 96), 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 an expansion of the playground for the Carl C. Icahn Charter School.

(On March 4, 2009, Cal. 1, the Commission scheduled March 18, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF BROOKLYN

No. 17

LIBERTY FOUNTAIN APARTMENTS

CD 5

C 090227 HAK

PUBLIC HEARING:

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 115, (Block 4191, Lots 14-20); 922, 924, 926, 928, 930, and 932 Liberty Avenue (Block 4191, Lot 22, and Lots 26-30); and 66, 68, 70, and 72 Crystal Street (Block 4191, Lots 32-35), 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 115, 117, 119, 123, 125, 127, and 129 Fountain Avenue (Block 4191, Lots 14-20); 924, 926, 930, and 932 Liberty Avenue (Block 4191, Lots 26, 27, 29 and 30); and 66, 68, 70, and 72 Crystal Street (Block 4191, Lots 32-35), to a developer selected by HPD;

to facilitate development of a three-story building, tentatively known Liberty/Fountain Apartments, with approximately 43 residential units.

(On March 4, 2009, Cal. 2, the Commission scheduled March 18, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

No. 18***ALICE AND AGATE COURTS HISTORIC DISTRICT*****CD 3****N 090329 HKK****PUBLIC HEARING:**

IN THE MATTER OF a communication dated February 19th, 2009 from the Executive Director of the Landmarks Preservation Commission regarding the Alice and Agate Courts Historic District, designated by the Landmarks Preservation Commission on February 10th, 2009 (Designation List 410/LP-2309). The district boundaries are: property bounded by a line beginning at the intersection of the northern curblineline of Atlantic Avenue and a line extending southerly from the western property line of 1 Alice Court (aka 1463 Atlantic Avenue), continuing easterly along said curblineline to a point formed by its intersection with a line extending southerly from the eastern property line of 2 Agate Court (aka 1491 Atlantic Avenue), northerly along said line and the eastern property lines of 2 through 18 Agate Court, westerly along the northern property line of 18 Agate Court, continuing westerly along a line extending from the northern property line of 18 Agate Court to the northern property line of 17 Agate Court, along the northern property lines of 17 Agate Court and 18 Alice Court, continuing westerly along a line extending from the northern property line of 18 Alice Court to the northern property line of 17 Alice Court, along the northern property line of 17 Alice Court, to the western property line of 17 Alice Court, southerly along said property line and the property lines of 15 through 1 Alice Court, to the point of the beginning. The boundary description is intended to encompass the wall along the northern edge of Agate Court between lot 72 and 74.

(On March 5, 2009, the Commission duly advertised March 18, 2009 for a public hearing.)

Close the hearing.

BOROUGH OF MANHATTAN
No. 19***HOBBS COURT*****CD 11****C 090125 ZMM****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by the New York City Housing Authority and Phipps Houses and Urban Builders Collaborative, LLC pursuant to

Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b changing from an R7A District to a R8A District property bounded by East 103rd Street, a line 325 feet easterly of Second Avenue, East 102nd Street, and a line 100 feet easterly of Second Avenue, as shown on a diagram (for illustrative purposes only) dated December 1, 2008.

(On March 4, 2009, Cal. 3, the Commission scheduled March 18, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

No. 20

86TH STREET SIDEWALK CAFES TEXT AMENDMENT

CD 8

N 090165 ZRM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Maz Mezcal Restaurant 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 I, Chapter 4 (Sidewalk Café Regulations), relating to Section 14-43 to permit small sidewalk cafes on the south side of East 86th Street from First Avenue to a line 125 feet east of Second Avenue.

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;

14-43

Locations Where Only Small Sidewalk Cafes Are Permitted

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted, pursuant to Section 14-011 (Sidewalk cafe locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning.

Manhattan:

- Orchard Street - from Canal Street to Houston Street
- Delancey Street - from Norfolk Street to the Bowery
- Centre Street - from Canal Street to Spring Street
- Lafayette Street - from Canal Street to Houston Street
- Sixth Avenue - from Canal Street to a line 100 feet south of Spring Street
- Special Union Square Special District*
- 14th Street - from Second Avenue to Irving Place
- 14th Street - from a line 100 feet west of University Place to Eighth Avenue

23rd Street - from the East River to Eighth Avenue
 31st Street - from Fifth Avenue to a line 200 feet east of Broadway
 34th Street - from the East River to Fifth Avenue
 35th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet east of Sixth Avenue
 36th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
 37th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
 37th Street - from a line 150 feet east of Sixth Avenue to Broadway
 38th Street - from Third Avenue to Seventh Avenue
 39th Street - from Exit Street to Seventh Avenue
 40th Street - from a line 100 feet east of Exit Street to Broadway
 41st Street - from a line 100 feet east of Exit Street to Third Avenue
 42nd Street - from First Avenue to Third Avenue
 42nd Street - from Fifth Avenue to a line 275 feet east of Sixth Avenue
 All #streets# bounded by 43rd Street on the south, 46th Street on the north, a line 200 feet east of Third Avenue on the east and Third Avenue on the west
 43rd Street - from Fifth Avenue to Sixth Avenue
 44th Street - from Fifth Avenue to Sixth Avenue
 45th Street - from Fifth Avenue to Sixth Avenue
 46th Street - from Fifth Avenue to Sixth Avenue
 47th Street - from a line 200 feet east of Third Avenue to Third Avenue
 48th Street - from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
 49th Street - from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
 50th Street - from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
 51st Street - from a line 150 feet east of Third Avenue to Eighth Avenue
 52nd Street - from a line 160 feet east of Third Avenue to Eighth Avenue
 53rd Street - from a line 160 feet east of Third Avenue to Eighth Avenue
 54st Street - from a line 150 feet east of Third Avenue to Eighth Avenue
 55th Street - from a line 100 feet west of Second Avenue to Eighth Avenue
 56th Street - from a line 100 feet west of Second Avenue to Eighth Avenue
 57th Street - from the East River to Eighth Avenue
 58th Street - from the East River to Eighth Avenue
 59th Street - from the East River to Second Avenue
 59th Street (Central Park South) - from Sixth Avenue to Columbus Circle
 60th Street - from Lexington Avenue to Fifth Avenue
 61st Street - from Third Avenue to Fifth Avenue
 62nd Street - from Second Avenue to Fifth Avenue
 63rd Street - from Second Avenue to Fifth Avenue
86th Street - from First Avenue to a line 125 feet east of Second Avenue, south side only
 116th Street - from Malcolm X Boulevard to Frederick Douglass Boulevard
 First Avenue - from 48th Street to 56th Street
 Third Avenue - from 38th Street to 62nd Street

Lexington Avenue - from a line 100 feet south of 23rd Street to a line 100 feet north of 34th Street
 Lexington Avenue - the entire length from a line 100 feet north of 96th Street, northward
 Park Avenue - from 38th Street to 40th Street
 Park Avenue - from 48th Street to 60th Street
 Park Avenue - the entire length from a line 100 feet north of 96th Street, northward
 Madison Avenue - from 23rd Street to 38th Street
 Madison Avenue - from 59th Street to 61st Street
 Special Madison Avenue Preservation District**
 Madison Avenue - the entire length from a line 100 feet north of 96th Street, northward
 Fifth Avenue - from 12th Street to 33rd Street
 Fifth Avenue - from 59th Street to 61st Street
 Sixth Avenue - from 36th Street to 42nd Street
 Sixth Avenue - from a line 150 feet north of 42nd Street to 48th Street
 Sixth Avenue - from 50th Street to Central Park South
 Seventh Avenue - from 50th Street to Central Park South
 Broadway - from 36th Street to 40th Street
 Broadway - from 50th Street to Columbus Circle
 Columbus Circle - from Eighth Avenue, westward, to Broadway.

* #Small sidewalk cafes# are not allowed on 14th Street

** #Small sidewalk cafes# are not allowed on 86th Street within the Special Madison Avenue District

(On March 4, 2009, Cal. 4, the Commission scheduled March 18, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

No. 21

HPD OFFICE SPACE

CD 12

N 090327 PXM

PUBLIC HEARING

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for the use of property located at 4650 Broadway (Block 2175, Lot 1) (Department of Housing Preservation and Development offices).

(On March 5, 2009, the Commission duly advertised March 18, 2009 for a public hearing.)

Close the hearing.

No. 22

NYPD OFFICE SPACE

CD 12

N 090328 PXM

PUBLIC HEARING:

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for the use of property located at 4650 Broadway (Block 2175, Lot 1) (New York City Police Department offices).

(On March 5, 2009, the Commission duly advertised March 18, 2009 for a public hearing.)

Close the hearing.

BOROUGH OF QUEENS

Nos. 23 & 24

NORTH FLUSHING REZONING/RI-2A DISTRICT ZONING TEXT

No. 23

CDs 7 & 11

C 090281 ZMQ

PUBLIC HEARING:

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. 7d, 11a and 11c:

1. eliminating from within an existing R4 District a C1-2 District bounded by:
 - a. 25th Avenue, Francis Lewis Boulevard, 26th Avenue, a line 150 feet

westerly of 168th Street, a line 150 feet southwesterly of Francis Lewis Boulevard, Bayside Lane, 25th Drive, and 166th Street;

b. 26th Avenue, a line 150 feet northeasterly of Francis Lewis Boulevard, 27th Avenue, a line midway between Francis Lewis Boulevard and 172nd Street, 28th Avenue, and Francis Lewis Boulevard;

2. eliminating from within an existing R5 District a C1-2 District bounded by:
 - a. Willets Point Boulevard,
 - b. Parsons Boulevard,
 - c. the westerly prolongation of the northerly street line of 25th Drive,
 - d. a line 125 feet westerly of Parsons Boulevard, and
 - e. a line perpendicular to Willets Point Boulevard and passing through a point on Course No. 4 distance 160 feet northerly of Course No. 3;
3. eliminating from within an existing R4 District a C1-3 District bounded by 24th Road, a line 100 feet northeasterly of Francis Lewis Boulevard, 169th Street, Francis Lewis Boulevard, and 166th Street;
4. eliminating from within an existing R4 District a C1-4 District bounded by 169th Street, a line 100 feet northeasterly of Francis Lewis Boulevard, 26th Avenue, and Francis Lewis Boulevard;
5. changing from an R1-2 District to an R1-2A* District property bounded by 32nd Avenue, a line midway between 162nd Street and 163rd Street, a line 60 feet northerly of 35th Avenue, a line midway between 167th Street and 168th Street, Elmer E. Crocheron Avenue, 164th Street, a line 100 feet northerly of Elmer E. Crocheron Avenue, a line 100 feet northerly of Northern Boulevard, 158th Street, Northern Boulevard, 157th Street, a line 150 feet northerly of Northern Boulevard, and 156th Street;
6. changing from an R1-2 District to an R2 District property bounded by Riverside Drive, 159th Street, Powells Cove Boulevard, and a line midway between 158th Street and 159th Street;
7. changing from an R6 District to an R2 District property bounded by a line 100 feet southerly of 33rd Avenue, the southerly prolongation of a line 90 feet easterly of 143rd Street (straight line portion), the southerly terminus of 143rd Street and its northwesterly and southeasterly prolongations, and Union Street;
8. changing from an R1-2 District to an R2A District property bounded by a line 100 feet northerly of 35th Avenue, a line midway between 167th Street and 168th Street, a line 60 feet northerly of 35th Avenue, and a line midway between 162nd Street and 163rd Street;

9. changing from an R2 District to an R2A District property bounded by:
- a. a line midway between 28th Avenue, and 29th Avenue and its westerly prolongation, the northerly prolongation of the easterly street line of 148th Street, 29th Avenue, 148th Street, Bayside Avenue, 150th Street, a line 100 feet southerly of Bayside Avenue, Murray Lane, Bayside Avenue, a line 100 feet westerly of Murray Street, 25th Avenue, 166th Street, Bayside Lane, a line midway between 25th Drive and 26th Avenue, a line 150 feet southwestly of Francis Lewis Boulevard, a line 150 feet westerly of 168th Street, 26th Avenue, Francis Lewis Boulevard, 170th Street, 29th Avenue, Francis Lewis Boulevard, 33rd Avenue, 191st Street, a line 150 feet southerly of 33rd Avenue, a line 100 feet southwestly of Francis Lewis Boulevard, the westerly centerline prolongation of 34th Avenue, 192nd Street, a line 100 feet northerly of 35th Avenue, 190th Street, 35th Avenue, Utopia Parkway, a line perpendicular to the westerly street line of Utopia Parkway distant 100 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Utopia Parkway and the northerly street line of Elmer E. Crocheron Avenue, 172nd Street, a line perpendicular to the westerly street line of 172nd Street distant 90 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of 172nd Street and the northerly street line of Elmer E. Crocheron Avenue, a line midway between 171st Street and 172nd Street, Elmer E. Crocheron Avenue, 169th Street, a line 100 feet northerly of Elmer E. Crocheron Avenue, 168th Street, Elmer E. Crocheron Avenue, a line midway between 167th Street and 168th Street, a line 100 feet northerly of 35th Avenue, a line midway between 162nd Street and 163rd Street, 32nd Avenue, 156th Street, a line 100 feet southerly of 33rd Avenue, 154th Street, 33rd Avenue, Murray Street, 34th Avenue, a line midway between 147th Place and 148th Street, 33rd Avenue, Union Street, 29th Avenue, and a line 100 feet easterly of Union Street, and excluding the area bounded by a line 150 feet northwestly of Bayside Lane, 28th Avenue and its easterly prolongation, Bayside Lane, a line 100 feet southerly of 27th Avenue, a line midway between 167th Street and 168th Street, a line 100 feet northerly of 32nd Avenue, 168th Street, 32nd Avenue, a line midway between 166th Street and 167th Street, a line 100 feet northerly of 32nd Avenue, a line midway between 162nd Street and 163rd Street, 29th Avenue, and 161st Street;
 - b. 26th Avenue, a line 100 feet northeasterly of 202nd Street, a line 250 feet northwestly of 29th Avenue, 202nd Street, 29th Avenue, Utopia Parkway, 28th Avenue, and 172nd Street; and
 - c. 26th Avenue, the westerly service road of the Clearview Expressway, 29th Avenue, and 206th Street;

10. changing from an R3-2 District to an R2A District property bounded by:
 - a. Willets Point Boulevard, 149th Street, a line 100 feet northerly of 25th Drive, 148th Street, 25th Drive and a line midway between 147th Street and 148th Street;
 - b. Bayside Avenue, Murray Lane, a line 100 feet southerly of Bayside Avenue, and 150th Street;
 - c. 34th Avenue, Murray Street, a line 150 feet northerly of 35th Avenue, 150th Place, 35th Avenue, and a line midway between 150th Street and 150th Place;
 - d. a line 150 feet northwesterly of Bayside Lane, 28th Avenue, a line 240 feet easterly of 161st Street, a line 100 feet northwesterly of Bayside Lane, and 161st Street;
 - e. Bayside Lane, a line 100 feet southerly of 27th Avenue, 166th Street, a line 100 feet northerly of 32nd Avenue, 164th Street, a line 100 feet southerly of 29th Avenue, 165th Street, a line 100 feet northerly of 29th Avenue, 163rd Street, and the easterly centerline prolongation of 28th Avenue; and
 - f. a line 100 feet southerly of 27th Avenue, a line midway between 167th Street and 168th Street, 29th Avenue, and 167th Street;
11. changing from an R3X District to an R2A District property bounded by:
 - a. 29th Avenue, 202nd Street, 32nd Avenue, and 201st Street; and
 - b. 29th Avenue, the westerly service road of the Clearview Expressway, 32nd Avenue, and 204th Street;
12. changing from an R4 District to an R2A District property bounded by:
 - a. a line midway between 25th Drive and 26th Avenue and its easterly prolongation, 168th Street, 26th Avenue, a line 150 feet westerly of 168th Street, and a line 150 feet southwesterly of Francis Lewis Boulevard;
 - b. 24th Road, a line 150 feet northeasterly of Francis Lewis Boulevard, 169th Street, and a line 100 feet northeasterly of Francis Lewis Boulevard;

- c. a line 150 feet northeasterly of Francis Lewis Boulevard, 26th Avenue, a line 100 feet northeasterly of Francis Lewis Boulevard, and 169th Street; and
 - d. a line 100 feet southeasterly of 26th Avenue, 172nd Street, 28th Avenue, and 100 feet northeasterly of Francis Lewis Boulevard;
13. changing from an R4-1 District to an R2A District property bounded by 32nd Avenue, the westerly service road of the Clearview Expressway, a line 95 feet northwesterly of 34th Avenue, a line midway between 204th Street and 205th Street, a line 95 feet southeasterly of 33rd Avenue, 204th Street, a line 95 feet northwesterly of 33rd Avenue, a line midway between 204th Street and 205th Street, a line 95 feet southeasterly of 32nd Avenue, and 204th Street;
14. changing from an R5 District to an R2A District property bounded by 35th Avenue, 190th Street, a line 100 feet northerly of Elmer E. Crocheron Avenue, and Utopia Parkway;
15. changing from an R3-2 District to an R3-1 District property bounded by Willets Point Boulevard, a line midway between 147th Street and 148th Street, 25th Drive, 148th Street, a line 100 feet northerly of 25th Drive, 149th Street, 28th Avenue, and 147th Street;
16. changing from an R2 District to an R3-2 District property bounded by:
- a. a line midway between 28th Avenue and 29th Avenue, 149th Street, Bayside Avenue, 148th Street, 29th Avenue, and the northerly prolongation of the easterly street line of 148th Street; and
 - b. a line 100 feet northerly of 34th Avenue, a line 100 feet westerly of 153rd Street, a line 40 feet northerly of 34th Avenue, 153rd Street, 34th Avenue, and Murray Street;
17. changing from an R2 District to an R3X District property bounded by 26th Avenue, 203rd Street, 29th Avenue, 202nd Street, a line 250 feet northwesterly of 29th Avenue, and a line 100 feet northeasterly of 202nd Street;
18. changing from a R4-1 District to an R3X District property bounded by 32nd Avenue, 204th Street, a line 95 feet southeasterly of 32nd Avenue, and 201st Street;
19. changing from an R2 District to an R4 District property bounded by 25th Drive, Bayside Lane, a line 150 feet southwesterly of Francis Lewis Boulevard, a line midway between 25th Drive and 26th Avenue, Bayside Lane, and 166th Street;
20. changing from an R5 District to an R4 District property bounded by:

- a. Willets Point Boulevard, 146th Street, 28th Avenue, and Parsons Boulevard; and
 - b. 35th Avenue, Francis Lewis Boulevard, the southerly boundary line of the Long Island Rail Road right-of-way (Northside Division), 192nd Street, 39th Avenue, 194th Street, 37th Avenue, 193rd Street, Elmer E. Crocheron Avenue, and a line 240 feet easterly of 192nd Street;
21. changing from an R5 District to an R4-1 District property bounded by 35th Avenue, a line 240 feet easterly of 192nd Street, Elmer E. Crocheron Avenue, 193rd Street, 37th Avenue, 194th Street, 39th Avenue, 193rd Street, a line 100 feet southerly of 37th Avenue, 190th Street, 37th Avenue, 192nd Street, a line 100 feet northerly of 37th Avenue, a line midway between 191st Street and 192nd Street, Elmer E. Crocheron Avenue, and 192nd Street;
22. changing from an R3-2 District to an R4A District property bounded by:
- a. Willets Point Boulevard, 147th Street, 28th Avenue, 194th Street, a line midway between 28th Avenue and 29th Avenue, and 146th Street;
 - b. 25th Avenue, a line 100 feet westerly of Murray Street, Bayside Avenue, 150th Street, a line midway between 29th Avenue and Bayside Avenue, a line 100 feet easterly of 150th Street, 26th Avenue, and a line 95 feet easterly of 150th Street; and
 - c. 34th Avenue, 149th Place, a line 100 feet northerly of Northern Boulevard, 149th Street, 35th Avenue, and 146th Street;
23. changing from a R5 District to an R4A District property bounded by 28th Avenue, 146th Street, a line midway between 28th Avenue and 29th Avenue, and Parsons Boulevard;
24. changing from an R2 District to an R4B District property bounded by:
- a. Francis Lewis Boulevard, 29th Avenue, and 170th Street; and
 - b. a line 100 feet northerly of 32nd Avenue, 168th Street, 32nd Avenue, and a line midway between 166th Street and 167th Street;
25. changing from an R3-2 District to an R4B District property bounded by a line 100 feet southerly of 27th Avenue, 167th Street, 29th Avenue, a line midway between 167th Street and 168th Street, a line 100 feet northerly of 32nd Avenue, and 166th Street;
26. changing from an R4 District to an R4B District property bounded by 28th Avenue, Utopia Parkway, and Francis Lewis Boulevard;

27. changing from an R4-1 District to an R4B District property bounded by a line 95 feet northwesterly of 34th Avenue, the westerly service road of Clearview Expressway, a line 100 feet southeasterly of 34th Avenue, and 205th Street;
28. changing from an R2 District to an R5B District property bounded by:
 - a. a line 100 feet northerly of 35th Avenue, 192nd Street, 35th Avenue, and 190th Street; and
 - b. a line perpendicular to the westerly street line of 172nd Street distant 90 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of 172nd Street and the northerly street line of Elmer E. Crocheron Avenue, 172nd Street, a line perpendicular to the westerly street line of Utopia Parkway distant 100 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Utopia Parkway and the northerly street line of Elmer E. Crocheron Avenue, Utopia Parkway, Elmer E. Crocheron Avenue, and a line midway between 171st Street and 172nd Street;
29. changing from an R5 District to an R5B District property bounded by:
 - a. 35th Avenue, 192nd Street, Elmer E. Crocheron Avenue, a line midway between 191st Street and 192nd Street, a line 100 feet northerly of 37th Avenue, 192nd Street, 37th Avenue, 190th Street, a line 100 feet southerly of 37th Avenue, 192nd Street, the southerly boundary line of the Long Island Rail Road right-of-way (Northside Division), the northerly prolongation of the easterly street line of 189th Street, 39th Avenue, 170th Street, Depot Road, a line midway between 168th Street and 169th Street, a line 100 feet southerly of Elmer E. Crocheron Avenue, 169th Street, Elmer E. Crocheron Avenue, Utopia Parkway, a line 100 feet northerly of Elmer E. Crocheron Avenue, and 190th Street; and
 - b. the southwesterly centerline of 34th Avenue, Francis Lewis Boulevard, 35th Avenue, and 192nd Street;
30. changing from an R2 District to an R5D District property bounded by a line 100 feet northerly of Elmer E. Crocheron Avenue, 169th Street, Elmer E. Crocheron Avenue, and 168th Street;
31. changing from an R5 District to an R5D District property bounded by Elmer E. Crocheron Avenue, 169th Street, a line 100 feet southerly of Elmer E. Crocheron Avenue, a line midway between 168th Street and 169th Street, Depot Road, the northerly centerline prolongation of 168th Street, Station Road, and 167th Street and its southerly centerline;

32. changing from an R6 District to an R5D District property bounded by 31st Drive, Union Street, 33rd Avenue, Leavitt Street, 32nd Avenue, and 140th Street;
33. establishing within an existing R3-2 District a C1-3 District bounded by 28th Avenue, 163rd Street, a line 100 feet northerly of 29th Avenue, 161st Street, a line 100 feet northwesterly of Bayside Lane, and a line 240 feet easterly of 161st Street; and
34. establishing within an existing R4 District a C1-3 District bounded by 25th Avenue, a line 100 feet northeasterly of Francis Lewis Boulevard, 169th Street, a line 100 feet northeasterly of Francis Lewis Boulevard, 28th Avenue, Francis Lewis Boulevard, 26th Avenue, 168th Street, a line midway between 25th Drive and 26th Avenue and its easterly prolongation, a line 100 feet westerly of 168th Street and its northerly prolongation, and Francis Lewis Boulevard;

Borough of Queens, Community Districts 7 & 11 as shown in a diagram (for illustrative purposes only dated January 20, 2009.

*Note: An R1-2A District is proposed to be created under a related concurrent application N 090282 ZRY for an amendment of the Zoning Resolution.

(On March 4, 2009, Cal. 5, the Commission scheduled March 18, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

CITYWIDE

No. 24

CITYWIDE

N 090282 ZRY

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, for an amendment of the Zoning Resolution of the City of New York, relating to the creation of an R1-2A Zoning District.

Matter in underline is new, to be added;

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

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

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

* * *

**Article 1
General Provisions**

**Chapter 1
Title, Establishment of Controls and Interpretation of Regulations**

* * *

**11-12
Establishment of Districts**

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

Residence Districts

- R1-1 Single-Family Detached Residence District
- R1-2 Single-Family Detached Residence District
- R1-2A Single-Family Detached Residence District

* * *

**11-335
Building permits for other construction in R1-2A and R2A Districts**

In R1-2A Districts and R2A Districts established on or after December 20, 2006, if a building permit for other construction has been lawfully issued prior to the dates establishing such ~~R2A~~ Districts, such construction may be continued, notwithstanding the provisions of paragraph (a) of Section 11-332 (Extension of period to complete construction), provided that the Department of Buildings determines that all of the requisite structural framing to perform the work authorized under the permit was completed on or before the date establishing the ~~R2A~~ District. If the Commissioner of Buildings determines that such framing was not complete on such date, the provisions of paragraph (a) of Section 11-332 shall apply.

* * *

**Article 1
Chapter 2
Construction of Language and Definitions**

* * *

**12-10
Definitions**

* * *

Floor area

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

* * *

(i) floor space used for #accessory# off-street parking spaces provided in any #story# after June 30, 1989:

(1) within #detached# or #semi-detached single-# or #two-family residences# in R1-2A, R2A, R2X, R3, R4 or R5 Districts, except that:

(i) in R2A Districts, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space; and

(ii) in all R1-2A Districts, and in R3, R4A and R4-1 Districts in #lower density growth management areas#, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces;

* * *

(o) any other floor space not specifically excluded.

However, the #floor area# of a #building# shall not include:

* * *

(6) floor space used for #accessory# off-street parking spaces provided in any #story#:

(i) up to 200 square feet per required space existing on June 30, 1989, within #residential buildings# in R3, R4 or R5 Districts, and up to 300 square feet for one required space in R2A Districts. However, for #detached# or #semi-detached single-# or #two-family residences# in all R1-2A Districts and in R3, R4A and R4-1 Districts within #lower density growth management areas#, #floor area# shall not include up to 300 square feet for one ~~required~~ space and up to 500 square feet for two ~~required~~ spaces;

* * *

(8) floor space used for mechanical equipment, except that such exclusion shall not apply in R2A Districts, and in R1-2A, R2X, R3, R4, or R5 Districts, such exclusion shall be limited to 50 square feet for the first #dwelling unit#, an additional 30 square feet for the second #dwelling unit# and an additional 10 square feet for each additional #dwelling unit#. For the purposes of calculating floor space used for mechanical equipment, #building segments# on a single #zoning lot# may be considered to be separate #buildings#;

(9) except in R1-2A, R2A, R2X, R3, R4 and R5 Districts, the lowest #story# (whether a #basement# or otherwise) of a #residential building#, provided that:

- (i) such #building# contains not more than two #stories# above such #story#;

* * *

Article II

Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-12

Permitted Obstructions in Open Space

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the following shall not be considered obstructions when located in any #open space# required on a #zoning lot#, except that no portion of such #open space# which is also a required #yard# or #rear yard equivalent#, or is needed to satisfy the minimum required area or dimensions of a #court#, may contain any obstructions not permitted in such #yard#, #rear yard equivalent# or #court#:

* * *

- (e) Parking spaces, off-street, enclosed, #accessory#, not to exceed one space per dwelling unit#, when #accessory# to a #single-family#, #two-family# or three-family #residence#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot#. However, two such spaces for a #single-family residence# may be permitted in #lower density growth management areas# and in R1-2A Districts;

* * *

23-141

Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts

R1 R2 R3 R4 R5

Except as otherwise provided in paragraph (a) of Section 23-147 (For non-profit residences for the elderly), in the districts indicated, the minimum required #open space# or #open space ratio#, the maximum #lot coverage# and the maximum #floor area ratio# for any #building# on a #zoning lot# shall be as set forth in the following tables:

(a)

District	Minimum Required #Open Space Ratio#	Maximum #Floor Area Ratio#
R1 <u> </u> R2*	150.0	0.50

* R1-2A, R2A and R2X are subject to the provisions of paragraph (b).

(b)

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
<u>R1-2A</u>	<u>30</u>	<u>70</u>	<u>.50</u>
R2A	30	70	.50
R2X	governed by #yard# requirements		.85
R3-1 R3-2	35	65	.50
R3A R3X	governed by #yard# requirements		.50
R4	45	55	.75
R4A R4-1	governed by #yard# requirements		.75
R4B	55	45	.90
R5	55	45	1.25
R5A	governed by #yard# requirements		1.10
R5B	55	45	1.35
R5D	60*	40*	2.00

* For #corner lots#, the maximum #lot coverage# shall be 80 percent and the minimum required #open space# shall be 20 percent.

In addition, the following rules shall apply:

* * *

(4) In all R1-2A Districts and in R3, R4A and R4-1 Districts within #lower density growth management areas#, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence# may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12, paragraph (e), 23-441 or 23-442, except that in R1-2A Districts, such parking spaces need not be located in the #side lot ribbon#.

* * *

**23-40
YARD REGULATIONS**

* * *

23-45

Minimum Required Front Yards

R1 R2 R3 R4 R5

- (a) In the districts indicated, #front yards# shall be provided as set forth in the following table, except that for a #corner lot# in an R1-2 District, one #front yard# may have a depth of 15 feet and, for a #corner lot# in an R3 District, one #front yard# may have a depth of 10 feet.

<u>Front Yard</u>	<u>District</u>
20 feet	R1
<u>20 feet*</u>	<u>R1-2A</u>
15 feet	R2 R2X R3-1 R3-2
15 feet*	R2A
10 feet*	R3A R3X R4-1 R4A R5A
10 feet**	R4 R5
5 feet*	R4B R5B R5D

* Except as provided in paragraphs (b) and (c) of this Section.

** If the depth of a #front yard# exceeds 10 feet or the #zoning lot# is #developed# pursuant to the optional regulations applicable in a #predominantly built-up area#, the depth of a #front yard# shall be at least 18 feet. However, on a #corner lot#, if one #front yard# has a depth of at least 18 feet, the other #front yard# shall have a depth of at least 10 feet.

Furthermore, if an opening to an #accessory# off-street parking space is located within the #street wall# of a #residential building#, there shall be an open area between the opening and the #street line# which is at least 8 and 1/2 feet in width by 18 feet in depth, except this provision shall not apply in R5D Districts.

R2A R3A R3X R4-1 R4A R4B R5A R5B R5D

- (b) For the purpose of paragraphs (b) and (c) the area between the #street line# and the front building wall of adjacent #buildings# on the same or adjoining #zoning lots# shall be considered adjacent #front yards#.

Except as provided in paragraph (c) of this Section, in the districts indicated, if adjacent #residential buildings# on the same or on adjoining #zoning lots# fronting on the same #street# have #front yards# greater than the minimum set forth in paragraph (a) of this Section, then a #front yard# shall be provided which:

- (1) in R1-2A, R2A, R3A, R3X, R4A, R4-1 or R5A Districts is at least as deep as an adjacent #front yard#; and
- (2) in R4B, R5B or R5D Districts is no deeper than the deepest adjacent #front yard# and no shallower than the shallowest adjacent #front yard#.

However, a #front yard# need not exceed 20 feet in depth, except that in R1-2A Districts, a #front yard# need not exceed 25 feet in depth.

In determining the depth of the adjacent #front yards#, balconies, and projections from the front building wall that do not exceed 33 percent of the aggregate width of the #building#, shall be disregarded.

For new #developments# or #enlargements#, projections into the required #front yard# are permitted provided that the aggregate width of all projections at the level of any #story# does not exceed 33 percent of the aggregate width of the #building#. The depth of such projections shall not exceed three feet into the #front yard#. However, balconies shall be subject to the provisions of Sections 23-13 (Balconies) and 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

* * *

23-631

Height and setback in R1, R2, R3, R4 and R5 Districts

R1 R2

- (a) In the districts indicated, except R1-2A, R2A and R2X Districts, the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

* * *

R1-2A R2A R2X R3 R4 R4A R4-1 R5A

- (b) In the districts indicated, the height and setback of a #building or other structure# shall be as set forth herein except where modified pursuant to paragraphs (h) and (i) of this Section.

For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion

of the #building# may be considered to be a separate #building#. Furthermore, for the purposes of this Section, #building segments# may be considered to be separate #buildings# and abutting #semi-detached buildings# may be considered to be one #building#.

The perimeter walls of a #building or other structure# are those portions of the outermost walls enclosing the #floor area# within a #building or other structure# at any level and height is measured from the #base plane#. Perimeter walls are subject to setback regulations at a maximum height above the #base plane# of:

21 feet	R2A R2X R3 R4A
25 feet	<u>R1-2A</u> R4 R4-1 R5A
26 feet*	R3 R4A R4-1 within #lower density growth management areas#

(On March 4, 2009, Cal. 6, the Commission scheduled March 18, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

IV. 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.

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

	SUN	MON	TUE	WED	THU	FRI	SAT
JULY				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	
AUGUST	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					
SEPTEMBER			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			
OCTOBER					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
NOVEMBER	1	2 REVIEW SESSION	3 ELECTION DAY	CPC PUBLIC MEETING 4	5	6	7
	8	9	10	11 VETERANS' DAY	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		
DECEMBER			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	

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.

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

CITY PLANNING COMMISSION

WEDNESDAY, MARCH 18, 2009

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



**Michael R. Bloomberg, Mayor
City of New York**

Prepared by Yvette V. Gruel, Calendar Officer

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

A
CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS

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

NOTE - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: 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, 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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WEDNESDAY, MARCH 18, 2009

I. Matters To Be Scheduled For Public Hearing.....	1
--	---

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, APRIL 1, 2009
STARTING AT 10:00 A.M.
AT SPECTOR HALL, 22 READE STREET
NEW YORK, NEW YORK**

BOROUGH OF THE BRONX

Nos. 1, 2 & 3

LOWER CONCOURSE REZONING

No. 1

CD 1

C 090166 MMX

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

- the establishment of a waterfront Park in an area bounded by Major Deegan Boulevard, the Harlem River, and the extensions of East 144th Street and East 146th Street;
- and any acquisition or disposition of real property related thereto,

in accordance with Map No. 13124 dated January 29, 2009 and signed by the Borough President.

Resolution for adoption scheduling April 1, 2009 for a public hearing.

No. 2

CD 1

N 090302 ZRX

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area); Article VIII, Chapter 7 establishing the Special Harlem River Waterfront District; and Article XII, Chapter 3 (Special Mixed Use District) specifying a Special Mixed Use District (MX-13) and amending related sections of the Zoning Resolution, Community District 1, Borough of The Bronx.

Matter in underline is new, to be added;

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

Matter with # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

**Article I
General Provisions**

**Chapter 1
Title, Establishment of Controls and Interpretation of Regulations**

* * *

**11-12
Establishment of Districts**

* * *

Establishment of the Special Grand Concourse Preservation District

* * *

Establishment of the Special Harlem River Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article VIII Chapter 7, the #Special Harlem River Waterfront District# is hereby established.

* * *

**Chapter 2
Construction of Language and Definitions**

* * *

**12-10
DEFINITIONS**

* * *

Special Harlem River Waterfront District

The "Special Harlem River Waterfront District" is a Special Purpose District designated by the letter "HRW" in which special regulations set forth in Article IX Chapter 7 apply. The #Special Harlem Waterfront District# appears on the #zoning maps# superimposed on other districts and its regulations supplement and supersede those of the districts on which it is superimposed.

* * *

**Article II
Residence District Regulations**

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

* * *

23-144**In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

<u>Community District</u>	<u>Zoning District</u>
<u>Community District 1, Bronx</u>	<u>R6A, R7-2, R7A, R7X, R8A</u>
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A
Community District 3, Brooklyn	R7D
Community District 7, Brooklyn	R8A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

* * *

23-90**INCLUSIONARY HOUSING**

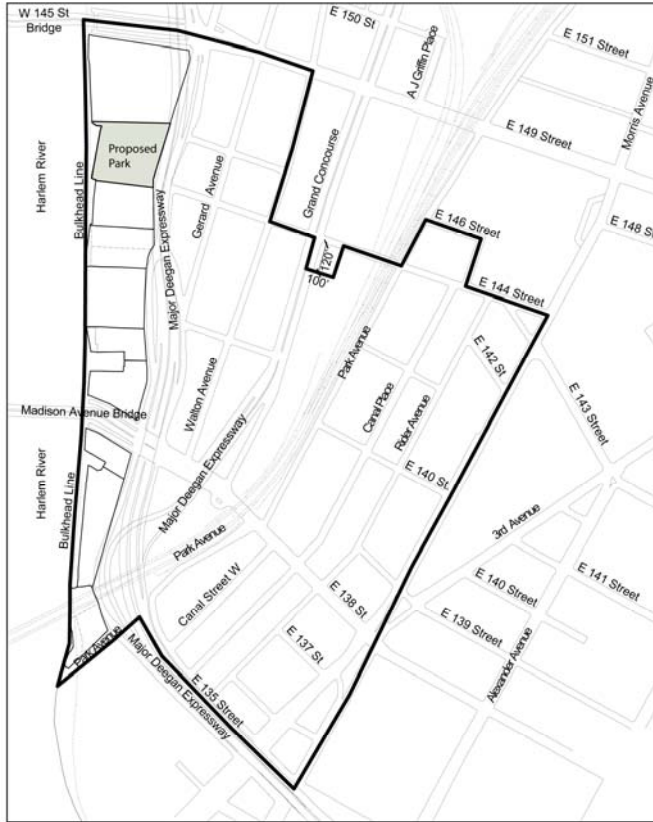
* * *

23-922**Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in the following areas:

* * *

(17) In Community District 1, in the Borough of the Bronx, in the R6A, R7-2, R7A, R7X and R8A Districts within the areas shown on the following Map 17:



Map 17. Portion of Community District 1, Bronx

* * *

Article IV Manufacturing District Regulations

Chapter 2 Use Regulations

* * *

42-10 USES PERMITTED AS-OF-RIGHT

* * *

42-12

Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16

M1 M2 M3

Use Group 3A shall be limited to Museums that are ancillary to existing Motion Picture Production Studios or Radio or Television Studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that foodstores, including supermarkets, grocery stores, or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, foodstores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited as to #floor area# per establishment.

* * *

**Article VI
Special Regulations Applicable to Certain Areas**

* * *

**Chapter 2
Special Regulations Applying in the Waterfront Area**

* * *

**62-80
WATERFRONT ACCESS PLANS**

* * *

**62-82
Borough of The Bronx**

The following Waterfront Access Plans are hereby established within the Borough of the Bronx. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section 87-60 (Harlem River Waterfront Access Plan).

* * *

Note: All text in Article VIII, Chapter 7 is new; it is not underlined.

Article VIII
Special Purpose Districts

Chapter 7
Special Harlem River Waterfront District

87-00
GENERAL PURPOSES

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

- (a) maintain and reestablish physical and visual public access to and along the waterfront;
- (b) create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;
- (c) promote the pedestrian orientation of ground floor uses in appropriate locations, and thus safeguard a traditional quality of higher density areas of the City;
- (d) encourage well-designed new development that complements the built character of the neighborhood;
- (e) take advantage of the Harlem River waterfront and provide an open space network comprised of parks, public open space and public access areas;
- (f) provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus to encourage more attractive and economic building forms; and
- (g) promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River Waterfront.

87-01
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District # shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special Harlem River Waterfront District#, except as otherwise provided in this Chapter. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the

provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

87-02

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in the Appendix to this Chapter. The plan area has been divided into parcels consisting of tax blocks and lots as established on (effective date of amendment), as follows:

- Parcel 1: Block 2349, Lot 112
- Parcel 2: Block 2349, Lot 100
- Parcel 3: Block 2349, Lots 46 & 47
- Parcel 4: Block 2349, Lot 38
- Parcel 5: Block 2349, Lot 15
- Parcel 6: Block 2349, Lot 3
- Parcel 7: Block 2323, Lot 43
- Parcel 8: Block 2349, Lot 28
- Parcel 9: Block 2323, Lots 13 & 18

The District Plan includes the following maps:

- Map 1 #Special Harlem River Waterfront District# and Parcels
- Map 2 Waterfront Access Plan: Public Access Elements

87-03

Applicability of Article I, Chapter 1

Within the #Special Harlem River Waterfront District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or

- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

87-04

Applicability of Article VI, Chapter 2

Parcels 1, 2, 3 and 4, as shown on Map 1 (Special Harlem River District and Parcels) shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after (effective date of amendment).

87-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts are modified in Sections 87-11 through 87-26, inclusive.

As used in this Section, “ground floor level” shall mean the finished floor level within five feet of an adjacent public sidewalk or any other #publicly accessible open area#.

87-11

Location of Commercial Space

The provisions of Section 32-422 (Location of floors occupied by non-residential uses) shall apply to all #mixed buildings# and are hereby modified to permit #residential uses# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #residences# and provided any non-#residential uses# are not located directly over any #residential use#. However, such non-#residential uses# 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#.

87-12

Streetscape Regulations

- (a) Ground floor #use#

All #uses# shall have a depth of at least 25 feet from #building walls# facing a #shore public walkway#, #park# or #upland connection#. Lobbies and entrances may not occupy more than 20 feet or 25 percent of the such #building wall# width, whichever is less. The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent public sidewalk or other #publicly accessible open area#.

For #buildings# on Parcels 1 through 6 that face a #shore public walkway#, #park# or #upland connection#, not less than 20 percent of the ground floor level #floor area# of such portions of #buildings#, to a depth of 25 feet shall consist of

#uses# from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.

(b) Transparency

Any #building wall# containing ground floor level #commercial# and #community facility uses# that faces a #shore public walkway#, #park# or #upland connection# shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #building wall#, measured to a height of 10 feet above the level of the adjoining public sidewalk or other #publicly accessible open area# or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #building wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

(c) Security Gates

All security gates 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# or #publicly accessible open area#, except that this provision shall not apply to entrances or exits to parking garages.

87-20

SPECIAL FLOOR AREA REGULATIONS

The #Special Harlem River Waterfront District# shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.

87-21

Special Residential Floor Area Regulations

The base #floor area ratio# for any #zoning lo# containing #residences# shall be 3.0. Such base #floor area ratio# may be increased to a maximum of 4.0 through the provision of #lower income housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that the height and setback regulations of paragraph (b) of Section 23-942 (In Inclusionary Housing designated areas) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

87-22

Special Retail Floor Area Requirement

For each square foot of commercial #floor area# in a #building# from the #uses# listed in paragraph (a) of this Section, an equal or greater amount of #residential#, #community

facility# or #commercial floor area# from #uses# listed in paragraph (b) of this Section shall be provided.

(a) Use Groups 6A and 6C, except for:

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour, and

Docks for water taxis with vessel capacity limited to 99 passengers, and

Docks or mooring facilities for non-commercial pleasure boats;

The following from Use Group 10:

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Department stores

Dry goods or fabric stores, with no limitation on #floor area# per establishment

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Department stores

Dry goods or fabric stores, with no limitation on #floor area# per establishment

The following from Use Group 12:

Billiard parlor or pool halls

Bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment

Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing

. The following retail establishments:

- Antique stores
- Art gallery, commercial
- Book stores
- Candy or ice cream stores
- Cigar and tobacco stores
- Delicatessen stores
- Drug stores
- Gift shops
- Jewelry or art metal craft shops
- Music stores
- Photographic equipment stores
- Record stores
- Stationery stores
- Toy stores

(b) All #residential uses# in Use Groups 1 and 2

All #community facility uses# from Use Group 3, 4A, and 4B, except cemeteries

All #commercial uses# from Use Groups 5A, 6B and 8A

However, the City Planning Commission may authorize a modification or waiver of this provision upon finding that such #building# includes:

- (1) a superior site plan that enables safe and efficient pedestrian connectivity to and between establishments and #publicly accessible open areas#;
- (2) a superior parking and circulation plan that reduces conflicts between pedestrian and vehicular traffic, minimizes open parking lots, and limits conflicts between curb cuts;

- (3) a design that enhances and is integrated with #publicly accessible open areas# including provision of a public entrance fronting on a #waterfront public access area#;
- (4) a variety of retail establishments; and
- (5) #uses# that do not unduly affect the #residential uses# in the nearby area or conflict with future land use and development of adjacent areas.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on #publicly accessible open areas#.

87-23

Special Floor Area Rules for Parcels Containing Newly Mapped Streets

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after (effective date of amendment), the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all #use# and #bulk# regulations of the Zoning Resolution.

87-24

Maximum Width of Establishments

On Parcels 5 and 6, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway#, #park# or #upland connection#, shall be limited to 60 feet.

87-25

Location of Building Entrances

On Parcels 1, 2, 3 and 4, the main front entrance of a #building#, as the term “main front entrance” is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), shall be located facing the #shore public walkway#.

On Parcels 1, 3 and 4, such main front entrance of a #building# shall be located no less than 45 feet from an #upland connection# and, on Parcel 2, located no less than 95 feet from a #park#.

87-30

SPECIAL YARD REGULATIONS

Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), #waterfront yards# shall be raised to a level of two feet above the rail platform of the adjacent Oak Point Rail Line, except where deviation is required to meet the grade of an existing adjacent #street#. Underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.

Parcels 1, 2, 3 and 4 shall be considered #waterfront zoning lots#, notwithstanding any future action in which a #street# is mapped on such #zoning lots#.

**87-40
SPECIAL HEIGHT AND SETBACK REGULATIONS**

The underlying height and setback regulations shall not apply. In lieu thereof, the special height and setback regulations of this Section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

For the purposes of applying the #bulk# regulations of this Section 87-40, inclusive, a #shore public walkway#, #park#, #upland connection# or fire apparatus access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#.

**87-41
Permitted Obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, 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) 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).

**87-42
Street Wall Location and Building Base**

- (a) #Street wall# location

The #street wall# of the #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances; and

- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) for #buildings# that are required to locate the main front entrance facing a #shore public walkway#, pursuant to Section 87-26 (Location of Building Entrances), no portion of the #street wall# containing such entrance shall be closer to the #shore public walkway# than the main front entrance; and
- (4) no portion of a #building# facing a #shore public walkway#, except on Parcel 1, shall exceed a width of 300 feet.

(b) Minimum and Maximum Base Heights

The #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of six #stories# or 60 feet, or the height of the #building#, whichever is less, and a maximum base height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on Parcels 5 and 6, for #street walls# facing a #shore public walkway#, the minimum base height shall be 20 feet and the maximum base height shall be four #stories# or 40 feet, whichever is less, before a setback is required. Any portion of a #building# or other structure# that does not exceed such maximum base heights shall hereinafter be referred to as a “building base”.

All portions of #buildings# that exceed the maximum base heights set forth in this paragraph, (b), shall be set back from the #street wall# of the #building# at least ten feet along a #shore public walkway#, #park# and Exterior Street, and at least 15 feet along an #upland connection#.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, except on Parcels 5, 6, 7 and 9, not more than 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of six #stories# or 60 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing a #shore

public walkway# shall rise without setback to at least a height of eight #stories# or 80 feet, whichever is less.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(1) of this Section.

(c) Transition heights

All #street walls#, except on Parcels 5 and 6, may rise to a maximum transition height of 115 feet, provided that, except on Parcel 7, not more than 60 percent of the #aggregate width of street walls# facing a #shore public walkway# exceeds a height of 85 feet. On Parcels 5 and 6, a #street wall# may rise to a maximum transition height of 85 feet, without limitation.

All portions of #buildings# that exceed the transition heights set forth in this paragraph, (c), shall comply with the tower provisions of 87-43 and 87-44.

**87-43
Towers**

All #stories# of a #development# or #enlargement# located partially or wholly above the applicable transition height set forth in paragraph (b) of Section 97-42 shall be considered a “tower” and shall comply with the provisions of this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.

(a) Maximum tower height

For #zoning lots# with 100,000 square feet of #lot area# or less, the maximum height of a #building# shall be 300 feet. The maximum height of #buildings# on #zoning lots# with more than 100,000 square feet of #lot area# shall be 400 feet; however, for #zoning lots# with two towers, such maximum #building# height of 400 feet shall apply to not more than one tower, a maximum #building# height of 260 feet shall apply to the second tower, and there shall be a height differential of at least 40 feet between both towers.

(b) Location rules for #zoning lots# abutting #parks#

Where a tower is provided on a #zoning lot# that abuts a #park#, such tower shall be located within 85 feet of such #park#, and if two towers are provided on such #zoning lot#, the second tower shall be located within 45 feet of East 149th Street or an #upland connection#. Where two towers are provided on a #zoning lot# that abuts a #park#, the shorter of the towers shall be located closer to such #park#.

(c) Maximum tower size

The outermost walls of each #story# located entirely above the applicable transition height shall be inscribed within a rectangle. The maximum length of any side of such rectangle shall be 135 feet. Each #story# of a tower located entirely above the applicable transition height shall not exceed a gross area of 8,800 square feet.

(d) Tower top articulation

All #buildings# that exceed a height of 200 feet shall provide articulation in accordance with at least one of following provisions:

(1) Setbacks on each tower face

(i) For #buildings# less than 260 feet in height, the highest three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#.

(ii) For #buildings# 260 feet or more in height, the highest four #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately

below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#.

Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this subparagraph (1), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(2) Three setbacks facing Harlem River

The upper #stories# of a tower shall provide setbacks with a minimum depth of 15 feet measured from the west facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 230 feet, whichever is less. The lowest level at which such setbacks may be provided is 230 feet, and the highest #story# shall be located entirely within the eastern half of the tower.

87-50

Design Requirements for Fire Apparatus Access Roads

Where a fire apparatus access road is provided as required by the New York City Fire Code, such road shall comply with the following requirements.

- (a) The width of a paved road bed shall be 34 feet, constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops.
- (b) Curbs shall be provided along each side of the entire length of such road.
- (c) A minimum five-foot wide planting strip shall be provided adjacent to and along the entire length of the required curb. Within the required planting strip, one tree of at least three inches in caliper shall be planted for every 25 feet of length of such planting strip. Driveways are permitted to traverse such planting strips, and utilities are permitted to be located within such planting strips.
- (d) A minimum 8 foot paved sidewalk shall be provided adjacent to and along the entire length of the required planting strip.
- (d) All such roads shall be constructed with lighting, signage and crosswalks to minimum Department of Transportation standards for public #streets#.

87-60

Parking Regulations

The following provisions shall apply to all parking facilities:

- (a) All #accessory# off-street parking spaces may be made available for public use; any such space, however, shall be made available to the occupant of a #residence# to which it is accessory within 30 days after written request therefore is made to the landlord.
- (b) The off-site spaces provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided the lot to be used for parking is within the #Special Harlem River Waterfront District#.
- (c) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:
 - (1) entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts; or
 - (2) located at every level above-grade, behind commercial, community facility or #residential floor area# with a minimum depth of 25 feet as measured any #building wall# facing a #shore public walkway#, so that no portion of such parking facility is visible from the #shore public walkway#. All such parking facilities shall be exempt from the definition of #floor area#. In addition, on Parcel 1, the ground floor of a portion of a #building# facing Exterior Street shall be occupied to a depth of 25 feet with #commercial#, #community facility# or

#residential floor area# so that no portion of such parking facility is visible from Exterior Street. On Parcel 6, the ground floor of a portion of a #building# within 60 feet of the intersection of Exterior Street and 138th Street shall be occupied to a depth of 25 feet with #commercial#, #community facility# or #residential floor area# so that no portion of

such parking facility is visible from such portion of Exterior Street or 138th Street.

- (d) The provisions of this paragraph (d) shall apply to any portion of a parking facility that abuts an exterior #building wall#.
- (1) any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view;
 - (2) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
 - (3) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.
- (e) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

87-61

Curb Cut Restrictions

On Parcels 1, 2, 3 and 4, as indicated on Map 1 in the Appendix to this Chapter, no curb cuts shall be provided facing a #shore public walkway# and, further, on Parcel 2, no curb cuts shall be provided facing a #park#.

87-70

HARLEM RIVER WATERFRONT ACCESS PLAN

Map 2 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location of certain features mandated or permitted by the Plan.

87-71

Public Access Provisions by Parcel

The provisions of Sections 62-41 (Requirements for Waterfront Public Access) and 62-42 (Requirements for Visual Corridors), shall apply as follows:

(a) #Shore public walkways#

- (1) The #shore public walkway# shall be constructed at an elevation of two feet above the highest level of the Oak Point Rail Link.
- (2) A dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code Section 503.2.5 (Dead-ends), may by certification extend into a designated #shore public walkway# as set forth in Section 87-73 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).

(b) #Upland connections#

#Upland connections# shall be located on Parcels 3, 4 and 6, as designated on Map 2 in the Appendix to this Chapter.

The provisions of Sections 62-41 (Requirements for Waterfront Public Access) are modified as follows:

- (1) Parcel 3 may provide the #upland connection# at either of the two optional locations indicated on Map 2 in the Appendix to this Chapter.
- (2) The required width for an #upland connection# on Parcel 6, as indicated on Map 2, is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) Supplemental public access areas

#Supplemental public access areas# pursuant to this Plan shall be provided on Parcels 1 and 2, as indicated on Map 2 in the Appendix to this Chapter, however, the requirement may be waived by certification by the Chairperson of the City Planning Commission as set forth in Section 87-72 (Certification to Waive Supplemental Public Access Area Requirement).

(d) Visual Corridors

#Visual corridors# shall be located within Parcels 1 and 4, and the #park#, as indicated on Map 2 in the Appendix to this Chapter.

87-72

Certification to Waive Supplemental Public Access Area Requirement

For Parcels 1 and 2, the requirement to provide a designated #supplemental public access area#, as indicated on Map 2 in the Appendix to this Chapter, may be waived by the Chairperson of the City Planning Commission upon finding that:

- (a) the site plan includes a vehicular connection through the #zoning lot# pursuant to the design guidelines set forth in Section 87-50 (Design Requirements for Fire Apparatus Access Roads); and
- (b) a declaration of restrictions has been provided pursuant to Section 87-74 (Declaration of Restrictions); and
- (c) the design meets all applicable connection requirements set forth in Section 87-76 (Connection with adjacent zoning lots); and
- (d) such a connection either:
 - (1) on Parcel 1, provides a vehicular connection between East 149th Street and Exterior Street; or
 - (2) on Parcel 2, provides a bidirectional connection between Exterior Street at its intersection with East 144th Street and the southernmost #lot line# of the #development#.

87-73

Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways

On Parcels 2, 3 and 4, a dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code Section 503.2.5 (Dead-ends), may by certification, extend into the designated #shore public walkway#, provided that:

- (a) a declaration of restrictions has been provided pursuant to Section 87-74; and
- (b) a fire apparatus access road abutting the shared #zoning lot line# between the #development# seeking certification under this section and Parcels 2, 3 or 4 does not exist; and
- (c) the following connection requirements are met:
 - (1) On Parcel 1, the fire apparatus access road shall serve as a connection along all #buildings# on such Parcel along the #shore public walkway# and #park#. Such road shall provide for a vehicular connection between East 149th Street and Exterior Street; or
 - (2) On Parcels 2, 3 and 4, the fire apparatus access road shall serve as a segment of a bidirectional loop road along the #shore public walkway# on such Parcels, providing a connection to Exterior Street at the

northeast corner of Parcel 2 and a connection to Exterior Street at the southeast corner of Parcel 4.

Such turnaround shall have a diameter of 70 feet and be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. At no point may the turnaround extend into the #shore public walkway# for a distance greater than 23 feet. Sidewalks shall not be required adjacent to the turnaround. The portion of the turnaround that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials, and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.1.1 (Fire apparatus access roads). In addition, the roadbed material of a fire apparatus access road leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush of the level of adjoining sidewalks.

87-74

Declaration of Restrictions

For any fire apparatus access road proposed for certification pursuant to Sections 87-72 or 87-73, a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, to guarantee that such road remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Section 87-72 and 87-73, where applicable.

For certifications proposed pursuant to Section 87-73, at the time a declaration of restrictions has been provided by the adjacent #development#, pursuant to this section, permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously constructed fire apparatus access turnaround shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

- (a) deconstructing the fire apparatus access road turnaround; and
- (b) re-landscaping the area that had extended into the #shore public walkway#, so as to create the conditions of the immediately surrounding #shore public walkway#, which may include any combination of tree planting, laying sod, removing pavers, or any other required landscaping action; and
- (c) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable pedestrian movement across #developments#; and

- (d) complying with all applicable waterfront rules, street regulations and the New York City Fire Code.

87-75

Applicability of waterfront regulations

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after (effective date of amendment), the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

87-76

Connection with adjacent zoning lots

The following provisions apply to #developments# pursuing certification pursuant to either Section 87-72 (Certification to Waive Supplemental Public Access Area Requirement) or Section 87-73 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).

On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development# shall provide a connection for bidirectional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a connection that terminates at the shared #lot line#. Any connection of fire apparatus access roads across a shared #zoning

lot line# must meet the grade of and maintain the street width of the existing adjacent

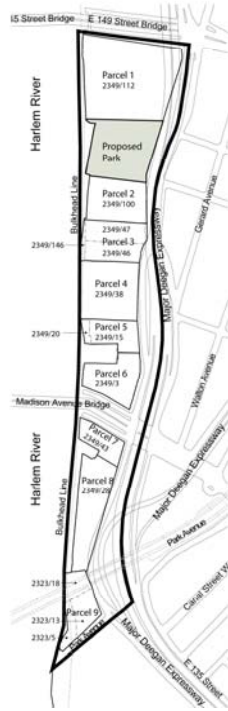
private street. In addition to such physical shared #lot line# connection, a private road declaration shall be provided pursuant to the provisions of Section 87-74 of this Chapter. A connection need not be opened unless and until such declaration of restrictions, in accordance with 87-74, has been recorded against the adjacent #zoning lot#.

When no connection for vehicular travel terminating at the opposite side of a shared #zoning lot line# exists, one may, by certification pursuant to Section 87-73, construct a dead-end fire apparatus access road turnaround that may extend into the designated #shore public walkway#. Such certification is also contingent upon providing a declaration of restrictions, in accordance with Section 87-74.

APPENDIX

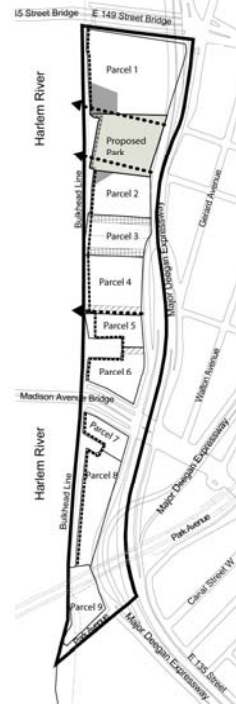
Map 1: Special Harlem River Waterfront District and Parcels

- Special Harlem River District
- Parcel line
- - - Tax lot line
- 2349/112 Tax block/Lot number



Map 2: Waterfront Access Plan : Public Access Elements

- Special Harlem River District
- Shore Public Walkway / Waterfront Yard
- Shore Public Walkway in Park
- ◀----- Visual Corridor (Designated Location)
- ▨ Upland Connection (Designated Location)
- ▩ Upland Connection (Variable Location)
- Supplemental Public Access Area (Designated Location)



* * *

Note: Only underlined text is new in the following Section.

Article XII - Special Purpose Districts

* * *

Chapter 3

Special Mixed Use District

* * *

123-66

Height and Setback Regulations

* * *

123-662

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

* * *

TABLE B

* * *

In addition, in #Special Mixed-Use District# 13 in the Borough of The Bronx, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified for the applicable district as set forth in Table B above, or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be located beyond eight feet of the #street line#. Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph.

* * *

123-90

SPECIAL MIXED USE DISTRICTS SPECIFIED

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

* * *

#Special Mixed Use District# - 13: (effective date)
Lower Concourse, Bronx

The #Special Mixed Use District# - 13 is established in the Lower Concourse in The Bronx as indicated on the #zoning maps#.

Resolution for adoption scheduling April 1, 2009 for a public hearing.

No. 3

CD 1

C 090303 ZMX

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

1. changing from an M2-1 District to an R7-2 District property bounded by a line 190 feet southerly of a park* and its easterly prolongation, Major Deegan Expressway, Park Avenue and its northeasterly and southwesterly prolongations, and a U.S. Pierhead and Bulkhead Line;
2. changing from an M1-2 District to a C4-4 District property bounded by East 149th Street, Morris Avenue, East 144th Street, Canal Place, East 146th Street, Park Avenue, East 144th Street, and the easterly street line of former Anthony J. Griffin Place and its northerly and southerly prolongations;
3. changing from an M2-1 District to a C4-4 District property bounded by:
 - a. East 149th Street, Major Deegan Boulevard, the northerly boundary of a park* and its easterly and westerly prolongations, and a U.S. Pierhead and Bulkhead Line; and
 - b. the southerly boundary line of a park* and its easterly and westerly prolongations, Major Deegan Expressway, a line 190 feet southerly of a park* and its easterly prolongation, and a U.S. Pierhead and Bulkhead Line;
4. changing from an M1-2 District to a C6-2A District property bounded by East 144th Street, Grand Concourse, a line 120 feet southerly of East 144th Street, a line 100 feet easterly of Grand Concourse, the easterly prolongation of the southerly street line of East 140th Street, the westerly boundary line of the Metro North Rail Road (Harlem Division) right-of-way, East 138th Street, Major Deegan Boulevard, a line 100 feet northerly of East 138th Street, and Walton Avenue;
5. changing from an M2-1 District to a C6-2A District property bounded by a line 100 feet northerly of East 138th Street, Major Deegan Boulevard, East 138th Street, and Major Deegan Expressway;

6. changing from an M1-2 District to an M1-4 District property bounded by:
 - a. a line 75 feet southwesterly of East 138th Street, a line 100 feet northwesterly of Third Avenue, East 136th Street, and Rider Avenue; and
 - b. East 138th Street, Park Avenue and its southwesterly centerline prolongation, and an easterly service road of the Major Deegan Expressway;
7. changing from an M2-1 District to an M1-4 District property bounded by a line 75 feet southwesterly of East 138th Street, Rider Avenue and its southwesterly centerline prolongation, East 135th Street, the northeasterly centerline prolongation of Park Avenue, Major Deegan Expressway, East 138th Street, an easterly service road of the Major Deegan Expressway, Park Avenue and its southwesterly centerline prolongation, a line 300 feet southwesterly of East 138th Street, and Canal Place;
8. changing from an M1-2 District to an M1-4/R6A District property bounded by:
 - a. East 146th Street, Canal Place, East 144th Street, Rider Avenue, a line 150 feet southerly of East 140th Street, Canal Place, East 144th Street, and Park Avenue; and
 - b. a line 200 feet southerly of East 144th Street, Walton Avenue, a line 100 feet northerly of East 138th Street, Major Deegan Boulevard, and Gerard Avenue and its southerly centerline prolongation;
9. changing from an M2-1 District to an M1-4/R6A District property bounded by the westerly centerline prolongation of East 140th Street, Major Deegan Boulevard, a line 100 feet northerly of East 138th Street, and Major Deegan Expressway;
10. changing from an R6 District to an M1-4/R7A District property bounded by East 142nd Street, Morris Avenue, East 140th Street, and Rider Avenue;
11. changing from an M1-2 District to an M1-4/R7A District property bounded by:
 - a. East 144th Street, Morris Avenue, East 142nd Street, and Rider Avenue;
 - b. East 140th Street, Morris Avenue, a line 100 feet northeasterly of East 138th Street, and Rider Avenue; and
 - c. a line 75 feet southwesterly of 138th Street, Lincoln Avenue, Major Deegan Expressway, Rider Avenue and its southwesterly centerline prolongation, East 136th Street, and a line 100 feet northwesterly of Third Avenue;
12. changing from an M1-2 District to an M1-4/R7X District property bounded by Park Avenue, a line 150 feet northeasterly of East 138th Street, Canal Place, a

- line 100 feet northeasterly of East 138th Street, Morris Avenue, Third Avenue, Lincoln Avenue, a line 75 feet southwesterly of East 138th Street, Rider Avenue, and East 138th Street;
13. changing from an M2-1 District to an M1-4/R7X District property bounded by Park Avenue, East 138th Street, Rider Avenue, a line 75 feet southwesterly of East 138th Street, Canal Place, and a line 300 feet southwesterly of East 138th Street;
 14. changing from a C4-4 District to an M1-4/R8A District property bounded by East 149th Street, Walton Avenue, a line midway between East 144th Street and East 146th Street, and Gerard Avenue;
 15. changing from an M1-2 District to and M1-4/R8A District property bounded by East 149th Street, Gerard Avenue, a line midway between East 144th Street and East 146th Street, Walton Avenue, a line 200 feet southerly of East 144th Street, Gerard Avenue and its southerly centerline prolongation, and Major Deegan Boulevard;
 16. changing from an M2-1 District to an M1-4/R8A District property bounded by Major Deegan Boulevard, the westerly centerline prolongation of East 140th Street, and Major Deegan Expressway;
 17. establishing within a proposed R7-2 District a C2-4 District bounded by a line 190 feet southerly of a park*, Major Deegan Expressway, Park Avenue and its southwesterly and northeasterly centerline prolongations, and a U.S. Pierhead and Bulkhead Line;
 18. establishing a Special Harlem River Waterfront District (HRW) bounded by East 149th Street, Major Deegan Expressway, Park Avenue and its southwesterly and northeasterly centerline prolongations, and a U.S. Pierhead and Bulkhead Line;
 19. establishing a Special Mixed Use District (MX-13) bounded by:
 - a. East 149th Street, Walton Avenue, a line 100 feet northerly of East 138th Street, Major Deegan Expressway, Major Deegan Boulevard, the easterly centerline prolongation of East 149th Street, and the southerly centerline prolongation of River Avenue; and
 - b. East 146th Street, Canal Place, East 144th Street, Morris Avenue, Third Avenue, Lincoln Avenue, Major Deegan Expressway, Rider Avenue and its southwesterly centerline prolongation, East 136th Street, a line 100 feet northwesterly of Third Avenue, a line 75 feet southwesterly of East 138th Street, Canal Place, a line 300 feet southwesterly of East 138th Street, Park Avenue, East 138th Street, Park Avenue, a line 150 feet northeasterly of East 138th Street, Canal Place, a line 100 feet northeasterly of East 138th Street, Rider Avenue, a line 150 feet southwesterly of East 140th Street, Canal Place, East 144th Street, and Park Avenue;

Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only), dated February 2, 2009, and subject to the conditions of CEQR Declaration E-227.

*Note: a park is proposed to be established under a concurrent related application C 090166 MMX for a change in the City Map.

Resolution for adoption scheduling April 1, 2009 for a public hearing.

NOTICE

On Wednesday, April 1, 2009, at 10:00 a.m., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning adoption of zoning map and text amendments and amendments to the City Map for an area encompassing approximately 30 blocks, located in Community District 1 in the South Bronx. The proposed rezoning area is currently zoned M1-2, M2-1, C4-4 and R6. The proposed action would rezone the area to C4-4, C6-2A, M1-4/R8A, M1-4/R7X, M1-4/R7A, M1-4/R6A, M1-2, M1-4, and R7-2/C2-4. The proposed zoning text amendments would include zoning text amendments to establish a Special Mixed-Use District (MX), modify food store regulations within M1-4 districts in Bronx Community District 1, and make the provisions of the Inclusionary Housing program applicable within the proposed rezoning area. Text amendments are also proposed to establish a waterfront access plan and special district in the area located along the Harlem River waterfront within the proposed rezoning area. Comments are requested on the DEIS and will be accepted until Monday, April 13, 2009.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 08DCP071X.
