

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:**  
**WEDNESDAY, JANUARY 30, 2008**  
**9:30 A.M. AARON DAVIS HALL**  
**138 CONVENT AVENUE, NEW YORK, N.Y.**

Yvette V. Gruel, Calendar Officer  
 22 Reade Street, Room 2E  
 New York, New York 10007-1216  
 (212) 720-3370

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
1	N 080230 HAX	2	PROSPECT/MACY	Scheduled to be Heard 2/13/08
2	N 080224 HAX	4	COLLEGE AVENUE	" "
3	N 080217 HAX	10	COUNCIL TOWERS V	" "
4	C 080227 HAX	3	JENNINGS STREET	" "
5	C 080222 ZMX	3	COURTLANDT CORNERS I AND II	" "
6	C 080223 HAX	3	" "	" "
7	C 080232 HUX	3	ROSCOE BROWN, JR. APARTMENTS	" "
8	C 080233 ZMX	3	" "	" "
9	C 080234 HAX	3	" "	" "
10	C 080126 HUX	9	JAMES J. LYONS URBAN RENEWAL PLAN	" "
11	C 080127 HAX	9	" "	" "
12	C 080128 ZMX	9	" "	" "
13	N 070060 ZRX	9	PARKCHESTER ZONING TEXT	" "
14	C 080105 HAK	16	RIVER ROCK APARTMENTS	" "
15	C 080213 ZMK	1	GRAND STREET REZONING	" "
16	C 080108 HAM	10	BRADHURST CLUSTER CORNERSTONE IV	" "
17	C 070289 ZMM	4	REI/RED CROSS	" "

COMMISSION ATTENDANCE:		Present (P) Absent (A)	COMMISSION VOTING RECORD: In Favor - Y Oppose - N Abstain - AB Recuse - R																	
Calendar Numbers:																				
Amanda M. Burden, AICP, Chair	P																			
Kenneth J. Knuckles, Esq., Vice Chairman	P																			
Angela M. Battaglia	P																			
Irwin Cantor, P.E.	P																			
Angela R. Cavaluzzi, R.A.	P																			
Alfred C Cerullo, III	P																			
Betty Chen	P																			
Maria M. Del Toro	P																			
Richard W. Eaddy	P																			
Nathan Leventhal	P																			
Shirley A. McRae	P																			
John Merolo	P																			
Karen A. Phillips, Commissioners	P																			

MEETING ADJOURNED AT: 3:30 P.M

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:  
WEDNESDAY, JANUARY 30, 2008  
9:30 A.M. AARON DAVIS HALL  
138 CONVENT AVENUE, NEW YORK, N.Y.**

**Yvette V. Gruel, Calendar Officer  
22 Reade Street, Room 2E  
New York, New York 10007-1216  
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
18	C 070290 ZSM	4	REI/RED CROSS	Scheduled to be Heard 2/13/08
19	C 070556 ZSM	1	73-77 READE STREET/91-95 CHAMBERS STREET	Not Scheduled
20	C 080132 ZMM	10	UNITY FUNERAL HOME	Scheduled to be Heard 2/13/08
21	C 080133 HAM	10	" "	" "
22	C 080130 HAM	10	215 WEST 117 <sup>TH</sup> STREET	" "
23	N 080253 ZRQ	2	SUNNYSIDE GARDENS SPECIAL DISTRICT TEXT AMENDMENT	" "
24	C 080202 ZMR	1	WESTERLEIGH REZONING	" "
25	N 080149 ZRY	CW	STAIRWELLS TEXT AMENDMENT	" "
26	C 080096 HUM	11	KINGSGATE HOUSE	Hearing Closed
27	C 080097 HAM	11	" "	" "
28	C 080099 ZMM	9,10,11	125 <sup>TH</sup> STREET PLAN	" "
29	C 080099(A) ZMM	9,10,11	" "	" "
30	N 080100 ZRM	9,10,11	" "	" "
31	N 080100(A) ZRM	9,10,11	" "	" "

<b>COMMISSION ATTENDANCE:</b> Present (P) Absent (A)  Calendar Numbers:	<b>COMMISSION VOTING RECORD:</b> In Favor - Y    Oppose - N    Abstain - AB    Recuse - R												
Amanda M. Burden, AICP, Chair													
Kenneth J. Knuckles, Esq., Vice Chairman													
Angela M. Battaglia													
Irwin Cantor, P.E.													
Angela R. Cavaluzzi, R.A.													
Alfred C Cerullo, III													
Betty Chen													
Maria M. Del Toro													
Richard W. Eaddy													
Nathan Leventhal													
Shirley A. McRae													
John Merolo													
Karen A. Phillips, Commissioners													

MEETING ADJOURNED AT:

**COMPREHENSIVE  
CITY PLANNING CALENDAR**

of

**The City of New York**

---

**CITY PLANNING COMMISSION**

---

**WEDNESDAY, JANUARY 30, 2008**

---

**MEETING AT 9:30 A.M. CITY COLLEGE OF NEW YORK**

**AARON DAVIS HALL, 138 CONVENT AVENUE**

**(WEST 135<sup>TH</sup> STREET AND CONVENT AVENUE)**

**NEW YORK, NEW YORK**



**Michael R. Bloomberg, Mayor**

**City of New York**

**[No. 2]**

**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](http://nyc.gov/planning)**

A

**CITY PLANNING COMMISSION**

---

GENERAL RULES OF PROCEDURE AS PERTAINING TO  
PUBLIC MEETINGS

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

**NOTE** - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: in Section I, (Scheduling Dates for Future Public Hearings), in Section II, (Reports), and in Section III, (Public Hearings). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

---

**NOTICE--CALENDARS:** City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site ([www.nyc.gov/planning](http://www.nyc.gov/planning)). The availability of these documents on-line will occur earlier than the current printed documents.

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below. Any individual or organization that would like to receive paper copies of the aforementioned documents will be able to do so at a fee of \$120.00 annually. Please have the certified check made out to the **City of New York -- Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216.

**For Calendar Information:** call (212) 720-3368, 3369, 3370.

**Note to Subscribers:** Notify us of change of address including E-mail by writing to:

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

**B**  
**CITY PLANNING COMMISSION**

22 Reade Street, New York, N.Y. 10007-1216

- AMANDA M. BURDEN, AICP, Chair**
- KENNETH J. KNUCKLES, Esq., Vice Chairman**
- ANGELA M. BATTAGLIA**
- IRWIN G. CANTOR, P.E.**
- ANGELA R. CAVALUZZI, R.A.**
- ALFRED C. CERULLO, III**
- BE TTY Y. CHEN**
- MARIA M. DEL TORO**
- RICHARD W. EADDY**
- NATHAN LEVENTHAL**
- SHIRLEY A. MCRAE**
- JOHN MEROLO**
- KAREN A. PHILLIPS, Commissioners**
- YVETTE V. GRUEL, Calendar Officer**

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

**TABLE OF CONTENTS**

**WEDNESDAY, JANUARY 30, 2008**

Roll Call; Approval Of Minutes..... 1

I. Matters To Be Scheduled for Public Hearing..... 1

II. Public Hearings..... 29

III. Schedule Of Meetings: January 1, 2008 - June 30, 2008.....83

IV. Schedule Of Meetings: July 1, 2008 - December 31, 2008.....84

**Community Board Public Hearing Notices are available in the  
Calendar Information Office, Room 2E, 22 Reade Street,  
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for February 13, 2008 at Spector Hall 22 Reade Street, New York at 10:00 a.m.

C

**GENERAL INFORMATION**

**HOW TO PARTICIPATE:**

**Signing up to speak:** Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in support of the proposal and those speaking in opposition.

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

**Written Comments:** If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

**CITY PLANNING COMMISSION  
Calendar Information Office - Room 2E  
22 Reade Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject \_\_\_\_\_

Date of Hearing \_\_\_\_\_ Calendar No. \_\_\_\_\_

Borough \_\_\_\_\_ Identification No.: \_\_\_\_\_ CB No.: \_\_\_\_\_

Position:    Opposed \_\_\_\_\_  
                  In Favor \_\_\_\_\_

Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Organization (if any) \_\_\_\_\_

Address \_\_\_\_\_ Title: \_\_\_\_\_

**JANUARY 30, 2008**

---

**APPROVAL OF MINUTES OF the Regular Meeting of January 9, 2008 and the  
Special Meeting of January 28, 2008**

---

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, FEBRUARY 13, 2008  
STARTING AT 10:00 A.M.  
IN SPECTOR HALL, 22 READE STREET  
NEW YORK, NEW YORK**

---

**BOROUGH OF THE BRONX**

**No. 1**

***PROSPECT/MACY***

**CD 2**

**N 080230 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 853 Macy Place (Block 2688, Lot 36); and 774, 776, 778, 780, and 782 Prospect Avenue (Block 2688, Lots 38, 40, 42, 44, and 46), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area;

to facilitate development of two buildings, tentatively known as Prospect/Macy, with approximately 124 residential units, to be developed under the Department of Housing Preservation and Development's Cornerstone Program.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 2**

***COLLEGE AVENUE***

**CD 4**

**N 080224 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 282 East 171<sup>st</sup> Street (Block 2786, Lot 17); and 1437, 1433, 1429, 1425, and 1421 College Avenue (Block 2786, Lots 19, 21, 23, 25, and 27), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area;

to facilitate development of a six-story building, tentatively known as College Avenue, with approximately 114 residential units, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 3**

***COUNCIL TOWERS V***

**CD 10**

**N 080217 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 2228 Givan Avenue (Block 5141, Lot 260); and 777 Co-op City Boulevard (Block 5141, Lot 265), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area;

to facilitate development of an eleven-story building, tentatively known as Council Towers V, with approximately 70 residential units, to be developed under the Department

of Housing and Urban Development's Section 202 Supportive Housing Program for the Elderly.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 4**

***JENNINGS STREET***

**CD 3**

**C 080227 HAX**

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

- 1.) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 842-848, and 850 Jennings Street (Block 2965, Lot 99, and part of 100), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of an eight-story building, tentatively known as Jennings Street, with approximately 103 residential units and community facility uses, to be developed under the Department of Housing Preservation and Development's Cornerstone Program.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**Nos. 5 & 6**

***COURTLANDT CORNERS I and II***

**No. 5**

**CD 3**

**C 080222 ZMX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, changing from an R7-2

District to an R7A District properly bounded by Courtlandt Avenue, East 162<sup>nd</sup> Street, Melrose Avenue, and a line 100 feet northeasterly of East 161<sup>st</sup> Street, as shown on a diagram (for illustrative purposes only) dated January 7, 2008.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 6**

**CD 3**

**C 080223 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 868-70 and 368 Courtlandt Avenue (Block 2407, Lots 5 and 8); 902 and 904 Courtlandt Avenue (Block 2408, Lots 6 and 7); 377 and 375 East 160<sup>th</sup> Street (Block 2407, Lots 31 and 32); 370, 372, and 376 East 161<sup>st</sup> Street (Block 2407, Lots 10, 11, and 12); 359, 377-81, 375, 373, and 363-65 East 161<sup>st</sup> Street (Block 2408, Lots 1, 25, 27, 28, 29, and 31); 364, 368, 370, 376, 378, 384, and 386 East 162<sup>nd</sup> Street (Block 2408, Lots 8, 9, 10, 13, 14, and part of 12 and 16); 895 Melrose Avenue (Block 2408, Lot 20), Sites 46, 45, 57, and 56 of the Melrose Commons Urban Renewal Area; 886 and 900 Courtlandt Avenue (Block 2408, Lots 2 and 5); and 376 East 162<sup>nd</sup> Street (Block 2408, part of Lot 12), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of property located at 868-70 and 368 Courtlandt Avenue (Block 2407, Lots 5 and 8); 902 and 904 Courtlandt Avenue (Block 2408, Lots 6 and 7); 377 and 375 East 160<sup>th</sup> Street (Block 2407, Lots 31 and 32); 370, 372, and 376 East 161<sup>st</sup> Street (Block 2407, Lots 10, 11, and 12); 359, 377-81, 375, 373, and 363-65 East 161<sup>st</sup> Street (Block 2408, Lots 1, 25, 27, 28, 29, and 31); 364, 368, 370, 376, 378, 384, and 386 East 162<sup>nd</sup> Street (Block 2408, Lots 8, 9, 10, 13, 14, and part of 12 and 16); and 895 Melrose Avenue (Block 2408, Lot 20), to a developer selected by HPD;

to facilitate development of four residential buildings and three townhouses, tentatively known as Courtlandt Corners I and II, with approximately 326 residential units and

commercial space, to be developed under Housing Preservation and Development and the Housing Development Corporation's low and moderate income housing programs.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**Nos. 7, 8 & 9**

***ROSCOE BROWN, JR. APARTMENTS***

**No. 7**

**CD 3**

**C 080232 HUX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the 3<sup>rd</sup> amendment to the Bathgate Urban Renewal Plan for the Bathgate Urban Renewal Area, Community District 3, Borough of the Bronx.

The proposed amendment removes from the Early Action Industrial Area (EAIA) the six tax lots which comprise the project site, tentatively known as Roscoe C. Brown Jr. Apartments (Block 2929, Lots 50, 58, 65, 66, 67, and 68) and designates the lots as a separate urban renewal Site Five. The amendment also includes a density limit of 280 dwelling units, a maximum building height limit of 105 feet above the base plane, and a maximum residential FAR of 5.6.

Additionally, the amendment changes the name of the EAIA to the Bathgate Industrial Area, and the language, format of the Urban Renewal Plan, and the time schedule for effectuation have been updated.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 8**

**CD 3**

**C 080233 ZMX**

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

1. changing from an M1-4 District to an R8A District property bounded by East 173<sup>rd</sup> Street, a line 100 feet southeasterly of Third Avenue, East 172<sup>nd</sup> Street, and Third Avenue; and
2. establishing within the proposed R8A District a C2-4 District bounded by a East 173<sup>rd</sup> Street, a line 100 feet southeasterly of Third Avenue, a line 225 feet southwesterly of East 173<sup>rd</sup> Street and Third Avenue;

as shown on a diagram (for illustrative purposed only) dated January 7, 2008.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 9**

**CD 3**

**C 080234 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 531 East 172<sup>nd</sup> Street (Block 2929, Lot 50) and 3952, 3966, 3968, 3970, and 3972 Third Avenue (Block 2929, Lots 58, and 65-68), proposed Site 5 of the Bathgate Urban Renewal Area, as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of two buildings, tentatively known as Roscoe C. Brown Jr. Apartments, with approximately 279 residential units and commercial space, to be developed under the New York City Housing Development Corporation's Low Income Affordable Marketplace Program and the Department of Housing Preservation and Development's Mixed Income Rental Program.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 10, 11 & 12**

***JAMES J. LYONS URBAN RENEWAL PLAN***

**No. 10**

**CD 9**

**C 080126 HUX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the 1<sup>st</sup> amendment to the James J. Lyons Urban Renewal Plan for the James J. Lyons Urban Renewal Area.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 11**

**CD 9**

**C 080127 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 2301-11 Lacombe Avenue (Block 3540, p/o 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 selected by HPD;

to facilitate the conveyance of a one family residential unit under the Department of Housing Preservation and Development Division of Alternative Management Programs.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 12**

**CD 9**

**C080128 ZMX**

**IN THE MATTER** of an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7a changing from an M1-1 District to an R5 District property bounded by a line 55 feet northerly of Lacombe Avenue, Zerega Avenue, Lacombe Avenue, and a line 50 feet easterly of Havemeyer Avenue, as shown on a diagram (for illustrative purposes only) dated October 29, 2007.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

**No. 13**

***PARKCHESTER ZONING TEXT***

**CD 9**

**N 070060 ZRX**

**IN THE MATTER OF** an application submitted by the Parkchester Preservation Company, LP pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article X, Chapter 3 (Special Planned Community Preservation District) modifying Section 103-07 (Special Provisions for Demolition of Buildings).

Matter Underlined is new, to be added;

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

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

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

**103-07**

**Special Provisions for Demolition of Buildings**

No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I Article 8 of the New York City Administrative Code, or its successor, except pursuant to a #development# plan for which a special permit has been granted under Section 103-06 (Special Permit Provisions).

In a C8-4 District, however, a demolition permit may be issued for any #building# that is less than 10,000 square feet and was constructed after December 31, 1955, but prior to July 18, 1974.

\* \* \*

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**BOROUGH OF BROOKLYN**

**No. 14**

***RIVER ROCK APARTMENTS***

**CD 16**

**C 080105 HAK**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 206, 208, 210, 214 Riverdale Avenue (Block 3602, Lots 34, 35, 36 and 37) and 774, 780, 782, 784, and 786 Rockaway Avenue (Block 3602, Lots 38, 39, 40, 41, and 42), part of site 24 of the Marcus Garvey Urban Renewal Area as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of property located at 206, 208, 210, 214 Riverdale Avenue (Block 3602, Lots 34, 35, 36 and 37) and 774, 782, 784, and 786 Rockaway Avenue (Block 3602, Lots 38, 40, 41 and 42) to a developer selected by HPD;

to facilitate development of a six-story, mixed-use building, tentatively known as River Rock Apartments, with approximately 54 residential units, retail and community facility space, to be developed under the New York City Housing Development Corporation's LAMP Program.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

No. 15

**GRAND STREET REZONING**

**CD 1**

**C 080213 ZMK**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c, 12d, and 13b:

1. eliminating from within an existing R6 District a C1-3 District bounded by Grand Street, Marcy Avenue, a line midway between South 1<sup>st</sup> Street and Grand Street, and Havemeyer Street;
2. eliminating from within an existing R6 District a C1-4 District bounded by a line midway between Hope Street and Grand Street, a line 150 feet northwesterly of Havemeyer Street, Hope Street, Havemeyer Street, a line midway between Hope Street and Grand Street, Marcy Avenue, Grand Street, Havemeyer Street, a line midway between South 1<sup>st</sup> Street and Grand Street, and Roebing Street;
3. eliminating from within an existing R6 District a C2-3 District bounded by:
  - a. a line 100 feet northeasterly of Grand Street, Bedford Avenue, a line midway between Grand Street and South 1<sup>st</sup> Street, a line 150 feet southeasterly of Bedford Avenue, South 1<sup>st</sup> Street, a line 150 feet northwesterly of Bedford Avenue, a line midway between Grand Street and South 1<sup>st</sup> Street, and Berry Street; and
  - b. a line midway between Grand Street and South 1<sup>st</sup> Street, Roebing Street, South 1<sup>st</sup> Street, and a line 150 feet northwesterly of Roebing Street.
4. changing from an R6 District to an R6A District property bounded by Metropolitan Avenue, Bedford Avenue, North 1<sup>st</sup> Street, and Berry Street;
5. changing from R6 District to an R6B District property bounded by:
  - a. North 3<sup>rd</sup> Street, Metropolitan Avenue, and Berry Street; and
  - b. North 1<sup>st</sup> Street, Driggs Avenue, Fillimore Place, Roebing Street, Hope Street, Havemeyer Street, a line midway between Hope Street and Grand Street, Marcy Avenue, a line midway between Grand Street and South 1<sup>st</sup> Street, Roebing Street, South 1<sup>st</sup> Street, and Berry Street.
6. establishing within a proposed R6B District a C2-4 District bounded by:
  - a. a line 100 feet northeasterly of Grand Street, Bedford Avenue, a line midway between Grand Street and South 1<sup>st</sup> Street, a line 100 feet

southeasterly of Bedford Avenue, South 1<sup>st</sup> Street, a line 100 feet northwesterly of Bedford Avenue, a line midway between Grand Street and South 1<sup>st</sup> Street, and Berry Street;

- b. a line midway between Grand Street and South 1<sup>st</sup> Street, Roebling Street, South 1<sup>st</sup> Street, and a line 100 feet northwesterly of Roebling Street; and
- c. a line midway between Hope Street and Grand Street, a line 100 feet northwesterly of Havemeyer Street, Hope Street, Havemeyer Street, a line midway between Hope Street and Grand Street, Marcy Avenue, a line midway between Grand Street and South 1<sup>st</sup> Street, and Roebling Street;

as shown on a diagram (for illustrative purposes only) dated December 17, 2007.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**BOROUGH OF MANHATTAN**

**No. 16**

***BRADHURST CLUSTER CORNERSTONE IV***

**CD 10**

**C 080108 HAM**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 2078 and 2080 Frederick Douglass Blvd. (Block 1828, Lots 64 and 63), 215 West 115<sup>th</sup> St. (Block 1831, Lot 21), 228 West 116<sup>th</sup> St. (Block 1831, Lot 47), 312 West 112<sup>th</sup> St. (Block 1846, Lot 55), 274 West 117<sup>th</sup> St. (Block 1922, Lot 58), 203 and 205 West 119<sup>th</sup> St. (Block 1925, Lots 27 and 25), 311 West 141<sup>st</sup> St. (Block 2043, Lot 7), 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 facilitate development of seven buildings, tentatively known as Bradhurst Cluster Cornerstone IV, with approximately 102 units, commercial and community facility space, to be developed under the New York City Housing Preservation and Development's Cornerstone Program.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**Nos. 17 & 18**

***REI/RED CROSS***

**No. 17**

**CD 4**

**C 070289 ZMM**

**IN THE MATTER** of an application submitted by Real Estate Industrials, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 8c:

1. changing from an M1-5 District to an R8 District property bounded by West 49<sup>th</sup> Street, the easterly boundary line of the Central Rail Road right-of-way, a line midway between West 48<sup>th</sup> Street and West 49<sup>th</sup> Street, a line 450 feet westerly of Tenth Avenue, West 48<sup>th</sup> Street, and a line 175 feet easterly of Eleventh Avenue; and
2. establishing within the proposed R8 District a C2-5 District bounded by West 49<sup>th</sup> Street, the easterly boundary line of the Central Rail Road right-of-way, a line midway between West 48<sup>th</sup> Street and West 49<sup>th</sup> Street, a line 450 feet westerly of Tenth Avenue, West 48<sup>th</sup> Street, and a line 175 feet easterly of Eleventh Avenue;

as shown on a diagram (for illustrative purposes only) dated October 1, 2007 and subject to the conditions of CEQR Declaration E-203.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 18**

**CD 4**

**C 070290 ZSM**

**IN THE MATTER** of an application submitted by Real Estate Industrials, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 88 spaces including 31 accessory spaces on portions of the ground floor and cellar level and to permit floor space on the ground floor up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (Definitions) of the Zoning Resolution, of a proposed mixed use development on property located at 535 -551 West 48<sup>th</sup> Street a.k.a. 514-544 West 49<sup>th</sup> Street (Block 1077, Lots 8, 9, 10, 18, 19, 20, 43, 55 and 56) in R8 and R8/C2-5\* Districts, within the Special Clinton District.

\* Note: a portion of the site is proposed to be rezoned by changing an M1-5 District to an R8/C2-5 District, under a related application C 070289 ZMM.

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

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 19**

***73-77 READE STREET/91-95 CHAMBERS STREET***

**CD 1**

**C 070556 ZSM**

**IN THE MATTER IN THE MATTER OF** an application submitted by 77 Reade LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the rear yard requirements of Section 23-533 (Required rear yard equivalents) and the loft dwelling requirements of Section 111-111(b) (Loft dwelling requirements) to facilitate the conversion and enlargement of an existing building, on property located at 73-77 Reade Street a.k.a. 91-95 Chambers Street (Block 149, Lots 9 and 11), in a C6-3A District, within the Special Tribeca Mixed Use District (Area A3).

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

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**Nos. 20 & 21**

***UNITY FUNERAL HOME***

**No. 20**

**CD 10**

**C 080132 ZMM**

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

1. eliminating from within an existing R7-2 District a C1-4 District bounded by West 127<sup>th</sup> Street, a line 100 feet easterly of Frederick Douglass Boulevard, West 126<sup>th</sup> Street and Frederick Douglass Boulevard; and
2. establishing within an existing R7-2 District a C2-4 District bounded by West 127<sup>th</sup> Street, a line 100 feet easterly of Frederick Douglass Boulevard, a line midway between West 126<sup>th</sup> Street and West 127<sup>th</sup> Street, a line 185 feet easterly of Frederick Douglass Boulevard, West 126<sup>th</sup> Street, and Frederick Douglass Boulevard;

as shown on a diagram (for illustrative purposes only) dated October 29, 2007, and subject to the conditions of CEQR Declaration E-204.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 21**

**CD 10**

**C 080133 HAM**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 263, 265, and 267 West 126<sup>th</sup> Street (Block 1932, Lots 5, 7, and 107) 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 the New York City Economic Development Corporation;
- to facilitate the expansion of an existing commercial facility.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**No. 22**

***215 WEST 117<sup>th</sup> STREET***

**CD 10**

**C080130 HAM**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 215 West 117<sup>th</sup> Street (Block 1923, Lot 18) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate the development of accessory open space for an existing residential building rehabilitated under Housing Preservation and Development's Vacant Building Program.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**BOROUGH OF QUEENS**

**No. 23**

***SUNNYSIDE GARDENS SPECIAL PLANNED COMMUNITY PRESERVATION  
DISTRICT TEXT AMENDMENT***

**CD 2**

**N 080253 ZRQ**

**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, modifying special permit regulations pertaining to the Sunnyside Gardens area in Community District 2, Borough of Queens, and clarifying other regulations in Article X, Chapter 3 (Special Planned Community Preservation District).

Matter in graytone or underlined is new, to be added;

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

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

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

**Article I**

**General Provisions**

**Chapter 2**

**CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

**12-10**

**DEFINITIONS**

\* \* \*

**Special Planned Community Preservation District**

The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply to all districts ~~which that~~ are at least 1.5 acres and contain a minimum of three ~~#buildings#;~~ were substantially designed and developed as a unit with substantial clustered ~~#open space#~~ and related ~~#commercial uses#~~ available to all residents of the District under the regulations of the Zoning Resolution prior to December 15, 1961; ~~which was were~~ considered to be worthy of such preservation by the City Planning Commission and the Board of Estimate, or its successor ~~;~~ and established designated pursuant to Section 103-05-01. The Special ~~PC~~ Planned Community Preservation District and its regulations supplement or modify those of the districts on which it is superimposed.

\* \* \*

**Article X  
Special Purpose Districts**

**Chapter 3  
Special Planned Community Preservation District**

**103-00  
GENERAL PURPOSES**

The "Special Planned Community Preservation District" (hereinafter referred to as the "Special District"), established in this Resolution, is designed to promote and protect the public interest, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to preserve and protect the Special Districts as superior examples of town planning or large-scale development;
- (b) to preserve and protect the character and integrity of these unique communities which, by their existing site plan, pedestrian and vehicular circulation system, balance between buildings and open space, harmonious scale of the development, related commercial uses, open space arrangement and landscaping add to the quality of urban life;
- (c) to preserve and protect the variety of neighborhoods and communities that presently exist which contribute greatly to the livability of New York City;
- (d) to maintain and protect the environmental quality that the Special District offers to its residents and the City-at-large; and
- (e) to guide ~~future~~ development within ~~the~~ each of the Special Districts that is consistent with the existing character, quality and amenity of the Special Planned Community Preservation District.

**103-01  
Definitions**

~~Special Planned Community Preservation District  
(repeated from Section 12-10)~~

~~The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply to all districts which are at least 1.5 acres and contain a minimum of 3 #buildings#, are substantially designed and #developed# as a unit with substantial~~

~~clustered #open space# and related #commercial uses# available to all residents of the District under the regulations of the Zoning Resolution prior to December 15, 1961, which were considered to be worthy of such preservation by the City Planning Commission and the Board of Estimate, or its successor, and were designated pursuant to Section 103-05. The Special PC Planned Community Preservation District and its regulations supplement or modify those of the districts on which it is superimposed.~~

### **Establishment of Special Planned Community Preservation District**

~~The City Planning Commission has established the #Special Planned Community Preservation District# in areas that:~~

- ~~(a) have a land area of at least 1.5 acres;~~
- ~~(b) contain a minimum of three #buildings#;~~
- ~~(c) were designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961; and~~
- ~~(d) include considerable clustered #open space# and related #commercial uses# available to all residents of the District.~~

~~The Commission has found that the existing site plan resulted in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned #residential# community.~~

### **103-02**

#### **Special Planned Community Preservation District Areas**

~~The #Special Planned Community Preservation District# areas are as follows, and are each indicated by the letters "PC" on the #zoning maps#:~~

~~Fresh Meadows in the Borough of Queens~~

~~The Harlem River Houses in the Borough of Manhattan~~

~~Parkchester in the Borough of the Bronx~~

~~Sunnyside Gardens in the Borough of Queens.~~

### **103-10**

#### **General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, ~~and in accordance with the provisions of this Chapter,~~ no new #development#, #enlargement# which may include demolition of #buildings#, or substantial alteration of landscaping or topography, ~~is~~ shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, ~~designated as a #Special Planned Community Preservation District#~~ except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

Special regulations for the Sunnyside Gardens area are set forth in Section 103-20, inclusive.

**103-11**  
**Special Permits for Bulk and Parking Modifications**

- (a) For any new #development#, or #enlargement# which may include demolition, within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:
- (1) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;
  - (2) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;
  - (3) minor variations in the #yard# regulations required by the applicable district regulations;
  - (4) minor variations in the height and setback regulations required by the applicable district regulations;
  - (5) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Lot); or
  - (6) permitted or required #accessory# off-street parking spaces, driveways or curb cuts to be located anywhere within the #development#, without regard to #zoning lot lines# or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces).

- (b) In order to grant such special permits, the City Planning Commission shall make the following findings:
- (1) that the new #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design, and that the new #development# will not seriously alter the scenic amenity and the environmental quality of the community;
  - (2) that the new #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #development#, the landscaping surrounding the new landscaping arrangement, and conditions of the community;
  - (3) that the new #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic that will diminish the environmental quality of the community; and
  - (4) that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.
- (c) Notwithstanding the provisions of paragraph (a)(6) of this Section, where the requirement for #accessory# off-street parking spaces, driveways or curb cuts can only be accommodated in such a manner that the functioning of the existing planned community is substantially injured, the City Planning Commission shall authorize waiver of all or part of the required parking.
- (d) No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I Article 8, of the New York City Administrative Code, or its successor, except pursuant to a #development# plan for which a special permit has been granted under the provisions of this Section and Section 103-12.

The City Planning Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit in order to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform with the intentions of the #Special Planned Community Preservation District#.

### 103-12

**Special Permit for Landscaping and Topography Modifications**

No substantial modifications of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such modifications are approved by special permit of the City Planning Commission.

**103-04-103-13**

**Requirements for Application**

An application to the City Planning Commission for the grant of a special permit respecting any #development# or #enlargement# or substantial ~~alteration~~ modification of landscaping or topography to be made within the Special District, shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, building sections and elevation and an appropriate model of the planned community.

**103-14**

**Recordation**

At the time of any transfer of development rights which has been authorized by special permit under Section 103-11, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

Notice of the restrictions upon further #development# of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.

~~103-05~~ *(text incorporated into 103-01)*

**~~Designation of Special Planned Community Preservation Districts~~**

~~The City Planning Commission and the Board of Estimate may designate as # Special Planned Community Preservation Districts# areas of at least 1.5 acres which contain a minimum of three #buildings# designed and substantially #developed# as a unit~~

~~under the regulations of the Zoning Resolution prior to December 15, 1961, with substantial clustered #open space# and related #commercial uses# available to all residents of the District, where the Commission finds that the existing site plan results in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned #residential# community.~~

~~**103-06** (text incorporated into 103-11(a). Portion of paragraph (f) incorporated into 103-11(c).~~

~~**Special Permit Provisions**~~

~~For any new #development# or #enlargement# which may include demolition within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:~~

- ~~(a) — the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;~~
- ~~(b) — the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;~~
- ~~(c) — minor variations in the #yard# regulations required by the applicable district regulations;~~
- ~~(d) — minor variations in the height and setback regulations required by the applicable district regulations;~~
- ~~(e) — modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Lot);~~
- ~~(f) — permitted or required #accessory# off street parking spaces, driveways or curb cuts to be located anywhere within the #development#, without regard to #zoning lot lines# or the provisions of Section 25-621 (Location of parking spaces in certain districts), and Section 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces). Where such requirement substantially injures the functioning of the existing planned community, waiver of all or part of the required parking may be authorized.~~

~~**103-061** (text incorporated into 103-11(b)~~

~~**Findings**~~

~~As a condition precedent to the granting of a special permit under the provisions of Section 103-06, the City Planning Commission shall make the following findings:~~

- ~~(a) — that the new #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design; and that the new #development# will not seriously alter the scenic amenity and the environmental quality of the community;~~
- ~~(b) — that the new #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #development#, the landscaping surrounding the new landscaping arrangement, and conditions of the community;~~
- ~~(c) — that the new #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community; and~~
- ~~(d) — that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.~~

~~The City Planning Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit hereunder to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform with the intentions of the #Special Planned Community Preservation Districts#.~~

~~**103-07** (text incorporated into 103-11(d))~~

~~**Special Provisions for Demolition of Buildings**~~

~~No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I Article 8 of the New York City Administrative Code, or its successor, except pursuant to a #development# plan for which a special permit has been granted under Section 103-06 (Special Permit Provisions).~~

~~**103-08** (text incorporated into 103-12)~~

~~**Special Provisions for Alterations of Landscaping or Topography**~~

~~No substantial alterations of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such alterations are approved by special permit by the City Planning Commission after public notice and hearing and subject to Board of Estimate action.~~

**103-09** *(text renumbered 103-14)*

**Recordation**

~~At the time of any transfer of development rights which have been authorized by special permit under Section 103-06, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.~~

~~Notice of the restrictions upon further #development# of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.~~

~~Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.~~

**103-20**

**Special Regulations for Sunnyside Gardens**

In order to further protect and enhance the character of the Sunnyside Gardens area within the #Special Planned Community Preservation District#, the regulations of this Section, inclusive, shall supersede the regulations of the #Special Planned Community Preservation District# and the underlying zoning districts, as applicable

The special permit provisions of Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications) shall not apply within the Sunnyside Gardens area of the Special District.

**103-21**

**Special Bulk Regulations**

Notwithstanding any other provisions of this Resolution, #bulk# regulations applicable to the underlying #Residential# and #Commercial Districts# or modified within the Special District are hereby further modified to the extent set forth in this Section, inclusive.

**103-211**  
**Special Floor Area Regulations**

In the Sunnyside Gardens area of the Special District, the #floor area# regulations of the underlying #Residential# and #Commercial Districts# shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #residential#, #commercial# and #community facility uses#, separately or in combination, shall be 0.75, which may be increased by up to 20 percent to a maximum #floor area ratio# of .9, provided that any such increase in #floor area# is located under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance, and the structural headroom of such #floor area# is between five and eight feet.

**103-212**  
**Special Density Regulations**

In the Sunnyside Gardens area of the Special District, the density regulations of the underlying #Residential# and #Commercial Districts# shall not apply. In lieu thereof, for all #residential developments# or #enlargements#, the density factor for #dwelling units# shall be 900.

**103-213**  
**Special Height Regulations**

In the Sunnyside Gardens area of the Special District, the height and setback regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply to all #developments# or #enlargements# in #Residential# and #Commercial Districts#.

**103-214**  
**Special Yard Regulations**

In the Sunnyside Gardens area of the Special District, the #yard# regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply to all #developments# or #enlargements# in #Residential# and #Commercial Districts#.

**103-22**  
**Special Parking Regulations**

In the Sunnyside Gardens area of the Special District, the off-street parking regulations of Article II, Chapter 5, pertaining to R4 Districts, shall be applicable for all #residential# and #community facility uses#, subject to the provisions of Section 103-23 pertaining to curb cuts.

**103-23**  
**Curb Cuts**

Curb cuts shall not be permitted within the Sunnyside Gardens area of the Special District, except on the east side of 50<sup>th</sup> Street, within 100 feet of its intersection with 39<sup>th</sup> Avenue.

\* \* \*

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**BOROUGH OF STATEN ISLAND**

**No. 24**

***WESTERLEIGH REZONING***

**CD 1**

**C 080202 ZMR**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 20d and 21b changing from an R3X District to an R2 District property bounded by:

1. College Avenue, Bidwell Avenue, Lathrop Avenue, St. John Avenue, Watchogue Road, and a line midway between Glascoe Avenue and Woolley Avenue; and
2. a line 150 feet southerly of Forest Avenue, Manor Road, Maine Avenue, South Greenleaf Avenue, Crowell Avenue, Wescott Boulevard, Kemball Avenue, a line 120 feet easterly of Jewett Avenue, Chandler Avenue, Jewett Avenue, Markham Place, Deems Avenue, Boulevard, Wardwell Avenue, a line 100 feet northerly of Boulevard, a line 100 feet westerly of Jewett Avenue, a line 135 feet southerly of Maine Avenue, Wardwell Avenue, College Avenue, North Avenue, Shaw Place, Burnside Avenue, Jewett Avenue, a line 90 feet northerly of Kingsley Avenue, Elias Place, Ravenhurst Avenue, Mundy Avenue, Egbert Avenue, and a line 170 feet easterly of Greenleaf Avenue;

as shown on a diagram (for illustrative purposes only) dated December 17, 2007.

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

CITYWIDE

No. 25

STAIRWELLS TEXT AMENDMENT

CITYWIDE

N 080149ZRY

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 Section 12-10 (Definitions) of the Zoning Resolution of the City of New York, modifying regulations pertaining to floor area calculations for stairwells of residential buildings taller than 125 feet.

Matter in underline is new, to be added;

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

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

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

\* \* \*

Chapter 2  
Construction of Language and Definitions

\* \* \*

12-10  
DEFINITIONS

\* \* \*

Floor Area

\* \* \*

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

\* \* \*

(11) floor space within stairwells at each floor of #residential buildings developed# or #enlarged# after (date of amendment) that are greater than 125 feet in height; provided:

(i) such stairwells are located on a #story# containing #residences#;

(ii) such stairwells are used as a required means of egress from such #residential buildings#.

- (iii) such stairwells have a minimum width of forty four inches;
- (iv) such floor space excluded from #floor area# shall be limited to a maximum of eight inches of stair and landing width measured along the length of the stairwell enclosure at each floor; and
- (v) where such stairwells serve non-#residential uses# on any floor, or are located within multi-level #dwelling units#, the entire floor
- (vi) space within such stairwells on such floors shall count as #floor area#.

\* \* \*

**Resolution for adoption scheduling February 13, 2008 for a public hearing.**

---

**II. PUBLIC HEARINGS**

---

**BOROUGH OF MANHATTAN**

**Nos. 26 & 27**

***KINGSGATE HOUSE***

**No. 26**

**CD 11**

**C 080096 HUM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the 14<sup>th</sup> amendment to the Harlem-East Harlem Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area.

The proposed amendment extends the expiration date of the urban renewal plan and removes the density restriction of Site 13.

(On January 9, 2008, Cal. No. 1, the Commission scheduled January 30, 2008 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

**No. 27**

**CD 11**

**C080097 HAM**

**PUBLIC HEARING:**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 237, 241, 243, and 247 East 124<sup>th</sup> Street, and 2417 Second Avenue (Block 1789, Lots 18, 19, 20, 22, and 121), part of Site 13 within the Harlem-East Harlem Urban Renewal Area, as an Urban Development Action Area; and

- b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a 12-story, mixed-use building, tentatively known as Kingsgate House, with approximately 185 residential units and commercial space.

(On January 9, 2008, Cal. No. 2, the Commission scheduled January 30, 2008 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

**Nos. 28, 29, 30 & 31**

***125<sup>TH</sup> STREET PLAN***

**No. 28**

**CDs 9, 10 & 11**

**C 080099 ZMM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 5c, 6a & 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by Broadway, West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and the easterly centerline prolongation of Tiemann Place;
2. changing from an R7-2 District to an R6A District property bounded by a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, a line midway between East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and East 124<sup>th</sup> Street, a line 200 feet westerly of Madison Avenue, East 124<sup>th</sup> Street, West 124<sup>th</sup> Street, and a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard;
3. changing from a C4-4 District to an R6A District property bounded by:
  - a. West 126<sup>th</sup> Street, a line 235 feet westerly of Fifth Avenue, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin

Luther King Jr. Boulevard, and a line 125 feet easterly of Lenox Avenue– Malcolm X. Boulevard; and

- b. East 126<sup>th</sup> Street, a line 90 feet westerly of Park Avenue, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and a line 85 feet easterly of Fifth Avenue;
4. changing from an R7-2 District to an R7A District property bounded by West 126<sup>th</sup> Street, Amsterdam Avenue, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet westerly of Morningside Avenue, West 126<sup>th</sup> Street, Morningside Avenue, West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and its southeasterly centerline prolongation, and Broadway;
5. changing from an R7-2 District to a C4-4A District property bounded by:
  - a. a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard, West 124<sup>th</sup> Street, and Lenox Avenue – Malcolm X. Boulevard; and
  - b. a line midway between East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and East 124<sup>th</sup> Street, a line 85 feet easterly of Madison Avenue, East 124<sup>th</sup> Street, and a line 200 feet westerly of Madison Avenue;
6. changing from a C4-4 District to a C4-4A District property bounded by:
  - a. West 126<sup>th</sup> Street, a line 275 feet westerly of Adam Clayton Powell Jr. Boulevard, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and a line 225 feet easterly of Frederick Douglass Boulevard;
  - b. West 126<sup>th</sup> Street, a line 125 feet easterly of Lenox Avenue– Malcolm X. Boulevard, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and Lenox Avenue– Malcolm X. Boulevard; and
  - c. a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 235 feet westerly of Fifth Avenue, West 126<sup>th</sup> Street, East 126<sup>th</sup> Street, a line 85 feet easterly of Fifth Avenue, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 90 feet westerly of Park Avenue, East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 215 feet westerly of Park Avenue, a line midway between East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and East 124<sup>th</sup> Street, a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther

King Jr. Boulevard and West 124<sup>th</sup> Street, and a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard;

7. changing from a C4-4 District to a C4-4D District property bounded by:
  - a. West 126<sup>th</sup> Street, a line 225 feet easterly of Frederick Douglass Boulevard, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Frederick Douglass Boulevard, West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, St. Nicholas Avenue, West 124<sup>th</sup> Street, Hancock Place, and Morningside Avenue;
  - b. a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, a line 65 feet westerly of Adam Clayton Powell Jr. Boulevard, West 124<sup>th</sup> Street, and Frederick Douglass Boulevard;
  - c. a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, Lenox Avenue– Malcolm X. Boulevard, West 124<sup>th</sup> Street, and a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard; and
  - d. a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 115 westerly of Lexington Avenue, East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Lexington Avenue, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Third Avenue, a line 75 feet southerly of East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 130 feet easterly of Third Avenue, East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Second Avenue, East 124<sup>th</sup> Street, and a line 90 feet easterly of Park Avenue;
8. changing from a C4-4A District to a C4-4D District property bounded by East 126<sup>th</sup> Street, Lexington Avenue, East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and a line 115 feet westerly of Lexington Avenue;
9. changing from a C4-5 District to a C4-4D District property bounded by West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Frederick Douglass Boulevard, West 124<sup>th</sup> Street, and St. Nicholas Avenue;
10. changing from an M1-2 District to a C4-4D District property bounded by:
  - a. East 126<sup>th</sup> Street, a line 115 feet westerly of Lexington Avenue, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and a line 90 feet easterly of Park Avenue; and

- b. East 126<sup>th</sup> Street, Third Avenue, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and Lexington Avenue;
- 11. changing from a C4-4 District to a C4-7 District property bounded by a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard, West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and a line 380 feet easterly of Lenox Avenue– Malcolm X. Boulevard;
- 12. changing from a C4-4 District to a C6-3 District property bounded by:
  - a. West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard, a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard, West 124<sup>th</sup> Street, a line 65 feet westerly of Adam Clayton Powell Jr. Boulevard, a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, and Frederick Douglass Boulevard; and
  - b. East 126<sup>th</sup> Street, the westerly boundary line of the New York Central Railroad Right-of-Way, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 90 feet easterly of Park Avenue, East 124<sup>th</sup> Street, the westerly boundary line of the New York Central Railroad Right-of-Way, East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and a line 90 feet westerly of Park Avenue;
- 13. changing from an M1-2 District to a C6-3 District property bounded by East 126<sup>th</sup> Street, a line 90 feet easterly of Park Avenue, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and the westerly boundary line of the New York Central Railroad Right-of-Way;
- 14. establishing within an existing R7-2 District a C2-4 District bounded by West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line perpendicular to the southerly street line of West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard distant 340 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of Broadway and southerly street line of West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet southerly of West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and the easterly centerline prolongation of Tiemann Place, and Broadway; and
- 15. establishing a Special 125<sup>th</sup> Street District (125) bounded by West 126<sup>th</sup> Street, Amsterdam Avenue, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet westerly of Morningside Avenue, West 126<sup>th</sup> Street, East 126<sup>th</sup> Street, Third Avenue, a line

75 feet southerly of East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 130 feet easterly of Third Avenue, East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Second Avenue, East 124<sup>th</sup> Street, West 124<sup>th</sup> Street, Morningside Avenue, a line 100 feet southerly of West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and its southeasterly centerline prolongation, the easterly centerline prolongation of Tiemann Place, and Broadway;

as shown on a diagram (for illustrative purposes only) dated October 1, 2007, and subject to the conditions of CEQR Declaration E-201.

(On January 9, 2008, Cal. No. 3, the Commission scheduled January 30, 2008 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

**No. 29**

**CDs 9, 10 & 11**

**C 080099(A) ZMM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for an amendment of the Zoning Map, Section Nos. 5c, 6a & 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by Broadway, West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and the easterly centerline prolongation of Tiemann Place;
2. changing from an R7-2 District to an R6A District property bounded by a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, a line midway between East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and East 124<sup>th</sup> Street, a line 200 feet westerly of Madison Avenue, East 124<sup>th</sup> Street, West 124<sup>th</sup> Street, and a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard;
3. changing from a C4-4 District to an R6A District property bounded by:
  - a. West 126<sup>th</sup> Street, a line 235 feet westerly of Fifth Avenue, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and a line 125 feet easterly of Lenox Avenue– Malcolm X. Boulevard; and

- b. East 126<sup>th</sup> Street, a line 90 feet westerly of Park Avenue, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and a line 85 feet easterly of Fifth Avenue;
- 4. changing from an R7-2 District to an R7A District property bounded by West 126<sup>th</sup> Street, Amsterdam Avenue, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet westerly of Morningside Avenue, West 126<sup>th</sup> Street, Morningside Avenue, West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and its southeasterly centerline prolongation, and Broadway;
- 5. changing from an R7-2 District to a C4-4A District property bounded by:
  - a. a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard, West 124<sup>th</sup> Street, and Lenox Avenue – Malcolm X. Boulevard; and
  - b. a line midway between East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and East 124<sup>th</sup> Street, a line 85 feet easterly of Madison Avenue, East 124<sup>th</sup> Street, and a line 200 feet westerly of Madison Avenue;
- 6. changing from a C4-4 District to a C4-4A District property bounded by:
  - a. West 126<sup>th</sup> Street, a line 275 feet westerly of Adam Clayton Powell Jr. Boulevard, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and a line 225 feet easterly of Frederick Douglass Boulevard;
  - b. West 126<sup>th</sup> Street, a line 125 feet easterly of Lenox Avenue– Malcolm X. Boulevard, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and Lenox Avenue– Malcolm X. Boulevard; and
  - c. a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 235 feet westerly of Fifth Avenue, West 126<sup>th</sup> Street, East 126<sup>th</sup> Street, a line 85 feet easterly of Fifth Avenue, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Madison Avenue, a line midway between East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and East 124<sup>th</sup> Street, a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, and a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard;
- 7. changing from a C4-4 District to a C4-4D District property bounded by:

- a. West 126<sup>th</sup> Street, a line 225 feet easterly of Frederick Douglass Boulevard, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Frederick Douglass Boulevard, West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, St. Nicholas Avenue, West 124<sup>th</sup> Street, Hancock Place, and Morningside Avenue;
  - b. a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, a line 65 feet westerly of Adam Clayton Powell Jr. Boulevard, West 124<sup>th</sup> Street, and Frederick Douglass Boulevard;
  - c. a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, Lenox Avenue– Malcolm X. Boulevard, West 124<sup>th</sup> Street, and a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard;
  - d. a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 90 feet westerly of Park Avenue, East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 215 feet westerly of Park Avenue, a line midway between East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and East 124<sup>th</sup> Street, and Madison Avenue; and
  - e. a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 115 feet westerly of Lexington Avenue, East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Lexington Avenue, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Third Avenue, a line 75 feet southerly of East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 130 feet easterly of Third Avenue, East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Second Avenue, East 124<sup>th</sup> Street, and a line 90 feet easterly of Park Avenue;
8. changing from a C4-4A District to a C4-4D District property bounded by East 126<sup>th</sup> Street, Lexington Avenue, East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and a line 115 feet westerly of Lexington Avenue;
  9. changing from a C4-5 District to a C4-4D District property bounded by West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Frederick Douglass Boulevard, West 124<sup>th</sup> Street, and St. Nicholas Avenue;
  10. changing from an M1-2 District to a C4-4D District property bounded by:
    - a. East 126<sup>th</sup> Street, a line 115 feet westerly of Lexington Avenue, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin

Luther King Jr. Boulevard, and a line 90 feet easterly of Park Avenue;  
and

- b. East 126<sup>th</sup> Street, Third Avenue, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and Lexington Avenue;
11. changing from a C4-4 District to a C4-7 District property bounded by a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard, West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and a line 380 feet easterly of Lenox Avenue– Malcolm X. Boulevard;
  12. changing from a C4-4 District to a C6-3 District property bounded by:
    - a. West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 545 feet easterly of Lenox Avenue– Malcolm X. Boulevard, a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard, West 124<sup>th</sup> Street, a line 65 feet westerly of Adam Clayton Powell Jr. Boulevard, a line midway between West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and West 124<sup>th</sup> Street, and Frederick Douglass Boulevard; and
    - b. East 126<sup>th</sup> Street, the westerly boundary line of the New York Central Railroad Right-of-Way, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 90 feet easterly of Park Avenue, East 124<sup>th</sup> Street, the westerly boundary line of the New York Central Railroad Right-of-Way, East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and a line 90 feet westerly of Park Avenue;
  13. changing from an M1-2 District to a C6-3 District property bounded by East 126<sup>th</sup> Street, a line 90 feet easterly of Park Avenue, a line midway between East 126<sup>th</sup> Street and East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and the westerly boundary line of the New York Central Railroad Right-of-Way;
  14. establishing within an existing R7-2 District a C2-4 District bounded by West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line perpendicular to the southerly street line of West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard distant 340 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of Broadway and southerly street line of West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet southerly of West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, and the easterly centerline prolongation of Tiemann Place, and Broadway; and

- 15. establishing a Special 125<sup>th</sup> Street District (125) bounded by West 126<sup>th</sup> Street, Amsterdam Avenue, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet westerly of Morningside Avenue, West 126<sup>th</sup> Street, East 126<sup>th</sup> Street, Third Avenue, a line 75 feet southerly of East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, a line 130 feet easterly of Third Avenue, East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Second Avenue, East 124<sup>th</sup> Street, West 124<sup>th</sup> Street, Morningside Avenue, a line 100 feet southerly of West 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard and its southeasterly centerline prolongation, the easterly centerline prolongation of Tiemann Place, and Broadway;

as shown on a diagram (for illustrative purposes only) dated December 19, 2007, and subject to the conditions of CEQR Declaration E-201.

(On January 9, 2008, Cal. No. 4, the Commission scheduled January 30, 2008 for a public hearing which has been duly advertised.)

**Close the hearing.**



**No. 30**

**CDs 9, 10 & 11**

**N 080100 ZRM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 7 (Special 125th Street District), establishing a special district in the Borough of Manhattan, Community Districts 9, 10 and 11, and modifying related regulations.

Matter in Graytone or Underlined is new, to be added;  
 Matter in ~~Strikeout~~ is old, to be deleted;  
 Matter within # # is defined in Section 12-10;  
 \* \* \* indicate where unchanged text appears in the Zoning Resolution  
 [5 18 07]

\* \* \*

**ARTICLE I  
 GENERAL PROVISIONS**

\* \* \*

**11-12  
Establishment of Districts**

\* \* \*

**Establishment of the Special 125<sup>th</sup> Street District**

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 7, the Special 125<sup>th</sup> Street District is hereby established.

**Establishment of the Special Battery Park City District**

\* \* \*

**12-10  
DEFINITIONS**

\* \* \*

**Special 125<sup>th</sup> Street District**

The "Special 125<sup>th</sup> Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply. The #Special 125<sup>th</sup> Street District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

**Special Battery Park City District**

\* \* \*

**Chapter 3  
Sidewalk Cafe Regulations**

\* \* \*

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

\* \* \*

Manhattan	Sidewalk Café#	#Enclosed Sidewalk Café#	#Unenclosed
125 <sup>th</sup> Street District	Yes	Yes	
Battery Park City District	Yes	Yes	
* * *			

**Article II  
Residence District Regulations**

\* \* \*

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

\* \* \*

**23-00  
APPLICABILITY AND GENERAL PURPOSES**

\* \* \*

**23-011  
Quality Housing Program**

\* \* \*

- (c) The Quality Housing Program shall not apply to:
- (1) Article VII, Chapter 8 (Large Scale Residential Developments);
  - (2) Special Purpose Districts, except the following:

\* \* \*

(viii) the #Special Downtown Brooklyn District#, ~~or~~

(ix) the #Special 125<sup>th</sup> Street District#; or

\* \* \*

**24-161**

**Maximum floor area ratio for zoning lots containing community facility and residential uses**

\* \* \*

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan Bk-1, ~~the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program~~ the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

\* \* \*

**35-31**

**Maximum Floor Area Ratio for Mixed Buildings**

\* \* \*

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

\* \* \*

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, ~~the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program. the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90.~~

**ARTICLE IX, CHAPTER 7**

**( 97-00) IS NEW TEXT; IT IS NOT UNDERLINED**

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 7  
Special 125<sup>th</sup> Street District**

**97-00  
GENERAL PURPOSES**

The “Special 125<sup>th</sup> Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125<sup>th</sup> Street as Harlem’s “Main Street” and the role of 125<sup>th</sup> Street as Upper Manhattan’s premier mixed use corridor;
- (b) to guide development on the 125<sup>th</sup> Street corridor;
- (c) to expand the retail and commercial character of 125<sup>th</sup> Street and enhance the area’s role as a major arts, entertainment and cultural destination in the City;
- (d) to support mixed use development through out the 125<sup>th</sup> Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (e) to ensure that the form of new buildings is compatible and relates to the built character of the 125<sup>th</sup> Street corridor;

- (f) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
- (g) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's revenue.

#### **97-01**

##### **Definitions**

##### **Special 125<sup>th</sup> Street District** (Repeated from Section 12-10)

The "Special 125<sup>th</sup> Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply. The #Special 125<sup>th</sup> Street District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

#### **97-02**

##### **General Provisions**

In harmony with the general purposes of the #Special 125<sup>th</sup> Street District# and in accordance with the provisions of this Chapter, the express requirements of the #Special District# shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the Special District. The regulations of the Special District shall supersede, supplement or modify the requirements of the underlying zoning districts on which the Special District is superimposed, except as described in Section 97-05 (Applicability of Special Transit Land Use District Regulations).

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. 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.

#### **97-03**

##### **District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special 125<sup>th</sup> Street District# Plan. The District Plan, including the map of the #Special 125<sup>th</sup> Street District#, is set forth in Appendix A of this Chapter and is hereby incorporated as 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.

**97-04****Establishment of Core Subdistrict**

In order to carry out the purposes and provisions of this Chapter, the Core Subdistrict is established within the #Special 125<sup>th</sup> Street District# and includes specific regulations designed to promote and maintain the establishment of an arts and entertainment-related environment along 125<sup>th</sup> Street, from Frederick Douglass Boulevard on the west to 545 feet east of Lenox Avenue on the east and from 124<sup>th</sup> to 126<sup>th</sup> Streets. The Core Subdistrict is shown on the map of the #Special 125<sup>th</sup> Street District# in Appendix A of this Chapter.

**97-05****Applicability of Special Transit Land Use District Regulations**

Wherever the #Special Transit Land Use District# includes an area which also lies within the #Special 125<sup>th</sup> Street District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications of Section 97-433 (Street wall location).

#Street wall# location requirements for that portion of the #Special Transit Land Use District# that is also within the #Special 125<sup>th</sup> Street District# are described in paragraph (e) of Section 97-433.

**97-10****SPECIAL USE AND LOCATION REGULATIONS**

Within the #Special 125<sup>th</sup> Street District#, for any #zoning lot# that fronts upon 125<sup>th</sup> Street, the #use# regulations of the underlying districts shall be modified by the locational and access requirements of Sections 97-20, inclusive. On #through lots# or #corner lots# with frontage along 125<sup>th</sup> Street, such requirements shall apply within the first 100 feet from the 125<sup>th</sup> Street #street line#.

**97-11****Special Arts and Entertainment Uses**

In order to sustain the arts and entertainment character of the 125<sup>th</sup> Street corridor, the following #uses# shall be designated as special arts and entertainment #uses# within the #Special 125<sup>th</sup> Street District# and shall be permitted to be located anywhere within the #development# or #enlargement# according to the requirements of Section 97-21:

- Art galleries
- Auditoriums
- Bookstores
- Clubs, including music, dance or comedy clubs

Eating or drinking establishments, with table service only  
 Historical exhibits  
 Museums  
 Music stores  
 Performance spaces  
 Studios, art, music, dancing or theatrical  
 Studios, radio, television or motion picture  
 Theaters.

Within the Core Subdistrict, such special arts and entertainment #uses# shall be provided in new #developments# or #enlargements#, pursuant to the provisions of Section 97-12.

### **97-12**

#### **Arts and Entertainment Uses within the Core Subdistrict**

Within the Core Subdistrict, as shown on the map in Appendix A of this Chapter, for new #developments# or #enlargements# that contain at least 60,000 square feet of #floor area# and are located on #zoning lots# with frontage on 125<sup>th</sup> Street, a minimum of five percent of the #floor area# of the #development# or #enlargement# shall contain the arts and entertainment #uses# listed in Section 97-11. Such #uses# shall be accessible from 125<sup>th</sup> Street.

### **97-20**

#### **Location and Access Regulations**

### **97-21**

#### **Location of Arts and Entertainment Uses**

Within the #Special 125<sup>th</sup> Street District#, the arts and entertainment #uses# listed in Section 97-11 may be located anywhere throughout a #building# if one of the following conditions has been met:

- (a) any #residential use# is located on a floor wholly above such non-#residential use#; or
- (b) any non-#residential use# shall be permitted on the same #story# as a #residential use#, provided that:
  - (1) no access exists between any non-#residential use# and #residential use# at any level; and
  - (2) non-#residential uses# are not located directly over any #residential uses#.

Such non-residential use, however, may be located over a residential use by authorization of the City Planning Commission upon a finding that sufficient separation of residential uses from non-residential uses exists within the building.

## 97-22

### Uses Not Permitted on the Ground Floor of Buildings

Within the Special 125<sup>th</sup> Street District, the uses listed in this Section are not permitted at the ground floor level of developments and enlargements that front upon 125<sup>th</sup> Street, or within five feet of the as-built level of the adjoining sidewalk. Entranceways and lobby space for access to such uses shall comply with the provisions of Section 97-221 (Access to non-ground floor uses).

From Use Group 2:

All uses.

From Use Groups 3A and 3B:

All uses, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:

All uses, except for houses of worship or playgrounds.

From Use Group 5A:

All uses.

From Use Groups 6A, 6B, 6C and 6E:

Banks (except for automated teller machines, provided the length of street frontage allocated for automated teller machines shall be no more than 25 feet or 40% of the frontage of the zoning lot, whichever is less, except such frontage need not be less than 20 feet), electrolysis studios, frozen food lockers, laundry establishments, loan offices, offices or veterinary medicine offices.

From Use Group 6D:

All uses.

From Use Group 7:

All uses, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:

Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:

All uses.

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

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

From Use Groups 10A, 10B and 10C:  
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:  
All #uses#.

Use Groups 12A and 12B:  
Trade expositions.

Use Groups 12C and 12D:  
All #uses#.

Use Group 14A and 14B:  
All #uses#, except for bicycle sales, rental or repair shops.

#### **97-221**

##### **Access to non-ground floor uses**

Within the Special District, for #uses# listed in Section 97-22 (Uses Not Permitted On Ground Floor Of Buildings), the length of #street# frontage allocated to an entranceway or lobby space shall be no more than 25 linear feet or 40 percent of the #zoning lot#, whichever is less, except that an entranceway or lobby space need not be less than 20 feet.

For a #development# or #enlargement# with more than one entranceway or lobby for non-ground floor #uses#, each entranceway or lobby for such #uses# shall be no more than 25 linear feet and, in the aggregate, shall not exceed 40 percent of the ground floor frontage of the #zoning lot#.

For #developments# or #enlargements# with at least 200 linear feet fronting on 125<sup>th</sup> Street, the length of #street# frontage allocated to entranceways or lobby space shall be no more than 40 linear feet of the ground floor frontage of the #zoning lot#.

#### **97-23**

##### **Transparency Requirements**

For all #uses#, other than houses of worship and libraries, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125<sup>th</sup> Street located within the #Special 125<sup>th</sup> Street District#, the ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with

transparent materials and up to 20 percent of such area may be glazed with translucent materials.

**97-24  
Security Gates**

Within the #Special 125<sup>th</sup> Street District#, all security gates installed after (date of enactment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

**97-30  
SPECIAL SIGN REGULATIONS**

#Signs# for all #uses# within the #Special 125<sup>th</sup> Street District# shall be subject to the applicable #sign# requirements for #commercial uses# in Section 32-60, subject to the modifications of Sections 97-31 and 97-32.

**97-31  
Height of Signs for Arts and Entertainment Uses**

Within the #Special 125<sup>th</sup> Street District#, all #accessory signs# for arts and entertainment #uses# listed in Section 97-11 may exceed the maximum height listed in Section 32-655 (Height of signs in all other Commercial Districts), provided such #signs# are not higher than 85 feet or the maximum base height of the #building#, whichever is lower. In any event, no such sign shall be located at a height higher than three foot below any floor containing a #residential use#.

**97-32  
Marquee Signs**

Notwithstanding the regulations of paragraph (b) of Section 32-653 (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following #uses# located along 125<sup>th</sup> Street within the #Special 125<sup>th</sup> Street District# shall be considered places of public assembly permitted to erect a marquee sign on 125<sup>th</sup> Street above the entrance to such #use#:

- Art galleries
- Auditoriums
- Clubs, including music, dance or comedy clubs
- Eating or drinking establishments with table service only
- Historical exhibits

Museums  
 Performance spaces  
 Studios, art, music, dancing or theatrical  
 Studios, radio, television or motion picture  
 Theaters.

No part of the marquee shall be less than 15 feet above the level of the sidewalk and the height of any portion of the marquee shall be governed by the requirements of Section 97-31. Such marquee shall be supported entirely from the building wall. The marquee may extend in length up to 10 feet beyond the #street line#, but in no case shall such structure be closer to the curb in plan than three feet.

All marquees shall comply with the construction and maintenance requirements of Title 27, Subchapter 4, Article 9 of the New York City Building Code pertaining to projecting signs, or its successor. In the event of a conflict between the provisions of this Chapter and other regulations of the Administrative Code, the provisions of this Chapter shall apply.

#### **97-40**

#### **SPECIAL BULK REGULATIONS**

Within the #Special 125<sup>th</sup> Street District#, except as indicated in this Section, inclusive, all #developments# and #enlargements# shall comply with the requirements of Article II, Chapter 8 (Quality Housing) and the applicable #bulk# regulations of the underlying districts.

#### **97-41**

#### **Floor Area Regulations**

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125<sup>th</sup> Street District#, unless modified by the following regulations.

#### **97-411**

#### **Maximum floor area ratio in C4-4D, C4-7 and C6-3 districts**

In C4-4D, C4-7 or C6-3 Districts within the Special District, the maximum permitted #floor area ratios# for new #developments# or #enlargements# shall be as listed in the following table for #residential#, #commercial# and #community facility uses#, and may be only increased pursuant to Section 97-42 (Floor Area Bonus).

<p>MAXIMUM PERMITTED FLOOR AREA RATIO (FAR)          FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES</p>
--

District	#Residential Floor Area Ratio# (max)	Commercial #Floor Area Ratio# (max)	Community Facility #Floor Area Ratio# (max)
C4-4D	5.4	5.4	6.0
C6-3	6.0	6.0	6.0
C4-7	9.0	10.0	10.0

**97-412****Maximum lot coverage in C6-3 districts**

In C6-3 Districts within the Street District, the maximum #lot coverage# for #residential use# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#.

**93-413****Lot coverage on small corner lots**

Within the Special District, there shall be no maximum #lot coverage# applied to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

**97-42****Floor Area Bonus**

The maximum #floor area ratio# for a #development# or #enlargement# within the #Special 125<sup>th</sup> Street District# may be increased by a floor area bonus, pursuant to Sections 97-421 and 23-90 (Inclusionary Housing).

**97-421****Inclusionary Housing**

Within the Special District, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (Definitions), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary

Housing bonus for the provision of affordable housing, on-site or off-site, within the borough of Manhattan, pursuant to the provisions of Section 23-90, inclusive.

**97-43  
Special Height and Setback Regulations**

Within the #Special 125<sup>th</sup> Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

**97-431  
Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the Special District, except that the provisions of paragraph (c) shall not apply. In lieu thereof, the following regulations shall apply:

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane# provided that either:

- (a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (b) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

**97-432  
Height and setback regulations for C4-7 and C6-3 districts**

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within the Special District:

- (a) The minimum and maximum base height of the #street wall# and the maximum height of a #development# or #enlargement# shall be modified, as set forth in the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND
--

MAXIMUM BUILDING HEIGHT			
District	Street Wall Height (in feet)		Maximum Building Height (in feet)
	Minimum Height	Base Maximum Height	
C6-3	60	85	160
C4-7	60	85	290

All portions of buildings that exceed a height of 85 feet in C4-7 and C6-3 Districts shall be set back at least 15 feet from the #street line#, except that such setback depth may include the depth of any permitted recess in the #street wall#, according to the provisions of 97-433 (Street wall location).

- (b) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.
- (c) In C4-7 Districts, within 50 feet of the 126<sup>th</sup> Street frontage on the #block# between Adam Clayton Powell Boulevard and Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #development# or #enlargement# shall be limited to 80 feet.

### 97-433

#### Street wall location

In all #commercial districts# within the Special District, the following #street wall# location provisions shall apply along 125<sup>th</sup> Street and along intersecting #streets# within 50 feet of their intersection with 125<sup>th</sup> Street:

The #street wall# of any #development# or #enlargement# shall be located on the #street line# of 125<sup>th</sup> Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions pertaining to the #street# intersections along 125<sup>th</sup> Street, however, shall be modified, as follows:

- (a) To allow articulation of #street walls# at the intersection of 125<sup>th</sup> Street and any #street# other than Park Avenue, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

On Park Avenue, within 50 feet of its intersection with 125<sup>th</sup> Street, the #street wall# may be located anywhere within 15 feet of the Park Avenue #street line#.

- (b) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet and up to the applicable minimum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate length of such recesses does not exceed 30 percent of the length of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.
- (c) All #developments# or #enlargements# shall comply with the #street wall# location and minimum #street wall# height provisions of this Section, except that such requirements shall not apply to any existing #buildings# fronting upon 125<sup>th</sup> Street that are to remain on the #zoning lot#.
- (d) The requirements of this Section shall not apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125<sup>th</sup> Street District, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line.

#### **97-44**

##### **Special Provisions for Zoning Lots Divided by District Boundaries**

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125<sup>th</sup> Street District#, except that within the Core Subdistrict, as shown on the map in Appendix A of this Chapter, if a #through lot# which is completely within the Subdistrict has #street# frontage on 125<sup>th</sup> Street and is partially within a C4-4D District and partially within a C6-3 District, the #floor area# may be located anywhere on the #zoning lot# without regard to the requirements of Sections 77-22 (Floor Area Ratio).

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125<sup>th</sup> Street District#, except that for a #through lot# that is completely within the Core Subdistrict, #floor area# may be located anywhere on the #zoning lot# without regard to the requirements of Section 77-22 (Floor Area Ratio).

**97-50  
SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING  
REGULATIONS**

The underlying provisions of Article II, Chapter 5, Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-Street Parking and Off-Street Loading Regulations) shall apply within the #Special 125<sup>th</sup> Street District#, subject to modification by the regulations of this Section, inclusive.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences# shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.

The applicable district regulations for the location of #accessory# off-street parking spaces along 125<sup>th</sup> Street within the Special District may be modified, so that such facilities may be provided off-site, within the same #zoning district#, but at a distance no greater than 1,200 feet from the zoning lot#.

**97-51  
Required Accessory Off-Street Residential Parking**

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125<sup>th</sup> Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) , inclusive.

**97-52  
Required Accessory Off-Street Commercial Parking**

In Commercial Districts within the #Special 125<sup>th</sup> Street District#, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) , inclusive, except that no #accessory# parking spaces shall be required for #commercial uses# in C4-4D Districts.

**97-53  
Location of Access to the Street**

Curb cuts for entrances and exits to #accessory# off-street parking facilities or for loading berths shall not be located on 125<sup>th</sup> Street or any other #wide street# that intersects with 125<sup>th</sup> Street, other than under the specific conditions of Sections 97-55 (Certification for access to required uses) and 97-56 (Authorization for access to permitted uses)

Such certification or authorization shall not be required if parking and loading requirements can be met through the provisions of 97-54 (Parking access through residential zoning lots).

**97-54  
Parking Access through Residential Zoning Lots**

When a #residential zoning lot# fronts upon either 124<sup>th</sup> or 126<sup>th</sup> Street within the #Special 125<sup>th</sup> Street District# and the #rear lot line# abuts a #zoning lot# that fronts only on 125<sup>th</sup> Street, and such #zoning lot# has been vacant since (date of enactment), access for parking and loading purposes may be made through such #zoning lot#.

**97-55  
Certification for Access to Required Uses**

If access to a required #accessory# residential parking facility or loading berth is not possible because of the requirements of Section 97-53 a curb cut may be allowed if the City Planning Commission certifies to the Commissioner of Buildings that such location is:

- (a) the only possible location for the facility or loading berth;
- (b) not hazardous to traffic safety;
- (c) located not less than 50 feet from the intersection of any two #street lines#; and
- (d) constructed and maintained so as to have a minimal effect on the streetscape.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

**97-56  
Authorization for Access to Permitted Parking Facilities or Loading Berths**

The City Planning Commission may authorize curb cuts for the following parking facility or loading berths:

- (a) If access to a permitted #accessory residential# or public parking facility is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #uses#, provided such curb cuts:

- (1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and
  - (2) will not interfere with the efficient functioning of public transit facilities.
- (b) If access to a permitted loading berth is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #use#, provided:
- (1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;
  - (2) such maneuvering area is at least equal in size to the area of the loading berth; and
  - (3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

**97-57  
Public Parking Facilities**

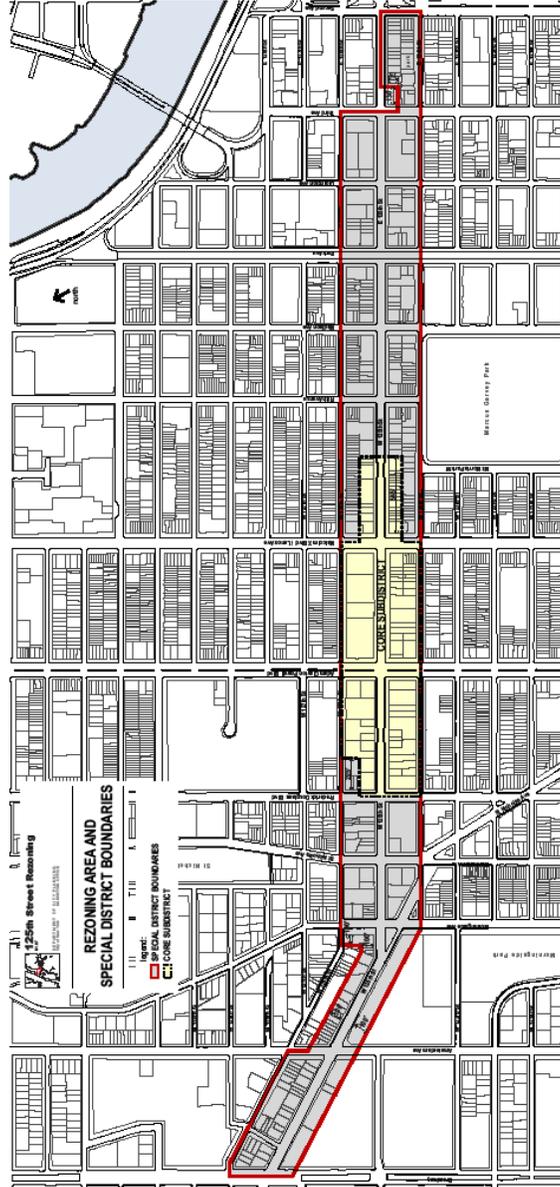
Notwithstanding the special permit regulations of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas), #public parking garages# with 150 spaces or less shall be permitted as-of-right in C4-7 and C6 Districts, subject to the requirements of Section 36-50, inclusive, pertaining to surfacing and screening, and Section 97-53 (Location of Access to the Street). #Public parking garages# with more than 150 spaces shall be subject to the requirements of Sections 74-512 and 74-52.

#Public parking lots# are not permitted on zoning lots with 125<sup>th</sup> Street frontage between Second Avenue and Broadway.

\* \* \*

**Special 125<sup>th</sup> Street District**

Appendix A  
Special 125<sup>th</sup> Street District Map



(On January 9, 2008, Cal. No. 5, the Commission scheduled January 30, 2008 for a public hearing which has been duly advertised.)

**Close the hearing.**



**No. 31**

**CDs 9, 10 & 11**

**N 080100(A) ZRM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 7 (Special 125th Street District), establishing a special district in the Borough of Manhattan, Community Districts 9, 10 and 11, and modifying related regulations.

Matter in underline is new, to be added

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

Matter within # # is defined in 12-10 or

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

\* \* \*

**ARTICLE I  
GENERAL PROVISIONS**

\* \* \*

**11-12  
Establishment of Districts**

\* \* \*

**Establishment of the Special 125<sup>th</sup> Street District**

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 7, the Special 125<sup>th</sup> Street District is hereby established.

**Establishment of the Special Battery Park City District**

\* \* \*

**12-10  
DEFINITIONS**

\* \* \*

**Special 125<sup>th</sup> Street District**

The "Special 125<sup>th</sup> Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply. The #Special 125<sup>th</sup> Street District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

**Special Battery Park City District**

\* \* \*

**Chapter 3  
Sidewalk Cafe Regulations**

\* \* \*

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

\* \* \*

<u>Manhattan</u>	<u>Sidewalk Café#</u>	<u>#Enclosed Sidewalk Café#</u>	<u>#Unenclosed</u>
<u>125<sup>th</sup> Street District</u>	<u>Yes</u>	<u>Yes</u>	
Battery Park City District	Yes	Yes	

\* \* \*

**Article II  
Residence District Regulations**

\* \* \*

**Chapter 3**

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

\* \* \*

**23-00  
APPLICABILITY AND GENERAL PURPOSES**

\* \* \*

**23-011  
Quality Housing Program**

\* \* \*

- (c) The Quality Housing Program shall not apply to:
  - (1) Article VII, Chapter 8 (Large Scale Residential Developments)
  - (2) Special Purpose Districts, except the following:

\* \* \*

(viii) the #Special Downtown Brooklyn District#; ~~or~~

(ix) the #Special 125<sup>th</sup> Street District#; or

\* \* \*

**24-161  
Maximum floor area ratio for zoning lots containing community facility and residential uses**

\* \* \*

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7X R8 R9 R10  
In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan Bk-1, ~~the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program~~ the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

\* \* \*

**35-31  
Maximum Floor Area Ratio for Mixed Buildings**

\* \* \*

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

\* \* \*

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, ~~the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.~~ the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90.

\* \* \*

**ARTICLE IX, CHAPTER 7  
(97-00) IS NEW TEXT; IT IS NOT UNDERLINED;**

\* \* \*

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 7**  
**Special 125<sup>th</sup> Street District**

**97-00**  
**GENERAL PURPOSES**

The “Special 125<sup>th</sup> Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125<sup>th</sup> Street as Harlem’s “Main Street” and the role of 125<sup>th</sup> Street as Upper Manhattan’s premier mixed use corridor;
- (b) to guide development on the 125<sup>th</sup> Street corridor;
- (c) to expand the retail and commercial character of 125<sup>th</sup> Street;
- (d) to provide incentives for the creation of visual and performing arts space and enhance the area’s role as a major arts, entertainment and cultural destination in the City
- (e) to support mixed use development through out the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125<sup>th</sup> Street corridor;
- (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
- (h) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.

**97-01**  
**Definitions**  
**Special 125<sup>th</sup> Street District**

The "Special 125<sup>th</sup> Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply. The #Special 125<sup>th</sup> Street District# appears on the #zoning maps# superimposed on other districts and its

regulations supersede, supplement and modify those of the districts upon which it is superimposed.

#### **97-02**

##### **General Provisions**

In harmony with the general purposes of the #Special 125<sup>th</sup> Street District# and in accordance with the provisions of this Chapter, the express requirements of the #Special District# shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the Special District. The regulations of the Special District shall supersede, supplement or modify the requirements of the underlying zoning districts on which the Special District is superimposed, except as described in Section 97-05 (Applicability of Special Transit Land Use District Regulations).

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. 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.

#### **97-03**

##### **District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special 125<sup>th</sup> Street District# Plan. The District Plan, including the map of the #Special 125<sup>th</sup> Street District#, is set forth in Appendix A of this Chapter and is hereby incorporated as 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.

#### **97-04**

##### **Establishment of Core Subdistrict**

In order to carry out the purposes and provisions of this Chapter, the Core Subdistrict is established within the #Special 125<sup>th</sup> Street District# and includes specific regulations designed to promote and maintain the establishment of an arts and entertainment environment along 125<sup>th</sup> Street, from Frederick Douglass Boulevard on the west to 545 feet east of Malcolm X Boulevard on the east and from 124<sup>th</sup> to 126<sup>th</sup> Streets. The boundaries of the Core Subdistrict are shown on the map of the #Special 125<sup>th</sup> Street District# in Appendix A of this Chapter.

#### **97-05**

##### **Applicability of Special Transit Land Use District Regulations**

Wherever the #Special Transit Land Use District# includes an area which also lies within the #Special 125<sup>th</sup> Street District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications described in paragraphs (e) and (f) of Section 97-433 (Street wall location).

The #Special Transit Land Use District# includes the area within the #Special 125<sup>th</sup> Street District# bounded by a line 50 feet west of Second Avenue from 124<sup>th</sup> Street midway to 125<sup>th</sup> Street where such area widens to a line 100 feet west of Second Avenue.

**97-10  
SPECIAL USE AND LOCATION REGULATIONS**

**97-11  
Special Arts and Entertainment Uses**

In order to sustain the arts and entertainment character of the 125<sup>th</sup> Street corridor, the provisions of this Section shall apply.

- (a) The following #uses# shall be designated as entertainment #uses#:
  - Auditoriums
  - Bookstores
  - Clubs, including music, dance or comedy clubs
  - Eating or drinking establishments, with table service only
  - Music stores
  - Studios, art, music, dancing or theatrical
  - Studios, radio, television or motion picture
  
- (b) The following #uses# shall be designated as visual or performing arts #uses#:
  - Art galleries
  - Historical exhibits
  - Museums
  - Performance spaces
  - Theaters
  
- (c) All #uses# designated in this Section shall be permitted to locate anywhere within a #development# or #enlargement# pursuant to the requirements of Section 97-21.
  
- (d) Within C4-4D, C4-7 and C6-3 Districts, one or more of the visual or performing arts #uses# designated in this Section shall be provided in new #developments# and #enlargements# in order to apply for bonus #floor area# pursuant to the provisions of Section 97-422 (Floor Area Bonus for Arts Uses).

**97-12  
Entertainment and Arts Related Use Requirement**

Within the Core Subdistrict, as shown on the map in Appendix A of this Chapter, for new #developments# or #enlargements# that contain at least 60,000 square feet of #floor area#

and are located on #zoning lots# with frontage on 125<sup>th</sup> Street, a minimum of five percent of the #floor area# of the #development# or #enlargement# shall be occupied by one or more of the #uses# designated in Section 97-11 (Special Arts and Entertainment Uses).

#### **97-20**

##### **LOCATION AND ACCESS REGULATIONS**

Within the #Special 125<sup>th</sup> Street District#, for any #zoning lot# that fronts upon 125<sup>th</sup> Street, the #use# regulations of the underlying districts shall be modified by the locational and access requirements of Sections 97-20, inclusive. On #through lots# or #corner lots# with frontage along 125<sup>th</sup> Street, such requirements shall apply within the first 100 feet of the 125<sup>th</sup> Street #street line#.

#### **97-21**

##### **Location and Access of Arts and Entertainment Uses**

The designated #uses# listed in Section 97-11 may be located anywhere throughout a #building# that fronts on 125<sup>th</sup> Street, provided the following conditions are met:

- (a) any such designated #uses# within the Core Subdistrict required pursuant to Section 97-12 are accessed from 125<sup>th</sup> Street; and
- (b) any #residential use# is located on a floor wholly above any non-#residential use#; or
- (c) any non-#residential use# shall be permitted on the same #story# as a #residential use#, provided that:
  - (1) no access exists between any non-#residential use# and #residential use# at any level; and
  - (2) non-#residential uses# are not located directly over any #residential uses#.

Such non-#residential use#, however, may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

#### **97-22**

##### **Uses Not Permitted on the Ground Floor of Buildings**

Within the #Special 125<sup>th</sup> Street District#, the #uses# listed in this Section are not permitted at the ground floor level of #developments# and #enlargements# that front upon 125<sup>th</sup> Street, within 100 feet from 125<sup>th</sup> Street, or within five feet of the as-built level of the adjoining sidewalk. Entranceways and lobby space for access to such #uses# shall be

permitted at the ground floor level provided that they comply with the provisions of Section 97-221 (Access to non-ground floor uses).

From Use Group 2:  
All #uses#.

From Use Groups 3A and 3B:  
All #uses#, except for libraries, museums or non-commercial art galleries.  
From Use Groups 4A and 4B:  
All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:  
All #uses#.

From Use Groups 6A, 6B, 6C and 6E:  
Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, measured to a depth of 30 feet from 125<sup>th</sup> Street, except that such frontage need not be less than 20 feet), electrolysis studios, frozen food lockers, laundry establishments, loan offices, offices or veterinary medicine offices.

From Use Group 6D:  
All #uses#.

From Use Group 7:  
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:  
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:  
All #uses#.

From Use Groups 9A, 9B and 9C:  
All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:  
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:  
All #uses#.

Use Groups 12A and 12B:  
Trade expositions.

Use Groups 12C and 12D:

All #uses#.

Use Group 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

Within the Special District, for #developments# and #enlargements# that are no more than one #story#, a #use# permitted by the regulations of the underlying district shall be allowed.

### **97-221**

#### **Access to non-ground floor uses**

Within the Special District, for #uses# listed in Section 97-22 (Uses Not Permitted On Ground Floor Of Buildings), the length of #street# frontage allocated to an entranceway or lobby space shall be no more than 25 linear feet or 40 percent of the #zoning lot#, whichever is less, except that an entranceway or lobby space need not be less than 20 feet.

For a #development# or #enlargement# with more than one entranceway or lobby for non-ground floor #uses#, each entranceway or lobby for #uses# listed in Section 97-22 shall be no more than 25 linear feet and, in the aggregate, shall not exceed 40 percent of the ground floor frontage of the #zoning lot#.

For #developments# or #enlargements# with at least 200 linear feet fronting on 125<sup>th</sup> Street, the length of #street# frontage allocated to entranceways or lobby space for such #uses# shall be no more than 40 linear feet of the ground floor frontage of the #zoning lot#.

### **97-23**

#### **Transparency Requirements**

For all #uses#, other than houses of worship and libraries, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125<sup>th</sup> Street located within the #Special 125<sup>th</sup> Street District#, the ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

### **97-24**

#### **Security Gates**

Within the #Special 125<sup>th</sup> Street District#, all security gates installed after (date of enactment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

### **97-30**

#### **SPECIAL SIGN REGULATIONS**

#Signs# for all #uses# within the #Special 125<sup>th</sup> Street District# shall be subject to the applicable #sign# requirements in Section 32-60, inclusive, subject to the modifications of Sections 97-31 through 97-34, inclusive.

#Marquee signs# for an arts #use# may be combined, subject to the requirements of Section 32-641 (Total surface area of signs).

In the event of a conflict between the provisions of this Section, 97-30, inclusive, and other regulations of the Administrative Code, the provisions of this Chapter shall apply.

### **97-31**

#### **Definitions**

##### **Marquee**

A “marquee” is a permanent structure or canopy located above the primary entrance to an arts #use# fronting on 125<sup>th</sup> Street, that projects over the sidewalk and is attached to, and entirely supported from, the #street wall# of the #building#. The location and dimensions of the #marquee# shall be determined by the requirements of Sections 97-32.

All marquees shall comply with the construction and maintenance requirements of Title 27, Subchapter 4, Article 9, of the New York City Building Code pertaining to projecting signs, or its successor.

##### **Marquee sign**

A “marquee sign” is a #sign#, other than an #advertising sign#, mounted on a #marquee# that identifies the arts #use# and provides informational displays about such #use#.

### **97-32**

#### **Accessory Signs for Arts Uses**

Notwithstanding the regulations of paragraph (b) of Section 32-653 (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following arts #uses# fronting on 125<sup>th</sup> Street within the #Special 125<sup>th</sup> Street District# shall be permitted to erect a #marquee sign# on or above a #marquee#:

- Museums
- Performance spaces

Theaters.

Flashing #signs# shall not be permitted as #accessory signs# for arts #uses#.

**97-33**

**Location, Height and Width of Marquees and Marquee Signs**

For the purposes of this Chapter, #marquees# shall be permitted only above the primary entrance to an arts #use# listed in Section 97-32 and fronting upon 125<sup>th</sup> Street.

Marquees shall project over the sidewalk no more than 15 feet from the #lot line# and shall be no nearer to the curb than two feet.

(a) Height of #marquees#

The minimum height of a #marquee# or a #marquee sign# shall be three feet; the maximum height for such structure and #sign# shall be five feet. No part of a #marquee# or a #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

(b) Width of #marquees#

The width of a #marquee# or a #marquee sign# shall be no greater than 50 percent of the width of the #building# frontage to which it is attached or 40 feet, whichever is less.

**97-34**

**Vertical Distance above Sidewalk of Marquees and Marquee Signs**

The minimum vertical distance from the sidewalk for a #marquee# shall be 12 feet; the maximum vertical distance above the sidewalk for such #sign# shall be 20 feet.

Notwithstanding the provisions of paragraph (b) of Section 32-653 (Additional regulations for projecting signs), additional #signs# may be displayed on a #marquee#, provided such #sign# is no more than two feet above the #marquee#.

No #marquee# or #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

**97-40**

**SPECIAL BULK REGULATIONS**

Within the #Special 125<sup>th</sup> Street District#, except as set forth in this Section, inclusive, all #developments# and #enlargements# shall comply with the requirements of Article II,

Chapter 8 (Quality Housing) and the applicable #bulk# regulations of the underlying districts, except as modified in this Section, inclusive.

**97-41**

**Floor Area Regulations**

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125<sup>th</sup> Street District#, unless modified by the following regulations.

**97-411**

**Maximum floor area ratio in C4-4D, C4-7 and C6-3 Districts**

In C4-4D, C4-7 or C6-3 Districts within the Special District, the maximum permitted #floor area ratios# for new #developments# or #enlargements# shall be as listed in the following table for #residential#, #commercial# and #community facility uses#, and may only be increased pursuant to Section 97-42 (Floor Area Bonuses).

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES			
District	#Residential Floor Area Ratio# (max)	Commercial #Floor Area Ratio# (max)	Community Facility #Floor Area Ratio# (max)
C4-4D	5.4	4.0	6.0
C4-7	9.0	10.0	10.0
C6-3	6.0	6.0	6.0

**97-42**

**Floor Area Bonuses**

The maximum #floor area ratio# for a #development# or #enlargement# within the #Special 125<sup>th</sup> Street District# may be increased by a floor area bonus, pursuant to Sections 97-421 and 23-90 (Inclusionary Housing) or 97-422 (Floor Area Bonus for Visual or Performing Arts Uses), which may be used concurrently.

**97-421**

### **Inclusionary Housing**

Within the #Special 125<sup>th</sup> Street District#, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (Definitions), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus for the provision of affordable housing, on-site or off-site, pursuant to the provisions of Sections 23-90, inclusive.

#### **97-422**

##### **Floor area bonus for visual or performing arts uses**

In C4-4D, C4-7 or C6-3 Districts within the #Special 125<sup>th</sup> Street District#, the maximum #floor area ratio# for #residential# and #commercial uses# listed in Section 97-411 for a new #development# or #enlargement# with frontage on 125<sup>th</sup> Street, may be increased by four square feet for each square foot of #floor area# committed to the provision of those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), up to the maximum #floor area ratio# specified in the following table, upon meeting the requirements for certification set forth in Section 97-423.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) WITH FLOOR AREA BONUS FOR ARTS USES FOR RESIDENTIAL AND COMMERCIAL USES				
District	#Residential Floor Area Ratio# (max)		Commercial #Floor Area Ratio# (max)	
	Base FAR	Maximum FAR	Base FAR	Maximum FAR
C4-4D	5.4	7.2	4.0	5.4
C4-7	9.0	12.0	10.0	12.0
C6-3	6.0	8.0	6.0	8.0

#### **97-423**

##### **Certification for floor area bonus for visual or performing arts uses**

The #floor area# bonus provisions of Section 97-422 shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

- (a) Drawings have been provided that clearly designate all #floor area# for any new visual or performing arts #uses# for which a bonus is to be received pursuant to Section 97-422. Such drawings shall be of sufficient detail to show that such visual or performing arts space shall be designed, arranged and used for the exhibition of visual arts or the presentation of live drama, music, dance, interactive or multidisciplinary performances and the rehearsals associated with such performances. Such drawings shall indicate that a maximum of 40 percent of such bonus #floor area# shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory use# occupies more than 25 percent of the total bonused #floor area#. #Accessory uses# shall include but are not limited to educational and classroom space, rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and theater equipment space;
- (b) Drawings have been provided that show all bonused #floor area# occupied by visual or performing arts #uses# is to be located at or above ground level and accessed from 125<sup>th</sup> Street. Drawings shall also show that signage is to be provided at the 125<sup>th</sup> Street entrance that identifies the visual or performing arts facility and its primary #use#;
- (c) A signed lease has been provided from the prospective operator of the visual or performing arts space, or a written commitment from the owner of such space, if such owner is also the operator, for occupancy of such space, and its operation as a visual or performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;
- (d) A letter from the Department of Cultural Affairs has been submitted certifying that:
  - (1) the proposed operator of the visual or performing arts space is a bona-fide non-profit organization;
  - (2) the proposed operator of the visual or performing arts space has the fiscal and managerial capacity to successfully operate such space;
  - (3) the proposed operator of the visual or performing arts space will have a program of regularly scheduled presentations that are open to the public;
  - (4) preliminary design plans have been provided from the applicant to the Department of Cultural Affairs for the new visual or performing arts space, which shall include sufficient detail regarding core, shell, structural, mechanical, electrical, plumbing and HVAC systems

necessary to ensure that such visual or performing arts space will operate efficiently for its intended use; and

- (5) a written commitment from the applicant has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work;
- (e) A legal commitment has been provided for inspection and ongoing maintenance of the visual or performing arts space to ensure its continued availability for #use# as a visual or performing arts space by the operator, as identified in paragraphs (a) through (d) of this Section. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Commissioner of the Department of Cultural Affairs and the Chairperson of the City Planning Commission. Such report shall identify the operator utilizing the space, describe the condition of the space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of such space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and
- (f) A legal commitment has been provided for continuance of the #use# of all #floor area# for which a bonus has been received, pursuant to this Section, as a visual or performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of the Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of paragraph (d) of this Section have been met as to the proposed operator. An #adult establishment# #use# shall be prohibited for the life of the related #development#

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the visual or performing arts space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the Chairperson of the City Planning Commission under the terms of such declaration, and receipt of a certified copy of such declaration shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete, which shall, for this purpose, mean that such visual or performing arts space is usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such

portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any Temporary or Final Certificate of Occupancy for the #building#.

**97-43  
Special Lot Coverage Regulations**

The maximum #lot coverage# for #residential use# in C6-3 Districts within the #Special 125<sup>th</sup> Street District# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#.

Within the Special District, there shall be no maximum #lot coverage# applied to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

**97-44  
Special Height and Setback Regulations**

Within the #Special 125<sup>th</sup> Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

The provisions of paragraph (b) of Section 23-663 (Required rear setbacks for tall buildings in other districts) shall not be applicable within the Special District.

**97-441  
Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the Special District, except that the provisions of paragraph (c) shall not apply. In lieu thereof, the following regulations shall apply:

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane# provided that either:

- (a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or

- (b) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

**97-442**

**Height and setback regulations for C4-7 and C6-3 districts**

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within the Special District:

- (a) The minimum and maximum base height of the #street wall# and the maximum height of a #development# or #enlargement# shall be modified, as set forth in the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT						
District	Street Wall Height (in feet)				Maximum Building Height (in feet)	
	Minimum Height	Base	Maximum Height	Base		
C4-7	60		85		290	
C6-3	60		85		160	

All portions of buildings that exceed a height of 85 feet in C4-7 and C6-3 Districts shall be set back at least 15 feet from the #street line#, except that such setback depth may include the depth of any permitted recess in the #street wall#, according to the provisions of 97-433 (Street wall location).

- (b) In C4-7 Districts, within 50 feet of the 126<sup>th</sup> Street frontage on the #block# between Adam Clayton Powell Boulevard and Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #development# or #enlargement# shall be limited to 80 feet.

- (c) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

### 97-443

#### Street wall location

In all #Commercial Districts# within the #Special 125th Street District#, the #street wall# of any #development# or #enlargement# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions shall be modified, as follows:

- (a) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection;
- (b) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection;
- (c) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate length of such recesses does not exceed 30 percent of the length of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.
- (d) All #developments# or #enlargements# shall comply with the #street wall# location and minimum #street wall# height provisions of this Section, except that such requirements shall not apply to any existing #buildings# that are to remain on the #zoning lot#.
- (e) For any #development# or #enlargement# within the #Special 125<sup>th</sup> Street District# that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the

residential portion of such #development# or #enlargement# may be subject to the R8A #streetwall# requirements and the commercial portion of such #development# or #enlargement# may be subject to the C4-4D #street wall# requirements in lieu of the requirements of this Section.

- (f) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125<sup>th</sup> Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.

#### **97-44**

##### **Special Provisions for Zoning Lots Divided by District Boundaries**

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125<sup>th</sup> Street District#, except that for a #through lot# that is completely within the Core Subdistrict, #floor area# may be located anywhere on the #zoning lot# without regard to the requirements of Section 77-22 (Floor Area Ratio).

#### **97-50**

##### **SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS**

The underlying provisions of Article II, Chapter 5, Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-Street Parking and Off-Street Loading Regulations) shall apply within the #Special 125<sup>th</sup> Street District#, subject to modification by the regulations of this Section, inclusive.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences# shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.

The applicable district regulations for the location of #accessory# off-street parking spaces along 125<sup>th</sup> Street within the Special District may be modified, so that such facilities may be provided off-site, within a #Commercial District#, but at a distance no greater than 1,200 feet from the zoning lot#.

#### **97-51**

##### **Required Accessory Off-Street Residential Parking**

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125<sup>th</sup> Street District# that contain

#residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

**97-52**

**Required Accessory Off-Street Commercial Parking**

In Commercial Districts within the #Special 125<sup>th</sup> Street District#, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial uses# in C4-4D Districts.

**97-53**

**Location of Access to the Street**

Curb cuts for entrances and exits to #accessory# off-street parking facilities or for loading berths shall not be located on 125<sup>th</sup> Street or any other #wide street# that intersects with 125<sup>th</sup> Street, other than under the specific conditions of Sections 97-55 (Certification for access to required uses) and 97-56 (Authorization for access to permitted uses)

Such certification or authorization shall not be required if parking and loading requirements can be met through the provisions of 97-54 (Parking access through residential zoning lots).

**97-54**

**Parking Access through Residential Zoning Lots**

When a #residential zoning lot# fronts upon either 124<sup>th</sup> or 126<sup>th</sup> Street within the #Special 125<sup>th</sup> Street District# and the #rear lot line# abuts a #zoning lot# that fronts only on 125<sup>th</sup> Street, and such #zoning lot# has been vacant since (date of enactment), access for parking and loading purposes may be made through such #zoning lot#.

**97-55**

**Certification for Access to Required Uses**

If access to a required #accessory# residential parking facility or loading berth is not possible because of the requirements of Section 97-53 a curb cut may be allowed if the City Planning Commission certifies to the Commissioner of Buildings that such location is:

- (a) the only possible location for the facility or loading berth;
- (b) not hazardous to traffic safety;
- (c) located not less than 50 feet from the intersection of any two #street lines#; and

(d) constructed and maintained so as to have a minimal effect on the streetscape.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

**97-56**

**Authorization for Access to Permitted Parking Facilities or Loading Berths**

The City Planning Commission may authorize curb cuts for the following parking facility or loading berths:

- (a) If access to a permitted #accessory residential# or public parking facility is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #uses#, provided such curb cuts:
  - (1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and
  - (2) will not interfere with the efficient functioning of public transit facilities.
  
- (b) If access to a permitted loading berth is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #use#, provided:
  - (1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;
  - (2) such maneuvering area is at least equal in size to the area of the loading berth; and
  - (3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

**97-57**

**Public Parking Facilities**

Notwithstanding the special permit regulations of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas), #public parking garages# with 150 spaces or less shall be permitted as-of-right in C4-7 and C6 Districts, subject to the requirements of Section 36-50, inclusive, pertaining to surfacing and screening, and Section 97-53 (Location of Access to the Street). #Public parking garages# with more than 150 spaces shall be subject to the requirements of Sections 74-512 and 74-52.

#Public parking lots# are not permitted on zoning lots with 125<sup>th</sup> Street frontage within the Special District.

\* \* \*

**Special 125<sup>th</sup> Street District**

**Appendix A  
Special 125<sup>th</sup> Street District Map**



**NOTICE**

**On Wednesday, January 30, 2008, at 9:30 a.m., at the City College of New York, in Aaron Davis Hall, 138 Convent Avenue at West 135<sup>th</sup> Street, in Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearings to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning zoning map amendments, zoning text amendments, amendment to the Harlem-East Harlem Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area, designation of property as an Urban Development Action Area and Project and for the disposition of property regarding a new special purpose district-the Special 125<sup>th</sup> Street District, and to facilitate housing in Manhattan Community Districts 9, 10 and 11. The Project Area is roughly bounded by 124<sup>th</sup> Street, 126<sup>th</sup> Street, Broadway and Second Avenue.**

**This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 07DCP030M.**

---

**III. CITY PLANNING COMMISSION 2008 SCHEDULE OF MEETINGS**  
**January 1 to June 30**

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

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

**IV. CITY PLANNING COMMISSION 2008 SCHEDULE OF MEETINGS  
July 1 to December 31**

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

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