# CITY PLANNING COMMISSION DISPOSITION SHEET

PUBLIC MEETING:
WEDNESDAY, AUGUST 5, 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

22 READE STREET, NEW YORK 10007						(212) 720-3370												
CAL NO.	AL CD					DDO IECT NAME						C.P.C. ACTION						
		5	E	PROJECT NAME  ELDERT LANE RESIDENTIAL DEVELOPMENT						Scheduled to be Heard 8/19/09								
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7	C 090470 PPQ	7	COLL	EGE	POINT	CORP	ORAT	E PAR	K DIS	POSIT	ION				"	"		
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9	N 090343 HAX	6				"	"								"	ıı		
10	C 090219 ZSK	8			JARIC/	AN CU	LTUR	AL CE	NTER					п п				
11	C 090386 ZMK	7			SUNS	SET P	ARK R	EZON	ING				" "					
12	N 090387 ZRK	7		11 11							" "							
13	C 080374 ZSR	3		PRESENTATION CIRCLE							" "							
14	N 080377 RAR	3	п п							Authorization Approved								
15	C 060288 ZMX	10	ON THE SOUND ON CITY ISLAND							Hearing Closed								
16	C 060289 ZSX	10		н н							" "							
17		7		BOARD OF ELECTIONS WAREHOUSE " "														
COMMISSION ATTENDANCE: Present (P) COMMISSION VOTING RECORD:																		
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	M. Burden, FAICP, (			Р	Υ	Υ	Υ	Υ	Υ	Υ	Υ							
	J. Knuckles, Esq., V	ice Chai	rman	Р	Υ	Υ	Υ	Υ	Υ	Υ	Υ							
_	M. Battaglia			Р	Υ	Υ	Υ	Υ	Υ	Υ	Υ							<u> </u>
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Irwin G. Cantor, P.E.				Р	Υ	Υ	Υ	Υ	Υ	Υ	Υ						<u> </u>	<u> </u>
Angela R. Cavaluzzi, AIA				Υ	Υ	Υ	Y	Υ	Υ	Υ						<u> </u>	<u> </u>	
Alfred C. Cerullo, III				Υ	Υ	Υ	Υ	Υ	Υ	Υ								
Betty Y. Chen P Maria M. Del Toro				Υ	Υ	Υ	Υ	Y	Υ	Υ							<u> </u>	
Richard W. Eaddy				Υ	Υ	Υ	Υ	Υ	Υ	Υ						<u> </u>	<del>                                     </del>	
Nathan Leventhal				Y	Y	Y	Y	Y	Y	Y								
	A. McRae			P	Y	Y	Y	Y	Y	Y	Y							<del>                                     </del>
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MEETING ADJOURNED AT: 1:24 P.M.

# CITY PLANNING COMMISSION DISPOSITION SHEET

PUBLIC MEETING:
WEDNESDAY, AUGUST 5, 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

10:00 A.M. SPECTOR HALL 22 READE STREET, NEW YORK 10007  New York, New York 10007-1216 (212) 720-3370																		
CAL CD PROJECT NAME										C B C ACTION								
NO.	OLOKE NO.	NO.				FROS	LOTIN	IAIVIL						C.P.C. ACTION				
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COMMIS	 SSION ATTENDANCE	:	Present (P	)	СОМІ	MISSIC	ON VO	TING I	RECO	RD:								
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Amanda	M. Burden, FAICP,		alendar Numi	ers:														
Kenneth	J. Knuckles, Esq., \	/ice Chai	rman															
Angela I	M. Battaglia																	
Rayann	Besser																	
Irwin G. Cantor, P.E.																		
Angela I	R. Cavaluzzi, AIA				1													
Alfred C	. Cerullo, III																	
Betty Y.	Chen																	
Maria M	. Del Toro																	
	Richard W. Eaddy																	
	Nathan Leventhal																	
-	Shirley A. McRae																	
Karen A	. Phillips, Commissi	oners																

MEETING ADJOURNED AT:

# COMPREHENSIVE CITY PLANNING CALENDAR

of

The City of New York

CITY PLANNING COMMISSION

**WEDNESDAY, AUGUST 5, 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. 15]

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

RAYANN BESSER

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

KAREN A. PHILLIPS, Commissioners

YVETTE V. GRUEL, Calendar Officer

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a.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 August 19, 2009 at Spector Hall, 22 Reade Street, New York at 10:00 a.m.

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# **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 Fav	vor	
Comments:		
Name:		
Address:		
Organization (if any)		
Address	Title:	

# **AUGUST 5, 2009**

# APPROVAL OF MINUTES OF the Regular Meeting of July 22, 2009;

# I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR WEDNESDAY, AUGUST 19, 2009

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

#### BOROUGH OF BROOKLYN

Nos. 1 & 2

#### ELDERT LANE RESIDENTIAL DEVELOPMENT

No. 1

CD 5 C 090307 MMK

**IN THE MATTER OF** an application submitted by Eldert Lane Development Ltd. and the Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the establishment and realignment of Eldert Lane between Conduit Boulevard and Sutter Avenue;
- the elimination of a portion of Robert Venable Park;
- the extinguishment of a permanent access easement;
- the adjustment of grades necessitated thereby,

and any acquisition or disposition of real property related thereto all within an area generally bounded by Belmont Avenue, Conduit Boulevard, Forbell Street, Sutter Avenue and Sheridan Avenue, in accordance with Map No. X-2714, dated June 5, 2009, and signed by the Borough President.

Resolution for adoption scheduling August 19, 2009 for a public hearing.

CD 5 C 090308 ZMK

**IN THE MATTER OF** an application submitted by Eldert Lane Development Ltd. and the Department of Parks and Recreation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18a changing from an R5 District to an R6A District property bounded Belmont Avenue, South Conduit Avenue, Eldert Lane\*, Sutter Avenue, as shown on a diagram (for illustrative purposes only) dated June 15, 2009.

\*Note: Eldert Lane is proposed to be widened and a portion is proposed to be established

Resolution for adoption scheduling August 19, 2009 for a public hearing.

#### No. 3

# CORETTA SCOTT KING APARTMENTS

CD 5 C 090467 HAK

**IN THE MA TTER 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:
  - the designation of property located at 660 Jerome Street and 741 Barbey Street (Block 4309, Lots 1 and 46) 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 a four-story, 51-unit development, tentatively known as Coretta Scott King Apartments, to be developed under the U.S. Department of Housing and Urban Development's Section 202 Supportive Housing Program for the Elderly.

Resolution for adoption scheduling August 19, 2009 for a public hearing.

#### No. 4

# CARROLL GARDENS REZONING

CD 6 C 090462 ZMK

**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. 16a and 16c:

- 1. eliminating from within an existing R6 District a C1-3 District bounded by:
  - a. Kane Street, a line 100 feet southeasterly of Columbia Street, Degraw Street, a line 150 feet southeasterly of Columbia Street, a line midway between Sackett Street and Union Street, Hick Street (westerly portion), a line midway between Union Street and President Street, a line 150 feet southeasterly of Columbia Street, Carroll Street, and Columbia Street;
  - b. Sackett Street, a line 150 feet southeasterly of Henry Street, a line midway between Union Street and President Street, Hicks Street (easterly portion), Union Street, and a line 150 feet northwesterly of Henry Street;
  - c. Degraw Street, Court Street, Warren Street, a line 150 feet southeasterly of Court Street, President Street, Court Street, 1<sup>st</sup> Place, a line 150 feet southeasterly of Court Street, Luquer Street, Court Street, 4<sup>th</sup> Place, and a line 150 feet northwesterly of Court Street;
  - d. Warren Street, a line 150 feet southeasterly of Smith Street, Butler Street, and a line 150 feet northwesterly of Smith Street, and
  - e. Warren Street, Hoyt Street, Douglass Street, and a line 150 feet northwesterly of Hoyt Street;
- 2. eliminating from within an existing R6 District a C2-3 District bounded by:
  - a. Sackett Street, Columbia Street, Carroll Street, a line 150 feet southeasterly
    of Columbia Street, Woodhull Street, Columbia Street, Summit Street, a line
    100 feet northwesterly of Columbia Street, Union Street, a line 150\* feet
    northwesterly of Columbia Street, a line midway between Sackett Street and
    Union Street, and a line 100 feet northwesterly of Columbia Street;
  - b. Butler Street, a line 150 feet southeasterly of Smith Street, President Street, and a line 150 feet northwesterly of Smith Street;
  - c. a line 100 feet southwesterly of 3<sup>rd</sup> Street, a line 100 feet southeasterly of Smith Street, a line midway between 4<sup>th</sup> Street and 5<sup>th</sup> Street, and Smith Street:

- d. 4<sup>th</sup> Place, Court Street, Nelson Street, a line 150 feet southeasterly of Court Street, Huntington Street, Court Street, a line 110 feet northeasterly of West 9<sup>th</sup> Street, a line 65 feet southeasterly of Court Street, West 9<sup>th</sup> Street, a line 100 feet southeasterly of Court Street, a line midway between Garnet Street and Centre Street, a line 275 feet northwesterly of Smith Street, Centre Street, Hamilton Avenue (northeast portion), Court Street, Garnet Street, Hamilton Avenue (northeast portion), a line 100 feet northeasterly of Garnet Street, a line 100 feet northwesterly of Court Street, Huntington Street, and a line 150 feet northwesterly of Court Street;
- e. Huntington Street, a line perpendicular to the southwesterly street line of Huntington Street distant 115 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Huntington Street and the northeasterly street line of Hamilton Avenue (northeast portion), a line midway between Huntington Street and West 9<sup>th</sup> Street, a line perpendicular to the northeasterly street line of West 9<sup>th</sup> Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of West 9<sup>th</sup> Street and the northeasterly street line of Hamilton Avenue (northeast portion), and Hamilton Avenue (northeast portion); and
- f. a line 105 feet northeasterly of West 9<sup>th</sup> Street, Smith Street, Garnet Street, and a line 80 feet northwesterly of Smith Street;
- 3. changing from an R6 District to an R6A District property bounded by:
  - a. Kane Street, Tiffany Place, Degraw Street, a line 100 feet southeasterly of Columbia Street, Woodhull Street, Columbia Street, Union Street, a line 150 feet northwesterly of Columbia Street, a line midway between Sackett Street and Union Street, a line 100 feet northwesterly of Columbia Street, Sackett Street, and Columbia Street
  - b. Degraw Street, a line 100 feet southeasterly of Henry Street, Union Street, Henry Street, President Street, a line 100 feet southeasterly of Henry Street, Carroll Street, Henry Street, a line 75 feet northeasterly of Carroll Street, a line 100 feet northwesterly of Henry Street, President Street, Brooklyn-Queens Connecting Highway, Union Street, a line 100 feet northwesterly of Henry Street, a line midway between Degraw Street and Sackett Street, and Henry Street; and
  - c. Warren Street, a line 100 feet southeasterly of Court Street, Butler Street, a line 80 feet southeasterly of Court Street, President Street, Court Street, Carroll Street, a line 50 feet southeasterly of Court Street, 1<sup>st</sup> Place, a line 100 feet southeasterly of Court Street, a line 100 feet northeasterly of 2<sup>nd</sup> Place, a line 50 feet southeasterly of Court Street, 3<sup>rd</sup> Place, a line 80 feet southeasterly of Court Street, 4<sup>th</sup> Place, a line

100 feet southeasterly of Court Street, Nelson Street, a line 80 feet southeasterly of Court Street, Huntington Street, Smith Street, West 9<sup>th</sup> Street, a line 100 feet southeasterly of Court Street, a line midway between Garnet Street and Centre Street, a line 275 feet northwesterly of Smith Street, Centre Street, Hamilton Avenue (northeast portion), a line 80 feet northwesterly of Court Street, West 9<sup>th</sup> Street, a line 125 feet northwesterly of Court Street, a line midway between Huntington Street and West 9th Street, a line 80 feet northwesterly of Court Street, Luquer Street, a line 50 feet northwesterly of Court Street, 4th Place, a line 80 feet northwesterly of Court Street, a line midway between 3<sup>rd</sup> Place and 4<sup>th</sup> Place, Court Street, 3<sup>rd</sup> Place, a line 50 feet northwesterly of Court Street, a line midway between 1st Place and 2nd Place, Clinton Street, 1st Place, a line 80 feet northwesterly of Clinton Street, a line 50 feet southwesterly of Degraw Street, Clinton Street, Degraw Street, a line 100 feet southeasterly of Clinton Street, Sackett Street, a line 190 feet southeasterly of Clinton Street, Union Street, a line 100 feet southeasterly of Clinton Street, President Street, a line 265 feet southeasterly of Clinton Street, a line midway between President Street and Carroll Street, a line 100 feet southeasterly of Clinton Street, a line midway between Carroll Street and 1st Place, a line 50 feet northwesterly of Court Street, Carroll Street, a line 100 feet northwesterly of Court Street, a line midway between President Street and Carroll Street, a line 50 feet northwesterly of Court Street, President Street, a line 100 feet northwesterly of Court Street, Degraw Street, and Court Street;

- 4. changing from an R6 District to an R6B District property bounded by:
  - Warren Street, a line 150 feet southeasterly of Columbia Street, Baltic Street, Hicks Street (easterly portion), Kane Street, and Columbia Street;
  - b. Union Street, Columbia Street, Summit Street, a line 100 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 200 feet northwesterly of Columbia Street, Summit Street, a line 350 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 260 feet northwesterly of Columbia Street, Carroll Street, a line 240 feet northwesterly of Columbia Street, a line midway between President Street and Carroll Street, a line 367 feet northwesterly of Columbia Street, President Street, a line 350 feet northwesterly of Columbia Street, a line midway between Union Street and President Street, a line 120 feet northwesterly of Columbia Street, a line 130 feet northeasterly of President Street, and a line 100 feet northwesterly of Columbia Street.
  - Degraw Street, Henry Street, a line midway between Degraw Street and Sackett Street, a line 100 feet northwesterly of Henry Street, Union

Street, Brooklyn-Queens Connecting Highway, President Street, a line 100 feet northwesterly of Henry Street, a line 75 feet northeasterly of Carroll Street, Henry Street, Carroll Street, a line 100 feet southeasterly of Henry Street, President Street, Henry Street, Union Street, a line 100 feet southeasterly of Henry Street, Degraw Street, Clinton Street, a line 50 feet southwesterly of Degraw Street, a line 80 feet northwesterly of Clinton Street, 1st Place, Clinton Street, a line midway between 1st Place and 2<sup>nd</sup> Place, a line 50 feet northwesterly of Court Street, 3<sup>rd</sup> Place, Court Street, a line midway between 3<sup>rd</sup> Place and 4<sup>th</sup> Place, a line 80 feet northwesterly of Court Street, 4th Place, a line 50 feet northwesterly of Court Street, Luquer Street, a line 80 feet northwesterly of Court Street, a line midway between Huntington Street and West 9<sup>th</sup> Street, a line 125 feet northwesterly of Court Street, West 9th Street, a line 80 feet northwesterly of Court Street, Hamilton Avenue (northeast portion), Clinton Street, Hamilton Avenue (northeast portion), Henry Street, Coles Street, Hamilton Avenue (northeast portion), Hicks Street (westerly portion), Woodhull Street, and a line 100 feet southeasterly of Columbia Street;

- d. Degraw Street, a line 100 feet northwesterly of Court Street, President Street, a line 50 feet northwesterly of Court Street, a line midway between President Street and Carroll Street, a line 100 feet northwesterly of Court Street, Carroll Street, a line 50 feet northwesterly of Court Street, a line midway between Carroll Street and 1st Place, a line 100 feet southeasterly of Clinton Street, a line 265 feet southeasterly of Clinton Street, President Street, a line 100 feet southeasterly of Clinton Street, Union Street, a line 190 feet southeasterly of Clinton Street, Sackett Street, and a line 100 feet southeasterly of Clinton Street, Sackett Street, and a line 100 feet southeasterly of Clinton Street;
- Warren Street, Hoyt Street, Douglass Street, Bond Street,  $3^{rd}$  Street, Hoyt Street, a line midway between  $3^{rd}$  Street and  $4^{th}$  Street, a line e. perpendicular to the northeasterly street line of 4<sup>th</sup> Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4th Street and the northwesterly street line of Hoyt Street, 4th Street, a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street, a line midway between 4<sup>th</sup> Street and 5th Street, Smith Street, Huntington Street, a line 80 feet southeasterly of Court Street, Nelson Street, a line 100 feet southeasterly of Court Street, 4<sup>th</sup> Place, a line 80 feet southeasterly of Court Street, 3<sup>rd</sup> Place, a line 50 feet southeasterly of Court Street, a line 100 feet northeasterly of 2<sup>nd</sup> Place, a line 100 feet southeasterly of Court Street, 1st Place, a line 50 feet southeasterly of Court Street, Carroll Street, Court Street, President Street, a line 80 feet southeasterly

- of Court Street, Butler Street, and a line 100 feet southeasterly of Court Street; and
- f. West 9<sup>th</sup> Street, Smith Street, Garnet Street, a line 100 feet northwesterly of Smith Street, a line midway between Garnet Street and Centre Street, and a line 100 feet southeasterly of Court Street;
- 5. changing from an R6 District to an R7A District property bounded by Kane Street, Hicks Street (easterly portion), Degraw Street, and Tiffany Place;
- 6. establishing within a proposed R6A District a C2-4 District bounded by:
  - Kane Street, a line 100 feet southeasterly of Columbia Street, Woodhull Street, Columbia Street, Union Street, a line 150 feet northwesterly of Columbia Street, a line midway between Sackett Street and Union Street, a line 100 feet northwesterly of Columbia Street, Sackett Street, and Columbia Street;
  - a line midway between Degraw Street and Sackett Street, Henry Street, Sackett Street, a line 100 feet southeasterly of Henry Street, Union Street, Henry Street, a line 100 feet southwesterly of Union Street, and a line 100 feet northwesterly of Henry Street;
  - Union Street, a line 120 feet southeasterly of Hicks Street, President Street, and Hicks Street (easterly portion);
  - Warren Street, a line 100 feet southeasterly of Court Street, Butler d. Street, a line 80 feet southeasterly of Court Street, President Street, Court Street, Carroll Street, a line 50 feet southeasterly of Court Street, 1st Place, a line 100 feet southeasterly of Court Street, a line 100 feet northeasterly of 2<sup>nd</sup> Place, a line 50 feet southeasterly of Court Street, 3<sup>rd</sup> Place, a line 80 feet southeasterly of Court Street, 4<sup>th</sup> Place, a line 100 feet southeasterly of Court Street, Luguer Street, Court Street, Nelson Street, a line 80 feet southeasterly of Court Street, Huntington Street, Court Street, a line 110 feet northeasterly of West 9<sup>th</sup> Street, a line 65 feet southeasterly of Court Street, West 9th Street, a line 100 feet southeasterly of Court Street, a line midway between Garnet Street and Centre Street, a line 275 feet northwesterly of Smith Street, Centre Street, Hamilton Avenue (northeast portion), Court Street, Garnet Street, a line 80 feet northwesterly of Court Street, West 9<sup>th</sup> Street, a line 125 feet northwesterly of Court Street, a line midway between Huntington Street and West 9th Street, a line 80 feet northwesterly of Court Street, Luquer Street, a line 50 feet northwesterly of Court Street, 4th Place, a line 80 feet northwesterly of Court Street, a line midway between 3<sup>rd</sup> Place and 4<sup>th</sup> Place, Court Street, 3<sup>rd</sup> Place, a line 50 feet northwesterly of Court Street, Carroll Street, a line 100 feet northwesterly of Court Street, a line midway between President Street and Carroll Street, a line 50 feet northwesterly of Court Street,

- President Street, a line 100 feet northwesterly of Court Street, Degraw Street, and Court Street; and
- e. a line 105 feet northeasterly of West 9<sup>th</sup> Street, Smith Street, West 9<sup>th</sup> Street, and a line 80 feet northwesterly of Smith Street;
- 7. establishing within a proposed R6B District a C2-4 District bounded by:
  - a. Union Street, Columbia Street, Summit Street, and a line 100 feet northwesterly of Columbia Street;
  - b. a line midway between Sackett Street and Union Street, Hicks Street (westerly portion), a line midway between Union Street and President Street, and a line 100 feet southeasterly of Columbia Street;
  - Degraw Street, Henry Street, a line midway between Degraw Street and Sackett Street, and a line 100 feet northwesterly of Henry Street;
  - d. Union Street, a line 100 feet southeasterly of Henry Street, a line 100 feet southwesterly of Union Street, and Henry Street;
  - e. Carroll Street, a line 100 feet southeasterly of Henry Street, a line midway between Carroll Street and 1st Place, and Henry Street;
  - f. Summit Street, a line 100 feet southeasterly of Hicks Street (easterly portion), Woodhull Street, and Hicks Street (easterly portion);
  - g. Huntington Street, a line perpendicular to the southwesterly street line of Huntington Street distant 115 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Huntington Street and the northeasterly street line of Hamilton Avenue (northeast portion), a line midway between Huntington Street and West 9<sup>th</sup> Street, a line perpendicular to the northeasterly street line of West 9<sup>th</sup> Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of West 9<sup>th</sup> Street and the northeasterly street line of Hamilton Avenue (northeast portion), and Hamilton Avenue (northeast portion);
  - h. a line 100 feet northeasterly of Garnet Street and its northwesterly prolongation, a line 80 feet northwesterly of Court Street, Garnet Street, and Hamilton Avenue (northeast portion);
  - i. West 9<sup>th</sup> Street, Smith Street, Garnet Street, and a line 80 feet northwesterly of Smith Street;
  - j. Warren Street, a line 100 feet southeasterly of Smith Street, Baltic Street, a line 80 feet southeasterly of Smith Street, 2<sup>nd</sup> Street, a line 50 feet southeasterly of Smith Street, 3<sup>rd</sup> Street, a line perpendicular to the

southwesterly street line of 3<sup>rd</sup> Street distant 50 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of 3<sup>rd</sup> Street and the southeasterly street line of Smith Street, a line 80 feet southwesterly of 3<sup>rd</sup> Street, a line perpendicular to the northeasterly street line of 4<sup>th</sup> Street distant 80 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4th Street and the southeasterly street line of Smith Street, 4th Street, a line 100 feet southeasterly of Smith Street, a line midway between 4th Street and 5th Street, Smith Street, 2<sup>nd</sup> Place, a line 100 feet northwesterly of Smith Street, a line midway between 1st Place and 2nd Place, Smith Street, President Street, a line 100 feet northwesterly of Smith Street, a line midway between Union Street and President Street, a line 50 feet northwesterly of Smith Street, Union Street, a line 80 feet northwesterly of Smith Street, Sackett Street, a line 50 feet northwesterly of Smith Street, Butler Street, and a line 100 feet northwesterly of Smith Street; and

Warren Street, Hoyt Street, Douglass Street, a line 80 feet northwesterly of Hoyt Street, Butlar Street, and a line 50 feet northwesterly of Hoyt Street;

as shown on a diagram (for illustrative purposes only) dated June 1, 2009.

\* Note: The area between 100 feet and 150 feet northwesterly of Columbia Street and northeasterly of Union Street, is proposed to be rezoned by establishing a C2-3 District within the existing R6 District under a related application C 070504 ZMK.

Resolution for adoption scheduling August 19, 2009 for a public hearing.

# **BOROUGH OF MANHATTAN**

No. 5

# 46-48 LISPENARD STREET

CD 1 C 040455 ZSM

**IN THE MATTER OF** an application submitted by Lispenard Group LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Sections 111-02, 111-101 and 111-102(b)(1) to allow twelve loft dwellings on the 1<sup>st</sup> through 7<sup>th</sup> floors of an existing seven-story building that was designed for non-residential use, erected prior to December 15, 1961, and that have since been enlarged, on property

located at 46-48 Lispenard Street (Block 194, Lot 26), in an M1-5 District, within the Special Tribeca Mixed Use District (Area B1).

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

Resolution for adoption scheduling August 19, 2009 for a public hearing.

# **BOROUGH OF QUEENS**

#### No. 6

# **POLICE ACADEMY**

CD 7 C 090403 PSQ

**IN THE M ATTER OF** an application submitted by the Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property generally bounded by 28th Avenue, Ulmer Street, 31st Avenue, and College Point Boulevard:

BLOCK	LOTS
4301	p/o 1
4321	48
4323	19
4324	1
4325	1
4326	1
4327	p/o 1
4328	p/o 1
4329	1, 7, 10, 75
4359	p/o 1
4358	p/o 1
4357	p/o 1
4356	p/o 30
4354	50

including all portions of the former streets located within the boundaries of the project site that are shown on the available tax maps (including portions of the following streets which were demapped on City Map 4700 as of February 28, 1977: 124th Street, 125th Street, 126th Street, 127th Street, 128th Street, 129th Street/20th Street, 130th Street/21st Street, 22nd Street) for use as a police academy.

Resolution for adoption scheduling August 19, 2009 for a public hearing.

# NOTICE

On Wednesday, August 19, 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 Police Department in conjunction with the above ULURP hearings to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning the site selection of property related to the Police Academy.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 07NYP003Q.

# No. 7

# **COLLEGE POINT CORPORATE PARK DISPOSITION**

CD 7 C 090470 PPQ

**IN THE MA TTER 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 on Block 4208, p/o Lot 1 in the College Point Corporate Park, pursuant to zoning.

Resolution for adoption scheduling August 19, 2009 for a public hearing.

#### II. REPORTS

#### BOROUGH OF THE BRONX

# Nos. 8 & 9

# SOCIAL SECURITY ADMINISTRATION PARKING

#### No. 8

CD 6 C 090342 ZMX

**IN THE MA TTER OF** an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, by:

- 1. eliminating within an existing R7-1 District a C1-4 District bounded by a line 100 feet northwesterly of Southern Boulevard, a line 70 feet southwesterly of East 176<sup>th</sup> Street, and a line 80 feet southeasterly of Trafalgar Place; and
- 2. establishing within an existing R7-1 District a C1-4 District bounded by:
  - a. Trafalgar Place, East 176<sup>th</sup> Street, a line 100 feet northwesterly of Southern Boulevard, and a line 70 feet southwesterly of East 176<sup>th</sup> Street; and
  - b. a line 80 feet southeasterly of Trafalgar Place, a line 100 feet northwesterly of Southern Boulevard, and East 175<sup>th</sup> Street;

as shown on a diagram (for illustrative purposes only) dated April 20, 2009.

(On June 17, 2009, Cal. No. 3, the Commission scheduled July 1, 2009 for a public hearing. On July 1, 2009, Cal. No. 26, the hearing was closed.)

For consideration.

No. 9

CD 6 N 090343 HAX

**IN THE MA TTER 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 906 and 916 East 176<sup>th</sup> Street (Block 2958, p/o Lots 106 and 109) and 907 East 175<sup>th</sup> Street (Block 2958, Lot 120) as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area;

to facilitate accessory parking.

(On June 17, 2009, Cal. No. 4, the Commission scheduled July 1, 2009 for a public hearing. On July 1, 2009, Cal. No. 27, the hearing was closed.)

For consideration.

# BOROUGH OF BROOKLYN

# No. 10

# JARICAN CULTURAL CENTER

CD 8 C 090219 ZSK

**IN THE MATTER OF** an application submitted by Jarican Cultural Foundation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a non-profit institution without sleeping accommodations (Use Group 4A) on the second floor of a proposed two-story building located at 1025 Pacific Street (Block 1125, lots 60 and 61), in an M1-1 District.

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

(On June 17, 2009, Cal. No. 7, the Commission scheduled July 1, 2009 for a public hearing. On July 1, 2009, Cal. No. 28, the hearing was closed.)

For consideration.

#### BOROUGH OF BROOKLYN

# Nos. 11 & 12

#### SUNSET PARK REZONING

No. 11

CD 7 C 090386 ZMK

**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. 16b, 16d, 22a & 22c.

The proposed Zoning Map amendment may be seen in the Comprehensive City Planning Calendar of July 1, 2009 (Cal. No. 31) and at the Department of City Planning web site: (www.nyc.gov/planning).

(On June 17, 2009, Cal. No. 5, the Commission scheduled July 1, 2009 for a public hearing. On July 1, 2009, Cal. No. 31, the hearing was closed.)

For consideration.

No. 12

CD 7 N 090387 ZRK

**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 II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A districts, in the Borough of Brooklyn, Community District 7.

Matter in underline is new, to be added; Matter in strikeout is old, to be deleted; Matter within # # is defined in Section 12-10; \* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

Article 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).

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

\* \* \*

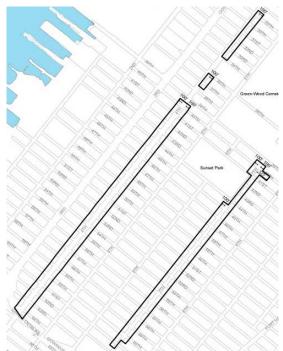
# 23-922

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

\* \* \*

(x) In Community District 7, in the Borough of Brooklyn, in the R7A District within the areas shown on the following Maps X1:



Map X1. Portion of Community District 7, Brooklyn

(On June 17, 2009, Cal. No. 6, the Commission scheduled July 1, 2009 for a public hearing. On July 1, 2009, Cal. No. 32, the hearing was closed.)

For consideration.

#### BOROUGH OF STATEN ISLAND

#### Nos. 13 & 14

# PRESENTATION CIRCLE

No. 13

CD 3 C 080374 ZSR

**IN THE MATTER OF** an application submitted by Presentations Sisters of Staten Island, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-732 of the Zoning Resolution to allow a private sewage pumping station which will serve a 97-unit residential development on property located at 419 Woodrow Road [Block 5735, p/o Lot 1 (tentative Lot 15)], in an R3-2 District, within the Special South Richmond District (SRD).

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

(On June 17, 2009, Cal. No. 8, the Commission scheduled July 1, 2009 for a public hearing. On July 1, 2009, Cal. No. 25, the hearing was closed.)

For consideration.

No. 14

CD 3 N 080377 RAR

**IN THE MATTER OF** an application submitted by the Presentation Sisters of Staten Island Inc. for the grant of authorizations pursuant to Sections 107-64 and 107-65 of the Zoning Resolution for the removal of trees and the modification of existing topography to allow the construction of a 97-unit residential development on property located at 419 Woodrow Road [Block 5735, p/o Lot 1(tentative Lot 15)] in an R3-2 District, within the Special South Richmond District.

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

For consideration.

#### III. PUBLIC HEARINGS

#### BOROUGH OF THE BRONX

Nos. 15 & 16

#### ON THE SOUND ON CITY ISLAND

No. 15

CD 10 C 060288 ZMX

#### **PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by City Island Estates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4d, by changing from an M1-1 District to an R3A District property bounded by Fordham Street, the shoreline of Long Island Sound, the northeasterly prolongation of a line 100 feet northwesterly of Caroll Street (straight line portion), and Fordham Place, as shown on a diagram (for illustrative purposes only) dated May 4, 2009, and subject to the conditions of Declaration E-237.

(On July 22, 2009, Cal. No. 1, the Commission scheduled August 5, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

No. 16

CD 10 C 060289 ZMX

### **PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by City Island Estates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 112-107 of the Zoning Resolution to modify the height and setback regulations of Sections 112-103 (Special height and setback regulations) and Section 23-631(Maximum Height of Walls and Required Setbacks) to facilitate a 43-unit residential development on property located at 226 Fordham Place (Block 5643, Lot 235), in an R3A\* District, within the Special City Island District (Area A).

\*Note: The site is proposed to be rezoned from an M1-1 District to an R3A District under a related concurrent application (C 060288 ZMX).

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

(On July 22, 2009, Cal. No. 2, the Commission scheduled August 5, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

# BOROUGH OF BROOKLYN

#### No. 17

#### **BOARD OF ELECTIONS WAREHOUSE**

CD 7 C 090349 PCK

# **PUBLIC HEARING:**

**IN THE MA TTER OF** an application submitted by the Board of Elections and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 4312 2<sup>nd</sup> Avenue (Block 796, lot 1) for use as a warehouse facility.

(On July 22, 2009, Cal. No. 3, the Commission scheduled August 5, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

# No. 18

# MOSDOTH CHILD CARE CENTER

CD 9 C 090323 PQK

# PUBLIC HEARING:

**IN THE MA TTER OF** an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 420 Lefferts Avenue (Block 1331, Lot 9) for continued use as a day care center.

(On July 22, 2009, Cal. No. 4, the Commission scheduled August 5, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

# No. 19

#### RIVERWAY APARTMENTS

CD 16 C 090447 HAK

# **PUBLIC HEARING:**

**IN THE MA TTER 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 228 Riverdale Avenue (Block 3603, Lot 25) 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 to be selected by HPD;

to facilitate development of a seven-story building, tentatively known as Riverway Apartments, with approximately 115 residential units, commercial and community facility space, to be developed under the Department of Housing Preservation and Development Supportive Housing Program.

(On July 22, 2009, Cal. No. 5, the Commission scheduled August 5, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

#### No. 20

# PROSPECT HEIGHTS HISTORIC DISTRICT

CD 8 N 100002 HKK

# **PUBLIC HEARING:**

**IN THE MATTER OF** a communication dated July 1, 2009 from the Executive Director of the Landmarks Preservation Commission regarding the Prospect Heights Historic District, designated by the Landmarks Preservation Commission on June 23, 2009 (Designation List 414/LP-2314). The district boundaries are:

property bounded by a line beginning at the southwest corner of Underhill Avenue and Prospect Place, extending southerly along the western curbline of Underhill Avenue to a point in said curbline formed by its intersection with a line extending westerly from the northern property line of 349-351 Park Place, aka 147-151 Underhill Avenue (Block 1160, Lot 1), easterly across Underhill Avenue and along said property line, northerly along the western property line of 369 Park Place, easterly along the northern Property lines of 369 to 411 Park Place and a portion of the northern property line of 413 Park Place, easterly along the angled northern property lines of 413 to 421 Park Place, southerly along the eastern property line of 421 Park Place across Park Place to its southern curbline, easterly along said curbline to a point formed by its intersection with a line extending northerly from the eastern property line of 426 Park Place, southerly along said property line, easterly along the northern property lines of 423 to 429 Sterling Place, southerly along a portion of the eastern property line of 429 Sterling Place, easterly along the northern property line of 431 Sterling Place, southerly along the eastern property line of 431 Sterling Place, across Sterling Place to its southern curbline, easterly along said curbline to a point formed by its intersection with a line extending northerly from the eastern property line of 446 Sterling Place, southerly along said property line, westerly along the southern property lines of 446 to 364 Sterling Place, northerly along a portion of the western property line of 364 Sterling Place, westerly along the southern property line of 346 Sterling Place, aka 185 Underhill Avenue and across Underhill Avenue to its western curbline, southerly along said curbline to the northwest corner of Underhill Avenue and St. John's Place, westerly along the northern curbline of St. John's Place to a point formed by its intersection with a line extending southerly from the western property line of 323 St. John's Place, aka 200 Underhill Avenue, northerly along the angled property lines of 323 St. John's Place, aka 200 Underhill Avenue, and 198 to 188 Underhill Avenue, easterly along a portion of the northern property line of 188 Underhill Avenue, northerly along the western property lines of 186 Underhill Avenue (aka 186A Underhill Avenue) to 176 Underhill Avenue, aka 340-344 Sterling Place, and across Sterling Place to its northern curbline, westerly along said curbline to a point formed by its intersection with a line extending northerly across Sterling Place from a portion of the eastern property line of 288 Sterling Place, aka 29 Butler Place, southerly across Sterling Place and said property line, following its eastward angle to the northern curbline of Butler Place, westerly along said curbline to a point formed by its intersection with a line extending southerly from a portion of the western property line of 286 Sterling Place, aka 27 Butler Place, northerly along said property line, westerly along the angled southern property lines of 284 and 282

Sterling Place, continuing westerly along the southern property lines of 280 to 276 Sterling Place, southerly along a portion of the eastern property line of 274 Sterling Place, westerly along the southern property line of 274 Sterling Place, northerly along a portion of the western property line of 274 Sterling Place, westerly along the southern property line of 272 Sterling Place and the angled southern property lines of 270 and 268 Sterling Place, northerly along the western property line of 268 Sterling Place and across Sterling Place to its northern curbline, westerly along said curbline to the northeast corner of Sterling Place and Vanderbilt Avenue, northerly along the eastern curbline of Vanderbilt Avenue and across Park Place to a point in said curbline formed by its intersection with a line extending eastward from the southern property line of 630A Vanderbilt Avenue, westerly across Vanderbilt Avenue and along said property line, southerly along a portion of the eastern property line of 210A-220 Prospect Place and the eastern property line of 233-235 Park Place, across Park Place and continuing southerly along the eastern property line of 248 Park Place, westerly along the southern property line of 248 Park Place, southerly along a portion of the eastern property line of 226-246 Park Place, westerly along the southern property line of 226-246 Park Place, southerly along the eastern property line of 213 Sterling Place to the northern curbline of Sterling Place, westerly along said curbline northerly along the eastern curbline of Flatbush Avenue, easterly along the northern property line of 375 Flatbush Avenue, easterly along the northern property lines of 375 Flatbush Avenue and 183 to 187 Sterling Place, northerly along portions of the western property lines of 189-191 Sterling Place and 200 Park Place, westerly along a portion of the southern property line of 200 Park Place and the southern property lines of 196 to 188 Park Place and the angled southern property lines of 186 to 180 Park Place, northerly along the western property line of 180 Park Place and across Park Place to its northern curbline, westerly along said curbline, northerly along the eastern curbline of Carlton Avenue to a point in said curbline formed by its intersection with a line extending easterly from the southern property line of 632A Carlton Avenue, westerly across Carlton Avenue and along said property line to a point formed by its intersection with a line extending southerly from the western property line of 632 Carlton Avenue, northerly along said line and the western property line of 632 Carlton Avenue, easterly along a portion of the northern property line of 632 Carlton Avenue, northerly along the western property lines of 628-630 and 626 Carlton Avenue, westerly along the angled southern property lines of 140 and 138 Prospect Place, northerly along a portion of the western property line of 138 Prospect Place, westerly along the southern property line of 321 Flatbush Avenue to the eastern curbline of Flatbush Avenue, northerly along the eastern curbline of Flatbush Avenue to the northern curbline of Prospect Place, westerly along said curbline to a point formed by its intersection with a line extending southward from the western property line of 115 Prospect Place, northerly along said property line and the angled western property lines of 112 to 102 St. Mark's Avenue, westerly along the southern property line of 283 Flatbush Avenue to the eastern curbline of Flatbush Avenue, northerly along said curbline to the northern curbline of St. Mark's Avenue, westerly along the northern curbline of Saint Mark's Avenue to a point formed by its intersection with a line extending southward from the western property line of 75 St. Mark's Avenue, northerly along said property line, easterly along the northern property line of 75 St. Mark's Avenue, northerly along a portion of the western property line of 77 St. Mark's Avenue, easterly along the northern property lines of 77 to 107 St. Mark's Avenue and a portion of the northern property line of 109 St. Mark's Avenue, northerly along the western property line of Block 1143, Lot 140 (an interior lot), westerly along a portion of the southern property line of 538 Bergen Street and the southern property lines of 536 and 534 Bergen Street, northerly along the western property line of 534 Bergen Street and across Bergen Street to the northern curbline of Bergen Street, westerly along said curbline to a point formed by its intersection with a line extending southward from the western property line of 531 Bergen Street, northerly along said property line, easterly along the northern property lines of 531 to 535 Bergen Street and a portion of the northern property line of 537 Bergen Street, northerly along the western property line of 546 Dean Street to the southern curbline of Dean Street, easterly along the southern curbline of Dean Street to a point formed by its intersection with a line extending southerly from the western property line of 536 Carlton Avenue, aka 561-565 Dean Street, northerly across Dean Street and along the western property lines of 536 to 522 Carlton Avenue, easterly along a portion of the northern property line of 522 Carlton Avenue, northerly along the western property lines of 520 to 516 Carlton Avenue, aka 734-738 Pacific Street, to the southern curbline of Pacific Street, easterly along said curbline to the southwest corner of Pacific Street and Carlton Avenue, southerly along the western curbline of Carlton Avenue and across Dean Street to the southwest corner of Dean Street and Carlton Avenue, easterly across Carlton Avenue and along the southern curbline of Dean Street to a point formed by its intersection with a line extending northerly from the eastern property line of 555 Carlton Avenue, aka 574 Dean Street, southerly along the eastern property lines of 555 to 565A Carlton Avenue and a portion of the eastern property line of 567 Carlton Avenue, easterly along the northern property lines of 573 to 585 Bergen Street, southerly along the eastern property line of 585 Bergen Street and across Bergen Street to the southern curbline of Bergen Street, easterly along said curbline to a point formed by its intersection with a line extending southward and across Bergen Street from the western property line of 570 Vanderbilt Avenue, aka 635 Bergen Street, northerly across Bergen Street and along the western property lines of 570 to 566 Vanderbilt Avenue and a portion of the western property line of 564 Vanderbilt Avenue, westerly along a portion of the southern property line of 564 Vanderbilt Avenue, northerly along portions of the western property lines of 564 and 560 Vanderbilt Avenue, easterly along a portion of the northern property line of 560 Vanderbilt Avenue, northerly along a portion of the western property line of 560 Vanderbilt Avenue and the western property lines of 558 to 552 Vanderbilt Avenue, aka 662 Dean Street to the southern curbline of Dean Street, easterly along said curbline and across Vanderbilt Avenue to the southeast corner of Vanderbilt Avenue and Dean Street, northerly across Dean Street and along the eastern curbline of Vanderbilt Avenue to the southeast corner of Vanderbilt Avenue and Pacific Street, easterly along the southern curbline of Pacific Street to a point formed by its intersection with a line extending northward from the eastern property line of 565 Vanderbilt Avenue, aka 820-826 Pacific Street, southerly along the eastern property lines of 565 to 583 Vanderbilt Avenue and across Dean Street to its southern curbline, easterly along said curbline to a point formed by its intersection with a line extending northward from the eastern property line of 680 Dean Street, southerly along the eastern property line of 680 Dean Street and the angled eastern property line of 589 Vanderbilt Avenue, easterly along a portion of the northern property line of 591 Vanderbilt Avenue, southerly along the eastern property line of 591 Vanderbilt Avenue and a portion of the eastern property line of 593 Vanderbilt Avenue, easterly along a portion of the northern property line of 593 Vanderbilt Avenue, southerly along a portion of the eastern property line of 593 Vanderbilt Avenue and the eastern property lines of 5931/2 to 601 Vanderbilt Avenue, aka 651 Bergen Street, continuing southerly across Bergen Street to its southern curbline, westerly along said curbline to a point formed by its intersection with a line extending northerly from the eastern property line of 603 Vanderbilt Avenue, aka 640 Bergen Street, southerly along the eastern property lines of 603 to 623 Vanderbilt Avenue to the northern curbline of St. Mark's Avenue, westerly along said curbline to a point formed by its intersection with a line extending northerly and across St. Mark's Avenue from the eastern property line of 625 Vanderbilt Avenue, aka 236 St. Mark's Avenue, southerly across St. Mark's Avenue and along the eastern property lines of 625 to 633 Vanderbilt Avenue and a portion of the eastern property line of 635 Vanderbilt Avenue, easterly along the northern property lines of 239 to 277 Prospect Place, northerly along a portion of the western property line of 281 Prospect Place, easterly along a portion of the northern property line of 281 Prospect Place, southerly along a portion of the eastern property line of 281 Prospect Place, easterly along a portion of the northern property line of 281 Prospect Place and the northern property lines of 287 and 289 Prospect Place, southerly along the angled portion of the eastern property lines of 289 and 291 Prospect Place, easterly along the angled northern property lines of 293 to 297 Prospect Place, southerly along a portion of the eastern property line of 297 Prospect Place, easterly along the northern property lines of 299 to 307 Prospect Place, southerly along a portion of the eastern property line of 307 Prospect Place, easterly along the northern property line of 309 Prospect Place, southerly along the eastern property line of 309 Prospect Place and across Prospect Place to its southern curbline, and easterly along said curbline to the point of the beginning.

(On July 23, 2009, the Commission duly advertised August 5, 2009 for a public hearing.)

Close the hearing.

# BOROUGH OF MANHATTAN

#### No. 21

#### THE DEMPSEY

CD 10 C 090374 HAM

#### **PUBLIC HEARING:**

**IN THE MA TTER 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 138-150 West 128<sup>th</sup> Street (Block 1912, part of Lot 12), 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 to be selected by HPD;

to facilitate the development of a six-story residential building, tentatively known as The Dempsey, with approximately 80 dwelling units.

(On July 22, 2009, Cal. No. 6, the Commission scheduled August 5, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

# No. 22

# 246 11<sup>TH</sup> AVENUE

CD 4 N 090243 ZRM

# **PUBLIC HEARING:**

**IN THE MA TTER OF** an application submitted by G&R 11<sup>th</sup> Avenue Associates, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District),

Matter in <u>underline</u> is new, to be added; Matter in <u>strike out</u> is old, to be deleted; Matter within # # is defined in Section 12-10 (DEFINITIONS) \*\*\* indicates where unchanged text appears in the Resolution

**Article IX - Special Purpose Districts** 

Chapter 8 Special West Chelsea District

\* \* \*

#### 98-27

# **Zoning Lots Located Partly Within Subarea C and Partly Within M1-5 Districts**

For #zoning lots# existing prior to June 23, 2005 and located partly within an M1-5 District and partly within a C6-3 District in Subarea C, the permitted #floor area ratio# for

the C6-3 portion of the #zoning lot# may be increased to the #floor area ratio# existing in the C6-3 portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the High Line Improvement Fund established under Section 98-25, to be used at the discretion of the Chairperson of the City Planning Commission to assure that the High Line is restored and reused as a public accessible open space. The amount of such contribution shall be determined in the manner prescribed in Section 98-35 (High Line Transfer Corridor Bonus).

No building permit for any #development# or #enlargement# may be issued for any #building or other structure# on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made.

\* \* \*

(On July 22, 2009, Cal. No. 7, the Commission scheduled August 5, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

# **BOROUGH OF QUEENS**

#### No. 23

#### **EXCELSIOR RESIDENCE**

CD 13 C 030129 ZMQ

# **PUBLIC HEARING:**

**IN TH E MATTER OF** an application submitted by MCM Realty Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11d, by changing from an R3-2 District to an R6A District property bounded by Commonwealth Boulevard, a former service road of Grand Central Parkway and its southwesterly centerline prolongation, Grand Central Parkway, the southeasterly centerline prolongation of 247<sup>th</sup> Street, a line 500 feet southeasterly of Grand Central Parkway, the easterly centerline prolongation of 72<sup>nd</sup> Avenue, and the northwesterly service road of the Grand Central Parkway, as shown on a diagram (for illustrative purposes only) dated April 20, 2009, and subject to the conditions of CEQR Declaration E-234

(On July 22, 2009, Cal. No. 8, the Commission scheduled August 5, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

#### No. 24

#### SOUTH CONDUIT BOULEVARD REZONING

CD 13 C 060419 ZMQ

# **PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by Parkway Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19b, by establishing within an existing R3-1 District a C1-3 District bounded by South Conduit Avenue, Lansing Avenue, a line perpendicular to the southwesterly street line of Lansing Avenue distant 75 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of South Conduit Avenue and the southwesterly street line of Lansing Avenue, and a line 100 feet northeasterly of Edgewood Avenue, as shown on a diagram (for illustrative purposes only) dated April 20, 2009.

(On July 22, 2009, Cal. No. 9, the Commission scheduled August 5, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

# **CITYWIDE**

#### No. 25

# FRESH FOODS ZONING TEXT

CITYWIDE N 090412 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 Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) concerning provisions related to the establishment of FRESH Food Stores.

ALL TEXT IN ARTICLE VI, CHAPTER 3 IS NEW

Article VI

Special Regulations Applicable to Certain Areas

\* \* \*

Chapter 3

**Special Regulations Applying to FRESH Food Stores** 

63-00

GENERAL PURPOSES

The provisions of this Chapter establish special regulations that guide the development of #FRESH food stores# to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to encourage a healthy lifestyle by facilitating the development of #FRESH food stores# that sell a healthy selection of food products;
- (b) to provide greater incentives for #FRESH food stores# to locate in neighborhoods underserved by such establishments;
- (c) to encourage #FRESH food stores# to locate in locations that are easily accessible to nearby residents; and

(d) to strengthen the economic base of the City, to conserve the value of land and buildings, and to protect the City's tax revenues.

# 63-01 Definitions

#### FRESH food store

A "FRESH food store" is a food store #use# as listed in Section 32-15 (Use Group 6A), where at least 6,000 square feet of #floor area#, or #cellar# space used for retailing, is #used# for the sale of a general line of food and nonfood grocery products such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish, and poultry, intended for home preparation, consumption and utilization. Such retail space #used# for the sale of a general line of food and non-food grocery products shall also be #used# as follows:

- (a) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be #used# for the sale of a general line of food products intended for home preparation, consumption and utilization;
- (b) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be #used# for the sale of perishable goods that shall include dairy, fresh produce, and frozen foods and may include fresh meats, poultry, and fish; and
- (c) at least 500 square feet of such retail space shall be #used# for the sale of fresh produce.

A #FRESH food store# shall be permitted upon certification by the Chairperson of the City Planning Commission pursuant to Section 63-30 (Certification for #FRESH food Store#).

# 63-02 GENERAL PROVISIONS

#### 63-021

# Areas of Applicability

- (a) The provisions of this Chapter shall apply to all #commercial# and #manufacturing districts# in the following areas, except as provided in paragraph (b) of this Section:
  - (1) In the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6, and 7;
  - (2) In the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17;
  - (3) In the Borough of Manhattan, Community District 9, 10, 11, and 12; and
  - (4) In the Borough of Queens, #Special Downtown Jamaica District#.

- (b) The provisions of the Chapter shall not apply to:
  - (1) Portions of Community District 7 in the Borough of the Bronx, identified in Map 1 of the Appendix A of this Chapter;
  - (2) Portions of Community District 8 in the Borough of Brooklyn, identified in Map 2 of the Appendix A of this Chapter;
  - (3) Portions of Community District 9 in the Borough of Manhattan, identified in Map3 of the Appendix A of this Chapter; and
  - (4) Portions of Community District 12 in the Borough of Manhattan, identified in Map 4 of the Appendix A of this Chapter.
  - (5) The following Special Purpose Districts:

#Special Madison Avenue Preservation District#; #Special Manhattanville Mixed Use District#; #Special Park Improvement District#; and #Special Hunts Point District#

## 63-022

## **Applicability of District Regulations**

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.

## 63-10 SPECIAL USE REGULATIONS

#### 63-11

## Special #Use# Regulations for #FRESH Food Stores# in M1 Districts

In M1 districts, the regulations of Section 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) are modified to permit #FRESH food stores# with up to 30,000 square feet of #floor area#. The provisions of this Section shall not apply where the regulations of the underlying district permit Use Group 6A food stores with #floor area# greater than 30,000 square feet.

## 63-20 SPECIAL BULK AND PARKING REGULATIONS

## 63-21

Special #Floor Area# Regulations

#### 63-211

#### For #mixed buildings# in #commercial districts# containing #FRESH food stores#

In #commercial districts#, the #floor area# regulations for #mixed buildings# in Section 35-31 (Maximum Floor Area Ratio for Mixed Buildings) shall be modified in accordance with the provisions of this Section. The total #floor area# for all #residential# and #commercial uses# on a #zoning lot# may exceed that permitted by the #residential floor area ratio# by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided that the #floor area ratio# of a #residential use# does not exceed the maximum #residential floor area ratio# set forth in Article II, Chapter 3, and the #floor area ratio# of a #commercial use# does not exceed the maximum #floor area ratio# set forth in Article III, Chapter 3.

## 63-212

# For #mixed use buildings# in #Special Mixed Use Districts# containing #FRESH food stores#

In #Special Mixed Use Districts#, the #floor area# regulations for #mixed use buildings# in Section 123-64 shall be modified in accordance with the provisions of this Section. The total #floor area# for all # residential# and # commercial uses# on a #zoning lot# may exceed that permitted by the #residential floor area ratio# by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided that the #floor area ratio# of a #residential use# does not exceed the maximum #residential floor area ratio# permitted by the underlying district regulations, and the #floor area ratio# of a #commercial use# does not exceed the maximum #floor area ratio# set forth in such Section.

#### 63-22

## Authorization to modify Maximum Building Height

For #mixed buildings# or #mixed use buildings# containing a #FRESH food store#, the City Planning Commission may authorize modifications to Sections 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) and 123-66 (Height and Setback Regulations). The City Planning Commission may permit the applicable maximum building height to be increased by up to 15 feet provided that any #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet above the adjacent public sidewalk, and #residential stories# have a minimum finished floor to finished ceiling height of eight feet six inches.

In order to grant such authorizations, the Commission shall find that:

- (a) such modifications are necessary to accommodate a first #story# used as #FRESH food store#;
- (b) the proposed modifications do not impair the essential scale and character of the adjacent buildings and any adjacent historic resources; and
- (c) the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

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

#### 63-23

## **Special Transparency requirements**

For all #FRESH food store# space, the ground floor level #street wall# shall be glazed with 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 #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

#### 63-24

## **Security Gates**

All security gates installed between the #street wall# and the #street line# (after effective date of amendment), that are swung, drawn or lowered to secure #FRESH food store# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

#### 63-25

## Required Accessory Off-street Parking Spaces in Certain Districts

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3, and C4-3 Districts, the #accessory# off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store use#.
- (b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, a #FRESH food store# shall provide #accessory# off-street parking spaces as required for #uses# in parking category B in the applicable #commercial# and #manufacturing districts#.
- (c) In C8-1, C8-2, M1-1, M1-2, and M1-3 Districts, a #FRESH food store use# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space #used# for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) or 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES) shall apply to the #floor area# or #cellar# space #used# for retailing, in excess of 15,000 square feet.

The provisions of this Section 63-25 shall not apply to:

- Portions of Community District 7 in the Borough of the Bronx and portions of Community District 12 in the Borough of Manhattan, identified in Map 5 of the Appendix A of this Chapter;
- (2) Portions of Community District 5 in the Borough of Brooklyn, identified in Map 6 of the Appendix A of this Chapter;
- (3) Portions of Community Districts 16 and 17 in the Borough of Brooklyn, identified in Map 7 of the Appendix A of this Chapter; and
- (4) #Special Downtown Jamaica District#.

#### 63-26

## **Special Sign Regulations**

All permitted #signs# shall be subject to the provisions of the #sign# regulations of the underlying districts. In addition, a #FRESH food store# shall be required to provide signage pursuant to this Section.

The Department of City Planning shall develop a graphic image of the #FRESH food store# symbol, which shall be made available in an easily reproducible form on the Department of City Planning website. The image shall be reproduced with a dimension of at least 12 inches square in a #sign#, with a maximum dimension in one direction of 16 inches, that shall be mounted on a wall adjacent to and no more than five feet from the principal entrance of the #FRESH food store#. The #sign# shall be placed so that it is directly visible, without any obstruction, to customers entering the #FRESH food store#, and no more than five feet from the finished floor or adjoining grade or lower than three feet from the finished floor or adjoining grade. Such #sign# shall be fully opaque, non reflective and constructed of permanent, highly durable materials such as metal or stone, and shall also contain:

- (a) Lettering at least one and one-half inches in height stating "FRESH" in bold type; and
- (b) The statement "This store sells fresh food" in lettering at least one-half inch in height.

All lettering shall be in a clear, sans-serif, non-narrow font such as Arial, Helvetica, or Verdana, solid in color and shall highly contrast with the background color.

#### 63-30

#### Certification for a #FRESH Food Store#

The Chairperson of the City Planning Commission may certify that a food store #use# is a #FRESH food store use# provided that:

- (a) Drawings have been submitted to the Chairperson that clearly designate all #floor area# or #cellar# space #used# as a #FRESH food store#. Such drawings shall also show, in the form of an illustrative layout, that such designated space is designed and arranged to meet the #floor area#, or #cellar# space #used# for retail, requirements for food and non-food grocery products pursuant to Section 63-01:
- (b) Drawings have been submitted to the Chairperson that clearly designate all #floor area# that will result from any permitted increase in #floor area# pursuant to Section 63-21, including the location of such #floor area#;
- (c) Drawings have been submitted to the Chairperson, documenting the size, format, and location of the required #sign# pursuant to Section 63-26. Such drawings shall include detailed information about dimensions of the #sign#, lettering, color, and materials;
- (d) A signed lease or written commitment from the prospective operator of #FRESH food store# has been provided in a form acceptable to the City, for occupancy of such space, and its operation as a #FRESH food store# space; and
- (e) A legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable to the Chairperson, binding upon the owner and its successor and assigns, and providing for continued occupancy of all #floor area# or #cellar# space as a #FRESH food store use# that shall commence within a reasonable period following the issuance of Temporary Certificate of Occupancy for the #FRESH food store#, as set forth in the declaration of restrictions.

Such declaration of restrictions shall include provisions providing that there shall be no violation of the legal commitment for continued occupancy of the #floor area# or #cellar space# for use as a #FRESH food store#: (a) during any six (6) month period from the date such #floor area# or #cellar space# is vacated by the operator, provided that owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; and (b) during any event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Borough Office of the Register of the City of New York, and receipt of a certified copy of such declaration, shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# under this Chapter.

In granting the certification, the Chairperson of the City Planning Commission may specify that changes in design or #use# consistent with the definition of the #FRESH food store# in Section 63-01 would not warrant further certification pursuant to this Section.

# 63-31 Requirements for Certificate of Occupancy

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (b) of Section 63-30 until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (b) of Section 63-30 until the #FRESH food store# space has been completed in accordance with the drawings submitted pursuant to paragraph (a) of Section 63-30 and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#.

#### 63-40

## Certification for change of #use# of a #FRESH Food Store#

A #FRESH food store# for which a certification has been issued pursuant to Section 63-30 may be changed to any #use# permitted by the underlying districts upon certification by the Chairperson of the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in reduction in the number of required #accessory# off-street parking spaces under the applicable zoning district regulations.

#### 63-50

## Authorization for Bulk and Parking modifications

The City Planning Commission may, by authorization, permit modifications to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts, when a change of #use# of a #FRESH food store# for which a certification has been issued pursuant to Section 63-30 is requested, provided that such #use# is permitted by the underlying districts.

In order to grant such authorization, the Commission shall find that:

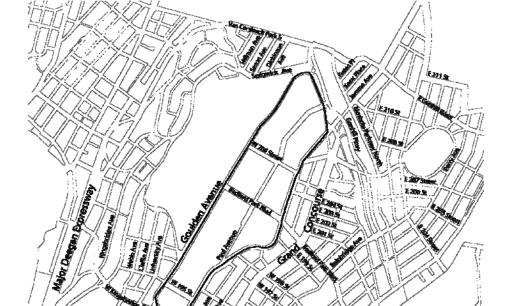
- (a) due to the prevalent market conditions at the time of the application, there is no reasonable possibility that the operation of a #FRESH food store use# will bring a reasonable return;
- (b) the applicant, the operator or a prior operator of such #FRESH food store# has not created, or contributed to, such unfavorable market conditions;
- (c) the applicant, the operator or a prior operator of such #FRESH food store# has undertaken commercially reasonable efforts to secure a new operator, and demonstrates to the City Planning Commission that such efforts have been unsuccessful;
- (d) any proposed #non-compliance# or increase in the degree of #non-compliance# will not be incompatible with or adversely affect adjacent #uses# including #uses# within the building; and

(e) any reduction of required #accessory# off-street parking shall not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian movement.

In issuing authorizations under this Section, the Commission may impose conditions and safeguards, to minimize adverse impacts on the character of the surrounding area.

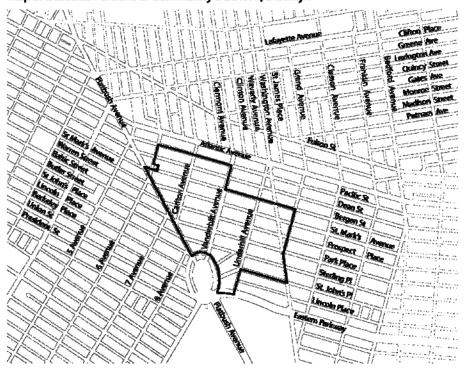
## APPENDIX A

Exceptions to the FRESH food store Program Designated Areas



Map 1. Excluded Portions of Community District 7, Bronx

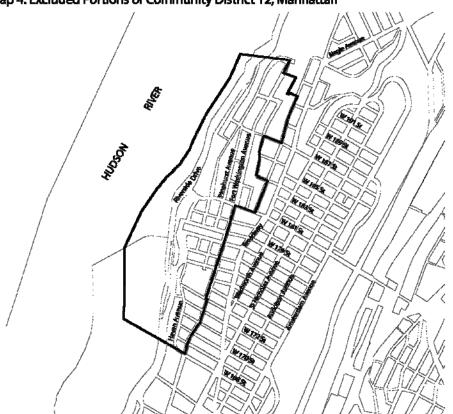
Map 2. Excluded Portions of Community District 8, Brooklyn



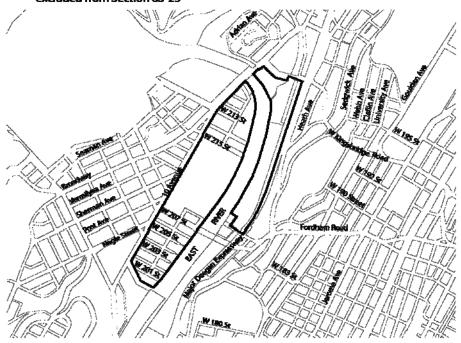
Map 3. Excluded Portions of Community District 9, Manhattan



Map 4. Excluded Portions of Community District 12, Manhattan



Map 5. Portions of Community District 12, Manhattan and Portion of Community District 7, Bronx excluded from Section 63-25







Map 7. Portions of Community District 16 and 17, Brooklyn excluded from Section 63-25

(On July 22, 2009, Cal. No. 10, the Commission scheduled August 5, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

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

	SUN	MON	TUE	WED	THU	FRI	SAT
П				CPC 1 PUBLIC MEETING	2	INDEPENDENCE DAY OBSERVED	INDEPENDENCE DAY
JULY	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	REVIEW 20	21	CPC 22 PUBLIC MEETING	23	24	25
	26	SESSION 27	28	MEETING 29	30	31	
	2	REVIEW 3	4	CPC 5 PUBLIC MEETING	6	7	1 8
GUST	9	SESSION 10	11	MEETING 12	13	14	15
וט פו	16	REVIEW 17	18	CPC 19 PUBLIC	20	21	22
Ŋ	23	SESSION 24	25	MEETING 26	27	28	RAMADAN BEGINS 29
1	30	31	1	2	3	4	5
ER	6	7	реулем 8	срс 9	10	11	12
MΒ	13	LABOR DAY	REVIEW 8 SESSION 15	CPC 9 PUBLIC MEETING	17	18	19
E						25	ROSH HASHANAH
SEPTEMBER	20	REVIEW 21 SESSION	22	CPC 23 PUBLIC MEETING	24	25	26
IS	27	28 YOM KIPPUR	29	30			
~					1	2	3
3EI	4	REVIEW 5 SESSION	6	CPC 7 PUBLIC MEETING	8	9	10
0	11	COLUMBUS DAY	13	14	15	16	17
C	18	REVIEW 19 SESSION	20	CPC 21 PUBLIC MEETING	22	23	24
0	25	26	27	28	29	30	31
R	1	REVIEW 2 SESSION	3 ELECTION DAY	CPC 4 PUBLIC MEETING	5	6	7
BE	8	9	10	11 VETERANS' DAY	12	13	14
EM	15	REVIEW 16 SESSION	17	CPC 18	19	20	21
Σ	DIWALI 22	23	24	MEETING 25	26	27	28
NOVEMBER	29	REVIEW 30			THANKSGIVING		
CEMBER		SESSION	1	CPC 2 PUBLIC	3	4	5
	6	7	8	MEETING 9	10	11	12
	13	REVIEW 14	15	CPC 16	17	18	19
	20	SESSION 21	22	MEETING 23	24	25	26
<u>)</u>	27	28	29	30	31	CHRISTMAS	KWANZAA BEGINS

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

## V. CITY PLANNING COMMISSION 2010 SCHEDULE OF MEETINGS January 1 to June 30

	SUN	MON	TUE	WED	THU	FRI	SAT
$\vdash$	3014	Mon		WED		1	2
JANUARY			_			NEW YEAR'S DAY	
	3	REVIEW 4 SESSION	5	CPC 6 PUBLIC MEETING	7	8	9
	10	11	12	13	14	15	16
	17	18 MARTIN LUTHER KING, JR. DAY	19	20	21	22	23
	31	REVIEW 25 SESSION	26	CPC 27 PUBLIC MEETING	28	29	30
⅓		1	2	3	4	5	6
UARY	7	REVIEW 8 SESSION	9	CPC 10 PUBLIC MEETING	11	LINCOLN'S BIRTHDAY	13
FEBRI	14 CHINESE NEW YEAR	PRESIDENTS'	16	17 ASH WEDNESDAY	18	19	20
囝	21	REVIEW 22 SESSION	23	CPC 24 PUBLIC MEETING	25	26	27
Г		1	2	3	4	5	6
<b> </b> 共	7	REVIEW 8 SESSION	9	CPC 10 PUBLIC MEETING	11	12	13
MARCH	14	15	16	17 ST. PATRICK'S DAY	18	19	20
	21	REVIEW <sup>22</sup> SESSION	23	CPC 24 PUBLIC MEETING	25	26	27
_	28 PALM SUNDAY	29	30 PASSOVER	31			
Г	TACH SCHOOL		T OSOTER		1	2 GOOD FRIDAY	3
_	4 EASTER	5	6	7	8	9	10
APRII	11	REVIEW 12 SESSION	13	CPC 14 PUBLIC MEETING	15	16	17
ΑF	18	19	20	21	22	23	24
	25	REVIEW 26 SESSION	27	CPC 28 PUBLIC MEETING	29	30	
Г	2	3	4	5	6	7	8
MAY	9	REVIEW 10 SESSION	11	CPC 12 PUBLIC MEETING	13	14	15
	16	17	18	19	20	21	22
>	23	REVIEW 24 SESSION	25	CPC 26 PUBLIC MEETING	27	28	29
	30	31 MEMORIAL DAY OBSERVED		MEETING			
JUNE		DAY OBSERVED	1	2	3	4	5
	6	REVIEW 7 SESSION	8	CPC 9 PUBLIC MEETING	10	11	12
	13	14	15	16	17	18	19
	20	REVIEW 21 SESSION	22	CPC 23 PUBLIC	24	25	26
	27	28	29	MEETING 30			
Double	w Session	e ara bald	in Coostor	Hall at 22 f	landa Ctra		+ 1 00 D14

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

VI. CITY PLANNING COMMISSION 2010 SCHEDULE OF MEETINGS July 1 to December 31

	SUN	MON	TUE	WED	THU	FRI	SAT
Г					1	2	3
)[Y	4 INDEPENDENCE DAY	INDEPENDENCE DAY OBSERVED	6	7	8	9	10
	11	REVIEW 12 SESSION	13	CPC 14 PUBLIC MEETING	15	16	17
⊨	18	19	20	21	22	23	24
	25	REVIEW 26 SESSION	27	CPC 28 PUBLIC MEETING	29	30	31
	1	2	3	4	5	6	7
SI	8	REVIEW 9 SESSION	10	CPC 11 PUBLIC MEETING	12 1st DAY RAMADAN	13	14
<u>GUS</u>	15	16	17	18	19	20	21
ľ	22	REVIEW 23 SESSION	24	CPC 25 PUBLIC MEETING	26	27	28
<	29	30	31				
R				1	2	3	4
MBER	5	LABOR DAY	7	8	ROSH HASHANAH	10	11
EM	12	REVIEW 13 SESSION	14	CPC 15 PUBLIC MEETING	16	17	YOM KIPPUR
EPT	19	20	21	22	23	24	25
SE	26	REVIEW 27 SESSION	28	CPC 29 PUBLIC MEETING	30		
R	3	4	5	6	7	8	2 9
)BE	10	COLUMBUS DAY OBSERVED	REVIEW 12 SESSION	CPC 13 PUBLIC MEETING	14	15	16
lΞ	17	18	19	20	21	22	23
ŏ	31 24	REVIEW 25 SESSION	26	CPC 27 PUBLIC MEETING	28	29	30
R	<del>"</del>	1	ELECTION DAY	3	4	5 DIWALI	6
BE	7	8	9	10	VETERANS' DAY	12	13
OVEMBER	14	REVIEW 15 SESSION	16	CPC 17 PUBLIC MEETING	18	19	20
ĮΞ	21	22	23	24	25 THANKSGIMNG	26	27
ĮΖ	28	REVIEW 29 SESSION	30		III-VVOGIVIVO		
BER		22001011		CPC 1 PUBLIC MEETING	2 HANUKKAH	3	4
	5	6	7	8	9	10	11
ĮΣ.	12	REVIEW 13 SESSION	14	CPC 15 PUBLIC MEETING	16	17	18
	19	20	21	22	23	24 CHRISTMAS OBSERVED	25
百	<b>26</b> KWANZAA BEGINS	27	28	29	30	OBSERVED 31	CHRISTMAS
	BEGINS						

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