

CITY PLANNING COMMISSION DISPOSITION SHEET

REMOTE PUBLIC MEETING:
WEDNESDAY, DECEMBER 2, 2020
10:00 A.M. NYC CITY PLANNING COMMISSION
VIA THE ENGAGE PORTAL

Yvette V. Gruel, Calendar Officer
120 Broadway, 30th Floor
New York, New York 10271
(212) 720-3370

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
1	C 180496 ZMK	14	1620 CORTEYOU ROAD REZONING	Scheduled to be Heard 12/16/20
2	N 180497 ZRK	14	" "	" "
3	C 190517 ZMQ	1	42-01 28 TH AVENUE REZONING	" "
4	N 190518 ZRQ	1	" "	" "
5	C 210005 PCQ	7	DSNY QUEENS 7 PARKING LOT	" "
6	N 210072 RCR	3	58 WIELAND AVENUE	Certification Approved
7	C 200062 ZMK	12	16 TH AVENUE REZONING	Hearing Closed
8	N 200063 ZRK	12	" "	" "
9	C 200303 ZSQ	2	42-11 9 TH STREET SPECIAL PERMIT	" "
10	N 200304 ZRQ	2	" "	" "

COMMISSION ATTENDANCE:		COMMISSION VOTING RECORD:																	
Present (P) Absent (A)		In Favor - Y Oppose - N Abstain - AB Recuse - R																	
Calendar Numbers:		6																	
Marisa Lago, Chair	P	Y																	
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y																	
David Burney	P	Y																	
Allen P. Cappelli, Esq.	P	Y																	
Alfred C. Cerullo, III	P	Y																	
Michelle R. De La Uz	P	Y																	
Joseph I. Douek	P	Y																	
Richard W. Eaddy	P	Y																	
Hope Knight	P	Y																	
Anna Hayes Levin	P	Y																	
Orlando Marin	P	Y																	
Larisa Ortiz	P	Y																	
Raj Rampershad, Commissioners	P	Y																	

MEETING ADJOURNED AT: 11:18 A.M.

CITY PLANNING CALENDAR

of

The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, DECEMBER 2, 2020

REMOTE PUBLIC MEETING AT 10:00 A.M.

NYC CITY PLANNING COMMISSION

VIA THE NYC ENGAGE PORTAL



Bill de Blasio, Mayor

City of New York

[No. 14]

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 INFORMATION**HOW TO PARTICIPATE:**

In support of the City's efforts to contain the spread of COVID-19, the City Planning Commission will hold this public meeting remotely. To join the meeting and comment, please visit **NYC Engage** at <https://www1.nyc.gov/site/nycengage/events/city-planning-commission-public-meeting/287003/1> or dial **877-853-5247** (US Toll-free), **888-788-0099** (US Toll-free), **(253) 215-8782** (Toll number) or **(213) 338-8477** (Toll number). If calling into the meeting, please use the following **Meeting ID 618 237 7396**, and when prompted for a participation code, please enter “#” followed by the password “1” when prompted. Instructions on how to participate, as well as materials relating to the meeting, will be posted on NYC Engage in advance of the meeting. To help the meeting host effectively manage the meeting, those who do not intend to actively participate are invited to watch the meeting through the livestream/LINK provided on NYC Engage or the recording that will be posted after the meeting on DCP's website.

Please inform DCP if you need a reasonable accommodation, such as a sign language interpreter, in order to participate in the meeting. Requests for a reasonable accommodation or foreign language assistance should be emailed to AccessibilityInfo@planning.nyc.gov or made by calling 212-720-3508. Requests must be submitted at least five business days before the meeting.

Signing up to speak: Anyone wishing to speak on the items listed under “Public Hearings” in this Calendar should follow the instructions on NYC Engage Portal. Public officials will be given speaking priority. The first five speakers in favor will be heard and given the opportunity to conclude their testimony before the next five speakers in opposition are heard. The hearing will proceed in this manner until all speakers present have had an opportunity to be heard.

Length of Testimony: To give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Written Comments: 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 submit comments electronically using the [CPC Comments Form](#) on the public meeting page of the Department of City Planning website:

<http://www1.nyc.gov/site/planning/about/commission-meetings.page>

Written comments may also be submitted by filling out the form below and mailing to:

**CITY PLANNING COMMISSION
Calendar Information Office – 31st Floor
120 Broadway, New York, N.Y. 10271**

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ ULURP No.: _____ CD No.: _____

Position: Opposed _____

In Favor _____

Comments:

Name: _____

Address: _____

Organization (if any) _____

B

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 hearings 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).

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
120 Broadway – 31st Floor
New York, New York 10271

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

CITY PLANNING COMMISSION

120 Broadway, 31st Floor, New York, N.Y. 10271

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, *Esq., Vice Chairman*

DAVID BURNEY

ALLEN P. CAPPELLI, *Esq.*

ALFRED C. CERULLO, III

MICHELLE R. DE LA UZ

JOSEPH I. DOUEK

RICHARD W. EADDY

HOPE KNIGHT

ANNA HAYES LEVIN

ORLANDO MARIN

LARISA ORTIZ

RAJ RAMPERSHAD, *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 the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, Manhattan, unless otherwise ordered.

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Community Board Public Hearing Notices are available in the Calendar Information Office, 31st Floor, 120 Broadway, New York, N.Y. 10271

The Next Regular Public Meeting of the City Planning Commission is scheduled for December 16, 2020 and will be held via Zoom Webinar.

DECEMBER 2, 2020

APPROVAL OF THE MINUTES OF the Public Meeting of November 18, 2020

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR
WEDNESDAY, DECEMBER 16, 2020
STARTING AT 10:00 A. M. VIA ZOOM WEBINAR**

BOROUGH OF BROOKLYN

Nos. 1 & 2

1620 CORTELYOU ROAD REZONING

No. 1

CD 14

C 180496 ZMK

IN THE MATTER OF an application submitted by 1600/20 Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by changing from an existing R6A District to an R7D District property bounded by Cortelyou Road, East 17th Street, a line 100 feet southeasterly of Cortelyou Road, and East 16th Street, as shown on a diagram (for illustrative purposes only) dated March 2, 2020, and subject to the conditions of CEQR Declaration E-564.

Resolution for adoption scheduling December 16, 2020 for a public hearing.

No. 2

CD 14

N 180497 ZRK

IN THE MATTER OF an application submitted by 1600/20 Realty Corp., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN



* * *

Brooklyn Community District 14

* * *

[PROPOSED]



-  *Inclusionary Housing designated area*
-  *Mandatory Inclusionary Housing Area see Section 23-154(d)(3)*

Area 4 — [date of adoption] — MIH Program Option 1 and Option 2
Portion of Community District 14, Brooklyn

* * *

Resolution for adoption scheduling December 16, 2020 for a public hearing.

BOROUGH OF QUEENS

Nos. 3 & 4

42-01 28TH AVENUE REZONING

No. 3

CD 1

C 190517 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 the amendment of the Zoning Map, Section Nos. 9a and 9c by:

1. establishing within an R5 District a C1-2 District bounded by 42nd Street, a line 150 feet northeasterly of 28th avenue, 43rd Street, a line 100 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, and a line 125 feet northeasterly of 28th avenue;
2. changing from an R5 District to an R6A District property bounded by 41st Street, a line 100 feet northeasterly of 28th Avenue, 42nd Street, a line 125 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, a line 100 feet northeasterly of 28th Avenue, 43rd Street; and 28th Avenue;
3. establishing within the proposed R6A District a C1-2 District bounded by 42nd Street, a line 125 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, a line 100 feet northeasterly of 28th Avenue, 43rd Street; and 28th Avenue;

Borough of Queens, Community District 1 as shown on a diagram (for illustrative purposes only) dated September 14, 2020.

Resolution for adoption scheduling December 16, 2020 for a public hearing.

No. 4

CD 1

N 190518 ZRQ

IN THE MATTER OF an application submitted by Vlacich 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 APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

QUEENS

Queens Community District 1

* * *

Map 9 – [date of adoption]



 Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area 9 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 1, Queens

* * *

Resolution for adoption scheduling December 16, 2020 for a public hearing.

No. 5

QUEENS 7 PARKING LOT

CD 7

C 210005 PCQ

IN THE MATTER OF an application submitted by the Department of Sanitation (DSNY) and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 122-10 31st Avenue (Block 4378, Lot 18 and Block 4377, Lot 29 and 30) for use as an overflow parking lot for the Queens 7/7A Garages.

Resolution for adoption scheduling December 16, 2020 for a public hearing.

II. REPORTS

BOROUGH OF STATEN ISLAND

No. 6

58 WIELAND AVENUE

CD 3

N 210072 RCR

IN THE MATTER OF an application submitted by Robert McErlean for the grant of a certification pursuant to Section 107-08 of the Zoning Resolution to facilitate a future subdivision of one existing zoning lot into two new zoning lots located at 58 Wieland Avenue (Block 6894, Existing Lot 12, Tentative Lots 10 and 12) within the Special South Richmond Development District.

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

For consideration.

III. PUBLIC HEARINGS

BOROUGH OF BROOKLYN

Nos. 7 & 8

16TH AVENUE REZONING

No. 7

CD 12

C 200062 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Borough Park Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d:

1. eliminating from within an existing R5 District a C2-2 District bounded by 58th Street, 16th Avenue, 59th Street and a line 150 feet northwesterly of 16th Avenue; and
2. changing from an existing R5 District a C4-4A District property bounded by 58th Street, 16th Avenue, 59th Street and a line 100 feet northwesterly of 16th Avenue;

as shown on a diagram (for illustrative purposes only) dated February 18, 2020, and subject to the conditions of CEQR Declaration E-565.

(On November 18, 2020, Cal. No. 1, the Commission scheduled December 2, 2020 for a public hearing which has been duly advertised.)

Close the hearing.

No. 8

CD12

N 200063 ZRK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Borough Park Realty, 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 APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

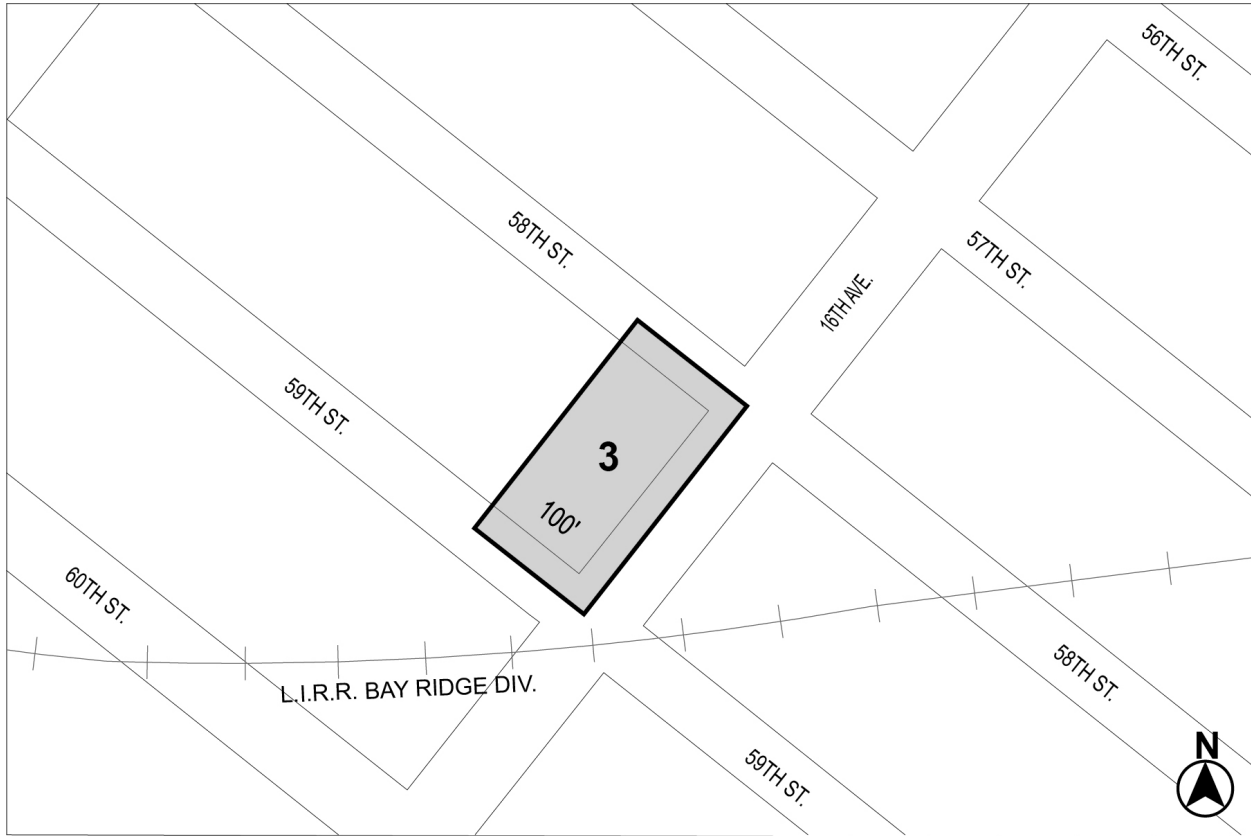
* * *

Brooklyn Community District 12

* * *

Map 3 – [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Area see Section 23-154(d)(3)

Area 3 — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 12, Brooklyn

* * *

(On November 18, 2020, Cal. No. 2, the Commission scheduled December 2, 2020 for a public hearing which has been duly advertised.)

Close the hearing.



BOROUGH OF QUEENS

Nos. 9 & 10

42-11 9TH STREET SPECIAL PERMIT

No. 9

CD 2

C 200303 ZSQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by RXR 42-11 9th Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-96* (Industrial Business Incentive Areas) of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to modify the quantity and size of the loading requirements of Section 44-50, in connection with a proposed twenty-story commercial building within an Industrial Business Incentive Area specified on the maps in Section 74-968 (Maps of Industrial Business Incentive Areas), on property located at 42-11 9th Street (Block 461, Lot 16), in an M1-4 District. Borough of Queens, Community District 2.

*Note: Section 74-96 is proposed to be changed under a concurrent related application (N 200304 ZRQ) for a zoning text change.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

(On November 18, 2020, Cal. No. 3, the Commission scheduled December 2, 2020 for a public hearing which has been duly advertised.)

Close the hearing.

No. 10**CD 2****N 200304 ZRQ****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by RXR 42-11 9th Holdings LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area to Article VII, Chapter 4 (Special Permits by the City Planning Commission) and updates to Section 74-76 (Modifications of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas), Borough of Queens, Community District 2.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

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

**ARTICLE VII
ADMINISTRATION**

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

74-96

~~Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas~~

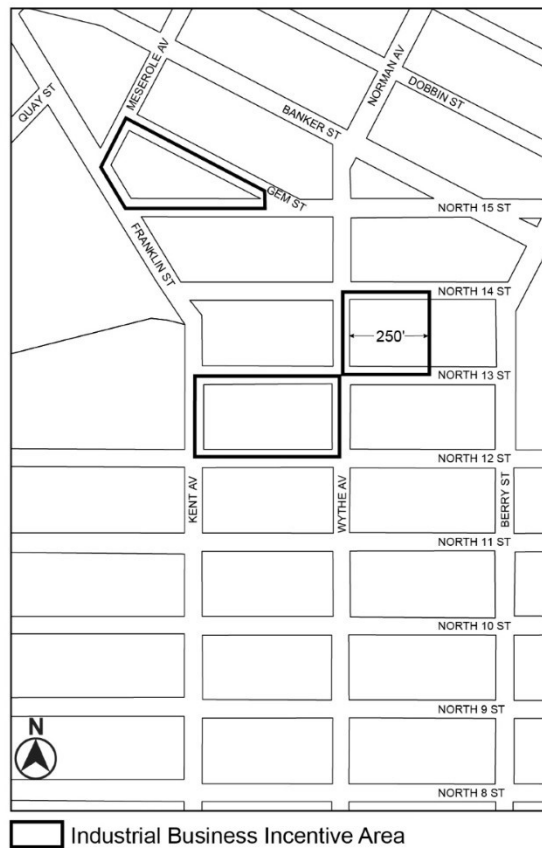
[Yard modification provision moved to 74-964
and area specification provision (i.e., map) moved to Section 74-968]

For #developments# or #enlargements# on #zoning lots# located within any Industrial Business Incentive Area specified on the maps in ~~this Section 74-968 (Maps of Industrial Business Incentive Areas)~~, the City Planning Commission may increase the maximum permitted #floor area ratio# and modify the #use#, #bulk# and #public plaza# regulations as set forth in accordance with Section 74-962 74-963 (Permitted Floor floor area increase and public plaza modifications in Industrial Business Incentive Areas). In conjunction with such #floor area# increase, The the Commission may also modify permit modifications to other #bulk# regulations, provisions for publicly accessible open spaces, as well as parking and loading

requirements for such #developments# or #enlargements#, pursuant to Section 74-963 74-964 (Parking and loading modifications in Industrial Business Incentive Areas Modifications in conjunction with a floor area increase). All applications for a special permit pursuant to this Section, inclusive, shall be subject to the requirements, conditions and findings set forth in Section 74-962 (Application requirements), Section 74-965 (Conditions), Section 74-966 (Findings), and Section 74-967 (Compliance, recordation and reporting requirements).

For #developments# or #enlargements# receiving a #floor area# increase pursuant to this Section, Section 43-20 (YARD REGULATIONS), inclusive, shall be modified as follows: #rear yard# regulations shall not apply to any #development# or #enlargement# on a #through lot#.

Map of Industrial Business Incentive Areas-



Portion of Community District 1, Borough of Brooklyn

**74-961
Definitions**

**74-962
Floor area increase and public plaza modifications in Industrial Business Incentive Areas
Application requirements**

[NOTE: Floor area provisions moved to Section 74-963.

Application requirement provisions remain in this Section]

In Industrial Business Incentive Areas, the City Planning Commission may increase the maximum #floor area ratio# on a #zoning lot# in accordance with the Table in this Section. For #developments# or #enlargements# in the district indicated in Column A, the base maximum #floor area ratio# on a #zoning lot#, Column B, may be increased by 3.5 square feet for each square foot of #required industrial uses# up to the maximum #floor area ratio# for all #uses# on the #zoning lot#, Column E, provided that such #development# or #enlargement# does not include a #transient hotel#, and that such additional #floor area# is occupied by #required industrial uses# and #incentive uses# up to the maximum #floor area ratio# set forth in Column C (Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#), and Column D (Maximum Additional #Floor Area Ratio# for #Incentive Uses#), respectively.

FLOOR AREA INCREASE PERMITTED IN INDUSTRIAL BUSINESS INCENTIVE AREAS

A	B	C	D	E
District	Base Maximum #Floor Area Ratio#	Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#	Maximum Additional #Floor Area Ratio# for #Incentive Uses#	Maximum #Floor Area Ratio# for All #Uses#
M1-2	2.0	0.8	2.0	4.8

For such #developments# or #enlargements# that, pursuant to this Section, increase their permitted #floor area#, and provide a #public plaza#, the Commission may also increase the maximum height of such #development# or #enlargement# and may modify the requirements for #public plazas# set forth in Section 37-70 (PUBLIC PLAZAS).

Applications for such #floor area# increases and modifications are subject to the requirements, conditions and findings set forth in this Section.

(a) Application requirements

All applications for a special permit pursuant to this Section shall include the following:

- (1)(a) site plans and elevations which shall establish distribution of #floor area#, height and #setback#, sidewalk widths, primary business entrances, including parking and loading, #yards# and ~~#public plazas#~~ publicly accessible open space, signage and lighting;
- (2)(b) floor plans of all floors which shall establish the location, access plan and dimensions of freight elevators and loading areas and the location of #floor area# dedicated to #required industrial uses# and #incentive uses#;
- (3)(c) drawings that show, within a 600-foot radius, the location and type of #uses#, the location, dimensions and elements of off-site open areas including #streets#, waterfront and #upland# parcels, elements of a Waterfront Access Plan, as applicable, and the location of #street# trees and #street# furniture and any other urban design elements. Where applicable, for applications in Industrial Business Incentive Area 1, The the plans shall demonstrate that any #public plaza#-publicly accessible open space provided meets the requirements of paragraph (b)(5)(f) of this Section 74-965 (Conditions); and
- (4)(d) for #zoning lots# in #flood zones#, flood protection plans, which shall show #base flood elevations# and advisory #base flood elevations#, as applicable, location of mechanical equipment, areas for storage of any hazardous materials and proposed structural or design elements intended to mitigate the impacts of flood and storm events.

(b) Conditions

[Note: Conditions moved to Section 74-965]

(1) ~~Minimum amount of #required industrial uses#~~

~~#Required industrial uses# shall occupy a minimum of 5,000 square feet of horizontally contiguous #floor area# and shall be served by loading areas and freight elevators with sufficient capacity.~~

(2) ~~Minimum sidewalk width~~

~~All #developments# and horizontal #enlargements# that front upon a #street line# shall provide a sidewalk with a minimum width of 15 feet along the entire frontage of the #zoning lot#. Such sidewalk, and any open area on the #zoning lot# required to meet such minimum width shall be improved as a sidewalk to Department of Transportation standards; shall be at the same level as the adjoining public sidewalk; and shall be accessible to the public at all times. For the purposes of applying the #street wall# location requirements and the height and setback regulations of paragraph (b)(3) of this Section, any sidewalk widening line shall be considered to be the #street line#.~~

(3) Height and setback

The height and setback regulations of the applicable zoning district shall apply as modified by the provisions of this paragraph.

- (i) The ~~street wall~~ of any ~~building~~ shall be located on the ~~street line~~ and shall extend to a height not lower than a minimum base height of 40 feet and not higher than a maximum base height of 75 feet or the height of the ~~building~~, whichever is less. At least 70 percent of the aggregate width of such ~~street wall~~ below 12 feet shall be located at the ~~street line~~ and no less than 70 percent of the aggregate area of the ~~street wall~~ up to the base height shall be located at the ~~street line~~. However, up to a width of 130 feet of such ~~street wall~~ located on the short end of the ~~block~~ may be set back from the ~~street line~~ to accommodate a ~~public plaza~~.
- (ii) The height of a ~~building or other structure~~, or portion thereof, located within 10 feet of a ~~wide street~~ or within 15 feet of a ~~narrow street~~ shall not exceed a maximum base height of 75 feet. Permitted obstructions as set forth in Section 43-42 shall be modified to include dormers above the maximum base height within the front setback area, provided that on any ~~street~~ frontage, the aggregate width of all dormers at the maximum base height does not exceed 50 percent of the ~~street wall~~ and a maximum height of 110 feet. Beyond 10 feet of a ~~wide street~~ and 15 feet of a ~~narrow street~~, the height of a ~~building or other structure~~ shall not exceed a maximum ~~building~~ height of 110 feet. All heights shall be measured from the ~~base plane~~. Where a ~~public plaza~~ is provided pursuant to paragraph (b)(5) of this Section, such maximum ~~building~~ height may be increased to 135 feet.
- (iii) Along the short dimension of a ~~block~~, up to 130 feet of such ~~street wall~~ may be set back from the ~~street line~~ to accommodate a ~~public plaza~~, and a ~~street wall~~ located at the ~~street line~~ that occupies not more than 40 percent of the short end of the ~~block~~ may rise without setback to the maximum ~~building~~ height.

(4) Ground floor design

- (i) The ground floor level ~~street walls~~ and ground floor level walls fronting on a ~~public plaza~~ of a ~~development~~ or horizontal ~~enlargement~~ shall be glazed with transparent materials which may include ~~show windows~~, transom windows or glazed portions of doors. Such transparent materials shall occupy at least 50 percent of the surface area of such ~~street wall~~,

measured between a height of two feet above the level of the adjoining sidewalk or #public plaza# and a height of 12 feet above the level of the first finished floor above #curb level#. The floor level behind such transparent materials shall not exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the #street wall#. The ground floor transparency requirements of this paragraph (b)(4)(i) shall not apply to #uses# listed in Use Groups 11, 16, 17 and 18, or to #accessory# loading berths or garage entrances; or —

(ii) For #zoning lots# within flood hazard areas, in lieu of the requirements of paragraph (b)(4)(i) of this Section, the provisions of Section 64-22 (Transparency Requirements) shall apply; and

(iii) For any #street wall# greater than 40 feet in width that does not require glazing, as specified in paragraphs (b)(4)(i) or (b)(4)(ii) of this Section, as applicable, the facade, measured between a height of two feet above the level of the adjoining sidewalk and a height of 12 feet above the level of the first finished floor above #curb level#, shall incorporate design elements, including lighting and wall art, or physical articulation.

(5) #Public plazas#

A #public plaza# shall contain an area of not less than 12 percent of the #lot area# of the #zoning lot# and a minimum of at least 2,000 square feet in area. All #public plazas# shall comply with the provisions set forth in Section 37-70, inclusive, except that certification requirements of Sections 37-73 (Kiosks and Open Air Cafes) and 37-78 (Compliance) shall not apply.

(6) Signs

(i) In all Industrial Business Incentive Areas, #signs# are subject to the regulations applicable in C6-4 Districts as set forth in Section 32-60, inclusive. Information #signs# provided pursuant to paragraph (b)(6)(ii) of this Section shall not count towards the maximum permitted #surface area# regulations of Section 32-64 (Surface Area and Illumination Provisions), inclusive.

(ii) An information #sign# shall be provided for all #buildings# subject to the #use# restrictions of this special permit. Such required #sign# shall be mounted on an exterior #building# wall adjacent to and no more than five feet from all primary entrances of the #building#. The #sign# shall be placed so that it is directly visible, without any obstruction, to persons entering the building, and at a height no less than four feet and no more

than five and a half feet above the adjoining grade. Such #sign# shall be legible, no less than 12 inches by 12 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information #sign# shall contain: the name and address of the building in lettering no less than three-quarters of an inch in height; and the following statement in lettering no less than one-half of an inch in height, "This building is subject to Industrial Business Incentive Area (IBIA) regulations which require a minimum amount of space to be provided for specific industrial uses." The information #sign# shall include the Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (e) of this Section is available to the public.

(e) Findings

[NOTE: Findings moved to Section 74-966]

In order to grant an increase of the maximum permitted #floor area ratio# and modification of #public plaza# regulations, the Commission shall find that such increase or modification:

- (1) will promote a beneficial mix of #required industrial# and #incentive uses#;
- (2) will result in superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape;
- (3) will result in a #building# that has a better design relationship with surrounding #streets# and adjacent open areas;
- (4) will result in a #development# or #enlargement# that will not have an adverse effect on the surrounding neighborhood; and
- (5) of the #public plaza# requirements will result in a #public plaza# of equivalent or greater value as a public amenity.

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

(d) Compliance and recordation

[NOTE: Compliance and recordation

requirements moved to Section 74-967]

~~Failure to comply with a condition or restriction in a special permit granted pursuant to Section 74-96 (Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas), inclusive, or with applicable approved plans, or with provisions of paragraphs (d), (e) and (f), inclusive, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation of such special permit, and for the implementation of all other applicable remedies.~~

~~A Notice of Restrictions, the form and content of which shall be satisfactory to the Commission, for a property subject to #use# restrictions or #public plaza# requirements, as applicable, pursuant to this Section, shall be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk's office in the county where the tax lot is located.~~

~~The filing and recordation of such Notice of Restrictions shall be a precondition to the issuance of any building permit utilizing the provisions set forth in this Section. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the restrictions remain in effect. No temporary certificate of occupancy for any portion of the #building# to be occupied by #incentive uses# shall be issued until a temporary certificate of occupancy for the core and shell is issued for all portions of the #building# required to be occupied by #required industrial uses#.~~

(e)Periodic notification by owner

[NOTE: Periodic notification
requirements moved to Section 74-967]

~~No later than the 20th day after the lease executed by a new tenant permits occupancy of any #required industrial space#, the owner of a #building# subject to #use# restrictions of this Section shall provide the following information at the designated Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public pursuant to paragraph (b)(6)(ii) of this Section. If no new tenant executes a lease for any #required industrial space# within the calendar year, such information shall be provided no later than the 20th day of the following calendar year. Such electronic information source shall be accessible to the general public at all times and include the information specified below:~~

~~(1)the date of the most recent update of this information;~~

~~(2)total #floor area# of the #required industrial uses# in the #development#;~~

~~(3) a digital copy of all approved special permit drawings pursuant to paragraph (a)(1) through (a)(4) of this Section;~~

~~(4) the name of each business establishment occupying #floor area# reserved for #required industrial uses#. Such business establishment name shall include that name by which the establishment does business and is known to the public. For each business establishment, the amount of #floor area#, the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;~~

~~(5) contact information, including the name of the owner of the #building# and the building management entity, if different, the name of the person designated to manage the #building#, and the street address, current telephone number and e-mail address of the management office. Such names shall include the names by which the owner and manager, if different, do business and are known to the public; and~~

~~(6) all prior periodic notification information required pursuant to the provisions of this paragraph (e). However, such notification information that is older than four years from the date of the most recent update need not be included.~~

(f) Annual reporting by qualified third party

[NOTE: Annual reporting requirements
moved to Section 74-967]

~~No later than June 30 of each year, beginning in the first calendar year following the calendar year in which a temporary or final certificate of occupancy was issued for a #building# subject to #use# restrictions of this Section, the owner of a #building# subject to #use# restrictions of this Section shall cause to be prepared a report on the existing conditions of the #building#, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed.~~

~~The inspection shall be preceded by an annual notification letter from the owner of a #building# subject to #use# restrictions of this Section to all the #required industrial use# tenants of the #building# announcing the date of such inspection, that the organization conducting the inspection shall have access to the spaces occupied by #required industrial uses#, and encouraging the tenants to provide information including, but not limited to, the number of employees for each such space, to the organization.~~

~~The owner of a #building# subject to #use# restrictions of this Section shall cause such report to be prepared by either an organization under contract with the City to provide inspection services, or on the Department of Small Business Services list of certified~~

~~firms that provides such inspection services, or by an organization that the Commissioner of the Department of Small Business Services determines to be qualified to produce such report, provided that any such organization selected by the owner to prepare such report shall have a professional engineer or a registered architect, licensed under the laws of the State of New York, certify the report. Such report shall be in a form provided by the Director of the Department of City Planning, and shall include all of the information required pursuant to the provisions of paragraph (e) of this Section, and additional information as set forth in this paragraph (f):~~

- ~~(1) a description of each establishment including the North American Industry Classification System (NAICS) code and number of employees;~~
- ~~(2) the total amount of #required industrial use floor area# that is vacant, as applicable;~~
- ~~(3) the average annual rent for the portions of the #building#, in the aggregate, required to be occupied by #required industrial uses#. However, prior to 36 months from the date of execution of a lease by the first #required industrial use# tenant in the building, no such figure shall be required to be included in any report due pursuant to this paragraph (f). For all calendar years following the year in which the first average annual rent figure is required to be submitted as part of an annual report, the average annual rent figure reported shall be for the annual average rent for the calendar year two years prior to the year in which the report is due; and~~
- ~~(4) the number of new leases executed during the calendar year, categorized by lease duration, in five year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.~~

~~The report shall be submitted to the Director of the Department of City Planning by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local City Council member shall be included in such transmission.~~

74-963

~~Parking and loading modifications in Industrial Business Incentive Areas~~

[NOTE: Parking and loading provisions moved to paragraph (c) of Section 74-964 and required findings moved to Section 74-966]

~~In association with an application for a special permit for #developments# or #enlargements# pursuant to Section 74-962 (Floor area increase and public plaza modifications in Industrial Business Incentive Areas), the City Planning Commission may reduce or waive the off-street parking requirements set forth in Section 44-20 (REQUIRED ACCESSORY OFF-STREET~~

~~PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), inclusive, not including bicycle parking, and may also reduce or waive the loading berth requirements as set forth in Section 44-50 (GENERAL PURPOSES), inclusive, provided that the Commission finds that:~~

- ~~(a) such reduction or waiver will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;~~
- ~~(b) the number of curb cuts provided are the minimum required for adequate access to off-street parking and loading berths, and such curb cuts are located so as to cause minimum disruption to traffic, including vehicular, bicycle and pedestrian circulation patterns;~~
- ~~(c) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby, or provision has been made to handle such traffic; and~~
- ~~(d) the reduction or waiver of loading berths will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement.~~

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

Permitted floor area increase

[NOTE: Permitted floor area increase provisions moved from Section 74-962, and modified]

In Industrial Business Incentive Areas, the City Planning Commission may increase the maximum #floor area ratio# on a #zoning lot# in accordance with the Table in this Section.

For #developments# or #enlargements# in the district indicated in Column A, for each square foot of #required industrial uses#, the base maximum #floor area ratio# on a #zoning lot#, set forth in Column B, may be increased by 3.5 square feet for each square foot of #required industrial uses#, up to the maximum #floor area ratio# for all #uses# on the #zoning lot#, as set forth in Column E, provided that such #development# or #enlargement# does not include a #transient hotel#, and that such additional increase in #floor area# is occupied by #required industrial uses# and #incentive uses# up to the maximum #floor area ratio# set forth in Column C (Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#), and Column D (Maximum Additional #Floor Area Ratio# for #Incentive Uses#), respectively. In no event shall such #development# or #enlargement# include a #transient hotel#.

FLOOR AREA INCREASE PERMITTED IN INDUSTRIAL BUSINESS INCENTIVE AREAS

A	B	C	D	E
District	Base Maximum #Floor Area Ratio#	Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#	Maximum Additional #Floor Area Ratio# for #Incentive Uses#	Maximum #Floor Area Ratio# for All #Uses#
M1-2	2.0	0.8	2.0	4.8
M1-4	2.0	1.3	3.2	6.5

For such #developments# or #enlargements# that, pursuant to this Section, increase their permitted #floor area#, and provide a #public plaza#, the Commission may also increase the maximum height of such #development# or #enlargement# and may modify the requirements for #public plazas# set forth in Section 37-70 (PUBLIC PLAZAS).—

Applications for such #floor area# increases and modifications are eligible for modifications set forth in Section 74-964 (Modifications in conjunction with a floor area increase), and are subject to the requirements, conditions and findings set forth in this Section. Section 74-965 and findings set forth in Section 74-966.

74-964
Modifications in conjunction with a floor area increase

In Industrial Business Incentive Areas, the City Planning Commission may modify the following in conjunction with an application for a #floor area# increase pursuant to Section 74-963 (Permitted floor area increase).

[NOTE: Parking and loading provisions moved from Section 74-963 to paragraph (c) here, and modified]

(a) Bulk modifications

(1) Yard regulations

In all Industrial Business Incentive Areas, the #rear yard# regulations set forth in Section 43-20 (YARD REGULATIONS), inclusive, shall be modified pursuant to the provisions of paragraph (c) of Section 74-965 (Conditions). In addition, the Commission may modify any other #yard# regulations set forth in Section 43-20, inclusive.

(2)Height and setback regulations

(i)In Industrial Business Incentive Area 1, the height and setback regulations of Section 43-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, shall be modified pursuant to the conditions of paragraph (d) of Section 74-965.

(ii)In Industrial Business Incentive Area 2, the Commission may modify the height and setback regulations of Section 43-40, inclusive.

(b)Modification for publicly accessible open space

In Industrial Business Incentive Area 1, where a publicly accessible open space is provided pursuant to paragraph (f) of Section 74-965, the Commission may modify the provisions of Section 37-70 (PUBLIC PLAZAS), inclusive.

(c)Parking and loading modifications

~~In association with an application for a special permit for developments or enlargements pursuant to Section 74-962 (Floor area increase and public plaza modifications in Industrial Business Incentive Areas),~~ In all Industrial Business Incentive Areas, the City Planning Commission may reduce or waive the off-street parking requirements set forth in Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), inclusive, not including bicycle parking, and may also reduce or waive the loading berth requirements as set forth in Section 44-50 (GENERAL PURPOSES), inclusive, ~~provided that the Commission finds that:~~

74-965
Conditions

[NOTE: Yard provisions moved from Section 74-96 and modified;
Conditions provisions moved from
paragraph (b) of Section 74-962 and modified]

(b)Conditions

In Industrial Business Incentive Areas, applications for #floor area# increases pursuant to Section 74-963 (Permitted floor area increase) and modifications pursuant to Section 74-964 (Modifications in conjunction with a floor area increase), are subject to the following conditions:

(1)(a) Minimum amount of #required industrial uses#

#Required industrial uses# shall occupy a minimum of ~~5,000 square feet of~~ horizontally contiguous #floor area# of 5,000 square feet in Industrial Business Incentive Area 1, and 2,500 square feet in Industrial Business Incentive Area 2, and shall be served by loading areas and freight elevators with sufficient capacity.

(2)(b) Minimum sidewalk width

In all Industrial Business Incentive Areas, All all #developments# and horizontal #enlargements# that front upon a #street line# shall provide a sidewalk with a minimum width of 15 feet along the entire frontage of the #zoning lot#. Such sidewalk, and any open area on the #zoning lot# required to meet such minimum width shall be improved as a sidewalk to Department of Transportation standards; shall be at the same level as the adjoining public sidewalk; and shall be accessible to the public at all times. For the purposes of applying the #street wall# location requirements and the height and setback regulations of paragraph (b) (3) of this Section, any sidewalk widening line shall be considered to be the #street line#.

(c) Yards

In all Industrial Business Incentive Areas, For #developments# or #enlargements# receiving a #floor area# increase pursuant to this Section, Section 43-20 (YARD REGULATIONS), inclusive, shall be modified as follows: the #rear yard# regulations set forth in Section 43-20 (YARD REGULATIONS), inclusive, shall not apply to any #development# or #enlargement# on a #through lot# or the #through lot# portion of a #zoning lot#.

(3)(d) Height and setback

The height and setback regulations of the applicable zoning district shall apply as modified by the provisions of this paragraph. In Industrial Business Incentive Area 1, the #street wall# location requirements and height and setback regulations of this paragraph shall apply to any #development# or #enlargement#. For the purposes of applying the provisions of this paragraph, any sidewalk widening line provided pursuant to the minimum sidewalk width requirement of paragraph (b) shall be considered the #street line#. All heights shall be measured from the #base plane#.

(i)(1) The #street wall# of any #building# shall be located on the #street line# and shall extend to a height not lower than a minimum base height of 40 feet and not higher than a maximum base height of 75 feet or the height of the #building#, whichever is less. At least 70 percent of the aggregate width of such #street wall# below 12 feet shall be located at the #street line# and no less than 70 percent of the

aggregate area of the #street wall# up to the base height shall be located at the #street line#. However, up to a width of 130 feet of such #street wall# located on the short end of the #block# may be set back from the #street line# to accommodate a #public plaza# publicly accessible open space provided pursuant to paragraph (f) of this Section.

(ii)(2) The height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or within 15 feet of a #narrow street# shall not exceed a maximum base height of 75 feet. Permitted obstructions as set forth in Section 43-42 shall be modified to include dormers above the maximum base height within the front setback area, provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 50 percent of the #street wall# and a maximum height of 110 feet. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 110 feet. ~~All heights shall be measured from the #base plane#.~~ Where a #public plaza# publicly accessible open space is provided pursuant to paragraph ~~(b)(5)~~(f) of this Section, such maximum #building# height may be increased to 135 feet.

(iii)(3) Along the short dimension of a #block#, up to 130 feet of such #street wall# may be set back from the #street line# to accommodate a #public plaza# publicly accessible open space provided pursuant to paragraph (f) of this Section, and a #street wall# located at the #street line# that occupies not more than 40 percent of the short end of the #block# may rise without setback to the maximum #building# height.

(4)(e) Ground floor design

In all Industrial Business Incentive Areas, the following shall apply:

(i)(1) ~~The~~ the ground floor level #street walls#, and ground floor level walls fronting on a #public plaza# publicly accessible open space of a #development# or horizontal #enlargement# provided pursuant to paragraph (f) of this Section, shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between a height of two feet above the level of the adjoining sidewalk or #public plaza# publicly accessible open space and a height of 12 feet above the level of the first finished floor above #curb level#. The floor level behind such transparent materials shall not exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the #street wall#. The ground floor transparency requirements of this paragraph ~~(b)(4)(i)~~ (e)(1) shall not apply to

#uses# listed in Use Groups 11, 16, 17 and 18, or to #accessory# loading berths or garage entrances; or

(ii)(2) ~~For~~ for #zoning lots# within flood hazard areas, in lieu of the requirements of paragraph (b)(4)(i) (e)(1) of this Section, the provisions of Section 64-22 (Transparency Requirements) shall apply; and

(iii)(3) ~~For~~ for any #street wall# greater than 40 feet in width that does not require glazing, as specified in paragraphs (b)(4)(i) (e)(1) or (b)(4)(ii) (e)(2) of this Section, as applicable, the facade, measured between a height of two feet above the level of the adjoining sidewalk and a height of 12 feet above the level of the first finished floor above #curb level#, shall incorporate design elements, including lighting and wall art, or physical articulation.

(5)(f) ~~Public plazas#~~ Publicly accessible open space

In Industrial Business Incentive Area 1, A #public plaza# a publicly accessible open space shall be provided where the additional #building# height provision of paragraph (d)(2) of this Section is used. Such publicly accessible open space shall contain an area of not less than 12 percent of the #lot area# of the #zoning lot# and a minimum of at least 2,000 square feet in area. In addition, All #public plazas# such publicly accessible open space shall comply with the provisions set forth in Section 37-70 (PUBLIC PLAZAS), inclusive, except that certification requirements of Sections 37-73 (Kiosks and Open Air Cafes) and 37-78 (Compliance) shall not apply.

(6)(g) Signs

In all Industrial Business Incentive Areas, the following shall apply:

(i)(1) ~~In all Industrial Business Incentive Areas, #signs# are~~ #Signs# shall be subject to the regulations applicable in C6-4 Districts as set forth in Section 32-60 (SIGN REGULATIONS), inclusive. Information #signs# provided pursuant to paragraph (b)(6)(ii) (g)(2) of this Section shall not count towards the maximum permitted #surface area# regulations of Section 32-64 (Surface Area and Illumination Provisions), inclusive.

(ii)(2) An information #sign# shall be provided for all #buildings# subject to the #use# restrictions of this special permit. Such required #sign# shall be mounted on an exterior #building# wall adjacent to and no more than five feet from all primary entrances of the #building#. The #sign# shall be placed so that it is directly visible, without any obstruction, to persons entering the building, and at a height no less than four feet and no more than five and a half feet above the adjoining grade. Such #sign# shall be legible, no less than 12 inches by 12 inches in size

and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information #sign# shall contain: the name and address of the building in lettering no less than three-quarters of an inch in height; and the following statement in lettering no less than one-half of an inch in height, “This building is subject to Industrial Business Incentive Area (IBIA) regulations which require a minimum amount of space to be provided for specific industrial uses.” The information #sign# shall include the internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (e)(b) of this Section 74-967 (Compliance, recordation and reporting requirements) is available to the public.

74-966 **Findings**

[NOTE: Findings of paragraph (a) and (b) moved from paragraph (c) of Section 74-962 and modified; findings of paragraph (c) moved from Section 74-963 and modified]

In order to grant ~~an increase of the maximum permitted #floor area ratio# and modification of #public plaza# regulations~~ additional #floor area# and any modifications to #bulk#, publicly accessible open space or parking and loading regulations, the City Planning Commission shall find that:

- (a) For all applications with a #floor area# increase, and for any applications with #bulk# modifications, such increase or modification:
- (1) will promote a beneficial mix of #required industrial# and #incentive uses#;
 - (2) will result in superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape;
 - (3) will result in a #building# that has a better design relationship with surrounding #streets# and adjacent open areas;
 - (4) will result in a #development# or #enlargement# that will not have an adverse effect on the surrounding neighborhood; and-
 - (5) ~~of the #public plaza# requirements will result in a #public plaza# space of equivalent or greater value as a public amenity.~~ will, for #yard# or height and setback regulations, provide a better distribution of #bulk# on the #zoning lot# and will not unduly obstruct the access to light and air of surrounding #streets# and properties.

(b) Where modifications to publicly accessible open space requirements of paragraph (f) of Section 74-965 (Conditions) are proposed, such modifications will result in a publicly accessible open space of equivalent or greater value as a public amenity.

(c) Where modifications to parking or loading regulations are proposed:

~~(a)~~(1) such reduction or waiver of required parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;

~~(b)~~(2) the number of curb cuts provided are the minimum required for adequate access to off-street parking and loading berths, and such curb cuts are located ~~so as~~ to cause minimum disruption to traffic, including vehicular, bicycle and pedestrian circulation patterns;

~~(e)~~(3) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby, or provision has been made to handle such traffic; and

~~(d)~~(4) the reduction or waiver of loading ~~berths requirements~~ will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement.

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

74-967

Compliance, recordation and reporting requirements

[NOTE: Provisions moved from paragraphs (d), (e) and (f) of Section 74-962, and modified]

Applications for #floor area# increases and modifications in Industrial Business Incentive Areas are subject to the following requirements:

~~(d)~~(a) Compliance and recordation

Failure to comply with a condition or restriction in a special permit granted pursuant to Section 74-96 (Industrial Business Incentive Areas)~~(Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas)~~, inclusive, or with applicable approved plans, or with provisions of paragraphs ~~(d), (e) and (f), inclusive, (a), (b) and (c)~~ of this Section, shall constitute a violation of this Resolution and may

constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation of such special permit, and for the implementation of all other applicable remedies.

A Notice of Restrictions, the form and content of which shall be satisfactory to the Commission, for a property subject to #use# restrictions or #public plaza# requirements, as applicable, pursuant to this Section, shall be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk's office in the county where the tax lot is located.

The filing and recordation of such Notice of Restrictions shall be a precondition to the issuance of any building permit utilizing the provisions set forth in this Section. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the restrictions remain in effect. No temporary certificate of occupancy for any portion of the #building# to be occupied by #incentive uses# shall be issued until a temporary certificate of occupancy for the core and shell is issued for all portions of the #building# required to be occupied by #required industrial uses#.

~~(e)~~(b) Periodic notification by owner

No later than the 20th day after the lease executed by a new tenant permits occupancy of any #required industrial space#, the owner of a #building# subject to #use# restrictions of this ~~Section~~ special permit shall provide the following information at the designated internet URL, or other widely accessible means of electronically transmitting and displaying information to the public pursuant to ~~paragraph (b)(6)(ii) of this Section~~ paragraph (g)(2) of Section 74-965 (Conditions). If no new tenant executes a lease for any #required industrial space# within the calendar year, such information shall be provided no later than the 20th day of the following calendar year. Such electronic information source shall be accessible to the general public at all times and include the information specified below:

- (1) the date of the most recent update of this information;
- (2) total #floor area# of the #required industrial uses# in the #development#;
- (3) a digital copy of all approved special permit drawings pursuant to ~~paragraph (a)(1) through (a)(4) of this Section~~ Section 74-962 (Application requirements);
- (4) the name of each business establishment occupying #floor area# reserved for #required industrial uses#. Such business establishment name shall include that name by which the establishment does business and is known to the public. For

each business establishment, the amount of #floor area#, the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;

(5) contact information, including the name of the owner of the #building# and the building management entity, if different, the name of the person designated to manage the #building#, and the street address, current telephone number and e-mail address of the management office. Such names shall include the names by which the owner and manager, if different, do business and are known to the public; and

(6) all prior periodic notification information required pursuant to the provisions of this paragraph ~~(e)~~(b). However, such notification information that is older than four years from the date of the most recent update need not be included.

~~(f)~~(c) Annual reporting by qualified third party

In Industrial Business Incentive Area 1, applications for a special permit pursuant to Section 74-96 are subject to the following annual reporting requirements:

No later than June 30 of each year, beginning in the first calendar year following the calendar year in which a temporary or final certificate of occupancy was issued for a #building# subject to #use# restrictions of this Section, the owner of a #building# subject to #use# restrictions of this Section shall cause to be prepared a report on the existing conditions of the #building#, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed.

The inspection shall be preceded by an annual notification letter from the owner of a #building# subject to #use# restrictions of this Section to all the #required industrial use# tenants of the #building# announcing the date of such inspection, that the organization conducting the inspection shall have access to the spaces occupied by #required industrial uses#, and encouraging the tenants to provide information including, but not limited to, the number of employees for each such space, to the organization.

The owner of a #building# subject to #use# restrictions of this Section shall cause such report to be prepared by either an organization under contract with the City to provide inspection services, or on the Department of Small Business Services list of certified firms that provides such inspection services, or by an organization that the Commissioner of the Department of Small Business Services determines to be qualified to produce such report, provided that any such organization selected by the owner to prepare such report shall have a professional engineer or a registered architect, licensed under the laws of the State of New York, certify the report. Such report shall be in a form provided by the Director of the Department of City Planning, and shall include all of the information

required pursuant to the provisions of paragraph ~~(e)~~(b) of this Section, and additional information as set forth in this paragraph ~~(f)~~(c):

- (1) a description of each establishment including the North American Industry Classification System (NAICS) code and number of employees;
- (2) the total amount of #required industrial use floor area# that is vacant, as applicable;
- (3) the average annual rent for the portions of the #building#, in the aggregate, required to be occupied by #required industrial uses#. However, prior to 36 months from the date of execution of a lease by the first #required industrial use# tenant in the building, no such figure shall be required to be included in any report due pursuant to this paragraph ~~(f)~~(c). For all calendar years following the year in which the first average annual rent figure is required to be submitted as part of an annual report, the average annual rent figure reported shall be for the annual average rent for the calendar year two years prior to the year in which the report is due; and
- (4) the number of new leases executed during the calendar year, categorized by lease duration, in five year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.

The report shall be submitted to the Director of the Department of City Planning by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local City Council member shall be included in such transmission.

74-968

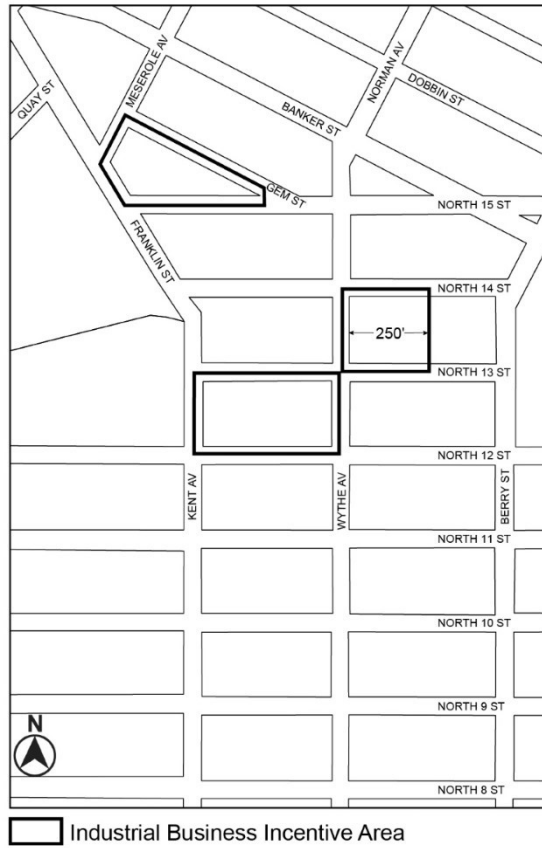
Maps of Industrial Business Incentive Areas

[NOTE: Map 1 moved from Section 74-96 and additional borough map added]

~~Map of Industrial Business Incentive Areas:~~

Map 1: Brooklyn

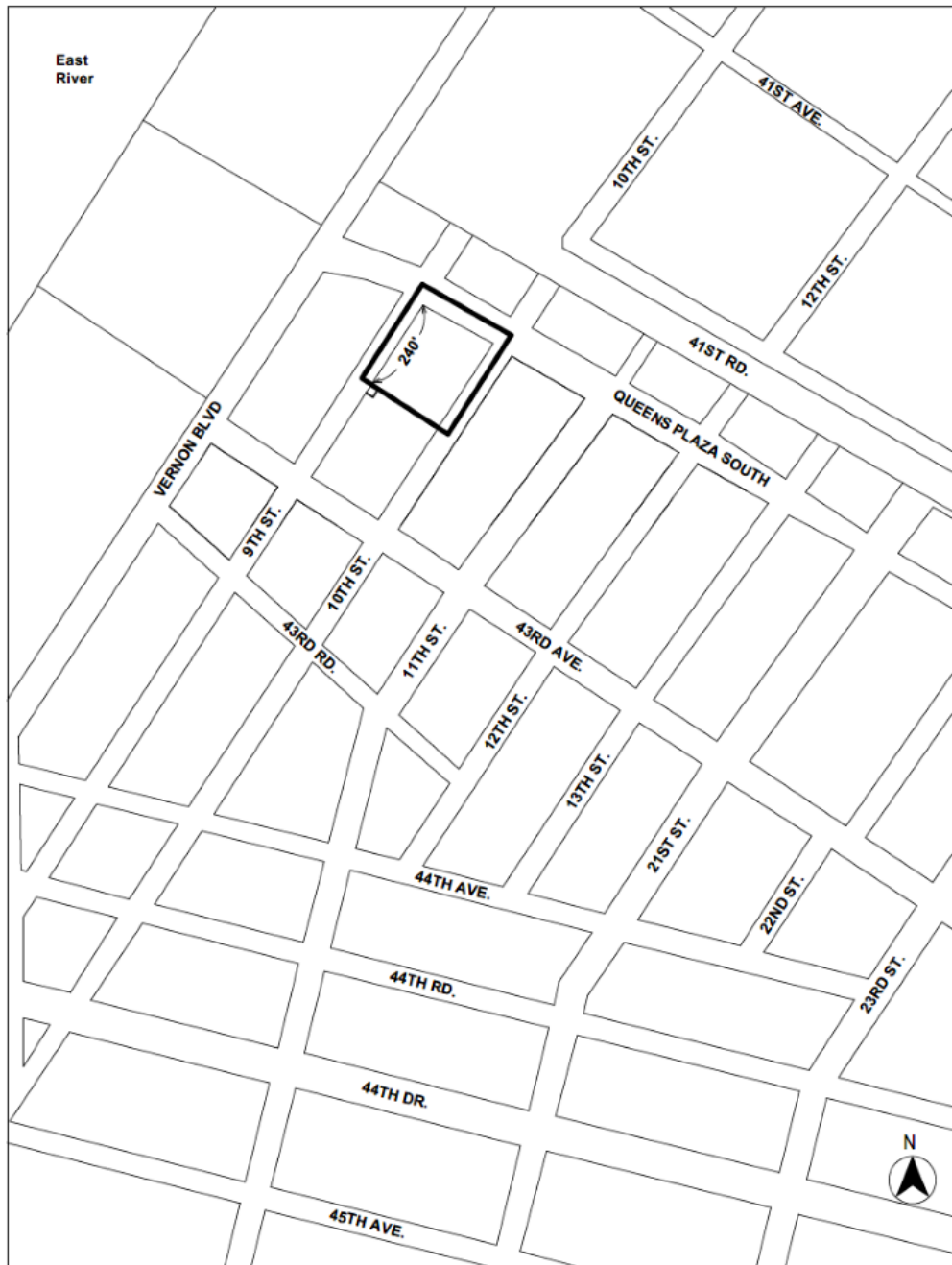
[EXISTING MAP]




Portion of Community District 1, Borough of Brooklyn

Map 2: Queens

[PROPOSED MAP]



 Industrial Business Incentive Area 2

Portion of Community District 2, Borough of Queens

(On November 18, 2020, Cal. No. 4, the Commission scheduled December 2, 2020 for a public hearing which has been duly advertised.)

Close the hearing.

IV. CITY PLANNING COMMISSION 2020 SCHEDULE OF MEETINGS

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

Review Sessions start at 1:00 PM

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

Public Meetings start at 10:00 AM

V. CITY PLANNING COMMISSION 2021 SCHEDULE OF MEETINGS

	SUN	MON	TUE	WED	THU	FRI	SAT
JANUARY						1 NEW YEAR'S DAY	2
	3	4 REVIEW SESSION	5	6 CPC PUBLIC MEETING	7	8	9
	10	11	12	13	14	15	16
	17	18 MARTIN LUTHER KING, JR. DAY	19 REVIEW SESSION	20 CPC PUBLIC MEETING	21	22	23
	24	25	26	27	28	29	30
31							31
FEBRUARY		1 REVIEW SESSION	2	3 CPC PUBLIC MEETING	4	5	6
	7	8	9	10	11	12 CHINESE NEW YEAR LINCOLN'S BIRTHDAY	13
	14	15 PRESIDENTS DAY	16 REVIEW SESSION	17 CPC PUBLIC MEETING	18	19	20
	21	22 WASHINGTON'S BIRTHDAY	23	24	25	26	27
	28						
MARCH		1 REVIEW SESSION	2	3 CPC PUBLIC MEETING	4	5	6
	7	8	9	10	11	12	13
	14	15 REVIEW SESSION	16	17 CPC PUBLIC MEETING	18	19	20
	21	22	23	24	25	26	27
	28	29	30	31			
APRIL					1	2 GOOD FRIDAY	3
	4	5 REVIEW SESSION	6	7 CPC PUBLIC MEETING	8	9	10
	11	12	13 RAMADAN BEGINS	14	15	16	17
	18	19 REVIEW SESSION	20	21 CPC PUBLIC MEETING	22	23	24
	25	26	27	28	29	30	
MAY	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	31 MEMORIAL DAY					
JUNE			1	2	3	4	5
	6	7 REVIEW SESSION	8	9 CPC PUBLIC MEETING	10	11	12
	13	14	15	16	17	18	19
	20	21 REVIEW SESSION	22	23 CPC PUBLIC MEETING	24	25	26
	27	28	29	30			
JULY							
	4	5 INDEPENDENCE DAY OBSERVED	6	7	8	9	10
	11	12 REVIEW SESSION	13	14 CPC PUBLIC MEETING	15	16	17
	18	19	20	21	22	23	24
	25	26 REVIEW SESSION	27	28 CPC PUBLIC MEETING	29	30	31
AUGUST	1	2	3	4	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 REVIEW SESSION	31				
SEPTEMBER							
	5	6 LABOR DAY	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20 REVIEW SESSION	21	22 CPC PUBLIC MEETING	23	24	25
	26	27	28	29	30		
OCTOBER							
	3	4 REVIEW SESSION	5	6 CPC PUBLIC MEETING	7	8	9
	10	11 COLUMBUS DAY OBSERVED	12	13	14	15	16
	17	18 REVIEW SESSION	19	20 CPC PUBLIC MEETING	21	22	23
	24	25	26	27	28	29	30
31							
NOVEMBER							
	7	8 REVIEW SESSION	9	10 ELECTION DAY	11	12	13
	14	15 REVIEW SESSION	16	17 CPC PUBLIC MEETING	18	19	20
	21	22	23	24	25	26	27
	28	29 REVIEW SESSION	30				
DECEMBER							
				1 CPC PUBLIC MEETING	2	3	4
	5	6	7	8	9	10	11
	12	13 REVIEW SESSION	14	15 CPC PUBLIC MEETING	16	17	18
	19	20	21	22	23	24	25
26	27	28	29	30	31	CHRISTMAS	

Review Sessions are held at 120 Broadway, lower level, starting at 1:00 PM
 Public Meetings are held at 120 Broadway, lower level, starting at 10:00 AM