

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, MARCH 20, 2013
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 130139 ZSM	5	MADISON SQUARE GARDEN	Scheduled to be Heard 4/10/13
2	C 130140 ZSM	5	" "	" "
3	N 130137 ZRM	5	" "	" "
4	C 110398 ZMQ	1	28 TH AVENUE REZONING	" "
5	N 120200 ZRM	2	150 WOOSTER STREET	Favorable Report Adopted
6	C 120201 ZSM	2	" "	" "
7	N 130105 ZRM	1-8	MANHATTAN CORE PARKING TEXT AMENDMENT	Fav. Report Adopted as Modified
8	C 130007 MMM	8	CORNELL NYC TECH CAMPUS	Favorable Report Adopted
9	C 130076 ZMM	8	" "	" "
10	N 130077 ZRM	8	" "	Fav. Report Adopted as Modified
11	C 130078 PPM	8	" "	" "
12	N 130195 PXM	1	233 BROADWAY OFFICE SPACE	Favorable Report Adopted
13	N 130196 PXM	1	90 CHURCH STREET OFFICE SPACE	" "
14	N 100470 ZAQ	7	30-50 WHITESTONE EXPRESSWAY	Authorization Approved
15	C 130116 ZMK	2	BAM SOUTH	Hearing Closed
16	N 130117 ZRK	2	" "	" "
17	C 130118 ZSK	2	" "	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		5	6	7	8	9	10	11	12	13	14				
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				
Rayann Besser	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Irwin G. Cantor, P.E.	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 Y. Chen	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Michelle R. De La Uz	P	Y	Y	Y	N	N	N	N	Y	Y	Y				
Maria M. Del Toro	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Joseph I. Douek	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Richard W. Eaddy	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Anna Hayes Levin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Orlando Marin, Commissioners	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				

MEETING ADJOURNED AT: 12:17 P.M.

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

CITY PLANNING COMMISSION

WEDNESDAY, MARCH 20, 2013

**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

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).

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.

City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216

For Additional Calendar Information: call (212) 720-3370.

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.**
- ALFRED C. CERULLO, III**
- BETTY Y. CHEN**
- MICHELLE R. DE LA UZ**
- MARIA M. DEL TORO**
- JOSEPH I. DOUEK**
- RICHARD W. EADDY**
- ANNA HAYES LEVIN**
- ORLANDO MARIN, 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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WEDNESDAY, MARCH 20, 2013

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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 10, 2013 at Spector Hall, 22 Reade Street, New York, New York at 10:00 a.m.

GENERAL INFORMATION

HOW TO PARTICIPATE:

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials 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 _____ ULURP No.: _____ CD No.: _____

Position: Opposed _____

 In Favor _____

Comments:

Name: _____

Address: _____

Organization (if any) _____

Address: _____ Title: _____

MARCH 20, 2013

APPROVAL OF MINUTES OF the Regular Meeting of March 6, 2013

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR
WEDNESDAY, APRIL 10, 2013
STARTING AT 10:00 A. M.
AT SPECTOR HALL, 22 READE STREET
NEW YORK, NEW YORK**

BOROUGH OF MANHATTAN

Nos. 1, 2 & 3

MADISON SQUARE GARDEN

No. 1

CD 5

C 130139 ZSM

IN THE MATTER OF an application submitted by MSG Holdings, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41* of the Zoning Resolution to allow an arena with a maximum capacity of 22,000 seats within an existing 10-story building on property located at 3-10 Penn Plaza (Block 781, Lots 1, 2 and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District (Pennsylvania Station Subarea B4) and partially within the Special Midtown District.

*Note: A zoning text amendment to modify Section 74-41 is proposed under a concurrent related application N 130137 ZRM.

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

Resolution for adoption scheduling April 10, 2013 for a public hearing.

No. 2

CD 5

C 130140 ZSM

IN THE MATTER OF an application submitted by MSG Holdings, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 93-171* of the Zoning Resolution to modify the applicable provisions of Section 32-63 (Permitted Advertising Signs) to allow advertising signs, to modify the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions) to allow an increased in surface area, and to modify the applicable provisions Section 32-65 (Permitted Projection or Height of Signs) to allow signs above the maximum permitted height, for a proposed arena permitted pursuant to Section 74-41*, on property located at 3-10 Penn Plaza (Block 781, Lots 1, 2 and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District (Pennsylvania Station Subarea B4) and partially within the Special Midtown District.

*Note: A zoning text amendment is proposed to create a new Section 93-171, and to modify Section 74-41 under a concurrent related application N 130137 ZRM.

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

Resolution for adoption scheduling April 10, 2013 for a public hearing.



No. 3

CD 5

N 130137 ZRM

IN THE MATTER OF an application submitted by MSG Holding, L.P. 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 III, Chapter 7 (Urban Design Regulations), Article VII, Chapter 4 (Special Permits by the City Planning Commission), and Article IX, Chapter 3 (Special Hudson Yards 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 III
COMMERCIAL DISTRICT REGULATIONS**

* * *

**Chapter 7
Urban Design Regulations**

* * *

**37-625
Design changes**

Except as otherwise provided in Section 74-41, dDesign changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS), inclusive. The provisions of Section 37-78 (Compliance), other than paragraph (e) (Special regulations for an urban plaza in the Special Lower Manhattan District), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

* * *

**ARTICLE VII
ADMINISTRATION**

* * *

**Chapter 4
Special Permits by the City Planning Commission**

* * *

**74-41
Arenas, Auditoriums, Stadiums or Trade Expositions**

In C4, C6, C7 or C8 Districts or any #Manufacturing District#, the City Planning Commission may permit arenas, auditoriums or stadiums with a capacity in excess of 2,500 seats, or trade expositions with a rated capacity in excess of 2,500 persons, provided that the following findings are made:

* * *

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, ~~or~~ requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open #uses# or surfacing all access roads or driveways. The Commission may also

prescribe requirements for pedestrian-accessible open areas surrounding the arena, auditorium, or stadium, including #accessory# directional or building identification #signs# located therein. In addition, within Pennsylvania Station Subarea B4 of the Special Hudson Yards District, design changes to existing #plazas# located within such pedestrian-accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section 37-625, and the design standards of Sections 37-70, inclusive, shall not apply to such #plazas#.

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 3
Special Hudson Yards District**

* * *

**93-17
Modification of Sign Regulations**

(a) Subdistricts A, B, C, D, and E

Within Subdistricts A, B, C, D, and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Furthermore, #flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required in the Eastern Rail Yard Subarea A1, pursuant to Section 93-71. Within the Pennsylvania Station Subarea B4, the provisions of Section 93-171 (Special permit for signs within the Pennsylvania Station Subarea) shall apply.

* * *

**93-171
Special permit for signs within the Pennsylvania Station Subarea**

For an arena permitted pursuant to Section 74-41 within Pennsylvania Station Subarea B4, the City Planning Commission may, by special permit, modify the applicable provisions of Sections 32-63 (Permitted Advertising Signs) to allow advertising #signs#; 32-64 (Surface Area and Illumination Provisions) to allow increased #surface area# along specified #streets#; and 32-65 (Permitted Projection or Height of Signs), provided such #signs# comply with the conditions of paragraph (a) and the findings of paragraph (b) of this Section, as follows:

(a) Conditions

- (1) No #sign# shall extend to a height greater than 85 feet above #curb level#;
- (2) All #signs# located below a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 550 square feet on the West 31st Street frontage of Subarea B4, 250 square feet on the West 33rd Street frontage of Subarea B4, and 850 square feet on the Eighth Avenue frontage of Subarea B4;
- (3) All #signs# located above a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 5,500 square feet within the #through lot# fronting on Eighth Avenue, 3,000 square feet within each #corner lot# fronting on Eighth Avenue, 3,000 square feet within the #through lot# portion of the West 31st Street frontage of Subarea B4 and 3,000 square feet within the #through lot# portion of the West 33rd Street frontage of Subarea B4.

- (b) The Commission shall find that the location and placement of such #signs# is appropriate in the relationship to #buildings# and #uses# on the #zoning lot# and to adjacent open areas, and that the installation of #advertising signs# would be compatible with the character of the arena site, including its use as an entryway to Pennsylvania Station, and of the surrounding area.

For purposes of calculating the height of any #sign# permitted pursuant to this section, #curb level# shall be defined as 30.755 feet above Manhattan datum.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on the number, size and location of arena #signs# permitted pursuant to the district regulations.

Resolution for adoption scheduling April 10, 2013 for a public hearing.

BOROUGH OF QUEENS

No. 4

28TH AVENUE REZONING

CD 1

C 110398 ZMQ

IN THE MATTER OF an application submitted by Vlacich, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c, establishing within an existing R5 District a C1-2 District bounded by a line 150 feet northeasterly of 28th Avenue, 43rd Street, 28th Avenue, and 42nd Street, as shown in a diagram (for illustrative purposes only) dated January 22, 2013.

Resolution for adoption scheduling April 10, 2013 for a public hearing.

II. REPORTS

BOROUGH OF MANHATTAN

Nos. 5 & 6

150 WOOSTER STREET

No. 5

CD 2

N 120200 ZRM

IN THE MATTER OF an application submitted by MTM 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, modifying Section 74-712, concerning a special permit for developments in historic districts in M1-5A and M1-5B districts.

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

74-712

Developments in Historic Districts

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- a) In M1-5A and M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements# or has not more than ~~20~~ 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Section 32-15 (Use Group 6), provided that:

(1) the #use# modifications meet the following conditions:

- (i) that #residential development# complies with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;
- (ii) that total #floor area ratio# on the #zoning lot# shall be limited to 5.0;

- (iii) that the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet;
- (iv) that all #signs# for #residential# or #commercial uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and
- (v) that eating and drinking establishments of any size, as set forth in Use Groups 6A and 12A, are not permitted; and

(2) the Commission finds that such #use# modifications:

- (i) have minimal adverse effects on the conforming #uses# in the surrounding area;
- (ii) are compatible with the character of the surrounding area; and
- (iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.

b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5A and M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than ~~20~~ 40 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk# modifications:

- (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
- (2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

(On February 6, 2013, Cal. No. 1, the Commission scheduled February 20, 2013 for a public hearing. On February 20, 2013, Cal. No. 10, the hearing was closed.)

For consideration.

No. 6**CD 2****C 120201 ZSM**

IN THE MATTER OF an application submitted by MTM Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-712(a)*- to modify the use regulations of Section 42-00 (GENERAL PROVISIONS) and Section 42-14(D)(2)(a) to allow Use Group 2 uses (residential use); and
2. Section 74-712(b)*- to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks);

to facilitate the development of an 8-story mixed use building, on property located at 150 Wooster Street (Block 514, Lots 7 and 9), in an M1-5A District, within the SoHo Cast-Iron Historic District.

*Note: A zoning text amendment is proposed to modify Section 74-712 of the Zoning Resolution under a concurrent related application C 120200 ZRM.

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

(On February 6, 2013, Cal. No. 2, the Commission scheduled February 20, 2013 for a public hearing. On February 20, 2013, Cal. No. 11, the hearing was closed.)

For consideration.

No. 7

MANHATTAN CORE PARKING TEXT AMENDMENT

CDs 1-8**N 130105 ZRM**

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and Portions of Community Districts 1 and 2 in the Borough of Queens), and various other Sections, modifying the regulations governing off-street parking and loading in Manhattan.

The proposed text amendment may be seen in the Comprehensive City Planning Calendar of January 23, 2013 (Cal. No. 12) and at the Department of City Planning web site: (www.nyc.gov/planning).

(On January 9, 2013, Cal. No. 2, the Commission scheduled January 23, 2013 for a public hearing. On January 23, 2013, Cal. No. 12, the hearing was closed.)

For consideration.

Nos. 8-11

CORNELL NYC TECH CAMPUS

No. 8

CD 8

C 130007 MMM

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

- the establishment of East Main Street, West Main Street, North Loop Road, South Loop Road, East Loop Road and West Loop Road; and
- the establishment of legal grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30241, dated October 11, 2012 and signed by the Borough President.

(On January 23, 2013, Cal. No. 2, the Commission scheduled February 6, 2013 for a public hearing. On February 6, 2013, Cal. No. 20, the hearing was closed.)

For consideration.

No. 9

CD 8

C 130076 ZMM

IN THE MATTER OF an application submitted by Cornell University and New York City 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. 8d and 9b, by:

1. changing from and R7-2 District to a C4-5 District property bounded by North Loop Road* and its northwesterly and southeasterly prolongations, the U.S. Pierhead and Bulkhead Line, a line 1380 feet southwesterly of the centerline of North Loop Road* and its northwesterly and southeasterly prolongations, and the U.S. Pierhead and Bulkhead Line; and
2. establishing a Special Southern Roosevelt Island District (SRI) bounded by North Loop Road* and its northwesterly and southeasterly prolongations, the U.S. Pierhead and Bulkhead Line, a line 1380 feet southwesterly of the centerline of North Loop Road* and its northwesterly and southeasterly prolongations, and the U.S. Pierhead and Bulkhead Line; as shown on a diagram (for illustrative purposes only) dated October 15, 2012.

* Note: North Loop Road is proposed to be mapped under a concurrent related application (C 130007 MMM) for a change in the City Map.

(On January 23, 2013, Cal. No. 3, the Commission scheduled February 6, 2013 for a public hearing. On February 6, 2013, Cal. No. 21, the hearing was closed.)

For consideration.



No. 10

CD 8

N 130077 ZRM

IN THE MATTER OF an application submitted by Cornell University and NYC Economic Development Corporation 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 XIII, Chapter 3 (Special Southern Roosevelt Island District) establishing a special district in the Borough of Manhattan.

The proposed text amendment may be seen in the Comprehensive City Planning Calendar of February 6, 2013 (Cal. No. 22) and at the Department of City Planning web site: (www.nyc.gov/planning).

(On January 23, 2013, Cal. No. 4, the Commission scheduled February 6, 2013 for a public hearing. On February 6, 2013, Cal. No. 22, the hearing was closed.)

For consideration.

No. 11

CD 8

C130078 PPM

IN THE MATTER OF an application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition to the New York City Land Development Corporation (NYCLDC) of city-owned property located on Block 1373, Lot 20 and p/o Lot 1, pursuant to zoning.

(On January 23, 2013, Cal. No. 5, the Commission scheduled February 6, 2013 for a public hearing. On February 6, 2013, Cal. No. 23, the hearing was closed.)

For consideration.

No. 12

233 BROADWAY OFFICE SPACE

CD 1

N 130195 PXM

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 233 Broadway (Block 123, Lot 7501) (NYPD offices).

(On February 20, 2013, the Commission duly advertised March 6, 2013 for a public hearing. On March 6, 2013, Cal. No. 17, the hearing was closed.)

For consideration.

No. 13

90 CHURCH STREET OFFICE SPACE

CD 1

N 130196 PXM

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 90 Church Street (Block 86, Lot 1) (NYPD offices).

(On February 20, 2013, the Commission duly advertised March 6, 2013 for a public hearing. On March 6, 2013, Cal. No. 18, the hearing was closed.)

For consideration.



No. 14

30-50 WHITESTONE EXPRESSWAY

CD 7

N 100470 ZAQ

IN THE MATTER OF an application submitted by Whitestone Plaza, LLC for the grant of an authorization pursuant to Section 126-42 of the Zoning Resolution to allow a reduction of the parking requirements of Section 44-21 (General Provisions) by 49.8% from 697 to 350 spaces, for a commercial development located at 30-50 Whitestone Expressway (Block 4363, Lot 100) within the Special College Point District.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Queens Office of the Department of City Planning, 120-55 Queens Boulevard, Room 201, Kew Gardens, NY 11424.

For consideration.



III. PUBLIC HEARINGS

BOROUGH OF BROOKLYN

Nos. 15, 16 & 17

BAM SOUTH

No. 15

CD 2

C 130116 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by 22 Lafayette LLC and NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 16c, by changing from a C6-1 District to a C6-2 District property bounded by Lafayette Avenue, Ashland Place, Hanson Place, and Flatbush Avenue, as shown on a diagram (for illustrative purposes only) dated November 26, 2012.

(On March 6, 2013, Cal. No. 1, the Commission scheduled March 20, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

No. 16

CD 2

N 130117 ZRK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by 22 Lafayette, LLC and NYC Economic Development Corporation 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 X, Chapter I (Special Downtown Brooklyn District) to allow special permits for use and bulk modifications for cultural uses in certain C6-2 districts.

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 X
Chapter 1

Special Downtown Brooklyn District

* * *

101-80
Special Permits

101-81
Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts

In order to support a concentration of cultural uses and public open spaces in the C6-2 District bounded by Flatbush Avenue, Hanson Place, St. Felix Street and Lafayette Avenue, for #buildings# intended to be occupied in whole or in part by cultural uses, the City Planning Commission may permit the maximum #community facility floor area ratio# to be increased from 6.5 to 7.0, may permit modifications of the special #street wall# location regulations of Section 101-41, and the height and setback regulations of Section 23-632 as applied to the #residential# portion of a #building#, and modifications of applicable #sign# regulations in accordance with this Section. For the purposes of this Section 101-81, “cultural use” shall be defined as public or non-profit libraries, theaters, museums, visual or performing arts spaces, or art, music, dance, theatrical studios or other comparable uses and space occupied by such cultural use shall qualify as #community facility floor area#.

In order to grant such special permit, the conditions of paragraph (a) and the findings of paragraph (b) shall be met. In addition, special regulations pertaining to the certificate of occupancy of such #building# shall apply as set forth in paragraph (c).

(a) Conditions

- (1) A letter from the Office of the Mayor shall be submitted certifying that:
 - (i) a preliminary agreement has been executed providing for a cultural facility consisting of at least 40,000 square feet of interior gross square feet in the #building# to be transferred for cultural uses and for the construction of the core and shell of such cultural facility by the applicant; and
 - (ii) floor plans have been provided to the Office of the Mayor which demonstrate that the cultural facility is well-suited for cultural uses, and
- (2) A legal commitment in the form of declaration of restrictions shall be executed and delivered to the City for recording upon the approval of the permit, restricting use of the #floor area# to be occupied by cultural uses to cultural use for the life of the

related #development#, provided, that in the event the majority of the #zoning lot# containing such #floor area# is in the ownership of a not for profit corporation under contract with the City to provide economic development services at the time of the grant of such permit, execution and recordation of such declaration of restrictions shall be made at the time of the transfer of ownership of the majority of such #zoning lot# for purposes of facilitating the related #development#.

(b) In order to grant such permit, the Commission shall find that:

- (1) the #building# including such cultural uses is designed and arranged on the #zoning lot# in a manner that results in ample visibility of and access to the cultural uses from surrounding #streets#;
- (2) any #street wall# modifications will facilitate access to #open space# on the lot and result in a #development# that activates the pedestrian environment;
- (3) any #bulk# modifications will result in a better distribution of #bulk# on the #zoning lot# by providing for increased light and air to #open space# on the #zoning lot#;
- (4) the appearance of #bulk# is minimized through an enhanced articulation of the base and tower elements of the #building#, an enhanced relationship between the #building# and the #open space# on the #zoning lot#, and an enhanced amount and arrangement of the fenestration of the #building#; and
- (5) any modifications to #sign# regulations will result in greater visibility for the cultural uses provided on the #zoning lot#.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

(c) Certificate of Occupancy

The Commissioner of Buildings shall not issue a temporary or permanent certificate of occupancy for more than an amount of #floor area# in the #building# equal to the #floor area# to be occupied by non-cultural uses minus 40,000 square feet of #floor area# unless the Department of Buildings has received a letter from the Office of the Mayor certifying that:

- (1) A deed transferring ownership of a majority of the #zoning lot# has been recorded and that such deed or other recorded document provides for:
 - (i) the construction by transferee of the core and shell of the cultural facility described in paragraph (a)(1)(i) of this Section;

- (ii) the creation of a condominium unit for such cultural facility and the transfer of ownership thereof to the City; and
- (iii) a right of the transferor to re-enter and re-acquire the #zoning lot# should the applicant fail to complete the construction of the core and shell of the cultural facility.

Should the certification by the Office of the Mayor not be issued within 30 days of the recording of the deed or other document with the stated provisions, a copy of such deed or document may be provided to the Department of Buildings in satisfaction of such certification.

* * *

No. 17

CD 2

C 130118 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by 22 Lafayette LLC and NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 101-81* of the Zoning Resolution:

1. to permit the maximum community floor area ratio requirements of Section 33-123 (Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts) to be increased from 6.5 to 7.0;
2. to modify the street wall location regulations of Section 101-41 (Special Street Wall Location Regulations);
3. to modify the height and setback regulations of Section 23-632 (Front setbacks in districts where front yards are not required); and
4. to modify the sign regulations of Section 32-64 (Surface Area and Illumination Provisions), Section 32-65 (Permitted Projection or Height of Signs) and Section 32-68 (Permitted Signs on Residential or Mixed Buildings);

in connection with a proposed 32-story mixed use development, on property located at 113 Flatbush Avenue (Block 2110, Lots 3 and 103), in a C6-2 District**, within the Special Downtown Brooklyn District.

*Note: a zoning text amendment to create a new Section 101-81 (Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts) is proposed under a concurrent related application N 1130117 ZRK.

**Note: The site is proposed to be rezoned from a C6-1 District to a C6-2 District under a concurrent related application (C 130116 ZMK) for a change in the Zoning Map.

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 March 6, 2013, Cal. No. 3, the Commission scheduled March 20, 2013 for a public hearing which has been duly advertised.)

Close the hearing.

IV CITY PLANNING COMMISSION 2013 SCHEDULE OF MEETINGS

	SUN	MON	TUE	WED	THU	FRI	SAT
JANUARY			1 New Year's Day	2	3	4	5
	6	7 REVIEW SESSION	8	9 CPC PUBLIC MEETING	10	11	12
	13	14	15	16	17	18	19
	20	21 Martin Luther King, Jr. Day	22 REVIEW SESSION	23 CPC PUBLIC MEETING	24	25	26
	27	28	29	30	31		
FEBRUARY						1	2
	3	4 REVIEW SESSION	5	6 CPC PUBLIC MEETING	7	8	9
	10	11 Chinese New Year	12 Lincoln's Birthday	13 Ash Wednesday	14	15	16
	17	18 Presidents' Day	19 REVIEW SESSION	20 CPC PUBLIC MEETING	21	22 Washington's Birthday	23
24	25	26	27	28			
MARCH						1	2
	3	4 REVIEW SESSION	5	6 CPC PUBLIC MEETING	7	8	9
	10	11	12	13	14	15	16
	17	18 St. Patrick's Day	19	20 CPC PUBLIC MEETING	21	22	23
	24	25 Palm Sunday	26	27	28	29	30
31	31 Easter	Passover					
APRIL		1	2	3	4	5	6
	7	8 REVIEW SESSION	9	10 CPC PUBLIC MEETING	11	12	13
	14	15	16	17	18	19	20
	21	22 REVIEW SESSION	23	24 CPC PUBLIC MEETING	25	26	27
28	29	30					
MAY				1	2	3	4
	5	6 REVIEW SESSION	7	8 CPC PUBLIC MEETING	9	10	11
	12	13	14	15	16	17	18
	19	20 REVIEW SESSION	21	22 CPC PUBLIC MEETING	23	24	25
26	27 Memorial Day Observed	28	29	30	31		
JUNE							1
	2	3 REVIEW SESSION	4	5 CPC PUBLIC MEETING	6	7	8
	9	10	11	12	13	14	15
	16	17 REVIEW SESSION	18	19 CPC PUBLIC MEETING	20	21	22
	23	24	25	26	27	28	29
30							
JULY		1	2	3	4 Independence Day	5	6
	7	8 REVIEW SESSION	9	10 CPC PUBLIC MEETING	11	12	13
	14	15	16	17	18	19	20
	21	22 REVIEW SESSION	23	24 CPC PUBLIC MEETING	25	26	27
	28	29	30	31			
AUGUST						1	2
	4	5 REVIEW SESSION	6	7 CPC PUBLIC MEETING	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
SEPTEMBER		1 Labor Day	2	3	4	5 Rosh Hashanah	6
	8	9 REVIEW SESSION	10	11 CPC PUBLIC MEETING	12	13	14
	15	16	17	18	19	20	21
	22	23 REVIEW SESSION	24	25 CPC PUBLIC MEETING	26	27	28
	29	30					
OCTOBER			1	2	3	4	5
	6	7 REVIEW SESSION	8	9 CPC PUBLIC MEETING	10	11	12
	13	14 Columbus Day	15	16	17	18	19
	20	21 REVIEW SESSION	22	23 CPC PUBLIC MEETING	24	25	26
	27	28	29	30	31		
NOVEMBER						1	2
	3	4 REVIEW SESSION	5	6 CPC PUBLIC MEETING	7	8	9
	10	11 Veterans' Day	12	13	14	15	16
	17	18 REVIEW SESSION	19	20 CPC PUBLIC MEETING	21	22	23
	24	25	26	27	28 Thanksgiving	29	30
DECEMBER	1	2 REVIEW SESSION	3	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	30	31	Christmas	Kwanzaa		

Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 PM
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 AM

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

CITY PLANNING COMMISSION

WEDNESDAY, MARCH 20, 2013

**MEETING AT 10:00 A.M.
IN 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.

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

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.

ALFRED C. CERULLO, III

BETTY Y. CHEN

MICHELLE R. DE LA UZ

MARIA M. DEL TORO

JOSEPH I. DOUEK

RICHARD W. EADDY

ANNA HAYES LEVIN

ORLANDO MARIN, *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.

TABLE OF CONTENTS

WEDNESDAY MARCH 20, 2013

I. Matters to Be Scheduled for Public Hearing on April 10, 2013.....1

**I. PUBLIC HEARING OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR
WEDNESDAY, APRIL 10, 2013
STARTING AT 10:00 A. M.
AT SPECTOR HALL, 22 READE STREET
NEW YORK, NEW YORK**

BOROUGH OF MANHATTAN

Nos. 1 & 2

WATER STREET POPS TEXT AMENDMEMNT

1

CD 1

N 130206 ZRM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter I (Special Lower Manhattan District) concerning privately owned public spaces within Community District 1, Borough of Manhattan.

Matter Underlined is new, to be added;

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

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

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

Article IX – Special Purpose Districts

Chapter 1: Special Lower Manhattan District

91-80

PUBLIC ACCESS AREAS

91-81

Certification to Modify Existing Arcades in Certain Areas

* * *

91-82

Existing Publicly Accessible Open Areas

The purpose of this Section is to facilitate temporary programmatic changes to existing public spaces to:

- (a) help address the short-term challenges facing the Water Street corridor as a result of Hurricane Sandy by encouraging increased economic activity, reinforcing community connections, creating a lively and engaging experience, and improving the corridor's pedestrian environment; and
- (b) explore new types of uses and amenities within public spaces intended to draw residents, workers, and visitors, thereby increasing the utilization and activation of the existing public spaces.

This Section, inclusive, shall be effective until January 1, 2014, at which time the provisions of this Section shall automatically expire and all #publicly accessible open areas#, as defined in Section 91-821, shall have been returned to their compliant state and all temporary obstructions shall have been removed.

91-821
Special provisions for #publicly accessible open areas#

For the purposes of this Section, the definition of “publicly accessible open areas” shall also include #arcade#, #through block arcade#, or other public amenity, open or enclosed, for which a #floor area# bonus has been granted.

The provisions of this Section shall apply to all #publicly accessible open areas# existing on (effective date of amendment) within the area designated as an Arcades Modification Area on Map 8 (Public Access Modification Areas) in Appendix A of this Chapter.

Any underlying provisions, including Section 91-81 of this Chapter, restricting the placement of obstructions within #publicly accessible open areas# or restricting their use for events may be modified, as follows:

- (a) Temporary permitted obstructions

Amenities that shall be considered temporary permitted obstructions for cultural, entertainment, and #commercial uses# including, but not limited to, tables, chairs, moveable planters, stages, kiosks, food trucks, artwork, and shade structures are allowed, provided that they:

- (1) are not permanently affixed to the ground and do not cause damage to any surface of the #publicly accessible open area#;
- (2) are not located within five feet of any #building# entrance; and
- (3) do not in combination occupy more than 60 percent of the #publicly accessible open area#.

(b) Events

Events including, but not limited to, farmers markets, holiday markets, concerts and performances, art and cultural exhibitions, and festivals are permitted. Such events may be sponsored by non-profit or for-profit entities, without limitation, and may include the sale of food, refreshments, and other event-related items, for the benefit or enjoyment of event participants. The use of #publicly accessible open area# for the promotion of products or services shall not itself qualify as an event permitted under this Section. Such events shall:

(1) be open to the public;

(2) only be permitted to use amplified sound between the hours of 9:00 am and 10:00 pm.

Nothing herein shall authorize the use of City #streets# or sidewalks in connection with an event permitted under this Section, and any such use shall be subject to all applicable provisions of law and regulation governing the use of City #streets# or sidewalks including, where applicable, the requirement to obtain a Street Activity Permit from the Street Activity Permit Office of the Office of Citywide Events Coordination and Management. No event shall be permitted pursuant to this Section unless, no later than twenty (20) days prior to the scheduled date, the sponsor notifies the Street Activity Permit Office of the nature, size and location of the event upon a form prescribed by the Street Activity Permit Office for such purpose.

* * *

Resolution for adoption scheduling April 10, 2013 for a public hearing.



No. 2

CD 1

N 130206(A) ZRM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter I (Special Lower Manhattan District) concerning privately owned public spaces within Community District 1, Borough of Manhattan.

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

Article IX – Special Purpose Districts
Chapter 1: Special Lower Manhattan District

91-80
PUBLIC ACCESS AREAS

91-81
Certification to Modify Existing Arcades in Certain Areas

* * *

91-82
Existing Publicly Accessible Open Areas

The purpose of this Section is to facilitate temporary programmatic changes to existing public spaces to:

- (a) help address the short-term challenges facing the Water Street corridor as a result of Hurricane Sandy by encouraging increased economic activity, reinforcing community connections, creating a lively and engaging experience, and improving the corridor’s pedestrian environment; and
- (b) explore new types of uses and amenities within public spaces intended to draw residents, workers, and visitors, thereby increasing the utilization and activation of the existing public spaces.

This Section, inclusive, shall be effective until January 1, 2014, at which time the provisions of this Section shall automatically expire and all #publicly accessible open areas#, as defined in Section 91-821, shall be returned to their compliant state and all temporary obstructions shall be removed.

91-821
Special provisions for #publicly accessible open areas#

For the purposes of this Section, the definition of “publicly accessible open area” shall also include any #arcade#, #through block arcade#, or other public amenity, open or enclosed, for which a #floor area# bonus has been granted.

The provisions of this Section shall apply to all #publicly accessible open areas# existing on (effective date of amendment) within the area designated as a Public Space Activation Area on Map 8 (Public Access Modification Areas) in Appendix A of this Chapter.

Any underlying provisions, including Section 91-81 of this Chapter, restricting the placement of obstructions within #publicly accessible open areas# or restricting their use for events may be modified, as follows:

(a) Temporary permitted obstructions

Amenities that shall be considered temporary permitted obstructions for cultural, entertainment, and #commercial uses# including, but not limited to, tables, chairs, moveable planters, stages, kiosks, food trucks, artwork, and shade structures are allowed, provided that they:

- (1) are not permanently affixed to the ground and do not cause damage to any surface of the #publicly accessible open area#;
- (2) are not located within five feet of any #building# entrance; and
- (3) do not in combination occupy more than 60 percent of the #publicly accessible open area#.

(b) Events

Events including, but not limited to, farmers markets, holiday markets, concerts and performances, art and cultural exhibitions, and festivals are permitted. Such events may be sponsored by non-profit or for-profit entities, without limitation, and may include the sale of food, refreshments, and other event-related items, for the benefit or enjoyment of event participants. The use of #publicly accessible open area# for the promotion of products or services shall not itself qualify as an event permitted under this Section. Such events shall:

- (1) be open to the public;
- (2) only be permitted to use amplified sound between the hours of 9:00 am and 10:00 pm.

Nothing herein shall authorize the use of City #streets# or sidewalks in connection with an event permitted under this Section, and any such use shall be subject to all applicable provisions of law and regulation governing the use of City #streets# or sidewalks including, where applicable, the

requirement to obtain a Street Activity Permit from the Street Activity Permit Office of the Office of Citywide Events Coordination and Management. No event shall be permitted pursuant to this Section unless, no later than fourteen (14) days prior to the scheduled date, the sponsor notifies the Street Activity Permit Office of the nature, size and location of the event upon a form prescribed by the Street Activity Permit Office for such purpose.

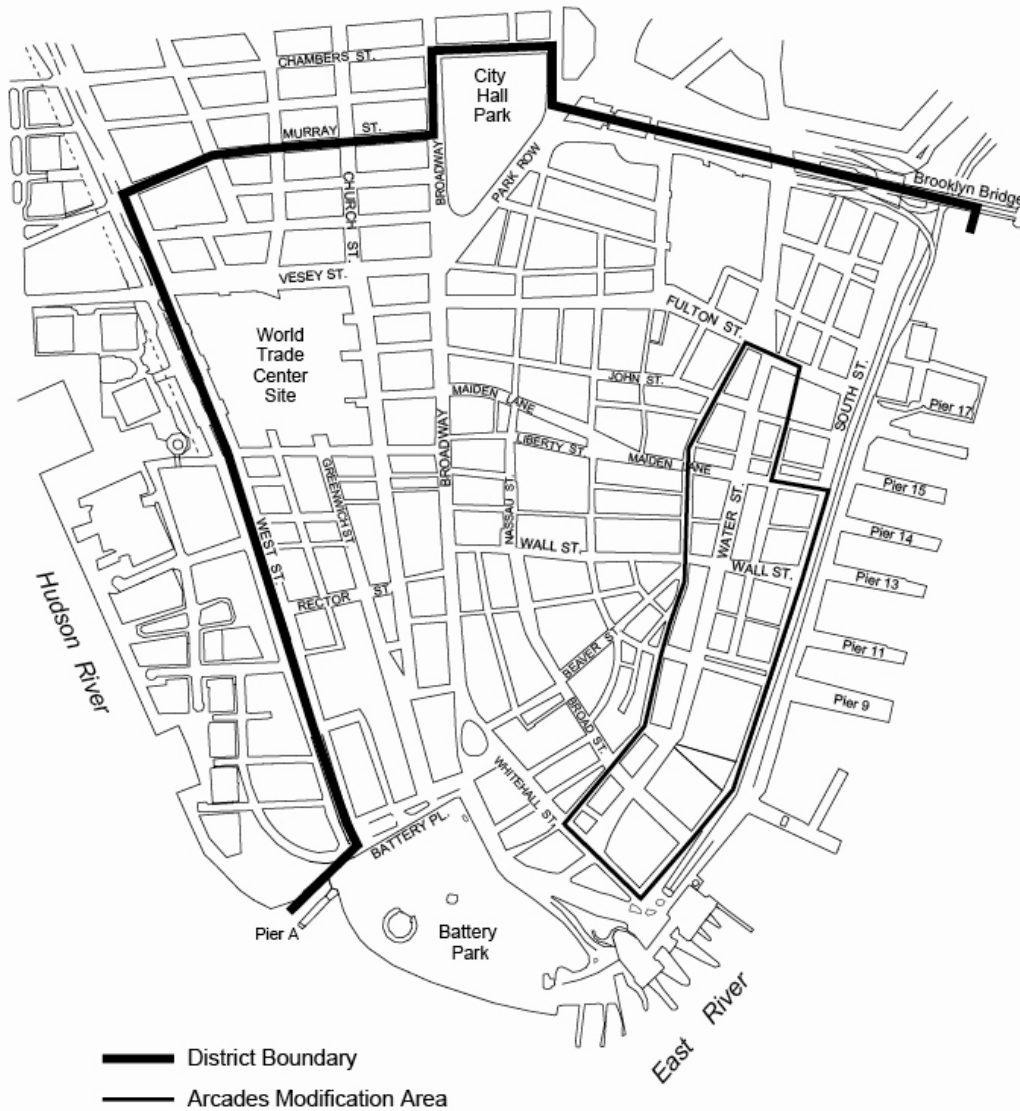
* * *

**EXISTING
(TO BE DELETED)**

Appendix A

Map 8. Public Access Modification Areas

[MAP TO BE DELETED]

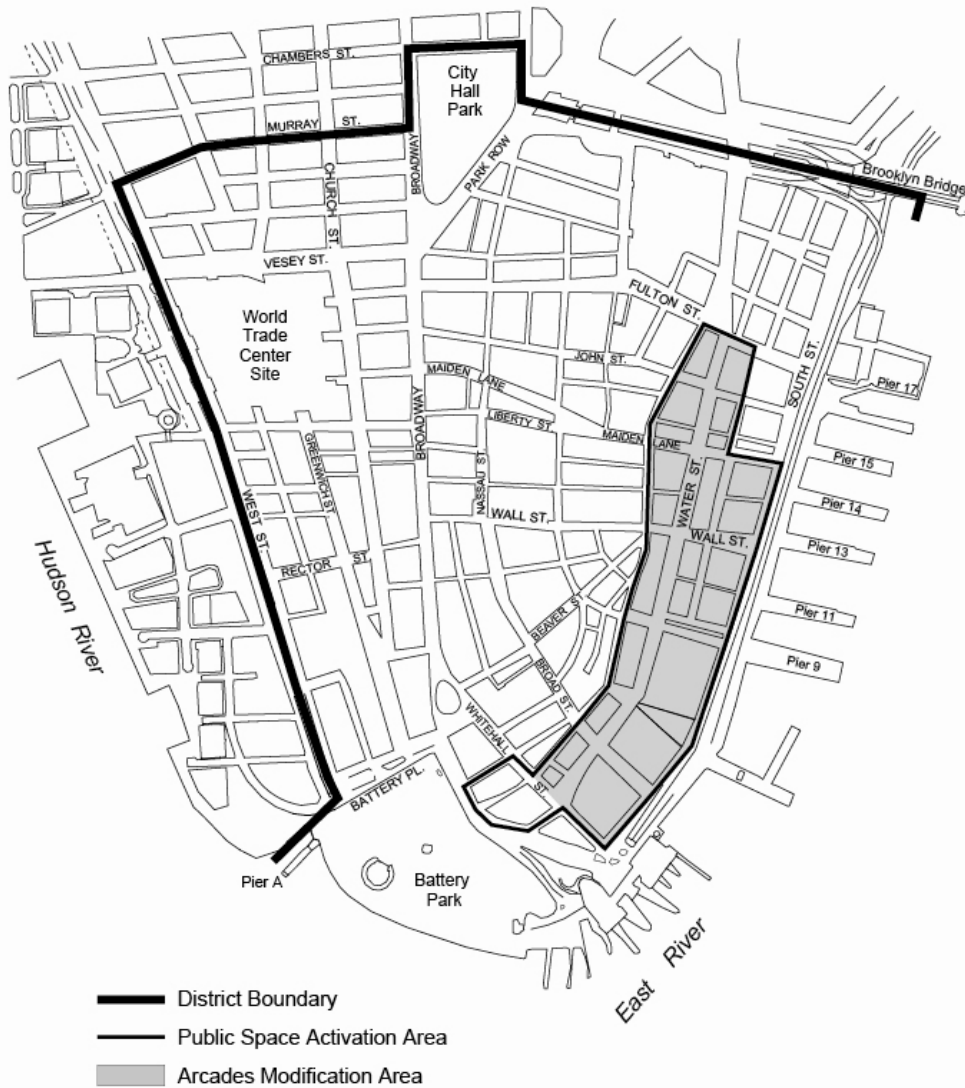


**PROPOSED
(TO BE ADDED)**

Appendix A

Map 8. Public Access Modification Areas

[MAP TO BE ADDED]



Resolution for adoption scheduling April 10, 2013 for a public hearing.



No. 3

CULTURE SHED TEXT AMENDMENT

CD 4

N 130178 ZRM

IN THE MATTER OF an application submitted by the Department of Cultural Affairs pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards 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 IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 3
Special Hudson Yards District**

* * *

**93-00
GENERAL PURPOSES**

* * *

93-01

Definitions

ERY Culture, Festival and Exhibit Facility

An “ERY Culture, Festival and Exhibit Facility” is a #use# that comprises changing, non-permanent exhibits, events, expositions, presentations, festivals and fairs related to any or all of the following: visual arts, performing arts, culinary arts, literature, journalism, broadcasting, crafts, technology, fashion and design, or any similar activity. Any #building# in which an #ERY Culture, Festival and Exhibit Facility# is located may include a moveable portion that may be extended and retracted to cover all or a portion of the Culture Facility Plaza described in Section 93-71(i).

* * *

93-10 USE REGULATIONS

93-101 ERY Culture, Festival and Exhibit Facility

For purposes of this Chapter, all references to #community facility#, #community facility use# or #uses# in Use Groups 3 or 4 in connection with Eastern Rail Yard Subarea A1 shall be deemed to include an #ERY Culture, Festival and Exhibit Facility#.

* * *

93-17 Modification of Sign Regulations

(a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. The following modifications to the underlying #sign# regulations shall apply in the Eastern Rail Yard Subarea A1:

* * *

- (4) For an #ERY Culture, Festival and Exhibit Facility#, the total #surface area# of all permitted #signs# and banners shall be as set forth in this subsection. The maximum aggregate #surface area# of all #signs# shall not exceed 2,700 square feet. #Signs# (other than banners) facing the outdoor plaza, as described in Section 93-71(b), shall not exceed a maximum aggregate #surface area# of 200 square feet; #signs# facing the Connection to the High Line, as described in Section 93-71(f), shall not exceed a maximum aggregate #surface area# of 200 square feet; and #signs# facing West 30th Street shall not exceed a maximum aggregate #surface area# of 1,700 square feet. A maximum of 600 square feet of #signs# in the form of banners are permitted facing or within the outdoor plaza. No #sign# shall exceed a height of 30 feet above the level of the Culture Facility Plaza, as described in Section 93-71(i) and no #signs# facing West 30th Street shall be located at a height above the #High Line#. Banners located within the outdoor plaza may be installed on one or two poles located not less than 13 feet from an #ERY Culture, Festival and Exhibit Facility#. The bottom of any such banner shall be located at least 10 feet above the bottom of the pole. Any #sign#

that exceeds 300 square feet of #surface area# shall be non-#illuminated# or a #sign with indirect illumination#.

* * *

93-20

FLOOR AREA REGULATIONS

The #floor area# regulations of this Section, inclusive, shall apply to #zoning lots#.

93-21

Floor Area Regulations in the Large-Scale Plan Subdistrict A

In the Large-Scale Plan Subdistrict A, the #floor area# provisions of this Section shall apply.

* * *

(b) Eastern Rail Yard Subarea A1

- (1) The maximum #floor area ratio# for any #zoning lot# in the subarea shall be 11.0. The maximum #floor area ratio# for #commercial use# shall be 9.0, the maximum #floor area ratio# for #community facility use#, shall be 2.0, and the maximum #floor area ratio# for #residential use# shall be 3.0. #Residential use# shall only be permitted on a #zoning lot# with a non-#residential floor area ratio# of 8.0 or more, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E).

Any floor space occupied by an #ERY Culture, Festival and Exhibit Facility#, including any floor space #accessory# thereto, that is located:

- (i) below the elevation of the Culture Shed Plaza described in Section 93-71(i),
- (ii) within the moveable portion that may be extended and retracted to cover and enclose all or any portion of the Culture Facility Plaza, or
- (iii) within a portion of a #building# that contains #residential use# and is not designed to house the moveable portion described above,

shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, in a #building# containing both #residential use# and an #ERY Culture, Festival and Exhibit Facility#, any floor space occupied by elevator shafts, structural

systems or stairwells serving the #residential use# that is either located on any #story# occupied entirely by the #ERY Culture, Festival and Exhibit Facility# except for such elevator shafts, structural systems, and stairwells, or is located on a #story# occupied in part by the #ERY Culture, Festival and Exhibit Facility# where such elevator shaft or stairwell is not accessible for #residential use# on such #story# except for emergency egress, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential uses# and the total maximum #floor area ratio# of the #zoning lot#.

For a #building# or portion of a #building# containing #residential use# that is located adjacent to the #ERY High Line#, any floor space used for storage, restrooms, maintenance facilities or other support space for the #ERY High Line# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential or community facility uses# and the total maximum #floor area ratio# of the #zoning lot#.

* * *

93-514

Eastern Rail Yard Subarea A1

(a) Location of #buildings#

#Buildings# shall be located only in the following areas:

- (1) east of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;
- (2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street; and
- (3) west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street, provided that either:

(i) such area contains only #uses# in Use Groups 3 and 4; or

(ii) where such area includes #residential use#, ~~(a) such #residential use# is permitted~~ shall be located only in a #building# or portion of a #building# located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such #building# may also include uses in Use Groups 3, 4, 6A and 6C₂ and (b) a #building# containing only #uses# in Use Groups 3 or 4 may be located not closer than 50 feet east of such prolongation. In addition, #uses# in Use Group 3 or 4 may be located in a #building# separate from any #building# containing #residential use#, provided that any such separate #building# may not be located closer than 50 feet east of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West.

* * *

93-70

PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites other than for an #ERY Culture, Festival and Exhibit Facility# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, as set forth in 93-71, paragraph (h), the requirements set forth in such Section shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. Such plan may provide for the outdoor plaza described in Section 93-71, paragraph (b), to be constructed in phases. The completion of the Cultural Facility Plaza shall be deemed integral only to an #ERY Culture, Festival and Exhibit Facility# and to no other #use# or #development# in the Eastern Rail Yard Subarea A1. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet

occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#.

For any portion of any #development# or #enlargement# other than an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in Section 93-71, paragraph (h). Issuance of a temporary or permanent certificate of occupancy for any #building# or portion of a #building# not occupied by an #ERY Culture, Festival and Exhibit facility# shall not be conditioned upon the completion, substantial completion or improvement of the Culture Facility Plaza.

For an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for such #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza described in paragraph (i) of Section 93-71 is substantially complete and open to and useable by the public and no permanent certificate of occupancy from the Department of Buildings may be issued for the #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza is complete. If a moveable portion of the #ERY Culture, Festival and Exhibit Facility# is not initially constructed as part of the #ERY Culture, Festival and Exhibit Facility# but is constructed at a later date, any closure of the Culture Facility Plaza necessary for such construction shall not affect the validity of any certificate of occupancy previously issued for the #ERY Culture, Festival and Exhibit Facility#. No temporary certificate of occupancy for the moveable portion that is thereafter constructed, or an amended temporary certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the

moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is substantially complete and open to and useable by the public and no permanent certificate of occupancy for the moveable portion that is thereafter constructed, or an amended permanent certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is complete.

93-71

Public Access Areas in the Eastern Rail Yard Subarea A1

Any #development# in the Eastern Rail Yard Subarea A1 shall provide public access areas in accordance with the following requirements:

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f), and paragraphs (h) and (i), of this Section. For purposes of determining compliance with such 55% and 40% requirements, the Culture Facility Plaza, any portion of the Connection to the High Line allowed to be covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility# pursuant to paragraph (f) of this Section, and any portion of the Connection to the High Line that is not required to have a clear height of 60 feet pursuant to paragraph (f) of this Section shall be deemed publicly accessible and open to the sky at all times, including any time when a moveable portion of an #ERY Culture, Festival and Exhibit Facility# extends over the Culture Facility Plaza or the Connection to the High Line. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61 and, at the option of the owner, the #Tenth Avenue Spur#. If the Cultural Facility Plaza is closed during the construction of the moveable portion of the #ERY Culture, Festival and Exhibit Facility#, the amount of publicly accessible open space shall not be considered reduced during such period.

All public access areas listed in this Section, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall be accessible to the public, as follows:

- (1) unenclosed public access areas shall be accessible between the hours of 6:00 am and 1:00 am, except that any portions of the outdoor plaza, as described in paragraph (b) of this Section, designed and constructed for purposes of vehicular use, shall be accessible at all times except as necessary to perform maintenance and repairs or address hazardous or emergency conditions;
- (2) enclosed portions of the through block connection and connection to the public plaza, described in paragraphs (d) and (e) of this Section, shall be accessible to the public between the hours of 8:00 am and 10:00 pm; and
- (3) upon completion of the Tenth Avenue bridge, described in paragraph (g) of this Section, access between the bridge and the outdoor plaza shall be provided by means of the through block connection between the hours of 6:00 am and 1:00 am.

All public access areas, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall include public space signage erected at conspicuous locations. Such signs shall include the statement “Open to the Public,” followed by the hours of operation specified in this paragraph, (a). The public space signage for the Culture Facility Plaza may include additional information, consistent with the provisions of paragraph (i) of this Section.

(b) Outdoor plaza

A publicly accessible space, open to the sky (hereinafter referred to as the “outdoor plaza”), shall be located within the area bounded by West 33rd Street, the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East, a line 250 feet north of and parallel to West 30th Street, Eleventh Avenue, a line 220 feet south of and parallel to West 33rd Street, and the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West. Such open area may extend beyond such boundaries and have necessary grade changes, and up to ten percent of the area of such outdoor plaza may be covered by a #building# or other structure#. In addition, a #building# containing eating or drinking places and #uses# listed in Use Groups 6A and 6C may be located within the outdoor plaza (but shall not be included as public access area pursuant to paragraph (a) of Section 93-71), provided that any such #building#:

- (1) is located within the area west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 400 feet of West 30th Street;
- (2) covers no more than 3,600 square feet of the #zoning lot# at the level of the outdoor plaza and above;
- (3) contains no more than 7,200 square feet of #floor area# at the level of the outdoor plaza and above, and no more than 3,600 square feet of #floor area# below the level of the outdoor plaza;

- (4) has a maximum north-south dimension of 85 feet at the level of the outdoor plaza and above;
- (5) is located such that the maximum east/west dimension measured along a line 355 feet from West 30th Street is 40 feet at the level of the outdoor plaza and above. For portions of the #building# located north or south of such line, the maximum east/west dimension shall increase at a rate of one foot in the east/west dimension for every four feet in the north/south dimension from such line, up to a maximum east/west dimension of 60 feet; and
- (6) has a maximum perimeter wall height of 24 feet, and a maximum #building# height of 30 feet. Above a height of 24 feet, no portion of a building may penetrate a #sky exposure plane# that begins at a height of 24 feet above the perimeter walls and rises over the #building# at a slope of 2.5 feet of horizontal distance for each foot of vertical distance. Such heights shall be measured from the highest level of the adjoining portions of the outdoor plaza.

No #building# location or setback requirements shall apply to any #building# walls facing the northern, eastern or southern boundaries of the outdoor plaza.

#Building# walls fronting upon the western boundary of the outdoor plaza shall extend along at least 70 percent of the length of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and shall rise to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, a setback at least 20 feet in depth is required from such prolongation line. However, such #building# wall may rise without setback at such prolongation line, provided the aggregate width of such #building# wall does not exceed 50 percent of the width of such line and provided all other portions of the #building# that exceed a height of 120 feet are set back at least 20 feet from such prolongation line at a height not lower than 90 feet.

The retail and glazing requirements of Section 93-14 (Ground Floor Level Requirements) shall apply to at least 70 percent of the length of all #building# walls facing each side of the outdoor plaza, except that such retail requirements shall not apply to any #building# or portion of a #building# located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street containing only #uses# in Use Group 3 or 4 or an #ERY Culture, Festival and Exhibit Facility#. ~~located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street.~~

* * *

- (f) Connection to the High Line

A publicly accessible connection between the High Line and the outdoor plaza (hereinafter referred to as the “connection”) shall be provided that has a minimum width, measured parallel to the High Line, of ~~80~~ 60 feet, and is located east of the Culture Facility Plaza. ~~If any portion is covered~~ For a width of 60 feet measured parallel to the High Line, the clear height of such the connection shall be at least 60 feet. Above such height, overhangs of the 60 foot width dimension of the connection shall be permitted by the movable portion of the #ERY Culture, Festival and Exhibit Facility#, provided that the angle of such overhang is a maximum of 14 degrees east of the vertical extension of the western edge of such 60 foot width, as measured from the intersection of such vertical extension with the 60 foot clear height of the connection. Additionally, such overhang shall project over no more than 16 feet of the 60 foot width dimension. Any portion of the connection east of the minimum 60 foot width shall, if covered, have a minimum clear height of 60 feet. The movable portion of the #ERY Culture, Festival and Exhibit Facility# shall be permitted to overhang any portion of the connection west of such minimum 60 foot width, provided that the angle of such overhanging portion is a maximum of 14 degrees measured at the western edge of the connection at its ground level. The glazing requirements of Section 93-14, paragraph (c), shall apply to at least 50 percent of the length of all #building# walls facing such the connection.

* * *

(i) Culture Facility Plaza

(1) A publicly accessible space located east of and abutting the non-moveable portion of an #ERY Culture, Festival and Exhibit Facility#, and bounded to the north by the outdoor plaza and to the south by the #ERY High Line# shall be provided. During times when the Culture Facility Plaza is not covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza may be used for purposes of outdoor events related to an #ERY Culture, Festival and Exhibit Facility#. All such events shall be open and accessible to the general public free of admission charge, provided that ticketed events with tickets available on a first come first served or timed basis shall be permitted. During all times when the Culture Facility Plaza is not used for an #ERY Culture, Festival and Exhibit Facility# event or covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza shall be open and accessible to the public between the hours of 6:00 am and 1:00 am. Notwithstanding any other provision, the Culture Facility Plaza may be closed to the public not more than 12 days each calendar year for an event related to the #ERY Culture, Festival and Exhibit Facility#, provided that not less than five days prior to any such closing, notice is given to the applicable community board and is posted at conspicuous locations at such plaza. No #building# or portion of a

#building# that is not used for an #ERY Culture, Festival and Exhibit Facility# shall have any obligation to comply with the requirements of this subparagraph or paragraph (a) of Section 93-71 related to the Culture Facility Plaza.

- (2) When the Culture Facility Plaza is used for an event related to an #ERY Culture, Festival and Exhibit Facility#, or when the moveable portion of the shed is deployed and such event or use of the shed includes use of an adjacent portion of the outdoor plaza described in Section 93-71 (b), use of such portion of the outdoor plaza shall be governed by the provisions of subparagraph (i) of this Section permitting use of ticketed events with tickets available on a first come first served or timed basis. An adjacent portion of the outdoor plaza may also be closed to the public in connection with a closure of the Culture Facility Plaza up to 12 days each year pursuant to subparagraph (i) of this Section. During any outdoor event utilizing an adjacent portion of the outdoor plaza, portions of the outdoor plaza used for vehicular access to and egress from the Eastern Rail Yard may be closed to vehicular use in order to accommodate the event attendees, for a period that shall extend no longer than necessary for such purpose. All other public access areas listed in this Section 93-71, including all portions of the outdoor plaza not used for the outdoor event, shall remain open and accessible at all such times.

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Resolution for adoption scheduling April 10, 2013 for a public hearing.
