

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, MAY 25, 2005
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

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

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
1	C 050311 HAX	4	HIGHBRIDGE APARTMENTS	Scheduled to be Heard 6/8/05
2	C 050318 PQX	4	" "	" "
3	N 050281 ZRM	1	ONE YORK STREET	" "
4	C 050283 ZSM	1	" "	" "
5	C 050282 ZSM	1	" "	" "
6	C 050284 ZSM	1	" "	" "
7	C 050285 ZSM	1	" "	" "
8	C 040382 ZSM	2	88 CROSBY STREET	" "
9	C 050209 PPM	3	LOWER EAST SIDE GIRLS CLUB	" "
10	C 050400 ZMQ	13	CAMBRIA HEIGHTS ZONING AND R2A TEXT AMENDMENTS	" "
11	N 050401 ZRY	CW	" "	" "
12	C 040542 ZSQ	6	REGO PARK MALL	" "
13	N 040541 ZRQ	6	" "	" "
14	C 050143 ZMR	3	GREAT KILLS/TOTTENVILLE REZONING	" "
15	C 030537 MMX	1, 4	EAST 153 RD STREET BRIDGE	Favorable Report Adopted
16	C 050296 ZMK	11	BENSONHURST REZONING	Fav. Rep't Adopted as Modified
17	C 050267 HAK	5	MALTA STREET APARTMENTS	Favorable Report Adopted

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		15	16	17	18	19	20	21	22	23	24	25	26	27	28
Amanda M. Burden, AICP, Chair	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Angela M. Battaglia	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	R	Y	Y	Y	Y	Y
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Alfred C Cerullo, III	A														
Richard W. Eaddy	P	Y	Y	R	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Jane D. Gol	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lisa Gomez	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Christopher Kui	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
John Merolo	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Karen A. Phillips	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dolly Williams, Commissioners	P	Y	Y	Y	Y	Y	Y	R	Y	Y	Y	Y	Y	Y	Y

MEETING ADJOURNED AT: 12:30 P.M.

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, MAY 25, 2005
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

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

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
18	N 050365 BDK	2	DUMBO BUSINESS IMPROVEMENT DISTRICT	Favorable Report Adopted
19	C 050232 HAM	10	CONERSTONE/SITES 3A/3B	" "
20	C 050196 ZSM	1	88 LEONARD STREET GARAGE	" "
21	C 050286 HAM	10	CORNERSTONE/SITE 11	" "
22	N 050117 ZRM	5	GENERAL MOTORS PLAZA	" "
23	N 050297 ZRM	5	ROCKEFELLER CENTER SIGNS	" "
24	C 050170 GFM	7	LINCOLN CENTER	" "
25	C 050098 MMM	7	" "	" "
26	C 050219 PQM	7	" "	" "
27	N 050169 ZRM	7	" "	" "
28	N 050161(A) ZRM	4	WEST CHELSEA/HIGHLINE	Fav. Rep't Adopted as Modified
29	C 050162(A) ZMM	4	" "	Favorable Report Adopted
30	C 050163 PCM	2, 4	" "	" "
31	C 040127 PCQ	11	ENGINE COMPANY 306 PARKING LOT	" "
32	C 030136 MMX	10, 12	NEW YORK BUS SERVICE CITY MAP CHANGE	Hearing Closed
33	C 050289 ZMX	11, 12	PELHAM GARDENS REZONING	" "
34	C 020235 MMQ	4	FRANK O'CONNOR PLAYGROUND	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD: In Favor - Y Oppose - N Abstain - AB Recuse - R													
		Calendar Numbers:													
		29	30	31	S1										
Amanda M. Burden, AICP, Chair	P	Y	Y	Y	Y										
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y	Y										
Angela M. Battaglia	P	Y	Y	Y	Y										
Irwin Cantor, P.E.	P	Y	Y	Y	Y										
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y	Y										
Alfred C Cerullo, III	A														
Richard W. Eaddy	P	Y	Y	Y	Y										
Jane D. Gol	P	Y	Y	Y	Y										
Lisa Gomez	P	Y	Y	Y	Y										
Christopher Kui	P	Y	Y	Y	Y										
John Merolo	P	Y	Y	Y	Y										
Karen A. Phillips	P	Y	Y	Y	Y										
Dolly Williams, Commissioners	P	Y	Y	Y	Y										

MEETING ADJOURNED AT: 12:30 P.M.

**COMPREHENSIVE
CITY PLANNING CALENDAR**

of

The City of New York

CITY PLANNING COMMISSION

Wednesday, May 25, 2005

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



Michael R. Bloomberg, Mayor

City of New York

[No. 13]

Prepared by Yvette V. Gruel, Calendar Officer

To view the Planning Commission Calendar and/or the Zoning Resolution on the World Wide Web, visit the Department of City Planning (DCP) home page at:
nyc.gov/planning

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: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section II, (Reports), and third in Section III, (Public Hearings). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

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

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

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

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

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

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**
- RICHARD W. EADDY**
- JANE D. GOL**
- LISA A. GOMEZ**
- CHRISTOPHER KUI**
- JOHN MEROLO**
- KAREN A. PHILLIPS**
- DOLLY WILLIAMS, Commissioners**
- YVETTE V. GRUEL, Calendar Officer**

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

ORDER OF BUSINESS

Wednesday, May 25, 2005

Roll Call; approval of minutes 1

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

II. Reports..... 21

III. Public Hearings.....109

IV. Schedule of Meetings: January 1, 2005 – June 30, 2005.....120

 Schedule of Meetings: July 1, 2005 – December 31, 2005.....121

**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 May 25, 2005 at Spector Hall, 22 Reade Street, New York, NY at 10:00 a.m.

GENERAL INFORMATION

HOW TO PARTICIPATE:

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

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

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

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

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

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

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ Identification No.: _____ CB No.: _____

Position: Opposed _____
 In Favor _____

Comments:

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

May 25, 2005

APPROVAL OF MINUTES OF Regular Meeting of 5/11/2005

I. MATTERS TO BE SCHEDULED FOR June 8, 2005 PUBLIC HEARING

**Starting At 10:00 A.M.
In Spector Hall, 22 Reade Street
New York, New York**

BOROUGH OF THE BRONX

No. 1 & 2

HIGHBRIDGE APARTMENTS

No. 1

CD 4

C 050311 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 1345 Shakespeare Avenue (Block 2520, Lot 53); 1407, 1401, 1397, 1391, 1404, 1418, 1426, 1430, and 1450 Jessup Avenue (Block 2872, Lots 35-38, 58, 60, 62, 66, 68 and 189) 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 1345 Shakespeare Avenue (Block 2520, Lot 53); 1407, 1404, 1418, 1426, 1430 and 1450 Jessup Avenue (Block 2872, Lots 35, 58, 60, 62, 66, 68 and 189) to a developer selected by HPD;

to facilitate development of four buildings, tentatively known as Highbridge Apartments, with approximately 315 residential units for low income families.

Resolution for adoption scheduling June 8, 2005 for a public hearing.

No. 2

CD 4

C 050318 PQX

IN THE MATTER OF AN APPLICATION submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at: 1404 Jessup Avenue (Block 2872, lots 58 and 60); 1407 Jessup Avenue (Block 2872, lot 35); 1418 Jessup Avenue (Block 2872, lot 62); 1426 Jessup Avenue (Block 2872, lot 66); 1430 Jessup Avenue (Block 2872, lot 68); and 1450 Jessup Avenue (Block 2872, lot 189).

Resolution for adoption scheduling June 8, 2005 for a public hearing.

BOROUGH OF MANHATTAN

No. 3, 4, 5, 6, 7

One York Street

No. 3

CD 1

N 050281ZRM

IN THE MATTER OF an application submitted by One York Property, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article XI, Chapter 1 (Special Tribeca Mixed Use District) concerning Sections 111-02 (General Provisions), 111-111 (Loft Dwelling Requirements, and 111-50 (Special Permit for Enlargement of Buildings Contain Loft Dwellings) regarding the enlargement of buildings containing loft dwellings.

Matter in underlined is new, to be added;

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

Matter within # # is defined in the Zoning Resolution;

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

111-02

General Provisions

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed, and changes in #uses# within the Special District.

#Loft dwellings# and #joint living-work quarters for artists# are permitted #uses# within the Special District, ~~subject to the #bulk# regulations of Section 111-11 (Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living-Work Quarters for Artists)~~, and #loft dwellings# are the only permitted #residential use# in #buildings# designed for non-#residential use# and erected prior to December 15, 1961. #Loft dwellings# and #joint living-work quarters for artists# converted under the provisions of this Chapter, are not subject to the provisions of Section 32-42 (Location within Buildings).

#Buildings# designed for non-#residential use# and erected prior to December 15, 1961, that have not since been #enlarged# may be converted to #loft dwellings#, subject to the #bulk# regulations of Section 111-11 (Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living-Work Quarters for Artists).

#Buildings# designed for non-#residential use# and erected prior to December 15, 1961, that have since been #enlarged# may be converted to #loft dwellings#, and #buildings# designed for non-#residential use# and erected prior to December 15, 1961 may be #enlarged# for #loft dwellings#, provided that such conversion or #enlargement# shall be made only by special permit of the City Planning Commission pursuant to Section 111-51 (Special permit for Enlargements of Buildings Containing Loft Dwellings).

111-111 Loft dwelling requirements

- (e) No #building# in Areas B1 and B2 containing #loft dwellings# or #joint living-work quarters for artists# shall be #enlarged#, except that such #buildings# containing #loft dwellings# may be #enlarged# by special permit of the City Planning Commission pursuant to Section 111-51. Mezzanines shall be permitted as provided in paragraph (d) of this Section.

111-50 SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING-WORK QUARTERS FOR ARTISTS

The City Planning Commission may permit, in Areas B1 and B2, the modification of the #use# provisions of Sections 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living-work quarters for artists), Section 111-102 (Ground floor use restrictions), paragraph (b), or 111-103 (Additional use regulations), paragraph (b), to allow #loft dwellings# or #joint living-work quarters for artists# on any #story# in any #building#, provided the Commission finds that:

- (a) the conversion will not harm the commercial and manufacturing sectors of the City's economy;
- (b) the conversion will not harm the commercial and manufacturing character of the surrounding area;
- (c) the process of conversion will not unduly burden #commercial# and #manufacturing uses# in the #building#; and
- (d) the neighborhood in which the conversion is taking place will not be excessively burdened by increased #residential# activity.

All #loft dwellings# or #joint living-work quarters for artists# permitted by this special permit shall meet the standards of the applicable district for such units or quarters. The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requiring the preservation of #floor area# for #commercial# or #manufacturing uses#.

111-51

Special Permit for Enlargements of Buildings Containing Loft Dwellings

In Area B1, outside of historic districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit:

(a) #loft dwellings# in #buildings# designed for non-#residential use# and erected prior to December 15, 1961, that have since been #enlarged#; or,

(b) the #enlargement# of #buildings# designed for non-#residential use# and erected prior to December 15, 1961, for #loft dwellings#, provided that:

(1) all #loft dwellings# comply with the requirements of Section 111-111 or have received a certification pursuant to Section 111-20(b);

(2) the #bulk# regulations of an M1-5 District shall apply, except that the #enlarged# portion of the #building# shall comply with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) applicable to R8 Districts; and

(3) the maximum #floor area ratio# for all #loft dwellings# shall not exceed 5.0.

(c) In order to grant a special permit, the City Planning Commission shall find that:

(1) the process of #enlargement# will not unduly burden #commercial# and #manufacturing uses# in the #building# and

(2) the neighborhood in which the #enlargement# is taking place will not be excessively burdened by increased #residential# activity.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requiring the preservation of #floor area# for #commercial# or #manufacturing uses#.

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 June 8, 2005 for a public hearing.

No. 4

CD 1

C 050283 ZSM

IN THE MATTER OF an application submitted by One York Property LLC pursuant to Sections 197- c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 111- 51(b)* of the Zoning Resolution to modify the regulations of Sections 111- 02 and 111- 111(e) to allow the enlargement of an existing 6 story building outside of the historic districts designated by the Landmarks Preservation Commission, designed for non residential use and erected prior to December 15, 1961, for loft dwellings on property located at 55 Avenue of the Americas a.k.a. One York Street (Block 212, Lots 24, 26, 41 and 43), in an M1- 5 District, within the Special Tribeca Mixed Use District (Area B1).

* Note: Section 111- 51 is a new section proposed under a related application (N 050281 ZRM) for an amendment of the Zoning Resolution.

Resolution for adoption scheduling June 8, 2005 for a public hearing.

No. 5

CD 1

C 050282 ZSM

IN THE MATTER OF an application submitted by One York Property LLC pursuant to Sections 197- c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 111-50* of the Zoning Resolution to modify the use regulations of Section 111-103(b) to allow forty three (43) loft dwellings on the 3rd floor through 12th floor of an existing 6 story building where the lot coverage is greater than 5,000 square feet and proposed to be enlarged to 12 stories on property located at 55 Avenue of the Americas a.k.a. One York Street (Block 212, Lots 24, 26, 41 and 43), in an M1- 5 District, within the Special Tribeca Mixed Use District (Area B1).

* Note: Section 111- 50 is proposed to be changed under a related application (N 050281 ZRM) for an amendment of the Zoning Resolution

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 June 8, 2005 for a public hearing.

No. 6

CD 1

C 050284 ZSM

IN THE MATTER OF an application submitted by One York Property 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- 921 of the Zoning Resolution to modify the use regulations of Section 42 00 to allow community facility uses (U.G. 4A) on the 1st, 2nd and 3rd floors of an existing 6 story building and proposed to be enlarged to 12 stories on property located at 55 Avenue of the Americas a.k.a. One York Street (Block 212, Lots 24, 26, 41 and 43), in an M1- 5 District, within the Special Tribeca Mixed Use District (Area B1).

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

Resolution for adoption scheduling June 8, 2005 for a public hearing.

No. 7

CD 1

C 050285 ZSM

IN THE MATTER OF an application submitted by One York Property LLC pursuant to Sections 197- c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an accessory parking garage with a maximum capacity of 47 spaces in portions of the cellar, 1st floor and 2nd floor of an existing 6 story building and proposed to be enlarged to 12 stories on property located at 55 Avenue of the Americas a.k.a. One York Street (Block 212, Lots 24, 26, 41 and 43), in an M1 5 District, within the Special Tribeca Mixed Use District (Area B1).

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

Resolution for adoption scheduling June 8, 2005 for a public hearing.



No. 8

88 CROSBY STREET

CD 2

C 040382 ZSM

IN THE MATTER OF an application submitted by Salva Realty Company 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 requirements of:

1. Section 42-14D(1)(b) to allow 14 joint living-work quarters for artists (Use Group 17D) on the 2nd and 3rd floors; and
2. Section 42-14(D)(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar;

of an existing 5-story building located at 88 Crosby Street a.k.a. 546-548 Broadway (Block 497, Lot 9), in an M1-5B District, within the SoHo Cast Iron Historic District.

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 June 8, 2005 for a public hearing.



No. 9

LOWER EAST SIDE GIRLS CLUB

CD 3

C 050209 PPM

IN THE MATTER OF OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of six (6) city-owned properties pursuant to zoning.

A list and description of the properties can be seen in the Manhattan Office of the Department of City Planning, 22 Reade Street, Room 6W, New York, NY 10007.

Resolution for adoption scheduling June 8, 2005 for a public hearing.

BOROUGH OF QUEENS

Nos. 10 and 11

CAMBRIA HEIGHTS ZONING AND R2A TEXT AMENDMENTS

No. 10

CD 13

C 050400 ZMQ

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. 15b, 15d, 19a and 19c:

1. eliminating from an existing R2 District a C1-2 District bounded by Linden Boulevard, 235th Street and its northerly centerline prolongation, a line 150 feet southerly of Linden Boulevard, and 233rd Street;
2. eliminating from an existing R3-2 District a C1-2 District bounded by:
 - a. Francis Lewis Boulevard, a line 150 feet northerly of Linden Boulevard, 207th Street and its southerly centerline prolongation, and a line 150 feet southerly of Linden Boulevard; and

- b. 217th Street, a line 150 feet northeasterly of Linden Boulevard, 226th Street, a line 150 feet southwesterly of Linden Boulevard, a line 100 feet southeasterly of Springfield Boulevard, and Linden Boulevard;
- 3. eliminating from an existing R2 District a C2-2 District bounded by 227th Street a line 150 feet northeasterly of Linden Boulevard, 230th Street, and a line 150 feet southwesterly of Linden Boulevard;
- 4. eliminating from an existing R3-2 District a C2-2 District bounded by 113th Avenue, a line 150 feet easterly of Springfield Boulevard, 114th Avenue, and Springfield Boulevard; and
- 5. changing from an R2 District to an R2A District property bounded by a line midway between 113th Avenue and Murdock Avenue and its easterly prolongation, the boundary line of the City of New York, 121st Avenue, Francis Lewis Boulevard, the southwesterly prolongation of a line midway between 227th Street and 228th Street, the northeasterly boundary line of the Montefiore Cemetery, a line 100 feet northwesterly of 217th Street and its southwesterly prolongation, Francis Lewis Boulevard, 219th Street, 118th Avenue, 220th Street, a line 150 feet southwesterly of Linden Boulevard, 227th Street, a line 150 feet northeasterly of Linden Boulevard, a line midway between 224th Street and 225th Street, 116th Avenue, 220th Street, 115th Road, 217th Street, 114th Road, and 221st Street;
- 6. changing from an R3-2 District to an R2A District property bounded by:
 - a. a line 150 feet northeasterly of Linden Boulevard, 227th Street, a line 100 feet northeasterly of Linden Boulevard, and a line midway between 224th Street and 225th Street;
 - b. a line 100 feet southwesterly of Linden Boulevard, 227th Street, a line 150 feet southwesterly of Linden Boulevard, 220th Street, 118th Avenue, and 219th Street; and
 - c. Francis Lewis Boulevard, a line 100 feet northwesterly of 217th Street and its southwesterly prolongation, the northeasterly boundary line of the Montefiore Cemetery, and its northwesterly prolongation, and Springfield Boulevard;
- 7. changing from an R4 District to an R2A District property bounded by 115th Road, 220th Street, 116th Avenue, and 219th Street;
- 8. changing from an R3-2 District to an R3A District property bounded by:
 - a. Murdock Avenue, a line 100 feet easterly of Nashville Boulevard, Colfax Street, Nashville Boulevard, 115th Avenue, Springfield Boulevard, 116th Avenue, 208th Street, 115th Avenue, and a line midway between Francis Lewis Boulevard and 207th Street;
 - b. a line midway between Murdock Avenue and 113th Drive, 221st Street, 114th Road, 219th Street, a line 100 feet southerly of 114th Avenue, a line 100 feet easterly of Springfield Boulevard, 113th Drive, and 219th Street;

- c. 116th Avenue, 208th Street, a line perpendicular to the northeasterly street line of 207th Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 207th Street and the northerly street line of Linden Boulevard, and a line midway between 207th Street and Francis Lewis Boulevard;
- d. 116th Road, Springfield Boulevard, a line 200 feet northerly of Linden Boulevard, a line midway between Nashville Boulevard and Springfield Boulevard, a line 100 feet northerly of Linden Boulevard, and Nashville Boulevard;
- e. a line 150 feet northeasterly of Linden Boulevard, 222nd Street, a line 100 feet northeasterly of Linden Boulevard, and a line midway between 218th Street and 219th Street; and
- f. a line 100 feet southwesterly of Linden Boulevard, 219th Street, Francis Lewis Boulevard, Springfield Boulevard, a line 150 feet northeasterly of 119th Avenue, a line 130 feet northwesterly of 218th Street, 118th Avenue, a line 200 feet southeasterly of Springfield Boulevard, a line midway between 117th Road and 118th Avenue, a line 100 feet southeasterly of Springfield Boulevard, 117th Road, and Springfield Boulevard;
- 9. changing from an R4 District to an R3A District property bounded by a line 100 feet northeasterly of 115th Road, 217th Street, 115th Road, 219th Street, 116th Avenue, 222nd Street, a line 150 feet northeasterly of Linden Boulevard, a line midway between 218th Street and 219th Street, 116th Avenue, a line 100 feet northwesterly of 217th Street, a line 140 feet southwesterly of 115th Road, and a line 200 feet northwesterly of 217th Street;
- 10. changing from an R3-2 District to an R3-1 District property bounded by:
 - a. a line 100 feet southerly of Linden Boulevard, Springfield Boulevard, 117th Road, a line 100 feet southeasterly of Springfield Boulevard, a line midway between 117th Road and 118th Avenue, a line 200 feet southeasterly of Springfield Boulevard, 118th Street, a line 130 feet northwesterly of 218th Street, a line 150 feet northeasterly of 119th Street, Springfield Boulevard, and Francis Lewis Boulevard; and
 - b. a line 150 feet northeasterly of Linden Boulevard, a line midway between 224th Street and 225th Street, a line 100 feet northeasterly of Linden Boulevard, and 222nd Street;
- 11. changing from an R4 District to an R3-1 District property bounded by 116th Avenue, a line midway between 224th Street and 225th Street, a line 150 feet northeasterly of Linden Boulevard, and 222nd Street;
- 12. changing from an R3-2 District to an R4B District property bounded by:
 - a. a line midway between 113th Avenue and Murdock Avenue, 221st Street, a line midway between Murdock Avenue and 113th Drive, 219th Street, 113th Drive, and a line 100 feet easterly of Springfield Boulevard;

b. 116th Avenue, Springfield Boulevard, 116th Road, Nashville Boulevard, and 208th Street; and

c. a line 150 feet northeasterly of Linden Boulevard, a line midway between 218th Street and 219th Street, a line 100 feet northeasterly of Linden Boulevard, and 217th Street; and

13. changing from an R4 District to an R4B District property bounded by 115th Avenue and its westerly centerline prolongation, 217th Street, a line 100 feet northeasterly of 115th Road, a line 200 feet northwesterly of 217th Street, a line 100 feet southwesterly of 115th Road, a line 140 feet northwesterly of 217th Street, 116th Avenue, a line midway between 218th Street and 219th Street, a line 150 feet northeasterly of Linden Boulevard, 217th Street, a line 100 feet northeasterly of Linden Boulevard, a line 100 feet southeasterly of Springfield Boulevard, a line 200 feet northeasterly of Linden Boulevard, and Springfield Boulevard;

14. establishing within a proposed R2A District a C1-3 District bounded by Linden Boulevard, 235th Street and its northerly centerline prolongation, a line 100 feet southerly of Linden Boulevard, and 233rd Street;

15. establishing within an existing R3-2 District a C1-3 District bounded by:

a. Francis Lewis Boulevard, a line 100 feet northerly of Linden Boulevard, 207th Street and its southerly centerline prolongation, and a line 100 feet southerly of Linden Boulevard; and

b. 217th Street, a line 100 feet northeasterly of Linden Boulevard, a line midway between 217th Street and 218th Street, Linden Boulevard, a line midway between 218th Street and 219th Street, a line 100 feet northeasterly of Linden Boulevard, 226th Street, a line 100 feet southwesterly of Linden Boulevard, a line 100 feet southeasterly of Springfield Boulevard, and Linden Boulevard;

16. establishing within a proposed R2A District a C2-3 District bounded by 227th Street a line 100 feet northeasterly of Linden Boulevard, 230th Street, and a line 100 feet southwesterly of Linden Boulevard; and

17. establishing within an existing R3-2 District a C2-3 District bounded by 113th Avenue, a line 100 feet easterly of Springfield Boulevard, 114th Avenue, and Springfield Boulevard;

as shown on a diagram (for illustrative purposes only) dated April 11, 2005.

Resolution for adoption scheduling June 8, 2005 for a public hearing.

No. 11

Citywide

N 050401 ZRY

IN THE MATTER OF .IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapter 2 (Construction of Language and Definitions) and Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residential Districts), concerning R2A district regulations.

Underlined matter is new, to be added;

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

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

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

* * *

12-10

Definitions

* * *

Floor area

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

* * *

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

* * *

(2) elevator or stair bulkheads, #accessory# water tanks, or cooling towers, except that such exclusions shall not apply in R2A Districts

* * *

(8) floor space used for mechanical equipment, except that such exclusion shall not apply in R2A Districts, and in R2X, R3, R4 and R5 Districts such exclusion shall be limited to ...

* * *

Basic Regulations - Front Yards

23-45

Minimum Required Front Yards

R1 R2 R3 R4 R5

(a) In the districts indicated, #front yards# shall be provided as set forth in the following table, except that for a #corner lot# in an R1-2 District, one #front yard# may have a depth of 15 feet and, for a #corner lot# in an R3 District, one #front yard# may have a depth of 10 feet.

District	Front Yard
R1	20 feet
R2 R2X R3-1 R3-2	15 feet
<u>R2A</u>	<u>15 feet*</u>
R3A R3X R4A R4-1	10 feet*
R4 R5	10 feet**
R4B R5B	5 feet*

* Except as provided in paragraphs (b) and (c) of this Section.

** If the depth of a #front yard# exceeds 10 feet or the #zoning lot# is #developed# pursuant to the optional regulations applicable in a #predominantly built-up area#, the depth of a #front yard# shall be at least 18 feet. However, on a #corner lot#, if one #front yard# has a depth of at least 18 feet, the other #front yard# shall have a depth of at least 10 feet.

Furthermore, if an opening to an #accessory# off-street parking space is located within the #street wall# of a #residential building#, there shall be an open area between the opening and the #street line# which is at least 8 and 1/2 feet in width by 18 feet in depth.

R2A R3A R3X R4A R4-1 R4B R5B

(b) For the purpose of paragraphs (b) and (c) the area between the #street line# and the front building wall of adjacent #buildings# on the same or adjoining #zoning lots# shall be considered adjacent #front yards#.

Except as provided in paragraph (c) of this Section, in the districts indicated, if adjacent #residential buildings# on the same or on adjoining #zoning lots# fronting on the same #street# have #front yards# greater than the minimum set forth in paragraph (a) of this Section, then a #front yard# shall be provided which:

(1) in R2A, R3A, R3X, R4A or R4-1 Districts is at least as deep as an adjacent #front yard#; and

(2) in R4B or R5B Districts is no deeper than the deepest adjacent #front yard# and no shallower than the shallowest adjacent #front yard#.

However, a #front yard# need not exceed 20 feet in depth.

In determining the depth of the adjacent #front yards#, balconies, and projections from the front building wall that do not exceed 33 percent of the aggregate width of the #building#, shall be disregarded.

For new #developments# or #enlargements#, projections into the required #front yard# are permitted provided that the aggregate width of all projections at the level of any #story# does not exceed 33 percent of the aggregate width of the #building#. The depth of such projections shall not exceed three feet into the #front yard#. However, balconies shall be subject to the provisions of Sections 23-13 (Balconies) and 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(c) The provisions of paragraph (b) of this Section determining the depth of a #front yard# by the location of a #front yard# on an adjacent #zoning lot#, are modified as follows:

(1) on #corner lots#, these provisions shall apply on only one #street# frontage; and

(2) these provisions shall not apply to:

(i) any #street# frontage of a #zoning lot# where such frontage has a length of at least 150 feet along such #street#;

(ii) any #zoning lot# located in historic districts designated by the Landmarks Preservation Commission; or

(iii) a frontage of any #zoning lot# where the depths of 50 percent of the #front yards# within 150 feet of the #side lot lines# of such #zoning lot# are shallower by more than two feet than the shallowest of the adjacent #front yards#.

R1 R2 R3 R4 R5

(d) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the provisions of paragraphs (a) and (b) of this Section are modified as follows:

The depth of the #front# yard may vary between the requirements of paragraph (a) of this Section, or as modified in any applicable Special District, and the depth of the #front yard# of any adjacent #zoning lot#.

Resolution for adoption scheduling June 8, 2005 for a public hearing.

No. 12 and 13

REGO PARK MALL

No. 12

CD 6

C 040542 ZSQ

IN THE MATTER OF an application submitted by Alexander's of Rego Park II, Inc. and Alexander's Rego Shopping Center Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to:

Section 74-93(a)*, to permit the reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent;

Section 74-93(b)*, to permit a demapped air space above a street to be considered as part of the enlargement and to be used for automobile and pedestrian ways;

Section 74-93(d)*, to permit the location of buildings without regard for the applicable height and setback regulations; and

Section 74-93(e)*, to permit the modification of signage regulations of Section 32-64 (Surface Area and Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs);

to facilitate the enlargement of a mixed use development bounded by Horace Harding Expressway Service Road, 97th Street, 63rd Drive, Queens Boulevard and Junction Boulevard (Block 2080, Lot 101 and Block 2084, Lot 101), in a C4-2F District and a C4-2 District.

*Note: An amendment to Section 74-93 (Special Commercial and Mixed Use Developments in Commercial Districts) is proposed under related application N 040541 ZRQ.

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 June 8, 2005 for a public hearing.

CD 6

N 040541 ZRQ

IN THE MATTER OF an application submitted by Alexander's of Rego Park II, Inc. 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 VII, Chapter 4 (Special Permits by City Planning Commission), concerning Section 74-93 special commercial developments in commercial districts.

Underlined matter is new, to be added;
 Matter in ~~Strikeout~~ is old, to be deleted;
 Matter within # # is defined in Section 12-10

74-93Special Commercial or Mixed Use Developments in Commercial Districts

Within the boundaries of Community District 6, Borough of Queens, for commercial or mixed use #developments# or #enlargements# on two or more #zoning lots# in more than one #block#, which #zoning lots#, as defined in Section 12-10, each have single fee ownership or equivalent ownership arrangements for all lots comprising the #development# or #enlargement#, which are contiguous or would be contiguous but for their separation by a #street#, and located partially in a C4-2 District, partially in a C4-2F District, the City Planning Commission may permit upon application:

(a) reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the uses proposed modification of applicable district regulations pertaining to the #accessory# off-street parking requirements, where the number of required off-street parking spaces is generated by the #floor area# of any interior pedestrian circulation system;

~~(b) accessory# off-street parking spaces to be provided in a #public parking garage#, to be located anywhere within the #development# or #enlargement#, without regard for #zoning lot# lines, for #uses# not located on the same #zoning lot#;~~

~~(c) a special permit pursuant to the provisions of Section 74-512 permitting a #public parking garage# with a capacity not exceeding 2,700 parking spaces;~~

~~(d)~~(b) any closed and demapped air space above a #street# to be considered as a part of the #development# or #enlargement# and to be used for automobile

ways, or for ~~enclosed~~ pedestrian ways ~~or retail #uses#~~; provided the Commission finds that:

each bridge over the #street# bed utilizes only unused #floor area# from an adjoining #zoning lot# within the #development# or #enlargement# and that no #floor area# credit is generated from the demapped air space;

each bridge adjoins #zoning lots# which are wholly within the #development# or #enlargement#;

the #curb levels# of the adjoining #zoning lots# are not affected by the closing and demapping of such air space;

all #street# frontages of the #zoning lots# under each bridge are provided with satisfactory lighting; and

a landscaped open, covered or enclosed space for public use at #street# level, linked with the pedestrian circulation system, ~~which is at least equivalent to the #street# area covered by the bridges, with said enclosed space a minimum area of 5,000 square feet, a minimum width of 40 feet, a minimum depth of 60 feet, a minimum ceiling height of 30 feet and a maximum ceiling height of 75 feet, is provided in one location within the #development# or #enlargement#, which open, covered or enclosed space is at least equivalent to the #street# area covered by the bridges, has a minimum area of 20,000 square feet, and is maintained with planting and seating facilities by the owner of the #development# or #enlargement# and such open or enclosed space is maintained with planting and seating facilities, by the owner of the #development# or #enlargement# or his designee~~ and, said open, covered or enclosed space to be subject to such other requirements as the Commission may deem appropriate;

~~(e)(c)~~ automobile service establishments, including: automobile, tire, battery, muffler and accessories establishments, including installation services; automobile glass and mirror shops, including installation services where such #use# is an integral part of the permitted principal #use#; automotive seat cover or convertible top establishments, including installation service, but not including automobile laundries; automobile painting establishments; automobile body repair establishments; or automobile fuel service stations; ~~and~~

~~(f)(d)~~ modification of applicable #bulk# regulations by permitting the total permitted #floor area# for all #zoning lots# within such #development# or #enlargement# to be distributed without regard to #zoning lot lines# ; and permitting the location of buildings without regard for the applicable height and setback regulations, provided the Commission finds that:

such distribution of #floor area# and location of buildings will result in better site planning and will thus benefit both the neighborhood and the City as a whole; and

such distribution of #floor area# and location of buildings will permit adequate access of light and air to surrounding #streets# and properties; and

(e) modification of the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs), provided that the Commission finds that such modification will result in a better site plan.

The Commission may impose additional conditions and safeguards to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area, including restrictions on permitted #commercial uses#, #signs# and location of curb cuts to ease vehicular and pedestrian circulation in the area.

~~Section 74-99 (Lapse of Permit) shall not apply to a special #use# permit granted for a #development# or #enlargement# undertaken pursuant to a special permit under this Section.~~

Resolution for adoption scheduling June 8, 2005 for a public hearing.

NOTICE

On Wednesday, June 8, 2005, at 10:00 a.m., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning amendments to Section 74-93 of the Zoning Resolution (ZR), an amendment of a Restrictive Declaration, and a special permit pursuant to the proposed modified special permit text of ZR Section 74-93, to facilitate the construction of a mixed-use building with retail use, a parking garage, and two residential towers, on a site located at 62-01/27 Junction Boulevard (Block 2080, Lot 101), within a C4-2F zoning district in the Rego Park neighborhood of Queens Community District 6:

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 04DCP040Q

BOROUGH OF STATEN ISLAND**No. 14*****GREAT KILLS/TOTTENVILLE REZONING*****CD 3****C 050143 ZMR**

IN THE MATTER OF an application submitted by Councilman Andrew J. Lanza pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 33c, 33d and 35a:**

- 1. changing from a C3 District to an R3-1 District property bounded by:**
 - a. Hartford Street, Cleveland Avenue, Ackerman Street, and Nelson Avenue; and
 - b. a line 250 feet northwesterly of Mansion Avenue, a line 165 feet northeasterly of Great Kills Road, a line 95 feet northwesterly of Mansion Avenue, and Great Kills Road;
- 2. changing from a C3 District to an R3-2 District property bounded by a line 250 feet northwesterly of Mansion Avenue, Fairlawn Avenue, Mansion Avenue, and a line 170 feet southwesterly of Fairlawn Avenue; and**
- 3. changing from a C3 District to a C3A District property bounded by:**
 - a. Sweetwater Avenue, Nelson Avenue, Ackerman Street, Cleveland Avenue, a line midway between Mercer Place and Cornish Street, Whitman Avenue, a line 250 feet northwesterly of Tennyson Drive, a line 250 feet northwesterly of Mansion Avenue, Great Kills Road, a line 95 feet northwesterly of Mansion Avenue, a line 165 feet northeasterly of Great Kills Road, a line 250 feet northwesterly of Mansion Avenue, a line 170 feet southwesterly of Fairlawn Avenue, Mansion Avenue, Fairlawn Avenue, the U.S. Pierhead and Bulkhead Line, the U.S. Pierhead Line, and Wiman Avenue and its southeasterly centerline prolongation; and
 - b. the U.S. Pierhead Line, Johnson Avenue and its northwesterly centerline prolongation, a southeasterly boundary line of the New York City Railroad Right-Of Way (S.I.R.T.O.A.) and its southwesterly prolongation, and Bentley Street;

within the Special South Richmond Development District, as shown on a diagram (for illustrative purposes only) dated March 28, 2005.

Resolution for adoption scheduling June 8, 2005 for a public hearing.

II. REPORTS

BOROUGH OF THE BRONX

No. 15

EAST 153RD BRIDGE

CD 1, 4

C 030537 MMX

IN THE MATTER OF an application, submitted by the New York City Department of Transportation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et. seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- a) the widening and re-alignment of East 153rd Street between Grand Boulevard and Concourse and Morris Avenue;
- b) the adjustment of grades necessitated thereby; and
- c) any acquisition or disposition of real property related thereto,

in accordance with Map No. 13104 dated November 16, 2004 and signed by the Borough President.

(On March 30, 2005 Cal. No. 1, the Commission scheduled April 13, 2005 for a public hearing. On April 13, 2005, Cal. No. 21, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 16

BENSONHURST REZONING

CD 11

C 050296 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. 22d and 28c:**

1. **eliminating from an existing R5 District a C1-3 District bounded by:**
 - a. 63rd Street, a line 100 feet northwesterly of Bay Parkway, 65th Street, and a line 150 feet northwesterly of Bay Parkway;
 - b. Highlawn Avenue, West 8th Street, a line 150 feet northerly of Highlawn Avenue, a line midway between West 7th Street and West 8th Street, Highlawn Avenue, West 6th Street, a line 150 feet southerly of Highlawn Avenue, and West 9th Street;
 - c. Avenue S, West 9th Street, a line 150 feet northerly of Avenue S, and West 8th Street;
 - d. Avenue S, West 6th Street, a line 150 feet southerly of Avenue S, and West 7th Street;
 - e. Avenue S, a line midway between West 13th Street and Stillwell Avenue, a line 100 feet northerly of Avenue T, and Stillwell Avenue;
 - f. Avenue T, West 8th Street, a line 150 feet southerly of Avenue T, and West 10th Street; and
 - g. Avenue U, West 9th Street, a line 150 feet northerly of Avenue U, Lake Street, a line 100 feet northerly of Avenue U, and McDonald Avenue;

2. **eliminating from an existing R6 District a C1-3 District bounded by:**
 - a. 63rd Street, Bay Parkway, a line midway between 64th Street and 65th Street, a line 400 feet southeasterly of 23rd Avenue, 65th Street, West 5th Street, a line 150 feet southwesterly of 65th Street, Bay Parkway, 65th Street, and a line 100 feet northwesterly of Bay Parkway;
 - b. Avenue O, West 8th Street, a line 150 feet northerly of Avenue O, West 7th Street, Avenue O, West 6th Street, a line 150 feet southerly of Avenue O, and West 11th Street; and
 - c. Kings Highway, West 12th Street, a line 150 feet northerly of Kings Highway, a line 150 feet northerly of Quentin Road, West 9th Street, Quentin Road, West 6th Street, a line 150 feet northerly of Kings Highway, West 4th Street, a line 100 feet southerly of Kings Highway, a line 100 feet southerly of Quentin Road, and West 11th Street;

3. **eliminating from an existing R5 District a C2-2 District bounded by** Kings Highway, Stillwell Avenue, a line 100 feet northerly of Kings Highway, West 12th Street, Kings Highway, West 11th Street, Quentin Road, West 13th Street, a

line 80 feet northerly of Quentin Road, Stillwell Avenue, a line 100 feet southerly of Kings Highway, 78TH Street, and a line 100 feet southeasterly of Bay Parkway;

4. **eliminating from an existing R6 District a C2-2 District bounded by** Kings Highway, a line 200 feet westerly of Stillwell Avenue, a line 100 feet northerly of Kings Highway, and Stillwell Avenue;
5. **eliminating from an existing R5 District a C2-3 District bounded by** West 13th Street, a line 150 feet northerly of Avenue U, West 9th Street, and a line 100 feet northerly of Avenue U;
6. **eliminating from an existing R6 District a C2-3 District bounded by** a line midway between Dahill Road and West 1st Street, a line 150 feet northerly of Kings Highway, a line midway between McDonald Avenue and Dahill Road, and a line 100 feet northerly of Kings Highway,
7. **changing from an R5 District to an R4-1 District property bounded by:**
 - a. Quentin Road, West 11th Street, a line 100 feet southerly of Quentin Road, a line midway between West 10th Street and West 11th Street, a line 100 feet southerly of Highlawn Avenue, a line midway between West 11th Street and West 12th Street, a line 100 feet northerly of Avenue S, and a line midway between West 12th Street and West 13th Street;
 - b. a line 100 feet southerly of Highlawn Avenue, a line midway between West 8th Street and West 9th Street, a line 100 feet northerly of Avenue S, and a line midway between West 10th Street and West 11th Street;
 - c. a line 100 feet southerly of Kings Highway, a line midway between Lake Street and Van Sicklen Street, Avenue S, West 3rd Street, Avenue T, a line midway between Lake Street and Van Sicklen Street, a line perpendicular to the easterly street line of Van Sicklen Street distant 360 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Van Sicklen Street and the southerly street line of Avenue T, Van Sicklen Street, a line 100 feet northerly of Avenue U, a line midway between West 6th Street and West 7th Street, a line 100 feet southerly of Avenue T, a line midway between West 4th Street and West 5th Street, Avenue S, West 5th Street, a line 100 feet northerly of Avenue S, West 7th Street, a line 100 feet southerly of Highlawn Avenue, a line midway between West 4th Street and West 5th Street, Highlawn Avenue, and a line midway between West 6^h Street and West 7th Street;
 - d. a line 100 feet southerly of Avenue S, West 9th Street, a line 100 feet northerly of Avenue T, and a line midway between West 12th Street and West 13th Street;

- e. a line 100 feet southerly of Avenue S, a line midway between West 5th Street and West 6th Street, a line 100 feet northerly of Avenue T, and West 7th Street; and
 - f. a line 100 feet southerly of Avenue T, a line midway between West 7th Street and West 8th Street, a line 100 feet northerly of Avenue U, West 13th Street, a line 325 feet southerly of Avenue T, and a line midway between West 12th Street and West 13th Street;
- 8. changing from an R6 District to an R4-1 District property bounded by:**
- a. a line 100 feet southeasterly of Bay Parkway, 61st Street, Dahill Road, 24th Avenue, a line midway between McDonald Avenue and Dahill Road, a line 180 feet northerly of Avenue O, Dahill Road, 63rd Street, a line perpendicular to the southwesterly street line of 63rd Street distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 63rd Street and the westerly street line of Dahill Road, a line midway between 63rd Street and 64th Street, a line 100 feet westerly of Dahill Road, 65th Street, Avenue P, a line midway between McDonald Avenue and Dahill Road, a line 100 feet northerly of Kings Highway, West 6th Street, a line 100 feet southerly of Quentin Road, West 1st Street, a line 400 feet southerly of Quentin Road, a line midway between Dahill Road and West 1st Street, Avenue P, West 2nd Street, a line 100 feet southwesterly of 65th Street, West 1st Street, 65th Street, a line 100 feet southeasterly of 24th Avenue, a line midway between 62nd Street and 63rd Street, 24th Avenue, 65th Street, a line 340 feet southeasterly of 23rd Avenue, a line midway between 64th Street and 65th Street, 23rd Avenue, 64th Street, a line 120 feet northwesterly of 23rd Avenue, a line midway between 64th Street and 65th Street, a line 220 feet southeasterly of Bay Parkway, and a line midway between 63rd Street and 64th Street;
 - b. a line 100 feet southerly of Avenue O, a line midway between West 7th Street and West 8th Street, a line 100 feet northerly of Avenue P, West 12th Street, a line perpendicular to the easterly street line of West 12th Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of West 12th Street and the southeasterly street line of Bay Parkway, and a line midway between West 10th Street and West 11th Street;
 - c. a line 100 feet southerly of Avenue O, West 4th Street, Avenue O, a line 100 feet southwesterly of 65th Street, West 3rd Street, a line 100 feet northerly of Avenue P, and a line midway between West 6th Street and West 7th Street;

- d. a line 100 feet southerly of Avenue P, a line midway between West 10th Street and West 11th Street, a line 100 feet northerly of Kings Highway, and Stillwell Avenue;
 - e. a line 100 feet southerly of Avenue P, West 8th Street, Avenue P, West 7th Street, a line 100 feet southerly of Avenue P, West 6th Street, a line 100 feet northerly of Quentin Road, and a line midway between West 9th Street and West 10th Street;
 - f. a line 100 feet southerly of Avenue P, West 3rd Street, a line 100 feet northerly of Quentin Road, and a line midway between West 4th Street and West 5th Street; and
 - g. a line 100 feet southerly of Avenue P, a line midway between West 1st Street and West 2nd Street, a line 100 feet northerly of Quentin Road, and a line midway between West 2nd Street and West 3rd Street;
- 9. changing from an R5 District to an R4A District property bounded by:**
- a. a line 100 feet southerly of Highlawn Avenue, a line midway between West 10th Street and West 11th Street, a line 100 feet northerly of Avenue S, and a line midway between West 11th Street and West 12th Street;
 - b. a line 100 feet southerly of Avenue S, a line midway between West 12th Street and West 13th Street, Avenue T, and West 13th Street;
 - c. Avenue S, a line midway between Lake Street and Van Sicklen Street, Avenue T, and West 3rd Street; and
 - d. Avenue T, a line midway between McDonald Avenue and Lake Street, a line 100 feet northerly of Avenue U, and Lake Street;
- 10. changing from an R6 District to an R4A District property bounded by:**
- a. a line 100 feet southwesterly of 65th Street, Avenue O, a line midway between West 4th Street and West 5th Street, a line 100 feet northerly of Avenue O, a line midway between West 5th Street and West 6th Street, a line 350 feet northerly of Avenue O, and West 5th Street;
 - b. a line 100 feet southwesterly of 65th Street, West 2nd Street, a line 100 feet northerly of Avenue P, and West 3rd Street; and
 - c. Avenue P, West 1st Street, a line 100 feet southerly of Avenue P, a line midway between West 2nd Street and West 3rd Street, a line 340 feet southerly of Avenue P, West 3rd Street, a line 100 feet southerly of Avenue P, and a line midway between West 4th Street and West 5th Street;

- 11. changing from an R5 District to an R5B District property bounded** Quentin Road, a line midway between West 12th Street and West 13th Street, a line 100 feet northerly of Avenue S, a line midway between West 8th Street and West 9th Street, a line 100 feet southerly of Highlawn Avenue, a line midway between West 10th Street and West 11th Street, a line 100 feet southerly of Quentin Road, a line 100 feet southerly of Kings Highway, a line midway between West 6th Street and West 7th Street, Highlawn Avenue, a line midway between West 4th Street and West 5th Street, a line 100 feet southerly of Highlawn Avenue, West 7th Street, a line 100 feet northerly of Avenue S, West 5th Street, Avenue S, a line midway between West 4th Street and West 5th Street, a line 100 feet southerly of Avenue T, a line midway between West 6th Street and West 7th Street, a line 100 feet northerly of Avenue U, Van Sicklen Street, a line perpendicular to the easterly street line of Van Sicklen Street distant 360 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Van Sicklen Street and the southerly street line of Avenue T, a line midway between Lake Street and Van Sicklen Street, a line 100 feet southerly of Kings Highway, a line midway between McDonald Avenue and Lake Street, Avenue T, Lake Street, a line 100 feet northerly of Avenue U, McDonald Avenue, Avenue U, West 13th Street, a line 100 feet northerly of Avenue U, a line midway between West 7th Street and West 8th Street, a line 100 feet southerly of Avenue T, a line midway between West 12th street and West 13th Street, a line 325 feet southerly of Avenue T, West 13th Street, a line 100 feet northeasterly of 86th Street, and Stillwell Avenue, **and excluding property bounded by:**
- a. a line 100 feet southerly of Avenue S, West 9th Street, a line 100 feet northerly of Avenue T, a line midway between West 12th Street and West 13th Street, Avenue T, and West 13th Street,
 - b. a line 100 feet southerly of Avenue S, a line midway between West 5th street and West 6th Street, a line 100 feet northerly of Avenue T, and West 7th Street;
- 12. changing from an R6 District to an R5B District property bounded by:**
- a. a line 150 feet southeasterly of Bay Parkway, a line perpendicular to the easterly street line of West 7th Street distant 250 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of West 7th Street and the southeasterly street line of Bay Parkway, a line 100 feet southwesterly of 65th Street, West 5th street, a line 350 feet northerly of Avenue O, a line midway between West 5th Street and West 6th Street, a line 100 feet northerly of Avenue O, a line midway between West 4th street and West 5th Street, Avenue O, West 4th Street, a line 100 feet southerly of Avenue O, a line midway between West 6th street and West 7th Street, a line 100 feet northerly of Avenue P, a line midway between West 7th Street and West 8th Street, a line 100 feet southerly of Avenue O, a line midway

between West 10th Street and West 11th Street, a line perpendicular to the easterly street line of West 12th Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of West 12th Street and the southeasterly street line of Bay Parkway, West 11th Street, and Avenue O;

- b. 63rd Street, Dahill Road, a line 180 feet northerly of Avenue O, a line midway between Dahill Road and McDonald Avenue, a line perpendicular to the westerly street line of McDonald Avenue distant 250 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of McDonald Avenue and the northeasterly street line of 65th Street, Dahill Road, 65th Street, a line 100 feet westerly of Dahill Road, a line midway between 63rd Street and 64th Street, and a line perpendicular to the southwesterly street line of 63rd Street distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 63rd Street and the westerly street line of Dahill Road;
- c. a line 100 feet southerly of Avenue P, a line midway between West 9th Street and West 10th Street, a line 100 feet northerly of Quentin Road, a line 100 feet northerly of Kings Highway, and a line midway between West 10th Street and West 11th Street;
- d. a line 100 feet northerly of Avenue P, West 4th Street, Avenue P, a line midway between West 4th Street and West 5th Street, a line 100 feet northerly of Quentin Road, and West 6th Street; and
- e. a line 100 feet northerly of Quentin Road, West 3rd Street, a line 340 feet southerly of Avenue P, a line midway between West 2nd Street and West 3rd Street, a line 100 feet northerly of Quentin Road, a line midway between West 1st Street and West 2nd Street, a line 100 feet southerly of Avenue P, West 1st Street, Avenue P, a line midway between Dahill Road and West 1st Street, a line 400 feet southerly of Quentin Road, West 1st Street, a line 100 feet southerly of Quentin Road, a line midway between West 2nd Street and West 3rd Street, Quentin Road, and West 4th Street;

13. changing from an R6 District to an R6A District property bounded by:

- a. a line 100 feet northwesterly of Bay Parkway, 61st Street, a line 100 feet southeasterly of Bay Parkway, a line midway between 63rd Street and 64th Street, a line 220 feet southeasterly of Bay Parkway, a line midway between 64th Street and 65th Street, a line 120 feet northwesterly of 23rd Avenue, 64th Street, 23rd Avenue, a line midway between 64th Street and 65th Street, a line 340 feet southeasterly of 23rd Avenue, 65th Street, 24th Avenue, a line midway between 62nd Street and 63rd Street, a line 100 feet southeasterly of 24th Avenue, 65th Street, West 1st Street, a line 100 feet southwesterly of 65th Street, a

line perpendicular to the easterly street line of West 7th Street distant 250 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of West 7th Street and the southeasterly street line of Bay Parkway, a line 150 feet southeasterly of Bay Parkway, a line 150 feet southwesterly of 65th Street, Bay Parkway, and 65th Street; and

- b. a line 100 feet northerly of Avenue P, West 2nd Street, Avenue P, and West 4th Street;
14. **changing from a C4-3 District to an R6A District property bounded by** a line 150 feet southwesterly of 65th Street, a line 150 feet southeasterly of Bay Parkway, and West 7th Street;
 15. **changing from an R5 District to an R6B District property bounded by** Kings Highway, West 11th Street, Quentin Avenue, 78th Street, and a line 100 feet southeasterly of Bay Parkway;
 16. **changing from an R5 District to an R7A District property bounded by** a line 100 feet northerly of Kings Highway, West 12th Street, Kings Highway, and Stillwell Avenue;
 17. **changing from an R6 District to an R7A District property bounded by:**
 - a. Bay Parkway, Avenue O, West 11th Street, a line perpendicular to the easterly street line of West 12th Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of West 12th Street and the southeasterly street line of Bay Parkway, West 12th Street, a line 100 feet northerly of Avenue P, West 6th Street, a line 100 feet southerly of Avenue P, West 7th Street, Avenue P, West 8th Street, a line 100 feet southerly of Avenue P, Stillwell Avenue, and Kings Highway; and
 - b. a line 100 feet northerly of Kings Highway, a line 100 feet northerly of Quentin Road, West 4th Street, Quentin Road, a line midway between West 2nd Street and West 3rd Street, a line 100 feet southerly of Quentin Road, West 6th Street, a line 100 feet northerly of Kings Highway, McDonald Avenue, a line 100 feet southerly of Kings Highway, a line 100 feet southerly of Quentin Road, West 11th Street, Kings Highway, and West 12th Street;
 18. **changing from a C4-3 District to a C4-2A District property bounded by** a line 150 feet northwesterly of Bay Parkway, 65th Street, Bay Parkway, a line 150 feet southwesterly of 65th Street, West 7th Street, a line 150 feet southeasterly of Bay Parkway, Avenue O, Bay Parkway, and Bay Ridge Avenue;
 19. **establishing within a proposed R4-1 District a C2-3 District bounded by:**

- a. a line 340 feet southeasterly of 23rd Avenue, a line midway between 64th Street and 65th Street, 24th Avenue, and 65th Street; and
- b. a line 100 feet northerly of Highlawn Avenue, West 6th Street, Highlawn Avenue, and a line midway between West 6th Street and West 7th Street;

20. establishing within a proposed R5B District a C2-3 District bounded by:

- a. a line 100 feet northerly of Avenue O, West 6th Street, a line 100 feet southerly of Avenue O, West 11th Street, Avenue O, and West 8th Street;
- b. a line 100 feet northerly of Highlawn Avenue, a line midway between West 8th Street and West 9th Street, Highlawn Avenue, West 7th Street, a line 100 feet northerly of Highlawn Avenue, a line midway between West 6th Street and West 7th Street, Highlawn Avenue, West 6th Street, a line 100 feet southerly of Highlawn Avenue, West 10th Street, Highlawn Avenue, and West 9th Street;
- c. a line 100 feet northerly of Avenue S, West 9th Street, Avenue S, and West 10th Street;
- d. Avenue S, a line midway between West 13th Street and Stillwell Avenue, a line 100 feet northerly of Avenue T, and Stillwell Avenue;
- e. Avenue S, West 6th Street, a line 100 feet southerly of Avenue S, and West 8th Street;
- f. Avenue T, West 7th Street, a line 100 feet northerly of Avenue T, West 5th Street, Avenue T, West 6th Street, a line 100 feet southerly of Avenue T, and West 10th Street; and
- g. a line 100 feet northerly of Avenue U, McDonald Avenue, Avenue U, and West 9th Street;

21. establishing within a proposed R6A District a C2-3 District bounded by:

- a. a line 100 feet northwesterly of Bay Parkway, 63rd Street, Bay Parkway, a line midway between 64th Street and 65th Street, a line 340 feet southeasterly of 23rd Avenue, 65th Street, West 5th Street, a line 100 feet southwesterly of 65th Street, Bay Parkway, and 65th Street; and
- b. a 24th Avenue, a line midway between 64th Street and 65th Street, a line 100 feet southeasterly of 24th Avenue, and 65th Street;

22. **establishing within a proposed R6B District a C2-3 District bounded by** Kings Highway, West 11th Street, Quentin Road, West 13th Street, a line 80 feet northerly of Quentin Road, Stillwell Avenue, a line 100 feet southerly of Kings Highway, 78th Street, and a line 100 feet southeasterly of Bay Parkway;
23. **establishing within a proposed R7A District a C2-3 District bounded by** a line 100 feet northerly of Kings Highway, a line 100 feet northerly of Quentin Road, West 8th Street, Quentin Road, West 6th Street, a line 100 feet northerly of Kings Highway, a line midway between Dahill Road and West 1st Street, Kings Highway, Kings Place, a line 100 feet southerly of Kings Highway, a line 100 feet southerly of Quentin Road, West 11th Street, Kings Highway, and a line 200 feet westerly of Stillwell Avenue;

as shown on a diagram (for illustrative purposes only) dated February 14, 2005, and subject to the conditions of CEQR Declaration E-145.

(On April 13, 2005, Cal. No. 1 the Commission scheduled April 27, 2005 for a public hearing. On April 27, 2005, Cal. No. 30, the hearing was closed.)

For consideration.

No. 17

MALTA STREET APARTMENTS

CD 5

C 050267 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 662, 664, 668 Alabama Avenue and 65, 63, 59, 57, 51, 49, 47 and 45 Malta Street, Site 152 within the East New York I Urban Renewal Area (Block 4295, Lots 23-25 and 56-63) 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, four-story buildings, tentatively known as Malta Street Apartments, with approximately 47 low income residential units, to be developed under HPD's Cornerstone Program.

(On April 13, 2005, Cal. No. 2 the Commission scheduled April 27, 2005 for a public hearing. On April 27, 2005, Cal. No. 31, the hearing was closed.)

For consideration.

No. 18

DUMBO BUSINESS IMPROVEMENT DISTRICT

CD 2

N 050365 BDK

IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the D.U.M.B.O. Business Improvement District pursuant to Section 25-405 of the Administrative Code of the City of New York, as amended, **concerning the formation of the D.U.M.B.O. Business Improvement District.**

(On April 13, 2005, Cal. No. 3 the Commission scheduled April 27, 2005 for a public hearing. On April 27, 2005, Cal. No. 32, the hearing was closed.)

For consideration.

BOROUGH OF MANHATTAN

No. 19

CORNERSTONE/SITES 3A/3B

CD 10

C 050232 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 239, 247 and 249 West 115th Street (Block 1831, Lots 5, 6 and 10) 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, seven-story buildings, tentatively known as Cornerstone Sites 3A and 3B, each with approximately 15 residential units, to be developed under HPD's Cornerstone Program.

(On April 13, 2005, Cal. No. 4 the Commission scheduled April 27, 2005 for a public hearing. On April 27, 2005, Cal. No. 33, the hearing was closed.)

For consideration.

No. 20

88 LEONARD STREET GARAGE

CD 1

C 050196 ZSM

IN THE MATTER OF an application submitted by 343 Broadway Properties, LLC 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 225 spaces on portions of the first floor, the cellar and subcellar of a proposed mixed use building on property located at 88 Leonard Street** (Block 173 Lots 27 and 31), in C6-2A and C6-4A Districts.

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

(On April 13, 2005, Cal. No. 5 the Commission scheduled April 27, 2005 for a public hearing. On April 27, 2005, Cal. No. 34, the hearing was closed.)

For consideration.

No. 21

CORNERSTONE/SITE 11

CD 10

C 050286 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 454, 452, 450, 448, 462, 460, 458 and 456 Manhattan Avenue (Block 1946, Lots 18-21, 44-47); 313, 311, 309, 307, 305 and 303 West 119th Street (Block 1946, Lots 23-28), and 306, 308 and 310 West 120th Street (Block 1946, Lots 39-41) 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 454, 452, 450, 448 and 458 Manhattan Avenue (Block 1946, Lots 18-21 and 46); 313, 311 307, 305, and 303 West 119th Street (Block 1946, Lots, 23 -24, 26-28) and 306, 308, 310 West 120th Street (Block 1946, Lots 39-41) to a developer selected by HPD;

to facilitate development of three buildings, tentatively known as Cornerstone III Site 11, with approximately 186 units of housing, to be developed under HPD's Cornerstone Program.

(On April 13, 2005, Cal. No. 7 the Commission scheduled April 27, 2005 for a public hearing. On April 27, 2005, Cal. No. 36, the hearing was closed.)

For consideration.

No. 22

GENERAL MOTORS PLAZA

CD 5

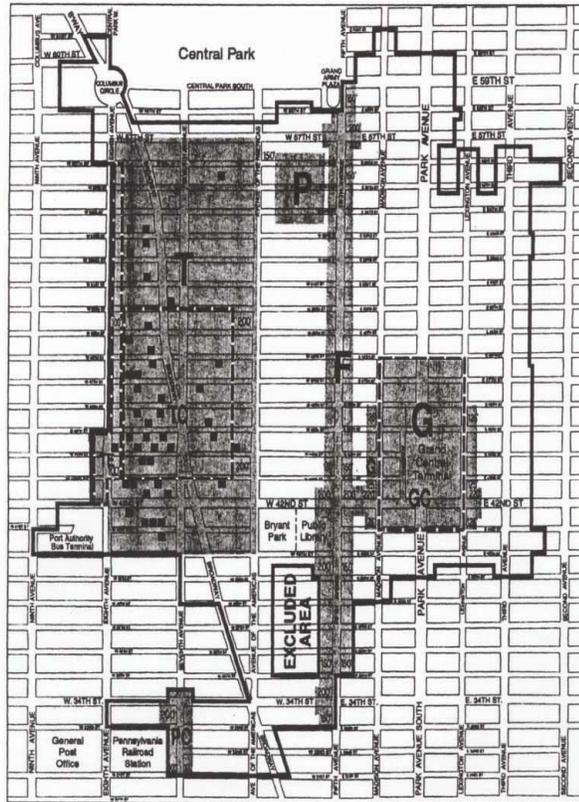
N 050117 ZRM

IN THE MATTER OF an application submitted by the Fifth Avenue 58/59 Acquisition Co. LLC c/o Macklowe Properties, 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 VIII, Chapter 1 (Special Midtown District): concerning Appendix A, Map 1 (Special Midtown District and Subdistricts) and Map 2 (Retail and Street Wall Continuity).

APPENDIX A (10/31/01)
Midtown District Plan Maps

††Map 1. Special Midtown District and Subdistricts

EXISTING



MIDTOWN DISTRICT PLAN
MAP 1 - Special Midtown District and Subdistricts

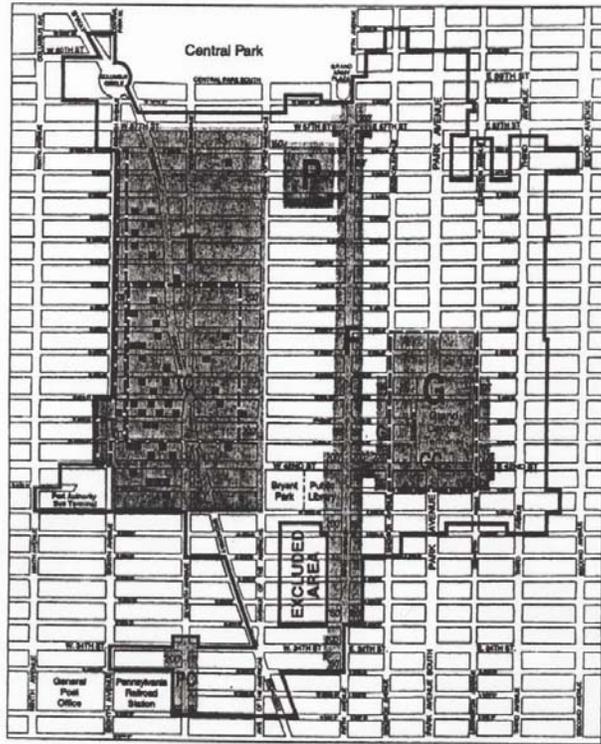
- | | |
|---------------------------|--|
| Fifth Avenue Subdistrict | Grand Central Subdistrict Core |
| Grand Central Subdistrict | Theater Subdistrict Core |
| Penn Center Subdistrict | Theater Subdistrict Eighth Avenue Corridor |
| Preservation Subdistrict | Listed Theaters |
| Theater Subdistrict | Special Midtown District |



APPENDIX A (10/31/01)
Midtown District Plan Maps

Map 1. Special Midtown District and Subdistricts

PROPOSED



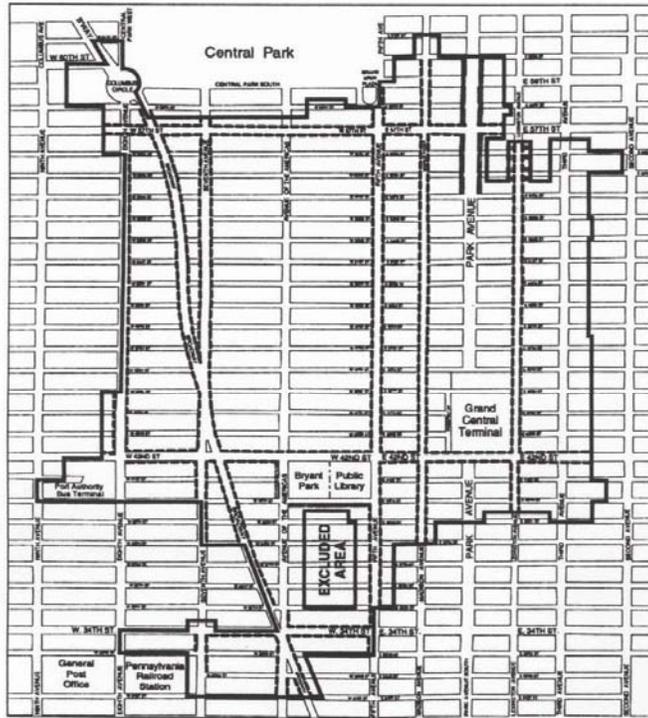
MIDTOWN DISTRICT PLAN
MAP 1 - Special Midtown District and Subdistricts

- | | |
|---------------------------|--|
| Fifth Avenue Subdistrict | Grand Central Subdistrict Core |
| Grand Central Subdistrict | Theater Subdistrict Core |
| Penn Center Subdistrict | Theater Subdistrict Eighth Avenue Corridor |
| Preservation Subdistrict | Listed Theaters |
| Theater Subdistrict | Special Midtown District |



APPENDIX A (10/31/01)
Midtown District Plan Maps
Map 2. Retail & Street Wall Continuity

EXISTING



MIDTOWN DISTRICT PLAN
MAP 2 - Retail and Street Wall Continuity

- Retail and Street Wall Continuity required
- Only Street Wall Continuity required
- Special Midtown District



No. 23

ROCKEFELLER CENTER SIGNS

CD 5

N 050297 ZRM

IN THE MATTER OF an application submitted by RCPI Landmark Properties, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article VIII Chapter 8 (Special Midtown District), concerning Section 81-14 (Modification of Sign and Frontage Regulations in the Fifth Avenue Subdistrict).

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

Article VIII: Special Purpose Districts
Chapter 1: Special Midtown District

81-14 (5/13/82)
Modification of Sign and Frontage Regulations in the Fifth Avenue Subdistrict

81-141 (4/8/98)
Special sign regulations

For all existing and new #uses# in the Fifth Avenue Subdistrict, #signs# shall not be permitted on the exterior of any #building# below a level of ten feet above #curb level#. The aggregate #surface area# of all #signs# in ground floor windows is restricted to not more than one-third of the window area.

Any #sign# that does not comply with the provisions of this ~~Section paragraph~~, (a), shall be terminated, except that a #sign# which the Chairperson of the City Planning Commission certifies is an integral part of the #building# shall not be required to terminate.

In a C5-3 District within the Fifth Avenue Subdistrict, the Chairperson of the City Planning Commission may, by certification, modify the requirements of Section 32-655 (Height of signs in all other Commercial Districts), to allow a single non-illuminated sign# per #building#, other than an #advertising sign#, ~~per~~

~~#building#~~ to be located at a height between 25 and 50 feet above #curb level#, provided that the permitted #sign# shall:

be limited to one name and/or address of the #building# or the name of an establishment located therein, consisting only of individual letters and/or numbers not exceeding 18 inches in height;

not be within a frame, a border, or any kind of background other than the building facade;

not project more than three inches from the facade of the #building#; and

not exceed 25 square feet in aggregate #surface area#.

On any #zoning lot# occupied by a landmark designated by the Landmarks Preservation Commission which lies partially or wholly within the Fifth Avenue Subdistrict, the Chairperson of the City Planning Commission may, by certification, modify the applicable #sign# regulations of Section 32-60 to permit #illuminated signs# on the open area of the #zoning lot#, provided that such #signs# shall:

be a recreation of historic #signs# and the Landmarks Preservation Commission has issued a Certificate of Appropriateness or other permit for such #signs#:

not exceed a #surface area# of 12 square feet per #sign#; and

not project across a #street line#.

(On April 13, 2005, Cal. No. 9 the Commission scheduled April 27, 2005 for a public hearing. On April 27, 2005, Cal. No. 38, the hearing was closed.)

For consideration.

Nos. 24, 25, 26 and 27

LINCOLN CENTER

No. 24

CD 7

C 050170 GFM

IN THE MATTER OF an application, submitted by Lincoln Center Development Project, Inc., pursuant to Sections 197-c of the New York City Charter, for a revocable consent to construct and maintain fifteen informational kiosks on the sidewalk on the south side of 5th Street between Broadway and Amsterdam Avenue, Block 1134, Lots 1 and 25.

(On March 30, 2005 Cal. No. 6, the Commission scheduled April 13, 2005 for a public hearing. On April 13, 2005, Cal. No. 26 the hearing was closed.)

For consideration.

No. 25

CD 7

C 050098 MMM

IN THE MATTER OF an application, submitted by Lincoln Center Development Project, Inc., pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et. seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of portions of West 65th Street between Amsterdam Avenue and Broadway;
- the elimination, discontinuance and closing of Public Place within North Plaza;
- the elimination of a Pedestrian Overpass;
- the extinguishment of an easement;
- the adjustment of grades necessitated thereby;
- and any acquisition or disposition of real property related thereto,

in accordance with Map No. 30215 dated December 10, 2004 and signed by the Borough President.

(On March 30, 2005 Cal. No. 7, the Commission scheduled April 13, 2005 for a public hearing. On April 13, 2005 Ca. No. 27 the hearing was closed.)

For consideration.

No. 26

CD 7

C 050219 PQM

IN THE MATTER OF an application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of easements located south of West 66th Street between Amsterdam Avenue and Broadway (Block 1137, Lots 10 and 7501; Block 1134, Lots 1 and 25); to facilitate the construction of a pedestrian bridge and vehicular tunnel.

(On March 30, 2005 Cal. No. 8, the Commission scheduled April 13, 2005 for a public hearing. On April 13, 2005, Cal. No. 28, the hearing was closed.)

For consideration.

No. 27

CD 7

N 050169 ZRM

IN THE MATTER OF an application submitted by Lincoln Center Development Project, Inc., 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 VIII, Chapter 2 (Special Lincoln Square District) concerning Section §82-24 to allow permitted signage up to a height of 40 feet above street level and up to a height of 60 feet for facades facing Broadway between W65th Street and West 66th Street within Subdistrict B.

Matter underlined is new, to be added:

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

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

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

**Article VIII: Special Purpose Districts
Chapter 2 : Special Lincoln Square District**

4/8/98

**82-24
Supplementary Sign Regulations**

No permitted #signs# shall extend above #curb level# at a height greater than 20 feet or obstruct an #arcade#.

Within Subdistrict B, permitted #signs# facing upon West 65th Street shall not exceed a height of 40 feet above #curb level#, and permitted #signs# facing upon Broadway between West 65th Street and West 66th Street shall not exceed a height of 60 feet above #curb level#. However, #signs# facing in an easterly or southerly direction upon that portion of the public place designated on the City Map that is located within an area bounded by West 65th Street and the prolongation of the south side of West 64th Street shall not exceed a height of 40 feet above the level of such public place.

(On March 30, 2005 Cal. No. 9, the Commission scheduled April 13, 2005 for a public hearing. On April 13, 2005, the hearing was closed.)

For consideration.

Nos. 28, 29 and 30

WEST CHELSEA/HIGH LINE

No. 28

CD 4

N 050161(A) ZRM

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to the elimination of the Special Mixed Use District-3 and the creation of the Special West Chelsea District in Article IX, Chapter 8.

**SPECIAL WEST CHELSEA DISTRICT
PROPOSED ZONING TEXT AMENDMENTS**

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

* * *

**11-12
Establishment of Districts**

* * *

Establishment of the Special United Nations Development District

* * *

Establishment of the Special West Chelsea District

In order to carry out the special purposes as set forth in Article IX, Chapter 8, the #Special West Chelsea District# is hereby established.

* * *

**12-10
DEFINITIONS**

* * *

Special United Nations Development District

* * *

Special West Chelsea District

The “Special West Chelsea District” is a Special Purpose District designated by the letters “WCh” in which special regulations set forth in Article IX, Chapter 8, apply. The #Special West Chelsea District# appears on #zoning maps# superimposed on other districts and, where indicated, its regulations supplement or supersede those of the districts on which it is superimposed.

Story

* * *

**32-44
Air Space over a Railroad or Transit Right-of-way or Yard**

12/5/91

32-441

Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section or in Section 98-01.

32-442

Use of railroad or transit air space

C1 C2 C3 C4 C5 C6 C7 C8

* * *

(c) Notwithstanding the above, the #High Line# , as defined in Section 98-01 of this Resolution shall be governed by the provisions of Section 98-17 (Air Space Over a Railroad or Transit Right of Way or Yard).

* * *

42-462

Use of railroad or transit air space

M1 M2 M3

* * *

(c) In an M1-1 District, on the #block# bounded by Vanderbilt Avenue, Atlantic Avenue, Carlton Avenue and Pacific Street in the borough of Brooklyn, the City Planning Commission may authorize the #use# of #railroad or transit air space# for an open vehicle storage establishment provided the Commission makes the following findings:

* * *

(d) Notwithstanding the above, the #High Line# , as defined in Section 98-01 of this Resolution shall be governed by the provisions of Section 98-17 (Air Space Over a Railroad or Transit Right of Way or Yard).

* * *

All of the following text in Article IX, Chapter 8 is new but not underlined.

Article IX - Special Purpose Districts

Chapter 8

Special West Chelsea District

98-00

GENERAL PURPOSES

The "Special West Chelsea District" established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include among others, the following specific purposes:

- (a) to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood;
- (b) to encourage the development of residential uses along appropriate avenues and streets;
- (c) to encourage and support the growth of arts-related uses in West Chelsea;
- (d) to facilitate the restoration and reuse of the #High Line# elevated rail line as an accessible, public open space through special height and setback regulations, #High Line# improvement bonuses and the transfer of development rights from the #High Line# Transfer Corridor;
- (e) to ensure that the form and use of new buildings relates to and enhances neighborhood character and the #High Line# open space;
- (f) to create and provide a transition to the lower-scale Chelsea Historic District to the east;
- (g) to create and provide a transition to the Hudson Yards area to the north; and
- (h) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

98-01

Definitions

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section 12-10 (DEFINITIONS).

High Line

The "High Line" shall for the purposes of this resolution refer to the elevated rail line structure and associated elevated easement located between Gansevoort Street and West 30th Street.

High Line bed

The “High Line bed” is the highest level of the horizontal surface (platform) of the #High Line# elevated rail line structure as of (the effective date of amendment), as shown in Diagram 7, in Appendix C of this Chapter. For the purposes of this Chapter, the level of the #High Line bed# is the average level of the #High Line bed# on a #zoning lot# over which the #High Line# passes.

High Line frontage

“High Line frontage” is that portion of a #building# that faces and is located within 15 feet of the west side and 25 feet of the east side of the #High Line#.

High Line Transfer Corridor

The “High Line Transfer Corridor” is an area within which the #High Line# is located, as specified in Appendix B of this Chapter, where development rights may be transferred to receiving sites in certain Subareas in the #Special West Chelsea District#, pursuant to the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-02

General Provisions

The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Section 98-17 (Air Space over a Railroad or Transit Right-of-way or Yard) and Section 98-11 (Special Regulations for #Developments# and #Enlargements# Above, Beneath or Adjacent to the #High Line#) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

The provisions regarding the transfer of #floor area# set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, and the #High Line Improvement Bonus# in Subareas D, E, and F, and G and I set forth in Section 98-25 shall be effective upon the issuance of a final and binding Certificate of Interim Trail Use (CITU) by the Federal Surface Transportation Board and the execution of a trail use agreement between the City and CSX Transportation, Inc., or its successor, or upon a determination by the Office of the Corporation Counsel that the restoration and reuse of the #High Line# as an accessible, public open space has been obtained pursuant to an alternative mechanism which protects the interests of the city.

Upon transfer of the #High Line# to the City pursuant to ULURP application C 050163 PCM and in accordance with such CITU and trail use agreement, the following shall apply:

- (a) the provisions regarding the issuance of building permits set forth in Section 98-26 (Special Regulations for #Developments# and #Enlargements# Above, Beneath or Adjacent to the #High Line#) shall be effective; and

- (b) any area within the tax lot located at Section 3, Block 8224, Lot 111, as of (effective date of amendment), which is separated from other portions of such tax lot by bounding streets, shall be considered a separate #zoning lot#; and
- (c) Underlying #use# and bulk regulations shall not apply to #uses# and #buildings and other structures# constructed on the #High Line# specifically in connection with its use as a public open space.

**98-03
District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special West Chelsea District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendices A, B, and C:

Appendix A	Special West Chelsea District and Subareas
Appendix B	High Line Transfer Corridor Location and Floor Area Ratio
Appendix C	Illustrative Diagrams of the High Line and Building Envelopes for Sites Adjacent to the High Line
	Diagram 1 Street wall and High Line frontage regulations in Subareas C, F, and G
	Diagram 2 Street wall and High Line frontage regulations in Subarea A
	Diagram 3 Subarea H requirements
	Diagram 4 High Line Improvement Area for Zoning Lots Divided by District Boundaries in Subareas D, E and G
	Diagram 5 Subarea I requirements between West 16 th and West 17 th streets
	Diagram 6 High Line Access Easement Volume Parameters
	Diagram 7 High Line bed and frontages
Appendix D	Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H
Appendix E	Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E and G, or within Subarea I

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

98-04

Subareas and High Line Transfer Corridor

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

Within each of the Subareas and the #High Line Transfer Corridor#, certain special regulations apply that do not apply within the remainder of the #Special West Chelsea District#. The locations of the nine Subareas are detailed in Appendix A of this Chapter. The location of the #High Line Transfer Corridor# is detailed in Appendix B of this Chapter,

The Subareas and the #High Line Transfer Corridor# are subject to all other regulations of the #Special West Chelsea District# and the underlying district regulations except as otherwise specified in this Chapter.

98-05

Applicability of District Regulations

98-051

Applicability of Chapter 1 of Article 1

- (a) Within the #Special West Chelsea District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:
 - (1) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
 - (2) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.
- (b) Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully

issued and for which construction has been commenced but not completed on (effective date of amendment), such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than (one year after effective date of amendment).

98-10

SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT

98-11

Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line

The Commissioner of Buildings shall not issue any building permit for demolition, excavation or foundation work to be performed above or beneath the #High Line# or within 25 feet of support structures of the #High Line#, except by determination by such Commissioner that such work would not adversely affect the structural integrity of the #High Line#.

98-12

Modification of Use Regulations in C6 Districts

98-121

In Subarea H

In Subarea H, the provisions of Section 32-25 (Use Group 16), paragraph D. (Heavy Service, Wholesale, or Storage Establishments) are modified to permit, in #C6 Districts#, warehouse #uses# only in #cellars# located wholly below #curb level#.

98-122

Location Within Buildings

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

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

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

98-13

Modification of Use Regulations in M1 Districts

In the #Special West Chelsea District#, the provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT) and 42-30 (USES PERMITTED BY SPECIAL PERMIT) are modified to permit, as-of-right, without limitation, in M1 Districts, museums and non-commercial art galleries as listed in Use Group 3.

98-14

Ground Floor Use and Transparency Requirements on Tenth Avenue

The special ground floor #use# and glazing regulations of this Section apply to that portion of a #building or other structure# fronting on Tenth Avenue in the #Special West Chelsea District#.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 25 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying district or museums or non-commercial art galleries as listed in Use Group 3. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space or entryways. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 40 feet or 50 percent of the building's total #street# frontage, whichever is less.

For any #development# or #enlargement#, each 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 such ground floor #street wall# surface. The lowest point at any point of transparency that is provided to satisfy the requirements of this Section shall be not higher than two feet above the level of the adjoining sidewalk or public access area and shall be no less than eight feet in height measured from such lowest point. Not less than 50 percent of such ground floor #street wall# surface shall be glazed with transparent materials, and up to 20 percent of such ground floor #street wall# may be glazed with translucent materials.

98-141

Transparency requirements within Subareas H and I

The transparency requirements of this Section shall apply to all portions of #developments# and #enlargements# within the eastern #High Line frontage# of Subareas H and I, except for such portions that contain #dwelling units#. At least 70 percent of the

area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed# shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

**98-15
Security Gates**

All security gates installed after (effective date of amendment) 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 façade area covered by such gate, when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking facilities.

**98-16
Signs**

The #sign# regulations of the underlying districts in the #Special West Chelsea District# shall not apply to #signs# located within 50 feet of the #High Line#, except for signs located entirely below the level of the #High Line# bed. In lieu thereof, the #sign# regulations of a C1 district shall apply, except that #accessory signs# located within the #High Line frontage# may have a maximum height of 20 feet above the level of the #High Line bed#.

No signs affixed to or resting upon the #High Line# shall be permitted, except as pursuant to a signage plan for the #High Line#, as authorized by the City Planning Commission, provided the Commission finds that such signage plan will:

- (a) enhance the use of the #High Line# by providing signage that is consistent with the use of the #High Line# as a public open space;
- (b) provide, at a minimum, directional, informational, and interpretive signage consistent with the use of the #High Line# as a public open space;
- (c) be integrated with the design of the #High Line# open space; and
- (d) not adversely affect development adjacent to the #High Line# and in the surrounding neighborhood

**98-17
Air Space Over a Railroad or Transit Right-of-way or Yard**

For the purposes of this Resolution, the #High Line# shall not be considered a railroad or transit right-of-way and the provisions of Sections 32-44 (Air Space over a Railroad or Transit Right-of-way or Yard) and 42-462 (Air Space over a Railroad or Transit Right-of-way or Yard) shall not apply.

98-18
Parking Regulations in Subarea H

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level# and that no more than 377 spaces are provided within such facility. For purposes of this Section, the governmental offices on Block 688, Lots 1001-1002 (as of the effective date) may have up to 377 #accessory# off-street parking spaces in such facility.

98-19
Lighting

All exterior light sources located within the #High Line frontage# shall be shielded from direct view from the #High Line#.

98-20
FLOOR AREA AND LOT COVERAGE REGULATIONS

The #floor area# provisions of this Section 98-20, inclusive, shall apply. Furthermore, special #floor area# transfer provisions are set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-21
Maximum Floor Area Ratio outside of Subareas

For all #zoning lots# or portions thereof located outside of Subareas A through I, the maximum #floor area ratios# of the applicable underlying district shall apply.

98-22
Maximum Floor Area Ratio and Lot Coverage in Subareas

For all #zoning lots# or portions thereof located in Subareas A through I, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility#, and #residential uses#, separately or in combination, shall be as specified in the following table. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#, except that no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

TABLE A
Maximum Floor Area Ratio by Subarea

Subarea	Basic maximum #floor area ratio#	Increase in FAR pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR)	Increase in FAR pursuant to Section 98-25 (High Line Improvement Bonuses)	Inclusionary Housing		Maximum permitted #floor area ratio#
				Minimum FAR required to be transferred (note 1)	Increase in FAR pursuant to Section 98-26 (Modifications to Inclusionary Housing Program)	
A	7.5	2.5	(note 2)	1.65	2.85	12.0
B	5.0	2.5	(note 2)	1.65	0.85	7.5
C	5.0	2.5	NA	1.65	0.85	7.5
D	5.0	2.5 (note 3)	2.5 (note 3)	1.65	0.85	7.5
E	5.0	1.0 (note 3)	1.0 (notes 2 & 3)	0.65	0.35	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0 (note 3)	1.0 (note 3)	0.65	0.35	6.0
H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.65	0.85	7.5
I(note 4)	5.0	1.0	1.5	0.65	0.35	7.5

Note 1

Minimum #floor area ratios# required to be transferred pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized.

Note 2

In Subareas A, B, and E, the applicable basic maximum #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus).

Note 3

For certain zoning lots located in Subareas D, E, and G, the provisions of Section 98-25 (#High Line# Improvement Bonus) may apply in lieu of the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR), subject to the provisions of Section 98-24 (Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E, and G).

Note 4

For #zoning lots# over which the #High Line# passes.

98-23**Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes**

#Lot coverage# requirements shall not apply to the portion of the #zoning lot# that lies directly beneath the #High Line#. The remaining portion of the #zoning lot# shall be considered a separate #zoning lot# for the purposes of calculating maximum #lot coverage#. Easement volumes provided in accordance with the provisions of Section 98-60 (SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS) and access structures constructed therein, as well as any structure required pursuant to Appendix D or E in relation to an increase in the basic maximum #floor area # ratio of a #zoning lot# pursuant to Section 98-25 (#High Line# Improvement Bonus), shall not be considered #floor area# or #lot coverage#.

However, #lot coverage# requirements shall apply to the entire #zoning lot# for the purposes of applying tower #lot coverage# regulations as set forth in paragraph (b) of Section 98-423.

98-24**Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E and G**

For #zoning lots# fronting on West 18th Street and located partially in Subarea D, partially in Subarea E and partially in Subarea G, #floor area# may be transferred across zoning district and subarea boundaries without restriction. Either the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR) or Section 98-25 (High Line Improvement Bonus) may apply to such #zoning lot#, as applicable, and the maximum permitted #floor area ratio# specified in the table in Section 98-22 shall apply, as applicable, for each subarea.

98-25**High Line Improvement Bonus**

For #zoning lots# located between West 16th and West 19th streets over which the #High Line# passes, the applicable basic maximum #floor area ratio# of the #zoning lot# may be increased up to the amount specified in Section 98-22 (Maximum #Floor Area Ratio# in Subareas), provided that:

- (a) Prior to issuing a building permit for any #development# or #enlargement# on such #zoning lot# that anticipates using #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that: (1) a contribution has been deposited into an escrow account or similar fund established by the City (the #High Line # Improvement Fund), or such contribution is secured by letter of credit or other cash equivalent instrument in a form acceptable to the City. Such contribution shall be used at the direction of the Chairperson solely for improvements to the #High Line# within the #High Line# improvement area applicable to such #zoning lot#, with such contribution being first used for improvements within that portion of the #High Line# improvement area on such #zoning lot#. Such contribution shall be made in accordance with the provisions of Appendix D or E, as applicable; and (2) a declaration of restrictions executed by all #parties in interest# to the #zoning lot# as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10 (DEFINITIONS), including and incorporating such other instruments as are necessary to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, is filed and recorded in the Office of the Register of the City of New York; and (3) all additional requirements of Appendix D or E, as applicable with respect to issuance of a building permit, have been met.

- (b) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot # located between Subarea H over which the #High Line# passes that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished by a certification by the Chairperson of the City Planning Commission that:
 - (1) if required pursuant to agreement with the City under Appendix D, #High Line# improvements within the #High Line# improvement area for such #zoning lot# have been performed in accordance such agreement;
 - (2) if elected by the Owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix D;
 - (3) At-Grade Plaza Work has been performed on such #zoning lot# in the area shown in Diagram 3 of Appendix C, in accordance with Appendix D;

- (4) stairway and elevator access work has been performed on such #zoning lot# in the At-Grade Plaza area shown in Diagram 3 of Appendix C, or that an additional contribution to the #High Line# Improvement Fund to fund performance of such work has been made, in accordance with Appendix D; and
- (5) all other applicable requirements of Appendix D have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this subsection, no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix D.

- (c) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot # located within Subarea I or located partially within Subareas D, E, and G over which the #High Line# passes that incorporates #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished by a certification by the Chairperson of the City Planning Commission that:
 - (1) if required pursuant to agreement with the City under Appendix E, #High Line# improvements within the #High Line# improvement area for such #zoning lot# have been performed in accordance such agreement;
 - (2) if elected by the Owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix E;
 - (3) stairway and elevator access work has been performed on such #zoning lot #, in accordance with Appendix E;
 - (4) for #zoning lots# located between Subarea I over which the #High Line# passes, #High Line# Service Facility Work has been performed, in accordance with Appendix E; and
 - (5) all other applicable requirements of Appendix E have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this subsection, no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix E.

98-26

Modifications of Inclusionary Housing Program

The provisions of Section 23-90 (INCLUSIONARY HOUSING) are modified within the #Special West Chelsea District#, as set forth in this Section.

98-261

Definitions

For the purposes of Section 23-943 (Preservation option), the following definitions in Section 23-92 shall be modified:

Fair Rent

“Fair rent” shall include, in addition to that rent permitted pursuant to Section 23-92, the payment of principal and interest on mortgage debt, and #lower income housing# may secure such debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-94(c) of this Resolution.

Lower Income Household

A “lower income household” is a #family# having an income equal to or less than the following proportion:

$$\frac{125}{80}$$

of the income limits (the “80 Percent of SMSA Limits”) for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

#Lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City and State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Section 23-93 shall be modified so that the applicable ratio for Preservation in Column B shall be 1.5:1.

Section 23-943, paragraph (a) shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

98-262

Floor area increase

In accordance with the provisions set forth in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), the maximum permitted #residential floor area ratio# for #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 may further increase their permitted #floor area# through the provision of Inclusionary Housing, as modified in this Section 98-26, to the maximum amount specified in such table.

However, in those subareas or portions thereof where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of the #development# or #enlargement# may be increased by up to 1.0 in Subareas E and G, and on any #zoning lot# located in Subarea I over which the #High Line# passes; up to 2.5 in Subareas B, C, and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 4.5 in Subarea A.

98-30

HIGH LINE TRANSFER CORRIDOR

98-31

Purposes

The #High Line Transfer Corridor#, established within the #Special West Chelsea District#, is intended to enable the transfer of development rights from properties over which and immediately to the west of where the #High Line# passes and thereby permit light and air to penetrate to the #High Line# and preserve and create view corridors from the #High Line# bed.

98-32

General Provisions

The location of the #High Line Transfer Corridor# is specified in Appendix B of this Chapter.

In the #High Line Transfer Corridor#, special regulations relating to the transfer of #floor area# are set forth in Sections 98-33 through and 98-35 inclusive.

98-33

Transfer of Development Rights From the High Line Transfer Corridor

In the #Special West Chelsea District#, a “granting site” shall mean a #zoning lot#, or portion thereof, in the #High Line Transfer Corridor#. A “receiving site” shall mean a #zoning lot#, or portion thereof, in any subarea other than Subareas F and H. #Floor area# from a granting site may be transferred to a receiving site in accordance with the provisions of this Section.

(a) Notification

Prior to any transfer of #floor area#, the Department of City Planning shall be notified in writing of such intent to transfer #floor area#. Such notification shall be made jointly by the owners of the granting and receiving sites and shall include:

- (1) #floor area# zoning calculations for the granting and receiving site, and
- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, and
- (3) if applicable, a certified copy of the instrument creating a secondary #High Line# access easement volume, pursuant to the provisions of Section 98-63.

Notices of restrictions in a form acceptable to the Department of City Planning shall be filed by the owners of the granting and receiving sites in the Office of the Register of the City Of New York, indexed against the granting and receiving sites, certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified

copies thereof shall be a pre-condition to issuance by the Commissioner of Buildings of any building permit for any #development# or #enlargement# on the receiving site.

(b) #Floor area#

The maximum amount of #floor area# transferred from a granting site located outside of a subarea shall not exceed the maximum #floor area ratio# permitted for a #commercial use# on such granting site, less any existing #floor area# to remain on such granting site.

The maximum amount of #floor area# transferred from a granting site located in a subarea shall not exceed the basic maximum #floor area ratio# specified for the applicable subarea in the Table in Section 98-22 (Maximum Floor Area Ratio in Subareas), less any existing #floor area# to remain on such granting site.

Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred.

The amount of #floor area# transferred to a receiving site from a granting site in the #High Line Transfer Corridor# shall not exceed the #floor area ratio# permitted on the receiving site through such transfer, pursuant to the Table in Section 98-22 (Maximum Floor Area Ratio in Subareas).

(c) #Use#

#Floor area# transferred from a granting site within the #High Line Transfer Corridor# may be used for any #use# allowed on the receiving site in accordance with the underlying zoning designation and the provisions of this Chapter.

(d) Stairway easement requirement

As a condition for the transfer of #floor area#, an easement volume to facilitate pedestrian access to the #High Line# via stairway shall be provided in accordance with the provisions of Section 98-60 (SPECIAL ACCESS REGULATIONS FOR ZONING LOTS OVER WHICH THE HIGH LINE PASSES OR ADJACENT TO THE HIGH LINE) and Section 98-63 (Recording of the #High Line# Access Easement Volume).

(e) Restrictive Declaration

As a condition for the transfer of #floor area#, and in order to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, a declaration of restrictions, executed by all #parties in interest# of the granting lot as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10 (DEFINITIONS), and including and incorporating such other instruments as are necessary to accomplish such

purposes, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, shall be filed and recorded in the Office of the Register of the City of New York. Notice by the Department of City Planning of receipt of certified copies of such recorded declaration shall be a pre-condition to issuance by the Commissioner of Buildings of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site. Such recorded declaration shall be in addition to the Notice of Restrictions required pursuant to subdivision (a) of this Section.

**98-34
Screening and Landscaping Requirements for Vacant Sites**

Any #zoning lot# within the #High Line Transfer Corridor# that has transferred #floor area# pursuant to Section 98-33 (Transfer of Development Rights From the #High Line# Transfer Corridor), and is 50 percent or more vacant shall be screened from the street and/or landscaped in accordance with the provisions of this Section; except that #zoning lots# occupied by #buildings# that extend along at least 85 percent of the #street# frontage of the #zoning lot# and are located within five feet of the #street line# are not required to provide screening or landscaping.

Such open or vacant areas on #zoning lots# shall be screened from the street by a fence or gate with a surface that is at least 75 percent open, extending not less than six feet and not higher than eight feet above finished grade; or alternatively, by a planting strip at least four feet wide and densely planted with evergreen shrubs at least four feet high at the time of planting or of a variety expected to reach a height of six feet within three years, or by both. Chain link and fences containing barbed wire or razor wire shall be prohibited. For portions of #zoning lots# located beneath the #High Line# planting strips shall be prohibited.

**98-35
#High Line Transfer Corridor# Bonus**

For #zoning lots#, or portions thereof, within the #High Line Transfer Corridor#, the applicable basic maximum #floor area ratio# of that portion of a #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, for an amount of #floor area# equivalent to the area of that portion of the #zoning lot# located within the #High Line Transfer Corridor#, provided the Chairperson of the City Planning Commission has certified that

- (a) all the permitted #floor area# on that portion of the #zoning lot# that is within the #High Line Transfer Corridor# has been transferred to an eligible receiving site, in accordance with the provisions of Section 98-33 (Transfer of Development Rights From the #High Line# Transfer Corridor);
- (b) that such granting site is vacant; and

- (c) a contribution has been deposited into the #High Line# Improvement Fund established under Section 98-25, to be used at the direction of the Chairperson of the City Planning Commission to assure that the #High Line# is restored and reused as a public accessible open space.

No #building# permit for any #development# or #enlargement# that anticipates using such increased #floor area# may be issued unless and until such certification has been made.

Such contribution amount shall be \$50.00 per square foot of #floor area# as of (the effective date of amendment) and shall be adjusted July 1 of the following year and each year thereafter, by the City or its designee, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics.

Such bonus #floor area# shall only be used for a permitted #commercial use#, which shall be located in that portion of the #zoning lot# that is within the #High Line Transfer Corridor#; however, #public parking lots# and #public parking garages# at or above #curb level# shall not be permitted; and the height of any #development# or #enlargement# within the #High Line Transfer Corridor# shall not exceed a height of 3 feet 6 inches above the level of the #High Line bed#.

**98-40
SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE
BETWEEN BUILDINGS REGULATIONS**

**98-41
Special Rear Yard Regulations**

The #yard# regulations of the underlying district shall apply, except that no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of the #street#.

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

The height and setback regulations of the underlying district shall not apply, except as set forth in this Section 98-42, inclusive. Furthermore, for any #zoning lot# located within or adjacent to the #High Line Transfer Corridor#, the provisions of Section 98-50, inclusive, shall also apply. All heights shall be measured from the #base plane#, unless otherwise specified.

98-421

Obstruction over the High Line

Within the #Special West Chelsea District#, the #High Line# shall remain open and unobstructed from the #High Line bed# to the sky, except for improvements constructed on the #High Line# in connection with the use of the #High Line# as a public open space.

98-422

Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# within the #Special West Chelsea District# except as modified as follows:

(a) Permitted Obstructions

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a #sky exposure plane# or a maximum height limit provided that either 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, 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). However, dormers may not exceed the maximum #building# height in Subareas F, C and G where the maximum base height and maximum #building# height are the same.

(b) Ventilation and mechanical equipment

All mechanical equipment located within 15 feet of the level of the #High Line# bed that is within 25 feet of the #High Line#, measured horizontally, or within the #High Line frontage#, as applicable, shall be screened and buffered with no intake or exhaust fans or vents facing directly onto the #High Line#.

98-423

Street wall location, minimum and maximum base heights and maximum building heights

The provisions set forth in paragraph (a) of this Section shall apply to all #developments# and #enlargements#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (f) of this Section.

- (a) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section.

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 above the #base plane#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, 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.

For #developments# that occupy the entire #block# frontage of a #street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section. The #street wall# location provisions of this section shall not apply along that portion of any #street# frontage:

- (1) over which the #High Line# passes;
- (2) occupied by existing #buildings# to remain, or
- (3) between the #High Line# and a #side lot line#, where such frontage measures less than 20 feet.

All portions of #buildings or other structures# that exceed the applicable maximum base height specified in Table A shall provide a setback at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of permitted recesses in the #street wall#.

No #building or other structure# shall exceed the maximum #building# height specified in Table A.

- (b) Subareas A and D

- (1) #Street wall# location

The #street wall# location provisions set forth in paragraph (a) of this Section shall apply, except that for #zoning lots# with #wide# and #narrow street# frontage, no #street wall# is required beyond 50 feet of a #wide street#.

However, in Subarea D, for #buildings# that do not include towers as set forth in paragraph (b)(3) of this Section, the #street wall# location provisions set forth in paragraph (a) shall not apply to any #zoning lot# that occupies the entire Eleventh Avenue #block# front. In lieu thereof, #street walls# with a minimum base height of 60 feet shall be located within ten feet of all #street lines# bounding such #zoning lot# and extend along at least 70 percent of each #street# frontage of the #zoning lot#.

(2) Setback provisions

The setback provisions for portions of #buildings# above the maximum base height set forth in paragraph (a) of this Section shall not apply. In lieu thereof, no portion of a #building or other structure# that exceeds the applicable maximum base height shall penetrate a #sky exposure plane# that begins above the #street line# at the maximum base height and rises over the #zoning lot# at a ratio of 2.7 feet of vertical distance to one foot of horizontal distance on a #narrow street#, and 5.6 feet of vertical distance to one foot of horizontal distance on a #wide street#.

(3) Tower provisions

Any #building#, or portion thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of the #zoning lot# and penetrates the #sky exposure planes# set forth in paragraph (b)(2) of this Section is hereinafter referred to as a "tower". Such towers are permitted provided they are set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#, and provided no other portion of the #building# exceeds the applicable maximum base height. In addition, the following rules shall apply:

- (i) For #zoning lots# with less than 20,000 square feet of #lot area#, such tower may occupy more than 40 percent of the #lot area# of the #zoning lot# in accordance with the provisions of Section 33-454 (Towers on small lots).
- (ii) Any #story# within the highest 40 feet of such tower (the penthouse portion), shall not exceed 85 percent of the gross area of the highest #story# directly below such penthouse portion
- (iii) In Subarea A, such tower shall occupy at least 30 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall be reduced to 25 percent above a height of 220 feet. However, no minimum #lot area# requirement shall apply to the highest four #stories# or 40 feet of such #building#, whichever is less.

- (iv) In Subarea A, the maximum length of any #story# located above a height of 220 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 220 feet. Any side of such rectangle shall not exceed 150 feet.
 - (v) In Subarea A, for any #zoning lot# with more than 75 feet of #narrow street# frontage in which a #side lot line# is located within an area bounded by a line 200 feet east of and parallel to Eleventh Avenue and a line 410 feet east of and parallel to Eleventh Avenue, no tower portion of a #building# shall be located closer than 25 feet to such #side lot lines#.
 - (vi) In Subarea D, the maximum #building# height shall be 220 feet, and the maximum length of any #story# located above the maximum base height shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# wholly or partially above the maximum base height. Any side of such rectangle shall not exceed 150 feet. However, for #zoning lots# that occupy the entire Eleventh Avenue #block# front, a portion of the #street wall# may rise above the maximum base height without setback from Eleventh Avenue provided the aggregate width of the Eleventh Avenue #street wall# does not exceed 100 feet.
- (c) Subareas C, F and G
- In Subareas C, F and G, for #zoning lots# with wide and narrow street frontage, no #street wall# is required beyond 50 feet of a wide street. Furthermore, for any #development# or #enlargement# that occupies at least one corner of the Tenth Avenue #block# front and extends along the Tenth Avenue frontage of the #zoning lot# for at least 170 feet, exclusive of existing #buildings# to remain, a lowered #street wall# shall be provided for any #building# that exceeds 45 feet in height. Such lowered #street wall# shall have a maximum height of 45 feet and a minimum height of 35 feet and extend along the Tenth Avenue frontage for a width not less than 25 percent and not more than 30 percent of the #aggregate width of street walls# facing Tenth Avenue. Such lowered #street wall# portion of the Tenth Avenue frontage shall be located at the intersection of Tenth Avenue and a #narrow street#. Such lowered #street wall# shall extend along such #narrow street line# for a distance of at least 50 feet from Tenth Avenue. Beyond 50 feet of Tenth Avenue, excluding the #High Line frontage# of a #building#, such portion of the #building# shall not exceed a height of 45 feet.

The provisions of this Section, relating to the location and height of the lowered #street wall# portion of the Tenth Avenue frontage of a #development# are illustrated in Diagram 1 (Street Wall and #High Line# Frontage Regulations in Subareas C, F and G), in Appendix C of this Chapter.

(d) Subarea E

The #street wall# location provisions set forth in paragraph (a) shall not apply to any #development# or #enlargement# on a #zoning lot# fronting on West 18th Street and located partially in Subareas D, E and G, where #floor area# has been transferred pursuant to Section 98-24. A maximum of 60 percent of the West 18th Street frontage within Subarea E may rise without setback to a maximum #building# height of 250 feet and a minimum of 20 percent of the West 18th Street frontage within Subarea E shall rise without setback to a minimum height of 60 feet and a maximum height of 85 feet and be located within 10 feet of the #street line#.

(e) Subarea H

No #building or other structure# shall be located east of the #High Line#.

No portion of a #building or other structure# shall exceed a height of 85 feet except for two #buildings#, or portions of #buildings#, hereinafter referred to as Tower East and Tower West. At or above the base height, both such towers shall be set back at least 10 feet from any #street wall# facing a #wide street# and at least 15 feet from any #street wall# facing a #narrow street#. Such set backs shall be provided at a height not lower than 60 feet, except that such set backs may be provided at a height not lower than 40 feet, provided at least 65 percent of the #aggregate width of street walls# facing #narrow streets# and at least 60 percent of the #aggregate width of street walls# facing #wide streets# have a minimum base height of 60 feet.

Tower East shall be located in its entirety within 240 feet of the Tenth Avenue #street line#, and Tower West shall be located in its entirety within 200 feet of the Eleventh Avenue #street line#. Neither tower shall exceed a height of 280 feet.

A maximum of 50 percent of the #street wall# of Tower West may rise without setback from a #narrow street line#. Such portion of the #street wall# shall be located a minimum of 15 feet and a maximum of 20 feet from the #narrow street line#.

(f) Subarea I

In that portion of Subarea I located within 300 feet of Tenth Avenue between West 16th Street and West 17th Street, the #street wall# location provisions set forth in paragraph (a) shall not apply along Tenth Avenue, as illustrated in Diagram 5 (Subarea H Requirements), of Appendix C of this Chapter, but shall

apply along a minimum of 85 percent of the West 16th Street and West 17th Street frontages. No portion of a #building or other structure# located within 300 feet of Tenth Avenue shall exceed a height of 120 feet, except for one #building# which may have a height not to exceed 220 feet provided such #building# is located in its entirety within 90 feet of West 17th Street and has a length that does not exceed 175 feet when measured parallel to the West 17th Street #street line#.

In all other portions of Subarea I, the provisions of paragraph (a) shall apply.

TABLE A
Minimum and Maximum Base Height and Maximum Building Height
by District or Subarea

District or Subarea	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Building Height (in feet)
C6-2A	60	85	120
C6-3A	60	102	145
A within 100 feet of a #wide street#	60	85	See paragraph (b)
A beyond 100 feet of #wide street#	40	60	See paragraph (b)
B, M1-5	60	95	135
C for #zoning lots# with only #narrow street# frontage	60	110	110
C for #zoning lots# with Tenth Avenue frontage	105 See paragraph (c)	125 See paragraph (c)	125 See paragraph (c)
C for #zoning lots# with Eleventh Avenue frontage	125 See paragraph (c)	145 See paragraph (c)	145 See paragraph (c)
D	60	90	220 See paragraph (b)
E	60	105	120 See paragraph (d)
F	60 See paragraph (c)	80 See paragraph (c)	80 See paragraph (c)
G for #zoning lots# with only #narrow street# frontage	60	95	95
G for #zoning lots# with #wide street# frontage	105 See paragraph (c)	120 See paragraph (c)	120 See paragraph (c)
H	60 See paragraph (e)	120 See paragraph (e)	See paragraph (e)
I within 300 ft of Tenth Ave between W. 16 th St. and W. 17 th St.	60	85	120 See paragraph (f)
I all other areas	60	105	135

98-424

Authorization to modify height and setback regulations

The City Planning Commission may authorize the modification of height and setback regulations set forth in Section 98-40 and 98-50, inclusive, and the transparency requirements set forth in Sections 98-141 and 98-54 for that portion of any #development# or #enlargement# located within 40 feet of the #High Line#. The Commission shall find that such modification will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public areas.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the surrounding area.

**98-43
Special Distance Between Buildings Regulations**

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

**98-50
SPECIAL HEIGHT AND SETBACK, OPEN AREA AND TRANSPARENCY REGULATIONS FOR ZONING LOTS WITHIN OR ADJACENT TO THE HIGH LINE TRANSFER CORRIDOR**

**98-51
Height and Setback Regulations on the East Side of the High Line**

(a) Subarea A

At least 60 percent of the aggregate length of the eastern #High Line frontage# of a #building# shall set back at the level of the #High Line bed#. Not more than 40 percent of the aggregate length of such #High Line frontage# may rise above the level of the #High Line bed#. No portion of such #High Line frontage# shall exceed a maximum height of 20 feet above the level of the #High Line bed#, as illustrated in Diagram 2 (Street Wall and #High Line# Frontage Regulations in Subarea A) in Appendix C, of this Chapter.

(b) In C6-3A Districts, and in Subareas C, F and G

For #zoning lots# extending less than 120 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of a #building# shall exceed a height of 3 feet 6 inches above the level of the #High Line bed#.

For #zoning lots# that extend for at least 120 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of the #building# shall exceed a height of 3 feet 6 inches above the level of the #High Line bed#, except that a maximum of 40 percent of such #High Line frontage# may rise

without setback above a height of 3 feet 6 inches above the level of the #High Line bed# provided such portion of the #building# is not located directly between the #High Line# and any #street wall# of a #building# that is subject to a maximum height of 45 feet in accordance with paragraph (a) (Subareas C, F and I) of Section 98-441 (Street wall location and minimum base heights).

However, the provisions of this paragraph (b) shall not apply to any #zoning lot# existing on (the effective date of amendment) where the greatest distance between the eastern side of the #High Line# and a #side lot line# east of the #High Line# is 35 feet when measured parallel to the nearest #narrow street line#.

98-52

Height and Setback Regulations on West Side of High Line

In C6-2A, C6-3A and M1-5 Districts, and in Subareas A, B and E, no portion of the western #High Line frontage# of a #building# shall exceed a height of 3 feet 6 inches above the level of the #High Line bed#.

98-53

Required Open Areas on the East Side of the High Line

At least 20 percent of the #lot area# of any #development# or #enlargement# on a #zoning lot#, or portion thereof, within C6-3A Districts or within Subareas A, C, F or G and over which the #High Line# passes or adjacent to a #zoning lot# over which the #High Line# passes, shall be landscaped open area, pursuant to the requirements of paragraph (a) (Open area requirements), and (b)(Permitted obstructions) of this Section. Such open area shall be located directly adjacent to the #High Line# with its longest side adjacent to the #High Line# and shall be located at an elevation not to exceed a height of 3 feet 6 inches above the level of the #High Line bed# adjacent to the #zoning lot#. At no point shall such open area be located within 50 feet of Tenth Avenue.

(a) Open area requirements

All required open areas shall:

- (1) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;
- (2) be landscaped with shrubs, vines, flowers, ground cover, trees, and/or plants in planters over a minimum of 25 percent of the required open area;
- (3) be maintained by the building owner who shall be responsible for the maintenance of the open area including, but not limited to, the repair of

all amenities, litter control and the care and replacement of vegetation within the zoning lot; and

- (4) have all mechanical equipment which is located at the same elevation as the open area, or within 15 feet of the level of the open area, screened and buffered with no intake or exhaust fans facing directly onto the required open area.
- (5) Open area screening

Required open area provided at the level of the #High Line bed# may be screened and/or separated from the public areas of the #High Line# by a wall, fence, or plantings extending not higher than 8 feet above the average elevation of the #High Line bed#. Non-vegetated screening materials must be substantially transparent. For the purposes of this Section, a substantially transparent screening is defined as transparent, or non-opaque, in an evenly distributed fashion for at least 75 percent of its area. Chain link fences shall not be a permitted screening material. Vegetated screening, such as shrubs, vines, and other plantings, may be completely covered by vegetation and opaque, provided that any underlying surface is substantially transparent.

In addition, such screening material shall be maintained in good condition at all times, may be interrupted by normal entrances and/or exits, and shall have no signs hung or attached thereto, other than those permitted in Section 98-16 (Signs).

- (b) Permitted obstruction
 - (1) Any #High Line# access structure, providing pedestrian access to the #High Line#, by stairway or elevator, may be located within such required open area;
 - (2) The provisions of paragraph (g)(1)(Permitted obstructions) of Section 37-04 (Requirements for Urban Plazas) shall apply; and
 - (3) Open air cafes and kiosks may be located in such required open area. Open air cafes may occupy in the aggregate no more than 75 percent of such required open area.

98-54

Transparency Requirements on the East Side of the High Line

The transparency requirements of this Section shall apply to the #High Line frontage# portion of #developments# and #enlargements# located in C6-3A Districts and within Subareas A, C, F and G except for such portions that contain #dwelling units#. At least 50

percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed# shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-55

Requirements for Non-Transparent Surfaces on the East Side of the High Line

Any portion of such #High Line frontage# that is 40 feet or more in length and contains no transparent element between the level of the #High Line bed# and an elevation of twelve (12) feet above the level of the #High Line bed#, shall be planted with vines or other plantings or contain artwork. Such elements shall substantially cover the applicable non-transparent portion of the #High Line frontage#.

98-60

SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS

98-61

High Line Access Easement Volume Requirement

For all #developments# or #enlargements# within the Special West Chelsea District, an easement volume to facilitate public pedestrian access to the #High Line# via stairway and elevator (hereinafter referred to as “primary access”), shall be provided on any #zoning lot# over which the #High Line# passes that, on or after (the date of referral of zoning text amendment) has more than 5,000 square feet of #lot area# .

In the #High Line Transfer Corridor#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway (hereinafter referred to as “secondary access”), shall be provided on any #zoning lot# from which #floor area has been transferred pursuant to Section 98-33 unless a primary access easement has been provided pursuant to this Section 98-61.

However, a primary access easement shall not be required if a primary access easement is already provided on the same #block# and a secondary access easement shall not be required if a primary or secondary access easement has already been provided on the same #block#. Furthermore, primary and/or secondary access easements shall not be required where the Chairperson of the City Planning Commission certifies that:

- (1) the minimum dimensions required for the access easement volume pursuant to paragraph (a) of Section 98-62 cannot be accommodated within 33 feet six inches of a #street line# for primary access easements and 40 feet of a #street line# for secondary access easements; or
- (2) in the case of a primary easement, a secondary easement is already provided on the same #zoning lot# and such easement is sufficient in size or has been

enlarged to be sufficient in size to accommodate the provisions for primary access easements as specified in Section 98-62; or

- (3) for primary or secondary easements, access has already been constructed on the same block or on the same street frontage and that such access meets the location and access requirements for primary or secondary access easements, as specified in Section 98-62(a) and (b) and meets all standards, as applicable, for persons with disabilities; or
- (4) for primary or secondary easements, construction documents for the #High Line# open space have been developed that specify the opposite side of the same street frontage as an access location.

98-62

High Line Access Easement Regulations

The provisions of this Section shall apply to any #zoning lot# providing an access easement volume, as follows:

- (a) Location and Minimum Dimensions

- (1) Primary access easement volume

A primary access easement volume may be located within a #building# or within open areas on the #zoning lot#, including open areas required pursuant to Section 98-53 (Required Open Areas on the East Side of the High Line), provided such volume is within 15 feet of a #narrow street line#. The minimum length of such volume shall be 18 feet six inches and the minimum width shall be ten feet; however, the minimum area of such volume shall be 350 square feet. The height of such volume shall extend from a point at least ten feet below #curb level# to a point at least 15 feet above the level of the #High Line bed#. A primary access easement volume may also replace a previously provided secondary access easement volume, and such secondary access easement volume may be terminated pursuant to Section 98-64. Such minimum dimensions are illustrated in Diagram 6 (#High Line# Access Easement Volume Parameters) of Appendix C of this Chapter.

- (2) Secondary access easement volume

A secondary access easement volume shall be located within 15 feet of a #narrow street line# and directly adjacent to the #High Line# for a minimum length of 25 feet. Such volume shall have a minimum width of ten feet. The height of such volume shall extend from #curb level# to a point at least ten feet above the level of the #high Line bed#.

- (b) Access

All access easement volumes shall be accessible either directly from a public sidewalk or through a publicly traversable way through the #zoning lot# directly connecting with a public sidewalk. Such publicly traversable way shall meet the following requirements:

- (1) The required width of the publicly traversable way shall be a minimum of eight feet.
- (2) No portion of the publicly traversable way shall be interrupted or occupied by an off-street parking or loading area.
- (3) The access easement volume shall be visible from the public sidewalk or the publicly traversable way.
- (4) The publicly traversable way shall be maintained by the property owner in good repair.
- (5) The publicly traversable way shall be fully accessible to persons with disabilities.
- (6) The publicly traversable way shall be open and accessible to the public at all times when a stairway and/or elevator located within the associated access easement volume is open and accessible to the public.

(c) Permitted obstructions

Any access structure within the access easement volume, or any weather protection provided by an overhang or roofed area over such access easement volume, accessory to the access structure, shall be considered permitted obstructions within required #yards# or open areas.

(d) Permitted #uses#

An access easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of such #zoning lot# for any permitted #use# until such time as required by the City of New York or its designee for access purposes. Such permitted use shall be limited to non-residential #uses# where such access easement volume is within a #building#. Where such access easement volume is within an open area, such area shall be landscaped, or may be improved in accordance with the provisions of sub-paragraphs (g)(1), (g)(2) and (g)(3) (Permitted obstructions), of Section 37-04 (Requirements for Urban Plazas), except that in the case of open air cafes and kiosks the provisions of paragraph (g) (3) shall be modified as follows: a certification shall not be required pursuant to paragraphs (g)(5) and (g)(6).

Improvements or construction of a temporary nature within the easement volume shall be removed by the owner of such #zoning lot# prior to the time at which

public use of the easement areas is required. A minimum notice of six months in writing shall be given by the City of New York or its designee to the owner of the #zoning lot#, in order to vacate the tenants of such temporary #uses#.

(e) Legally Required Windows

The minimum distance between any legally required window in a portion of a #building# used for #residential use# and an access easement volume shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

98-63

Recording of High Line Access Easement Volume

An instrument in a form acceptable to the Department of City Planning creating a #High Line# access easement volume shall be recorded in the Office of the City Register; a certified copy of which shall be submitted to the Department of City Planning.

Notice by the Department of City Planning of its receipt of a certified copy of an instrument establishing any access easements required pursuant to this Chapter shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# of #enlargement# on a site pursuant to Section 98-60 for primary access easements. Receipt of a certified copy of an instrument creating a secondary access easement shall be provided in conjunction with notification, pursuant to Section 98-33(a).

98-64

Termination of High Line Access Easement Volume

In the event that the City Planning Commission notifies the Department of Buildings and the owner in writing that a #High Line# access easement volume is not required on a #zoning lot# under the final construction plans for the restoration and reuse of the #High Line# as an accessible, public open space, the restrictions imposed on such #zoning lot# by the provisions of Section 98-61 (High Line Access Easement Volume Requirement) shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the City Planning Commission to the extinguishment of the easement volume. On termination of the #High Line# access easement volume requirement which has been certified pursuant to this Section, any area reserved for such easement within a #building or other structure# may be used for any #use# permitted pursuant to the provisions of this Chapter and such area shall not be considered #floor area#; and any open area reserved for such easement shall be maintained as an open area and shall be subject to the open area requirements of Section 98-53 (Required Open Areas on the East Side of the High Line).

APPENDIX D
Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea H between West 17th and 18th streets over which the #High Line# passes with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum #Floor Area Ratio# in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to subparagraph (a) of Section 98-25 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to subparagraph (b) of Section 98-25 for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term “parties in interest” as used herein shall mean “parties-in-interest”, as defined in paragraph f(4) of the definition of #zoning lot# under Section 12-10 .

(a) Requirements for Issuance of Building Permit Under Paragraph (a) of Section 98-25

(1) As a condition of issuance of a building permit under Paragraph (a) of Section 98-25:

- (i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix D, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of \$50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22;
- (ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and use of the At-Grade Plaza and the stairway and elevator that will provide access to the #High Line#, as shown in Diagram 3 of Appendix C, such easement area for the At-Grade Plaza to include the entire area of the #zoning lot# east of the #High Line# and such easement area as it relates to such stairway and elevator to be at least 2,500 square feet and in a location and configuration acceptable to the City; access for the potential performance by the City of work under the provisions set forth below; and maintenance and repair of the stairway and elevator . Such declaration shall incorporate by reference the maintenance and operating agreement referred to in paragraph (iii) below; and

- (iii) Owner shall execute a maintenance and operating agreement for the At-Grade Plaza,

The easements and agreement described herein shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (b).

- (2) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area on such #zoning lot# and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement by Owner, approved by the Chair of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the contribution to the #High Line# Improvement. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.
- (3) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

(b) Requirements for Issuance of Certificates of Occupancy Under Paragraph (b) of Section 98-25

- (1) Structural Remediation Work Under Paragraph (b)(2) of Section 98-25
 - (i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area on such #zoning lot# and over #streets# contiguous thereto in accordance with the provisions of this subparagraph. Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (iv) and (v) below (unless such dates are extended by mutual agreement of the City and Owner, but in no event may exercise such option later than 90 days following receipt of a notice by the City of its intent to commence improvements to the #High Line# within the #High Line# improvement area applicable to the #zoning lot# within the next twenty-four months. In that event, the amount of contribution to the

#High Line# Improvement Fund shall be reduced by \$21.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner , as applicable, for any excess from or against the #High Line# Improvement Fund. In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (b)(2), with respect to the Structural Remediation Work shall be of substantial completion with respect to issuance of any temporary certificate of occupancy, and of final completion with respect to issuance of any final certificate of occupancy.

- (ii) Such Structural Remediation Work shall include work on or under the #High Line# and above , at, and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be different standards for portions of the #High Line# that will be exposed to public view versus those that will not be so exposed) and shall include, but not be limited to, the following:
 - (a) Removal and disposal of all lead-based products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;
 - (b) Repair of all damaged portions of the entire steel structure, including but not limited to railings, columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;
 - (c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City ;
 - (d) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by the City, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

- (e) Removal of any or all portions of the ballast material on the #High Line#, including but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including , but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped , as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and
- (f) Any work required to be performed below-grade for the anticipated improvements of the #High Line# for reuse as open space.
- (iii) Subject to the Not-To-Exceed Limit set forth in section (c) of this Appendix, if Owner exercises the option to perform the Structural Remediation Work, it shall reimburse the City for the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone).
- (iv) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to delays outside the reasonable control of the City (including , without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.
- (v) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work following the (effective date of amendment) or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, for any time during which Owner is unable to gain access in order to perform the Structural Remediation Work due to the actions of a tenant

occupying the #zoning lot# (or portion thereof) upon (date of referral of application). .

- (vi) In the event that the City does not provide the specifications for the Structural Remediation Work, within the timeframe set forth in paragraph (iv) of this section, Owner may exercise the option to perform such work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays as described in paragraph (v) above, but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.

(2) At-Grade Plaza Work Under Section 98-25 (b)(3)

- (i) Owner shall perform At-Grade Plaza Work within the area on the #zoning lot# shown in Diagram 3 of Appendix C. For any temporary certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of substantial completion of the At-Grade Plaza Work (i.e., the At-Grade Plaza shall be open and accessible to the public). For any permanent certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of final completion of the At-Grade Plaza Work. Substantial completion of the At-Grade Plaza Work shall also require execution by all parties-in-interest of the declarations, easements and maintenance and operating agreement described in paragraph (a) of Section (1) of this Appendix, if not previously provided in connection with issuance of a building permit.
- (ii) At-Grade Plaza Work shall include, but not be limited to:
 - (a) remediation work; and
 - (b) all paving, plantings, surface treatments, lighting, trees, seating, fountains and other site amenities; and
 - (c) infrastructure work, including conduits, drainage, water line, electrical connections, and other utility work serving the At-Grade Plaza.
- (iii) The At-Grade Plaza Work shall be performed by Owner pursuant to construction documents provided by the City by September 30, 2006, subject to delays outside the reasonable control of the City (including, without limitation, litigation,

but such delays shall not exceed more than 180 days), and to such extension as the City and Owner may mutually agree. The At-Grade Plaza Work shall be completed within one year following the later of the (effective date of amendment) or the receipt of such documents, subject to reasonable extension for any delays beyond Owner's reasonable control and to such extension as the City and Owner may mutually agree, and, in addition, for any time during which Owner is unable to gain access in order to perform the At-Grade Plaza Work due to the actions of a tenant occupying the #zoning lot# (or portion thereof) upon (date of referral of application), or for any time needed to perform any necessary remediation work on the #zoning lot#.

- (iv) In no event shall Owner be required to complete the At-Grade Plaza Work until the #High Line# improvements within the portion of the #High Line# Improvement Area adjacent to the #zoning lot# (and, as applicable, over such Improvement Area, as shown on Diagram 3 of Appendix C, are substantially complete (i.e., open to the public but for the work needed to complete the At-Grade Plaza Work). Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 98-25, paragraph (b)(3), until the Chairperson determines that the At-Grade Plaza Work is substantially complete.
- (v) The cost to Owner of the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (3) of this Section) shall not exceed \$2,300,000. The amount of contribution to the #High Line# Improvement Fund under subdivision a of section 1 of this Appendix made for purposes of Section 98-25, paragraph (a), shall be reduced by such amount at the time it is made. In addition to the costs of the At-Grade Plaza Work, subject to the Not-To-Exceed Limit set forth section (c) of this Appendix, Owner shall be required to reimburse the City for:
 - (a) the reasonable cost of developing the plans and construction documents for the At-Grade Plaza Work; and
 - (b) the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).
- (vi) In the event that construction documents for the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access

Work described in paragraph (3) of this Section) are not delivered to Owner within the timeframe set forth in paragraph 3 of this subsection, Owner shall not be required to perform the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (3) of this Section) consistent with such documents. Instead, Owner shall perform Alternate At-Grade Plaza Work which shall include all necessary remediation work, all necessary below-grade work (including related infrastructure work necessary to support the #High Line#), and at-grade improvements pursuant to the standards set forth in Section 37-04, paragraphs (g) through (n) of the Zoning Resolution, except that open-air cafes and kiosks shall not be permitted. Permitted obstructions, whether as described in the City's Specifications for the At-Grade Plaza Work or as specified in Section 37-04, paragraph (g), for the Alternate At-Grade Plaza Work, shall not count towards # lot coverage#.

- (vii) The cost to the Owner of the Alternate At-Grade Plaza Work shall not exceed \$1,400,000. In addition, Owner shall , subject to the Not-To Exceed Limit of Section (c) of this Appendix, be required to reimburse the City for the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the Alternate At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).
 - (viii) Upon substantial completion of the At-Grade Plaza and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4): Owner shall provide the City with the declarations, easements and maintenance and operating agreement described in subsection a of section 1 of this Appendix ,if not already provided in connection with the issuance of a building permit; such At-Grade Plaza shall be open and accessible to the public during at least the same hours during which the #High Line# is open and accessible to the public, subject to the terms of the maintenance and operating agreement; and Owner shall maintain the At-Grade Plaza pursuant to the terms of the maintenance and operating agreement.
- (3) Stairway and Elevator Access Work Under Paragraph (b)(4) of Section 98-25
- (i) Except as provided in subparagraph (iii) of this paragraph, Owner shall perform Stairway and Elevator Access Work within the At-Grade Plaza area as shown in Diagram 3 of Appendix C in conjunction with performance of the At-Grade

Plaza Work. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (b)(4), shall be of substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification pursuant to such Section shall be of final completion of the work.

- (ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator, shall be included in the construction drawings for the At-Grade Plaza Work described above, and shall be performed by Owner within the time period for performance of the At-Grade Plaza Work described in subsection c of this section. The location for the stairway and elevator shall take into account the viability of any retail spaces fronting the At-Grade Plaza.
- (iii) Owner shall not be responsible for performance of the Stairway and Elevator Access Work where it performs the Alternate At-Grade Plaza Work in accordance with paragraph (b) of this section. In that event, prior to commencing the Alternate At-Grade Plaza Work and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4):
 - (a) Owner shall deposit into the #High Line# Improvement Fund a contribution of \$900,000.00 (the Access Contribution), to be used at the direction of the Chairperson of the City Planning Commission for construction of stairway and elevator facilities on the #zoning lot#, and
 - (b) Owner shall provide the City with the declarations, easements, and maintenance and operating agreement described in paragraph (1) of Section (a) of this Appendix, if not previously provided in connection with issuance of a building permit.
- (4) City Performance of Work In the Event of Failure to Perform
 - (i) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under Section (a) of this Appendix, Structural Remediation Work (where Owner has exercised the option under paragraph (1) of Section (b) of this Appendix), the At-Grade Plaza Work or Alternate Plaza Work, as applicable, and the Stairway and Elevator Access Work (where required to do so under

paragraph (3) of Section (b) of this Appendix), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area for the #zoning lot#, as shown on Diagram 3 of Appendix C, and a relevant deadline for performance of such work under paragraphs (1), (2) or (3) of Section (b) above has passed, subject to the provisions of such subsections relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.

- (ii) The City may proceed with performance and/or completion of the work following such notice unless Owner:
 - (a) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total), unless such date is extended by mutual agreement between the City and Owner, for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City; and
 - (b) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control and , in addition, any time in which Owner is unable to gain access in order to perform the At-Grade Plaza Work or Alternate Plaza Work due to the actions of a tenant occupying the #zoning lot# (or portion thereof) upon (date of referral of application) or), or for any time during which remediation work is in progress on the #zoning lot#.
- (iii) In the event Owner does not comply with the requirements paragraph (4)(ii) of this Section (b):
 - (a) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (1) of Section (a) of this Appendix;
 - (b) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and

- (c) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor any temporary or permanent certificate of occupancy may be issued pursuant to Section 98-25, paragraph (b), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

- (c) Reimbursement Not-To- Exceed Limits

Reimbursement of the City by Owner of costs pursuant to this Appendix shall not exceed a total of \$450,000.00.

APPENDIX E

Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E, G or I

This Appendix sets forth additional requirements governing #zoning lots# located partially within Subareas D, E and G or within Subarea I between West 16th and 17th streets over which the #High Line# passes with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to paragraph (c) of Section 98-25 for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term “parties in interest” as used herein shall mean “parties-in-interest”, as defined in paragraph f(4) of the definition of #zoning lot# under Section 12-10.

(a) Requirements for Issuance of Building Permit Under Paragraph (a) of Section 98-25

- (1) As a condition of certification under Paragraph (a) of Section 98-25:
 - (i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix E, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of \$50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22; and
 - (ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and from a stairway and elevator on the #zoning lot# that will provide access to the #High Line# and for maintenance and repair by the City of such stairway and elevator; and the potential performance by the City of work under the provisions set forth below. In the case of #zoning lots# between West 16th and 17th streets, Owner shall also provide the City with easements providing for City access to and from and for public use of the #High Line# Service Facilities on the #zoning lot# and for maintenance and repair by the City of such #High Line# Service Facilities. All easements described herein shall be in a form acceptable to the City and shall remain in force and effect irrespective of

whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (c); and

- (iii) submit plans for Stairway and Elevator Access Facilities and, where applicable, #High Line# Service Facilities that demonstrate compliance with the provisions of this Appendix and are consistent with New York City Department of Parks and Recreation standards and best practices governing materials life cycle and maintenance for review and approval by the Chairperson of the City Planning Commission.

- (2) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area on such #zoning lot # and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement, approved by the Chair of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the #High Line# Improvement Fund contribution to reflect the cost of such improvements. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.

- (3) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

(b) Requirements for Issuance of Certificates of Occupancy Under Paragraph (c) of Section 98-25

- (1) Structural Remediation Work Under Paragraph (c)(2) of Section 98-25
 - (i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area on such #zoning lot and over #streets# contiguous thereto in accordance with the provisions of this subparagraph. Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (iv) and (v) below (unless such dates are extended by mutual agreement of the City and Owner, but in no event may exercise such option later than 90 days following receipt of a

notice by the City of its intent to commence improvements to the #High Line# within the #High Line# improvement area applicable to the #zoning lot# within the next twenty-four months. In that event, the amount of contribution to the #High Line # Improvement Fund shall be reduced by \$21.00 for each square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner, as applicable, for any excess from or against the #High Line# Improvement Fund , In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (c)(2), with respect to the Structural Remediation Work shall be of substantial completion with respect to issuance of temporary certificates of occupancy, and of final completion with respect to issuance of final certificates of occupancy.

- (ii) Such Structural Remediation Work shall include work on or under the #High Line# and above, at, and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life, and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be different standards for portions of the #High Line# that will be exposed to the public versus those that will not be so exposed) and shall include, but not be limited to, the following:
 - (a) Removal and disposal of all lead-based products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;
 - (b) Repair of all damaged portions of the entire steel structure, including but not limited to railings, columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;
 - (c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;
 - (d) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by

the City, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

- (e) Removal of any or all portions of the ballast material on the #High Line#, including but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including, but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped , as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and
- (f) Any work required to be performed below-grade for the anticipated improvements of the #High Line# for reuse as open space.
- (iii) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to such delays as are outside the reasonable control of the City (including , without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.
- (iv) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work following the (effective date of amendment) or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control.
- (v) In the event that the City does not provide the specifications for the Structural Remediation Work within the timeframe set forth in paragraph (iii) of this subsection, Owner may exercise the option to perform such work and proceed with

the Structural Remediation Work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control, but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.

- (vi) If Owner exercises the option to perform the Structural Remediation Work, Owner shall reimburse the City for the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone), such reimbursement not to exceed \$115,000.

(2) Stairway and Elevator Access Work Under Paragraph (c)(3) of Section 98-25

- (i) Owner shall perform Stairway and Elevator Access Work subject to the provisions of subparagraph 2 of this paragraph. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(3), shall be of substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification shall be of final completion of the work.
- (ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator located directly adjacent to or below the #High Line#. Except as approved by the Chairperson of the City Planning Commission pursuant to paragraph (1)(iii) of Section (a) of this Appendix, #curb level# entrances to such access facilities must be located at the #street line#. Such access facilities shall be harmonious with the design of the #High Line# on the #zoning lot# and shall be visible and identifiable as #High Line# access facilities when viewed from Tenth Avenue. Such access facilities may be unenclosed or enclosed. When such access facilities are enclosed and located at the #street line#, any wall or façade separating the access facility from the #street# shall be substantially glazed and fully transparent from ground level to the full height of the access facility. Any wall or façade separating the access facility from the #High Line# shall be substantially glazed and fully transparent from the

level of the #High Line bed# to the full height of the access facility. Stairways shall have a clear path of not less than 6 feet in width. Such access facilities shall be identified with signage placed at the #High Line# level and at street level that is consistent with guidelines specified in the signage plan as authorized by the City Planning Commission pursuant to the provisions of Section 98-16.

- (iii) The Stairway and Elevator Access Work shall be completed within 1 year following the later of the (effective date of amendment) or the Chairperson's review and acceptance of the plans and specifications that demonstrate compliance with the provisions of paragraph (2)(ii) of this Section, subject to reasonable extension for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner.
- (iv) In no event however shall Owner be required to complete the Stairway and Elevator Access Work until the #High Line# improvements in the portion of the #High Line# improvement area adjacent to the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 98-25, paragraph (c)(3), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.

(3) #High Line# Service Facility Work Under Paragraph (c)(4) of Section 98-25

- (i) For #zoning lots# located between West 16th and 17th streets, Owner shall perform #High Line# Service Facility Work subject to the provisions of this section. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(4), shall be of substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.
- (ii) #High Line# Service Facilities shall consist of satellite maintenance and operations space for the #High Line# open space as well as public restrooms, in accordance with the following standards:
 - (a) Location

Such facilities shall have a component located at the level of the #High Line bed#, or within 5 feet of such level (hereinafter referred to as the "upper

service facility”). Such facilities shall also have a component located no higher than #curb level# (hereinafter referred to as the “lower service facility”). The upper facility must be located directly above the lower facility to enable placement of a trash chute connecting the upper and lower facilities. Where the upper facility is not located exactly at the level of the #High Line bed#, a fully accessible ramp must connect such level with the level of the upper facility. Where the lower facility is not located exactly at #curb level#, a means acceptable to the City of connecting the lower service facility to a #street# frontage shall be provided.

(b) Program and dimensions

(1) Lower service facilities

Lower service facilities shall contain a room which is accessible from #street# level and is no less than 50 square feet in area. Such facility shall contain the outlet of a trash chute from the upper service facility and shall also have a minimum of one electrical outlet furnishing a wattage consistent with its intended use within a maintenance and operations facility.

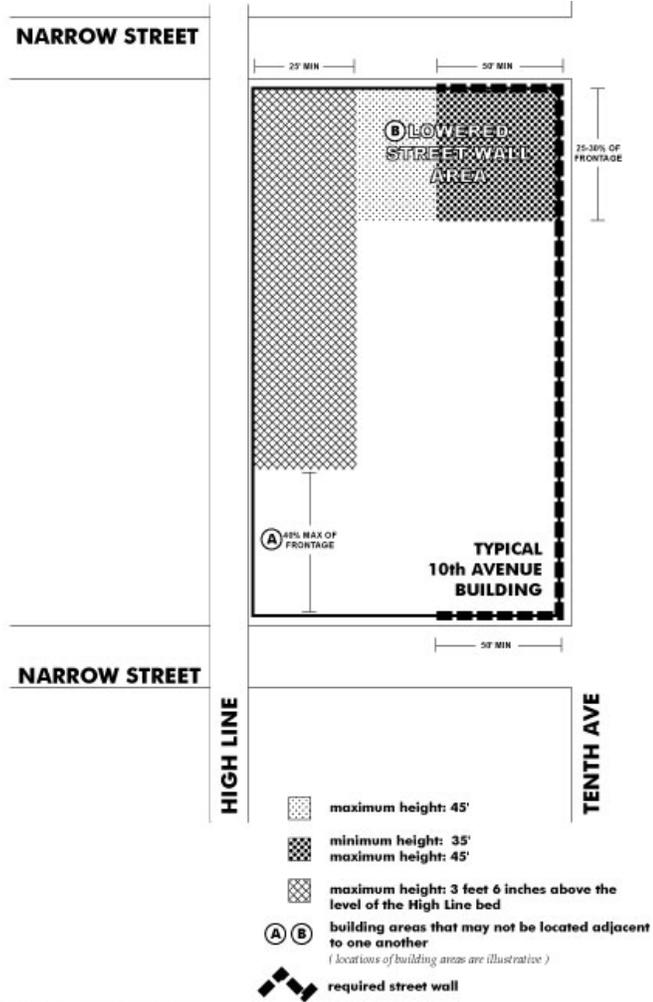
(2) Upper service facilities

Upper service facilities shall be no less than 350 square feet in area and shall contain, at a minimum one public restroom not less than 250 square feet in area with separate restroom spaces for each gender, one storage room not less than 70 square feet in area, and one waste disposal room not less than 30 square feet in area and containing a trash chute to the lower service facility

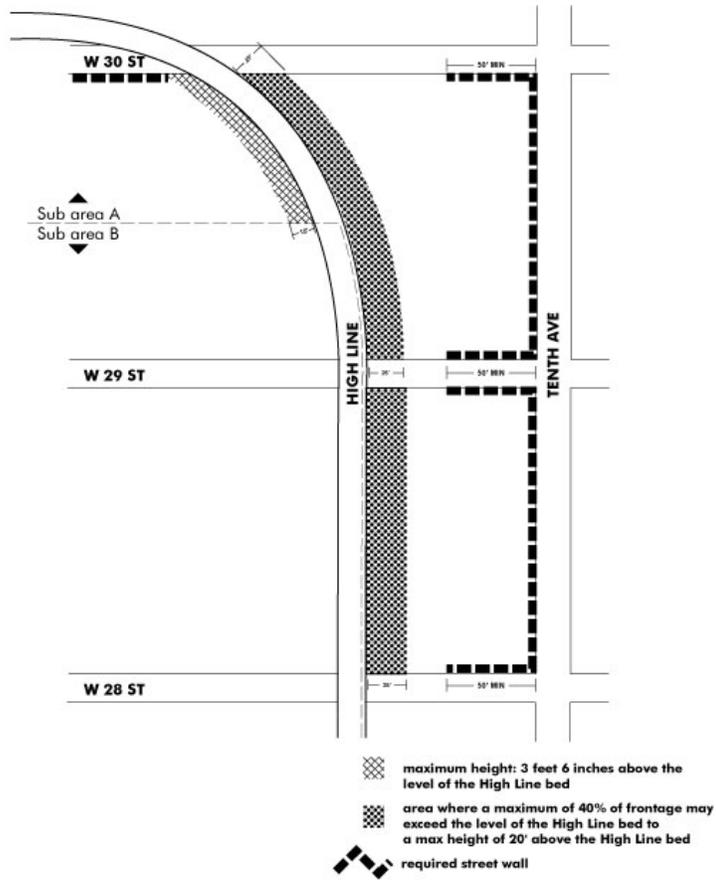
Each room within such upper service facilities shall have a minimum of one electrical outlet furnishing wattage consistent with its intended use within a maintenance and operations facility.

- (iii) The #High Line# Facility Work shall be completed within 1 year following the later of the (effective date of amendment) or the Chairperson's review and acceptance of the plans and specifications that demonstrate compliance with the standards of paragraph (ii) of this subsection, subject to reasonable extension for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner.
 - (iv) In no event however shall Owner be required to complete the #High Line# Facility Work until the #High Line# improvements in the portion of the #High Line# improvement area adjacent to the #zoning lot#, as shown on Diagram 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 98-25, paragraph (c)(4), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.
 - (v) The cost to Owner of the #High Line# Facilities Work shall not exceed \$1,150,000. The amount of contribution to the #High Line# Improvement Fund under paragraph (1) of Section (a) of this Appendix made for purposes of Section 98-25, paragraph (a), shall be reduced by such at the time it is made.
- (c) City Performance in the Event of Failure to Perform
- (1) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (1) of Section (a) of this Appendix), Structural Remediation Work (where Owner has exercised the option under paragraph (1) of Section (b)) and the Stairway and Elevator Access Work (under paragraph (3) of Section (b)), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area for the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, and a relevant deadline for performance of such work under paragraphs (1), (2) or (3) of Section (b) above, as applicable, has passed, subject to the provisions of such subsections relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.
 - (2) The City may proceed with performance and/or completion of the work following such notice unless Owner:

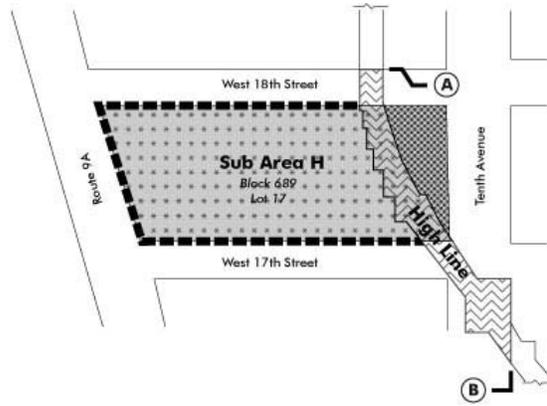
- (i) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total) for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City, unless such date is extended by mutual agreement between the City and Owner; and
 - (ii) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control
- (3) In the event Owner does not comply with the requirements of paragraph (2) above:
- (i) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (1) of Section (a) of this Appendix;
 - (ii) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and
 - (iii) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor may any temporary or permanent certificates of occupancy may be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.



APPENDIX C - Diagram 1
Street wall and High Line frontage regulations in Subarea C, F, and G



APPENDIX C - Diagram 2
Street wall and High Line frontage regulations in Subarea A

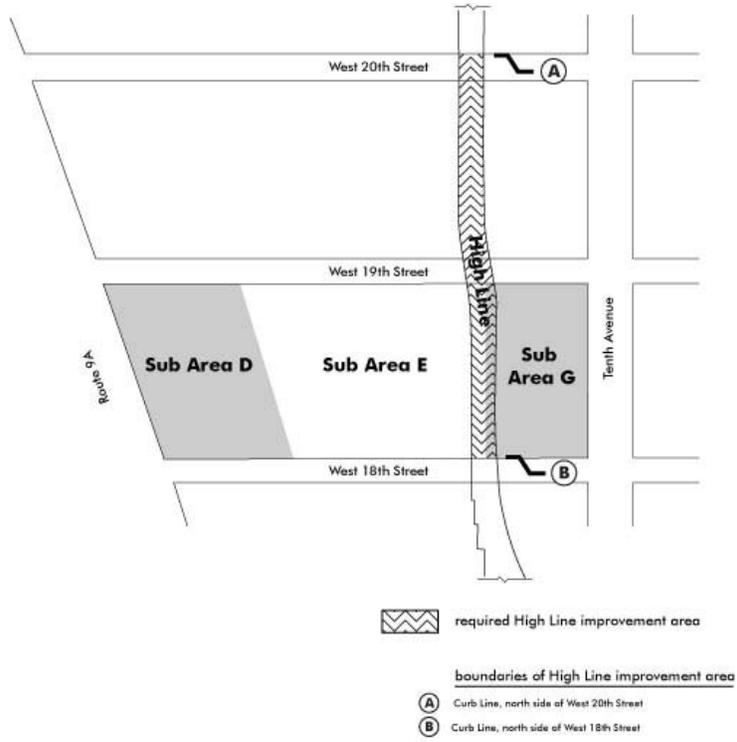


-  sub area H
-  required street wall
-  required public plaza area
-  area where building is permitted
-  required High Line improvement area

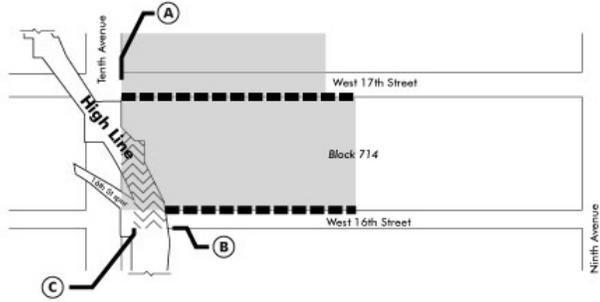
boundaries of High Line improvement area

- (A) Curb Line, north side of West 18th Street
 - (B) Curb Line, east side of Tenth Avenue
- (High Line improvement area also includes Required Public Plaza area as indicated above)

APPENDIX C - Diagram 3
Sub Area H requirements

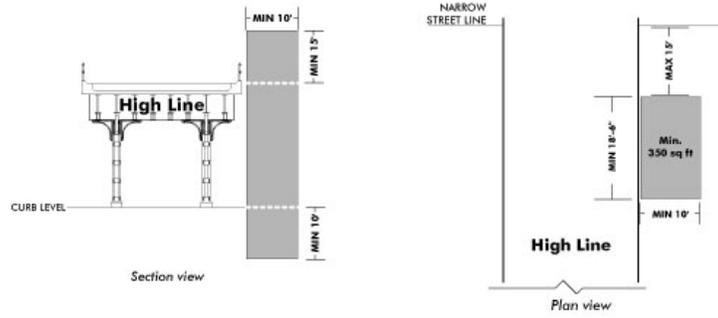


APPENDIX C - Diagram 4
High Line Improvement Area Boundaries
for Zoning Lots Divided by District Boundaries
in Subareas D, E and G

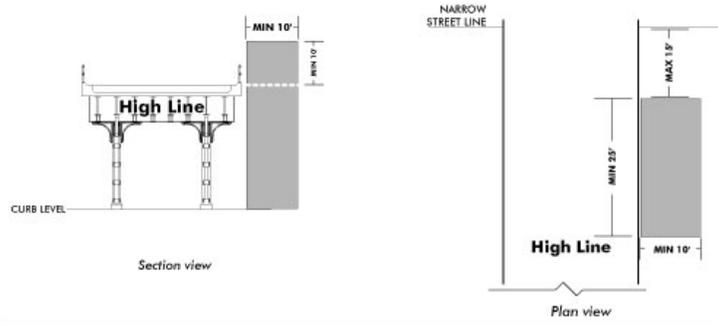


-  sub area I
-  required street wall
-  required High Line improvement area
- boundaries of High Line improvement area
- (A) Curb Line, east side of Tenth Avenue
- (B) Curb Line, south side of West 16th Street
- (C) Line separating main portion of High Line from 16th Street spur

APPENDIX C - Diagram 5
Sub Area I requirements between West 16th and West 17th Streets

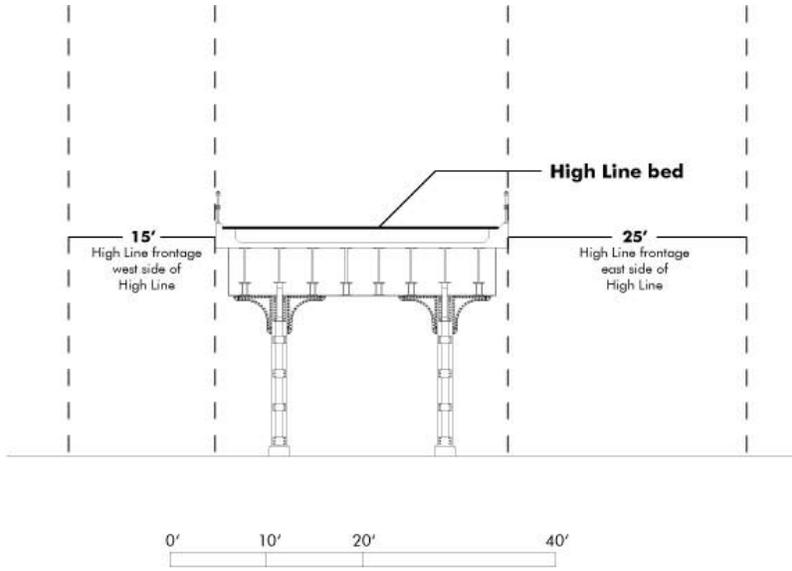


PRIMARY ACCESS EASEMENT VOLUME



SECONDARY ACCESS EASEMENT VOLUME

APPENDIX C - Diagram 6
High Line access easement volume parameters



APPENDIX C - Diagram 7
High Line structure and frontages

* * *

**123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED**

* * *

~~**#Special Mixed Use District# 3: (9/9/99)
West Chelsea, Manhattan**~~

~~The #Special Mixed Use District# 3 is established in West Chelsea in Manhattan as indicated on the #zoning maps#.~~

* * *

(On March 16, 2005, Cal. No. 24, the Commission scheduled April 6, 2005 for a public hearing. On April 6, 2005, Cal. No. 2 the hearing was closed.)

For consideration.



No. 29

CD 4

C 050162(A) ZMM

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 No. 8b:**

1. **eliminating a Special Mixed Use District (MX-3) bounded by** West 24th Street, Tenth Avenue, a line midway between West 22nd Street and West 23rd Street, a line 100 feet easterly of Eleventh Avenue, West 22nd Street, and Eleventh Avenue;
2. **changing from an M1-5 District to a C6-2 District property bounded by** a line midway between West 22nd Street and West 23rd Street, Tenth Avenue, West 18th Street, a line 140 feet easterly of Eleventh Avenue, West 20th Street, and a line 100 feet westerly of Tenth Avenue;

3. **changing from an R8 District to a C6-3 District property bounded by** West 17th Street, a line 375 feet westerly of Ninth Avenue, West 16th Street, and a line 400 feet westerly of Ninth Avenue;
4. **changing from an M1-5 District to a C6-3 District property bounded by:**
 - a. a line midway between West 29th Street and West 30th Street, a line 100 feet westerly of Tenth Avenue, West 28th Street, Tenth Avenue, West 24th Street, a line 100 feet westerly of Tenth Avenue, West 27th Street, a line 100 feet easterly of Eleventh Avenue, West 24th Street, Eleventh Avenue, West 28th Street, and a line 100 feet easterly of Eleventh Avenue;
 - b. West 22nd Street, a line 150 feet easterly of Eleventh Avenue, a line 140 feet easterly of Eleventh Avenue, West 18th Street and Eleventh Avenue; and
 - c. West 18th Street, a line 400 feet westerly of Ninth Avenue, West 16th Street, and Tenth Avenue;
5. **changing from an M1-5/R9A District to a C6-3 District property bounded by** West 24th Street, a line 100 feet easterly of Eleventh Avenue, West 22nd Street, and Eleventh Avenue;
6. **changing from an M1-5 District to a C6-4 District property bounded by:**
 - a. West 30th Street, Tenth Avenue, West 28th Street, a line 100 feet westerly of Tenth Avenue, a line midway between West 29th Street and West 30th Street, a line 100 feet easterly of Eleventh Avenue, West 28th Street, and Eleventh Avenue; and
 - b. West 18th Street, Tenth Avenue, West 17th Street, and Eleventh Avenue;
7. **changing from an M1-5/R8A District to a C6-2A District property bounded by** West 24th Street, a line 100 feet westerly of Tenth Avenue, a line midway between West 23rd Street and West 24th Street, and a line 100 feet easterly of Eleventh Avenue;
8. **changing from an M1-5/R9A District to a C6-3A District property bounded by** a line midway between West 23rd Street and West 24th Street, and a line 100 feet westerly of Tenth Avenue, West 24th Street, Tenth Avenue, a line midway between West 22nd Street and West 23rd Street, and a line 100 feet easterly of Eleventh Avenue; and
9. **establishing a Special West Chelsea District (WCh) bounded by** West 30th Street, Tenth Avenue, West 18th Street, a line 400 feet

westerly of Ninth Avenue, West 17th Street, a line 375 feet westerly of Ninth Avenue, West 16th Street, Tenth Avenue, West 17th Street, and Eleventh Avenue;

as shown on a diagram (for illustrative purposes only) dated March 3, 2005, and subject to the conditions of CEQR Declaration E-142.

(On March 16, 2005, Cal. No. 26, the Commission scheduled April 6, 2005 for a public hearing. On April 6, 2005, Cal. No. 4 the hearing was closed.)

For consideration.

No. 30

CD 2 AND 4

C 050163 PCM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for site selection and acquisition of the High Line rail structure and associated easements (Blocks 644-646, 712-714, and 689-702), located between Gansevoort Street, Tenth and Eleventh avenues, and West 30th Street, Community Districts 2 and 4, Borough of Manhattan, for use as public open space.

(On March 16, 2005, Cal. No. 27, the Commission scheduled April 6, 2005 for a public hearing. On April 6, 2005 Cal. No. 5 the hearing was closed.)

For consideration.

BOROUGH OF QUEENS

No. 31

ENGINE COMPANY 306 PARKING LOT

CD 11

C 040127 PCQ

IN THE MATTER OF an application submitted by the Fire Department and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for site selection and acquisition of property located at 40-14 214th Place (Block 6288, Lot 31); Community District 11, Borough of Queens, for use as a parking lot.

(On April 13, 2005, Cal. No. 10 the Commission scheduled April 27, 2005 for a public hearing. On April 27, 2005, Cal. No. 39, the hearing was closed.)

For consideration.

III. PUBLIC HEARINGS

BOROUGH OF THE BRONX

No. 32

NEW YORK BUS SERVICE CITY MAP CHANGE

CD 10 & 12

C 030136 MMX

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the New York Bus Service Advertising Company, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of portions of the New England Thruway within an area bounded by Conner Street, Tillotson and Hollers avenues and the Hutchinson River;
- the delineation of easements
- and any acquisition or disposition of real property related thereto,

in accordance with map No.13091 dated January 2, 2003 and signed by the Borough President.

(On May 11, 2005, Cal. No. 1, the Commission scheduled May 25, 2005 for a public hearing which has been duly advertised.)

Resolution for adoption scheduling May 25, 2005 for a public hearing.

No. 33

PELHAM GARDENS REZONING

CDs 11 & 12

C 050289 ZMX

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. 2b and 4a:**

1. **eliminating from an existing R4 District a C1-2 District bounded by** East Gun Hill Road, Hammersley Avenue, Fenton Avenue, East Gun Hill Road, DeWitt Place, a line 150 feet southwesterly of East Gun Hill Road, and Sexton Place;
2. **eliminating from an existing R4 District a C2-4 District bounded by** East Gun Hill Road, Fenton Avenue, Knapp Street, a line 100 feet northeasterly of East Gun Hill Road, a line 100 feet southeasterly of Knapp Street, Eastchester Road, Adee Avenue, East Gun Hill Road, O'Neil Place, a line 150 feet southwesterly of East Gun Hill Road, and Morgan Avenue;
3. **eliminating from an existing R5 District a C1-2 District bounded by** Burke Avenue, Fish Avenue, East Gun Hill Road, a line perpendicular to the southwesterly line of Seymour Avenue distant 230 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Seymour Avenue and the northwesterly street line of Hammersley Avenue, Seymour Avenue, Hammersley Avenue, East Gun Hill Road, Sexton Place, a line 150 feet southwesterly of East Gun Hill Road, and Wilson Avenue;
4. **changing from an R3-2 District to an R3X District property bounded by** Waring Avenue, Tiemann Avenue, a line 200 feet southerly of Waring Avenue, a line midway between Lodovick Avenue and Tiemann Avenue, a line 100 feet southerly of Waring Avenue, a line midway between Gunther Avenue and Lodovick Avenue, Waring Avenue, Delanoy Avenue, a line 310 feet southerly of Waring Avenue, a line midway between Bruner Avenue and Delanoy Avenue, a line 100 feet northerly of Astor Avenue, Bruner Avenue, a line 250 feet northwesterly of Stillwell Avenue, Demeyer Street, a line 100 feet northwesterly of Stillwell Avenue, a line midway between Vance Street and Demeyer Street, a line 175 feet northwesterly of Stillwell Avenue, Vance Street, a line 100 feet southeasterly of Waring Avenue, a line midway between Ely Avenue and Vance Street, a line 260 feet southeasterly of Waring Avenue, Ely Avenue, Stillwell Avenue, Bronx and Pelham Parkway, a line midway between Mickle Avenue and Woodhull Avenue and its southerly prolongation, a line 100 feet southerly of Astor Avenue, Mickle Avenue, Astor Avenue, Westervelt Avenue, a line 100 feet northerly of Astor Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, a line 100 feet southerly of Waring Avenue, and Kingsland Avenue;
5. **changing from an R3-2 District to an R4A District property bounded by:**
 - a. Waring Avenue, Tenbroeck Avenue and its southerly centerline prolongation Bronx and Pelham Parkway, and Williamsbridge Road; and
 - b. Waring Avenue, Eastchester Road, Mace Avenue, Westervelt Avenue, a line 400 feet northerly of Mace Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, an unnamed street and its

westerly centerline prolongation, a line midway between Tiemann Avenue and Kingsland Avenue, a line 100 feet northerly of Mace Avenue, Kingsland Avenue, a line 100 feet southerly of Mace Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, Waring Avenue, Woodhull Avenue, Astor Avenue, and Fish Avenue;

6. changing from an R4 District to an R4A District property bounded by:

- a. a line 100 feet southerly of Allerton Avenue, a line midway between Laconia Avenue and Lurting Avenue, a line 275 feet southerly of Allerton Avenue, Laconia Avenue, Mace Avenue, a line midway between Yates Avenue and Laconia Avenue, a line 100 feet southerly of Mace Avenue, Yates Avenue, Mace Avenue, a line midway between Hering Avenue and Yates Avenue, a line 100 feet southerly of Allerton Avenue, Hering Avenue, Allerton Avenue, a line midway between Tenbroeck Avenue and Hering Avenue, Mace Avenue, Tenbroeck Avenue, a line 125 feet southerly of Allerton Avenue, Pearsall Avenue, a line 100 feet southerly of Allerton Avenue, Stedman Place, Pearsall Avenue, Esplanade, Waring Avenue, Williamsbridge Road, a line 100 feet northerly of Waring Avenue, and Lurting Avenue; and
- b. a line 160 feet southerly of Mace Avenue, Seymour Avenue, a line 100 feet northerly of Waring Avenue, Morgan Avenue, a line 200 feet southerly of Mace Avenue, Fenton Avenue, Mace Avenue, a line midway between Fenton Avenue and Morgan Avenue, a line 150 feet northerly of Mace Avenue, Morgan Avenue, a line 100 feet southerly of Allerton Avenue, Fenton Avenue, a line 350 feet northerly of Mace Avenue, a line 100 feet easterly of Fenton Avenue, Mace Avenue, Eastchester Road, Waring Avenue, and Fish Avenue;

7. changing from an R3-2 District to an R4-1 District property bounded by Waring Avenue, Fish Avenue, Astor Avenue, Woodhull Avenue, Waring Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, a line 100 feet southerly of Mace Avenue, Kingsland Avenue, a line 100 feet northerly of Mace Avenue, a line midway between Tiemann Avenue and Kingsland Avenue, an unnamed street and its westerly centerline prolongation, a line midway between Kingsland Avenue and Westervelt Avenue, a line 400 feet northerly of Mace Avenue, Westervelt Avenue, Allerton Avenue, Eastchester Road, East Gunhill Road, Lodovick Avenue, Mace Avenue, a line 100 feet easterly of Delanoy Avenue, Waring Avenue, Vance Street, a line 175 feet northwesterly of Stillwell Avenue, a line midway between Vance Street and Demeyer Street, a line 100 feet northwesterly of Stillwell Avenue, Demeyer Street, a line 250 feet northwesterly of Stillwell Avenue, Bruner Avenue, a line 100 feet northerly of Astor Avenue, a line midway between Bruner Avenue and Delanoy Avenue, a line 310 feet southerly of Waring Avenue, Delanoy Avenue, Waring Avenue, a line midway between Gunther Avenue and Lodovick Avenue, a line 100 feet southerly of Waring Avenue, a line midway between Lodovick Avenue and Tiemann Avenue, a line 200 feet southerly of Waring Avenue,

Tiemann Avenue, Waring Avenue, Kingsland Avenue, a line 100 feet southerly of Waring Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, a line 100 feet northerly of Astor Avenue, Westervelt Avenue, Astor Avenue, Mickle Avenue, a line 100 feet southerly of Astor Avenue, a line midway between Mickle Avenue and Woodhull Avenue and its southerly prolongation, Bronx and Pelham Parkway, and Tenbroeck Avenue and its southerly centerline prolongation;

8. changing from an R4 District to an R4-1 District property bounded by:

- a. Arnow Avenue, a line midway between Hone Avenue and Paulding Avenue, a line 100 feet southeasterly of Boston Road, Hone Avenue, a line 100 feet southerly of Adee Avenue, a line midway between Lurting Avenue and Hone Avenue, a line 100 feet northerly of Arnow Avenue, Laconia Avenue, a line 110 feet northerly of Arnow Avenue, Tenbroeck Avenue, a line 100 feet northerly of Allerton Avenue, a line midway between Yates Avenue and Laconia Avenue, Mace Avenue, Laconia Avenue, a line 275 feet southerly of Allerton Avenue, a line midway between Laconia Avenue and Lurting Avenue, a line 100 feet southerly of Allerton Avenue, Lurting Avenue, a line 100 feet northerly of Waring Avenue, Williamsbridge Road, and Colden Avenue;
- b. a line 175 feet southerly of Allerton Avenue, Wilson Avenue, Waring Avenue, Pearsall Avenue, a line 100 feet northerly of Waring Avenue, a line midway between Throop Avenue and Pearsall Avenue, a line 225 feet northerly of Waring Avenue, Throop Avenue, Mace Avenue, and Bouck Avenue;
- c. Hammersley Avenue, a line 125 feet southwesterly of Mickle Avenue, Adee Avenue, Mickle Avenue, a line 325 feet northwesterly of Arnow Avenue, Kingsland Avenue, a line 290 feet northwesterly of Arnow Avenue, a line midway between Tiemann Avenue and Kingsland Avenue, Arnow Avenue, Kingsland Avenue, East Gun Hill Road, Eastchester Road, Arnow Avenue, DeWitt Place, a line 150 feet southwesterly of East Gun Hill Road, O'Neil Place, East Gun Hill Road, Adee Avenue, Eastchester Road, Knapp Street, and Fenton Avenue; and
- d. Hammersley Avenue, Grace Avenue, Adee Avenue, Bruner Avenue, Arnow Avenue, a line midway between Gunther Avenue and Tiemann Avenue, Adee Avenue, Gunther Avenue, a line 275 feet northwesterly of Arnow Avenue, a line midway between Wickham Avenue and Gunther Avenue, a line 125 feet southeasterly of Adee Avenue, Wickham Avenue, Adee Avenue, a line midway between Bruner Avenue and Wickham Avenue, a line 110 feet northwesterly of Adee Avenue, Wickham Avenue, a line 100 feet southeasterly of Hammersley Avenue, and Gunther Avenue;

9. **changing from an R5 District to an R4-1 District property bounded by** Givan Avenue, a line midway between Corsa Avenue and Fenton Avenue, a line 100 feet northwesterly of Burke Avenue, Eastchester Road, a line 100 feet southeasterly of Givan Avenue, a line midway between Mickle Avenue and Eastchester Road, Burke Avenue, Eastchester Road, Hammersley Avenue, Seymour Avenue, a line 300 feet southeasterly of Burke Avenue, a line midway between Seymour Avenue and Fish Avenue, Burke Avenue, and a line midway between Fish Avenue and Wilson Avenue;
10. **changing from an R4 District to an R6B District property bounded by** Hammersley Avenue, Fenton Avenue, Knapp Street, Eastchester Road, Adee Avenue, East Gun Hill Road, O'Neil Place, a line 150 feet southwesterly of East Gun Hill Road, Sexton Place and East Gun Hill Road;
11. **changing from an R5 District to an R6B District property bounded by** Burke Avenue, a line midway between Seymour Avenue and Fish Avenue, a line 300 feet southeasterly of Burke Avenue, Seymour Avenue, Hammersley Avenue, East Gun Hill Road, Sexton Place, a line 150 feet southwesterly of East Gun Hill Road, and Wilson Avenue; and
12. **establishing within a proposed R6B District a C2-3 District bounded by** Burke Avenue, Fish Avenue, East Gun Hill Road, a line perpendicular to the southwesterly line of Seymour Avenue distant 230 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Seymour Avenue and the northwesterly street line of Hammersley Avenue, Seymour Avenue, Hammersley Avenue, Fenton Avenue, Knapp Street, a line 100 feet northeasterly of East Gun Hill Road, a line 100 feet southeasterly of Knapp Street, Eastchester Road, Adee Avenue, East Gun Hill Road, O'Neil Place, a line 150 feet southwesterly of East Gun Hill Road, and Wilson Avenue;

as shown on a diagram (for illustrative purposes only) dated February 14, 2005, and subject to the conditions of CEQR Declaration E-146.

(On May 11, 2005, Cal. No. 2 the Commission scheduled May 25, 2005 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 34

FRANK O'CONNOR PLAYGROUND

CD 4

C 020235 MMQ

PUBLIC HEARING

IN THE MATTER OF an application, submitted by the Department of Parks and recreation, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 79th Street from Broadway to Woodside Avenue,
- the establishment of Frank O'Connor playground as park
- and any acquisition or disposition of real property related thereto,

in accordance with map No.4969 dated August 17, 2004 and signed by the Borough President.

(On May 11, 2005, Cal. No. 3, the Commission scheduled May 25, 2005 for a public hearing which has been duly advertised.)

Close the hearing.

No. 35

EAST FLUSHING REZONING

CD 7

C 050277 ZMQ

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. 10c and 10d:

1. eliminating from an existing R4 District a C1-2 District bounded by a line 100 feet southwesterly of Northern Boulevard, 159th Street, a line 150 feet southwesterly of Northern Boulevard, and a line 60 feet westerly of 157th Street;
2. eliminating from an existing R4 District a C2-2 District bounded by:

- a. a line 150 feet northerly of 46th Avenue, a line midway between 161st Street and 162nd Street, a line 100 feet northerly of 46th Avenue, and 160th Street;
 - b. a line 150 feet northerly of 46th Avenue, 163rd Street, a line 100 feet northerly of 46th Avenue, and a line midway between 162nd Street and 163rd Street; and
 - c. a line 150 feet southerly of 46th Avenue, Pidgeon Meadow Road, a line 100 feet southerly of 46th Avenue, and 160th Street;
3. changing from an R2 District to an R1-2 District property bounded by a line 100 feet northerly of 35th Avenue, a line midway between 167th Street and 168th Street, Crocheron Avenue, 164th Street, a line 100 feet northerly of Crocheron Avenue, a line 100 feet northeasterly of Northern Boulevard, 158th Street, Northern Boulevard, 157th Street, a line 150 feet northeasterly of Northern Boulevard, 156th Street, a line 100 feet southerly of 35th Avenue, and a line midway between 162nd Street and 163rd Street;
 4. changing from an R4 District to an R2 District property bounded by 45th Avenue, 166th Street, 46th Avenue, and a line 100 feet westerly of 166th Street;
 5. changing from an R3-2 District to an R4-1 District property bounded by 38th Avenue, 150th Street, a line 150 feet southerly of Northern Boulevard, Murray Street, the southerly boundary line of the Long Island Rail Road (Northside Division) Right-Of Way, a line 150 feet northeasterly of 150th Street, Roosevelt Avenue, and 149th Place;
 6. changing from an R4 District to an R4-1 District property bounded by:
 - a. 43rd Avenue, a line midway between 161st Street and 162nd Street, a line 100 feet northerly of 46th Avenue, 160th Street, a line 100 feet southerly of 45th Avenue, and 156th Street;
 - b. a line 100 feet southerly of Sanford Avenue, 166th Street, 45th Avenue, a line 100 feet easterly of 166th Street, 46th Avenue, and a line midway between 162nd Street and 163rd Street; and
 - c. a line 100 feet southerly of 46th Avenue, 162nd Street, a line 100 feet southwesterly of 46th Avenue, Pidgeon Meadow Road, Laburnum Avenue, and 160th Street;
 7. changing from an R3-2 District to an R4A District property bounded by:
 - a. a line midway between Northern Boulevard and Roosevelt Avenue, 154th Street, Roosevelt Avenue, a line midway between 154th Street and

- 155th Street, the southerly boundary line of the Long Island Rail Road (Northside Division) Right-Of Way, and Murray Street; and
- b. Barclay Avenue, 156th Street, Sanford Avenue, and a line 260 feet westerly of 156th Street;
8. changing from an R4 District to an R4A District property bounded by:
 - a. the centerline of the Long Island Rail Road (Northside Division) Right-Of Way, a line 100 feet westerly of 162nd Street, Station Road, 161st Street, a line 100 feet northerly of Sanford Avenue, and 156th Street and its northerly centerline prolongation; and
 - b. a line 100 feet southerly of Sanford Avenue, a line midway between 161st Street and 162nd Street, 43rd Avenue, and 156th Street;
 9. changing from an R3-2 District to an R5 District property bounded by Roosevelt Avenue, a line 150 feet northeasterly of 150th Street, Barclay Avenue, a line 260 feet westerly of 156th Street, Sanford Avenue, and 149th Place;
 10. changing from an M1-1 District to an R5 District property bounded by the southerly boundary line of the Long Island Rail Road (Northside Division) Right-Of Way, 156th Street and its northerly centerline prolongation, Barclay Avenue, and a line 150 feet northeasterly of 150th Street;
 11. changing from an R4 District to an R5B District property bounded by the centerline of the Long Island Rail Road (Northside Division) Right-Of Way, Northern Boulevard, 166th Street, a line 100 feet southerly of Sanford Avenue, a line midway between 162nd Street and 163rd Street, Pidgeon Meadow Road, a line 100 feet southwesterly of 46th Avenue, 162nd Street, a line 100 feet southerly of 46th Avenue, 160th Street, a line 100 feet northerly of 46th Avenue, a line midway between 161st Street and 162nd Street, a line 100 feet southerly of Sanford Avenue, 161st Street, Station Road, and a line 100 feet westerly of 162nd Street;
 12. changing from an R2 District to an R6B District property bounded by:
 - a. a line 150 feet northeasterly of Northern Boulevard, 157th Street, Northern Boulevard, and 155th Street;
 - b. a line 150 feet southwesterly of Northern Boulevard, a line 60 feet westerly of 157th Street, the centerline of the Long Island Rail Road (Northside Division) Right-Of Way, and 156th Street and its southerly and northerly centerline prolongations;
 - c. a line 100 feet northerly of Depot Road, a line 200 feet easterly of 159th Street and its southerly prolongation, the centerline of the Long Island

Rail Road (Northside Division) Right-Of Way, and 159th Street and its southerly centerline prolongation; and

- d. a line 100 feet northerly of Crocheron Avenue, 164th Street, Crocheron Avenue, and 163rd Street;
13. changing from an R3-2 District to an R6B District property bounded by a line 150 feet northeasterly of Northern Boulevard, 155th Street, Northern Boulevard, a line midway between 154th Street and 155th Street, Roosevelt Avenue, 154th Street, a line midway between Northern Boulevard and Roosevelt Avenue, Murray Street, a line 150 feet southerly of Northern Boulevard, and 150th Place;
 14. changing from an R4 District to an R6B District property bounded by:
 - a. a line 100 feet northeasterly of Northern Boulevard, a line 100 feet northerly of Crocheron Avenue, 163rd Street, Crocheron Avenue, 165th Street, Northern Boulevard, the centerline of the Long Island Rail Road (Northside Division) Right-Of-Way, a line 200 feet easterly of 159th Street, a line 100 feet northerly of Depot Road, 159th Street, a line 100 feet southwesterly of Northern Boulevard, a line 60 feet westerly of 157th Street, a line 150 feet southwesterly of Northern Boulevard, the northerly centerline prolongation of 156th Street, Northern Boulevard, and 158th Street; and
 - b. a line 100 feet northerly of Sanford Avenue, 161st Street, a line 100 feet southerly of Sanford Avenue, and 156th Street;
 15. changing from an R5 District to an R6B District property bounded by Northern Boulevard, the northerly centerline prolongation of 156th Street, 41st Avenue, a line 100 feet easterly of 155th Street, Roosevelt Avenue, and a line midway between 154th Street and 155th Street;
 16. establishing within a proposed R5 District a C1-2 District bounded by the southerly boundary line of the Long Island Rail Road (Northside Division) Right-Of Way, Murray Street, Barclay Avenue, and a line 150 feet northeasterly of 150th Street;
 17. establishing within a proposed R6B District a C1-2 District bounded by a line 100 feet northerly of Depot Road, a line 200 feet easterly of 159th Street, Depot Road, and 159th Street; and
 18. establishing within an existing and proposed R5 District a C2-2 District bounded by the southerly boundary line of the Long Island Rail Road (Northside Division) Right-Of Way, a line midway between 154th Street and 155th Street, the centerline of the Long Island Rail Road (Northside Division) Right-Of Way, 156th Street and its northerly centerline prolongation, Barclay Avenue, and Murray Street;

as shown on a diagram (for illustrative purposes only) dated January 31, 2005, and subject to the conditions of CEQR Declaration E-144.

(On May 11, 2005, Cal. No. 4, the Commission scheduled May 25, 2005 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF STATEN ISLAND

No. 36

MANOR PARK

CD 2

C 020265 MMR

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by the Department of Parks and Recreation (DPR) pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the establishment of Manor Park,
- and any acquisition or disposition of real property related thereto,

in accordance with Map No.4190, dated January 25, 2005 and signed by the Borough President.

(On May 11, 2005, Cal. No. 5, the Commission scheduled May 25, 2005 for a public hearing which has been duly advertised.)

Close the hearing.

No. 37

CORTELYOU AVENUE CITY MAP CHANGE

CD 3

C 020560 MMR

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by The Wilson Avenue Civic Association Inc. pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the elimination of a portion of Cortelyou Avenue between Eltingville Boulevard and Wilson Avenue;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

in accordance with Map No. 4096 dated June 6, 2003 and signed by the Borough President.

(On May 11, 2005, Cal. No. 6, the Commission scheduled May 25, 2005 for a public hearing which has been duly advertised.)

Close the hearing.

IV. CITY PLANNING COMMISSION 2005 SCHEDULE OF MEETINGS

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

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

V. CITY PLANNING COMMISSION 2005 SCHEDULE OF MEETINGS
July 1 to December 31

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

SUPPLEMENTAL
CITY PLANNING CALENDAR
of
The City of New York
—
CITY PLANNING COMMISSION
—
WEDNESDAY, MAY 25, 2005
—
MEETING AT 10:00 A.M.
in
SPECTOR HALL
22 READE STREET, MANHATTAN



Michael R. Bloomberg, Mayor
City of New York
[No. 13A]
Prepared by Yvette V. Gruel, Calendar Officer

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
RICHARD W. EADDY
JANE D. GOL
LISA A. GOMEZ
CHRISTOPHER KUI
JOHN MEROLO
KAREN A. PHILLIPS
DOLLY WILLIAMS, *Commissioners*
YVETTE V. GRUEL, *Calendar Officer*

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

MAY 25, 2005

I. REPORT

BOROUGH OF MANHATTAN

No. 1

GERMANIA BANK BUILDING

CD 2

N 050406 HKM

IN THE MATTER OF a communication dated April 5, 2005, from the Executive Director of the Landmarks Preservation Commission regarding the **landmark designation of the Germania Bank Building**, 190 Bowery (a.k.a. 1-3 Spring Street), Block 492, Lot 38), by the Landmarks Preservation Commission on March 29, 2005 (List 360/LP-2162), Borough of Manhattan, Community District 2.

For consideration.
