

CITY PLANNING COMMISSION DISPOSITION SHEET

PUBLIC MEETING: REMOTE AND IN PERSON
WEDNESDAY, SEPTEMBER 1, 2021
10:00 A.M. NYC CITY PLANNING COMMISSION HEARING ROOM,
LOWER CONCOURSE, 120 BROADWAY NEW YORK, NEW YORK 10271 AND VIA
NYC 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	N 210382 ZRY	CW	HEALTH AND FITNESS CITYWIDE TEXT AMENDMENT	Scheduled to be Heard 9/22/21
2	N 210380 ZRY	CW	FRESH II ZONING TEXT AMENDMENT	" "
3	Proposed Rule	CW	CAPA FRESH RULE CHANGE	" "
4	C 210398 ZSX	1	WIN POWERS	" "
5	C 210399 HAX	1	" "	" "
6	C 210119 ZMK	6	506 THIRD AVENUE	" "
7	N 210120 ZRK	6	" "	" "
8	C 210408 ZMM	4	STARRETT-LEHIGH + TERMINAL WAREHOUSE REZONING	" "
9	N 210409 ZRM	4	" "	" "
10	N 210270 ZRY	CW	ELEVATE TRANSIT - ZONING FOR ACCESSIBILITY	Favorable Report Adopted
11	C 200306 ZMK	1	307 KENT AVENUE REZONING	" "
12	N 200307 ZRK	1	" "	" "
13	C 210151 ZMK	3	270 NOSTRAND AVENUE REZONING	" "
14	N 210152 ZRK	3	" "	" "
15	C 200296 ZMK	12	1776 48 TH STREET REZONING	" "
16	N 200297 ZRK	12	" "	" "
17	C 200070 ZMQ	2	62-04 ROOSEVELT AVENUE	" "
18	N 200069 ZRQ	2	" "	" "
19	C 210289 ZMR	1	RIVER NORTH (LIBERTY TOWERS)	" "
20	N 210290 ZRR	1	" "	" "
21	C 210291 ZSR	1	" "	" "
22	C 210361 ZMR	1	252 VICTORY BOULEVARD	" "
23	N 210362 ZRR	1	" "	" "
24	N 210363 ZAR	1	" "	Authorization Approved
25	N 210364 ZAR	1	" "	" "
26	N 210082 ZCR	2	25 BENEDICT ROAD	Certification Approved
27	N 200333 RCR	3	551 ROCKAWAY STREET	" "
28	N 210360 RCR	3	" "	" "
29	N 210455 RCR	3	436 HOLTEN AVENUE	" "
30	N 190031 RCR	3	28 GOFF AVENUE PROJECT	" "
31	C 210338 PSX	7	THE FORDHAM BUILDING - CTAC	Favorable Report Adopted
32	C 210324 ZMM	4	495 ELEVENTH AVENUE	" "
33	N 210325 ZRM	4	" "	" "

CITY PLANNING COMMISSION DISPOSITION SHEET

PUBLIC MEETING: REMOTE AND IN PERSON
WEDNESDAY, SEPTEMBER 1, 2021
10:00 A.M. NYC CITY PLANNING COMMISSION HEARING ROOM,
LOWER CONCOURSE, 120 BROADWAY NEW YORK, NEW YORK 10271 AND VIA
NYC 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
34	C 210326 PCM	4	495 ELEVENTH AVENUE	Favorable Report Adopted
35	N 210263 PXM	4	NYPD OFFICE SPACE/521 WEST 57 TH STREET	" "
36	C 210412 ZSM	5	175 PARK AVENUE	Hearing Closed
37	C 210413 ZSM	5	" "	" "
38	C 210414 ZSM	5	" "	" "
39	C 210415 ZSM	5	" "	" "
40	N 210416 ZRM	5	" "	" "
41	C 210417 PPM	5	" "	" "
42	C 210462 ZMK	2	SPECIAL BROOKLYN NAVY YARD DISTRICT	" "
43	N 210463 ZRK	2	" "	" "
44	N 210463(A) ZRK	2	" "	" "
45	C 210480 ZMK	1	COOPER PARK COMMONS	" "
46	C 210481 ZSK	1	" "	" "
47	N 210482 ZRK	1	" "	" "
48	C 210483 HAK	1	" "	" "
49	C 210484 PPK	1	" "	" "
50	C 210276 ZMK	3	1045 ATLANTIC AVENUE	" "

COMMISSION ATTENDANCE: Present (P)
 Absent (A)

COMMISSION VOTING RECORD:
 In Favor - Y Oppose - N Abstain - AB Recuse - R

Calendar Numbers:		10	11	12	13	14	15	16	17	18	19	20	21	22	23
Marisa Lago, Chair	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
David Burney	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Allen P. Cappelli, Esq.	A														
Alfred C. Cerullo, III	P	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
Joseph I. Douek	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Richard W. Eaddy	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hope Knight	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Anna Hayes Levin	P	Y	Y	Y	N	N	Y	Y	Y	Y	AB	AB	AB	Y	Y
Orlando Marin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
Larisa Ortiz	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Raj Rampershad, Commissioners	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

MEETING ADJOURNED AT: 6:09 PM

CITY PLANNING CALENDAR

of

The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, SEPTEMBER 1, 2021

MEETING AT 10:00 A.M.

IN PERSON:

NYC CITY PLANNING COMMISSION HEARING ROOM,

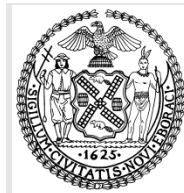
LOWER CONCOURSE

120 BROADWAY

NEW YORK, NEW YORK

REMOTE:

VIA NYC ENGAGE PORTAL



Bill de Blasio, Mayor

City of New York

[No. 16]

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/287261/1> 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

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., and will be accessible both remotely via Zoom Webinar and in person in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, Manhattan, unless otherwise ordered.

TABLE OF CONTENTS

WEDNESDAY, SEPTEMBER 1, 2021

Roll Call; Approval of Minutes.....1

I. Matters to Be Scheduled for Public Hearing on September 22, 2021.....1

II. Reports.....95

III. Public Hearings.....117

IV. Schedule of Meetings: January 1, 2021 – December 31, 2021.....210

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 September 22, 2021 will be held both remotely via Zoom Webinar and in person.

SEPTEMBER 1, 2021

APPROVAL OF THE MINUTES OF the Public Meeting of August 18, 2021

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR
WEDNESDAY, SEPTEMBER 22, 2021
STARTING AT 10:00 A. M. VIA ZOOM WEBINAR AND IN PERSON AT
NYC CITY PLANNING COMMISSION HEARING ROOM, LOWER
CONCOURSE, 120 BROADWAY NEW YORK, NEW YORK**

CITYWIDE

No. 1

HEALTH AND FITNESS CITYWIDE TEXT AMENDMENT

CITYWIDE

N 210382 ZRY

IN THE MATTER OF an application submitted by New York City 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, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

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 I

GENERAL PROVISIONS

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

Words in the text or tables of this Resolution which are italicized shall be interpreted in accordance with the provisions set forth in this Section.

* * *

[Note: This definition is being replaced by the definition #Unlicensed physical treatment establishment#]

~~Adult physical culture establishments~~

~~An "adult physical culture establishment," is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, by members of the opposite sex, except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:~~

- ~~(1) treatment by a licensed physician, a licensed chiropractor, a licensed osteopath, a New York licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;~~
- ~~(2) electrolysis treatment by a licensed operator of electrolysis equipment;~~
- ~~(3) hospitals, #long term care facilities#, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4;~~
- ~~(4) barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only; and~~
- ~~(5) athletic facilities of an educational institution including an alumni club, or of a philanthropic or charitable institution.~~

~~#Adult physical culture establishments# are not permitted in any District.~~

Advertising sign — see Sign, advertising

* * *

Health and fitness establishments

A "health and fitness establishment" is any establishment that is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or provide relaxation services.

#Health and fitness establishments# include, but are not limited to, the following:

- (a) establishments containing high-intensity #uses#, including:
- (1) gymnasiums where the predominant use of floor space involves the use of exercise equipment or weights; or
 - (2) gymnasiums and other indoor recreation establishments used for activities, including basketball, martial arts for adults, handball, paddleball, racquetball, squash, tennis, rock climbing, soccer, or volleyball;
- (b) other establishments used for exercises including aerobics, exercise dance, youth martial arts, Pilates, or yoga studios; and
- (c) therapeutic or relaxation service establishments including tanning salons, spas, bathhouses, isolation flotation tanks, or meditation facilities.

Establishments containing high-intensity #uses# listed above are subject to the supplemental #use# regulations of Sections 32-413 and 123-33, as applicable.

For “physical culture or health establishments” existing on [date of adoption] that were allowed pursuant to special permit by the Board of Standards and Appeals, such establishments may continue under the terms and conditions established at approval and may continue after the expiration of such special permit, provided that such establishment is not #enlarged#, #expanded#, or otherwise changed in a manner that deviates from the approved establishment.

As an alternative, a “physical culture or health establishment” existing on [date of adoption] may continue pursuant to the applicable provisions for #health and fitness establishments#, and may #enlarge#, #expand#, or change the range of activities therein, in accordance with the District regulations, provided that any applicable supplemental #use# regulations are met.

Height factor

* * *

Outer court recess — see Court recess, outer-

~~Physical culture or health establishments~~

~~A "physical culture or health establishment" is any establishment or facility, including #commercial# and non-#commercial# clubs, which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.~~

~~Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation floatation tanks and meditation facilities may be provided only as #accessory# to the physical exercise program or massage facility. Except as specifically provided in Special Purpose Districts, #physical culture or health establishments# are only permitted pursuant to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health related facility/services pursuant to this Section until a certificate of occupancy has been issued by the Department of Buildings establishing the #use# of the premises as a #physical culture or health establishment#.~~

Plaza

* * *

Unlicensed physical treatment establishment

An #unlicensed physical treatment establishment# is any establishment that includes as part of its services, whether as a principal #use# or as an #accessory use#, massages, body rubs, alcohol rubs, baths or other similar treatment administered by a person that is not a healthcare professional licensed by the State of New York, or under the supervision of such licensee. However, #unlicensed physical treatment establishments# shall not include barbershops or beauty parlors that offer massage to the scalp, the face, the neck or shoulders only.

#Unlicensed physical treatment establishments# shall not be permitted in any District.

Urban plaza — see Plaza, urban

* * *

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

* * *

**22-10
USES PERMITTED AS-OF-RIGHT**

* * *

**22-14
Use Group 4**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

- (1) may appropriately be located in #residential# areas to provide recreational, religious, health and other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

A. #Community facilities#

Ambulatory diagnostic or treatment health care facilities¹, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, ~~#physical culture or health establishments#~~, or ophthalmic dispensing. In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.

Clubs², except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; ~~or~~
- (d) ~~any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10~~

* * *

22-20

USES PERMITTED BY SPECIAL PERMIT

**22-21
By the Board of Standards and Appeals**

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

* * *

R1 R2
Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; ~~or~~
- (d) ~~any activities or #uses# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10~~

* * *

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

* * *

**32-10
USES PERMITTED AS-OF-RIGHT**

* * *

**32-15
Use Group 6
C1 C2 C4 C5 C6 C8**

Use Group 6 consists primarily of retail stores and personal service establishments which:

- (1) provide for a wide variety of local consumer needs; and

(2) have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two subgroups, both of which are permitted in all C1 Districts.

* * *

C. Retail or Service Establishments

* * *

Gift shops [PRC-B]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment [PRC-B]

* * *

E. Clubs

~~Non-commercial clubs, without restrictions on activities or facilities except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 [PRC-D]~~

* * *

32-18

Use Group 9

C2 C4 C5 C6 C8

Use Group 9 consists primarily of business and other services which:

- (1) serve a large area and are, therefore, appropriate in secondary, major or central commercial shopping areas, and
- (2) are also appropriate in local service districts, since these are typically located on the periphery of major or secondary centers.

A. Retail or Service Establishments

* * *

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited to the following aggregate dock capacities per #zoning lot#:

200 in C2 Districts; 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2, C8-3 Districts; 2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C8-4 Districts.

“Dock capacity” is the U.S. Coast Guard-certified capacity of the largest vessel using a dock. “Aggregate dock capacity” is the sum of the dock capacities of all docks on the #zoning lot# [PRC-H]

~~*Gymnasiums, used exclusively for basketball, handball, paddleball, racketball, squash and tennis. [PRC-B]~~

**#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment [PRC-B]

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]

* * *

* In C4 or C5 Districts, a #use# in Use Group 9, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

** In C1-8 and C1-9 Districts, and in C1 Districts mapped within an R9 or an R10 District, #uses# marked with two asterisks shall be allowed as-of-right

* * *

32-23

Use Group 14

C2 C3 C7 C8

Use Group 14 consists of the special services and facilities required for boating and related activities.

A. Retail or Service

* * *

Fishing tackle or equipment, rental or sales [PRC-B1]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Ice vending machines, coin-operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

* * *

B. Clubs

Non-commercial clubs, without restrictions on activities or facilities ~~except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 [PRC-D]~~

* * *

**32-30
USES PERMITTED BY SPECIAL PERMIT**

**32-31
By the Board of Standards and Appeals**

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3

* * *

C6
Newspaper publishing establishments

~~C1-8X C1-9 C2 C4 C5 C6 C8
#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), massage establishments [PRC-B]~~

C1 C2 C3 C4 C5 C6 C7 C8
Public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet

* * *

**32-40
SUPPLEMENTARY USE REGULATIONS**

**32-41
Enclosure Within Buildings**

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions); and 36-61 (Permitted Accessory Off-street Loading Berths) and ~~73-36 (Physical Culture or Health Establishments)~~, all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject to the provisions of this Section with respect to enclosure within #buildings#. With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

* * *

32-413
Health and Fitness Establishments
C1 C2 C3 C4 C5 C6

In the districts indicated, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the following additional enclosure and environmental conditions:

- (a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and
- (b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

- (1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
- (2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

* * *

ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS

* * *

Chapter 2

Use Regulations

* * *

42-10

USES PERMITTED AS-OF-RIGHT

* * *

42-13

Use Groups 6C, 9A and 12B

M2 M3

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis; eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less; frozen food lockers; fishing tackle or equipment, rental or sales; #health and fitness establishments#; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.

Use Group 9A shall be limited to blueprinting or photostatting establishments; business schools or colleges; #health and fitness establishments#; medical or dental laboratories; musical instrument repairs; printing establishments; public auction rooms; studios - art, music, dancing, or theatrical; trade or other schools for adults; typewriter or other small business machine sales, rental or repairs; and umbrella repairs.

Use Group 12B shall be limited to antique stores; art galleries, commercial; candy or ice cream stores; cigar or tobacco stores; delicatessen stores; jewelry or art metal craft shops; music stores; and newsstands.

* * *

42-14

Use Group 17

M1 M2 M3

**[Note: This Section is also proposed to be amended as part of
N 210423 ZRM: SoHo-NoHo Neighborhood Plan]**

Use Group 17 consists primarily of #manufacturing uses# that:

- (1) can conform to high performance standards by controlling objectionable influences; and
- (2) in so doing, can limit their impact on adjacent residential areas; and
- (3) normally generate a great deal of traffic, both pedestrian and freight.

* * *

D. Special #uses# in M1-5A and M1-5B Districts

M1-5A M1-5B

* * *

(3) In addition to the above restrictions, the following #uses# are not permitted as of right in any #building or other structure# or on any tract of land in M1-5A or M1-5B Districts:

* * *

(e) Banquet halls, wedding chapels, and catering establishments, ~~#physical culture or health establishments#, including gymnasiums, reducing salons, massage establishments or steam baths. However, this provision shall not apply to gymnasiums occupying not more than 10,000 square feet and used exclusively for the following sports facilities: basketball, handball, squash and tennis.~~

* * *

**42-30
USES PERMITTED BY SPECIAL PERMIT**

**42-31
By the Board of Standards and Appeals**

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

* * *

M1-5A M1-5B M1-5M M1-6M

Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

~~M1 M2 M3-~~

~~#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), and massage establishments~~

M1 M2 M3

Radio or television towers, non-#accessory#

* * *

ARTICLE V

NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Chapter 2

Non-Conforming Uses

* * *

52-70

TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION

* * *

~~52-76~~

~~Adult Physical Culture Establishments~~

~~In all districts, any #adult physical culture establishment#, unless subject to an earlier termination requirement contained in this Resolution, shall terminate not later than one year after November 16, 1978, and thereafter the space formerly occupied by such #use# shall be used only for a conforming #use#.~~

* * *

ARTICLE VI

SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

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

* * *

**62-20
SPECIAL USE REGULATIONS**

**62-21
Classification of Uses in the Waterfront Area**

* * *

**62-212
Waterfront-Enhancing (WE) uses**

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

* * *

From Use Group 9:

*Boat showrooms or sales establishments

Catering establishments (also listed in Use Group 13)

~~Gymnasiums used exclusively for basketball, handball, paddleball, racketball, squash and tennis~~

#Health and fitness establishments# with no limitation on #floor area# per establishment

Wedding chapels or banquet halls (also listed in Use Group 13)

* * *

**ARTICLE VII
ADMINISTRATION**

**Chapter 3
Special Permits by the Board of Standards and Appeals**

* * *

73-10 SPECIAL PERMIT USES

73-11 General Provisions

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-12 to ~~73-36~~ 73-35, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.

* * *

~~73-36~~ ~~Physical Culture or Health Establishments~~

(a) ~~In C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board of Standards and Appeals may permit #physical culture or health establishments# as defined in Section 12-10, including gymnasiums (not permitted under Use Group 9) or massage establishments other than #adult physical culture establishments#, for a term not to exceed 10 years, provided the following findings are made:~~

- (1) ~~that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area; and~~
- (2) ~~that such #use# contains:~~
 - (i) ~~one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball courts, tennis courts; or~~
 - (ii) ~~a swimming pool of a minimum 1,500 square feet; or~~
 - (iii) ~~facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or~~
 - (iv) ~~facilities for the practice of massage by New York State licensed masseurs or masseuses.~~

~~Therapeutic or relaxation services may be provided only as #accessory# to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.~~

(b) ~~In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the Board may permit #physical culture or health establishments# located on the roof of a #commercial building# or the #commercial# portion of a #mixed building#, provided the following additional findings are made:~~

- (1) that such ~~#use#~~ shall be an incidental part of a permitted ~~#physical culture or health establishment#~~ located within the same ~~#commercial#~~ or ~~#mixed building#~~;
- (2) that such ~~#use#~~ shall be open and unobstructed to the sky;
- (3) that such ~~#use#~~ shall be located on a roof not less than 23 feet above ~~#curb level#~~;
- (4) that the application for such ~~#use#~~ shall be made jointly by the owner of the ~~#building#~~ and the operator of such ~~#physical culture or health establishment#~~; and
- (5) that the Board shall prescribe appropriate controls to minimize adverse impacts on the surrounding area, including but not limited to, requirements for the location, size and types of signs, limitations on the manner and/or hours of operation, shielding of floodlights, adequate screening, and the control of undue noise including the amplification of sound, music or voices.

(e) No special permit shall be issued pursuant to this Section unless:

- (1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and
- (2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.

The Board shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of operation of the permitted ~~#use#~~ has been altered from that authorized.

The Board may prescribe appropriate conditions and safeguards including location of ~~#signs#~~ and limitations on the manner and/or hours of operation in order to minimize adverse effects on the character of the surrounding community.

73-40

MODIFICATIONS OF USE OR PARKING REGULATIONS

* * *

ARTICLE VII ADMINISTRATION

Chapter 4 Special Permits by the City Planning Commission

* * *

**74-74
Large-scale General Development**

* * *

**74-744
Modification of use regulations**

(a) #Use# modifications

* * *

~~(4) #Physical culture or health establishments#~~

~~For a #large-scale general development# located within an #MIH site#, in a C4 District within Queens Community District 14, #physical culture or health establishments# shall be permitted as of right. The special permit provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply.~~

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Midtown District**

* * *

**81-06
Applicability of Article VII Provisions**

**81-061
Applicability of Article VII, Chapter 3**

* * *

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals shall only be applicable as modified below:

Section 73-16 (Public Transit, Railroad or Electrical Utility Substations) shall be applicable subject to the provisions of the #Special Midtown District#.

Section 73-28 (Newspaper Publishing) shall be applicable subject to the provisions of the #Special Midtown District#.

~~Section 73-36 (Physical Culture or Health Establishments) shall be applicable subject to the locational restrictions of the #Special Midtown District#.~~

Section 73-51 (Modification of Supplementary Use Regulations) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

Section 73-52 (Modifications for Zoning Lots Divided by District Boundaries) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

* * *

**81-60
SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT**

* * *

**81-62
Special Use Provisions**

* * *

**81-622
Location of uses in mixed buildings**

For #mixed buildings developed# on #qualifying sites#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject to the underlying zoning district regulations, on the same #story# as, or at any #story# above, #residential uses#, provided that no access exists between such #uses# at any level above the ground floor:

open or enclosed observation decks;

open or enclosed publicly accessible spaces;

eating or drinking establishments, as listed in Use Groups 6A, 6C, 10A and 12A;

bowling alleys, as listed in Use Group 8A and 12A;

theaters, as listed in Use Group 8A;

commercial art galleries, as listed in Use Group 6C;

~~gymnasiums, used exclusively for basketball, handball, paddleball, racquetball, squash and tennis, as listed in Use Group 9A;~~

~~health and fitness establishments, as listed in Use Groups 6C and 9A;~~

wedding chapels and banquet halls, as listed in Use Group 9A;

enclosed skating rinks, as listed in Use Group 12A;

swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#; and

~~#physical culture or health establishments# permitted pursuant to Section 73-36.~~

For such #uses#, the provisions of Section 32-41 (Enclosure Within Buildings) shall not apply.

* * *

**81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

* * *

**81-72
Use Regulations Modified**

* * *

**81-722
Use Group T**

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

#Uses# marked with an asterisk (*) are allowed only on #narrow street# frontages.

#Uses# marked with double asterisks (**) are allowed only on floors other than the ground floor.

#Uses# marked thus (***) qualify as #uses# satisfying the requirements of Section 81-724 (Requirements for entertainment-related uses).

#Use#

* * *

Gift shops

~~*Gymnasiums~~

Hair products for headwear

Hardware stores

#Health and fitness establishments#

Historical exhibits - not permitted in C5 Districts

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 3
Special Limited Commercial District**

**83-00
GENERAL PURPOSES**

**83-03
Use Group “LC”**

Use Group “LC” comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

* * *

G. Retail or Service Establishments

* * *

Gift shops

~~*Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

* * *

Photographic studios

~~**#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steambaths, but other than #adult physical culture establishments#~~

Picture framing shops

* * *

* In #Special Limited Commercial Districts#, a #use# marked with an asterisk (*) shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street# wall of the #building# in which it is located

~~** In #Special Limited Commercial Districts#, a #use# marked with a double asterisk (**) shall be permitted only by special permit of the Board of Standard and Appeals pursuant to Section 73-36 (Physical Culture or Health Establishments)~~

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 4
Special Battery Park City District**

* * *

**84-00
GENERAL PURPOSES**

* * *

**84-03
Use Regulations (For Zone A and Zone C)**

* * *

**84-031
Special permit uses**

* * *

The following #uses# are permitted only by special permit of the Board of Standards and Appeals:

Electrical or gas utility substations, open or enclosed, pursuant to Section 73-14

Public utility stations for oil or gas metering or regulating, pursuant to Section 73-15

Telephone exchanges or other communications equipment structures, pursuant to Section 73-14

~~In Zone A, #physical culture or health establishments# in subzone A-4 only, pursuant to Section 73-36. However, #physical culture or health establishments# located below the level of the first #story# ceiling shall not be permitted to front on the #Esplanade#.~~

* * *

**84-10
ZONE A GENERAL DISTRICT REGULATIONS**

* * *

**84-12
Use Regulations**

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial uses#, #residential uses# are permitted on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial uses# are not located over any #residences#. However, such #commercial use# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from #commercial uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

(a) in any #building# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and

(b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel uses#, or both #residential# and hotel #uses#.

In the case of hotel #uses# on this #zoning lot#:

(1) a ~~#physical culture or health establishment#~~ #health and fitness establishment# may be permitted; and

(2) an eating and drinking establishment, as permitted in Section 32-15 (Use Group 6), and a ~~#physical culture and health establishment#~~ #health and fitness establishment# or a non-#residential accessory use#, may be located above a #story# containing #residential uses#.

* * *

**84-30
ZONE C**

* * *

**84-32
Use Regulations**

Use regulations applicable in C6-6 Districts shall apply subject to the provisions of Sections 84-031 (Special permit uses) and 84-032 (Uses not permitted). In addition, the following #uses# shall be permitted:

Indoor interactive entertainment facilities, with eating and drinking, consisting of mechanical, electronic or computer supported games provided that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

Parking facilities, public, subject to Section 84-341

~~#Physical culture or health establishments#~~

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving, as permitted in Use Group 14

* * *

ARTICLE IX

SPECIAL PURPOSE DISTRICTS

Chapter 4 Special Sheepshead Bay District

94-00 GENERAL PURPOSES

* * *

94-06 Special Use Regulations

94-061 Permitted residential, community facility and commercial uses

A. #Residential# and #community facility uses#

#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial uses#

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those #commercial uses# listed in Section 94-062 (Use Group SB), those #uses# listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, 9 and 14, and those #uses# permitted pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a #zoning lot# existing on May 27, 2015, for a period of 10 years from such date. Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial uses# listed in Use Groups 6, 7, 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area H, except for #uses# permitted pursuant to Section 94-063, #commercial uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

* * *

Gift shops

~~Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

Hardware stores, limited to marine supplies

* * *

**94-062
Use Group SB**

In Areas A, B, C, D and E, except as stated in this Section, all #commercial uses# permitted by Use Group SB shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment at ground floor level of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue. Any #use# marked with a single asterisk (*) shall not be located on the ground floor of a #building#.

* * *

C. Retail or service establishments

* * *

Gift shop

~~* Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

Jewelry or art metal shops

* * *

Photographic equipment or supply stores

~~** #Physical culture or health establishments#, other than #adult physical culture establishments#, including gymnasiums, having a rated capacity of not more than 50 people~~

Picture framing shops

* * *

~~** #Uses# listed in Use Group SB, marked with a double asterisk, are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36~~

* * *

**94-064
Supplementary use regulations**

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, relating to modifications of #use#, shall not apply in the Special District, ~~except that Section 73-36 (Physical Culture or Health Establishments) shall be applicable.~~

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 5
Special Transit Land Use District**

**95-00
GENERAL PURPOSES**

* * *

**95-08
Special Use Regulations**

* * *

**95-081
Use Group T**

Use Group T comprises a group of retail establishments selected to promote and strengthen retail business in the Special District. #Uses# marked with an asterisk (*) shall not be located at the subway mezzanine level or along the bounding walls of a transit easement volume.

* * *

D. Retail or Service Establishments

* * *

Gift shops

~~**Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

*Ice cream stores

* * *

Photographic studios

~~**#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#~~

Picture framing shops

* * *

~~** #Uses# in Use Group T marked with a double asterisk are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36~~

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 7
Special 125th Street District**

* * *

**97-20
LOCATION AND ACCESS REGULATIONS**

* * *

**97-21
Supplemental Use and Streetscape Regulations Along 125th Street**

* * *

**97-212
Uses not permitted on the ground floor of buildings**

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be

permitted at the ground floor level, pursuant to the provisions of Section 97-213 (Access to non-ground floor uses).

* * *

From Use Groups 9A, 9B and 9C:

All #uses#, except for ~~gymnasiums~~ #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 9
Special Madison Avenue Preservation District**

**99-00
GENERAL PURPOSES**

* * *

**99-03
Special Use Regulations**

* * *

**99-031
Use Group MP**

Use Group MP comprises a group of #commercial# establishments selected to promote and strengthen the existing #commercial# character of the Special District. The #commercial uses# listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The #commercial uses# listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

Table A

* * *

B. Retail or Service Establishments

* * *

Hardware stores

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

* * *

Table B

A. Retail or Service Establishments

* * *

Furniture stores, with no limitation on #floor area# per establishment

~~*Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

*Motion picture production studios

Musical instrument repair shops

Office or business machine stores, sales or rental (limited to 40 linear feet of #street# frontage)

~~**#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steambaths, but other than #adult physical culture establishments#~~

Plumbing, heating, or ventilating equipment showrooms, without repair facilities (limited to 40 linear feet of #street# frontage)

* * *

~~#Uses# in Use Group MP marked with a double asterisk (**) are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36~~

* * *

**ARTICLE X
SPECIAL PURPOSE DISTRICTS**

**Chapter 4
Special Manhattanville Mixed Use District**

* * *

**104-10
SPECIAL USE REGULATIONS**

* * *

**104-16
Use Group MMU**

Use Group MMU comprises a group of #uses# selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such #uses# that are #accessory# to a college or university and open to the public.

* * *

From Use Group 6C:

* * *

Gift shops

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

* * *

From Use Group 9A:

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery

Clothing or costume rental establishments

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

Musical instrument repair shops

* * *

#Accessory uses# to all the above #uses# are permitted.

~~#Physical culture or health establishments# are subject to a special permit, pursuant to Section 73-36.~~

* * *

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

**Chapter 5
Special Downtown Jamaica District**

* * *

**115-10
SPECIAL USE REGULATIONS**

* * *

**115-15
Modification of Use Regulations in M1-4 Districts**

The #use# regulations of the underlying M1-4 District shall apply, except as modified as follows:

* * *

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency, for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, ~~#physical culture or health establishments#~~ or ophthalmic dispensing

Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; ~~or~~

~~(d) any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 (DEFINITIONS)~~

Community centers or settlement houses

* * *

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

**Chapter 6
Special Stapleton Waterfront District**

* * *

**116-10
SPECIAL USE REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE,
PIER PLACE AND THE COVE**

* * *

**116-102
Special permit uses**

~~#Physical culture or health establishments# shall be permitted in Subarea B2. The special permit provisions of Section 73-36 shall not apply.~~

**116-103
Supplementary use regulations**

The provisions of Section 32-41 (Enclosure Within Buildings) shall be modified as follows: In Subarea B3, a farmers' market may be unenclosed.

The provisions of Section 32-423 (Limitation on ground floor location) shall be modified as follows: In Subareas B1 and B2, the #uses# listed in Section 32-18 (Use Group 9) may be located on the ground floor and within 50 feet of any #street wall# of the #building# and with #show windows# facing on the #street#

* * *

**116-60
SPECIAL REGULATIONS IN SUBAREA E**

* * *

**116-61
Special Use Regulations**

The #use# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, modified as follows:

(a) the provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply; and

(b) the provisions of Section 62-29 (Special Use Regulations for R6, R7, R8, R9 and R10 Districts) are modified to allow #uses# listed in Section 62-212 (Waterfront-Enhancing (WE) uses) to be located anywhere within a #building# existing prior to July 20, 2017, provided that no #commercial floor area# is located above a #dwelling unit#; ~~and.~~

~~(c) #physical culture or health establishments# shall be permitted as of right. The special permit provisions of Section 73-36 shall not apply.~~

* * *

**ARTICLE XII
SPECIAL PURPOSE DISTRICTS**

**Chapter 3
Special Mixed Use Districts**

* * *

**123-30
SUPPLEMENTARY USE REGULATIONS**

* * *

**123-33
Health and Fitness Establishments**

In M1 Districts paired with a #Residence District#, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the following additional enclosure and environmental conditions:

(a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and

(b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a certificate of occupancy that such high-intensity #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

(1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and

(2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

* * *

**ARTICLE XII
SPECIAL PURPOSE DISTRICTS**

**Chapter 4
Special Willets Point District**

* * *

**124-10
SPECIAL USE REGULATIONS**

* * *

**124-12
Regulation of Commercial Uses in Area B**

(a) Within Area B, as shown on Map 1 in the Appendix to this Chapter, ~~#commercial# and special permit #uses# shall be limited to those #uses# permitted in a C1-4 District and #physical culture or health establishments# pursuant to Section 73-36,~~ provided that ~~#commercial uses# shall be located no more than 100 feet from a #connector street#, the present or former 34th Avenue or Willets Point Boulevard, or Area A, as shown on Map 1 in the Appendix to this Chapter.~~

* * *

**124-13
Uses Permitted As-of-Right**

The following special permits shall not apply. In lieu thereof, such ~~#uses# shall be permitted as-of-right:~~

* * *

In ~~#buildings# with frontage on 126th Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:~~

Section 73-244 (In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall not apply

for eating and drinking establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a #Residence District# boundary

Section 73-35 (Amusement Arcades)

~~Section 73-36 (Physical Culture or Health Establishments)~~

Section 74-46 (Indoor Interactive Entertainment Facilities)

Section 74-47 (Amusement Arcades)

* * *

**ARTICLE XII
SPECIAL PURPOSE DISTRICTS**

**Chapter 7
Special Flushing Waterfront District**

* * *

**126-10
SPECIAL USE REGULATIONS**

* * *

**127-12
~~Physical Culture or Health Establishments~~**

~~The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as of right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.~~

**127-13
Sign Regulations**

For M1 Districts paired with a #Residence District#, the provisions regulating #signs# in C4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), inclusive, shall apply to any #signs#.

* * *

ARTICLE XIII

SPECIAL PURPOSE DISTRICTS

**Chapter 1
Special Coney Island District**

**131-00
GENERAL PURPOSES**

* * *

**131-04
Applicability**

* * *

**~~131-044
Physical culture or health establishments~~**

~~The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North or Coney West Subdistricts. In lieu thereof, #physical culture or health establishments# shall be allowed as of right.~~

**~~131-045~~ 131-044
Modification of use and bulk regulations**

* * *

**131-10
SPECIAL USE REGULATIONS**

* * *

**131-12
Use Groups A, B and C**

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

* * *

**131-123
Use Group C: Retail and service uses**

Use Group C consists of a group of retail and service #uses#, selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

* * *

Gift shops

#Health and fitness establishments# limited to 10,000 square feet of #floor area# per establishment

Jewelry manufacturing from precious metals

* * *

**131-13
Special Use Regulations in Subdistricts**

* * *

**131-132
Coney North and Coney West Subdistricts**

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the “building line” shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

* * *

(b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

* * *

From Use Groups 9A, 9B and 9C:

All #uses#, except for ~~gymnasiums~~ #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios

* * *

**ARTICLE XIII
SPECIAL PURPOSE DISTRICTS**

Chapter 4: Special Governors Island District

* * *

134-10

SPECIAL USE REGULATIONS

134-11

Commercial Uses

The following #commercial uses# shall be allowed

* * *

Any #commercial use# ~~or #physical culture or health establishment#~~ larger than 7,500 square feet in #floor area# shall be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district. The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

No building permit shall be issued with respect to a #commercial use# ~~or #physical culture or health establishment#~~ larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to #commercial uses# permitted pursuant to Section 134-12 (Authorization for Certain Commercial Uses).

* * *

134-13

~~Physical Culture or Health Establishments~~

~~#Physical culture or health establishments# shall be permitted in the #Special Governors Island District#, subject to the requirements of Section 134-11. The special permit provisions of Section 73-36 shall not apply.~~

134-14

Signs

For #commercial uses# ~~and #physical culture or health establishments#~~, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.

* * *

**134-20
SPECIAL BULK REGULATIONS**

**134-21
Special Regulations for Commercial Uses**

For ~~#commercial uses# and #physical culture or health establishments#~~, the ~~#floor area#~~ regulations of a C1 District mapped within an R3-2 District shall apply.

* * *

**ARTICLE XIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 5
Special Bay Street Corridor District**

* * *

**135-10
SPECIAL USE REGULATIONS**

* * *

**135-13
~~Physical Culture or Health Establishments~~**

Within the ~~#Special Bay Street Corridor District#~~, a ~~#physical culture or health establishment#~~ shall be permitted as of right in ~~#Commercial Districts#~~. For the purposes of applying the underlying regulations to such ~~#use#~~, a ~~#physical culture or health establishment#~~ shall be considered a Use Group 9 ~~#use#~~ and shall be within parking requirement category PRC-B.

**~~135-14~~
Breweries**

* * *

**~~135-15-135-14~~
Modification of Supplemental Use Provisions**

* * *

**ARTICLE XIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 8
Special East Harlem Corridors District**

* * *

**138-10
SPECIAL USE REGULATIONS**

* * *

**138-13
~~Physical Culture or Health Establishments~~**

~~Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as of right in C2-5, C4-6 and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.~~

**138-14
Public Parking Garages**

* * *

**ARTICLE XIV
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Jerome Corridor District**

* * *

**141-10
SPECIAL USE REGULATIONS**

* * *

**141-12
~~Physical Culture or Health Establishments~~**

~~#Physical culture or health establishments# shall be permitted as of right in C2 and C4 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.~~

~~141-13-~~
Modification of Supplemental Use Provisions

* * *

**ARTICLE XIV
SPECIAL PURPOSE DISTRICTS**

**Chapter 2
Special Inwood District**

* * *

**142-10
SPECIAL USE REGULATIONS**

* * *

**142-11
Permitted Uses**

~~#Physical culture or health establishments# shall be permitted as of right in C2-4, C4, C6-2, M1-4 and M1-5 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.~~

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps, as listed in Use Group 16C, shall be a permitted #use#.

In Subareas B2 and B3, as shown on Map 1, all #uses# listed in Use Groups 3 and 4 shall be permitted #uses#, and Use Group 6A food stores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited to #floor area# per establishment.

In Subdistrict D, as shown on Map 1, #self-service storage facilities# shall be permitted as-of-right in C6-2A Districts.

* * *

**APPENDIX A
Index of Uses**

The following is a listing in alphabetical order of #uses# allowed in this Resolution either as #uses# permitted as-of-right, or as #uses# permitted by special permit, together with the Use Group in which each is listed, the parking requirement category of #commercial uses#, if applicable, and the district or districts in which it is permitted.

When a district associated with a given #use# is designated in the Index with an asterisk (*), the #use# is permitted in such district only by special permit of the Board of Standards and Appeals, as set forth in the applicable portions of this Resolution.

When a district associated with a given #use# is designated in the Index with a double asterisk (**), the #use# is permitted in such district only by special permit of the City Planning Commission, as set forth in the applicable portions of this Resolution.

#Uses# listed in Use Group 11A, 16, 17, or 18 as permitted #uses# in C8 or #Manufacturing Districts# must also meet the applicable performance standards for these districts.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts if they can comply with the applicable performance standards for those districts.

This Index is established as a reference guide to this Resolution but is not an integral part thereof. Whenever there is any difference in meaning or implication between the provisions of this Resolution as set forth in Articles I through VII and the text of this Index, the text of the Resolution shall prevail.

#Use# regulations governing the several classes of districts are set forth in the following Chapters of this Resolution:

- Residence Districts Article II, Chapter 2
- Commercial Districts Article III, Chapter 2
- Manufacturing Districts Article IV, Chapter 2

* * *

Barber shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Baths, steam (See #Physical culture or health establishments# #Health and fitness establishments#)		

Beaches, commercial [PRC-E]	13	C3* C7 C8 M1 ³ M2 M3
-----------------------------	----	------------------------------------

* * *

Gun repairs [PRC-B1]	7	C2 C6 ⁴ C8 M1 M2 M3
Gymnasiums [PRC-B]: (See #health and fitness establishments#)		
Limited	9	C2 C4 C5 C6 C8 M1
Unlimited (See #Physical culture or health establishments#)		
Gypsum manufacture	18	M3

* * *

Hat:		
Bodies manufacture	17	M1 M2 M3
Repair shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
#Health and fitness establishments#		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	14	C2 C3 C7 C8
Unlimited	9	C1 ³⁰ C2 C4 C5 C6 C8 M1 M2 M3
Health Centers	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Health services (see #physical culture or health establishments# #health and fitness establishments#)		

* * *

Markets:		
Retail, including meat (See Food stores)		
Wholesale, produce or meat	17	M1 M2 M3

Masseurs Massage therapists [PRC-B] (See Ambulatory diagnostic and treatment health care facilities)		C2* C4* C5* C6* C8* M1* ³ M2* M3*
Matches manufacture	18	M3

* * *

Photostating establishments [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
#Physical culture or health establishments# [PRC-B]		C1^{30*} C2* C4* C5* C6* C8* M1* M2* M3*
Picture framing stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

* * *

Rectories	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Reducing salons (See #Physical culture or health establishments# #Health and fitness establishments#)		
Refreshment stands, drive-in [PRC-H]	7	C2 C6 ⁴ C8 M1 M2 M3
	13	C7 C8 M1 ³ M2 M3

* * *

²⁹ Not permitted in C6-1, C6-2 and C6-3 Districts.

³⁰ Permitted only in C1-8 and C1-9 Districts and C1 Districts mapped within an R9 or R10 District.

³¹ Permitted only in C6-5 and C6-7 Districts.

* * *

Resolution for adoption scheduling September 22, 2021 for a public hearing.

No. 2

FRESH II ZONING TEXT AMENDMENT

CITYWIDE

N 210380 ZRY

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, to modify Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) and related Sections, to expand areas in which the program is applicable and to update various requirements.

Matter underlined is new, to be added;

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

Matter within # # is defined in Section 12-10, 37-311, 63-01, 97-01, 108-01 or 116-01;

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

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

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

* * *

**23-10
OPEN SPACE AND FLOOR REGULATIONS**

* * *

**23-15
Open Space and Floor Regulations in R6 Through R10 Districts**

* * *

**23-154
Inclusionary Housing**

[text struck out in this Section is proposed to be relocated to Section 63-21]

* * *

(b) #Inclusionary Housing designated areas#

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this paragraph (b), except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table, as applicable. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, ~~or any #floor area# increase for the provision of a #FRESH food store#,~~ on the #compensated zoning lot#.

* * *

**ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

* * *

**42-10
USES PERMITTED AS-OF-RIGHT**

* * *

**42-12
Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16**

M1 M2 M3

Use Group 3A shall be limited to museums that are ancillary to existing motion picture production studios or radio or television studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per

establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment. In addition, the regulations of this Section are modified, where applicable, by the regulations of Section 63-11 (Special Use Regulations for FRESH Food Stores in M1 Districts).

* * *

ARTICLE VI SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 3 Special Regulations Applying to FRESH Food Stores

63-00 GENERAL PURPOSES

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

- (a) encourage a healthy lifestyle by facilitating the development of FRESH food stores that sell a healthy selection of food products;
- (b) provide greater incentives for FRESH food stores to locate in neighborhoods underserved by such establishments;
- (c) encourage FRESH food stores to locate in locations that are easily accessible to nearby residents; and
- (d) strengthen the economic base of the City, conserve the value of land and buildings, and protect the City's tax revenues.

63-01 Definitions

FRESH food store

A "FRESH food store" is a food store #use# as listed in Section 32-15 (Use Group 6), where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is ~~utilized for~~ allocated to the sale of a general line of food and non-food grocery products, such as dairy,

canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation; ~~and consumption and utilization~~. Such retail space ~~utilized for the sale of a general line of food and non-food grocery products~~ shall be distributed as follows:

- (a) ~~at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and~~
- (b)(a) ~~at least 2,000 square feet or 30²⁵ percent of such retail space, whichever is greater, shall be utilized for~~ allocated to the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce;
- (b) at least 35 percent of such retail space shall be allocated to the sale of non-perishable food; and
- (c) at least 6,000 square feet of such retail space shall be located on one #story#.

A food store shall be certified as a #FRESH food store# by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE).

63-02

Applicability

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

63-021

Areas permitting FRESH food stores

- (a) The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in ~~paragraph (b) of this Section~~ Sections 63-022 (Special Purpose Districts where regulations for FRESH food stores are not applicable) and 63-023 (Limitation on location of FRESH food stores):
 - (1) ~~in the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6 and 7, except portions of Community District 7, as shown on Map 1 in Appendix A of this Chapter;~~
 - (2) ~~in the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17, except portions of Community District 8, as shown on Map 2 in Appendix A;~~

- (3) ~~in the Borough of Manhattan, Community Districts 9, 10, 11 and 12, except portions of Community District 9 and 12, as shown on Maps 3 and 4 in Appendix A; and~~
- (4) ~~in the Borough of Queens, the #Special Downtown Jamaica District#, portions of Community District 12 outside of the #Special Downtown Jamaica District#, except those portions shown on Maps 5 and 6 in Appendix A; and those portions in Community District 1 shown on Map 1 in Appendix B of this Chapter.~~

all of Manhattan Community District 10;

all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and

all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

Portions of other Community Districts in which FRESH food stores are permitted are shown on the maps in Appendix A of this Chapter.

63-022

Special Purpose Districts where regulations for FRESH food stores are not applicable

(b) The provisions of this Chapter shall not apply to the following Special Purpose Districts:

~~#Special Madison Avenue Preservation District#;~~

~~#Special Manhattanville Mixed Use District#; and~~

~~#Special Park Improvement District#; and~~

~~#Special Hunts Point District#.~~

63-023

Limitation on location of FRESH food stores

After [date of adoption], no certification shall be issued for increased #residential floor area# for a #FRESH food store# where the sum of the increased #residential floor area# generated pursuant to Section 63-21 (Special Floor Area Regulations) by all #FRESH food stores# within a half-mile radius of the #zoning lot# would exceed 40,000 square feet.

Such calculation shall include increased #residential floor area# on all #zoning lots# containing #FRESH food stores# that have been certified by the Chairperson of the City Planning Commission pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE),

including those issued prior to [date of adoption], provided that such certification has not expired, or has not been superseded by a certification pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or an authorization pursuant to Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS).

63-10 SPECIAL USE REGULATIONS

* * *

63-20 SPECIAL BULK AND PARKING REGULATIONS

63-21 Special Floor Area Regulations

~~63-211 For mixed buildings and zoning lots containing both residential and commercial or community facility uses in Commercial Districts with FRESH food stores~~

~~Where a #FRESH food store# is provided on a #zoning lot#, the maximum #residential floor area# permitted on the #zoning lot# shall be increased by one square foot for each square foot of #FRESH food store floor area# provided, up to 20,000 square feet. the provisions of Section 35-31 (Maximum Floor Area Ratio) relating to the maximum permitted #floor area ratio# on a #zoning lot# for each permitted #use# shall apply as modified in this Section.~~

~~Where all non-#residential uses# on a #zoning lot# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use# and for #zoning lots# containing #Quality Housing buildings#, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #FRESH food store floor area#, up to 20,000 square feet.~~

~~However, for #zoning lots# that do not contain a #Quality Housing building#, Where any non-#residential use# on such #zoning lot# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #residential floor area# permitted for such #zoning lot# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided the total #floor area ratio# of the #building# does #zoning lot# shall not exceed the maximum permitted #floor area ratio# for a such non-#residential use#.~~

For #height factor# and #open space ratio# calculations, where applicable, the increased #residential floor area# generated pursuant to this Section shall be exempt from such calculations.

For #compensated developments# or #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 (Inclusionary Housing) shall not apply to the increased #residential floor area# generated pursuant to this Section.

[text struck out in the Section below is proposed to be included in revisions to Section 63-21 above]

63-212

~~For mixed buildings and zoning lots containing both residential and commercial or community facility uses in Special Mixed Use Districts with FRESH food stores~~

~~Where a #FRESH food store# is provided on a #zoning lot#, the provisions of Section 123-64 (Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings) relating to the maximum permitted #floor area ratio# on a #zoning lot# for each permitted #use# shall apply, as modified in this Section.~~

~~Where all non-#residential uses# on a #zoning lot# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use# and for #zoning lots# containing #Quality Housing buildings#, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #FRESH food store floor area#, up to 20,000 square feet.~~

~~Where any non-#residential use# on such #zoning lot# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #residential floor area# permitted for such #zoning lot# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided the total #floor area# of the #building# does not exceed the maximum permitted #floor area# for a non-#residential use#.~~

* * *

63-22

Authorization to Modify Maximum Building Height

For #zoning lots# #buildings# containing a #FRESH food store# and #residences#, the City Planning Commission may authorize modifications to Sections 35-65 (Height and Setback Requirements for Quality Housing Buildings), and 123-66 (Height and Setback Regulations) or to the height and setback regulations of any Special Purpose District where maximum height limits apply, to allow the applicable maximum #building# height to be increased by up to 15 feet, provided that the first #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet, and provided that such finished ceiling height is at least 14 feet above the #base plane# or #curb level#, as applicable.

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

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

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

63-23 Special Transparency Requirements

For all #developments# containing #FRESH food stores#, or #ground floor level enlargements# containing #FRESH food stores#, the following provisions shall apply. For the portion of the #building# containing a #FRESH food store#, the ground floor level of the #street wall# fronting upon a #primary street frontage#, ~~as defined in Section 37-311~~, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

Furthermore, for #buildings# #FRESH food stores# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this Section shall only be applicable to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #mixed building#, or #mixed use building#, ~~as defined in Section 123-11~~, #building# is a recipient of #public funding# ~~as defined in Section 23-911 (General definitions)~~. For the purposes of this Section, defined terms shall include those in Sections 12-10, 23-911 and 37-311.

63-24 Required Accessory Off-street Parking Spaces in Certain Districts

For #FRESH food stores# provided as part of a #development# or #enlargement#, for any portion of such #FRESH food store# subsequently changed to any other #use# pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS), if such change of #use# occurs less than 25 years after the initial issuance of a certificate of occupancy for such #FRESH food store#, #accessory# off-street parking regulations shall apply to such

changed #use# as if the #use# is at that time occurring as part of a #development# or #enlargement#. Application may be made for an authorization pursuant to Section 63-50.

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R6, R7, R8, R9 and R10 Districts and in C4-2 and C4-3 Districts, the #accessory# off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store# a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 40,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.
- (b) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R3, R4 and R5 Districts and in C4-1 Districts, a #FRESH food store# shall provide one parking space per 400 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 10,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.
- (b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, and in the Borough of Queens, where applicable in Community District 12 outside of the #Special Downtown Jamaica District#, a #FRESH food store# shall provide #accessory# off-street parking spaces as required for #uses# in parking requirement category B in the applicable #Commercial# and #Manufacturing Districts#.
- (c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 36-20 or 44-20 shall apply to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.
- (d) The provisions of this Section shall not apply to:
- (1) in the Borough of the Bronx, portions of Community District 7 and in the Borough of Manhattan, portions of Community District 12, as shown on Map 1 in Appendix C of this Chapter;

- (2)(1) in the Borough of Brooklyn, to M1 Districts in portions of Community Districts 5, 16 and 17, as shown on Maps 1 and 2 in Appendix C Appendix B of this Chapter; and
- (3) ~~in the Borough of Brooklyn, portions of Community Districts 16 and 17, as shown on Map 3 in Appendix C; and~~
- (4)(2) in the Borough of Queens, to the #Special Downtown Jamaica District#.

63-30

CERTIFICATION FOR A FRESH FOOD STORE

Upon application, the Chairperson of the City Planning Commission shall certify that a food store #use# is a #FRESH food store#, provided that:

- (a) drawings have been submitted to the Chairperson that clearly specify:
- (1) all #floor area# or #cellar# space utilized as a #FRESH food store#, showing in the form of an illustrative layout that such designated space is designed and arranged to meet the requirements for perishable and non-perishable food and non-food grocery products, pursuant to Section 63-01;
 - (2) all #floor area# that will result from any permitted increase in #floor area#, pursuant to Section 63-21, including the location of such #floor area#;
 - (3) the size, format and location of the required #sign#, pursuant to Section 63-12, including detailed information about dimensions of the #sign#, lettering, color and materials; and
 - (4) the location of the ground floor level #street wall# fronting upon a ~~principal #street#~~ #primary street frontage#, pursuant to Section 63-23;
- (b) a signed lease or written commitment from the prospective operator of the #FRESH food store# has been provided in a form acceptable to the Chairperson for utilization of such #floor area# or #cellar# space and its operation as a #FRESH food store#; and
- (c) for #zoning lots# containing increased #residential floor area# generated pursuant to Section 63-21 (Special Floor Area Regulations), a legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable to the Department of City Planning, binding upon the owner and its successor and assigns, and providing for continued utilization of all #floor area# or #cellar# space as a #FRESH food store#, the operation of which shall commence within a reasonable period following the issuance of a temporary certificate of occupancy for the #floor area# or #cellar# space to be utilized by the #FRESH food store#.

Such declaration of restrictions shall provide that the legal commitment for continued occupancy of the #floor area# or #cellar space# as a #FRESH food store# shall not apply during any:

- (1) six (6) month period from the date such #floor area# or #cellar# space is vacated by the operator, provided that the owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; or
- (2) event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Office of the City Register of the City of New York against all tax lots comprising the #FRESH food store#, and receipt of proof of recordation of such declaration in a form acceptable to the Department, shall be a precondition to ~~certification by the Chairperson the issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# under this Chapter.~~

Certification by the Chairperson shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development#, #enlargement# or change of #use# under this Chapter.

~~In granting the certification, the Chairperson may specify that minor changes in store layout consistent with the definition of a #FRESH food store# shall not warrant further certification pursuant to this Section.~~

Changes to the store layout of a #FRESH food store# that has been constructed pursuant to a previous certification under this Section, where such changes result in a #FRESH food store# that continues to comply with the requirements of this Chapter, shall not require subsequent certification by the Chairperson under this Section. #FRESH food stores# certified prior to [date of adoption] that do not comply with paragraph (c) of the definition of #FRESH food store# may change the floor layout provided that there is no increase in the degree of non-compliance with such requirement.

~~No later than the date on which an application for certification is first submitted, a copy of the drawings submitted pursuant to paragraph (a) of this Section shall be submitted by the applicant to the affected Community Board, which shall have 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted to the Chairperson comments regarding such proposal or informed the Chairperson that the Community Board has no comments.~~

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson. If the Community Board elects to comment on such application, it must be done within 45 days of receipt of such application. The Chairperson will not act on such

application until the Community Board's comments have been received, or the 45-day comment period has expired, whichever is earlier.

For #zoning lots# containing increased #residential floor area# generated pursuant to Section 63-21 (Special Floor Area Regulations), if a #development# or horizontal #enlargement# fails to comply with the provisions of Section 11-331 (Right to construct if foundations completed) with respect to completion of foundations within four years of the date of certification pursuant to this Section, such building permit shall lapse, and any new building permit will require a new certification pursuant to this Section.

63-31

Requirements for Certificate of Occupancy

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (a)(2) of Section 63-30 until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in such drawings until the #FRESH food store# space has been completed in accordance with the drawings submitted pursuant to paragraph (a)(1) of Section 63-30 and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions, where required pursuant to paragraph (c) of Section 63-30, shall be noted on any temporary or final certificate of occupancy for the #building#.

63-40

CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE

A #FRESH food store# for which a certification has been issued pursuant to Section 63-30 may be changed to any #use# permitted by the underlying district upon certification by the Chairperson of the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in ~~reduction in the number of required~~ fewer #accessory# off-street parking spaces than required by the new #use# pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) ~~under the applicable district regulations.~~

If a certification pursuant to this Section is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section 63-30 shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

63-50

AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS

The City Planning Commission may, by authorization, permit modifications to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts when a change of #use# of a #FRESH food store# for which a certification has been issued, pursuant to Section 63-30, would create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in a ~~reduction in the number of required~~ fewer #accessory# off-street parking spaces than required by the new #use# pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) ~~under the applicable district regulations~~, provided that such #use# is permitted by the underlying districts.

* * *

63-60 COMPLIANCE

No later than June 30th of the year, beginning in the ~~first~~ second calendar year following the calendar year in which certification was made, and at three-year intervals thereafter, the Chairperson of the City Planning Commission shall be provided with an affidavit, in a form acceptable to the Department of City Planning, regarding compliance with the requirements of the declaration of restrictions and the regulations of this Chapter, as of a date of inspection which shall be no earlier than June 1st of the year in which the affidavit is filed. Such affidavit shall be provided by the owner(s) of the tax lot(s) on which the #FRESH food store# is located. Such affidavit shall include, without limitation:

* * *

Appendix A

FRESH Food Store Designated Areas: ~~Excluded Portions~~

The #FRESH food store# designated areas are: ~~listed by community district and borough in Section 63-02 (Applicability). Excluded portions of community districts are shown on the following maps:~~

all of Manhattan Community District 10;

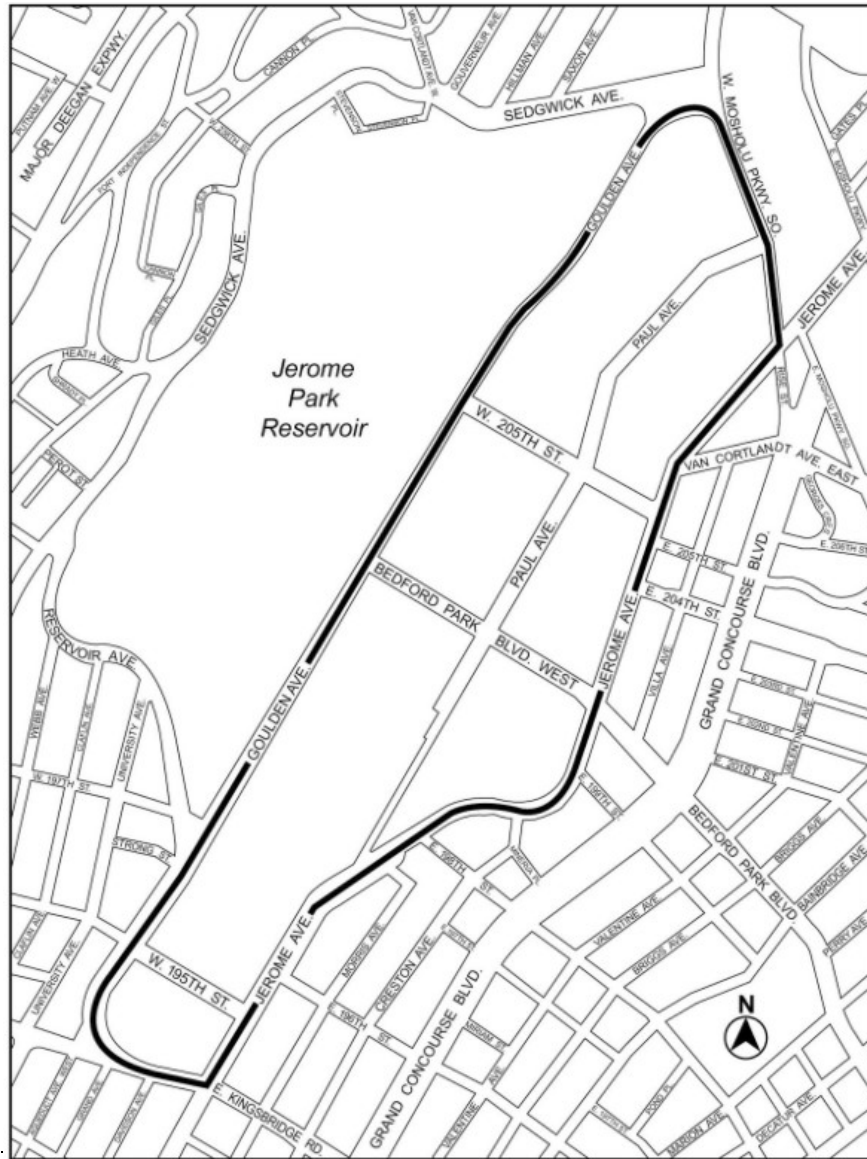
all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and

all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

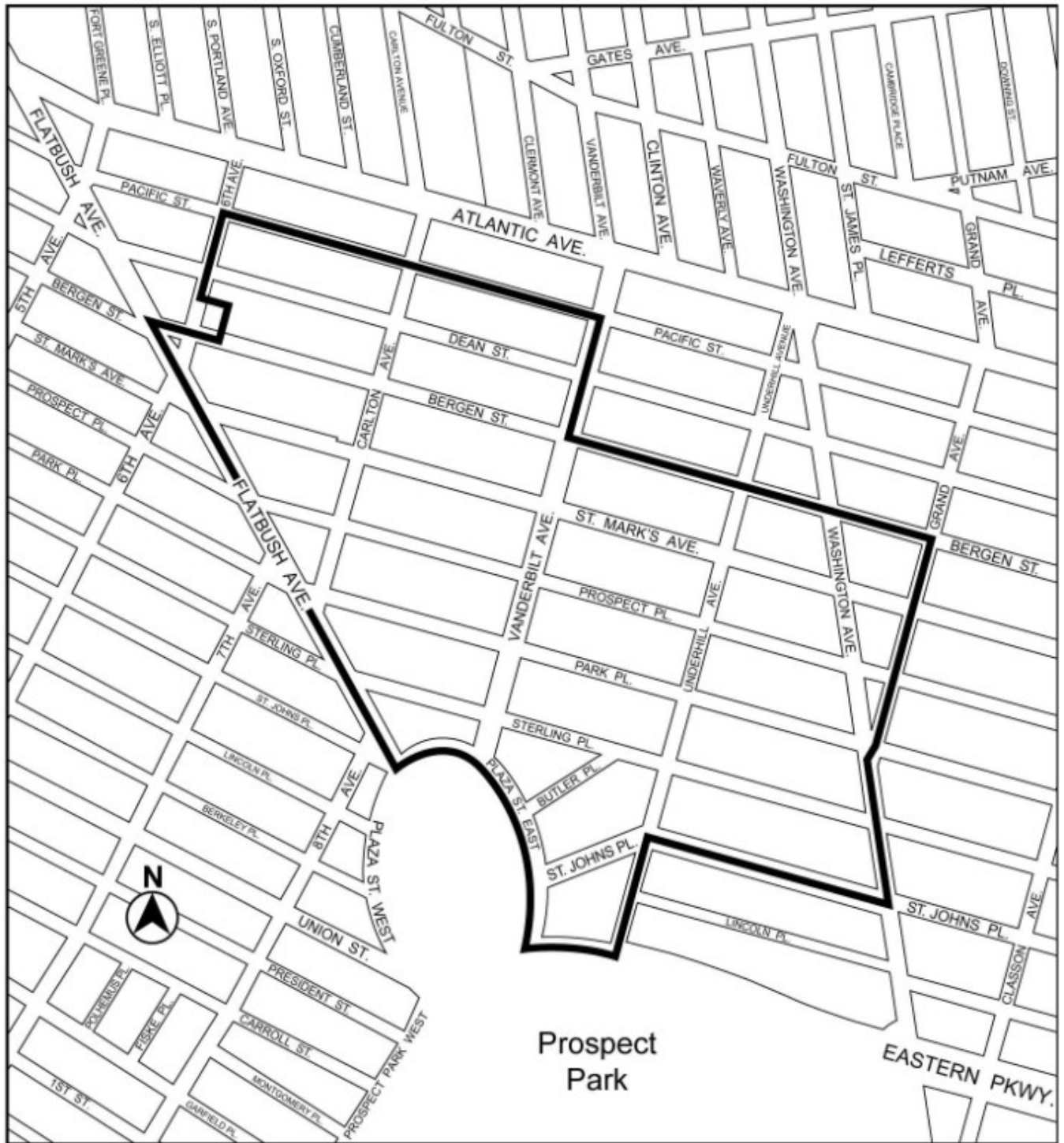
Portions of other Community Districts are shown on Maps 1 through 16 in this Appendix A.

[EXISTING MAPS – TO BE DELETED]

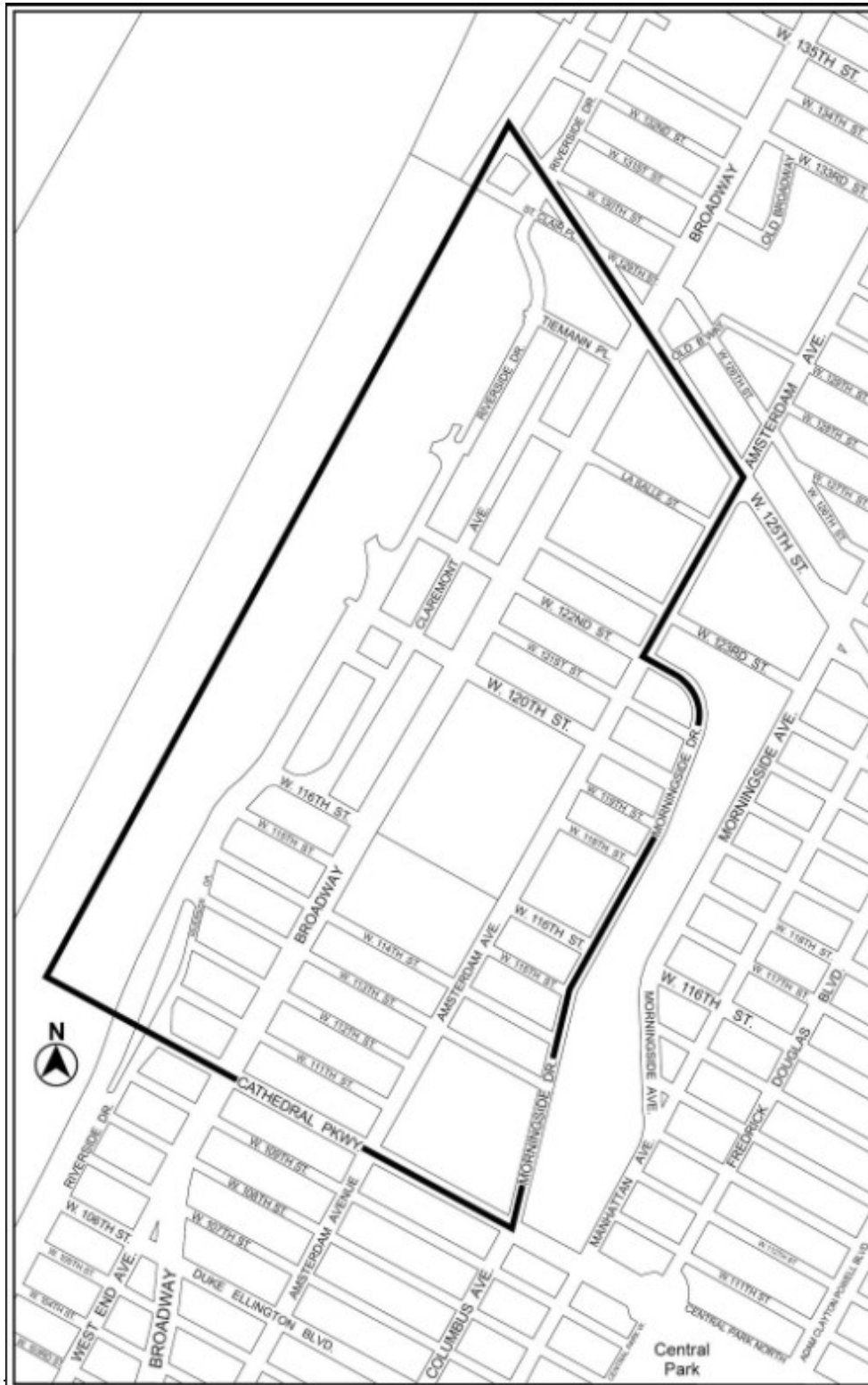
Map 1. ~~Excluded portions of Community District 7, the Bronx~~



Map 2. Excluded portions of Community District 8, Brooklyn



Map 3. Excluded portions of Community District 9, Manhattan



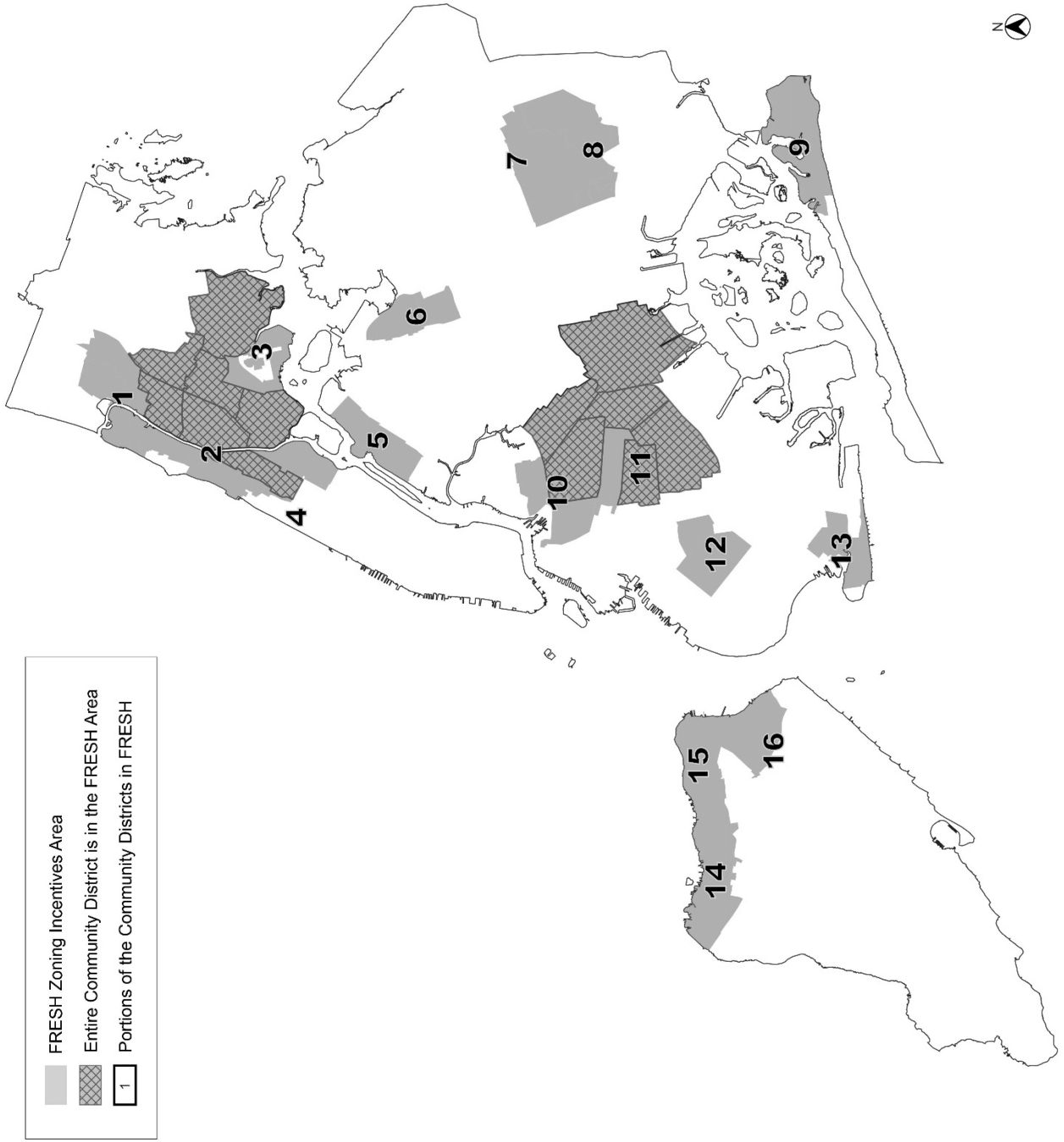
Map 4. Excluded portions of Community District 12, Manhattan



Map 5. Excluded portions of Community District 12, Queens



[PROPOSED MAPS]



FRESH Map 1

 FRESH 1 Area  FRESH Expansion Area



0 0.25 0.5 Miles



FRESH Map 2

FRESH 1 Area  **FRESH Expansion Area**



FRESH Map 4

FRESH 1 Area **FRESH Expansion Area**







FRESH 1 Area

FRESH Map 7



FRESH Map 8

FRESH 1 Area  **FRESH Expansion Area** 

0 0.25 0.5 Miles

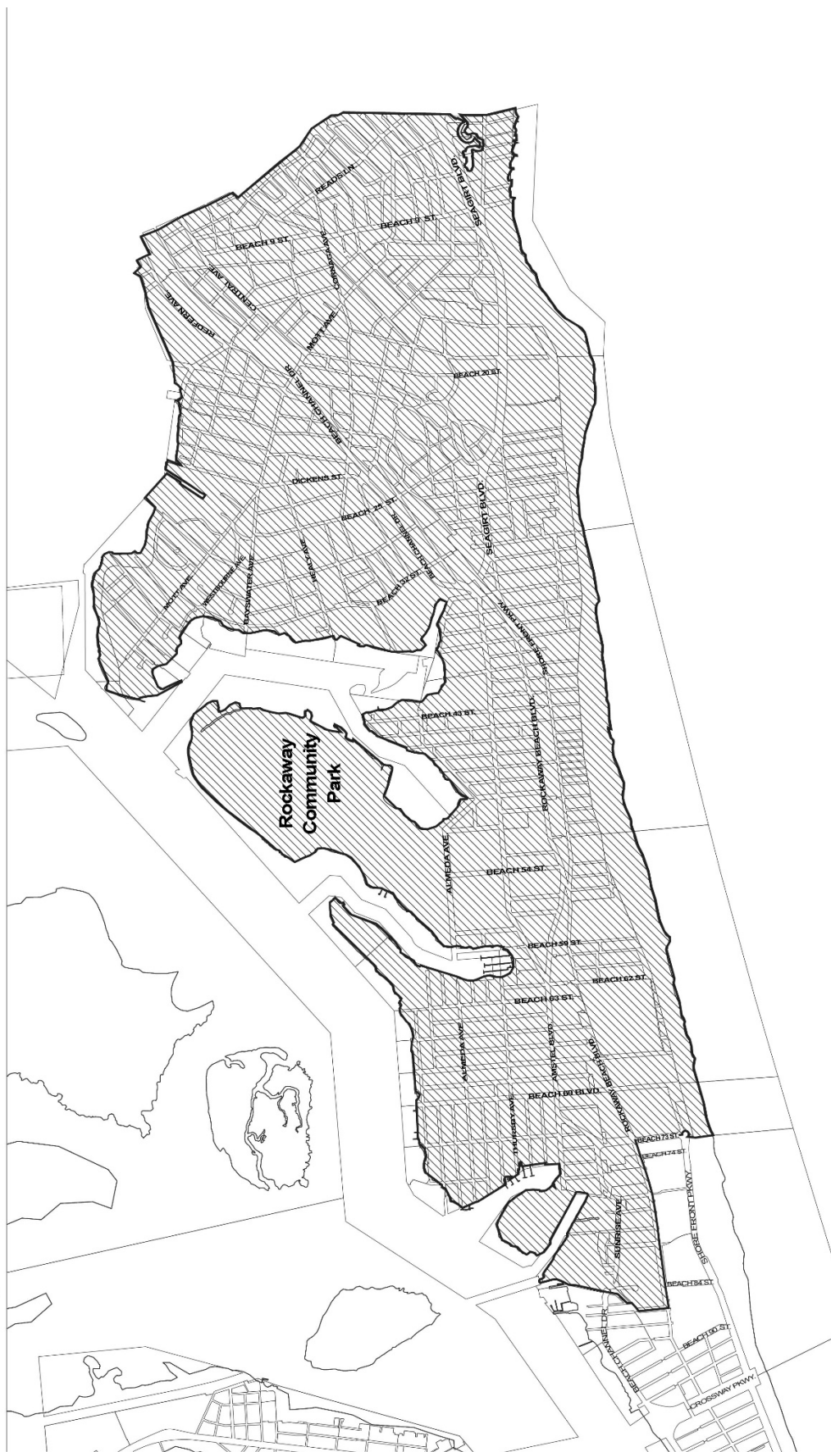
N 





FRESH 1 Area FRESH Expansion Area

FRESH Map 9



FRESH Map 10

 FRESH 1 Area  FRESH Expansion Area

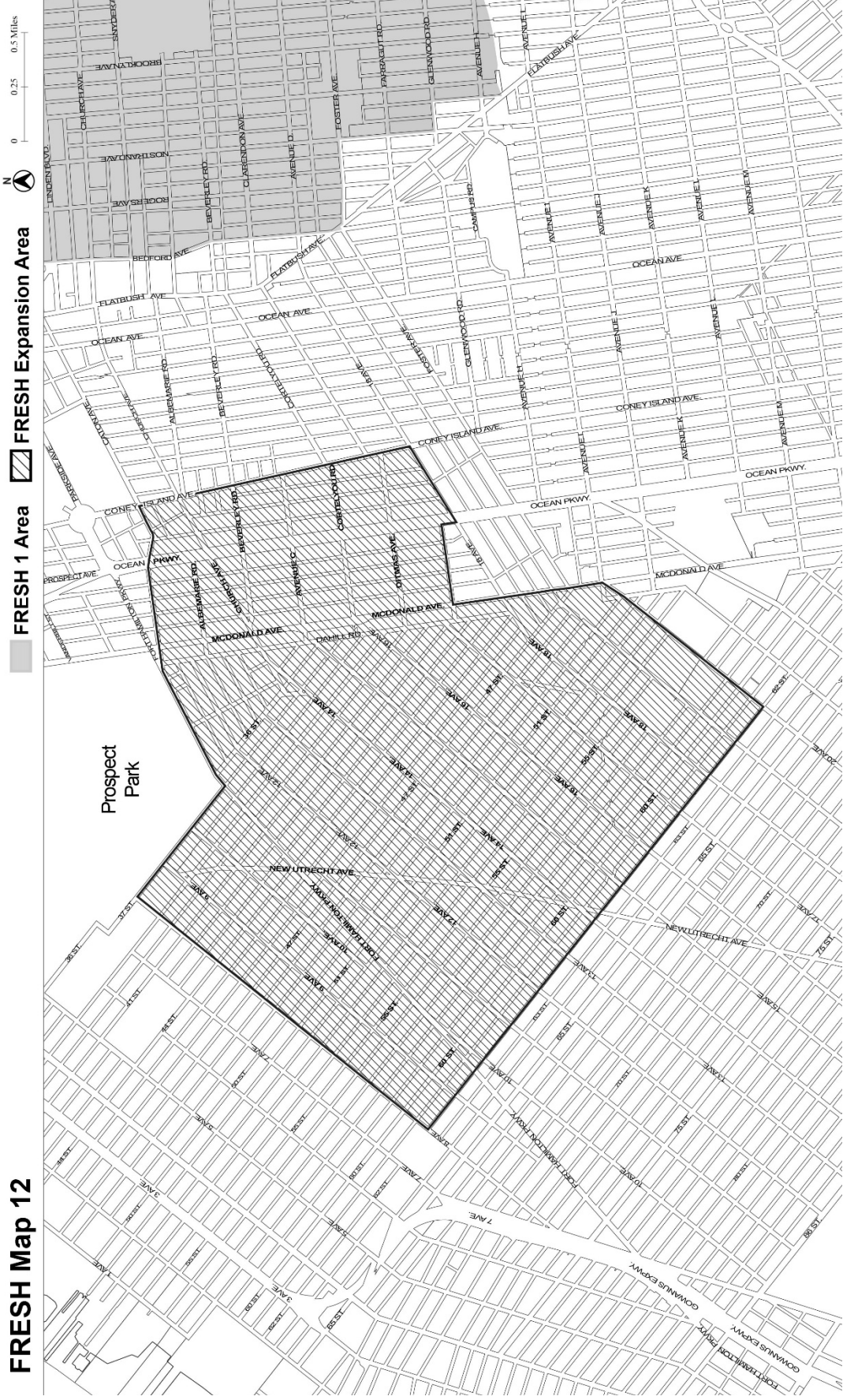




FRESH 1 Area  FRESH Expansion Area

FRESH Map 11





FRESH Map 12

FRESH 1 Area FRESH Expansion Area

0 0.25 0.5 Miles

FRESH Map 13

 FRESH 1 Area  FRESH Expansion Area

 N
0 0.25 0.5 Miles

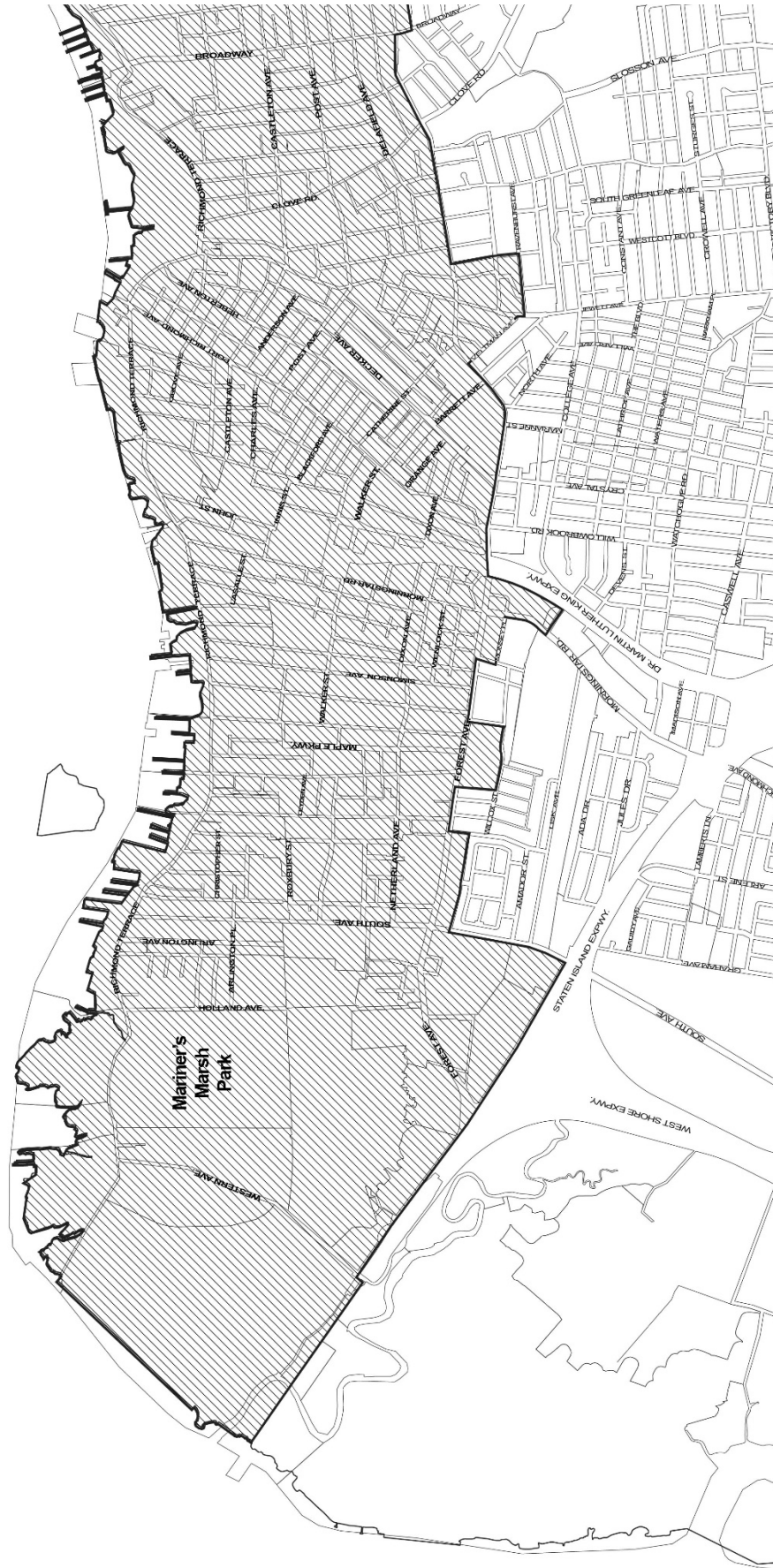


FRESH Map 14

 **FRESH 1 Area**  **FRESH Expansion Area**

 N

 0 0.25 0.5 Miles



FRESH Map 15

 FRESH Expansion Area



0 0.25 0.5 Miles



FRESH Map 16

 FRESH Expansion Area



0 0.25 0.5 Miles



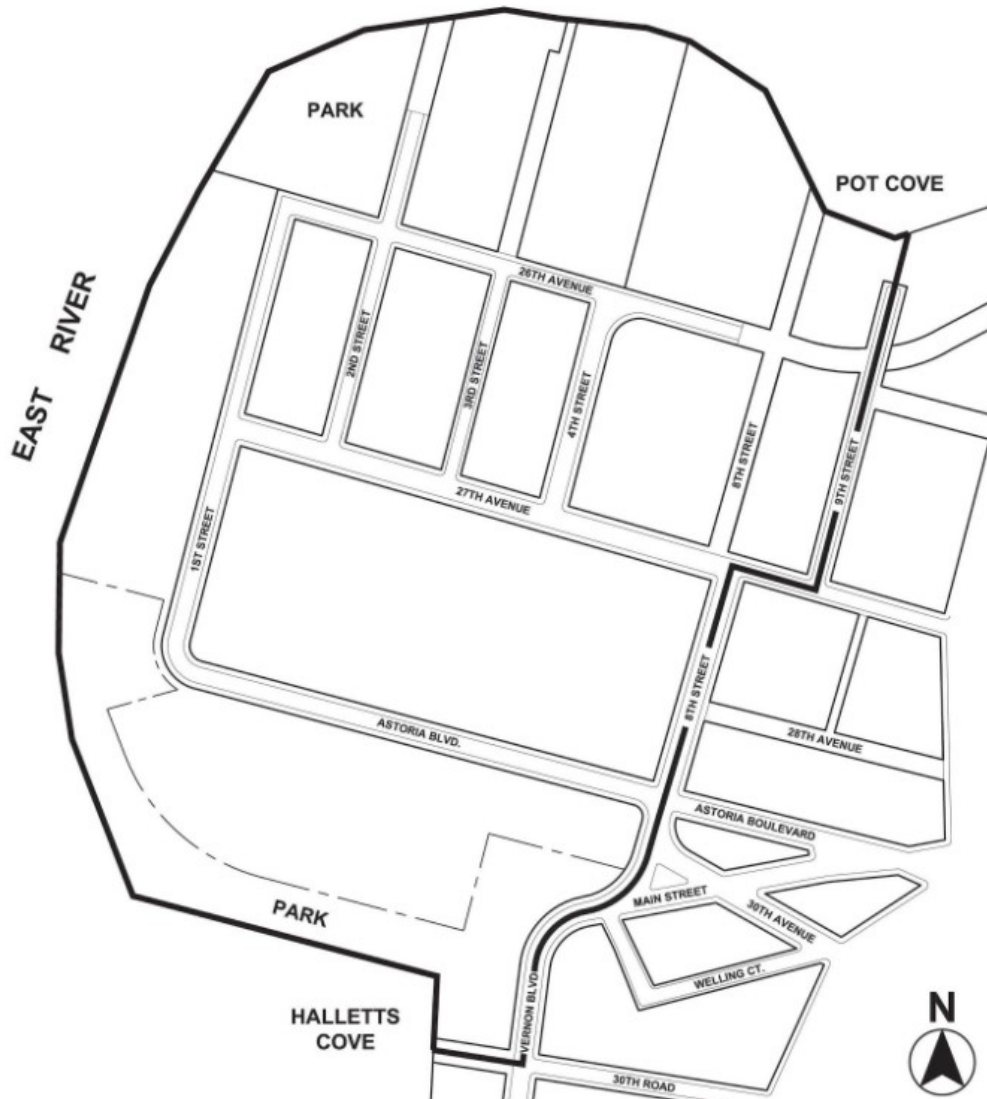
Appendix B

FRESH Food Store Designated Areas: Included Portions

The FRESH food store designated areas are listed by community district and borough in Section 63-02 (Applicability). When a FRESH food store designated area occupies only a portion of a community district, the included portions of such community districts are shown on the following maps:

Map 1. Included portions of Community District 1, Queens

[EXISTING MAP – TO BE DELETED]

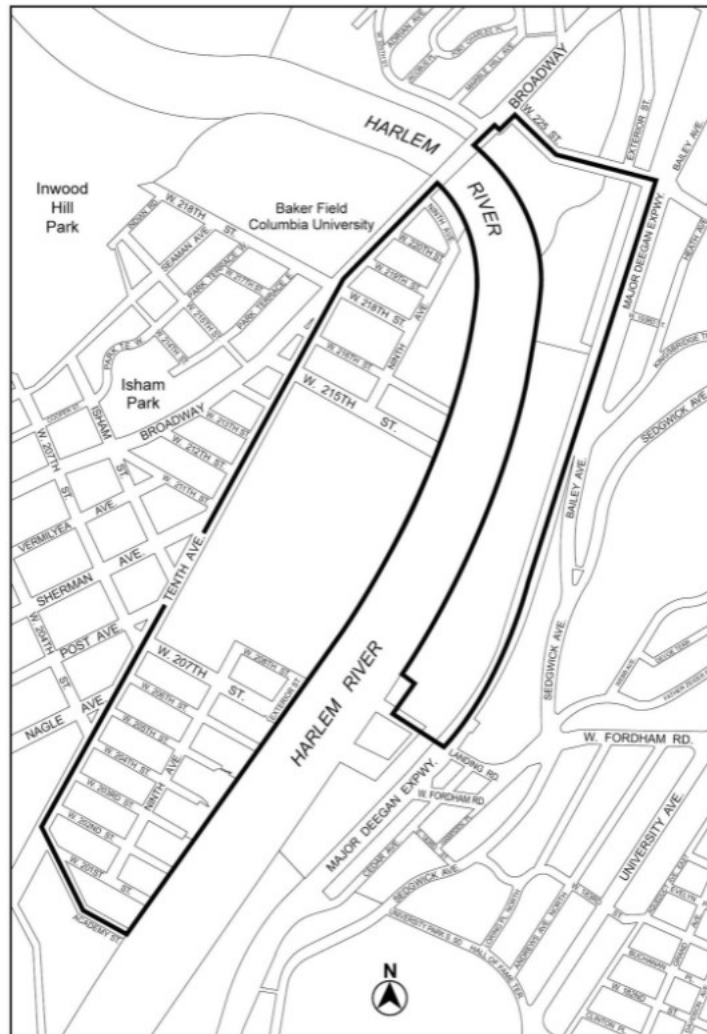


Appendix C Appendix B

Required Off-Street Accessory Parking Exceptions

Map 1. Excluded portions of Community District 12, Manhattan and a portion of Community District 7, the Bronx

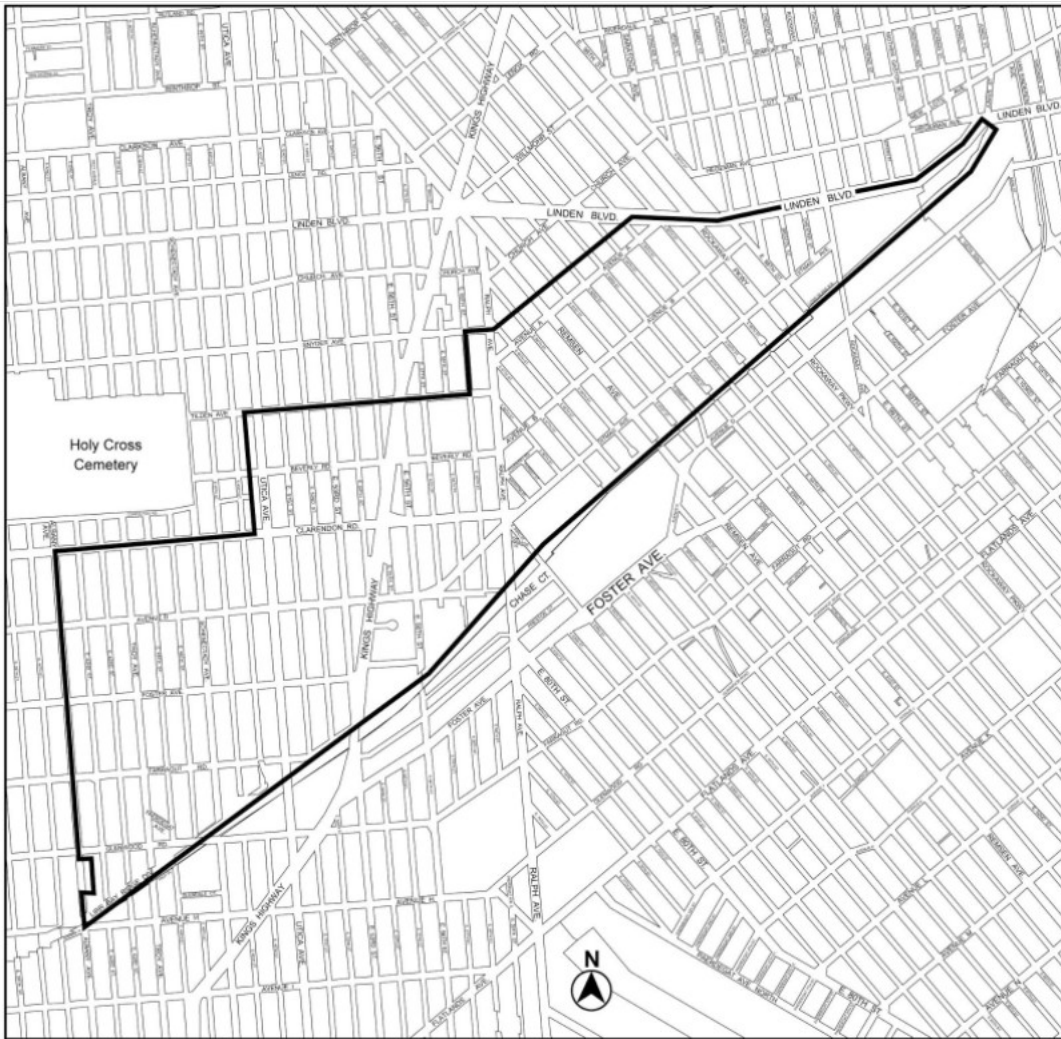
[EXISTING MAP 1 – TO BE DELETED]



Map 2: Map 1. Excluded portions of Community District 5, Brooklyn



~~Map 3-~~ Map 2. Excluded portions of Community District 16 and 17, Brooklyn



* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 7
Special 125th Street District**

* * *

**97-40
SPECIAL BULK REGULATIONS**

* * *

97-41

Special Floor Area Regulations

* * *

97-412

Maximum floor area ratio in the Park Avenue Hub Subdistrict

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential floor area#, such #zoning lot# shall satisfy the provisions of either:

- (1) a minimum non-#residential floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel# pursuant to the provisions of Section 97-14 (Transient Hotels Within the Park Avenue Hub Subdistrict); or
- (2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 (Certification for floor area bonus for visual or performing arts uses) have been met.

Where the provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) apply, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #floor area# of a #FRESH food store#, as defined by Article VI, Chapter 3, up to 20,000 square feet.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph (d)(4) of Section 23-154 (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November

30, 2017, with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;

- (2) for #zoning lots#, subject to the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential floor area# provision of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and
- (3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant to the provisions of paragraph (b) of Section 97-422 (Floor area bonus for visual or performing arts uses). For #zoning lots# utilizing the provisions of paragraph (b)(2) of this Section, such maximum #floor area ratio# may also be increased pursuant to the provisions of Article VI, Chapter 3.

* * *

**ARTICLE X
SPECIAL PURPOSE DISTRICTS**

**Chapter 8
Special Hunts Point District**

* * *

**108-01
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Hunts Point District#, the provisions of this Chapter shall apply to all #developments# and #enlargements# within the #Special Hunts Point District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

The provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) shall apply in the Residential Buffer Subdistrict, and shall not apply in the Food Industry Subdistrict. For any food store subject to the provisions of Article VI, Chapter 3, the parking

regulations of Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) shall supersede the provisions of Section 108-20 (MODIFICATION OF PARKING REQUIREMENTS IN THE RESIDENTIAL BUFFER SUBDISTRICT).

* * *

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

**Chapter 6
Special Stapleton Waterfront District**

* * *

**116-20
SPECIAL BULK REGULATIONS FOR SUBAREAS A, B, AND C, THE ESPLANADE,
PIER PLACE AND THE COVE**

* * *

**116-22
Maximum Floor Area Ratio**

* * *

**116-221
Special floor area regulations for mixed buildings**

For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

- (a) requirements for #accessory# off-street parking spaces;
- (b) #accessory# off-street loading berths; ~~and~~
- (c) limitations on #floor area# occupied by certain #uses#; and
- (d) satisfying requirements for #FRESH food stores# as defined in Article VI, Chapter 3, and the special #floor area# regulations of that Chapter.

In #flood zones#, the #floor area# exclusion permitted by this Section shall also apply to the area occupied by non-#residential uses# on the #lowest occupiable floor#, as defined in Section 64-

11.

* * *

Resolution for adoption scheduling September 22, 2021 for a public hearing.

No. 3

CAPA FRESH RULE CHANGE

CITYWIDE

(Proposed modification of Title 62 of the Rules of the City of New York pursuant to Sections 1043 and 191(b)(2) and ZR Section 63-00, *et seq.* (as amended by proposed N 210380 ZRY) of the City Charter to facilitate the implementation of the Food Retail Expansion to Support Health Program (FRESH) program as well as to correct aspects of the fee structure for certain applications.

PLEASE TAKE NOTICE that in accordance with Sections 1043 and 191(b)(2) of the New York City Charter, the New York City Department of City Planning (“City Planning”), proposes to amend rules within Chapter 3 and establish new Chapter 12 of Title 62 of the Rules of the City of New York.

This proposed rule was not included in the Department of City Planning’s regulatory agenda for this Fiscal Year because it was not contemplated when the Department of City Planning published the agenda.

The time and place of the hearing have been scheduled as follows:

DATE: September 22, 2021

TIME: 10:00 A.M.

LOCATION: Lower Concourse

120 Broadway

New York, NY 100271

In support of the City’s efforts to contain the spread of COVID-19, the City Planning Commission will hold this public hearing remotely as well. To join the meeting and comment, please visit NYC Engage at <https://www1.nyc.gov/site/nycengage/events/city-planning-commission-public-meeting/287261/1> 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.

Any person in attendance at this hearing (remotely or in person) shall be given a reasonable opportunity to present oral or written statements and to submit other documents concerning the proposed changes. Each speaker shall be allotted a maximum of three (3) minutes.

Persons who require that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Dominick Answini at the address set forth below, or by telephone at (212) 720-3676, by September 8, 2021. In addition, written statements may be submitted to City Planning at the address stated below, provided the comments are received by 5:00 P.M. on September 22, 2021:

New York City Department of City Planning
Office of the Counsel
120 Broadway, 31st Floor
New York, NY 10271
Attention: Dominick Answini

Written comments received and a tape recording of oral comments received at the hearing will be available for public inspection within a reasonable time after receipt between the hours of 9:00 a.m. and 5:00 p.m. at the Freedom of Information Law Desk, 120 Broadway, 31st Floor, telephone number (212) 720-3454.

The purpose of the hearing is to provide the public with an opportunity to comment on the proposed rule set forth herein.

Title 62 of the Rules of the City of New York is amended to read as follows:

Chapter 3: Fees and Contributions

* * *

§ 3-07 Schedule of Charges

* * *

(e) Applications for zoning certifications and zoning authorizations:

(1) For certification for public school space pursuant to § 107 – 121 [123] of Article X, Chapter 7 (Special South Richmond Development District) of the Zoning Resolution, the fee shall be \$160.

* * *

(g) Supplemental Fee for Large Projects. In addition to all applicable fees as set forth above, a supplemental fee shall be required for the following applications:

Applications that may result in the development of 500,000 to 999,999 square feet of floor area	\$80,000
Applications that may result in the development of 1,000,000 to 2,499,999 square feet of floor area	\$120,000
Applications that may result in the development of at least 2,500,000 square feet of floor area	\$160,000

* * *

Chapter 12: Rules for the Processing of Applications for FRESH Certifications Pursuant to Section 63-30 of the Zoning Resolution of the City of New York

§ 12-01 Scope

This chapter governs the queuing of applications for the Food Retail Expansion to Support Health Program (“FRESH”) pursuant to section 63-00 et seq. of the Zoning Resolution as well as the effect such queuing has on closed projects, terminated applications, and lapsed certifications related to such program.

§ 12-02 Definitions

For the purposes of this chapter:

Application. The term “Application” means materials filed with the Department pursuant to section 10-09 of these rules to obtain a Certification in connection with a project.

Certification. The term “Certification” means a Certification by the Chair of the Commission pursuant to section 63-30 of the Zoning Resolution for a FRESH food store.

Commission. The term “Commission” means the City Planning Commission.

Department. The term “Department” means the Department of City Planning.

FRESH. The term “FRESH” means the Food Retail Expansion to Support Health Program pursuant to section 63-00 et seq. of the Zoning Resolution.

FRESH Application Statement (“FAS”). The term “FRESH Application Statement” or “FAS” means a PAS in accordance with section 10-04 of this title or, if the Department determines that such statement is not necessary, a draft land use application in accordance with section 10-07 of this title, both of which are submitted in connection with a prospective Application.

FRESH Food Store. The term “Fresh Food Store” shall have the same meaning as that term is defined in section 63-01 of the Zoning Resolution.

FRESH Residential Floor Area. The term “FRESH Residential Floor Area” means the additional residential floor area permitted in accordance with this chapter and section 63-21 of the Zoning Resolution as a result of the provision of “FRESH Food Store Floor Area,” as that term is defined in section 63-01 of the Zoning Resolution.

Pre-Application Statement (“PAS”). The term “Pre-Application Statement” or “PAS” means the Pre-Application Statement described in section 10-04 of this title.

Queue. The term “Queue” means a list of projects ranked relative to each other in the order in which the Department received the FAS for each such project, subject to the provisions of this chapter.

Radius. The term “Radius” means a half-mile radius measured from zoning lots of the proposed FRESH Food Store where the total FRESH Residential Floor Area for all FRESH Food Stores within such radius may not exceed more than 40,000 sq ft. A FRESH Food Store with FRESH Residential Floor Area will be deemed to be included in such radius if any portion of such store’s zoning lot is located within such radius.

§ 12-03 Review and Queuing of Applications

(a) The Department shall queue all projects in the order that their respective FAS was received by the Department, provided that, with respect to an FAS that is a PAS, such PAS has been determined by the Department to be complete in accordance with section 10-04(b) of this title.

(b) When two or more projects, including the proposed project, are located within a Radius and the total of FRESH Residential Floor Area among them exceeds 40,000 sq ft, the project for which an FAS was first received and is deemed in compliance with this title shall have priority to obtain all of its requested FRESH Residential Floor Area. The project that is next in the Queue shall then have priority to obtain all the remaining FRESH Residential Floor Area within such Radius which has not been claimed by a project earlier in the Queue. The use of remaining FRESH Residential Floor Area unclaimed by projects earlier in the Queue shall continue in this manner for subsequent projects until there is no additional unclaimed FRESH Residential Floor Area within the Radius.

(c) After a project has been added to the Queue, if there is no response from the project sponsor within two (2) months after the interdivisional meeting, held in accordance with section 10-05 of this title, or the last communication of instructions from the Department, whichever is later, the Department will notify the project sponsor that its project will be placed on hold if it does not respond within a specified period of time from such notice. If the project sponsor responds within the specified timeframe but does not provide the requested materials, if any, within thirty (30) days of such response, the project will be placed on hold. If a project is on hold for twelve (12) months, the project record will be closed or the corresponding Application terminated, whichever is applicable, and the project will be removed from the Queue. The previously claimed FRESH Residential Floor Area corresponding to the removed project will now be available to projects remaining in the Queue. For terminated Applications, if the Department permits the applicant to proceed directly to filing a new Application, the Department shall place such Application in the Queue in accordance with subdivision (a) of this section as if such Application were a new FAS.

§ 12-04 Effect of Lapse of Certification

If a Certification lapses pursuant to section 63-30 of the Zoning Resolution, the amount of FRESH Residential Floor Area permitted by such Certification shall become available for other projects within the same Radius as the project with the lapsed building permit. The project sponsor may reapply for FRESH Residential Floor Area but must submit a new FAS Queued in accordance with section 12-03 of this chapter.

Resolution for adoption scheduling September 22, 2021 for a public hearing.

BOROUGH OF THE BRONX**Nos. 4 & 5*****WIN POWERS*****No. 4****CD 1****C 210398 ZSX**

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of ZR 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with the development of two community facility buildings, on property located at 346 Powers Avenue (Block 2572, Lot 6) in an R6 District.

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.

Resolution for adoption scheduling September 22, 2021 for a public hearing.

No. 5
CD 1**C 210399 HAX**

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

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 346 Powers Avenue (Block 2572, Lot 6), as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of two new buildings containing approximately 221 supportive housing units, 95 shelter units, and community facility space.

Resolution for adoption scheduling September 22, 2021 for a public hearing.

BOROUGH OF BROOKLYN

Nos. 6 & 7

506 THIRD AVENUE

No. 6

CD 6

C 210119 ZMK

IN THE MATTER OF an application submitted by PAB 3rd Avenue Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, by changing from an existing M2-1 District to a C4-4A District property bounded by 11th Street, 3rd Avenue, 13th Street, and a line 100 feet northwesterly of 3rd Avenue, as shown on a diagram (for illustrative purposes only) dated May 17, 2021, and subject to the conditions of CEQR Declaration E-617.

Resolution for adoption scheduling September 22, 2021 for a public hearing.

No. 7

CD 6

N 210120 ZRK

IN THE MATTER OF an application submitted by PAB 3rd Avenue 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, 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

* * *

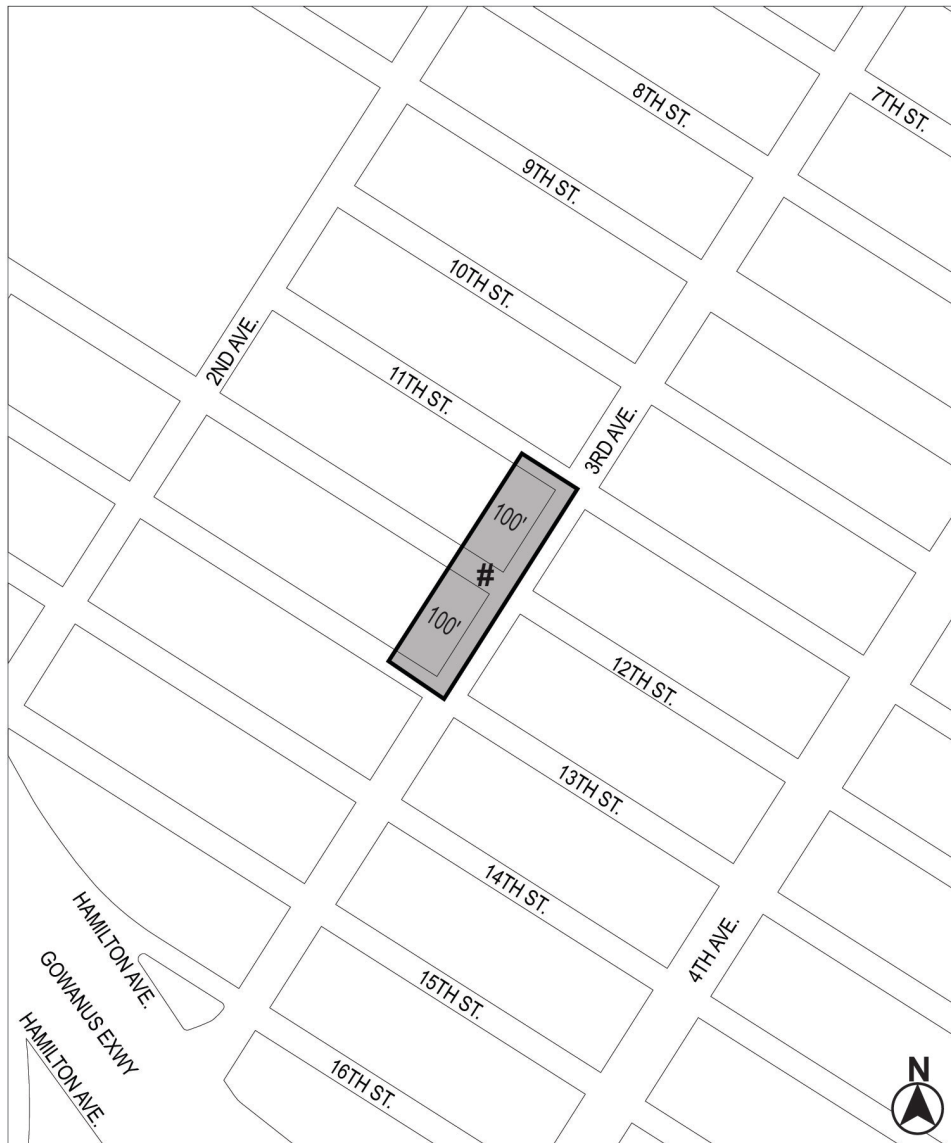
BROOKLYN

* * *

Brooklyn Community District 6

* * *

Map 3– [date of adoption]



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

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

Portion of Community District 6, Brooklyn

* * *

Resolution for adoption scheduling September 22, 2021 for a public hearing.

BOROUGH OF MANHATTAN

Nos. 8 & 9

STARRETT-LEHIGH + TERMINAL WAREHOUSE REZONING

No. 8

CD 4

C 210408 ZMM

IN THE MATTER OF an application submitted by Terminal Fee Owner LP and RXR SL Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b:

1. changing from an M2-3 District to an M2-4 District property bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue; and
2. establishing a Special West Chelsea District (WCh) bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue;

as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-625.

Resolution for adoption scheduling September 22, 2021 for a public hearing.

No. 9

CD 4

N 210409 ZRM

IN THE MATTER OF an application submitted by Terminal Fee Owner LP and RXR SL Owner LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing Subarea K within the Special West Chelsea District (Article IX, Chapter 8), and modifying other related Sections.

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 I – GENERAL PROVISIONS

Chapter 4 – Sidewalk Cafe Regulations

* * *

14-44

Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes# however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
* * *	* * *	* * *
West Chelsea District	No	Yes ⁵

* * *

⁵ #Unenclosed sidewalk cafes# are allowed only on #wide streets# except they are not allowed on the west side of Ninth Avenue between West 15th Street and West 16th Street. #Unenclosed sidewalk cafes# shall also be allowed on West 27th Street between Eleventh Avenue and Joe DiMaggio Highway.

* * *

ARTICLE IX – SPECIAL PURPOSE DISTRICTS

Chapter 8 – Special West Chelsea District

98-00

GENERAL PURPOSES

* * *

98-04

Subareas and High Line Transfer Corridor

In order to carry out the provisions of this Chapter, Subareas A through J K and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

* * *

**98-10
SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST
CHELSEA DISTRICT**

* * *

**98-12
Modification of Use Regulations**

The #use# regulations of the underlying districts are modified by the provisions of this Section, inclusive.

* * *

**98-122
~~Location within buildings~~
In Subarea K**

[Relocated to Section 98-124 below]

~~In any C6 District in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses#:~~

- ~~(a) — are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and~~
- ~~(b) — are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:

 - ~~(1) — #residential# lobby space below or on the same #story# as #commercial uses#; or~~
 - ~~(2) — a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.~~~~

In Subarea K, the provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT), inclusive, shall be modified as follows:

- (a) The following additional #uses# shall be permitted, provided that the floor space allocated to such #uses# does not exceed 25 percent of the total #floor area# of the #building#:
- (1) from Use Groups 3 and 4, all #uses#, not otherwise permitted by the underlying regulations, other than those with sleeping accommodations;
 - (2) from Use Group 6A, food stores, including supermarkets, grocery stores or delicatessen stores, larger than 10,000 square feet;
 - (3) from Use Groups 6C, 9A, and 12B, all #uses# not otherwise permitted by the underlying regulations; or
 - (4) from Use Group 10A, all #uses#, not otherwise permitted by the underlying regulations, provided that the floor space allocated to such #uses# does not exceed 15 percent of the total #floor area# of the #building#.

98-123**Adult establishments**

* * *

98-124**Location within buildings**

[Relocated from Section 98-122 above]

In any C6 District the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses#:

- (a) are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
- (b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
 - (1) #residential# lobby space below or on the same #story# as #commercial uses#; or
 - (2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

* * *

**98-15
Signs**

* * *

98-151
Modification of sign regulations in Subarea K

Within Subarea K, the #sign# regulations of the underlying district shall apply. However, within 15 feet of the intersection of two #streets#, the provisions of Section 42-562 (Restriction on angle and height above curb level) shall not apply.

* * *

98-17
Modification of Parking and Loading Regulations in Subareas H

[Relocated to Section 98-171 below]

~~#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:~~

- ~~(a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;~~
- ~~(b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and~~
- ~~(c) no more than 377 spaces are provided within such facility. For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.~~

The underlying provisions of Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply within the #Special West Chelsea District#, subject to modification by the regulations of this Section, inclusive.

98-171

Parking regulations in Subarea H

[Relocated from Section 98-17 above]

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

- (a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;
- (b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and
- (c) no more than 377 spaces are provided within such facility.

For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

98-172

Waiver of accessory off-street loading berths in Subarea K

In Subarea K, the provisions of Section 44-52 (Required Accessory Off-street Loading Berths) shall not apply to changes of #use#.

* * *

98-20

FLOOR AREA AND LOT COVERAGE REGULATIONS

* * *

98-22

Maximum Floor Area Ratio and Lot Coverage in Subareas

For all #zoning lots#, or portions thereof, located in Subareas A through J K, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and no maximum #lot coverage# shall apply to any #corner lot#. For the #conversion# to #dwelling units# of non-#residential floor area# where the total #residential floor

area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

Sub-area	Basic #floor area ratio# (max)	Increase in FAR from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (maximum)
				FAR required to be transferred ¹ (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
A	6.5	2.65	— ²	2.65	2.85	12.0
B	5.0	2.5	— ²	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D ⁵	5.0	2.5 ³	2.5 ³	1.25	1.25	7.5
E	5.0	1.0 ³	1.0 ^{2,3}	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0 ³	1.0 ³	NA	NA	6.0
H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I ⁴	5.0	NA	2.5	NA	NA	7.5
J ⁶	5.0	NA	2.5	NA	NA	7.5
<u>K</u>	<u>5.0</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>5.0</u>

- ¹ Minimum #floor area ratios# required to be transferred pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized
- ² In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)
- ³ For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject to the provisions of Section 98-241 (In Subareas D, E and G)
- ⁴ For #zoning lots# over which the #High Line# passes
- ⁵ For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted
- ⁶ Bonus contribution subject to provisions of Section 98-25 governing first contribution to Affordable Housing Fund

* * *

98-40

SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS

* * *

**98-42
Special Height and Setback Regulations**

* * *

**98-423
Street wall location, minimum and maximum base heights and maximum building heights**

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through ~~(g)~~ (h) of this Section.

* * *

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# that utilizes the provisions of Section 98-25. In lieu thereof, the provisions of this paragraph (g) shall apply.

* * *

(3) Tenth Avenue Zone

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back at least 10 feet from the West 15th and West 16th Street #street lines#, and at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back at least 25 feet from the West 15th and West 16th Street #street lines#, and at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back at least 75 feet from the Tenth Avenue #street line#. Permitted obstructions allowed pursuant to Section 33-42 shall be permitted.

(h) Subarea K

The provisions set forth in paragraph (a) of this Section shall not apply. In lieu thereof, the provisions of the underlying zoning districts shall apply.

MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT
BY DISTRICT OR SUBAREA

District or Subarea		Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	____ ¹
	between 50 and 100 feet of a #wide street#	15	85	____ ¹
	for #zoning lots# with only #narrow street# frontage	40	60	____ ¹
Subarea B		60	95	135
Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105 ²	125 ²	125 ²
	for #zoning lots# with Eleventh Avenue frontage	125 ²	145 ²	145 ²
Subarea D		60	90	250 ¹
Subarea E		60	105 ³	120 ³
Subarea F		60 ²	80 ²	80 ²
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95
	for #zoning lots# with #wide street# frontage	105 ²	120 ²	120 ²
Subarea H		60 ⁴	85 ⁴	— ⁴
Subarea I	within 300 feet of Tenth Avenue between W. 16th St. & W. 17th St.	60	85	120 ⁵
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110 ⁶	130 ⁶
	Ninth Avenue Zone	NA	130 ⁶	135 ⁶
	Tenth Avenue Zone	NA	185 ⁶	230 ⁶
<u>Subarea K</u>		<u>NA⁷</u>	<u>NA⁷</u>	<u>NA⁷</u>

¹ See Section 98-423, paragraph (b)

² See Section 98-423, paragraph (c)

³ See Section 98-423, paragraph (d)

⁴ See Section 98-423, paragraph (e)

⁵ See Section 98-423, paragraph (f)

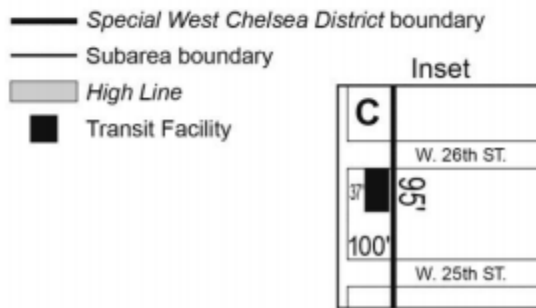
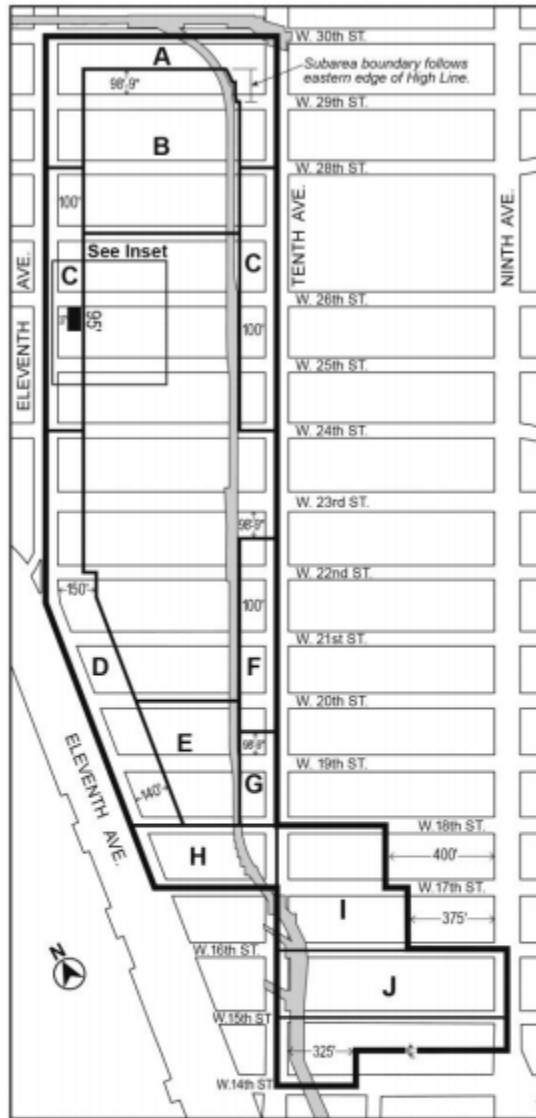
⁶ See Section 98-423, paragraph (g)

⁷ See Section 98-423, paragraph (h)

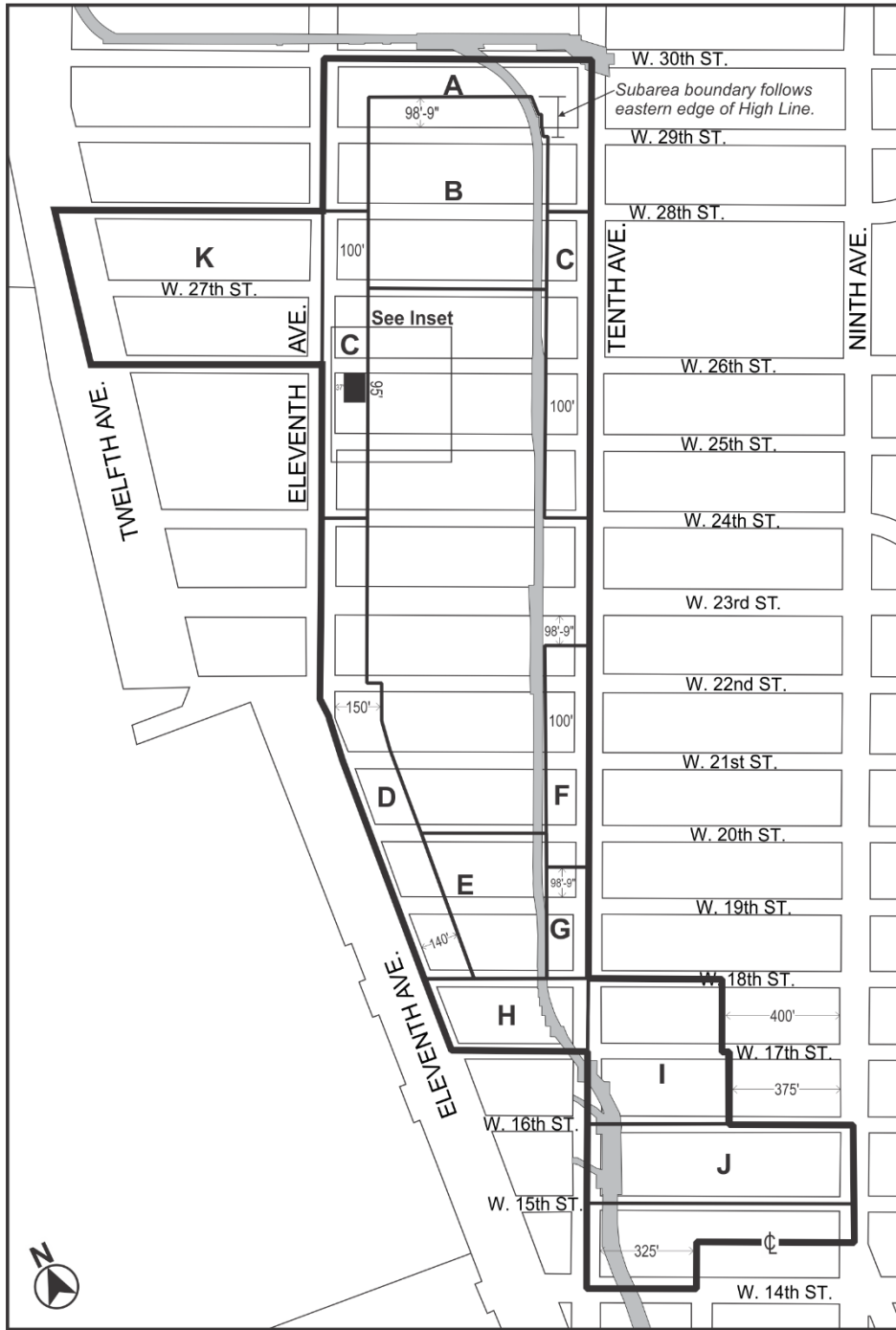
* * *





Appendix A
Special West Chelsea District and Subareas

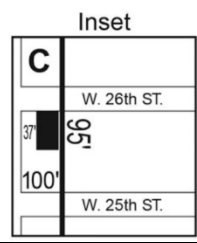
[EXISTING MAP]



[PROPOSED MAP]



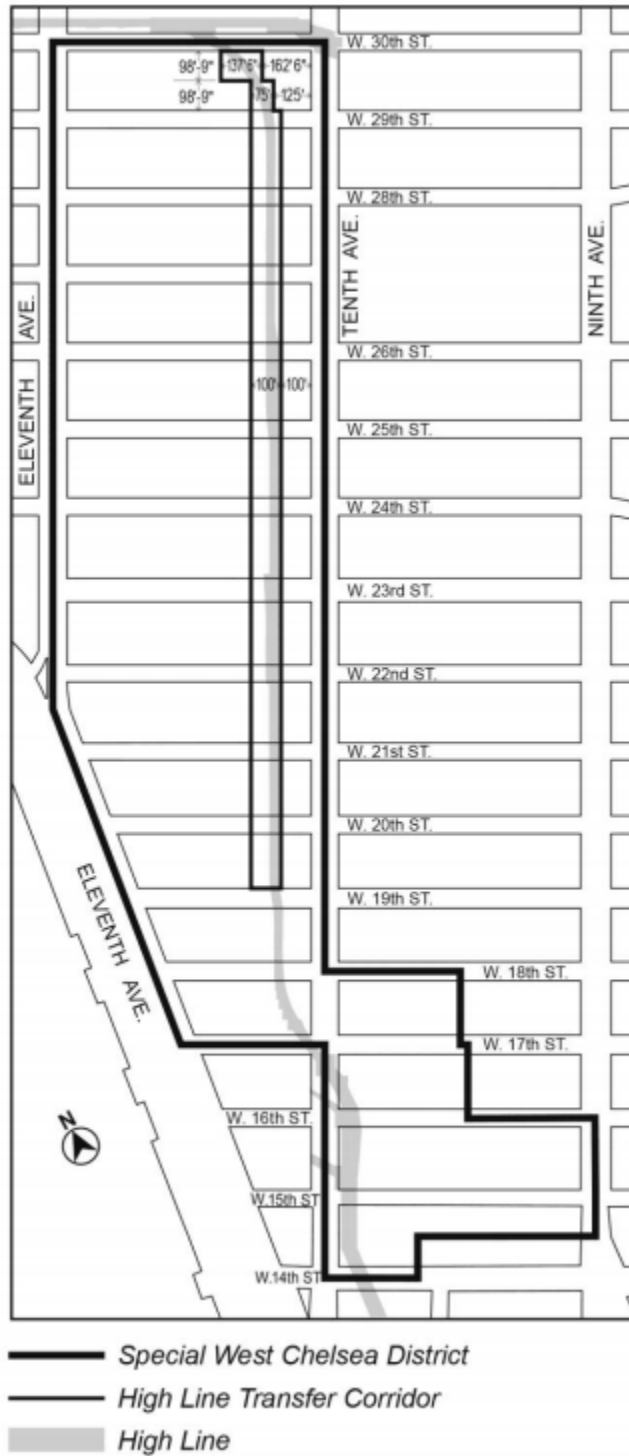
-  Special West Chelsea District boundary
-  Subarea boundary
-  High Line
-  Transit Facility



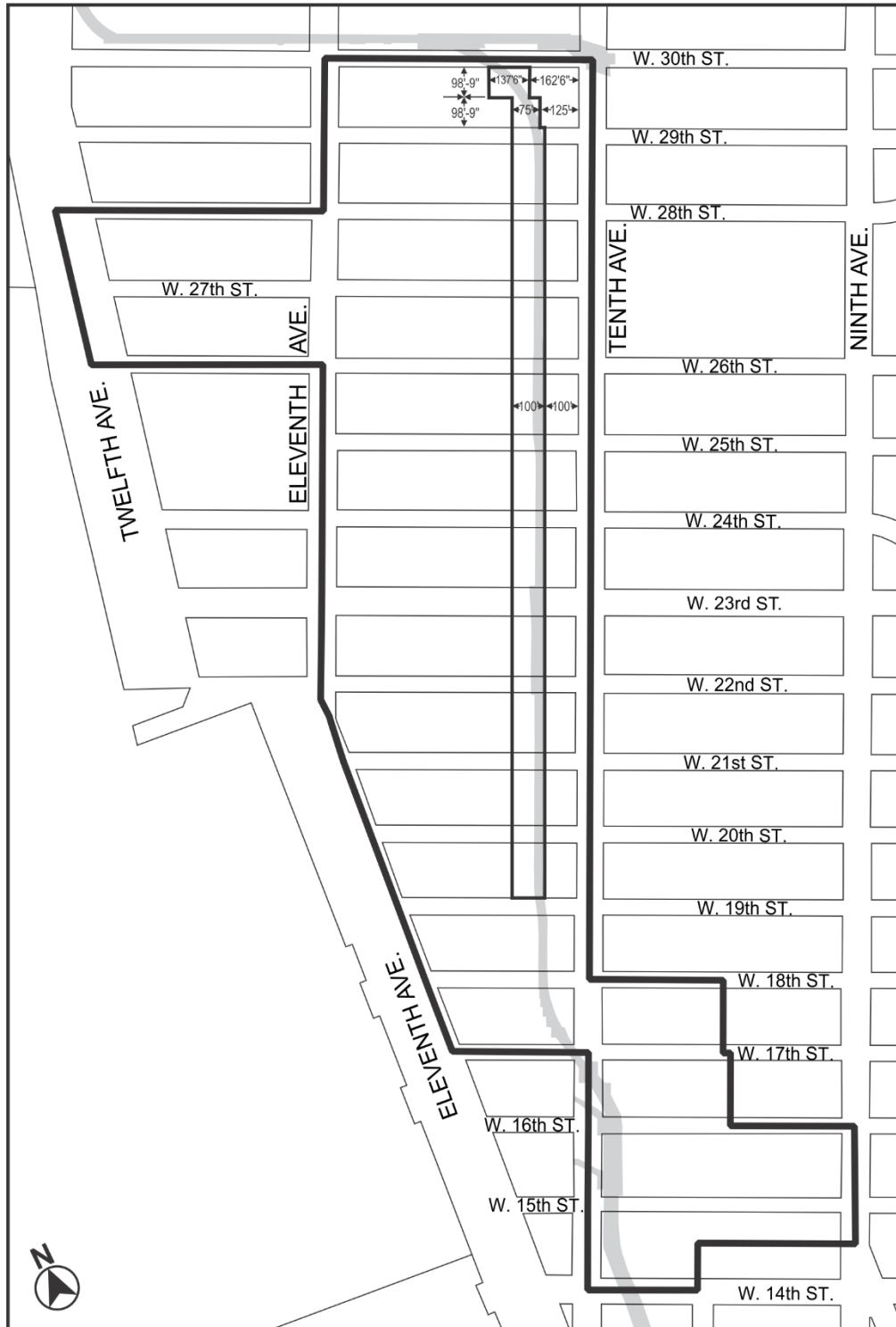
Appendix B




High Line Transfer Corridor Location

[EXISTING MAP]



[PROPOSED MAP]



-  Special West Chelsea District boundary
-  High Line Transfer Corridor
-  High Line

* * *

Resolution for adoption scheduling September 22, 2021 for a public hearing.

NOTICE

On September 22, 2021 a public hearing is being held by the City Planning Commission (CPC), accessible both in person and remotely, in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by RXR SL Owner LLC and Terminal Fee Owner LP (the Applicants). The Applicants are seeking a zoning map amendment and zoning text amendment (the Proposed Actions) affecting the two blocks bounded by West 28th Street to the north, Eleventh Avenue to the east, West 26th Street to the south, and Twelfth Avenue/Route 9A to the west (Block 672, Lot 1 and Block 673, Lot 1); these blocks contain the Starrett-Lehigh Building and the Terminal Warehouse (the project area), located in the West Chelsea neighborhood of Manhattan, Community District 4. The zoning map amendment would extend the Special West Chelsea District (WCh) over the project area and change the underlying zoning district from M2-3 to M2-4. The proposed zoning text amendments would create new subarea (Subarea K) in WCh and, within such subarea, modify certain use, signage, sidewalk café, and loading requirements. The Proposed Actions would allow the Applicants to lease space in the Starrett-Lehigh Building and Terminal Warehouse to a more diverse range of tenant types, allowing for flexibility needed to respond to changes in the economy over the long term.

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, October 4, 2021.

For instructions on how to submit comments and participate remotely, please refer to the instructions at the beginning of this agenda.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 21DCP103M.

II. REPORTS

CITYWIDE

No. 10

ELEVATE TRANSIT - ZONING FOR ACCESSIBILITY

CITYWIDE

N 210270 ZRY

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City 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, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

The proposed text amendment may be seen in the City Planning Calendar of June 23, 2021 (Cal. No. 18), and the Department of City Planning web site: (www.nyc.gov/planning).

(On June 9, 2021, Cal. No. 1, the Commission scheduled June 23, 2021 for a public hearing. On June 23, 2021, Cal. No. 18, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

Nos. 11 & 12

307 KENT AVENUE REZONING

No. 11

CD 1

C 200306 ZMK

IN THE MATTER OF an application submitted by 307 Kent Associates pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M3-1 District to an M1-5 District property bounded by South 2nd Street, a line 300 feet northwesterly of Wythe Avenue, South 3rd Street, and Kent Avenue;
2. changing from an M3-1 District to an M1-4/R6A District property bounded by South 2nd Street, a line 210 feet northwesterly of Wythe Avenue, South 3rd Street, and a line 300 feet northwesterly of Wythe Street; and
3. establishing a Special Mixed Use District (MX-8) bounded by South 2nd Street, a line 210 feet northwesterly of Wythe Avenue, South 3rd Street, and a line 300 feet westerly of Wythe Street;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-592.

(On June 23, 2021, Cal. No. 4, the Commission scheduled July 14, 2021 for a public hearing. On July 14, 2021, Cal. No. 39 the hearing was closed.)

For consideration.



No. 12

CD 1

N 200307 ZRK

IN THE MATTER OF an application submitted by Soma 142, 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 1

* * *

Map 2 - [Date of Adoption]

[Existing Map]






 Inclusionary Housing designated area

 Excluded Area

[Proposed Map]



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

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

Portion of Community District 1, Brooklyn

(On June 23, 2021, Cal. No. 5, the Commission scheduled July 14, 2021 for a public hearing. On July 14, 2021, Cal. No. 40 the hearing was closed.)

For consideration.

Nos. 13 & 14

270 NOSTRAND AVENUE REZONING

No. 13

CD 3

C 210151 ZMK

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

1. changing from an R7A District to an R8A District property bounded by Dekalb Avenue, Nostrand Avenue, Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue; and
2. establishing within the proposed R8A District a C2-4 District bounded by Dekalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, a line midway between Dekalb Avenue and Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-606.

(On July 14, 2021, Cal. No. 1, the Commission scheduled July 28, 2021 for a public hearing. On July 28, 2021, Cal. No. 42 the hearing was closed.)

For consideration.

No. 14

CD 3

N 210152 ZRK

IN THE MATTER OF an application submitted by BRP East Brooklyn Development 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

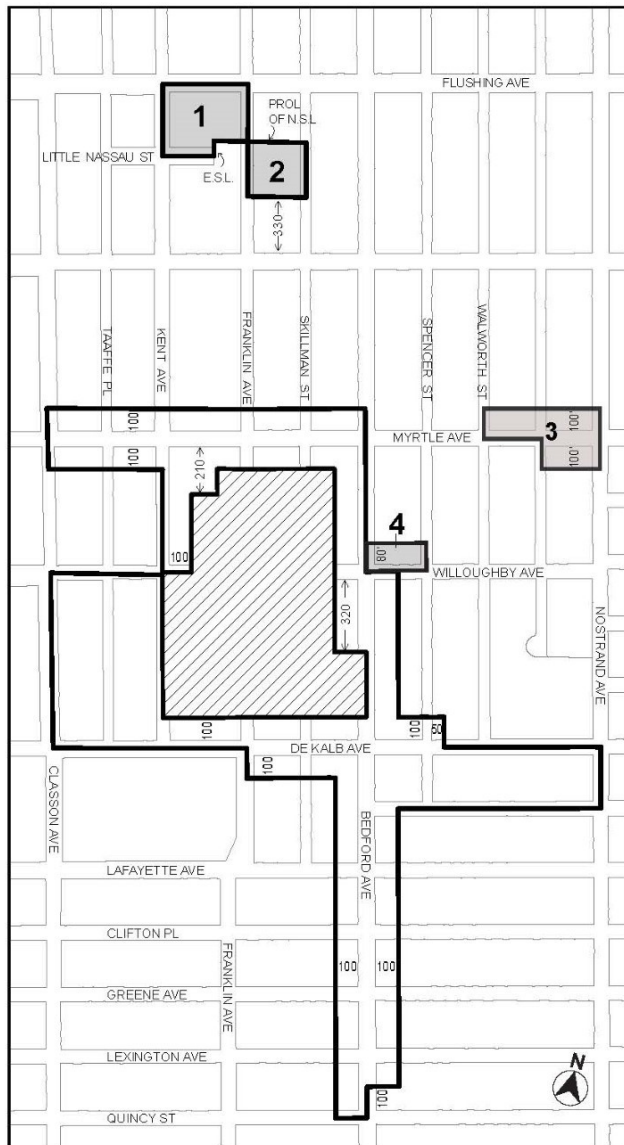
* * *



Brooklyn Community District 3

* * *

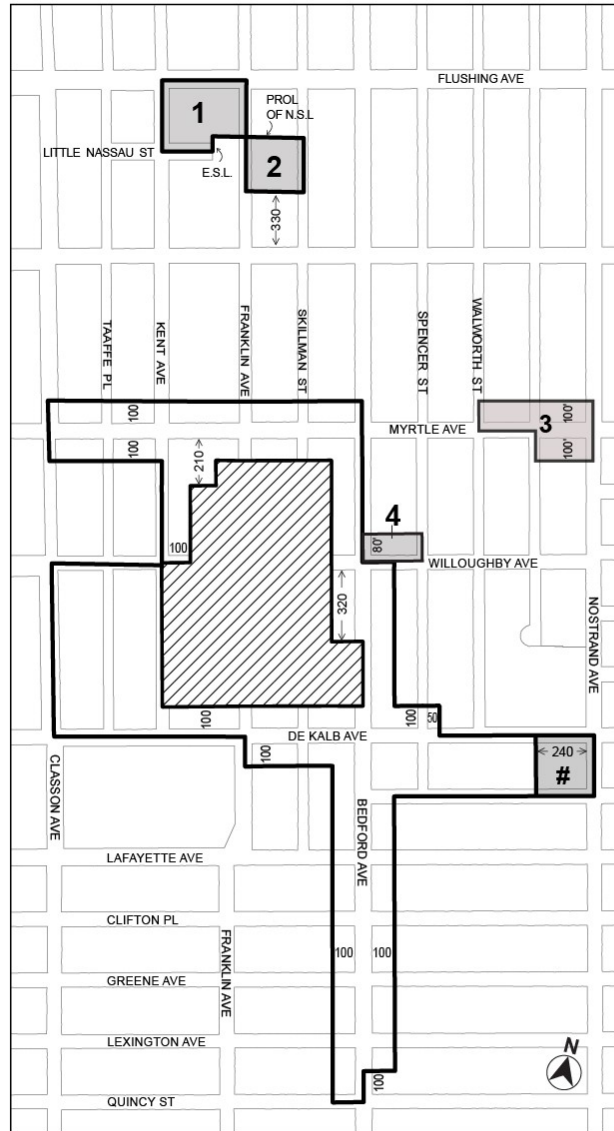
Map 3 – [date of adoption]


[EXISTING MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
 - Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
 - Area 2 – 5/10/17 MIH Program Option 1 and Option 2
 - Area 3 – 11/30/17 MIH Program Option 1
 - Area 4 – 2/13/19 MIH Program Option 1 and Option 2
-  Excluded Area

[PROPOSED MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
 - Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
 - Area 2 – 5/10/17 MIH Program Option 1 and Option 2
 - Area 3 – 11/30/17 MIH Program Option 1
 - Area 4 – 2/13/19 MIH Program Option 1 and Option 2
 - Area # - [date of adoption] MIH Program Option 2 and Workforce Option
-  Excluded Area

Portion of Community District 3, Brooklyn

* * *

(On July 14, 2021, Cal. No. 2, the Commission scheduled July 28, 2021 for a public hearing.

On July 28, 2021, Cal. No. 43 the hearing was closed.)

For consideration.

Nos. 15 & 16

1776 48TH STREET REZONING

No. 15

CD 12

C 200296 ZMK

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

1. changing from an R5 District to an R6B District property bounded by 48th Street, 18th Avenue, 49th Street and a line 100 northwesterly of 18th Avenue; and
2. establishing within the proposed R6B District a C2-4 District bounded by 48th Street, 18th Avenue, 49th Street and a line 35 feet northwesterly of 18th Avenue;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-609.

(On July 14, 2021, Cal. No. 3, the Commission scheduled July 28, 2021 for a public hearing. On July 28, 2021, Cal. No. 40 the hearing was closed.)

For consideration.

No. 16

CD 12

N 200297 ZRK

IN THE MATTER OF an application submitted by Mr. Yitzchok Stern, 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

* * *

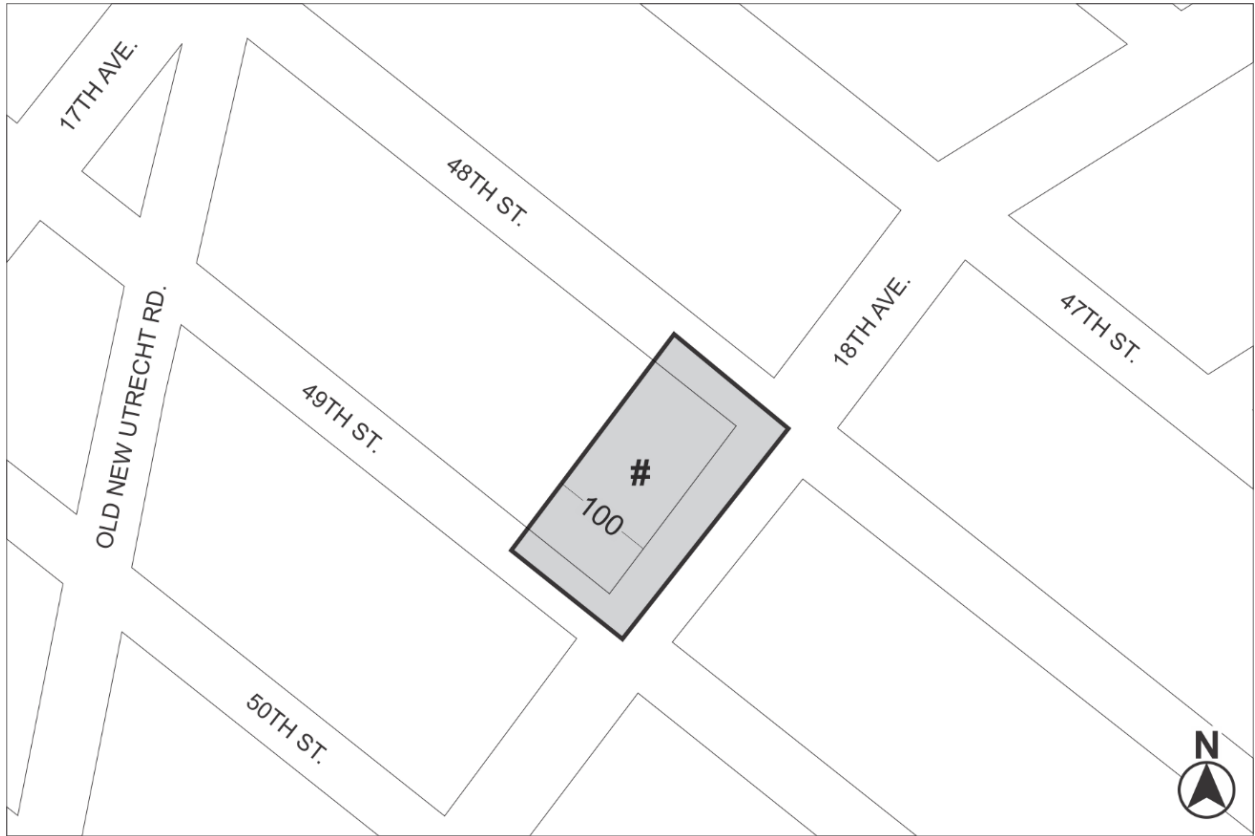
BROOKLYN

* * *

Brooklyn Community District 12

* * *

Map 4 – [date of adoption]



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

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

Portion of Community District 12, Brooklyn

* * *

(On July 14, 2021, Cal. No. 4, the Commission scheduled July 28, 2021 for a public hearing. On July 28, 2021, Cal. No. 41 the hearing was closed.)

For consideration.

BOROUGH OF QUEENS

Nos. 17 & 18

62-04 ROOSEVELT AVENUE REZONING

No. 17

CD 2

C 200070 ZMQ

IN THE MATTER OF an application submitted by Woodside 63 Management, LLC and Mare Nostrum Elements, Inc pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d:

1. eliminating from an existing R6 District a C1-4 District bounded by Roosevelt Avenue, 63rd Street, a line 100 feet southerly of Roosevelt Avenue, and the northwesterly prolongation of the southwesterly street line of Trimble Road; and
2. changing from an existing R6 to a C4-4 District property bounded by Roosevelt Avenue, 63rd Street and its southerly prolongation, and the northwesterly prolongation of the southwesterly street line of Trimble Road;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration of E-603.

(On July 14, 2021, Cal. No. 11, the Commission scheduled July 28, 2021 for a public hearing. On July 28, 2021, Cal. No. 38 the hearing was closed.)

For consideration.

No. 18

CD 2

N 200069 ZRQ

IN THE MATTER OF an application submitted by Woodside 63 Management, LLC and Mare Nostrum Elements, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of he 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**

* * *

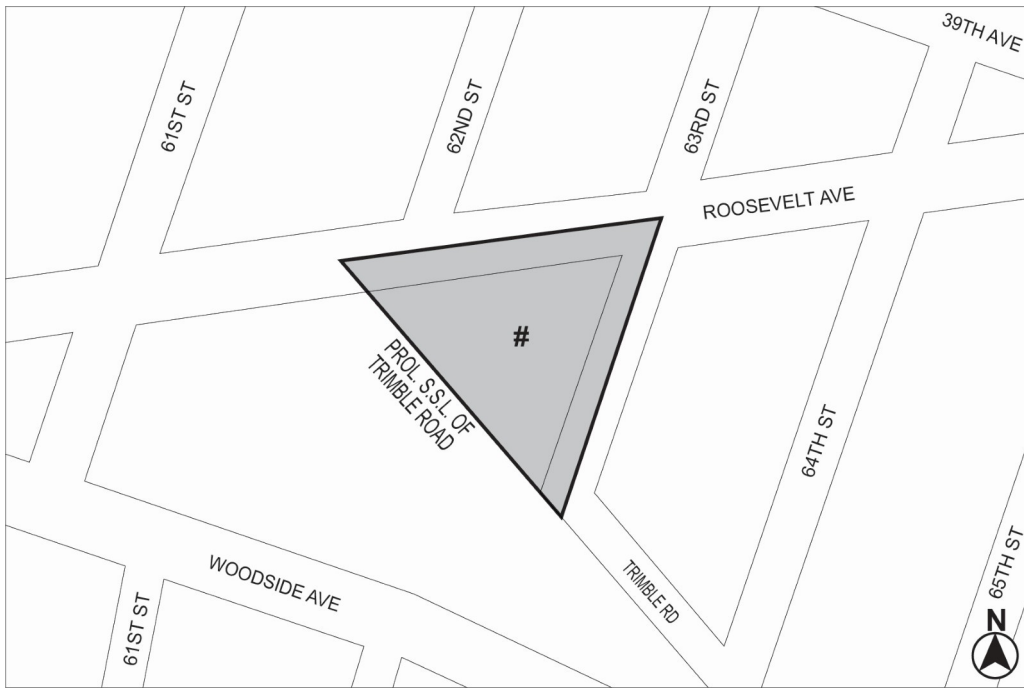
QUEENS

* * *

Queens Community District 2

* * *

Map 5 – [date of adoption]



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
 Area # [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 2, Queens

* * *

(On July 14, 2021, Cal. No. 12, the Commission scheduled July 28, 2021 for a public hearing. On July 28, 2021, Cal. No. 39 the hearing was closed.)

For consideration.



BOROUGH OF STATEN ISLAND**Nos. 19, 20 & 21*****RIVER NORTH (LIBERTY TOWERS)*****No. 19****CD 1****C 210289 ZMR**

IN THE MATTER OF an application submitted by Richmond SI Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 21c:

1. eliminating from an existing R6 District a C2-2 District bounded by Richmond Terrace, Hamilton Avenue, a line 100 feet westerly of Stuyvesant Place, a line 100 feet southwesterly of Richmond Terrace, and Nicholas Street;
2. eliminating a Special Hillside Preservation District (HS) bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street;
3. changing from an R6 District to an R7-3 District property bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street;
4. establishing within an existing R6 District a C2-4 District bounded by Richmond Terrace, Hamilton Avenue, and Stuyvesant Place;
5. establishing within a proposed R7-3 District a C2-4 District bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street; and
6. establishing a Special St. George District (SG) bounded by Richmond Terrace, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-614.

(On June 23, 2021, Supplemental Cal. No. 1, the Commission scheduled July 14, 2021 for a public hearing. On July 14, 2021, Cal. No. 47 the hearing was closed.)

For consideration.

No. 20**CD 1****N 210290 ZRR**

IN THE MATTER OF an application submitted by Richmond SI Owner, 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 Article XII, Chapter 8 (Special St. George District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

The proposed text amendment may be seen in the City Planning Calendar. of July 14, 2021 (Cal. No. 48) and the Department of City Planning web site: (www.nyc.gov/planning).

(On June 23, 2021, Supplemental Cal. No. 2, the Commission scheduled July 14, 2021 for a public hearing. On July 14, 2021 Cal. No. 48 the hearing was closed.)

For consideration.

No. 21**CD 1****C 210291 ZSR**

IN THE MATTER OF an application submitted by Richmond SI Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 128-62* of the Zoning Resolution as follows:

1. to modify the rear yard requirements of Section 23-47 (Minimum Required rear yard);
2. to modify the permitted obstruction requirements of Section 128-31 (Rooftop Regulations) and Section 33-42 (Permitted Obstructions);
3. to modify the height and setback requirements of Section 128-33* (Maximum Base Height) and Section 128-34* (Maximum Building Height); and
4. to modify the planting requirements of Section 128-42 (Planting Areas); in connection with a proposed mixed-use development, on property located at 24 Stuyvesant Place (Block 13, Lots 82, 92, 100 and p/o Lot 8), in an R7-3/C2-4** District, within the Special St. George District (SG)**.

* Note: Sections 128-33, 128-34 & 128-62 are proposed to be change under a concurrent related application for a Zoning Text change (N 210290 ZRR).

** Note: This site is proposed to be rezoned by changing R6(HS) & R6/C2-2(HS) Districts to an R7-3/C2-4(SG) District under a concurrent related application for a Zoning Map change (C 210289 ZMR).

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

(On June 23, 2021, Supplemental Cal. No. 3, the Commission scheduled July 14, 2021 for a public hearing. On July 14, 2021 Cal. No. 49 the hearing was closed.)

For consideration.

Nos. 22-25

252 VICTORY BOULEVARD

No. 22

CD 1

C 210361 ZMR

IN THE MATTER OF an application submitted by Victory Boulevard Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 21c:

1. changing from an R3-2 District to an R6B District property bounded by the northwesterly centerline prolongation of Avon Place, the northeasterly prolongation of the northwesterly streetline of Rosewood Place, the northwesterly prolongation of a line 100 feet southwesterly of Avon Place, a line midway between Victory Boulevard and Rosewood Place and its northeasterly prolongation, the northwesterly centerline prolongation of Bayview Place, and Victory Boulevard;
2. changing from an R3X District to an R6B District property bounded by the northwesterly prolongation of a line 100 feet southwesterly of Avon Place, the northeasterly prolongation of the northwesterly streetline of Rosewood Place, the northwesterly centerline prolongation of Bayview Place, and a line midway between Victory Boulevard and Rosewood Place and its northeasterly prolongation;
3. establishing within an existing R3-2 District a C1-3 District bounded by the

northwesterly centerline prolongation of Bayview Place, a line midway between Victory Boulevard and Rosewood Place, a line 400 feet northeasterly of Cebra Avenue, and Victory Boulevard; and

4. establishing within the proposed R6B District a C1-3 District bounded by northwesterly centerline prolongation of Avon Place, a line 75 feet southeasterly of Victory Boulevard, the northwesterly centerline prolongation of Bayview Place, and Victory Boulevard.

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-615.

(On June 23, 2021, Supplemental Cal. No. 4, the Commission scheduled July 14, 2021 for a public hearing. On July 14, 2021 Cal. No. 45 the hearing was closed.)

For consideration.

No. 23

CD 1

N 210362 ZRR

IN THE MATTER OF an application submitted by Victory Boulevard 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

* * *

STATEN ISLAND


Staten Island Community District 1

* * *

Map 2 – [date of adoption]

[EXISTING]



 Mandatory Inclusionary Housing Program Area see Sections 23-154(d)(3), 135-043 and 135-21 (MIH Area 2) and see Section 23-154(d)(3) (MIH Area 3)
Area 2 – 6/26/19 MIH Program Option 1 and Deep Affordability Option
Area 3 – 6/26/19 MIH Program Option 1 and Deep Affordability Option

[PROPOSED]



- Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3), 135-043 and 135-21 (MIH Area 2) and see Section 23-154(d)(3) (MIH Area 3)
- Area 2 — 6/26/19 MIH Program Option 1 and Deep Affordability Option
- Area 3 — 6/26/19 MIH Program Option 1 and Deep Affordability Option
- Area # — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 1, Staten Island

* * *

(On June 23, 2021, Supplemental Cal. No. 5, the Commission scheduled July 14, 2021 for a public hearing. . On July 14, 2021 Cal. No. 46 the hearing was closed.)

For consideration.

No. 24

CD 1

N 210363 ZAR

IN THE MATTER OF an application submitted by Victory Boulevard Realty, LLC for the grant of an authorization for development on a steep slope or steep slope buffer pursuant to Section 119-311 of the Zoning Resolution to facilitate the development of a mixed use building with 46 dwelling units, 7500 square feet of community facility floor area, and 1,187 square feet of commercial use located at 252 Victory Boulevard (Block 576, Lot 25) within the Special Hillside Preservation District.

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

For consideration.

No. 25

CD 1

N 210364 ZAR

IN THE MATTER OF an application submitted by Victory Boulevard Realty, LLC for the grant of an authorization for community facility uses and parking with 30 or more spaces pursuant to Section 119-312 of the Zoning Resolution to facilitate the development of a mixed use building with 46 dwelling units, 7500 square feet of community facility floor area, and 1,187 square feet of commercial use located at 252 Victory Boulevard (Block 576, Lot 25) within the Special Hillside Preservation District.

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

For consideration.

No. 26

25 BENEDICT ROAD

CD 2

N 210082 ZCR

IN THE MATTER OF an application submitted by Mohammed Abuzahrieh for the grant of a certification pursuant to Section 105-41 of the Zoning Resolution to facilitate construction of a 529-square foot vertical enlargement over a one-story garage located at 25 Benedict Road (Block 876, Lot 25) within the Special Natural Area 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.

Nos. 27 & 28

551 ROCKAWAY STREET

No. 27

CD 3

N 200333 RCR

IN THE MATTER OF an application submitted by 551 Rockaway Street, LLC for the grant of a certification pursuant to Section 107-08 of the Zoning Resolution to facilitate a future subdivision of the one existing zoning lot into two new zoning lots at 551 Rockaway Street (Block 7864, Existing Lot 75, Tentative Lots 75 and 76) 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.

No. 28

CD 3

N 210360 RCR

IN THE MATTER OF an application submitted by 551 Rockaway Street, LLC for the grant of certification of tree preservation pursuant to Section 107-321 of the Zoning Resolution for the unauthorized removal of trees at 551 Rockaway Street (Block 7864, Lot 75) 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.

No. 29

436 HOLTEN AVENUE

CD 3

N 210455 RCR

IN THE MATTER OF an application submitted by Floyd Van Name for the grant of a certification pursuant to Section 107-08 of the Zoning Resolution to facilitate a future subdivision of the current one zoning lot into two new zoning lots and a Chair Certification for public school seats pursuant to ZR Section 107-121 at 436 Holten Avenue (Block 6665, Existing Lot 100, Tentative Lots 100 & 105) 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.

No. 30

28 GOFF AVENUE PROJECT

CD 3

N 190031 RCR

IN THE MATTER OF an application submitted by Paul Spano 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 Block 6993, Existing Lot 132, Tentative Lots 131 and 132 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.

BOROUGH OF THE BRONX

No. 31

THE FORDHAM BUILDING- CTAC

CD 7

C 210338 PSX

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 2556 Bainbridge Avenue (Block 3286, Lot 14) for use as a Computer-based Testing and Application Center.

(On July 28, 2021, Cal. No. 1, the Commission scheduled August 18, 2021 for a public hearing. August 18, 2021, Cal. No. 46, the hearing was closed.)

For consideration.

BOROUGH OF MANHATTAN

Nos. 32, 33 & 34

495 ELEVENTH AVENUE

No. 32**CD 4****C 210324 ZMM**

IN THE MATTER OF an application submitted by 495 11 Avenue Owner Realty LLC 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 No. 8d:

1. changing from an M1-5 District to a C6-4 District bounded by West 40th Street, Eleventh Avenue, West 39th Street, and a line 125 feet westerly of Eleventh Avenue, and
2. establishing a Special Hudson Yard District bounded by West 40th Street, Eleventh Avenue, West 39th Street, and a line 125 feet westerly of Eleventh Avenue.

as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-610.

(On July 14, 2021, Cal. No. 14, the Commission scheduled July 28, 2021 for a public hearing. On July 28, 2021, Cal. No. 34, the hearing was closed.)

For consideration.

No. 33**CD 4****N 210325 ZRM**

IN THE MATTER OF an application submitted by 495 11 Avenue Owner Realty LLC and the New York City 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, modifying Article IX, Chapter 3 for the purpose establishing a new Subdistrict G within the Special Hudson Yards District, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area.

The proposed text amendment may be seen in the City Planning Calendar of July 28, 2021 (Cal. No. 35) and the Department of City Planning web site: (www.nyc.gov/planning).

(On July 14, 2021, Cal. No. 15, the Commission scheduled July 28, 2021 for a public hearing. On July 28, 2021, Cal. No. 35, the hearing was closed.)

For consideration.



No. 34**CD 4****C 210326 PCM**

IN THE MATTER OF an application submitted by New York City Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for a site selection and acquisition of property located at 495 Eleventh Avenue (Block 685, Lot 38) for use as an NYPD vehicle storage facility.

(On July 14, 2021, Cal. No. 16, the Commission scheduled July 28, 2021 for a public hearing. On July 28, 2021, Cal. No. 36, the hearing was closed.)

For consideration.

No. 35***NYPD OFFICE SPACE/521 WEST 57TH STREET*****CD 4****N 210263 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 521 West 57th (Block 1086, Lot 7501) (New York Police Department offices).

(On August 4, 2021, the Commission duly advertised August 18, 2021 for a public hearing. On August 18, 2021, Cal. No. 54, the hearing was closed.)

For consideration.

III. PUBLIC HEARINGS

BOROUGH OF MANHATTAN

Nos. 36 – 41

175 PARK AVENUE

No. 36

CD 5

C 210412 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Commodore Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-685* of the Zoning Resolution, in conjunction with a special permit pursuant to 81-64 (Special Floor Area Provisions for Qualifying Sites), to modify:

1. the qualifying site definition of Section 81-613* (Definitions) to include two or more zoning lots that are contiguous and in include the zoning lot occupied by Grand Central Terminal;
2. the requirement that a development exceed the basic maximum floor area ratio set forth in Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) as a pre-condition to an increase in floor area pursuant to such table, where a qualifying site includes the zoning lot occupied by Grand Central Terminal;
3. he street wall regulations of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements);
4. the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation) and Section 81-66 (Special Height and Setback Requirements);
5. the mandatory district plan elements of Section 81-42 (Retail Continuity along Designated Streets), and 81-45 (Pedestrian Circulation Space), Section 81-674 (Ground floor use provisions) & Section 37-53 (Design Standards for Pedestrian Circulation Space);
6. the requirement that the publicly accessible space required pursuant to Section 81-681 (Mandatory Requirements for Qualifying Sites), comply with the provisions of Section 37-70 (Public Plazas); and

7. the requirements of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to extend the time period not to exceed 10 years, for substantial construction to be completed prior to the lapse of any special permit granted for the qualifying site;

in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

* Note: A zoning text amendment is proposed to Sections 81-613 and 81-685 under a concurrent related application for a Zoning Text change (N 210416 ZRM).

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 August 18, 2021, Cal. No. 15, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 37

CD 5

C 210413 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Commodore Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-621 of the Zoning Resolution to allow Use Group 5 uses (transient hotel), on property located at 175 Park Avenue (Block 1280, Lot 30), in a C5-3 District, within the Special Midtown District (East Midtown Subdistrict).

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.

(On August 18, 2021, Cal. No. 16, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 38**CD 5****C 210414 ZSM****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by Commodore Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-644* of the Zoning Resolution to allow an increase in the amount of floor area permitted, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites) where subway station and/or rail mass transit facility improvements are made in accordance with the provisions of Section 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict - Grand Central Transit Improvement Zone Subarea).

* Note: A zoning text amendment is proposed to Section 81-644 under a concurrent related application for a Zoning Text change (N 210416 ZRM).

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 August 18, 2021, Cal. No. 17, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 39

CD 5

C 210415 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Commodore Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-645* of the Zoning Resolution as follows:

1. to allow an increase in the amount of floor area permitted, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites) where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment on the qualifying site; and
2. to modify the off-street loading berth requirements of Section 36-62 (Required Accessory Off-street Loading Berths) to allow a reduction in the required number of berths;

in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

* Note: A zoning text amendment is proposed to Section 81-645 under a concurrent related application for a Zoning Text change (N 210416 ZRM).

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 August 18, 2021, Cal. No. 18, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.



No. 40

CD 5

N 210416 ZRM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Commodore Owner 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 the provisions of the East Midtown Subdistrict in Article VIII, Chapter 1 (Special Midtown District).

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 VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Midtown District**

* * *

81-60

SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

* * *

81-61

General Provisions

* * *

81-613**Definitions**

* * *

Public Realm Improvement Fund

For the purposes of Section 81-60, inclusive, the “Public Realm Improvement Fund” (the “Fund”) shall be a separate interest-bearing account established for the deposit of contributions made when #developments# or, where permitted, #enlargements# on #qualifying sites# in the East Midtown Subdistrict will exceed the basic maximum #floor area ratio# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) through their utilization of the provisions of Sections 81-642 (Transfer of development rights from landmarks to qualifying sites), ~~or~~ 81-643 (Special provisions for retaining non-complying floor area in commercial buildings) or 81-685 (Special permit to modify qualifying site provisions). The Fund shall be utilized, at the discretion of the #Public Realm Improvement Fund Governing Group#, to provide funding to implement improvements to the East Midtown Subdistrict, and its immediate vicinity, in the Borough of Manhattan. Upon receipt of any contribution, the #Public Realm Improvement Fund Governing Group# or the Department of City Planning shall notify the Comptroller of the City of New York and the Speaker of the New York City Council and promptly deposit it into the Fund.

* * *

81-644**Special permit for transit improvements**

For #qualifying sites# located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where subway station and/or rail mass transit facility improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

81-645

Special permit for a public concourse

For #qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment, is provided on the #qualifying site#. Such publicly accessible spaces shall include amenities that are characteristic of #public plazas# or public atriums, as applicable, for the comfort and convenience of the public. In addition, to facilitate such public concourse, the Commission may permit the modification of provisions, other than #floor area ratio# regulations, of this Resolution.

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

In order for the City Planning Commission to approve a special permit application for additional #floor area#, the Commission shall determine that such #development# or, where permitted, #enlargement#, complies with the conditions and application requirements of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c) of this Section.

- (a) Applications shall include information and justification sufficient to provide the Commission with the basis for:
 - (1) evaluating the benefits to the general public;
 - (2) determining the appropriate amount of increased #floor area# to grant; and
 - (3) determining whether the applicable findings set forth in paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.
- (b) The Commission shall find that:
 - (1) to the extent practicable, the open or enclosed public concourse will:
 - (i) consist of a prominent space of generous proportions and quality design that is inviting to the public;

- (ii) improve pedestrian circulation and provide suitable amenities for the occupants;
 - (iii) front upon a #street# or a pedestrian circulation space in close proximity to and within view of, and accessible from, an adjoining sidewalk;
 - (iv) provide or be surrounded by active #uses#;
 - (v) be surrounded by transparent materials;
 - (vi) provide connections to pedestrian circulation spaces in the immediate vicinity; and
 - (vii) be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space;~~and~~
- (2) the public benefit derived from the proposed public concourse merits the amount of additional #floor area# being granted to the proposed #development# or, where permitted, #enlargement#, pursuant to this special permit; and
- (3) with regard to a modification to regulations of this Resolution, other than #floor area ratio# regulations, such modification:
- (i) is the minimum extent necessary and will facilitate an improved public concourse, inclusive of enhancements described in the findings of paragraph (b)(1) of this Section; and
 - (ii) will not have adverse effects on the #qualifying site#, surrounding #zoning lots#, or adjacent #streets#.
- (c) Prior to obtaining a foundation permit or building permit for a #development# or, where permitted, an #enlargement# on a #qualifying site#, from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, and such improvements are usable by the public. Such portion of the #building# utilizing increased #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to

this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# until all improvements have been finally completed in accordance with the approved plans, as determined by the Chairperson.

* * *

81-685

Special permit to modify qualifying site provisions

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may permit modifications to certain #qualifying site# criteria, as well as height and setback regulations and mandatory plan elements, as set forth in paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) The Commission may modify the following, whether singly or in any combination:

(1) the following #qualifying site# criteria:

- (i) the requirement for minimum #wide street# frontage, including the requirement that no existing #buildings# will remain on such #wide street# frontage, set forth in paragraphs (b) and (c) of the definition of a #qualifying site# in Section 81-613 (Definitions);
- (ii) the #building# performance and publicly accessible space requirements in paragraph (f) of the definition of a #qualifying site# and Section 81-681 (Mandatory requirements for qualifying sites);~~or~~
- (iii) the requirement that the additional #floor area# permitted through the provisions of Section 81-64 be achieved exclusively through a #development#;
- (iv) the requirement that a #qualifying site# be comprised of a single #zoning lot#, provided that the two or more #zoning lots# constituting such #qualifying site# are contiguous and include the #zoning lot# occupied by Grand Central Terminal. All #bulk# regulations of this Chapter shall apply to such modified #qualifying site# without regard to #zoning lot lines#; or
- (v) the requirement that a #development# or #enlargement# exceed the basic maximum #floor area ratio# set forth in Row A of the table in Section 81-64 as a pre-condition to an increase in #floor area# pursuant to such table,

where a #qualifying site# includes the #zoning lot# occupied by Grand Central Terminal;

- (2) the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions) or 77-22 (Floor Area Ratio), and the provisions of Section 81-612 (Applicability along district boundaries) requiring that #zoning lots# divided by Subarea boundaries utilize the provisions of Article VII, Chapter 7;
- (3) for #qualifying sites# modified pursuant to paragraph (a)(1)(iv) and paragraph (a)(1)(v) of this Section:
- (i) the pre-condition of achieving the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 prior to, or in conjunction with, the special permits set forth in Sections 81-644 (Special permit for transit improvements) and 81-645 (Special permit for a public concourse), provided that, prior to obtaining a new building permit for a #development# utilizing bonus #floor area# granted pursuant to Sections 81-644 or 81-645, a contribution is made to the #Public Realm Improvement Fund# in an amount that is commensurate with what the provisions of Section 81-642 (Transfer of development rights from landmarks to qualifying sites) would require if the #zoning lot# occupied by Grand Central Terminal were a #granting lot# and the #development# site were a #receiving lot#; and
- (ii) the permitted #floor area ratio# attributable to the combination of the special permits set forth in Row F and Row G of the table in Section 81-64, from 3.0 to 6.0;
- ~~(3)~~(4) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-671 (Special street wall requirements), inclusive;
- ~~(4)~~(5) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternate Height and Setback Regulations –Daylight Evaluation), inclusive, or 81-66 (Special Height and Setback Requirements);~~or~~
- ~~(5)~~(6) the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION

SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted; or

- (7) for #qualifying sites# modified pursuant to paragraph (a)(1)(iv) or paragraph (a)(1)(v) of this Section, the time period for substantial construction to be completed prior to the lapse of any special permit granted for such #qualifying site#, as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution), provided that such time period does not exceed 10 years.

(b) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications. In addition, where modifications to *#street wall#* or height and setback regulations are proposed, any application shall contain the following materials, at a minimum:

- (1) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed *#building#* will not comply with the *#street wall#* regulations of Section 81-43, or as such provisions are modified pursuant to Section 81-671, as applicable, and that illustrate how the proposed *#building#* will not comply with the height and setback regulations of Sections 81-26 or 81-27, or as such provisions are modified pursuant to Section 81-66, as applicable;
- (2) where applicable, formulas showing the degree to which such proposed *#building#* will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-66; ~~and~~
- (3) where applicable, *#daylight evaluation charts#* and the resulting daylight evaluation score showing the degree to which such proposed *#building#* will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-66; and
- (4) for any #development# or #enlargement# on a #qualifying site# that includes Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or, where permitted, #enlargement# to Grand Central Terminal.

(c) Findings

The Commission shall find that such proposed modifications:

- (1) to the definition of *#qualifying site#* are the minimum extent necessary, and are harmonious with the Subdistrict objective to protect and strengthen the economic

vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers;

- (2) to the requirement for #wide street# frontage in the definition of #qualifying sites# will not unduly concentrate #bulk# towards the middle of the #block# to the detriment of the surrounding area;
- (3) to the #building# performance requirements in the definition of #qualifying sites# and paragraph (a) of Section 81-681:
 - (i) are necessary due to the presence of existing #buildings# on the site; and
 - (ii) will not detract from the incorporation of innovative sustainable design measures;
- (4) to the publicly accessible space requirements in the definition of #qualifying sites# and paragraph (b) of Section 81-681:
 - (i) are the minimum necessary to accommodate the proposed #building#; and
 - (ii) that any reduction or waiver will result in a better site plan and will not detract from a lively streetscape and pedestrian experience;
- (5) to regulations pertaining to #zoning lots# divided by district boundaries will result in better site planning;
- (6) to #floor area ratio# requirements will facilitate significant improvements to transit infrastructure and the public realm in and around Grand Central Terminal;
- ~~(6)~~(7) to the mandatory district plan elements:
 - (i) will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions);
 - (ii) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#; ~~and~~
- ~~(7)~~(8) to the #street wall# or height and setback regulations:
 - (i) are necessary due to constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site;

- (ii) will not unduly obstruct the access of light and air to surrounding properties;
 - (iii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations); and
 - (iv) the overall design of the #building# demonstrates an integrated and well-considered facade, taking into account factors such as #street wall# articulation, and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area and constitutes a distinctive addition to the Midtown Manhattan skyline-; and
- (9) to the time period for substantial construction to be completed prior to the lapse of any special permit granted for such #qualifying site# are necessary due to the complexity of demolition and construction on the site.

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

* * *

(On August 18, 2021, Cal. No. 19, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 41

CD 5

C 210417 PPM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the disposition of a city-owned property located at 175 Park Avenue aka 109 East 42nd Street (Block 1280, Lot 30), pursuant to zoning.

(On August 18, 2021, Cal. No. 20, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

NOTICE

On September 1, 2021 a public hearing is being held by the City Planning Commission (CPC), accessible both in person and remotely, in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by Commodore Owner, LLC (the Applicant). The Applicant is seeking several discretionary approvals from the City Planning Commission (CPC)—including special permits and zoning text amendment (the Proposed Actions)—to facilitate approximately 2,992,161 gsf (2,246,515 zsf) of mixed-use development space, including a hotel, office, and public space (the Proposed Project). The proposed actions also include disposition of city-owned property sought by the Department of Citywide Administrative Services (DCAS). The Development Site would contain approximately 2,108,820 gsf of office space; an approximately 452,950-gsf, 500-room hotel; public space; and retail space on the cellar, ground, and second floors of the proposed building. The Proposed Project would also include significant public realm improvements, as well as subway and mass transit improvements to enhance circulation and reduce congestion at Grand Central Terminal and the Grand Central – 42nd Street subway station. The Terminal and Market are located on an existing merged zoning lot (Lots 1, 54, and 154) and contain approximately 322,664 sf of floor area. The MTA controls Lots 1, 54, and 154 as well as ground-floor and mezzanine-level circulation areas located on the Development Site. The Project Area—comprising the existing hotel, Terminal, and Market on Block 1280, Lots 1, 30, 54, and 154—has a combined area of 203,872 sf, with approximately 340 feet of frontage on Vanderbilt Avenue; 669 feet of frontage on East 42nd Street; and 253 feet of frontage on Lexington Avenue. Pursuant to a proposed zoning text amendment, the Project Area would be treated as a qualifying site under the East Midtown Subdistrict provisions of the Zoning Resolution.

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, September 13, 2021.

For instructions on how to submit comments and participate remotely, please refer to the instructions at the beginning of this agenda.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 21DCP057M.

BOROUGH OF BROOKLYN**Nos. 42, 43 & 44*****SPECIAL BROOKLYN NAVY YARD DISTRICT*****No. 42****CD 2****C 210462 ZMK****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by Building 77 QALICB, Inc. and the NYC Small Business Services pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an R6B District to an M2-1 District property bounded by the following courses:

- (i) a line 400 feet northeasterly of Navy Street;
- (ii) a line perpendicular to the last named course at a point 400 feet southeasterly (as measured on such named course) from the point of intersection of the southerly street line of Evans Street and the easterly street line of Little Street;
- (iii) a line passing through a point along the northeasterly street line of Navy Street, 95 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Navy Street and the easterly prolongation of a line 100 feet northerly of York Street and proceeding northerly at an angle 138 degrees to the northeasterly street line of Navy Street;
- (iv) a line passing through a point along the last named course, 170 feet northerly of the northeasterly street line of Navy Street (as measured along the last named course), proceeding easterly at an angle 92 degrees to the last named course; and
- (v) a line passing through a point along the last named course, 131 feet easterly of the intersection of the last named course and Course 1(iii) above (as measured along the last named course), proceeding northeasterly at an angle 117 degrees to the last named course;

2. changing from an M1-2 District to an M2-1 District property bounded by:

- a. a line 400 feet northeasterly and easterly of Navy Street, the easterly centerline prolongation of Sands Street, Navy Street, and Course 1(ii); and
- b. a line 400 feet northerly of Flushing Avenue, the northerly centerline prolongation of North Oxford Street, Flushing Avenue, and a line 680 feet easterly of Navy Street;

3. changing from an M3-1 District to an M2-1 District property bounded by:

- a. a line 400 feet northerly of Flushing Avenue, a line 3,515 feet easterly of Navy Street, Flushing Avenue, and the northerly centerline prolongation of North Oxford Street; and

b. the following courses:

- (i) Kent Avenue;
- (ii) the southwesterly prolongation of the northwesterly street line of Clymer Street;
- (iii) a line passing through the intersection of the southwesterly prolongation of the northwesterly street line of Clymer Street and the southwesterly street line of Kent Avenue and proceeding southerly at an angle 46 degrees from the southwesterly street line of Kent Avenue;
- (iv) the southwesterly centerline prolongation of Taylor Street;
- (v) a line passing through a point along the last named course 311 feet southwesterly (as measured along the last named course) of the intersection of the last named course and Course 3b(iii), proceeding northwesterly at an angle 100 degrees to the last named course;
- (vi) the U.S. Pierhead and Bulkhead Line;
- (vii) a line passing through a point along Course 3b(v) distant 919 feet northwesterly (as measured along Course 3b(v)) from the intersection of Course 3b(v) and Course 3b(iv), proceeding northeasterly at an angle 90 degrees to Course 3b(v);
- (viii) a line passing through two points, the first being a point along the last named course 350 feet northeasterly of the intersection of the last named course and **Course 3b(vi)** and the second being a point on the U.S. Pierhead and Bulkhead Line distant 149 feet southerly (as measured along the US Pierhead and Bulkhead Line) from the point of intersection of the U.S. Pierhead and Bulkhead Line and a southerly boundary line of the NYC Pierhead Line;
- (ix) the U.S. Pierhead and Bulkhead Line; and
- (x) the easterly prolongation of the NYC Pierhead Line; and

c. the following courses:

- (i) a line 400 feet northeasterly and easterly of Navy Street;
- (ii) a line passing through the point of intersection of the last named course and Course 1(v) proceeding easterly at an angle 115 degrees to Course 1(v);
- (iii) a line passing through a point along the last named course 540 feet easterly (as measured along the last named course) from the intersection of the last named course and Course 1(v) proceeding southerly at an angle 90 degrees to the last named course; and
- (iv) a line passing through a point along the last named course 294 feet southerly (as measured along the last named course) from the intersection of the last named course and Course 3c(ii) proceeding southwesterly at an angle 141 degrees to the last named course;

4. establishing a Special Brooklyn Navy Yard District (BNY) bounded by the following courses:

- (i) the U.S. Pierhead and Bulkhead Line;
- (ii) the NYC Pierhead Line and its easterly prolongation;
- (iii) Kent Avenue;
- (iv) the northerly centerline prolongation of Classon Avenue;
- (v) Williamsburg Street West;
- (vi) Flushing Avenue;
- (vii) a line 680 feet easterly of Navy Street;
- (viii) a line 350 feet northerly of Flushing Avenue;
- (ix) a line passing through a point on the last named course 272 feet westerly of the intersection of the last named course and Course 4(vii) proceeding northwesterly at an angle 135 degrees to the last named course;
- (x) a line 34 feet southerly of the easterly centerline prolongation of Sands Street;
- (xi) a line 132 feet easterly of Navy Street;
- (xii) a line 50 feet southerly of the easterly centerline prolongation of Sands Street;
- (xiii) Navy Street;
- (xiv) Course 1(iii)
- (xv) Course 1(iv)
- (xvi) Course 1(v)
- (xvii) Course 3c(ii)
- (xviii) the northerly prolongation of Course 3c(iii)

as shown on a diagram (for illustrative purposes only) dated June 7, 2021.

(On August 18, 2021, Cal. No. 8, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 43

CD 2

N 210463 ZRK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Building 77 QALICB, Inc. and NYC Small Business Services, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Brooklyn Navy Yard District (Article XIV, Chapter 4) and modifying other related Sections.

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 I
GENERAL PROVISIONS**

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

* * *

**11-12
Establishment of Districts**

* * *

**11-122
Districts established**

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

* * *

Special Purpose Districts

* * *

Establishment of the Special Bay Street Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 5, the #Special Bay Street Corridor District# is hereby established.

Establishment of the Special Brooklyn Navy Yard District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 4, the #Special Brooklyn Navy Yard District# is hereby established.

Establishment of the Special City Island District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 2, the #Special City Island District# is hereby established.

* * *

**Chapter 2
Construction of Language and Definitions**

* * *

**12-10
Definitions**

* * *

Special Bay Street Corridor District (6/26/19)

The “Special Bay Street Corridor District” is a Special Purpose District designated by the letters “BSC” in which special regulations set forth in Article XIII, Chapter 5, apply.

Special Brooklyn Navy Yard District ([date of adoption])

The “Special Brooklyn Navy Yard District” is a Special Purpose District designated by the letters “BNY” in which special regulations set forth in Article XIV, Chapter 4, apply.

Special City Island District (2/2/11)

The “Special City Island District” is a Special Purpose District designated by the letters “CD” in which special regulations set forth in Article XI, Chapter 2, apply.

* * *

**Chapter 4
Sidewalk Café Regulations**

* * *

**14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

Brooklyn	#Enclosed Sidewalk Café#	#Unenclosed Sidewalk Café#
* * *	* * *	* * *
#Bay Ridge District#	Yes	Yes
#Brooklyn Navy Yard District#	<u>Yes</u>	<u>Yes</u>
#Coney Island District#	Yes	No
* * *	* * *	* * *

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

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

* * *

**62-13
Applicability of District Regulations**

* * *

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#
Special Bay Street Corridor District (6/26/19)

The “Special Bay Street Corridor District” is a Special Purpose District designated by the letters “BSC” in which special regulations set forth in Article XIII, Chapter 5, apply.

Special Brooklyn Navy Yard District ([date of adoption])

The “Special Brooklyn Navy Yard District” is a Special Purpose District designated by the letters “BNY” in which special regulations set forth in Article XIV, Chapter 4, apply.

Special City Island District (2/2/11)

The “Special City Island District” is a Special Purpose District designated by the letters “CD” in which special regulations set forth in Article XI, Chapter 2, apply.

* * *

**Chapter 4
Sidewalk Café Regulations**

* * *

**14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

Brooklyn	#Enclosed Sidewalk Café#	#Unenclosed Sidewalk Café#
* * *	* * *	* * *
#Bay Ridge District#	Yes	Yes
#Brooklyn Navy Yard District#	Yes	Yes
#Coney Island District#	Yes	No
* * *	* * *	* * *

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

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

* * *

**62-13
Applicability of District Regulations**

* * *

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Brooklyn Navy Yard District#

#Special Governors Island District#

* * *

**ARTICLE XIV
SPECIAL PURPOSE DISTRICTS**

* * *

[All below text is new, to be underlined]

**Chapter 4
Special Brooklyn Navy Yard District (BNY)**

**144-00
GENERAL PURPOSES**

The “Special Brooklyn Navy Yard District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

- (a) to encourage investment in the Brooklyn Navy Yard and facilitate the expansion of the Brooklyn Navy Yard as a modern manufacturing complex;
- (b) to promote job growth;
- (c) to allow for a mix of office, community facility, retail, and other commercial uses to complement the industrial and manufacturing facilities at the Brooklyn Navy Yard;
- (d) to use traffic management planning to meet loading and parking needs including through alternate means of travel
- (e) to better integrate the Brooklyn Navy Yard with the urban fabric of surrounding residential and mixed-use communities and to introduce publicly accessible open space areas within the perimeter of the Yard; and

- (f) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

144-01 Definitions

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where a term in italics is defined in both Section 12-10 and in this Chapter, the definitions in this Chapter shall govern. The terms #pier#, #platform#, and #floating structure# shall have the meaning set forth in Section 62-11 (Definitions).

Barge Basin

#Barge Basin# shall mean that inlet from the East River identified on Map 2 in the Appendix to this Chapter as the Barge Basin.

Shoreline

The definition of #shoreline# set forth in Section 12-10 is modified to mean the line identified as the Brooklyn Navy Yard Shoreline in that certain survey dated [date of survey] on file in the Office of the Department of City Planning.

144-02 General Provisions

The provisions of this Chapter shall apply within the #Special Brooklyn Navy Yard District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented, or modified by the provisions of this Chapter or where excluded from application by the terms of such other Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

144-03 District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Brooklyn Navy Yard District# Plan. The district plan includes the following maps in the Appendix to this Chapter:

Map 1 Special Brooklyn Navy Yard District and Subdistricts

Map 2 Barge Basin Subareas and Public Access Areas

Map 3 Navy Street Central Subarea

Map 4 Flushing Avenue Subareas and View Corridors

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

144-04

Subdistricts and Subareas

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established within the #Special Brooklyn Navy Yard District# comprised of three perimeter subdistricts and one core subdistrict for the remainder of the Yard. In addition, one subarea is established in the Navy Street Subdistrict, two subareas are established within the Flushing Subdistrict and two subareas are established within the Barge Basin Subdistrict.

Perimeter Subdistricts

Navy Street Subdistrict

Navy Street Central Subarea

Flushing Subdistrict

Flushing West Subarea

Flushing East Subarea

Barge Basin Subdistrict

Barge Basin East Subarea

Barge Basin West Subarea

Core Subdistrict

The boundaries of the Subdistricts are shown in Map 1 and the boundaries of the Subareas are shown on Maps 2 through 4 in the Appendix to this Chapter.

144-05**Applicability of Special Regulations Applying in the Waterfront Area**

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply in the #Special Brooklyn Navy Yard District# except as expressly provided in this Chapter.

144-06**Single Zoning Lot**

For all purposes of this Chapter, the #Special Brooklyn Navy Yard District# shall be deemed to be a single #zoning lot# except where expressly provided otherwise in this Chapter. #Floor area# attributable to the #zoning lot# may be located anywhere on the #zoning lot# without regard to Subdistrict boundary lines, and all #floor area# located within a Subdistrict shall be subject to the #use# and #bulk# requirements of such Subdistrict.

144-10**SPECIAL USE REGULATIONS**

The provisions of Article IV, Chapter 2 (Use Regulations) are modified within the #Special Brooklyn Navy Yard District# by the provisions of Section 144-11 (Additional Uses Permitted in M2-1 zones) through Section 144-13 (Additional Uses in M3-1 Districts).

144-11**Additional Uses Permitted in All Districts**

The following modifications to the underlying district regulations shall be applicable throughout the #Special Brooklyn Navy Yard District#:

- (a) Alcoholic beverages and breweries

The manufacture of alcoholic beverages and breweries, as specified in Section 42-15 (Use Group 18), shall be permitted, subject to the applicable performance standards, except that the provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply.

- (b) Water-dependent #uses#

The provisions of Section 62-21 (Classification of Uses in the Waterfront Area), Section 62-22 (Commercial Docking Facilities), Section 62-24 (Uses on Piers and Platforms), and Section 62-25 (Uses on Floating Structures) shall apply, provided that all #uses#

existing on #piers# and #platforms# as of [date of adoption] shall be deemed conforming #uses#.

(c) #Physical culture or health establishments#

#Physical culture or health establishments# shall be permitted as-of-right and. For the purposes of applying the underlying regulations, such #use# shall be considered a Use Group 9A #use#, and shall be within parking requirement category (PRC) B.

144-12

Additional Uses Permitted in M2-1 Districts

The provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT) shall be modified to permit the following uses in M2-1 Districts, subject to the requirements of Section 144-212 (Floor area limitations on additional uses):

- (a) all Use Group 3A #uses#, as set forth in Section 22-13, not otherwise permitted by the underlying regulations other than #uses# containing sleeping accommodations; and
- (b) Use Groups 6C, 9A, 10A and 12B, as set forth in Sections 32-15, 32-18, 32-19 and 32-21, respectively, all #uses# not otherwise permitted by the underlying regulations.

144-13

Additional Uses in M3-1 Districts

Within M3-1 Districts, the City Planning Commission may allow, by authorization, #schools#, colleges or universities, as listed in Use Group 3A, provided that the Commission finds that:

- (a) such #school#, college or university has an academic program compatible with a tenant or industrial operation in the #Brooklyn Navy Yard Special District#; and
- (b) the location of the #school#, college or university will not interfere with any industrial #use# or alter the essential industrial character of the #Special Brooklyn Navy Yard District#.

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

144-20

SPECIAL BULK REGULATIONS

144-21
Floor Area Regulations

The #floor area# regulations of the underlying controls shall apply as modified by Sections 144-211 (Floor area ratio) through 144-213 (Floor area limitations on additional uses).

144-211
Floor area ratio

The maximum #floor area ratio# for all #uses# within the #Special Brooklyn Navy Yard Special District# shall be 2.0.

144-212
Floor area ratio calculations

Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall apply in the #Special Brooklyn Navy Yard District#.

144-213
Floor area limitations on additional uses

The additional #uses# allowed pursuant to Section 144-11 (Additional Uses Allowed in M2 Districts) shall be limited to 300,000 square feet of #floor area# within each Subdistrict where such additional #uses# are allowed, and the total #floor area# allocated to such additional #commercial uses# shall not exceed 100,000 square feet in each Subdistrict where the additional #uses# are allowed.

144-22
Yard Regulations

Section 43-20 (YARD REGULATIONS) and Section 43-31 (Other Special Provisions for Rear Yards) shall not apply in the #Special Brooklyn Navy Yard District#. In lieu thereof, no #yards# shall be required.

144-23
Height and Setback Regulations

The height and setback regulations set forth in Section 43-40 (HEIGHT AND SETBACK REGULATIONS) shall apply, except as modified by the regulations of this Section, inclusive.

144-231
Flushing East Subarea

- (a) Wide street designation

For purposes of applying the height and setback controls, Flushing Avenue shall be deemed a #wide street#.

(b) Street wall location

The #street wall# of any #development# or horizontal #enlargement# within the Flushing East Subarea shall be located at least 50 feet from the Flushing Avenue #street line#. The area between such #development# or horizontal #enlargement# and the adjoining #street# shall be improved as publicly accessible space in accordance with Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS).

(c) View corridors

View corridors with a minimum width of 50 feet shall be provided:

- (1) within the Vanderbilt Avenue view corridor; and
- (2) within one of the Clinton Avenue or Waverly Avenue view corridors.

The locations of such required view corridors are designated on Map 4 in the Appendix to this Chapter.

No #development# or horizontal #enlargement# may be located in the required view corridors, provided that gates and fencing, entry signage, sentry booths, and other entry and security measures may be located within such areas. Any gates or fencing shall be designed to allow for views into the #Special Brooklyn Navy Yard District#.

144-232

Barge Basin Subdistrict

In the Barge Basin Subdistrict, the underlying height and setback regulations shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the provisions of this Section.

(a) Sidewalk widening and Barge Basin setback

- (1) A sidewalk with a minimum width of 15 feet inclusive of any sidewalk located within the adjoining #street# shall be located along the Barge Basin Subdistrict. Any open area within the Barge Basin Subdistrict 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. Any required sidewalk widening line shall be deemed the #street line# for purposes of this Section 144-232.

(2) No portion of any #development# or #enlargement# other than a #cellar# level located completely below grade shall be located within forty feet of the eastern boundary of the #Barge Basin# in the Barge Basin East Subarea or within fifty feet of the western boundary of the #Barge Basin# in the Barge Basin West Subarea. The area between the #Barge Basin# and any #building# within the Barge Basin Subdistrict shall be improved as publicly accessible space in accordance with Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS).

(b) Base height

The maximum base height of any #building# prior to the setbacks required by paragraph (e) of this Section shall be 85 feet or six stories, whichever is less.

(c) Building wall continuity

- (1) Any wall of any #building# #developed# or horizontally #enlarged# and facing the #Barge Basin# shall be located within eight feet of the setback distance required under paragraph (a)(ii) of this Section for a minimum of 70 percent of the length of the #building# frontage to a minimum height of 30 feet or two #stories# whichever is lower.
- (2) The #street wall# of any #building# #developed# or horizontally #enlarged# in the Barge Basin East Subarea shall be located within eight feet of the #street line# for a minimum of 70 percent of the length of the #building# frontage to a minimum height of 30 feet or two #stories# whichever is lower

For purposes of this paragraph #buildings# that abut one another shall be considered a single #building#.

(d) Building articulation

For walls of any #building# #developed# or horizontally #enlarged# and facing the #Barge Basin# having a length of more than 200 feet and subject to the building wall continuity requirement of paragraph (c), a minimum of 20 percent and maximum of 50 percent of the surface area of the #building# wall up to the height of the ceiling of the second #story# or 30 feet, whichever is lower, shall either recess or project from the plane of the #building# wall by a minimum of three feet. Such recesses and projections shall be treated as permitted obstructions.

(e) Required setback

Any portion of a #building# that exceeds the maximum base height set forth in paragraph (b) shall set back at least 15 feet from any #street line,# at least 70 feet from the eastern boundary of the #Barge Basin# in the Barge Basin East Subarea,

and at least 80 feet from the western boundary of the #Barge Basin# in the Barge Basin West Subarea. In addition, in any location where a #building# or portion of a #building# is set back at least 60 feet from the boundary of the #Barge Basin# for a length of at least 50 feet, such portion may rise without setback subject to the requirements of paragraphs (f) and (g), provided that the length of any such #building wall# shall be limited to 100 feet.

(f) Sky Exposure Planes

- (i) Kent Avenue. Any portion of a #development# or horizontal #enlargement# facing Kent Avenue and located above the maximum base height set forth in paragraph (b) shall fit within a #sky exposure plane# of 5.6:1 commencing at the #street line# at such maximum base height.
- (ii) Barge Basin. Any portion of a #building# facing the Barge Basin and located above the maximum base height set forth in paragraph (b) shall fit within a #sky exposure plane# of 5.6:1.
- (iii) Southern Boundary. Any portion of a #building# facing the southern boundary of the Barge Basin Subdistrict shall fit within a #sky exposure plane# of 5.6:1 commencing at the southern boundary of the Subdistrict at a height of 85 feet above #base plane#.

For purposes of this paragraph, the setback lines set forth in paragraph (a)(ii) of Section 144-232 (Barge Basin Subdistrict) and the southern boundary of the Barge Basin Subdistrict shall be deemed #street lines#.

(g) Towers

#Buildings# may encroach on the #sky exposure planes# set forth in paragraph (f) and such portion of a #building# shall be deemed a tower, provided that (i) the #lot coverage# of such portion of the #building# shall not exceed, in the aggregate with any other #buildings# in the Subarea, 40 percent of the #lot area# of the relevant Subarea, and (ii) the width of the wall closest to Barge Basin of any tower portion shall not exceed 200 feet. For purposes of this paragraph, the Barge Basin East Subarea and the Barge Basin West Subarea shall each be considered a #zoning lot#.

(h) Permitted Obstructions

The provisions of Section 43-42 (Permitted Obstructions), as modified by paragraph (d) of this Section shall apply in the Barge Basin Subdistrict.

Except as provided in Section 144-241 (Certification for resiliency measures) no #building# shall be located closer to the #shoreline# than 30 feet within the #Special Brooklyn Navy Yard District# other than (i) #buildings# used for #water dependent uses#, and (ii) #buildings# containing not more than 5,000 square feet of #floor area#.

The #shoreline# setback requirement set forth in Section 144-24 (Shoreline Setback) shall be eliminated or reduced in distance if the Chair of the City Planning Commission certifies to the Commissioner of the Department of Buildings or the Commissioner of the Department of Small Business Services, as applicable, that either:

- (a) a #building# proposed to be located within such 30 foot setback area incorporates flood protection measures for the immediate area of the #building# that protect the #building# to a level that is fifty-eight inches above the mean high water line existing on [date of adoption]; or
- (b) A district-wide resiliency plan for the #Special Brooklyn Navy Yard# has been adopted and the measures to be incorporated in connection with the #development# or already in place are in furtherance of the district-wide plan.

Measures shall be deemed protective if they alone or together with other measures in place at the time of construction protect the #building# from flooding to the elevation set forth in paragraph (a) of this Section or if they would support protection of the entire #Special Brooklyn Navy Yard District# to such elevation without further improvement of the portion of area directly seaward of the proposed #building#.

The Chairperson shall certify the application within 45 days of receipt of a complete application. Failure to certify within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-25 Modification of Bulk Regulations

Within the #Special Brooklyn Navy Yard District# the City Planning Commission may, by special permit, allow a modification of the #bulk# regulations of this Chapter and the underlying #bulk# regulations, except #floor area# regulations, provided the Commission finds that:

- (a) such modifications further the needs and objectives of the #Special Brooklyn Navy Yard District#;

- (b) such distribution of #bulk# will result in better site planning and will thus benefit both the residents, occupants or users of the #Special Brooklyn Navy Yard District# and the surrounding neighborhood;
- (c) such distribution of #bulk# will permit adequate access of light and air to surrounding public access areas, #streets# and properties; and
- (d) such distribution of #bulk# will not unduly increase the #bulk# of #buildings# in the #Special Brooklyn Navy Yard District# to the detriment of the occupants or users of #buildings# in the #Special Brooklyn Navy Yard District# or on nearby #blocks#.

The Commission may impose appropriate conditions and safeguards to assure that such modifications will not adversely affect the surrounding area.

144-30

SPECIAL PUBLIC ACCESS AREA REGULATIONS

Public access areas shall be provided in connection with #developments# located within the Subareas identified in this Section, inclusive, as applicable. For purposes of determining the amount of public access area required in the Navy Street Central Subarea, the Barge Basin East Subarea, and the Barge Basin West Subarea, each such Subarea shall be deemed a single #zoning lot#.

144-31

Required Public Access Areas

- (a) Navy Street Central Subarea

Except as set forth in paragraph (g), public access area in an amount equal to not less than 15 percent of the #lot area# of the Navy Street Central Subarea shall be provided within the Navy Street Central Subarea in connection with any #development# or #enlargement#. The required public access area shall have a minimum dimension in all directions of 50 feet for at least eighty percent of the public access area and shall have no dimension of less than 30 feet for the remainder of the required public access area.

If the Navy Street Central Subarea is #developed# with more than one #building# or horizontally #enlarged# in phases, the public access area may be constructed in phases provided that each phase includes an amount of public access area proportionate to the amount of #lot area# being #developed# with #buildings# or horizontally #enlarged# in each phase by certification of the Chairperson of City Planning, as set forth in paragraph (e) of this Section.

- (b) Flushing East Subarea

Except as set forth in paragraph (g), public access area with a minimum depth of 50 feet from the #street line# extending along the entire length of the #street wall line# of a #building# shall be provided within the Flushing East Subarea in connection with any #development# or #enlargement# and shall extend to any visual corridor required under paragraph (c) of Section 144-231 (Flushing East Subarea) adjacent to the site of the #development# or #enlargement# .

(c) Barge Basin East Subarea

Except as set forth in Paragraph (g), public access area in an amount of at least 30 percent of the #lot area# of Barge Basin East Subarea shall be provided within the Barge Basin East Subarea in connection with any #development# or #enlargement#.

The Barge Basin East Subarea public access area shall consist of:

- (i) a pedestrian esplanade with a seaward edge contiguous with the eastern edge of the #Barge Basin# and a minimum width, measured from such edge, of 40 feet;
- (ii) a pedestrian connection with a minimum width of 30 feet located along the shared boundary between the Barge Basin East Subarea and the contiguous property to the northeast connecting the Kent Avenue and eastern portion of the pedestrian esplanade required by clause (i);
- (iii) a pedestrian connection with a minimum width of 60 feet located within 150 feet of the southern boundary of the Barge Basin East Subarea connecting Kent Avenue and the pedestrian esplanade required by clause (i); and
- (iv) such supplemental publicly accessible space contiguous to one or more of the elements set forth above as may be required to achieve the required percentage of publicly accessible area.

If the Barge Basin East Subarea is #developed# with more than one #building# or horizontally #enlarged# in phases, the required public access area may be constructed in phases provided that each phase includes an amount of public access area proportionate to the amount of #lot area# being #developed# with #buildings# or horizontally #enlarged# in each phase, as set forth in paragraph (e) of this Section.

(d) Barge Basin West Subarea

Except as set forth in paragraph (g), public access area in an amount of at least 20 percent of the #lot area# of Barge Basin West Subarea shall be provided within such parcel in connection with any #development# or #enlargement#.

The Barge Basin West Subarea public access area shall consist of:

- (i) a pedestrian esplanade with a seaward edge contiguous with the western edge of the #Barge Basin# and a minimum width measured from such edge of 50 feet;
- (ii) an esplanade entry area at the southern end of the Barge Basin West Subarea having a minimum width of 60 feet and a minimum length of 30 feet measured parallel to western edge of the #Barge Basin#; and
- (iii) such supplemental publicly accessible open space contiguous to one or more of the elements set forth above as may be required to achieve the percentage of publicly accessible area required by this paragraph.

If the Barge Basin West Subarea is #developed# with more than one #building# or horizontally #enlarged# in phases, the required public access area may be constructed in phases provided that each phase includes an amount of public access area proportionate to the amount of #lot area# being #developed# with #buildings# or horizontally #enlarged# in each phase, as set forth in paragraph (f) of this Section.

(e) Public Access Area Phasing in the Navy Street Central Subarea and in the Barge Basin East Subarea

Except in the Barge Basin West Subarea, where public access areas required under this Section may be phased, any such phased portion shall meet the following criteria:

- i. The amount of public access area being provided in any phase shall be in proportion to the total public access requirement based on the area of the Subarea being #developed# or horizontally #enlarged# as compared to the #lot area# of the Subarea. Any public access area provided in an earlier phase in excess of the amount required for such phase may be applied to a later phase;
- ii. The public access area being proposed in any phase shall not prevent the total amount of public access area required for a Subarea from being achieved;
- iii. Any phased portion of the required public access area shall comply with the minimum widths and other dimensions required for the public access areas;
- iv. Any phased portion of the required public access area shall connect directly to one or more of (i) a #street#, and (ii) an improved public access area; and
- v. Planting shall be included within the phase.

(f) Public Access Area Phasing in the Barge Basin West Subarea

Where public access in the Barge Basin West Subarea is phased, any such phased portion shall meet the following criteria:

- i. The public access area to be provided in the phase shall include the portion of the required public access area located between the #development# or horizontal #enlargement# and the Barge Basin;
- ii. If the #development# or #enlargement# included in a phase is located within 100 feet the southern boundary of the Subarea, the public access area shall also include the required public access area between the southern boundary and the #development# or horizontal #enlargement#;
- iii. The public access area being proposed in any phase shall not prevent the total amount of public access area required for a Subarea from being achieved;
- iv. Any phased portion of the required public access area shall comply with the minimum widths and other dimensions required for the public access areas;
- v. Any phased portion of the required public access area shall connect directly to one or more of (i) a #street#, (ii) a private street if the required public access area is required for the first phase of #development# or #enlargement#, and (iii) an improved public access area; and
- vi. A proportionate amount of planted areas shall be included within the phase.

(g) Exceptions to Public Access Area Requirements for Minor Developments

The public access area required under paragraphs (a) through (d) shall not apply to any #development# or #enlargement# adding #floor area# of an amount less than or equal to five percent of the #lot area# of the Subdistrict in which the Subarea is located, provided that the #use# that occupies such #floor area# is #accessory# to a Use Group 11, 16, 17, or 18 #use# or #uses# existing within the #Special Brooklyn Navy Yard District at the time of such #development# or #enlargement#. Any #development# or #enlargement# allowed pursuant to this paragraph (g) must be located at least fifty feet away from the #street line# in the Navy Street Central Subarea and the Flushing East Subarea, and may not be located in the areas where public access areas are required within the Barge Basin Subdistrict.

144-32

Design Requirements

The required public access areas in each Subarea shall comply with the following provisions:

- (a) The required public access area shall be open to the sky, provided that #building# awnings, entrance canopies, solar shading devices, and similar structures attached to an adjoining #building# and extending over the public access area shall be permitted;
- (b) The required public access area shall include planted areas in an amount not less than 20% of the area of the required open space;
- (c) Except as set forth below in this Section, at least one linear foot of seating shall be provided for each 200 square feet of required public access areas;

(d) Public access area signage complying with the requirements of Section 37-751 (Public space signage systems) shall be located at all entry points to the public access areas.

The requirements of paragraphs (b) and (c) shall not apply to the public access areas required under paragraph (c)(ii) of Section 144-31 (Required Public Access Areas). Additional amenities including pathways, seating steps, entrances to adjoining #buildings#, artwork, maritime or industrial elements, tables, seating above the required minimum, lighting fixtures, litter receptacles, kiosks, children play areas, railings, drinking fountains, water features, planting and trees may be included in the public access areas and shall be permitted obstructions.

144-33 Additional Barge Basin Design Requirements

In addition to the requirements set forth in Section 144-32 (Design Requirements), required public access areas in the Barge Basin Subdistrict shall comply with the following provisions:

(a) The pedestrian esplanade around the #Barge Basin# and the pedestrian connections from Kent Avenue to the eastern pedestrian esplanade shall include a primary circulation path along the length of such elements with a minimum clear width of 10 feet.

(b) At least three different types of seating shall be provided, which may include moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps.

144-34 Hours of Operation

All public access areas shall be open to the public from 6:00 a.m. to 10:00 p.m. from April 15th to October 31st and from 7:00 a.m. to 8:00 p.m. from November 1st to April 14th, except when required to be closed for repairs.

144-35 Maintenance

The owner of each applicable portion of a Subarea, or a ground tenant if the applicable portion is subject to a ground lease, shall be responsible for the maintenance and operation of the required public access area. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner or ground tenant of a public access area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent areas.

144-36**Chairperson Certification of Waterfront Compliance and Phasing**

No excavation or building permit shall be issued for any #development# or #enlargement# requiring the provision of public access area in the Navy Street Central Subarea, the Barge Basin East Subarea, or the Barge Basin West Subarea until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Small Business Services, as applicable, that a complete application has been submitted showing compliance with the provisions of Section 144-31 (Required Public Access Areas), 144-32 (Design Requirements), and for the Barge Basin East Subarea and the Barge Basin West Subarea Section 144-33 (Additional Barge Basin Design Requirements), including the requirements of Section 144-31(e) or 144-31(f) for any phased public access area.

Within 45 days of submission of such complete application, the Chairperson shall either certify that the proposed public access area complies with the requirements of this Section or disapprove such complete application in writing, citing the nature of any failure to comply. Failure to certify or disapprove such complete application within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-37**Timing of Public Access Areas**

No temporary certificate of occupancy allowing for the actual occupancy by tenants or users of more than 10 percent of the #manufacturing floor area# in a #development# or horizontal #enlargement# resulting in a public access area requirement under Section 144-31 (Required Public Access Areas) shall be issued by the Department of Buildings or the Department of Small Business Services, as applicable, without the substantial completion of the public access area required for such #development# or horizontal #enlargement#, and no final certificate of occupancy allowing for the actual occupancy of any such #development# or horizontal #enlargement# shall be issued prior to the final completion of the required public access area.

144-40**MANDATORY DISTRICT PLAN ELEMENTS**

The provisions of Section 144-40 (MANDATORY DISTRICT PLAN ELEMENTS) shall apply to new #developments# and horizontal #enlargements# within the #Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin East Subarea and the Barge Basin West Subarea subject to the requirements of Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS).

144-41**Ground Floor Streetscape Provisions**

The provisions of this Section shall apply to #developments# and horizontal #enlargements# within the Special District Subareas subject to a public access area requirement under Section 144-30 (SPECIAL ACCESS AREA REGULATIONS), and shall apply to (a) #ground floor level street walls# more than 50 feet in length, (b) to #ground floor level# walls facing a public access area provided pursuant to Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS) more than 50 feet in length, and (c) #ground floor level# walls within 50 feet of the frontages set forth in clauses (a) and (b). For purposes of the Section, #ground floor level# shall have the meaning set forth in Section 37-311 (Definitions).

#Ground floor level walls# meeting the requirements of clauses (a) and (b) shall be deemed “primary street frontages” and #ground floor level walls# meeting the requirements of (c) shall be deemed “secondary street frontages”.

(a) Along #primary street frontages#

Along #primary street frontages#, at least 50 percent of the width of the #ground floor level# shall be occupied by #floor area#, that extends to a minimum depth of thirty feet, provided that the depth may be reduced to not less than fifteen feet in areas where there are no walls parallel to the building frontage or #street wall# within such lesser depth.

The portion of the #ground floor level street wall# allocated to such minimum #floor area# requirement shall be glazed in accordance with the following requirements:

- (i) 50 percent of the surface area of such #street wall# and ground floor level walls, measured between a height of two feet above the level of the adjoining sidewalk or publicly accessible open area and a height of 12 feet above the average level of the sidewalk or public access area immediately adjacent to the #building# façade where the #use# adjacent to the #building# wall is a #community facility use# or a #commercial use# other than a #commercial use# listed in use Groups 11 or 16; and
- (ii) 25 percent of the surface area of such #street wall# and ground floor level walls, measured between a height of two feet above the level of the adjoining sidewalk or publicly accessible open area and a height of 12 feet above the average level of the sidewalk or public access area immediately adjacent to the #building# façade where the #use# adjacent to the #building# wall is a #manufacturing use# or a #commercial use# listed in use Groups 11 or 16.

(c) Blank wall provisions along #primary# and #secondary street frontages#

Along both #primary# and #secondary street frontages#, any #street wall# width of 50 feet or more with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds).

144-50**SPECIAL PARKING AND LOADING REGULATIONS**

The requirements of Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply in the #Special Brooklyn Navy Yard District# except as specifically set for the in this Section. In lieu thereof, the provisions of this Section shall apply.

144-51**Permitted Accessory Parking**

#Accessory# parking shall be permitted in the #Special Brooklyn Navy Yard District# without limitation subject to Section 144-54 (Curb Cuts).

144-52**Required Accessory Off-Street Parking**

The requirements of Section 44-21 (General Provisions) shall apply within in the #Special Brooklyn Navy Yard District#, provided that in the event that a Transportation Management Plan has been prepared in accordance with Section 144-56 (Transportation Management Planning), Section 44-21 (General Provisions) shall not be applicable and no parking shall be required.

144-53**Loading Berths**

Loading berths are not required but are permitted within the #Special Brooklyn Navy Yard District# subject to Section 144-54 (Curb Cuts), and any loading berths provided shall be deemed required loading berths for purposes of determining the amount of #floor area# in any #building#.

144-54**Curb Cuts**

Access to any #accessory# off-street loading berth and parking areas for a #development# within the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin East Subarea shall be limited to one curb cut from the adjoining #street#.

Additional curb cuts may be added in the Barge Basin East Subarea upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings or the Department of Small Business Services, as applicable, that an additional curb cut has been approved by the Commissioner of the Department of Transportation.

The Chairperson shall issue the certification within 45 days of receipt of a communication from the Department of Transportation approving an additional curb cut. Failure to certify within the

45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-55**Bicycle Parking**

The requirements of Section 44-60 (BICYCLE PARKING) shall apply in the #Special Brooklyn Navy Yard District#, provided that up to half of the required spaces may be provided as unenclosed bicycle parking spaces, and may be located anywhere on the #zoning lot#.

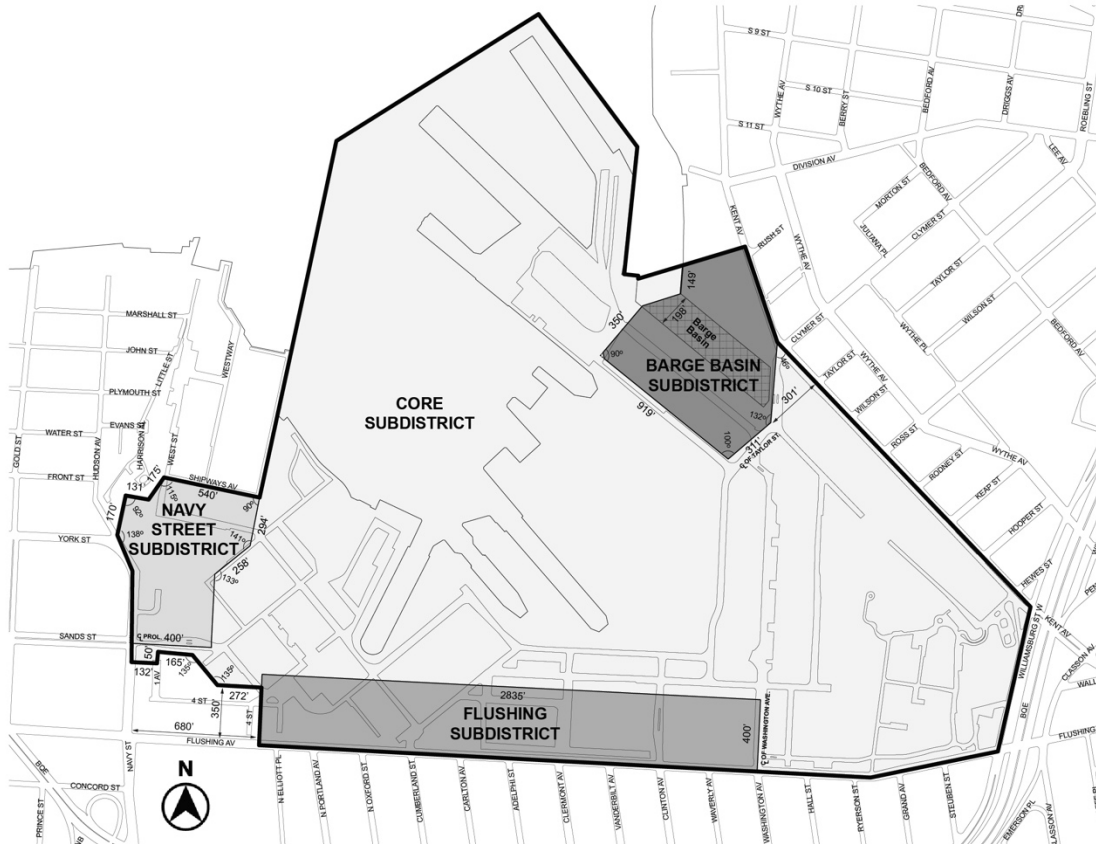
144-56**Transportation Management Planning**







In lieu of the requirements of Section 44-21 (General Provisions), a Transportation Management Plan may be prepared for the #Special Brooklyn Navy Yard District# that documents: (i) existing parking within the Special District; (ii) parking and bicycle parking utilization rates; (iii) transportation mode choice; (iv) plans, if any, for additional parking within the Special District; (v) public transportation options in and around the Special District; (vi) indoor and outdoor bicycle parking facilities, including any covered outdoor bicycle spaces, and (vii) measures being employed and planned to incentivize alternate means of transportation. Any Transportation Management Plan shall be filed with the Department of City Planning and made available to the public via a website. The Transportation Management Plan shall be updated not less than every three (3) years with surveys or other data collection undertaken not less than annually to document changes in parking facilities and utilization; the average number of employees and visitors arriving at the #Special Brooklyn Navy Yard District# and their modes of arrival; bike parking availability and utilization of both open and enclosed facilities; transit options, and new technologies and strategies for managing the number of private vehicles accessing the #Special Brooklyn Navy Yard District#. Such updates shall be submitted to the Department of City Planning, and made available to the public via a website and the submission to the Department of City Planning shall be accompanied by an affidavit from the owner or ground tenant stating that the Transportation Management Plan remains in effect, or if it is no longer in effect the date that the Transportation Management Plan terminated.

Any #development# or #enlargement# occurring after the date a Transportation Management Plan has terminated will be subject to the requirements of Section 44-21 (General Provisions).

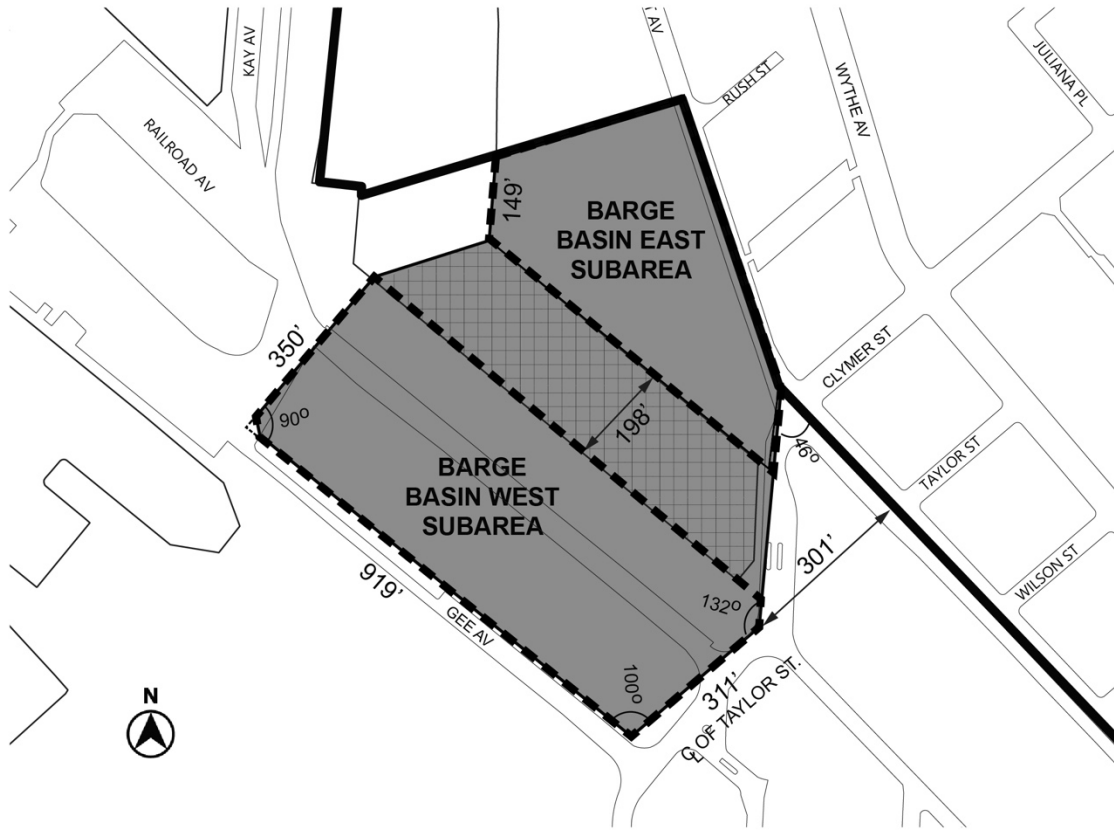
APPENDIX A
Special Brooklyn Navy Yard District Plan

Map 1 - Special Brooklyn Navy Yard District and Subdistricts



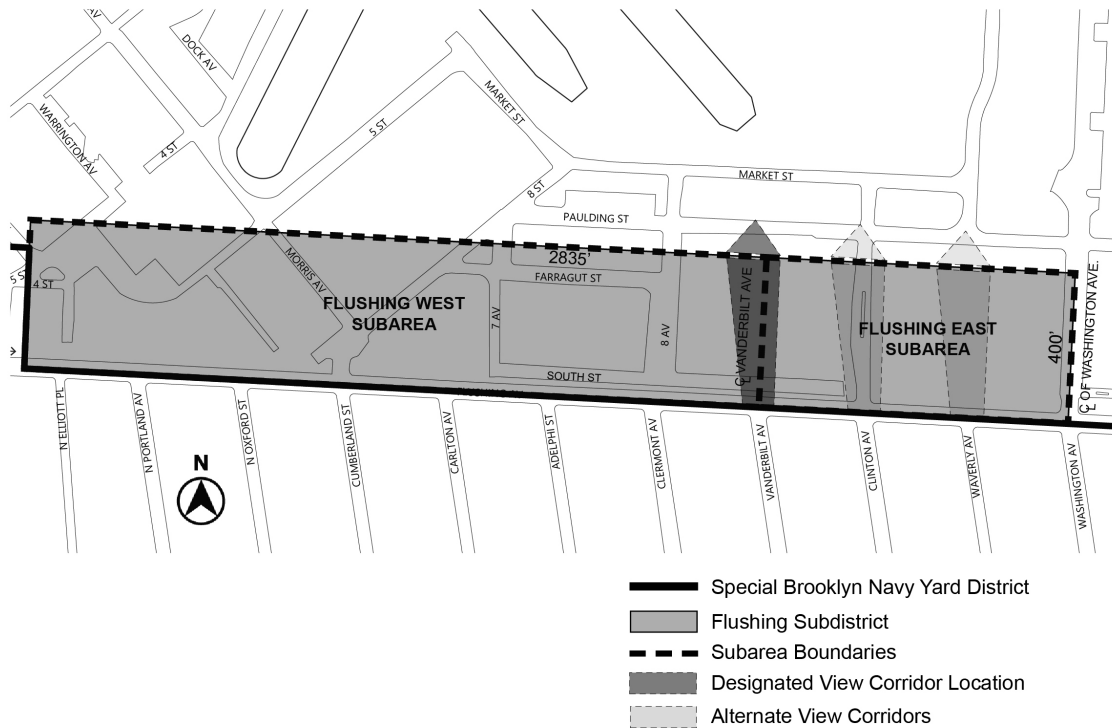
-  Special Brooklyn Navy Yard District
-  Core Subdistrict
-  Navy Street Subdistrict
-  Flushing Subdistrict
-  Barge Basin Subdistrict
-  Barge Basin

Map 2 - Barge Basin Subareas and Public Access Areas



- Special Brooklyn Navy Yard District
- Barge Basin Subdistrict
- - - Subarea Boundaries
- ▤ Barge Basin

Map 4 - Flushing Avenue Subareas and View Corridors



(On August 18, 2021, Cal. No. 9, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 44

CD 2

N 210463(A) ZRK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Building 77 QALICB, Inc. and NYC Small Business Services, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Brooklyn Navy Yard District (Article XIV, Chapter 4) and modifying other related Sections.

Matter underlined is new, to be added;

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

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

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

* * *

**ARTICLE I
GENERAL PROVISIONS**

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

* * *

**11-12
Establishment of Districts**

* * *

**11-122
Districts established**

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

* * *

Special Purpose Districts

* * *

Establishment of the Special Bay Street Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 5, the #Special Bay Street Corridor District# is hereby established.

Establishment of the Special Brooklyn Navy Yard District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 4, the #Special Brooklyn Navy Yard District# is hereby established.

Establishment of the Special City Island District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 2, the #Special City Island District# is hereby established.

* * *

**Chapter 2
Construction of Language and Definitions**

* * *

**12-10
Definitions**

* * *

Special Bay Street Corridor District (6/26/19)

The “Special Bay Street Corridor District” is a Special Purpose District designated by the letters “BSC” in which special regulations set forth in Article XIII, Chapter 5, apply.

Special Brooklyn Navy Yard District ([date of adoption])

The “Special Brooklyn Navy Yard District” is a Special Purpose District designated by the letters “BNY” in which special regulations set forth in Article XIV, Chapter 4, apply.

Special City Island District (2/2/11)

The “Special City Island District” is a Special Purpose District designated by the letters “CD” in which special regulations set forth in Article XI, Chapter 2, apply.

* * *

**Chapter 4
Sidewalk Café Regulations**

* * *

**14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

Brooklyn	#Enclosed Sidewalk Café#	#Unenclosed Sidewalk Café#
* * *	* * *	* * *
#Bay Ridge District#	Yes	Yes
#Brooklyn Navy Yard District#	<u>Yes</u>	<u>Yes</u>
#Coney Island District#	Yes	No
* * *	* * *	* * *

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

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

* * *

**62-13
Applicability of District Regulations**

* * *

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Brooklyn Navy Yard District#

#Special Governors Island District#

* * *

ARTICLE XIV SPECIAL PURPOSE DISTRICTS

* * *

[All below text is new, to be underlined]

Chapter 4 Special Brooklyn Navy Yard District (BNY)

144-00 GENERAL PURPOSES

The “Special Brooklyn Navy Yard District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

- (a) to encourage investment in the Brooklyn Navy Yard and facilitate the expansion of the Brooklyn Navy Yard as a modern manufacturing complex;
- (b) to promote job growth;
- (c) to allow for a mix of office, community facility, retail, and other commercial uses to complement the industrial and manufacturing facilities at the Brooklyn Navy Yard;
- (d) to use traffic management planning to meet loading and parking needs including through alternate means of travel
- (e) to better integrate the Brooklyn Navy Yard with the urban fabric of surrounding residential and mixed-use communities and to introduce publicly accessible open space areas within the perimeter of the Yard; and
- (f) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

144-01 Definitions

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where a term in italics is defined in both Section 12-10 and in this Chapter, the definitions in this Chapter shall govern. The terms #pier#, #platform#, and #floating structure# shall have the meaning set forth in Section 62-11 (Definitions).

Barge Basin

#Barge Basin# shall mean that inlet from the East River identified on Map 2 in the Appendix to this Chapter as the Barge Basin.

Shoreline

The definition of #shoreline# set forth in Section 12-10 is modified to mean the line identified as the Brooklyn Navy Yard Shoreline in that certain survey dated [date of survey] on file in the Office of the Department of City Planning.

144-02

General Provisions

The provisions of this Chapter shall apply within the #Special Brooklyn Navy Yard District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented, or modified by the provisions of this Chapter or where excluded from application by the terms of such other Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

144-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Brooklyn Navy Yard District# Plan. The district plan includes the following maps in the Appendix to this Chapter:

- Map 1 Special Brooklyn Navy Yard District and Subdistricts
- Map 2 Barge Basin Subareas and Public Access Areas
- Map 3 Navy Street Central Subarea
- Map 4 Flushing Avenue Subareas and View Corridors

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

144-04

Subdistricts and Subareas

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established within the #Special Brooklyn Navy Yard District# comprised of three perimeter subdistricts and one core subdistrict for the remainder of the Yard. In addition, one subarea is established in the Navy Street Subdistrict, two subareas are established within the Flushing Subdistrict and two subareas are established within the Barge Basin Subdistrict.

Perimeter Subdistricts

- Navy Street Subdistrict
 - Navy Street Central Subarea

Flushing Subdistrict

- Flushing West Subarea

- Flushing East Subarea

Barge Basin Subdistrict

- Barge Basin East Subarea

- Barge Basin West Subarea

Core Subdistrict

The boundaries of the Subdistricts are shown in Map 1 and the boundaries of the Subareas are shown on Maps 2 through 4 in the Appendix to this Chapter.

144-05

Applicability of Special Regulations Applying in the Waterfront Area

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply in the #Special Brooklyn Navy Yard District# except as expressly provided in this Chapter.

144-06

Single Zoning Lot

For all purposes of this Chapter, the #Special Brooklyn Navy Yard District# shall be deemed to be a single #zoning lot# except where expressly provided otherwise in this Chapter. #Floor area# attributable to the #zoning lot# may be located anywhere on the #zoning lot# without regard to Subdistrict boundary lines, and all #floor area# located within a Subdistrict shall be subject to the #use# and #bulk# requirements of such Subdistrict.

144-10

SPECIAL USE REGULATIONS

The provisions of Article IV, Chapter 2 (Use Regulations) are modified within the #Special Brooklyn Navy Yard District# by the provisions of Section 144-11 (Additional Uses Permitted in M2-1 zones) through Section 144-14 (Special Sign Regulations).

144-11

Additional Uses Permitted in All Districts

The following modifications to the underlying district regulations shall be applicable throughout the #Special Brooklyn Navy Yard District#:

(a) Alcoholic beverages and breweries

The manufacture of alcoholic beverages and breweries, as specified in Section 42-15 (Use Group 18), shall be permitted, subject to the applicable performance standards, except that the provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply.

(b) Water-dependent #uses#

The provisions of Section 62-21 (Classification of Uses in the Waterfront Area), Section 62-22 (Commercial Docking Facilities), Section 62-24 (Uses on Piers and Platforms), and Section 62-25 (Uses on Floating Structures) shall apply, provided that all #uses# existing on #piers# and #platforms# as of [date of adoption] shall be deemed conforming #uses#.

(c) #Physical culture or health establishments#

#Physical culture or health establishments# shall be permitted as-of-right and. For the purposes of applying the underlying regulations, such #use# shall be considered a Use Group 9A #use#, and shall be within parking requirement category (PRC) B.

144-12

Additional Uses Permitted in M2-1 Districts

The provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT) shall be modified to permit the following uses in M2-1 Districts, subject to the requirements of Section 144-212 (Floor area limitations on additional uses):

- (a) all Use Group 3A #uses#, as set forth in Section 22-13, not otherwise permitted by the underlying regulations other than #uses# containing sleeping accommodations; and
- (b) Use Groups 6C, 9A, 10A and 12B, as set forth in Sections 32-15, 32-18, 32-19 and 32-21, respectively, all #uses# not otherwise permitted by the underlying regulations.

144-13

Additional Uses in M3-1 Districts

Within M3-1 Districts, the City Planning Commission may allow, by authorization, #schools#, colleges or universities, as listed in Use Group 3A, provided that the Commission finds that:

- (a) such #school#, college or university has an academic program compatible with a tenant or industrial operation in the #Brooklyn Navy Yard Special District#; and
- (b) the location of the #school#, college or university will not interfere with any industrial #use# or alter the essential industrial character of the #Special Brooklyn Navy Yard District#.

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

144-14

Special Sign Regulations

In the #Special Brooklyn Navy Yard District#, the underlying #sign# regulations of Section 42-50 (SIGN REGULATIONS) shall apply, except as modified by the provisions of Section 144-141 (Illuminated non-flashing signage) through Section 144-143 (Special provisions near certain parks):

144-141

Illuminated non-flashing signage

The provisions of Section 42-533 (Illuminated or flashing signs) shall be modified to allow one #accessory# non-#flashing illuminated sign# to have a #surface area# of 750 square feet in the Navy Street Central Subarea, between Clinton Avenue and Washington Avenue in the Flushing East Subarea, the Barge Basin East Subarea, and the Barge Basin West Subarea. All other #illuminated signs# shall comply with the requirements of Section 42-533 (Illuminated or flashing signs).

144-142

Special provisions along district boundaries

The provisions of Section 42-56 (Special Provisions Applying Along District Boundaries) shall be modified as follows:

- (a) within the Flushing East Subarea, the provisions of Section 42-561 (Restrictions along the district boundary located in a street) shall not apply to any #sign# provided in accordance with Section 144-141 (Illuminated non-flashing signage); and
- (b) within the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin Subdistrict, the orientation provisions of Section 42-562 (Restriction on angle and height above curb level) shall not apply to #signs# provided in accordance with Section 144-141 (Illuminated non-flashing signage).

144-143

Special provisions near certain parks

The provisions of Section 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) shall not apply to any #signs# provided in accordance with Section 144-141 (Illuminated non-flashing signage) within the Barge Basin East Subarea.

144-20

SPECIAL BULK REGULATIONS

144-21

Floor Area Regulations

The #floor area# regulations of the underlying controls shall apply as modified by Sections 144-211 (Floor area ratio) through 144-213 (Floor area limitations on additional uses).

144-211

Floor area ratio

The maximum #floor area ratio# for all #uses# within the #Special Brooklyn Navy Yard Special District# shall be 2.0.

144-212

Floor area ratio calculations

Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall apply in the #Special Brooklyn Navy Yard District#.

144-213

Floor area limitations on additional uses

The additional #uses# allowed pursuant to Section 144-11 (Additional Uses Allowed in M2 Districts) shall be limited to 300,000 square feet of #floor area# within each Subdistrict where such additional #uses# are allowed, and the total #floor area# allocated to such additional #commercial uses# shall not exceed 100,000 square feet in each Subdistrict where the additional #uses# are allowed.

144-22

Yard Regulations

Section 43-20 (YARD REGULATIONS) and Section 43-31 (Other Special Provisions for Rear Yards) shall not apply in the #Special Brooklyn Navy Yard District#. In lieu thereof, no #yards# shall be required.

144-23

Height and Setback Regulations

The height and setback regulations set forth in Section 43-40 (HEIGHT AND SETBACK REGULATIONS) shall apply, except as modified by the regulations of this Section, inclusive.

144-231

Flushing East Subarea

(a) Wide street designation

For purposes of applying the height and setback controls, Flushing Avenue shall be deemed a #wide street#.

(b) Street wall location

The #street wall# of any #development# or horizontal #enlargement# within the Flushing East Subarea shall be located at least 50 feet from the Flushing Avenue #street line#. The area between such #development# or horizontal #enlargement# and the adjoining #street# shall be improved as publicly accessible space in

accordance with Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS).

(c) View corridors

View corridors with a minimum width of 50 feet shall be provided:

- (1) within the Vanderbilt Avenue view corridor; and
- (2) within one of the Clinton Avenue or Waverly Avenue view corridors.

The locations of such required view corridors are designated on Map 4 in the Appendix to this Chapter.

No #development# or horizontal #enlargement# may be located in the required view corridors, provided that gates and fencing, entry signage, sentry booths, and other entry and security measures may be located within such areas. Any gates or fencing shall be designed to allow for views into the #Special Brooklyn Navy Yard District#.

144-232

Barge Basin Subdistrict

In the Barge Basin Subdistrict, the underlying height and setback regulations shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the provisions of this Section.

(a) Sidewalk widening and Barge Basin setback

- (1) A sidewalk with a minimum width of 15 feet inclusive of any sidewalk located within the adjoining #street# shall be located along the Barge Basin Subdistrict. Any open area within the Barge Basin Subdistrict 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. Any required sidewalk widening line shall be deemed the #street line# for purposes of this Section 144-232.
- (2) No portion of any #development# or #enlargement# other than a #cellar# level located completely below grade shall be located within forty feet of the eastern boundary of the #Barge Basin# in the Barge Basin East Subarea or within fifty feet of the western boundary of the #Barge Basin# in the Barge Basin West Subarea. The area between the #Barge Basin# and any #building# within the Barge Basin Subdistrict shall be improved as publicly accessible space in accordance with Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS).

(b) Base height

The maximum base height of any #building# prior to the setbacks required by paragraph (e) of this Section shall be 85 feet or six stories, whichever is less.

(c) Building wall continuity

- (1) Any wall of any #building# #developed# or horizontally #enlarged# and facing the #Barge Basin# shall be located within eight feet of the setback distance required under paragraph (a)(ii) of this Section for a minimum of 70 percent of the length of the #building# frontage to a minimum height of 30 feet or two #stories# whichever is lower.
- (2) The #street wall# of any #building# #developed# or horizontally #enlarged# in the Barge Basin East Subarea shall be located within eight feet of the

#street line# for a minimum of 70 percent of the length of the #building# frontage to a minimum height of 30 feet or two #stories# whichever is lower

For purposes of this paragraph #buildings# that abut one another shall be considered a single #building#.

(d) Building articulation

For walls of any #building# #developed# or horizontally #enlarged# and facing the #Barge Basin# having a length of more than 200 feet and subject to the building wall continuity requirement of paragraph (c), a minimum of 20 percent and maximum of 50 percent of the surface area of the #building# wall up to the height of the ceiling of the second #story# or 30 feet, whichever is lower, shall either recess or project from the plane of the #building# wall by a minimum of three feet. Such recesses and projections shall be treated as permitted obstructions.

(e) Required setback

Any portion of a #building# that exceeds the maximum base height set forth in paragraph (b) shall set back at least 15 feet from any #street line#, at least 70 feet from the eastern boundary of the #Barge Basin# in the Barge Basin East Subarea, and at least 80 feet from the western boundary of the #Barge Basin# in the Barge Basin West Subarea. In addition, in any location where a #building# or portion of a #building# is set back at least 60 feet from the boundary of the #Barge Basin# for a length of at least 50 feet, such portion may rise without setback subject to the requirements of paragraphs (f) and (g), provided that the length of any such #building wall# shall be limited to 100 feet.

(f) Sky Exposure Planes

- (i) Kent Avenue. Any portion of a #development# or horizontal #enlargement# facing Kent Avenue and located above the maximum base height set forth in paragraph (b) shall fit within a #sky exposure plane# of 5.6:1 commencing at the #street line# at such maximum base height.
- (ii) Barge Basin. Any portion of a #building# facing the Barge Basin and located above the maximum base height set forth in paragraph (b) shall fit within a #sky exposure plane# of 5.6:1.
- (iii) Southern Boundary. Any portion of a #building# facing the southern boundary of the Barge Basin Subdistrict shall fit within a #sky exposure plane# of 5.6:1 commencing at the southern boundary of the Subdistrict at a height of 85 feet above #base plane#.

For purposes of this paragraph, the setback lines set forth in paragraph (a)(ii) of Section 144-232 (Barge Basin Subdistrict) and the southern boundary of the Barge Basin Subdistrict shall be deemed #street lines#.

(g) Towers

#Buildings# may encroach on the #sky exposure planes# set forth in paragraph (f) and such portion of a #building# shall be deemed a tower, provided that (i) the #lot coverage# of such portion of the #building# shall not exceed, in the aggregate with any other #buildings# in the Subarea, 40 percent of the #lot area# of the relevant Subarea, and (ii) the width of the wall closest to Barge Basin of any tower portion shall not exceed 200 feet. For purposes of this paragraph, the Barge Basin East Subarea and the Barge Basin West Subarea shall each be considered a #zoning lot#.

(h) Permitted Obstructions

The provisions of Section 43-42 (Permitted Obstructions), as modified by paragraph (d) of this Section shall apply in the Barge Basin Subdistrict.

144-24

Shoreline Setback

Except as provided in Section 144-241 (Certification for resiliency measures) no #building# shall be located closer to the #shoreline# than 30 feet within the #Special Brooklyn Navy Yard District# other than (i) #buildings# used for #water dependent uses#, and (ii) #buildings# containing not more than 5,000 square feet of #floor area#.

The #shoreline# setback requirement set forth in Section 144-24 (Shoreline Setback) shall be eliminated or reduced in distance if the Chair of the City Planning Commission certifies to the Commissioner of the Department of Buildings or the Commissioner of the Department of Small Business Services, as applicable, that either:

- (a) a #building# proposed to be located within such 30 foot setback area incorporates flood protection measures for the immediate area of the #building# that protect the #building# to a level that is fifty-eight inches above the mean high water line existing on [date of adoption]; or
- (b) A district-wide resiliency plan for the #Special Brooklyn Navy Yard# has been adopted and the measures to be incorporated in connection with the #development# or already in place are in furtherance of the district-wide plan.

Measures shall be deemed protective if they alone or together with other measures in place at the time of construction protect the #building# from flooding to the elevation set forth in paragraph (a) of this Section or if they would support protection of the entire #Special Brooklyn Navy Yard District# to such elevation without further improvement of the portion of area directly seaward of the proposed #building#.

The Chairperson shall certify the application within 45 days of receipt of a complete application. Failure to certify within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-25

Modification of Bulk Regulations

Within the #Special Brooklyn Navy Yard District# the City Planning Commission may, by special permit, allow a modification of the #bulk# regulations of this Chapter and the underlying #bulk# regulations, except #floor area# regulations, provided the Commission finds that:

- (a) such modifications further the needs and objectives of the #Special Brooklyn Navy Yard District#;
- (b) such distribution of #bulk# will result in better site planning and will thus benefit both the residents, occupants or users of the #Special Brooklyn Navy Yard District# and the surrounding neighborhood;
- (c) such distribution of #bulk# will permit adequate access of light and air to surrounding public access areas, #streets# and properties; and
- (d) such distribution of #bulk# will not unduly increase the #bulk# of #buildings# in the #Special Brooklyn Navy Yard District# to the detriment of the occupants or users of #buildings# in the #Special Brooklyn Navy Yard District# or on nearby #blocks#.

The Commission may impose appropriate conditions and safeguards to assure that such modifications will not adversely affect the surrounding area.

144-30

SPECIAL PUBLIC ACCESS AREA REGULATIONS

Public access areas shall be provided in connection with #developments# located within the Subareas identified in this Section, inclusive, as applicable. For purposes of determining the amount of public access area required in the Navy Street Central Subarea, the Barge Basin East Subarea, and the Barge Basin West Subarea, each such Subarea shall be deemed a single #zoning lot#.

144-31

Required Public Access Areas

(a) Navy Street Central Subarea

Except as set forth in paragraph (g), public access area in an amount equal to not less than 15 percent of the #lot area# of the Navy Street Central Subarea shall be provided within the Navy Street Central Subarea in connection with any #development# or #enlargement#. The required public access area shall have a minimum dimension in all directions of 50 feet for at least eighty percent of the public access area and shall have no dimension of less than 30 feet for the remainder of the required public access area.

If the Navy Street Central Subarea is #developed# with more than one #building# or horizontally #enlarged# in phases, the public access area may be constructed in phases provided that each phase includes an amount of public access area proportionate to the amount of #lot area# being #developed# with #buildings# or horizontally #enlarged# in each phase by certification of the Chairperson of City Planning, as set forth in paragraph (e) of this Section.

(b) Flushing East Subarea

Except as set forth in paragraph (g), public access area with a minimum depth of 50 feet from the #street line# extending along the entire length of the #street wall line# of a #building# shall be provided within the Flushing East Subarea in connection with any #development# or #enlargement# and shall extend to any visual corridor required under paragraph (c) of Section 144-231 (Flushing East Subarea) adjacent to the site of the #development# or #enlargement# .

(c) Barge Basin East Subarea

Except as set forth in Paragraph (g), public access area in an amount of at least 30 percent of the #lot area# of Barge Basin East Subarea shall be provided within the Barge Basin East Subarea in connection with any #development# or #enlargement#.

The Barge Basin East Subarea public access area shall consist of:

- (i) a pedestrian esplanade with a seaward edge contiguous with the eastern edge of the #Barge Basin# and a minimum width, measured from such edge, of 40 feet;
- (ii) a pedestrian connection with a minimum width of 30 feet located along the shared boundary between the Barge Basin East Subarea and the contiguous property to the northeast connecting the Kent Avenue and eastern portion of the pedestrian esplanade required by clause (i);
- (iii) a pedestrian connection with a minimum width of 60 feet located within 150 feet of the southern boundary of the Barge Basin East Subarea connecting Kent Avenue and the pedestrian esplanade required by clause (i); and

- (iv) such supplemental publicly accessible space contiguous to one or more of the elements set forth above as may be required to achieve the required percentage of publicly accessible area.

If the Barge Basin East Subarea is #developed# with more than one #building# or horizontally #enlarged# in phases, the required public access area may be constructed in phases provided that each phase includes an amount of public access area proportionate to the amount of #lot area# being #developed# with #buildings# or horizontally #enlarged# in each phase, as set forth in paragraph (e) of this Section.

(d) Barge Basin West Subarea

Except as set forth in paragraph (g), public access area in an amount of at least 20 percent of the #lot area# of Barge Basin West Subarea shall be provided within such parcel in connection with any #development# or #enlargement#.

The Barge Basin West Subarea public access area shall consist of:

- (i) a pedestrian esplanade with a seaward edge contiguous with the western edge of the #Barge Basin# and a minimum width measured from such edge of 50 feet;
- (ii) an esplanade entry area at the southern end of the Barge Basin West Subarea having a minimum width of 60 feet and a minimum length of 30 feet measured parallel to western edge of the #Barge Basin#; and
- (iii) such supplemental publicly accessible open space contiguous to one or more of the elements set forth above as may be required to achieve the percentage of publicly accessible area required by this paragraph.

If the Barge Basin West Subarea is #developed# with more than one #building# or horizontally #enlarged# in phases, the required public access area may be constructed in phases provided that each phase includes an amount of public access area proportionate to the amount of #lot area# being #developed# with #buildings# or horizontally #enlarged# in each phase, as set forth in paragraph (f) of this Section.

(e) Public Access Area Phasing in the Navy Street Central Subarea and in the Barge Basin East Subarea

Except in the Barge Basin West Subarea, where public access areas required under this Section may be phased, any such phased portion shall meet the following criteria:

- i. The amount of public access area being provided in any phase shall be in proportion to the total public access requirement based on the area of the Subarea being #developed# or horizontally #enlarged# as compared to the #lot area# of the Subarea. Any public access area provided in an earlier phase in excess of the amount required for such phase may be applied to a later phase;
- ii. The public access area being proposed in any phase shall not prevent the total amount of public access area required for a Subarea from being achieved;
- iii. Any phased portion of the required public access area shall comply with the minimum widths and other dimensions required for the public access areas;
- iv. Any phased portion of the required public access area shall connect directly to one or more of (i) a #street#, and (ii) an improved public access area; and
- v. Planting shall be included within the phase.

(f) Public Access Area Phasing in the Barge Basin West Subarea

Where public access in the Barge Basin West Subarea is phased, any such phased portion shall meet the following criteria:

- i. The public access area to be provided in the phase shall include the portion of the required public access area located between the #development# or horizontal #enlargement# and the Barge Basin;
- ii. If the #development# or #enlargement# included in a phase is located within 100 feet the southern boundary of the Subarea, the public access area shall also include the required public access area between the southern boundary and the #development# or horizontal #enlargement#;
- iii. The public access area being proposed in any phase shall not prevent the total amount of public access area required for a Subarea from being achieved;
- iv. Any phased portion of the required public access area shall comply with the minimum widths and other dimensions required for the public access areas;
- v. Any phased portion of the required public access area shall connect directly to one or more of (i) a #street#, (ii) a private street if the required public access area is required for the first phase of #development# or #enlargement#, and (iii) an improved public access area; and
- vi. A proportionate amount of planted areas shall be included within the phase.

(g) Exceptions to Public Access Area Requirements for Minor Developments

The public access area requirements of paragraphs (a) through (f) of this Section shall not apply to any #development# or #enlargement# where:

- i. the additional #floor area# created through such #development# or #enlargement# in the respective Subarea, as compared to the #floor area# existing on [date of enactment], does not exceed: 10,000 square feet in either the Barge Basin East or the Navy Street Central Subareas; or 20,000 square feet in either the Barge Basin West or Flushing East Subareas;
- ii. such #floor area# is allocated exclusively to #uses# in Use Group 11, 16, 17, or 18; and
- iii. such #floor area# is not located within the boundaries of designated public access areas required pursuant to this Section, or if located in the Navy Street Central Subarea, is not within 50 feet of a #street#.

144-32

Design Requirements

The required public access areas in each Subarea shall comply with the following provisions:

- (a) The required public access area shall be open to the sky, provided that #building# awnings, entrance canopies, solar shading devices, and similar structures attached to an adjoining #building# and extending over the public access area shall be permitted;
- (b) The required public access area shall include planted areas in an amount not less than 20% of the area of the required open space;
- (c) Except as set forth below in this Section, at least one linear foot of seating shall be provided for each 200 square feet of required public access areas;
- (d) Public access area signage complying with the requirements of Section 37-751 (Public space signage systems) shall be located at all entry points to the public access areas.

The requirements of paragraphs (b) and (c) shall not apply to the public access areas required under paragraph (c)(ii) of Section 144-31 (Required Public Access Areas). Additional amenities including pathways, seating steps, entrances to adjoining #buildings#, artwork, maritime or industrial elements, tables, seating above the required minimum, lighting fixtures, litter receptacles, kiosks, children play areas, railings, drinking fountains, water features, planting and trees may be included in the public access areas and shall be permitted obstructions.

144-33

Additional Barge Basin Design Requirements

In addition to the requirements set forth in Section 144-32 (Design Requirements), required public access areas in the Barge Basin Subdistrict shall comply with the following provisions:

- (a) The pedestrian esplanade around the #Barge Basin# and the pedestrian connections from Kent Avenue to the eastern pedestrian esplanade shall include a primary circulation path along the length of such elements with a minimum clear width of 10 feet.
- (b) At least three different types of seating shall be provided, which may include moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps.

144-34

Hours of Operation

All public access areas shall be open to the public from 6:00 a.m. to 10:00 p.m. from April 15th to October 31st and from 7:00 a.m. to 8:00 p.m. from November 1st to April 14th, except when required to be closed for repairs.

144-35

Maintenance

The owner of each applicable portion of a Subarea, or a ground tenant if the applicable portion is subject to a ground lease, shall be responsible for the maintenance and operation of the required public access area. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner or ground tenant of a public access area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent areas.

144-36

Chairperson Certification of Waterfront Compliance and Phasing

No excavation or building permit shall be issued for any #development# or #enlargement# requiring the provision of public access area in the Navy Street Central Subarea, the Barge Basin East Subarea, or the Barge Basin West Subarea until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Small Business Services, as applicable, that a complete application has been submitted showing compliance with the provisions of Section 144-31 (Required Public Access Areas), 144-32 (Design Requirements), and for the Barge Basin East Subarea and the Barge Basin West Subarea Section 144-33 (Additional Barge Basin Design Requirements), including the requirements of Section 144-31(e) or 144-31(f) for any phased public access area.

Within 45 days of submission of such complete application, the Chairperson shall either certify that the proposed public access area complies with the requirements of this Section or disapprove such complete application in writing, citing the nature of any failure to comply. Failure to certify or disapprove such complete application within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-37

Timing of Public Access Areas

No temporary certificate of occupancy allowing for the actual occupancy by tenants or users of more than 10 percent of the #manufacturing floor area# in a #development# or horizontal #enlargement# resulting in a public access area requirement under Section 144-31 (Required Public Access Areas) shall be issued by the Department of Buildings or the Department of Small Business Services, as applicable, without the substantial completion of the public access area

required for such #development# or horizontal #enlargement#, and no final certificate of occupancy allowing for the actual occupancy of any such #development# or horizontal #enlargement# shall be issued prior to the final completion of the required public access area.

144-40

MANDATORY DISTRICT PLAN ELEMENTS

The provisions of Section 144-40 (MANDATORY DISTRICT PLAN ELEMENTS) shall apply to new #developments# and horizontal #enlargements# within the #Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin East Subarea and the Barge Basin West Subarea subject to the requirements of Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS).

144-41

Ground Floor Streetscape Provisions

The provisions of this Section shall apply to #developments# and horizontal #enlargements# within the Special District Subareas subject to a public access area requirement under Section 144-30 (SPECIAL ACCESS AREA REGULATIONS), and shall apply to (a) #ground floor level street walls# more than 50 feet in length, (b) to #ground floor level# walls facing a public access area provided pursuant to Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS) more than 50 feet in length, and (c) #ground floor level# walls within 50 feet of the frontages set forth in clauses (a) and (b). For purposes of the Section, #ground floor level# shall have the meaning set forth in Section 37-311 (Definitions).

#Ground floor level walls# meeting the requirements of clauses (a) and (b) shall be deemed “primary street frontages” and #ground floor level walls# meeting the requirements of (c) shall be deemed “secondary street frontages”.

(a) Along #primary street frontages#

Along #primary street frontages#, at least 50 percent of the width of the #ground floor level# shall be occupied by #floor area#, that extends to a minimum depth of thirty feet, provided that the depth may be reduced to not less than fifteen feet in areas where there are no walls parallel to the building frontage or #street wall# within such lesser depth.

The portion of the #ground floor level street wall# allocated to such minimum #floor area# requirement shall be glazed in accordance with the following requirements:

- (i) 50 percent of the surface area of such #street wall# and ground floor level walls, measured between a height of two feet above the level of the adjoining sidewalk or publicly accessible open area and a height of 12 feet above the average level of the sidewalk or public access area immediately adjacent to the #building# façade where the #use# adjacent to the #building# wall is a #community facility use# or a #commercial use# other than a #commercial use# listed in use Groups 11 or 16; and
- (ii) 25 percent of the surface area of such #street wall# and ground floor level walls, measured between a height of two feet above the level of the adjoining sidewalk or publicly accessible open area and a height of 12 feet above the average level of the sidewalk or public access area immediately adjacent to the #building# façade where the #use# adjacent to the #building# wall is a #manufacturing use# or a #commercial use# listed in use Groups 11 or 16.

(c) Blank wall provisions along #primary# and #secondary street frontages#

Along both #primary# and #secondary street frontages#, any #street wall# width of 50 feet or more with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds).

144-50**SPECIAL PARKING AND LOADING REGULATIONS**

The requirements of Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply in the #Special Brooklyn Navy Yard District# except as specifically set for the in this Section. In lieu thereof, the provisions of this Section shall apply.

144-51**Permitted Accessory Parking**

#Accessory# parking shall be permitted in the #Special Brooklyn Navy Yard District# without limitation subject to Section 144-54 (Curb Cuts).

144-52**Required Accessory Off-Street Parking**

The requirements of Section 44-21 (General Provisions) shall apply within in the #Special Brooklyn Navy Yard District#, provided that in the event that a Transportation Management Plan has been prepared in accordance with Section 144-56 (Transportation Management Planning), Section 44-21 (General Provisions) shall not be applicable and no parking shall be required.

144-53**Loading Berths**

Loading berths are not required but are permitted within the #Special Brooklyn Navy Yard District# subject to Section 144-54 (Curb Cuts), and any loading berths provided shall be deemed required loading berths for purposes of determining the amount of #floor area# in any #building#.

144-54**Curb Cuts**

Access to any #accessory# off-street loading berth and parking areas for a #development# within the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin East Subarea shall be limited to one curb cut from the adjoining #street#.

Additional curb cuts may be added in the Barge Basin East Subarea upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings or the Department of Small Business Services, as applicable, that an additional curb cut has been approved by the Commissioner of the Department of Transportation.

The Chairperson shall issue the certification within 45 days of receipt of a communication from the Department of Transportation approving an additional curb cut. Failure to certify within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-55**Bicycle Parking**

The requirements of Section 44-60 (BICYCLE PARKING) shall apply in the #Special Brooklyn Navy Yard District#, provided that up to half of the required spaces may be provided as unenclosed bicycle parking spaces, and may be located anywhere on the #zoning lot#.

144-56**Transportation Management Planning**

In lieu of the requirements of Section 44-21 (General Provisions), a Transportation Management Plan may be prepared for the #Special Brooklyn Navy Yard District# that documents: (i) existing parking within the Special District; (ii) parking and bicycle parking utilization rates; (iii)







transportation mode choice; (iv) plans, if any, for additional parking within the Special District; (v) public transportation options in and around the Special District; (vi) indoor and outdoor bicycle parking facilities, including any covered outdoor bicycle spaces, and (vii) measures being employed and planned to incentivize alternate means of transportation. Any Transportation Management Plan shall be filed with the Department of City Planning and made available to the public via a website. The Transportation Management Plan shall be updated not less than every three (3) years with surveys or other data collection undertaken not less than annually to document changes in parking facilities and utilization; the average number of employees and visitors arriving at the #Special Brooklyn Navy Yard District# and their modes of arrival; bike parking availability and utilization of both open and enclosed facilities; transit options, and new technologies and strategies for managing the number of private vehicles accessing the #Special Brooklyn Navy Yard District#. Such updates shall be submitted to the Department of City Planning, and made available to the public via a website and the submission to the Department of City Planning shall be accompanied by an affidavit from the owner or ground tenant stating that the Transportation Management Plan remains in effect, or if it is no longer in effect the date that the Transportation Management Plan terminated.

Any #development# or #enlargement# occurring after the date a Transportation Management Plan has terminated will be subject to the requirements of Section 44-21 (General Provisions).

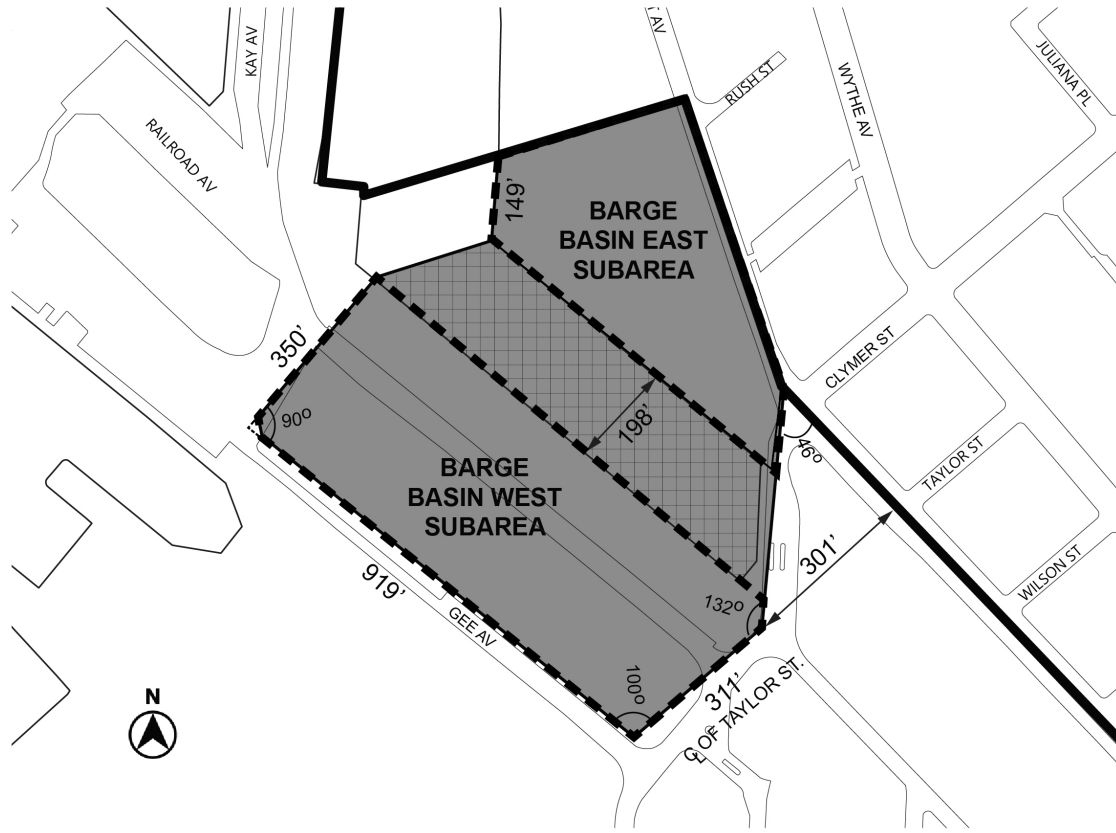
APPENDIX A
Special Brooklyn Navy Yard District Plan

Map 1 - Special Brooklyn Navy Yard District and Subdistricts



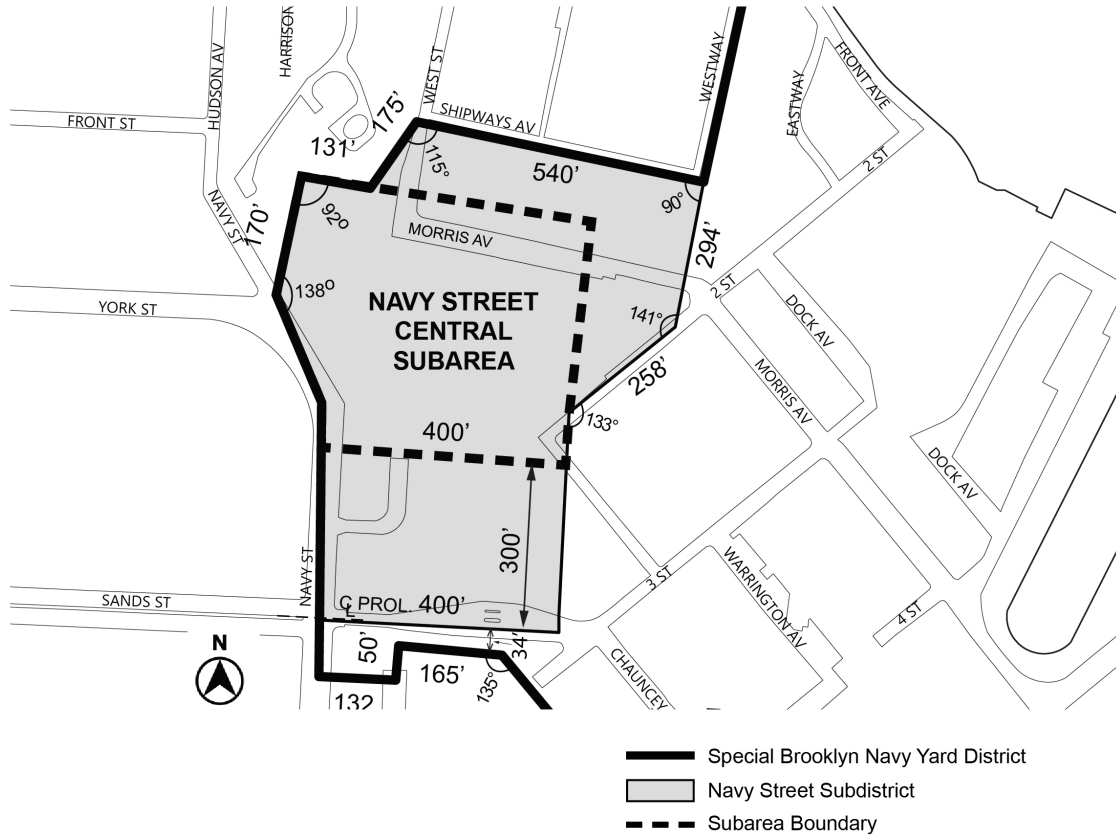
-  Special Brooklyn Navy Yard District
-  Core Subdistrict
-  Navy Street Subdistrict
-  Flushing Subdistrict
-  Barge Basin Subdistrict
-  Barge Basin

Map 2 - Barge Basin Subareas and Public Access Areas

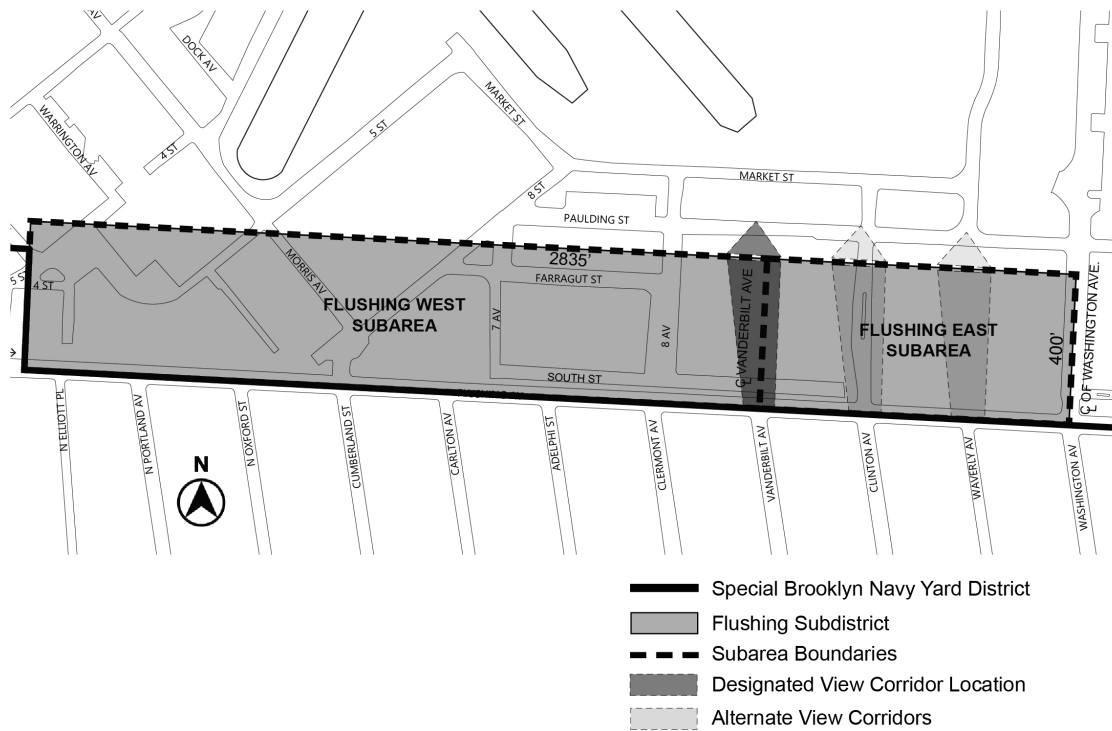


- Special Brooklyn Navy Yard District
- Barge Basin Subdistrict
- Subarea Boundaries
- Barge Basin

Map 3 - Navy Street Central Subarea



Map 4 - Flushing Avenue Subareas and View Corridors



* * *

(On August 18, 2021, Cal. No. 10, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 45-49

COOPER PARK COMMONS

No. 45

CD 1

C 210480 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 13a and 13b:

1. changing from an R6 District to an R7-2 District property bounded by Jackson Street, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue; and
2. establishing within the proposed R7-2 District a C2-4 District bounded by a line 150 feet northerly of Maspeth Avenue, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue.

as shown on a diagram (for illustrative purposes only) dated June 21, 2021 and subject to the terms of CEQR Declaration E-629.

(On August 18, 2021, Cal. No. 3, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 46

CD 1

C 210481 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-711 (Standard minimum distance

between buildings), in connection the development of two new buildings and the enlargement and conversion of two existing buildings, within a large-scale general development generally bounded by Jackson Street, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue/Grandparents Avenue (Block 2885, Lots 1, 20, 23, 28, and 32), in R7-2* and R7-2/C2-4* Districts.

* Note: The development site is proposed to be rezoned by changing an existing R6 District to R7-2 and R7-2/C2-4 Districts under a concurrent related application for a Zoning Map change (C 210480 ZMK).

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.

(On August 18, 2021, Cal. No. 4, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 47

CD 1

N 210482 ZRK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development, 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



* * *

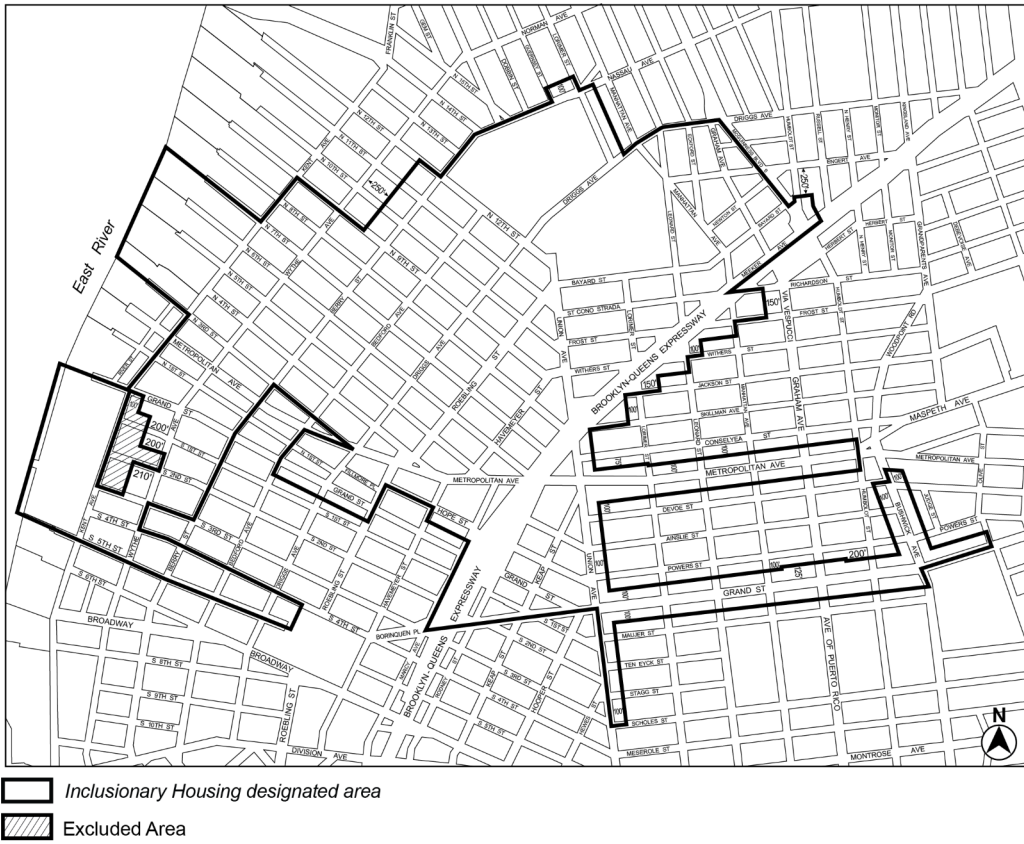
BROOKLYN

Brooklyn Community District 1

* * *




Map 2 – [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



-  Inclusionary Housing designated area
 -  Excluded Area
 -  Mandatory Inclusionary Housing Area *see* Section 23-154(d)(3)
- Area # — [date of adoption] — MIH Program Option 1 and Option 2**

Portion of Community District 1, Brooklyn

* * *

(On August 18, 2021, Cal. No. 5, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 48

CD 1

C 210483 HAK

PUBLIC HEARING:

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

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 288 Jackson Avenue (Block 2885, Lot 1) as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the enlargement of two existing buildings and the construction of two new buildings containing approximately 556 affordable and senior housing units, a 200-bed homeless shelter and community facility and commercial space.

(On August 18, 2021, Cal. No. 6, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 49

CD 1

C 210484 PPK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c of the New York City Charter, to modify the restriction limiting use of property located at 20 Kingsland Avenue (Block 2885, Lot 10) from a health care facility use to general community facility uses.

(On August 18, 2021, Cal. No. 7, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 50 & 51

1045 ATLANTIC AVENUE

No. 50

CD 3

C 210276 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Atlantic Brooklyn LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c & 17a, by changing from an M1-1 District to a C6-3A District property bounded by a line midway between Lefferts Place and Atlantic Avenue, a line perpendicular to the northeasterly street line of Atlantic Avenue distant 180 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the westerly street line of Franklin Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), and a line perpendicular to the northeasterly street line of Atlantic Avenue distant 210 feet southeasterly (as measured along the street line) from the point of

intersection of the northeasterly street line of Atlantic Avenue and the easterly street line of Classon Avenue, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-631.

(On August 18, 2021, Cal. No. 1, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 51

CD 3

N 210277 ZRK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Atlantic Brooklyn 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 Article III Chapter 5 for the purpose of amending street wall location regulations and 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.

* * *

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

* * *

**Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts**

* * *

35-66
Special Height and Setback Provisions for Certain Areas

* * *

35-662
Special height and setback provisions in C6-3A Districts along Atlantic Avenue within Community District 3, Borough of Brooklyn

In C6-3A Districts in Community District 3, in the Borough of Brooklyn, for a #zoning lot# with frontage along Atlantic Avenue, the #street wall# provisions of paragraph (a) of Section 35-651 shall apply along the Atlantic Avenue #street# frontage, and shall also apply along #street# frontages intersecting Atlantic Avenue, within 50 feet of the intersection. .

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

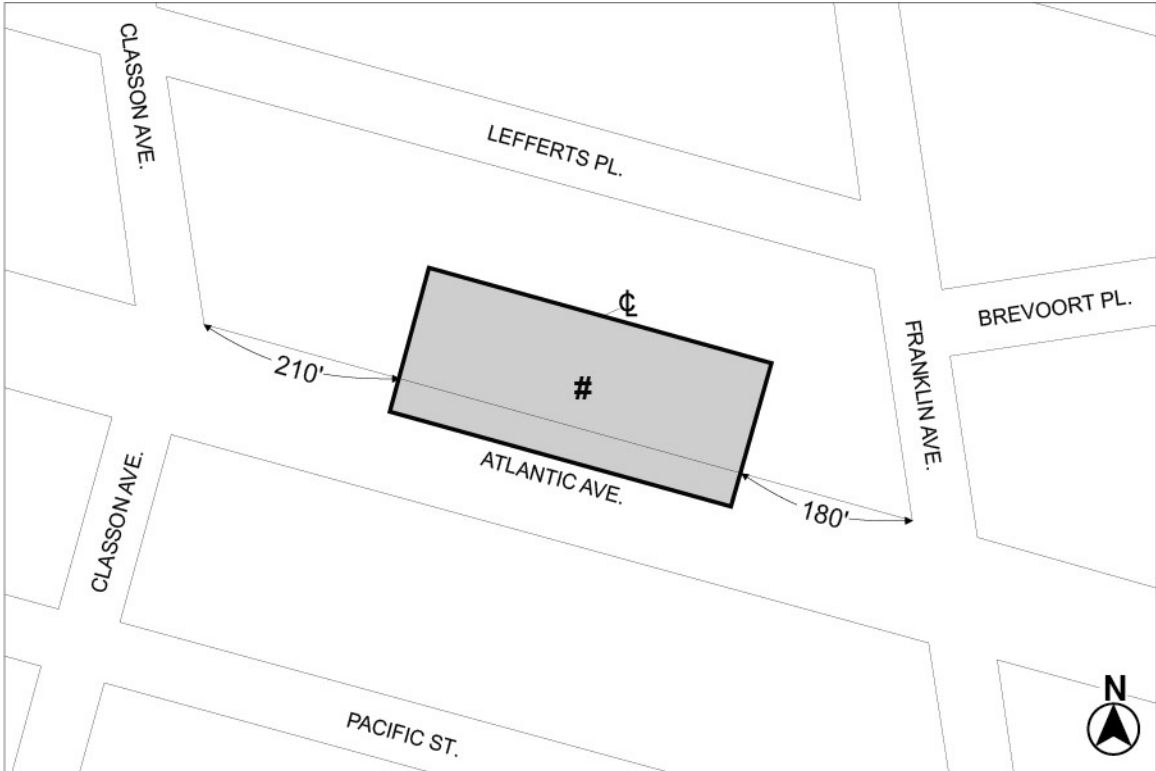
BROOKLYN

* * *

Brooklyn Community District 3

* * *

Map 7 - [date of adoption]



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

Area # [date of adoption] — MIH Program Option 2 and Workforce Option

Portion of Community District 3, Brooklyn

* * *

(On August 18, 2021, Cal. No. 2, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.



BOROUGH OF QUEENS

No. 52

WILDFLOWER STUDIOS

CD 1

C 210459 ZSQ

IN THE MATTER OF an application submitted by WF Industrial IV LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-837 of the Zoning Resolution to modify the height and setback, maximum width of walls facing shoreline and the ground floor streetscape requirements of Section 62-341 (Development on Land and Platforms), in connection with the construction of an approximately 495,000 square-foot motion picture studio, on property located at 1 Steinway Place a.k.a. 36-01 19th Avenue (Block 814, Lots 1 and 10), in an M3-1 District.

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.

(On August 18, 2021, Cal. No. 23, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.



BOROUGH OF MANHATTAN

No. 53

LAS RAICES

CD 11

C 210428 PPM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Section 197-c of the New York City Charter, for the disposition of a city owned property located at 303 East 102nd Street (Block 1674, Lot 104), 338 East 117th Street (Block 1688, Lot 34), 505-507 East 118th Street (Block 1815, Lots 5 and 6), 1761-1763 Park Avenue (Block 1771, Lots 1 and 2) for four new buildings containing approximately 81 affordable dwelling units and community facility space.

(On August 18, 2021, Cal. No. 11, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

NOTICE

On Wednesday, September 1, 2021, a public hearing is being held by the City Planning Commission (CPC), accessible both in person and remotely, in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application for a CPC discretionary action by the New York City Department of Housing Preservation and Development (NYC HPD), on behalf of Las Raices East Harlem LLC, the Project Sponsor, that would facilitate the development of four new affordable housing developments “the proposed project” on four separate development sites in the East Harlem neighborhood of Manhattan, Community District 11 (CD 11). The proposed project would be facilitated by disposition of City-owned property through the Uniform Land Use Review Procedure (“the proposed action”). The proposed project would develop six tax lots grouped into four Development Sites (named A through D for identification purposes) with a total of four buildings containing a total of approximately 81

■

affordable dwelling units (DUs) (plus two superintendent's units for a total of 83 units) and approximately 10,740 gross square feet (gsf) of community facility space. All six lots are City-owned and would be conveyed by HPD to the Project Sponsor as a result of the proposed action. Construction of the Proposed Project is expected to be completed in 2023.

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, September 13, 2021.

For instructions on how to submit comments and participate remotely, please refer to the instructions at the beginning of this agenda.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 20HPD002M.

Nos. 54, 55 & 56

250 WATER STREET

No. 54

CD 1

C 210438 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by 250 Seaport District, 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 74-743(a)(1) – to allow the distribution of total allowable floor area without regard for zoning lot lines; and
2. Section 74-743(a)(2) – to modify the height and setback requirements of Section 62-341 (Development on land and platforms), Section 35-652 (Maximum height of buildings and setback regulations), and Sections 23-662 (Maximum height of buildings and setback regulations), and the street wall location requirements of Section 35-651 (Street wall location);

in connection with a proposed mixed use development on property located at 250 Water Street (Block 98, Lot 1), in a C6-2A District, within a Large-Scale General Development generally bounded by Pearl Street, Peck Slip, Water Street, Beekman Street and its easterly prolongation, the U.S. Pierhead line and John Street and its easterly prolongation (Block 73, p/o Lot 10, p/o Lot 8, Lot 11 & a portion of Marginal Street, Wharf or Place, Block 98, Lot 1, Block 74, p/o Lot 20, and the de-mapped portions of Fulton Street, Water Street & Front Street), in C4-6, C5-3, and C6-2A Districts, within the Special Lower Manhattan District.

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 August 18, 2021, Cal. No. 12, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 55

CD 1

C 210438(A) ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by 250 Seaport District, LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) – to allow the distribution of total allowable floor area without regard for zoning lot lines; and
2. Section 74-743(a)(2) – to modify the height and setback requirements of Section 62-341 (Development on land and platforms), Section 35-652 (Maximum height of buildings and setback regulations), and Section 23-662 (Maximum height of buildings and setback regulations), and the street wall location requirements of Section 35-651 (Street wall location);

in connection with a proposed mixed use development on property located at 250 Water Street (Block 98, Lot 1), in a C6-2A District, within a Large-Scale General Development generally bounded by Pearl Street, Peck Slip, Water Street, Beekman Street and its easterly prolongation, the U.S. Pierhead line and John Street and its easterly prolongation (Block 73, p/o Lot 10, p/o Lot 8, Lot 11 & a portion of Marginal Street, Wharf or Place, Block 98, Lot 1, Block 74, p/o Lot 20, and the de-mapped portions of Fulton Street, Water Street & Front Street), in C4-6, C5-3, and C6-2A Districts, within the Special Lower Manhattan District.

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 August 18, 2021, Cal. No. 13, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

No. 56

CD 1

N 210439 ZRM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by 250 Seaport District, 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 the provisions of the South Street Seaport Subdistrict in Article IX Chapter 1 (Special Lower Manhattan District).

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 IX

SPECIAL PURPOSE DISTRICTS



Chapter 1
Special Lower Manhattan District

91-60
REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

* * *

91-62
Definitions

For purposes of this Section, matter in italics is defined in Section 12-10 (DEFINITIONS) or within this Section.

* * *

Receiving lot

Within the South Street Seaport Subdistrict, a “receiving lot” is a #zoning lot# identified on the map of transfer areas (Map 6 in Appendix A) to which #development rights# may be added. Such “receiving lots” are identified on the map as Parcels 1, 2, 8, 15, 16, 20, 21 and 22.

* * *

91-68
Designated Pedestrian Ways

Within the South Street Seaport Subdistrict, the volume situated above the subsurface #streets# shown on the City Map, and listed in this Section are designated pedestrian ways and are governed by paragraph (b) of the definition of #street# as set forth in Section 91-62 (Definitions):

- (a) Fulton Street, between Water and South Streets
- (b) Water Street, between Fulton and Beekman Streets
- (c) Front Street, between Fulton and Beekman Streets, and between John and Fulton Streets



- (d) South Street (the 18-foot-wide strip located on the northwesterly side), between Beekman and John Streets.

In addition, the designated pedestrian ways referenced in paragraphs (a), (b) and (c) of this Section may be considered a single #zoning lot# for purposes of the definition of #large-scale general development# in Section 12-10 (Definitions).

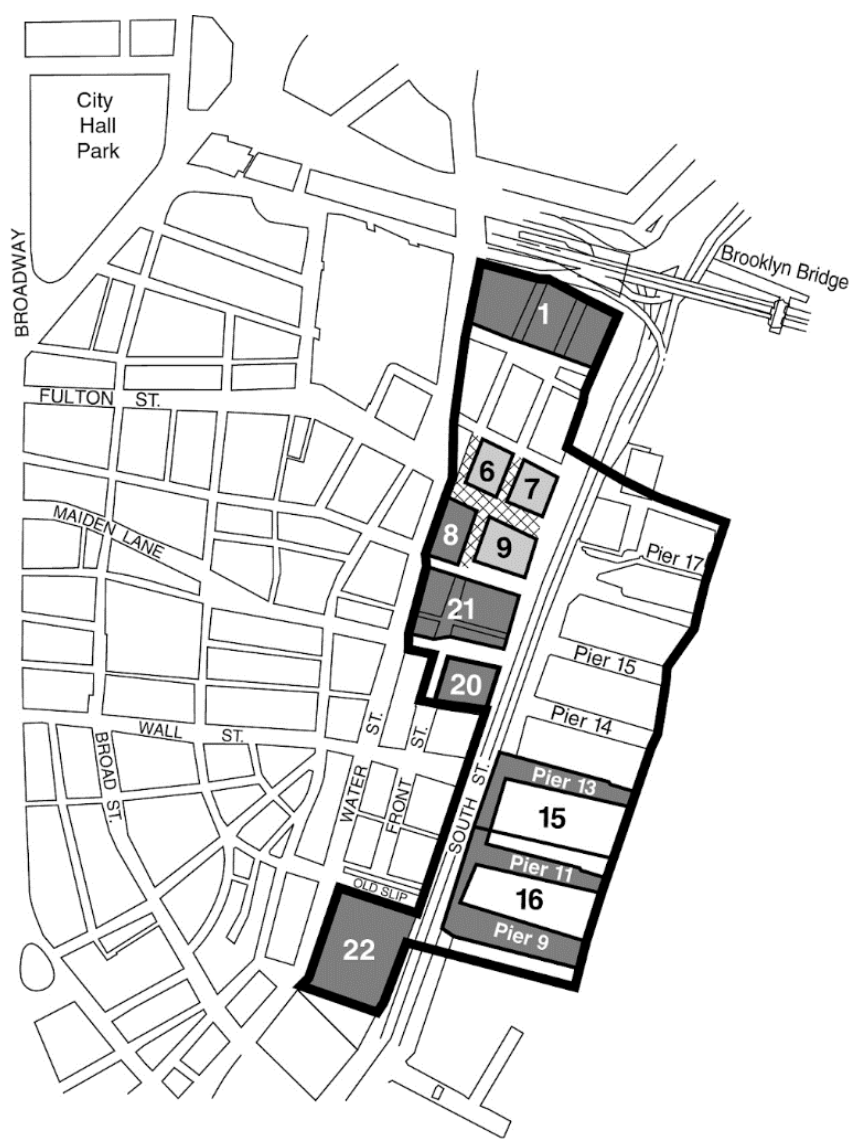
* * *





Appendix A
Lower Manhattan District Plan Maps

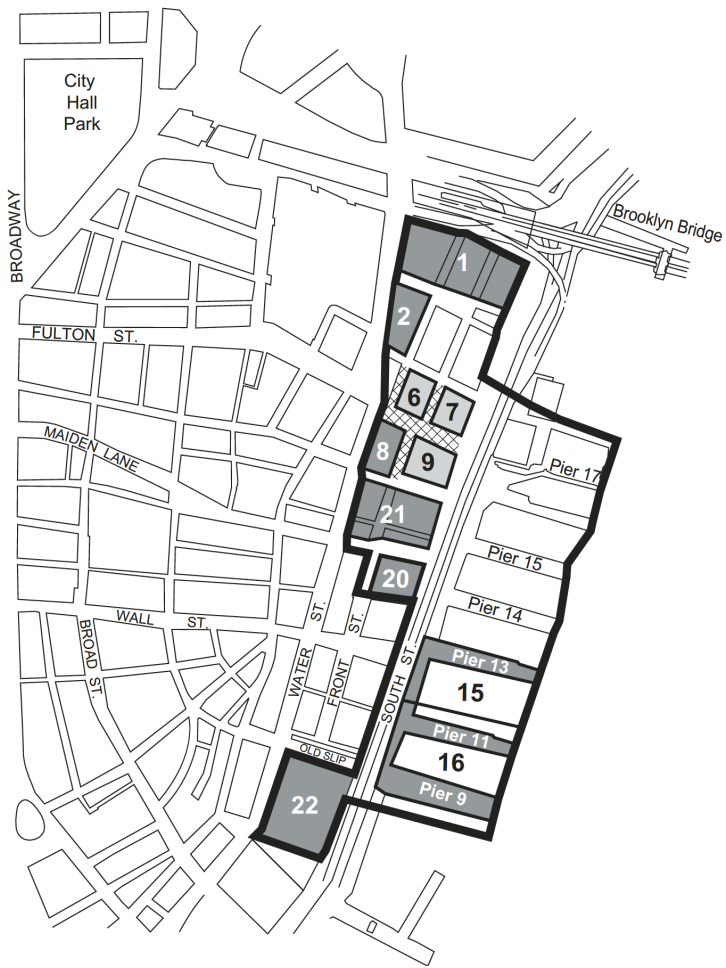
* * *





Map 6 - South Street Seaport Subdistrict (91-A6)

[EXISTING MAP]



-  South Street Seaport Subdistrict
 -  Receiving Lot
 -  Granting Lot
 -  Designated Pedestrian Ways
- Numbers indicate Brooklyn Bridge Southeast Urban Renewal Plan Parcels
[PROPOSED MAP]



-  South Street Seaport Subdistrict
-  Receiving Lot
-  Granting Lot
-  Designated Pedestrian Ways

Numbers indicate Brooklyn Bridge Southeast Urban Renewal Plan Parcels

* * *

(On August 18, 2021, Cal. No. 14, the Commission scheduled September 1, 2021 for a public hearing which has been duly advertised.)

Close the hearing.

NOTICE

On Wednesday, September 1, 2021, a public hearing is being held by the City Planning Commission (CPC), accessible both in person and remotely, in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by 250 Seaport District, LLC (the Applicant). The Applicant is seeking a special permit, modifications to a previously approved large-scale general development (LSGD), zoning text amendments, and authorizations (the Proposed Actions) from the City Planning Commission (CPC) to facilitate the development of an up to approximately 680,500-gross square foot (gsf), up to 395-foot tall mixed-use building (the Proposed Project) containing market-rate and affordable housing, retail, office, and community facility spaces as well as parking at 250 Water Street (Block 98, Lot 1; the Development Site) in the South Street Seaport neighborhood in Lower Manhattan, Community District 1. The Proposed Project would also facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum (the Museum) at 89-93 South Street, 2-4 Fulton Street, 167-175 John Street (Block 74, a portion of Lot 1; the Museum Site). The Proposed Project would additionally include operational changes to facilitate passenger drop off on the Pier 17 access drive as well as minor improvements to the Pier 17 access drive area and building, and may include streetscape, open space, or other improvements (e.g., planters) under the Proposed Actions on the Project Area. The Project Area is also located within the South Street Seaport Historic District, and the construction and design of the proposed development is subject to Landmarks Preservation Commission (LPC) approval.

The public hearing will also consider a modification to the application (ULURP No. C 210438(A) ZSM).

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, September 13, 2021.



For instructions on how to submit comments and participate remotely, please refer to the instructions at the beginning of this agenda.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 21DCP084M.



IV. 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	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						1	2
	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	17	18	19	20	21
	22	23	24	25	26	27	28
	29	30 REVIEW SESSION	31				
SEPTEMBER				1 CPC PUBLIC MEETING	2	3	4
	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						1	2
	3	4 REVIEW SESSION	5	6 CPC PUBLIC MEETING	7	8	9
	10	11	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		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 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