

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:  
WEDNESDAY, DECEMBER 7, 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 040527 PQX	9	RICHARD GREEN DAY CARE CENTER	Scheduled to be Heard 12/21/05
2	C 050388 ZSM	4	IAC HQ GARAGE	" "
3	C 060111 ZSM	5	27 WEST 19 <sup>TH</sup> STREET	" "
4	N 050348 ZRM	8, 11	PHYSICAL CULTURE/C1-8X TEXT AMENDMENT	" "
5	C 040439 PQQ	14	QUEENS 14 SANITATION GARAGE	" "
6	C 060153 ZMQ	5	MIDDLE VILLAGE AND GLENDALE REZONING	" "
7	C 050049 ZMX	10	3924 EAST TREMONT AVENUE REZONING	Favorable Report Adopted
8	C 050361 PQX	12	NCNW CHILD DEVELOPMENT CENTER	" "
9	C 020615 ZMM	11	METROPOLIS STUDIOS	" "
10	N 060046 (A) ZRM	4, 5	HUDSON YARDS FUCA	" "
11	C 060055 ZMQ	7	WHITESTONE REZONING	Fav. Report Adopted as Modified
12	C 060061 ZMR	1	CASTELTON REZONING	Favorable Report Adopted
13	C 060062 ZMR	2	NEW DORP LANE REZONING	" "
14	C 060063 ZMR	3	ARTHUR KILL ROAD/RICHMOND AVENUE REZONING	" "
15	N 060066 ZRR	1, 2, 3	LOWER DENSITY COMMERCIAL TEXT AMENDMENT	Fav. Report Adopted as Modified
16	C 050494 ZSR	3	OMNIPOINT TELECOMMUNICATIONS TOWER	Favorable Report Adopted
17	N 050495 RAR	3	" "	Authorization Approved

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		7	8	9	10	11	12	13	14	15	16	17	18		
Amanda M. Burden, AICP, Chair	P	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			
Angela M. Battaglia	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	L		
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A		
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	I		
Alfred C Cerullo, III	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	D		
Richard W. Eaddy	P	Y	Y	Y	R	Y	Y	Y	Y	Y	Y	Y			
Jane D. Gol	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	O		
Lisa Gomez	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	V		
Christopher Kui	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	E		
John Merolo	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	R		
Karen A. Phillips	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Dolly Williams, Commissioners	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		

MEETING ADJOURNED AT: 11:41 A.M.



**COMPREHENSIVE  
CITY PLANNING CALENDAR**

**of**

**The City of New York**

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**CITY PLANNING COMMISSION**

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**WEDNESDAY, DECEMBER 7, 2005**

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**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. 25]**

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

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**CITY PLANNING COMMISSION**

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GENERAL RULES OF PROCEDURE AS PERTAINING TO  
PUBLIC MEETINGS

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

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

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

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

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

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

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

**B  
CITY PLANNING COMMISSION**

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

- AMANDA M. BURDEN, AICP, Chair**
- KENNETH J. KNUCKLES, Esq., Vice Chairman**
- ANGELA M. BATTAGLIA**
- IRWIN G. CANTOR, P.E.**
- ANGELA R. CAVALUZZI, R.A.**
- ALFRED C. CERULLO, III**
- 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 10:00a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

**ORDER OF BUSINESS**

**WEDNESDAY, DECEMBER 7, 2005**

Roll Call; Approval Of Minutes.....	1
I. Matters To Be Scheduled for Public Hearing.....	1
II. Reports.....	13
III. Public Hearings .....	73
IV Schedule Of Meetings: July 1, 2005 - December 31, 2005.....	78
V Schedule Of Meetings: January 1, 2006 - July 31, 2006 .....	79

**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 December 21, 2005 at Spector Hall 22 Reade Street, New York, at 10:00 a.m.

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**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: \_\_\_\_\_

**NOVEMBER 16, 2005**

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**APPROVAL OF MINUTES OF Regular Meeting of November 16, 2005**

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, DECEMBER 21, 2005**

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

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**BOROUGH OF THE BRONX**

**No. 1**

**RICHARD GREEN DAY CARE CENTER**

**CD 9**

**C 040527 PQX**

**IN THE MATTER OF** an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 450 Castle Hill Avenue (Block 3511, Lot 30), for continued use as a child care center.

**Resolution for adoption scheduling December 21, 2005 for a public hearing.**

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**BOROUGH OF MANHATTAN**

**No. 2**

***IAC HQ GARAGE***

**CD 4**

**C 050388 ZSM**

**IN THE MATTER OF** an application submitted by Georgetown 19<sup>th</sup> Street Development 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 attended accessory parking garage with a maximum capacity of 94 spaces on portions of the first floor and cellar of a proposed 9-story commercial building on property located at 527-537 West 18<sup>th</sup> Street** (Block 690, Lots 12 and 54), in C6-2 and C6-3 Districts, within the Special West Chelsea District (Subareas D & E).

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 December 21, 2005 for a public hearing.**

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**No. 3**

**27 West 19<sup>th</sup> Street**

**CD 5**

**C 060111 ZSM**

**IN THE MATTER OF** an application submitted by 27 West 19<sup>th</sup> Street LLC pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 74-712 of the Zoning Resolution to modify the height and setback requirements of Section 23-692, the rear yard requirements of Section 23-47, the rear setback requirements for tall buildings of Section 23-663, and the minimum distance between legally required windows and lot lines requirements of Section 23-86 to facilitate the development of a 15-story residential building on property located at 27 West 19<sup>th</sup> Street** (Block 821, Lot 24) in a C6-4A District within the Ladies' Mile 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 December 21, 2005 for a public hearing.**

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**No. 4**

***PHYSICAL CULTURE/C1-8X TEXT AMENDMENT***

**CD 8, 11**

**N 050348 ZRM**

**IN THE MATTER OF** an application submitted by Barbizon Hotel Associates, L.P. pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article III, Chapter 2 and Article VII

Chapter 3, concerning Sections 32-31 (By the Board of Standards and Appeals) and 73-36 (Physical Culture or Health Establishments) to allow Physical Culture or Health Establishments by BSA special permit in C1-8X districts.

Matter underlined is new, to be added;

Matter *italicized* is defined in Section 12-10;

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

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

**Article III: Commercial District Regulations**

**Chapter 2: Use Regulations**

\* \* \*

**32-30** (12/15/61)

**USES PERMITTED BY SPECIAL PERMIT**

**32-31** (xx/xx/05)

**By The Board of Standards and Appeals**

\* \* \*

C1-8X C1-9 C2 C4 C5 C6 C8

Physical culture or health establishments, including gymnasiums

(not permitted under Use Group 9), massage establishments [PRC-B]

\* \* \*

**Article VII: Administration**

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

\* \* \*

**73-36** (xx/xx/05)

**Physical Culture or Health Establishments**

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

\* \* \*

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

**Resolution for adoption scheduling December 21, 2005 for a public hearing.**

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**BOROUGH OF QUEENS**

**No. 5**

***QUEENS 14 SANITATION GARAGE***

**CD 14**

**C 040439 PQQ**

**IN THE MATTER OF** an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 72-11 Amstell Boulevard (Block 16077, Lot 1), Queens, for continued use as a garage.

**Resolution for adoption scheduling December 21, 2005 for a public hearing.**

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**No. 6*****MIDDLE VILLAGE AND GLENDALE REZONING*****CD 5****C 060153 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. 13c, 13d and 14b:**

1. **eliminating from within an existing R4 District a C1-2 District bounded by 64<sup>th</sup> Road, Dry Harbor Road, and 80<sup>th</sup> Street;**
2. **eliminating from within an existing R4 District a C2-2 District bounded by Juniper Boulevard South, 69<sup>th</sup> Place and 69<sup>th</sup> Street;**
3. **eliminating from within an existing R5 District a C1-2 District bounded by:**
  - a. a line 150 feet northerly of Metropolitan Avenue, 74<sup>th</sup> Street, 66<sup>th</sup> Drive, a line 100 feet northerly of Metropolitan Avenue, 78<sup>th</sup> Street, a line 150 feet northerly of Metropolitan Avenue, 79<sup>th</sup> Place, Metropolitan Avenue, 78<sup>th</sup> Street, a line midway between Metropolitan Avenue and 67<sup>th</sup> Road, 73<sup>rd</sup> Place, a line 100 feet southerly of Metropolitan Avenue, the easterly boundary line of Lutheran Cemetery and its northerly prolongation, Metropolitan Avenue, and 73<sup>rd</sup> Place;
  - b. 67<sup>th</sup> Drive, a line 150 feet easterly of 75<sup>th</sup> Street, 68<sup>th</sup> Avenue, and a line 150 feet westerly of 75<sup>th</sup> Street;
  - c. a line 150 feet northerly of Myrtle Avenue, 70<sup>th</sup> Street, a line 150 feet southeasterly of Cooper Avenue, and 69<sup>th</sup> Place;
  - d. a line 150 feet northerly of Myrtle Avenue, 82<sup>nd</sup> Street, Myrtle Avenue, and 74<sup>th</sup> Street; and
  - e. a line 150 feet northerly of Myrtle Avenue, 81<sup>st</sup> Road, Myrtle Avenue, and 81<sup>st</sup> Avenue,
4. **eliminating from within an existing R5 District a C2-2 District bounded by:**
  - a. a line 150 feet northerly of Metropolitan Avenue, 70<sup>th</sup> Street, Metropolitan Avenue, and 69<sup>th</sup> Street;
  - b. Juniper Valley Road, 80<sup>th</sup> Street, 67<sup>th</sup> Road, a line 100 feet westerly of 80<sup>th</sup> Street, a line midway between Metropolitan

Avenue and 67<sup>th</sup> Road, 78<sup>th</sup> Street, Metropolitan Avenue, 79<sup>th</sup> Place, a line 150 feet northerly of Metropolitan Avenue, and a line 100 feet westerly of 80<sup>th</sup> Street;

- c. 69<sup>th</sup> Avenue, 80<sup>th</sup> Street, Cooper Avenue, 69<sup>th</sup> Drive, 78<sup>th</sup> Street, a line 100 feet northerly of 69<sup>th</sup> Drive, a line 100 feet northwesterly of Cooper Avenue, 69<sup>th</sup> Road, and a line 150 feet westerly of 80<sup>th</sup> Street;
  - d. a line 150 feet northerly of Myrtle Avenue, 71<sup>st</sup> Street, Cooper Avenue, a line midway between 71<sup>st</sup> Place and 72<sup>nd</sup> Street, Myrtle Avenue, 72<sup>nd</sup> Street, a line 150 feet southerly of Myrtle Avenue, and 70<sup>th</sup> Street; and
  - e. 83<sup>rd</sup> Avenue, Woodhaven Boulevard, a line midway between 83<sup>rd</sup> Avenue and Myrtle Avenue, 98<sup>th</sup> Street, Myrtle Avenue, Woodhaven Boulevard, a northwesterly boundary line of Forest Park, 89<sup>th</sup> Street, a line 150 feet southerly of Myrtle Avenue, 88<sup>th</sup> Lane, Myrtle Avenue, and a line 100 feet westerly of Woodhaven Boulevard;
5. **changing from an R4 District to an R3X District property bounded by** 74<sup>th</sup> Street, a line 300 feet northwesterly of Penelope Avenue, a line midway between 74<sup>th</sup> Street and 75<sup>th</sup> Street, a line 100 feet northwesterly of Penelope Avenue, 75<sup>th</sup> Street, Penelope Avenue, 75<sup>th</sup> Place, the westerly centerline prolongation of Furmanville Avenue, a line 100 feet westerly of 75<sup>th</sup> Place, a line 100 feet southeasterly of Penelope Avenue, a line midway between 74<sup>th</sup> Street and 75<sup>th</sup> Street, a line 250 feet southeasterly of Penelope Avenue, a line midway between 73<sup>rd</sup> Place and 74<sup>th</sup> Street, a line 100 feet southeasterly of Penelope Avenue, 73<sup>rd</sup> Place, and a line 100 feet easterly of Pleasantview Street;
6. **changing from an R4 District to an R4A District property bounded by:**
- a. Furmanville Avenue, a line 100 feet westerly of 77<sup>th</sup> Street, a line midway between 65<sup>th</sup> Drive and Juniper Valley Road, and 75<sup>th</sup> Place; and
  - b. a line 165 feet northerly of Juniper Valley Road, 79<sup>th</sup> Street, a line 300 feet northerly of Juniper Valley Road, a line midway between 79<sup>th</sup> Street and 79<sup>th</sup> Place, Juniper Valley Road, and 78<sup>th</sup> Street;
7. **changing from a R5 District to an R4A District property bounded by:**

- a. Juniper Valley Road, a line midway between 79<sup>th</sup> Street and 79<sup>th</sup> Place, the easterly centerline prolongation of 66<sup>th</sup> Drive, and 78<sup>th</sup> Street;
  - b. a line 300 feet southeasterly of Central Avenue, a line midway between 69<sup>th</sup> Place and 70<sup>th</sup> Street, a line 210 feet southeasterly of Central Avenue, 70<sup>th</sup> Street, a line 100 feet southeasterly of Central Avenue, 71<sup>st</sup> Street, a line 160 feet southeasterly of Central Avenue, a line midway between 71<sup>st</sup> Street and 71<sup>st</sup> Place, a line 100 feet northwesterly of Cooper Avenue, 71<sup>st</sup> Street, a line 150 feet northerly of Myrtle Avenue, 70<sup>th</sup> Street, a line 100 feet northerly of Myrtle Avenue, and 69<sup>th</sup> Place; and
  - c. a line 100 feet northwesterly of 78<sup>th</sup> Avenue, a line 100 northeasterly of 88<sup>th</sup> Street, 78<sup>th</sup> Avenue and its northeasterly centerline prolongation, a southerly boundary line of the Long Island Rail Road (Rockaway Beach Division) right-of way, a line 100 feet northeasterly of Woodhaven Boulevard, Union Turnpike, a southwesterly boundary line of the Long Island Rail Road (Rockaway Beach Division) right-of way, 82<sup>nd</sup> Avenue, Trotting Course Lane, Margaret Place, a line 225 feet southeasterly of 81<sup>st</sup> Road, Woodhaven Boulevard, a line midway between Union Turnpike and 81<sup>st</sup> Avenue, and 88<sup>th</sup> Street ;
- 8. changing from an R4 District to an R4B District property bounded by ;**
- a. Juniper Boulevard South, Dry Harbor Road, 80<sup>th</sup> Street, a line 130 feet northerly of Furmanville Avenue, a line 80 feet northeasterly of 79<sup>th</sup> Street, Furmanville Avenue, a line midway between 79<sup>th</sup> Street and 79<sup>th</sup> Place, a line 300 feet northerly of Juniper Valley Road, 79<sup>th</sup> Street, a line 165 feet northerly of Juniper Valley Road, 78<sup>th</sup> Street, Juniper Valley Road, 75<sup>th</sup> Place, a line midway between 65<sup>th</sup> Drive and Juniper Valley Road, a line 100 feet westerly of 77<sup>th</sup> Street, Furmanville Avenue, 75<sup>th</sup> Place, Penelope Avenue, 75<sup>th</sup> Street, a line 100 feet northwesterly of Penelope Avenue, a line midway between 74<sup>th</sup> Street and 75<sup>th</sup> Street, a line 300 feet northwesterly of Penelope Avenue, 74<sup>th</sup> Street, a line 100 feet easterly of Pleasantview Street, Penelope Avenue, 71<sup>st</sup> Street, Juniper Valley Road, and 69<sup>th</sup> Street; and
  - b. a line 100 feet southeasterly of Penelope Avenue and its southwesterly prolongation, a line midway between 73<sup>rd</sup> Place and 74<sup>th</sup> Street, a line 250 feet southeasterly of Penelope Avenue, a line midway between 74<sup>th</sup> Street and 75<sup>th</sup> Street, a line 100 feet southeasterly of Penelope Avenue, a line 100 feet westerly of 75<sup>th</sup> Place, the westerly centerline

prolongation of Furmanville Avenue, 75<sup>th</sup> Place, Juniper Valley Road, a line 100 feet easterly of Pleasantview Street, and 73<sup>rd</sup> Place;

9. **changing from an R5 District to an R4B District property bounded by:**
  - a. Juniper Valley Road, 71<sup>st</sup> Street, 66<sup>th</sup> Road, and 70<sup>th</sup> Street;
  - b. Juniper Valley Road, 78<sup>th</sup> Street, a line 120 feet southerly of Juniper Valley Road, 77<sup>th</sup> Street, the northeasterly prolongation of a line 350 feet northwesterly of 66<sup>th</sup> Drive, Gray Street, a line 500 feet northwesterly of 66<sup>th</sup> Drive, and 74<sup>th</sup> Street;
  - c. a southerly boundary line of the Long island Rail Road (Montauk Division) right-of-way, 88<sup>th</sup> Street, 77<sup>th</sup> Avenue, a line 100 feet easterly of 87<sup>th</sup> Street, 78<sup>th</sup> Avenue, a line 100 feet westerly of 82<sup>nd</sup> Street, a line 100 feet southerly of 77<sup>th</sup> Avenue, 81<sup>st</sup> Street, 77<sup>th</sup> Avenue, and 80<sup>th</sup> Street; and
  - d. 78<sup>th</sup> Avenue, 78<sup>th</sup> Street, Myrtle Avenue, and 74<sup>th</sup> Street;
10. **changing from an R4 District to an R4-1 District property bounded by:**
  - a. Penelope Avenue, a line 100 feet easterly of Pleasantview Street, Juniper Valley Road, and 71<sup>st</sup> Street; and
  - b. a line 130 feet northerly of Furmanville Avenue, 80<sup>th</sup> Street, Juniper Valley Road, a line midway between 79<sup>th</sup> Street and 79<sup>th</sup> Place, Furmanville Avenue, and a line 80 feet northeasterly of 79<sup>th</sup> Street;
11. **changing from an R5 District to an R4-1 District property bounded by:**
  - a. Juniper Valley Road, 70<sup>th</sup> Street, 66<sup>th</sup> Road, 71<sup>st</sup> Street, Juniper Valley Road, 74<sup>th</sup> Street, a line 500 feet northwesterly of 66<sup>th</sup> Drive, Gray Street, the northeasterly prolongation of a line 350 feet northwesterly of 66<sup>th</sup> Drive, 77<sup>th</sup> Street, a line 100 feet southerly of Juniper Valley Road, 78<sup>th</sup> Street, 66<sup>th</sup> Drive and its southwesterly centerline prolongation, 73<sup>rd</sup> Place, a line 100 feet southerly of 66<sup>th</sup> Drive, 71<sup>st</sup> Street, a line 100 feet northerly of Metropolitan Avenue, 70<sup>th</sup> Street, a line 225 feet northerly of Metropolitan Avenue, and a line 180 feet northeasterly of 69<sup>th</sup> Street;

- b. Juniper Valley Road, 79<sup>th</sup> Place, a line 200 feet southerly of Juniper valley Road, a line 100 feet easterly of 79<sup>th</sup> Place, the easterly centerline prolongation of 66<sup>th</sup> Drive, and a line midway between 79<sup>th</sup> Street and 79<sup>th</sup> Place;
- c. 67<sup>th</sup> Road, 78<sup>th</sup> Street, a line midway between Metropolitan Avenue and 67<sup>th</sup> Road, 80<sup>th</sup> Street, 68<sup>th</sup> Avenue, 79<sup>th</sup> Street, 67<sup>th</sup> Drive, 78<sup>th</sup> Street, a line midway between 67<sup>th</sup> Drive and 67<sup>th</sup> Road, 75<sup>th</sup> Street, a line 100 feet southerly of 68<sup>th</sup> Avenue, a line midway between 75<sup>th</sup> Street and 76<sup>th</sup> Street, 69<sup>th</sup> Road, 75<sup>th</sup> Street, a line 200 feet southeasterly of 69<sup>th</sup> Road, 74<sup>th</sup> Street, 70<sup>th</sup> avenue, 73<sup>rd</sup> Place, the northeasterly boundary line of a Lutheran Cemetery and its easterly prolongation, 67<sup>th</sup> Drive and its westerly centerline prolongation, and a line 100 feet easterly of 73<sup>rd</sup> Place;
- d. Otto Road, 69<sup>th</sup> Place, and 70<sup>th</sup> Avenue;
- e. 70<sup>th</sup> Avenue, Edsall Avenue, 73<sup>rd</sup> Place, Central Avenue, Edsall Avenue, 76<sup>th</sup> Street, 77<sup>th</sup> Avenue, 79<sup>th</sup> Street, 77<sup>th</sup> Avenue, 79<sup>th</sup> Place, 77<sup>th</sup> Avenue, 80<sup>th</sup> Street, 77<sup>th</sup> Avenue, 81<sup>st</sup> Street, a line 100 feet southerly of 77<sup>th</sup> Avenue, a line 100 feet westerly of 82<sup>nd</sup> Street, 78<sup>th</sup> Avenue, a line 100 feet easterly of 87<sup>th</sup> Street, 77<sup>th</sup> Avenue, 88<sup>th</sup> Street, a line midway between Union Turnpike and 81<sup>st</sup> Avenue, Woodhaven Boulevard, 83<sup>rd</sup> Avenue, a line 80 feet westerly of Woodhaven Boulevard, Myrtle Avenue, 89<sup>th</sup> Street, a northerly boundary line of Forest Park and its southwesterly prolongation, 88<sup>th</sup> Lane, 83<sup>rd</sup> Drive, 88<sup>th</sup> Place, Myrtle Avenue, a line midway between 83<sup>rd</sup> Street and 84<sup>th</sup> Street, a line 100 feet northerly of Myrtle Avenue, 78<sup>th</sup> Street, 78<sup>th</sup> Avenue, 74<sup>th</sup> Street, Myrtle Avenue, 73<sup>rd</sup> Place, a line 100 feet northerly of Myrtle Avenue, 71<sup>st</sup> Place, a line 100 feet northwesterly of Cooper Avenue, a line midway between 71<sup>st</sup> Street and 71<sup>st</sup> Place, a line 160 feet southeasterly of Central Avenue, 71<sup>st</sup> Street, a line 100 feet southeasterly of Central Avenue, 70<sup>th</sup> Street, a line 210 feet southeasterly of Central Avenue, a line midway between 69<sup>th</sup> Place and 70<sup>th</sup> Street, a line 300 feet southeasterly of Central Avenue, and 69<sup>th</sup> Place; and
- f. a line 100 feet southeasterly of Cooper Avenue, a line 100 feet southerly of Myrtle Avenue, 72<sup>nd</sup> Street, Myrtle Avenue, the northerly boundary line of Mount Lebanon Cemetery and its northwesterly prolongation and Cypress Cemetery, 69<sup>th</sup> Place and its southeasterly centerline prolongation, a line perpendicular to the northeasterly street line of 69<sup>th</sup> Place distant 225 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street

line of 69<sup>th</sup> Place and the southeasterly street line of Cooper Avenue, and a line midway between 69<sup>th</sup> Place and 70<sup>th</sup> Street;

12. **changing from an M1-1 District to an R4-1 District property bounded by** a line 100 feet northwesterly of 70<sup>th</sup> Avenue, a line 100 feet northeasterly of 69<sup>th</sup> Place, 70<sup>th</sup> Avenue, and 69<sup>th</sup> Place;
13. **changing from an R5 District to an R5B District property bounded by** a line 100 feet northerly of Myrtle Avenue, a line midway between 83<sup>rd</sup> Street and 84<sup>th</sup> street, Myrtle Avenue, and 78<sup>th</sup> Street;
14. **changing from an R5 District to an R6B District property bounded by** a line 225 feet northerly of Metropolitan Avenue, 70<sup>th</sup> Street, a line 100 feet northerly of Metropolitan Avenue, 71<sup>st</sup> Street, a line 100 feet southerly of 66<sup>th</sup> Drive, a line 260 feet southwesterly of 73<sup>rd</sup> Place, Metropolitan Avenue, and 69<sup>th</sup> Street;
15. **establishing within an existing R5 District a C1-3 District bounded by:**
  - a. 66<sup>th</sup> Drive and its southwesterly centerline prolongation, 75<sup>th</sup> Street, a line 100 feet northerly of Metropolitan Avenue, 79<sup>th</sup> Place, Metropolitan Avenue, 78<sup>th</sup> Street, a line midway between Metropolitan Avenue and 67<sup>th</sup> Road and its westerly prolongation, an easterly boundary line of Lutheran Cemetery and its northerly prolongation, and Metropolitan Avenue;
  - b. 67<sup>th</sup> Drive, a line 100 feet easterly of 75<sup>th</sup> Street, 68<sup>th</sup> Avenue, and 75<sup>th</sup> Street; and
  - c. a line 100 feet northerly of Myrtle Avenue, 70<sup>th</sup> Street, a line 100 feet southeasterly of Cooper Avenue, a line midway between 70<sup>th</sup> Street and 69<sup>th</sup> Place, a line perpendicular to the northeasterly street line of 69<sup>th</sup> Place distant 225 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 69<sup>th</sup> Place and the southeasterly street line of Cooper Avenue, and 69<sup>th</sup> place;
16. **establishing within an existing R5 District a C2-3 District bounded by:**
  - a. Juniper Valley Road, 80<sup>th</sup> Street, Metropolitan Avenue, 79<sup>th</sup> Place, a line 100 feet northerly of Metropolitan Avenue, and a line 100 feet easterly of 79<sup>th</sup> Place;
  - b. 69<sup>th</sup> Avenue, 80<sup>th</sup> Street, Cooper Avenue, 69<sup>th</sup> Drive, 79<sup>th</sup> Street, a line 100 feet northerly of 69<sup>th</sup> Drive, a line 100 feet

northwesterly of Cooper Avenue, 69<sup>th</sup> Road, and a line 100 feet westerly of 80<sup>th</sup> Street;

- c. a line 150 feet northerly of Myrtle Avenue, 71<sup>st</sup> Street, Cooper Avenue, 71<sup>st</sup> Place, a line 100 feet northerly of Myrtle Avenue, 72<sup>nd</sup> Street, a line 100 feet southerly of Myrtle Avenue, a line 100 feet southeasterly of Cooper Avenue, and 70<sup>th</sup> Street; and
  - d. 83<sup>rd</sup> Avenue, Woodhaven Boulevard, a line midway between 83<sup>rd</sup> Avenue and Myrtle Avenue, a line 100 feet easterly of Woodhaven Boulevard, Myrtle Avenue, Woodhaven Boulevard, a northerly boundary line of Forest Park and its northeasterly prolongation, 89<sup>th</sup> Street, Myrtle Avenue, and a line 80 feet westerly of Woodhaven Boulevard;
17. **establishing within a proposed R4B District a C1-3 District bounded by:**
- a. 64<sup>th</sup> Road, Dry Harbor Road, and 80<sup>th</sup> Street; and
  - b. a line 100 feet northerly of Myrtle Avenue, 78<sup>th</sup> Street, Myrtle Avenue, and 74<sup>th</sup> Street;
18. **establishing within a proposed R4-1 District a C1-3 District bounded by:**
- a. a line 100 feet northerly of Metropolitan Avenue, 74<sup>th</sup> Street, the southwesterly centerline prolongation of 66<sup>th</sup> Drive, Metropolitan Avenue, and 73<sup>rd</sup> Place;
  - b. 67<sup>th</sup> Drive, 75<sup>th</sup> Street, 68<sup>th</sup> Avenue, and a line 100 feet westerly of 75<sup>th</sup> Street; and
  - c. 81<sup>st</sup> Avenue, a line 100 feet northerly of Myrtle Avenue, 81<sup>st</sup> Road, and Myrtle Avenue;
19. **establishing within a proposed R5B District a C1-3 District bounded by** a line 100 feet northerly of Myrtle Avenue, 82<sup>nd</sup> Street, Myrtle Avenue, and 78<sup>th</sup> Street;
20. **establishing within a proposed R4B District a C2-3 District bounded by** Juniper Boulevard South, 69<sup>th</sup> Place, and 69<sup>th</sup> Street;
21. **establishing within a proposed R4-1 District a C2-3 District bounded by:**

- a. a line midway between Metropolitan Avenue and 67<sup>th</sup> Road, 80<sup>th</sup> Street, 67<sup>th</sup> Road, and a line 100 feet westerly of 80<sup>th</sup> Street;
  - b. Cooper Avenue, a line midway between 71<sup>st</sup> Place and 72<sup>nd</sup> Street, a line 100 feet northerly of Myrtle Avenue, and 71<sup>st</sup> Place; and
  - c. Myrtle Avenue, 89<sup>th</sup> Street, a line 100 feet southerly of Myrtle Avenue, and 88<sup>th</sup> Lane; and
22. **establishing within a proposed R6B District a C2-3 District bounded by** a line 150 feet northerly of Metropolitan Avenue, 70<sup>th</sup> Street, Metropolitan Avenue, and 69<sup>th</sup> Street;

as shown on a diagram (for illustrative purposes only) dated September 26, 2005, and subject to the conditions of CEQR Declaration E-156.

**Resolution for adoption scheduling December 21, 2005 for a public hearing.**

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**II. REPORTS**

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**BOROUGH OF THE BRONX**

**No. 7**

***3924 EAST TREMONT AVENUE REZONING***

**CD 10**

**C 050049 ZMX**

**IN THE MATTER OF** an application submitted by Ansano Construction Corp., Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 7c:**

- 1. eliminating from within an existing R4-1 District a C2-1 District bounded by** Dewey Avenue, East 177<sup>th</sup> Street, East Tremont Avenue, a line 400 feet northwesterly of Sampson Avenue, and a line midway between East Tremont Avenue and Revere Avenue and its northwesterly prolongation; and
- 2. establishing within an existing R4-1 District a C2-2 District bounded by** Dewey Avenue, East 177<sup>th</sup> Street, East Tremont Avenue, a line 400 feet northwesterly of Sampson Avenue, and a line midway between East Tremont Avenue and Revere Avenue and its northwesterly prolongation, a line 35 feet southeasterly of Dewey Avenue, and Revere Avenue;

as shown on a diagram (for illustrative purposes only) dated July 25, 2005.

(On October 19, 2005, Cal. No. 12 the Commission scheduled November 2, 2005 for a public hearing. On November 2, 2005, Cal. No. 26, the hearing was closed.)

**For consideration.**

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**No. 8**

**NCNW CHILD DEVELOPMENT CENTER**

**CD 12**

**C 050361 PQX**

**IN THE MATTER OF** an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 4035 White Plains Road (Block 4829, Lot 6), Bronx, for continued use as a day care center.

(On October 19, 2005, Cal. No. 1, the Commission scheduled November 2, 2005 for a public hearing. On November 2, 2005, Cal. No 23, the hearing was continued. On November 16, 2005, Cal. No. 20 the hearing was closed.

**For consideration.**

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**BOROUGH OF MANHATTAN**

**No. 9**

***METROPOLIS STUDIOS***

**CD 11**

**C 020615 ZMM**

**IN THE MATTER OF** an application submitted by WMC Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b, changing from an R7-2 District to a C8-4 District property bounded by East 107<sup>th</sup> Street, a line 230 feet easterly of Park Avenue, a line midway between East 106<sup>th</sup> and East 107<sup>th</sup> Streets, a line 180 feet easterly of Park Avenue, East 106<sup>th</sup> Street, and a line 100 feet easterly of Park Avenue, as shown on a diagram (for illustrative purposes only) dated July 25, 2005.

(On October 19, 2005, Cal. No. 14, the Commission scheduled November 2, 2005 for a public hearing. On November 2, 2005, Cal. No. 13, the hearing was closed.)

**For consideration.**

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**No. 10**

***HUDSON YARDS FUCA***

**CD 4, 5**

**N 060046(A) ZRM**

**IN THE MATTER OF** a revised application submitted by the Department of City Planning, Councilmember Christine Quinn, and Manhattan Community Board 4, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 3 (Special Hudson Yards District), Article IX Chapter 6 (Special Clinton District), and Article XII Chapter 1 (Special Garment Center District).

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

\* \* \*

ARTICLE IX: SPECIAL PURPOSE DISTRICTS  
CHAPTER 3: SPECIAL HUDSON YARDS DISTRICT

\* \* \*

**93-12**  
**Special Residential Use Regulations**

\* \* \*

**93-124**  
**Restrictions on conversions of residential use**

In #commercial districts# mapped within R8A Districts, a #residential use# existing on (effective date of amendment) and located on the ground floor or within five feet of #curb level# may not be converted to a #commercial use#.

\* \* \*

**93-22**  
**Floor Area Regulations in Subdistricts B, C, D and E**

\* \* \*

Maximum Permitted Floor Area Ratio  
within Subdistricts B through E

	Farley Corridor Subdistrict B				34th St Corridor Sub district C	Hell's Kitchen Subdistrict D			South of Port Auth. Sub district E
Subarea	Western Blocks	Central Blocks	Farley Post Office	Penn. Stn.		Subarea D1	Subarea D2	Subarea D3	
ROW A Basic maximum #floor area ratio# for non-residential buildings#	10.0 total 10.0 C 2.0 CF	12.0 total 12.0 C 2.0 CF	10.0 total 10.0 C 6.0 R 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 10.0 C 10.0 CF	7.5 total 2.0 C 7.5 CF	7.5 total 2.0 C 7.5 CF	7.5 total 6.0 C 7.5 CF	10.0 total 10.0 C 2.0 CF
ROW B Basic maximum FAR for #buildings# containing #residences#	NA	NA	NA	NA	6.5 total 6.5 C 6.5 R 6.5 CF	6.5 total 2.0 C 6.5 R 6.5 CF	6.5 total 2.0 C 6.5 R 6.5 CF	7.5 total 6.0 C 7.5 R 7.5 CF	NA
ROW C Maximum FAR through special #floor area# increases pursuant to Section 93-30, inclusive, Inclusionary Housing Section 93- 23, inclusive, or Section 74-79, inclusive as applicable.	21.6 total 21.6 C 6.0 R 2.0 CF	19.0 total 19.0 C 4.0 R 2.0 CF	10.0 total 10.0 C 6.0 R 2.0 CF	19.5 total 19.5 C 2.0 CF	13.0 total 13.0 C 12.0 R 12.0 CF	15.0 total 3.0 C 12.0 R 12.0CF	13.0 total 3.0 C 12.0 R 12.0CF	12.0 total 7.2 C 7.5 R 12.0CF	18.0 total 18.0 C 3.0 R 2.0 CF

C = Commercial FAR  
CF = Community Facility FAR  
R = Residential FAR

\* \* \*

**93-221**  
**Maximum #floor area ratio# in Subdistrict B**

\* \* \*

(b) Subarea B2

In the Central Blocks Subarea (Subarea B2) of Subdistrict B ~~and the South of Port Authority Subdistrict (Subdistrict E)~~, #residential use# shall only be permitted as part of a #development# or #enlargement# with a #commercial floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122.

\* \* \*

**93-222  
Maximum #floor area ratio# in Subdistrict C**

\* \* \*

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 pursuant to Sections 93-31 ~~or 93-32~~, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23, as follows:

- (a) The #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase pursuant to Sections 93-31 ~~or 93-32~~ there is a #floor area# increase of six square feet pursuant to Section 23-90 as modified by Section 93-23.
- (b) Any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Sections 93-31 ~~or 93-32~~.

~~However, notwithstanding the table in Section 93-22, for any #zoning lot# or portion thereof located within the area bounded by West 35<sup>th</sup> Street, Eighth Avenue, West 33<sup>rd</sup> Street, and a line 100 feet east of and parallel to Ninth Avenue, the basic maximum #residential floor area ratio# shall be 7.5 and may be increased from 7.5 to 10.0 only pursuant to Section 93-31, and may be further increased from 10.0 to 12.0 only pursuant to Section 23-90.~~

**93-223  
Maximum #floor area ratio# in Subdistrict D**

- (a) Subareas D1 and D2

\* \* \*

- (2) Any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Sections 93-31 or 93-32.

~~However, notwithstanding the table in Section 93-22, for any #zoning lot# or portion thereof located in that portion of Subarea D1 between West 41<sup>st</sup> Street and the centerline of the #blocks# between West 41<sup>st</sup> and West 40<sup>th</sup> Streets, the~~

~~basic maximum #residential floor area ratio# shall be 7.5 and may be increased from 7.5 pursuant to Section 93-31 or 93-32, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23, as follows:~~

- ~~(1) The #residential floor area ratio# may be increased from 7.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase pursuant to Section 93-31 or 93-32 there is a #floor area# increase of six square feet pursuant to Section 23-90 as modified by Section 93-23.~~
- ~~(2) Any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Sections 93-31 or 93-32.~~

Furthermore, in Subarea D1, the #floor area ratio# on a #zoning lot# may exceed 13.0 only where the #community facility floor area ratio# is not less than the excess of such #floor area ratio# above 13.0.

(b) Subarea D3

In Subarea D3, the basic maximum #floor area ratio# may be increased only pursuant to Section 93-31 (District Improvement Fund).

~~(b)~~(c) Subareas D4 and D5

In Subareas D4 and D5, the underlying #floor area ratio# regulations shall apply.

\* \* \*

~~(c)~~(d) Authorization for transfer of #floor area# for public utilities

\* \* \*

~~(d)~~(e) Authorization for transfer of #floor area# for public open areas

\* \* \*

**93-23  
Modifications of Inclusionary Housing Program**

\* \* \*

**93-231  
Definitions**

For the purposes of this Chapter, the following definitions in Section ~~23-92~~ 23-93 shall be modified:

Administering agent

The "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring compliance with such plan.

The #administering agent# shall be a not-for-profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not-for-profit organization as the #administering agent# was unsuccessful. However, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to city, state, or federal funding sources, to serve as the #administering agent# during such compliance period.

If an entity other than a not-for-profit organization is proposed to serve as the #administering agent#, and the affected Community Board objects during its review period to the approval of the proposed entity, the Commissioner shall respond in writing to the Community Board's objections prior to approving the proposed entity to serve as #administering agent#.

Fair rent

“Fair rent” shall be as defined in Section ~~23-92~~ 23-93 with respect to #standard units# occupied by #lower income households#, except that the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of city, state or federal programs assisting #lower income housing# will be considered ‘fair rent’, provided that such rents do not exceed 30 percent of a #lower income household#’s income, and provided further that upon expiration or termination of the requirements of the city, state or federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable Section 8 Standard or the Rent Stabilization Standard.

The following definition of “fair rent” shall apply to #moderate income households# and #middle income households#:

At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section 93-231, “fair rent” shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the “30 Percent Standard”).

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") ~~shall be~~ is not more than the then-current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# ~~shall be~~ is not more than the higher of

- (a) the then-currently applicable "30 Percent Standard"; or

- (b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income#, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income#, #moderate income# or #middle income household's# income:

- (1) the initial #fair rent#; and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

The Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of city, state or federal programs assisting #lower income housing# will be considered 'fair rent', provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household#'s income, as applicable, and provided further that upon expiration or termination of the requirements of the city, state or federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable 30 Percent Standard or the Rent Stabilization Standard.

At initial occupancy of any #lower income housing# occupied by a #lower income#, #moderate income# or #middle income household#, a portion of the fair rents may be for the payment of the principal or interest on debt, and such housing may secure 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 paragraph (c) of Section ~~23-94~~ 23-95 (Lower Income Housing Requirements), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

\* \* \*

**93-233  
Lower Income Housing Requirements**

#Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the lower income housing requirements of Section ~~23-94~~ 23-95 (Lower Income Housing Requirements), except as modified in this Section.

\* \* \*

- (b) The provisions of paragraph (d) (Income verification) of Section ~~23-94~~ 23-95 shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section and in the approved #lower income housing plan#. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.
- (c) The provisions of paragraph (g) (Insurance) of Section 23-95 may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under city, state or federal programs.
- (d) Permits and certificate of occupancy

The requirements of paragraph (f) of Section 23-95 shall not apply. In lieu thereof, the provisions of this paragraph (d) shall apply.

No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 (Floor area increase) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued, or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the lower income housing. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the

Department of Buildings that the applicant has fulfilled its obligations with respect to the lower income housing.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

(e) (e) The provisions of Sections ~~23-941, 23-942 and 23-943~~ 23-951, 23-952 and 23-953 shall apply, except as follows:

(i) ~~that~~ with respect to Sections ~~23-941(a), 23-942(b), and 23-943(a), 23-951(a), 23-952(b), and 23-953(a),~~ #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#.

(ii) if the lower income housing is subject to the requirements of city, state or federal programs assisting the lower income housing that have size and distribution requirements conflicting with the size and distribution requirements of Section 23-941(b), then the size and distribution requirements of Section 23-941(b) may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#, and

(iii) ~~Furthermore, Section 23-943(a)~~ 23-953(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#.

\* \* \*

## **93-42**

### **Height and Setback in Subdistricts A through E**

In Subdistricts A through E, the underlying height and setback regulations shall not apply, except as set forth in Section 93-542 (Height and setback in Subareas D4 and D5). In lieu thereof, the provisions of this Section shall apply. These regulations are further modified in certain locations as set forth in Section 93-50 (SPECIAL HEIGHT AND SETBACK REGULATIONS IN SUBDISTRICTS A THROUGH E). The rooftop regulations set forth in Section 93-41 shall apply. The height of all #buildings or other structures# shall be measured from #curb level#.

\* \* \*

**93-52  
Special Height and Setback Regulations in the Farley Corridor (Subdistrict B)**

The tower #lot coverage# requirements of paragraph (c) of Section 93-42 shall not apply to any #development# or #enlargement# within the Farley Corridor (Subdistrict B).

\* \* \*

**93-63  
Pedestrian Circulation Space**

In C2-8 and C6-4 Districts, all new #developments# or #enlargements# on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space). In addition, for #developments# or #enlargements# that provide subway entranceways constructed after (effective date of amendment), one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

Pedestrian circulation space shall not be required if any of the following conditions exist:

- (a) The #zoning lot# is entirely occupied by a #building# of no more than one #story# in height.
- (b) The #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street# frontage.
- (c) The #zoning lot# is a #through lot# and both #street# frontages are less than 25 feet in length.
- (d) The #zoning lot# is required to provide public access pursuant to Section 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES).

\* \* \*

**93-80  
OFF-STREET PARKING REGULATIONS**

The regulations governing permitted and required #accessory# off-street parking spaces of Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens), and Article II, Chapter 5; Article III, Chapter

6 (Accessory Off-Street Parking and Loading Regulations) and Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply except as set forth in this Section. In lieu thereof, the provisions of this Section, inclusive, shall apply.

### **93-81**

#### **Required and Permitted Parking**

All #developments# or #enlargements# on #zoning lots# greater than 15,000 square feet shall provide #accessory# parking spaces in accordance with the provisions of this Section. For #zoning lots# of 15,000 square feet or less, #accessory# parking spaces are permitted up to the maximum number allowed for required spaces as set forth in this Section.

- (a) For #residences#, #accessory# off-street parking spaces shall be provided for at least 33 percent of the total number of #dwelling units#, except that where such #dwelling units# are government-assisted, pursuant to paragraph (e) of Section 25-25, #accessory# off-street parking spaces shall be provided for at least 25 percent of the total number of such #dwelling units#. The total number of off-street parking spaces #accessory# to #residences# shall not exceed 40 percent of the total number of #dwelling units#. However, if the total number of #accessory# off-street parking spaces required for such #use# on the #zoning lot# is less than 15, no such spaces shall be required.
- (b) For #commercial# and #community facility uses#, a minimum of 0.30 #accessory# off-street parking spaces shall be provided for each 1,000 square feet of #floor area#, and not more than 0.325 off-street parking spaces shall be provided for every 1,000 square feet of #floor area#. However, if the total number of #accessory# off-street parking spaces required for such #uses# on the #zoning lot# is less than 40, no such spaces shall be required. No parking shall be required for houses of worship or #schools#.
- (c) The required and permitted amounts of #accessory# off-street parking spaces shall be determined separately for #residential#, #commercial# and #community facility uses#.
- (d) The provisions of Sections 36-52 (Size and Location of Spaces) and 36-53 (Location of Access to the Street) shall apply to all permitted or required #accessory# off-street parking spaces.

### **93-82**

#### **Use and Location of Parking Facilities**

The provisions of this Section shall apply to all off-street parking spaces within the #Special Hudson Yards District#.

- (a) ~~In Subdistricts A through E, a~~ All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available

to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #zoning lot#, all such spaces shall be located within the same parking facility. However, in C1-7A Districts and in C2-5 Districts mapped within R8A Districts, all #accessory# off-street parking spaces shall be used exclusively by the occupants of the #residential development#, #enlargement# or conversion. Where a parking facility is located partially within a C2-5 District mapped within an R8A District and partially within another district, all such #accessory# off-street parking spaces may be made available for public use provided more than half of the floor space of the parking facility is located outside the C2-5 District mapped within an R8A District.

\* \* \*

**93-90**  
**Harassment**

(a) Definitions

1. Anti-harassment area

“Anti-harassment area” shall mean the #Special Hudson Yards District# and Preservation Area P-2 of the #Special Garment Center District#.

2. Application date

“Application date” shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

3. Certification of no harassment

“Certification of no harassment” shall mean a certification by the Department of Housing Preservation and Development pursuant to this Section that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

4. Cure compliance lot

“Cure compliance lot” shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. A #cure compliance lot# may be a #cure requirement lot#.

5. Cure requirement

Except as otherwise provided in paragraph (e) of this Section with respect to Subareas 4 and 5 of the #Hell's Kitchen Subdistrict# of the #Special Hudson Yards District#, "cure requirement" shall mean #floor area# in an amount not less than the greater of:

- (i) 28 percent of the total #residential# and #hotel floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred, or
- (ii) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

6. Cure requirement lot

"Cure requirement lot" shall mean (i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#, or (ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required for the full or partial demolition or #material alteration# of a #multiple dwelling# located in the #anti-harassment area#, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

7. Dwelling unit

"Dwelling unit" shall have the meaning set forth in the Multiple Dwelling Law.

8. Exempt hotel

"Exempt hotel" shall mean any #multiple dwelling#:

- (i) which is a #transient hotel# and was a #transient hotel# on the #referral date#, and
- (ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as amended, and
- (iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

9. Exempt institutional residence

“Exempt institutional residence” shall mean any #multiple dwelling#:

- (i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use on the #referral date#, and
- (ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

10. Harassment

“Harassment” shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

- (i) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive any rights in relation to such occupancy;
- (ii) the interruption or discontinuance of essential services which
  - (a) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or occupancy of such #dwelling unit# or #rooming unit# and
  - (b) causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy;
- (iii) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or
- (iv) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such #dwelling

unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

11. Inquiry period

“Inquiry period” shall mean a period which:

- (i) commences upon the later of the #referral date# or a date which is fifteen years prior to the #application date#, and
- (ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

- (a) set such commencement date upon any date which is on or after the #referral date# and is more than fifteen years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section, and
- (b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

12. Low income housing

“Low income housing” shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than eighty percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

13. Material alteration

“Material alteration” shall mean any alteration to a #multiple dwelling# or other #building#, including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling# or other #building#, converts #floor area# from residential to non-residential use, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

- (i) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#, or
- (ii) a repair or replacement of existing elements of such #multiple dwelling# or other #building# without materially modifying such elements.

14. Multiple dwelling

“Multiple dwelling” shall have the meaning set forth in the Multiple Dwelling Law.

15. Referral date

“Referral date” shall mean June 21, 2004.

16. Restrictive declaration

“Restrictive declaration” shall mean a legal instrument which:

- (i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# located in the #anti-harassment area#.
- (ii) provides that the #low income housing# must comply with the requirements of Section 23-90, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development.
- (iii) contains such other terms as the Department of Housing Preservation and Development shall determine.
- (iv) has been approved by the Department of Housing Preservation and Development.
- (v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors.

(vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors, and

(vii) is perpetual in duration.

17. Rooming unit

“Rooming unit” shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

1. Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, the Department of Buildings shall not issue a permit for:

(i) the full or partial demolition of a #multiple dwelling# located in the #anti-harassment area#; or

(ii) the #material alteration# of a #multiple dwelling# located in the #anti-harassment area#.

2. Any permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:

(i) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#, or

(ii) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities .

3. The following structures shall be exempt from the provisions of this Section: (i) any city-owned #multiple dwelling#; (ii) any #multiple dwelling# which is the subject of a program approved by Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development; (iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law; (iv) any #exempt hotel#; (v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was

restricted to clubhouse or school dormitory use on the #referral date#; and (vi) any #exempt institutional residence#.

4. Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.

(c) Certification of No Harassment

1. The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.
2. There shall be a rebuttable presumption that any of the acts or omissions described in paragraph (a)(10) of this Section occurring within the #inquiry period# were committed by or on behalf of the owner of such #multiple dwelling# and that such acts or omissions:
- (i) were committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in relation to such occupancy, and
  - (ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.
3. The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:
- (i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application,
  - (ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development, including, but not limited to, costs for publication of any notices, and
  - (iii) establish the duration for which a #certification of no harassment# will remain effective, and

- (iv) authorize the rescission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such rescission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.
4. The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a #certification of no harassment# where the Department of Housing Preservation and Development finds that:
- (i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#.
- (ii) such #multiple dwelling# has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or, where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected, or
- (iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.
5. If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.
6. Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material evidence that #harassment# occurred on

or after the #referral date# and more than fifteen years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with paragraph (a)(11) of this Section, set the commencement of the #inquiry period# on a date prior to the date of such alleged harassment.

7. The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.

(i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.

(ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of Housing Preservation and Development shall either grant or deny a #certification of no harassment#.

8. The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court having jurisdiction that there has been harassment, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure For Harassment

1. The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.

2. Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:

- (i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a #material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure requirement lot# and each tax lot within the #cure compliance lot#.
- (ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:
  - (a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#, and
  - (b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.
- (iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.
- (iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where (a) the #cure requirement lot# is not the #cure compliance lot#, and (b) the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

3. No portion of the #low income housing# required under this Section shall qualify to:

(i) increase the #floor area ratio# pursuant to the provisions of Section 23-90, as modified by the provisions of the #Special Hudson Yards District# and the #Special Garment Center District#, or

(ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

(e) Demolition In Subareas 4 and 5 of the #Hell's Kitchen Subdistrict#

Notwithstanding any provision of paragraph (a)(5) of this Section or paragraph (d) of this Section to the contrary, with regard to any #multiple dwelling# to be demolished in Subareas 4 and 5 of the #Hell's Kitchen Subdistrict# of the #Special Hudson Yards District#, #cure requirement# shall mean #floor area# in an amount not less than the greater of:

(i) 40 percent of the total #residential# or #hotel floor area# of any #multiple dwelling# to be demolished in which #harassment# has occurred, or

(ii) 30 percent of the total #floor area# of any new #building# on the same #zoning lot# as the #multiple dwelling# to be demolished.

\* \* \*

**Chapter 6  
Special Clinton District**

\* \* \*

**96-01  
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).

Certification of no harassment

“Certification of no harassment” shall mean a certification by the Department of Housing Preservation and Development pursuant to Section 96-110 that there has not been

#harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#, as defined in Section 96-110.

#### Harassment

“Harassment” shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

- (i) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive any rights in relation to such occupancy;
- (ii) the interruption or discontinuance of essential services which
  - (a) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or occupancy of such #dwelling unit# or #rooming unit# and
  - (b) causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy;
- (iii) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or
- (iv) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such #dwelling unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

For purposes of this definition, #dwelling unit#, #referral date# and #rooming unit# shall be defined as in Section 96-110.

#### Material alteration

“Material alteration” shall mean any alteration to a #multiple dwelling# including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling#, converts #floor area# from residential to non-residential use, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

- (i) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#, or
- (ii) a repair or replacement of existing elements of such #multiple dwelling# without materially modifying such elements.

For purposes of this definition, #dwelling unit# and #rooming unit# shall be defined as in Section 96-110.

Mixed building

For the purposes of this Chapter, a "mixed building" is a #building# in a #Commercial District# used partly for #residential use# and partly for #community facility# or #commercial use#, or a #building# in a #Residential District# used partly for #residential use# and partly for #community facility use#.

Multiple dwelling

“Multiple dwelling” shall have the meaning set forth in the Multiple Dwelling Law.

\* \* \*

**96-107  
Special regulations for community facility uses**

#Developments#, #enlargements# or #extensions# of #community facility uses# or conversions of an existing #building# to a #community facility use#, are permitted on #zoning lots# containing existing #buildings# with #residential uses# only, pursuant to the provisions of this Section. The City Planning Commission, by special permit, may permit #developments#, #enlargements# or #extensions# of #community facility uses#, provided that the Commission makes the following findings:

- (a) that the existing #building# is not eligible for rehabilitation under any active publicly-aided program under which funds are available;
- (b) that, prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the developer shall have notified the ~~Commissioner~~ Department of Housing Preservation and Development of his or her intention to demolish the #building#; and

- (c) ~~that the eviction and relocation practices followed by the owner of the building satisfy all applicable legal requirements and that no harassment has occurred or, if it has been determined by the applicable governmental agency that legal relocation or eviction requirements have not been satisfied~~ Department of Housing Preservation and Development has issued a #certification of no harassment# or that ~~harassment has occurred, that~~ the owner has complied with Section 96-110 ~~(Harassment and cure)~~ (d) (Certification of Cure For Harassment).

This special permit shall be in addition to any special permits required for nursing homes, health related facilities and domiciliary care facilities for adults, pursuant to the provisions of Section 74-90.

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

## **96-108**

### **Demolition of buildings**

No demolition permit or alteration permit for partial demolition involving a decrease of more than 20 percent in the amount of #residential floor area# in a #building# shall be issued by the Department of Buildings for any #building# containing #dwelling units# within the Preservation Area, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 26, Sub-chapter 3, Article 8 of the New York City Administrative Code.

However, the City Planning Commission, by a special permit, may allow demolition of #buildings# containing #dwelling units# or #rooming units# other than unsafe #buildings# within the Preservation Area, provided that the Commission makes the following findings:

- (a) that the existing #building#:
- (1) is not eligible for rehabilitation under any active publicly-aided program under which funds are available; or
  - ~~(2) was vacant on August 17, 1990 and is to be demolished for the purpose of implementing a publicly assisted program (exclusive of any tax abatement or tax exemption) for the construction of housing units for lower income households as defined in Section 23-923 (Definitions), and which units in the aggregate will occupy not less than one half of the #floor area# permitted on the #zoning lot# as of the date of the special permit, are to be administered by a not for profit agent and which comply with the requirements of Section 23-945 (Lower Income Housing Requirements), paragraphs (a) through (k), inclusive, and either the funds may not lawfully be used to rehabilitate the existing #building# or the project sponsor demonstrates that rehabilitation of the existing #building# is not appropriate in view of the specific~~

~~requirements of the funding program as to the nature of the units to be constructed, services to be provided or population to be served; or~~

- ~~(2) (3)~~ is to be substantially preserved and requires an alteration permit to allow the removal and replacement of 20 percent or more of the #floor area#.
- (b) that prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the owner shall have notified the applicable governmental agency of its intention to demolish the #building#;
- (c) ~~that the eviction and relocation practices followed by the owner satisfy all applicable legal requirements and that no harassment has occurred or, if it has been determined by the applicable governmental agency that harassment has occurred~~ Department of Housing Preservation and Development has issued a #certification of no harassment# or if the owner has waived in writing the need for such a determination, that the owner has complied with Section 96-110 ~~(Harassment and cure) (d) (Certification of Cure For Harassment)~~. However, the owner has the right to withdraw its harassment determination waiver at any time prior to the issuance of a special permit pursuant to this Section; and
- (d) that an acceptable program for new #development# of the #zoning lot# is submitted to the Commission which indicates that to the extent permitted by the provisions of Section 96-10 (PRESERVATION AREA), the number of new #dwelling units# to be constructed is at least equal to the number of #dwelling units# to be demolished and that the #floor area# of the new #residential development# is at least equal to the #floor area# of the #dwelling units# to be demolished and that site development will commence within a period of twelve months from completion of relocation.

The Commission may prescribe appropriate conditions and safeguards to insure that any interim #uses# proposed on the site prior to any construction is in conformance with the purposes of this Special District.

### **96-109**

#### **Alterations of buildings**

Prior to the issuance of an alteration permit by the Department of Buildings for an ~~#material alteration# of a #multiple dwelling# other than an incidental alteration of a #building# containing #residential uses#~~ within the Preservation Area, the ~~Commissioner~~ Department of Housing Preservation and Development shall certify to the Department of Buildings that:

- (a) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration, the owner shall have notified the Commissioner of his or her intention to alter the #building#; and

- (b) ~~the eviction and relocation practices followed by the owner of the #building# satisfy all applicable legal requirements and that no harassment has occurred or, if it has been determined by the applicable governmental agency that legal relocation or eviction requirements have not been satisfied~~ Department of Housing Preservation and Development has issued a #certification of no harassment# or that harassment has occurred, that the owner has complied with Section 96-110 (Harassment and cure) (d) (Certification of Cure For Harassment).

However, a permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:

- (a) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#, or
- (b) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.

For purposes of this Section, #dwelling unit# and #rooming unit# shall be defined as in Section 96-110.

**96-110  
Harassment and cure**

- (a) Definitions

1. Application date

“Application date” shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

2. Cure compliance lot

“Cure compliance lot” shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. Each #cure compliance lot# shall be located entirely within the corresponding #cure requirement lot#.

3. Cure requirement

“Cure requirement” shall mean #floor area# in an amount not less than the greater of:

(a) 28 percent of the total #residential# and #hotel floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred, or

(b) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

#Cure requirement# shall also mean any cure for harassment that was approved by the City Planning Commission or the Department of Housing Preservation and Development and was permitted by the provisions of this Section prior to (date of enactment).

4. Cure requirement lot

“Cure requirement lot” shall mean (i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#, or (ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

5. Dwelling unit

“Dwelling unit” shall have the meaning set forth in the Multiple Dwelling Law.

6. Exempt hotel

“Exempt hotel” shall mean any #multiple dwelling#:

(i) which is a #transient hotel# and was a #transient hotel# on the #referral date#, and

(ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as amended, and

(iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

7. Exempt institutional residence

“Exempt institutional residence” shall mean any #multiple dwelling#:

- (i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use on the #referral date#, and
- (ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

8. Inquiry period

“Inquiry period” shall mean a period which:

- (i) commences fifteen years prior to the #application date#, and
- (ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

- (a) set such commencement date upon any date which is on or after the #referral date#, and is more than fifteen years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section, and
- (b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

9. Low income housing

“Low income housing” shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than eighty percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

10. Referral date

“Referral date” shall mean September 5, 1973.

11. Restrictive declaration

“Restrictive declaration” shall mean a legal instrument which:

- (i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# on the #cure compliance lot#;
- (ii) provides that the #low income housing# must comply with the requirements of Section 23-90, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development. However, in the Preservation Area, paragraph (b) of Section 23-951 (On-site new construction option) shall be inapplicable and in its place and stead, paragraph (a) of Section 96-105 (Dwelling unit regulations) shall be applicable;
- (iii) contains such other terms as the Department of Housing Preservation and Development shall determine;
- (iv) has been approved by the Department of Housing Preservation and Development;
- (v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors;
- (vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors; and
- (vii) is perpetual in duration.

11. Rooming unit

#Rooming unit# shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

- 1. Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, notwithstanding any provision to the contrary contained in this Chapter, a permit may be issued by the Department of Buildings pursuant to Sections 96-108, 96-109, 96-23 or 96-24, and no ~~or a~~ special permit may be granted by the City Planning Commission pursuant to Sections 96-107 or 96-108 with respect to any #building# on a #zoning lot# in which harassment or other failure to satisfy applicable legal requirements in eviction and relocation has occurred, provided that the Department of Housing Preservation and Development has determined

~~and certified that all parties in interest to the #zoning lot#, as the term "party in interest" is defined in #zoning lot# in Section 12-10 (DEFINITIONS), have entered into a legal agreement approved by the Department of Housing Preservation and Development which shall run with the land and bind all parties in interest and their successors. Such agreement shall provide for either the #floor area# cure or land cure as set forth below:~~

- ~~2. The following structures shall be exempt from the provisions of this Section: (i) any city-owned #multiple dwelling#; (ii) any #multiple dwelling# which is the subject of a program approved by Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development; (iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law; (iv) any #exempt hotel#; (v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the #referral date#; and (vi) any #exempt institutional residence#.~~
- ~~3. Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.~~

(c) Certification of No Harassment

1. The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.
2. There shall be a rebuttable presumption that #harassment# occurring within the #inquiry period# was committed by or on behalf of the owner of such #multiple dwelling# and that such #harassment#:
  - (i) was committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in relation to such occupancy, and
  - (ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.

3. The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:
- (i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application.
  - (ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development, including, but not limited to, costs for publication of any notices.
  - (iii) establish the duration for which a #certification of no harassment# will remain effective, and
  - (iv) authorize the rescission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such rescission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.
4. The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a #certification of no harassment# where the Department of Housing Preservation and Development finds that:
- (i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#.
  - (ii) such #multiple dwelling# has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or, where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected, or
  - (iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.

5. If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.
6. Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material evidence that #harassment# occurred on or after the #referral date# and more than fifteen years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with paragraph (a)(8) of this Section, set the commencement of the #inquiry period# on a date prior to the date of such alleged harassment.
7. The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.
  - (i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.
  - (ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of Housing Preservation and Development shall either grant or deny a #certification of no harassment#.
8. The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court

having jurisdiction that there has been harassment, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure For Harassment

1. The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.
2. Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:
  - (i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a #material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure requirement lot# and each tax lot within the #cure compliance lot#.
  - (ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:
    - (a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#, and
    - (b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.
  - (iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

~~(iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.~~

~~3. No portion of the #low income housing# required under this Section shall qualify to:~~

~~(i) increase the #floor area ratio# pursuant to Section 96-21 (Special Regulations for 42<sup>nd</sup> Street Perimeter Area); Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area); any #floor area ratio# increase provision of the #Special Garment Center District, #Special Hudson Yards District#, #Special West Chelsea District#; or Section 23-90; or~~

~~(ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.~~

~~(1) #Floor area# cure~~

~~(i) Lower income housing, in an amount equal to at least 28 percent (the "cure percentage") of the total #residential floor area# of any #building# to be altered or demolished in which harassment (as defined in paragraph (d) of this Section) has occurred, shall be provided in a new or altered #building# on the same #zoning lot# as the #building# to be altered or demolished.~~

~~(ii) If at the time of filing an application for a building permit or special permit, an existing #building# to be altered contains occupied units, the requirement set forth in this paragraph, (a)(1), regarding the provision of lower income housing shall be satisfied as follows:~~

- (a) ~~not less than 28 percent of the #floor area# of all vacant units shall be provided for lower income housing; and~~
- (b) ~~the balance of any required lower income housing shall be comprised of qualifying occupied units;~~
- (iii) ~~Such designated lower income housing units shall be in compliance with the applicable regulations of Section 23-90 (INCLUSIONARY HOUSING) except that in the Preservation Area, paragraph (b) of Section 23-941 (On site new construction option) shall be inapplicable and in its place and stead, paragraph (a) of Section 96-105 (Dwelling unit regulations) shall be applicable.~~

(2) ~~Land cure~~

~~For #buildings# that were vacant on August 17, 1990 only:~~

- (i) ~~that sufficient land on the same #zoning lot# has been donated or provided for nominal consideration by the owner of the land for the construction of lower income housing at a rate of 1.0 square foot of lower income housing #floor area# for every 1.1 square feet of existing #residential floor area# of a #building# subject to the cure provisions;~~
- (ii) ~~the legal instruments relating to the transfer of title to an administering agent have been approved pursuant to Section 23-90;~~
- (iii) ~~the administering agent has signed an agreement with a City, State or federal housing or development agency to fully fund the construction of lower income housing;~~
- (iv) ~~such lower income housing shall comply with the requirements of Section 23-90, except that the lower income housing may receive City, State or federal subsidies;~~
- (v) ~~the total amount of new #residential floor area# to be provided pursuant to this Section shall in no event be less than the amount required under Section 96-108 (Demolition of buildings), paragraph (d);~~
- (vi) ~~no demolition permit shall be issued by the Department of Buildings pursuant to Section 96-108 until there has been a funding closing with a City, State or federal housing or development agency to finance the construction of the lower~~

~~income housing units to be constructed as required in paragraph (a)(2)(i) of this Section;~~

~~(vii) no temporary Certificate of Occupancy shall be issued for any purpose other than lower income housing on the same #zoning lot# until a temporary Certificate of Occupancy for all units of lower income housing has been issued. No permanent Certificate of Occupancy shall be issued for any purpose other than lower income housing on the same #zoning lot# until a permanent Certificate of Occupancy for all units of lower income housing has been issued.~~

~~(b) Any building permit or special permit issued pursuant to this Section shall be subject to the following additional conditions:~~

~~(1) No certificate of occupancy, temporary or permanent, shall be issued by the Department of Buildings for new #buildings# and/or existing #buildings# or portions thereof which are to remain on the #zoning lot#, any one of which #buildings# requires compliance with this Section due to harassment, until the Commissioner of Housing Preservation and Development certifies that the lower income housing is in compliance with the Lower Income Housing Plan as set forth in Section 23-90 and the Department of Buildings has issued a Certificate of Occupancy, temporary or permanent, for each unit of the lower income housing.~~

~~(2) Immediately upon issuance of a building permit or special permit, the legal agreement described in paragraph (a) of this Section shall be recorded by the applicant in the Conveyance Section of the Office of the City Register in the County of New York and indexed against the subject #zoning lot#. If the applicant does not immediately so record the legal agreement, the City of New York may record the agreement at the sole cost and expense of the applicant. This occupancy restriction of paragraph (a) of this Section shall be included in both the temporary and permanent certificates of occupancy issued by the Department of Buildings for the new and/or existing #buildings#. Failure to comply with the terms and conditions set forth in the legal agreement shall constitute a violation of the permit or certificate of occupancy and may constitute a basis for revocation of the permit or Certificate of Occupancy.~~

~~(3) No portion of the lower income housing required under this Section shall qualify to:~~

~~(i) increase the #floor area ratio# pursuant to Section 96-21 (Special Regulations for 42<sup>nd</sup> Street Perimeter Area) or Section 23-90; or~~

- (ii) ~~satisfy the requirement of a program to receive tax abatement or exemptions which are not specifically limited to lower income housing.~~
- (e) ~~The requirements of paragraphs (a) and (b) of this Section, the two bedroom unit distribution requirement of Section 96-105 and the provisions of Section 96-108 shall not apply to any existing #buildings# located within the #Special Clinton District# which are acquired and rehabilitated to provide low to moderate income housing units pursuant to a special permit approved by the Board of Estimate prior to February 28, 1988. In lieu thereof, and notwithstanding any provision to the contrary contained in this Chapter, the following curative measures shall apply where there has been any harassment as defined in paragraph (d) of this Section:~~
- (1) ~~a building permit may be issued by the Department of Buildings when the Chairperson of the City Planning Commission has certified to the Department of Buildings that a restrictive declaration which binds the owner of the #zoning lot# and all successors in interest, in a form satisfactory to the Chairperson, has been recorded against the #zoning lot# on which the low to moderate income housing units are located, which restricts the occupancy of such units to low to moderate income persons and #families# in accordance with the terms of the special permit, and to persons and #families# residing in such units at the time such declaration is recorded;~~
  - (2) ~~a temporary or permanent Certificate of Occupancy may be issued by the Department of Buildings when the Chairperson of the City Planning Commission has certified that such low to moderate income housing units are in full compliance with the terms of the previously approved special permit; and~~
  - (3) ~~no portion of the lower income housing provided pursuant to paragraph (e) of this Section may be used to increase the #floor area ratio# of a #zoning lot# pursuant to Section 96-21 or Section 23-90.~~
- (d) ~~For the purposes of this Chapter, "harassment" (including other failure to satisfy applicable legal requirements in eviction and relocation practices) shall mean any conduct, as described below, by or on behalf of an owner of a #building# containing #dwelling units# or #rooming units# which materially advanced #development#, #enlargement#, demolition of a #building#, the conversion or alteration of a #building# or the #extension# of a #use# within a #building#, in the furtherance of which the permit is sought:~~
- (1) ~~the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such multiple dwelling to vacate such unit or to surrender or waive any rights in relation to such occupancy;~~

- (2) ~~the interruption or discontinuance of essential services which:~~
- (i) ~~interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or occupancy of such #dwelling unit# or #rooming unit#; and~~
  - (ii) ~~causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to surrender or waive any rights in relation to such occupancy;~~
- (3) ~~the failure to comply with the provisions of subdivision (e) of Section 27-2140 of Article 7 of subchapter 5 of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or~~
- (4) ~~any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such #dwelling unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# to vacate such unit or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.~~

~~For any alleged act of harassment which has taken place within 15 years of the date of filing an application for a building permit or special permit pursuant to Sections 96-107, 96-108, 96-109, 96-23 or 96-24, there shall be a presumption, rebuttable by the applicant, that the harassment materially advanced the #development# on the #zoning lot# or the #enlargement#, #extension#, conversion or alteration of the existing #building# in furtherance of which the permit is sought.~~

~~Such determination of harassment for the purpose of this Chapter shall be made by the Department of Housing Preservation and Development after a hearing in accordance with applicable statutes and regulations, prior to certification of compliance with the aforementioned Sections 96-107, 96-108, 96-109, 96-23 or 96-24.~~

~~Notwithstanding anything set forth in this Section, no act of harassment which occurred prior to September 5, 1973, shall constitute harassment for the purposes of this Chapter.~~

**96-20  
PERIMETER AREA**

\* \* \*

**96-21  
Special Regulations for 42<sup>nd</sup> Street Perimeter Area**

\* \* \*

(e) Pedestrian circulation space

Within Subarea 2 of the 42<sup>nd</sup> Street Perimeter Area, as shown in Appendix A, pedestrian circulation space shall be provided in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space). In addition, for #developments# or #enlargements# that provide subway entranceways constructed after (effective date of amendment), one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

(f) Special curb cut and parking requirements

No curb cuts shall be permitted on 42<sup>nd</sup> Street. The parking requirements of the #Special Hudson Yards District# shall apply within the 42<sup>nd</sup> Street Perimeter Area, as set forth in Section 93-80 (OFF-STREET PARKING), except that such parking requirements shall not apply to any #development# or #enlargement# for which a special permit was granted prior to January 19, 2005.

Any #development# or #enlargement# for which a building permit has been lawfully issued prior to December 31, 2004 shall comply with either the parking regulations in effect at the time the permit was issued, or the requirements of this paragraph (f).

~~The provisions of this Section 96-21 shall not apply to any #development# or #enlargement# for which a building permit has been lawfully issued prior to December 31, 2004. In lieu thereof, the regulations in effect at the time such permit was issued shall apply.~~

\* \* \*

**96-21  
Special Regulations for 42<sup>nd</sup> Street Perimeter Area**

\* \* \*

**96-24  
Relocation and Demolition of Buildings in the Perimeter Area**

Prior to the issuance by the Department of Buildings of a demolition permit or a permit for any #development#, #enlargement# or #extension# on any #zoning lot# containing #residential uses# within the Perimeter Area, the ~~Commissioner~~ Department of Housing Preservation and Development shall certify to the Department of Buildings:

- (a) that prior to evicting or otherwise terminating the occupancy of any tenant in connection with vacating any #building#, the developer shall have notified the Department of Housing Preservation and Development of plans for the relocation of tenants which shall:
  - (1) to the extent possible provide for the relocation of tenants within the Clinton District; and
  - (2) provide for the satisfaction of all the requirements for the issuance of a certificate of eviction under applicable rent control and rent stabilization regulations of the State of New York; and
- (b) that the developer has complied with the relocation plan submitted pursuant to paragraph (a) of this Section and that ~~no harassment has occurred~~ the Department of Housing Preservation and Development has issued a #certification of no harassment#, or if it has been determined by the applicable governmental agency that legal relocation or eviction requirements have not been satisfied or that harassment has occurred, that the owner has complied with Section 96-110 (~~Harassment and cure~~) (d) (Certification of Cure For Harassment).

\* \* \*

**Article XII - Special Purpose Districts**

**Chapter 1  
Special Garment Center District**

\* \* \*

**121-31  
Maximum Permitted Floor Area**

The basic maximum #floor area ratio# of a non-#residential building# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 only pursuant to Section 93-31 (District Improvement Fund). For #buildings# containing #residences#, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any #building#

containing #residences# may be increased from 6.5 pursuant to Sections 93-31, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23, provided that for every five square ~~feet~~ feet of #floor area# increase pursuant to Section 93-31 ~~or 93-32~~ there is a #floor area# increase of six square feet pursuant to Section 23-90 as modified by Section 93-23, inclusive. The maximum #residential floor area ratio# shall be 12.0.

\* \* \*

**121-50  
SUPPLEMENTAL REGULATIONS IN PRESERVATION AREA P-2**

In Preservation Area P-2, the provisions of Section 93-90 (HARASSMENT), inclusive, shall apply.

(On November 2, 2005, Cal. No. 6 the Commission scheduled November 16, 2005 for a public hearing. On November 16, 2005, Cal. No. 26, the hearing was closed.

**For consideration.**

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**BOROUGH OF QUEENS**

**No. 11**

***WHITESTONE REZONING***

**CD 7**

**C 060055 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. 7b 7d, 10a and 10c:**

1. **eliminating from an existing R2 District a C1-2 District bounded by** 14<sup>th</sup> Avenue, 145<sup>th</sup> Place, a line 150 feet southeasterly of 14<sup>th</sup> Avenue, and Parsons Boulevard;
2. **eliminating from an existing R3-2 District a C1-2 District bounded by:**
  - a. 19<sup>th</sup> Avenue, a line 150 feet southeasterly of Willets Point Boulevard, 20<sup>th</sup> Avenue, a line 150 feet northeasterly of Francis Lewis Boulevard, 20<sup>th</sup> Road, Francis Lewis Boulevard, and Willets Point Boulevard; and
  - b. 19<sup>th</sup> Avenue, Utopia Parkway, 22<sup>nd</sup> Avenue, a line 150 feet westerly of Utopia Parkway, 21<sup>st</sup> Avenue, a

line midway between Utopia Parkway and 169<sup>th</sup> Street, 20<sup>th</sup> Avenue, and 169<sup>th</sup> Street;

3. **eliminating from an existing R3-2 District a C2-2 District bounded by 10<sup>th</sup> Avenue, a line 100 feet northeasterly of Clintonville Street, a line 85 feet southeasterly of 10<sup>th</sup> Avenue, and Clintonville Street;**
4. **eliminating from an existing R4 District a C1-2 District bounded by 24<sup>th</sup> Road, a line 150 feet northeasterly of Francis Lewis Boulevard, 169<sup>th</sup> Street, a line 150 feet northeasterly of Francis Lewis Boulevard, 26<sup>th</sup> Avenue, and Francis Lewis Boulevard;**
5. **changing from an R2 District to an R1-2 District property bounded by:**
  - a. the U.S. Pierhead Line, the northwesterly prolongation of a line 125 feet northeasterly of 149<sup>th</sup> Street, 2<sup>nd</sup> Avenue, 149<sup>th</sup> Street, a line 100 feet southeasterly of 2<sup>nd</sup> Avenue, 147<sup>th</sup> Place, 3<sup>rd</sup> Avenue, a line 100 feet northeasterly of 147<sup>th</sup> Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue and its southwesterly prolongation, the southwesterly service road of Whitestone Expressway, the southeasterly boundary line of Francis Lewis Park and its southwesterly prolongation, and the northeasterly boundary line of Francis Lewis Park and its northwesterly prolongation;
  - b. the U.S. Pierhead Line, a line 120 feet easterly of 161<sup>st</sup> Street and its northerly prolongation, Riverside Drive and its easterly centerline prolongation, 159<sup>th</sup> Street, Powell's Cove Boulevard, 157<sup>th</sup> Street, a line 100 feet southerly of Powell's Cove Boulevard, a line 100 feet westerly of 157<sup>th</sup> Street, 9<sup>th</sup> Avenue, a line 100 feet easterly of 154<sup>th</sup> Street, Powell's Cove Boulevard, 154<sup>th</sup> Place, Riverside Drive, and 158<sup>th</sup> Street and its northerly centerline prolongation; and
  - c. a line 100 feet southerly of 9<sup>th</sup> Avenue, 162<sup>nd</sup> Street, 14<sup>th</sup> Avenue, a line 100 feet northeasterly of 166<sup>th</sup> Street, a line 100 feet northwesterly of Cryders Lane, Totten Street, Cryders Lane, 166<sup>th</sup> Street, a line 95 feet northerly of Cross Island Parkway, 165<sup>th</sup> Street, a line 100 feet northerly of Cross Island Parkway, a line 100 feet westerly of 165<sup>th</sup> Street, a line 100 feet southerly of 14<sup>th</sup> Road, 164<sup>th</sup> Street, the northerly service road of the Cross Island Parkway, a line midway between 161<sup>st</sup> Street and 162<sup>nd</sup> Street, a line perpendicular to the easterly street line of 161<sup>st</sup> Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of 161<sup>st</sup> Street and the southeasterly street line of Cryders Lane, 161<sup>st</sup> Street, Cryders

Lane, 158<sup>th</sup> Street, a line perpendicular to the westerly street line of 158<sup>th</sup> Street distant 100 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of 158<sup>th</sup> Street and the northwesterly street line of Cryders Lane, a line midway between 157<sup>th</sup> Street and 158<sup>th</sup> Street, 14<sup>th</sup> Avenue, and a line 100 feet westerly of 160<sup>th</sup> Street;

6. **changing from an R3-2 District to an R2 District property bounded by the U.S. Pierhead Line, the northerly prolongation of a line 100 feet westerly of 151<sup>st</sup> Street, Powell's Cove Boulevard, 6<sup>th</sup> Avenue, 150<sup>th</sup> Street, and a line perpendicular to the southeasterly centerline prolongation of 150<sup>th</sup> Street at its intersection with the northwesterly street line of 150<sup>th</sup> Street;**
  
7. **changing from an R2 District to an R2A District property bounded by:**
  - a. a line 100 feet southeasterly of 3<sup>rd</sup> Avenue and its southwesterly prolongation, a line 100 feet northeasterly of 147<sup>th</sup> Street, 3<sup>rd</sup> Avenue, 147<sup>th</sup> Place, a line 100 feet southeasterly of 2<sup>nd</sup> Avenue, 149<sup>th</sup> Street, 3<sup>rd</sup> Avenue, 150<sup>th</sup> Street, 6<sup>th</sup> Avenue, Powell's Cove Boulevard, 151<sup>st</sup> Street, 7<sup>th</sup> Avenue, Powell's Cove Boulevard and its easterly centerline prolongation, a line 100 feet easterly of 152<sup>nd</sup> Street, 10<sup>th</sup> Avenue, 152<sup>nd</sup> Street, 11<sup>th</sup> Avenue, a line 100 feet northeasterly of Clintonville Street, 10<sup>th</sup> Avenue, a line 100 feet southwesterly of Clintonville Street, 11<sup>th</sup> Avenue, 150<sup>th</sup> Street, a line 110 feet southeasterly of 11<sup>th</sup> Avenue, 148<sup>th</sup> Street, the northeasterly service road of Cross Island Parkway, 14<sup>th</sup> Avenue, 148<sup>th</sup> Street, 15<sup>th</sup> Avenue, 147<sup>th</sup> Street, 17<sup>th</sup> Avenue, Parsons Boulevard, 15<sup>th</sup> Avenue, 144<sup>th</sup> Place, 14<sup>th</sup> Avenue, the easterly service road of Whitestone Expressway, 15<sup>th</sup> Avenue and its northeasterly and westerly centerline prolongation, the westerly street line of former 138<sup>th</sup> Street, the southerly boundary line of Frank Golden Memorial Park, the easterly street line of 132<sup>nd</sup> Street, the easterly centerline prolongation of 15<sup>th</sup> Avenue, 132<sup>nd</sup> Street, 14<sup>th</sup> Avenue, 133<sup>rd</sup> Place, 11<sup>th</sup> Avenue, 138<sup>th</sup> Street, 13<sup>th</sup> Avenue, 143<sup>rd</sup> Street and its northerly centerline prolongation, 14<sup>th</sup> Avenue, 144<sup>th</sup> Street, the westerly service road of Whitestone Expressway, the northeasterly prolongation of the southerly street line of North Drive, and the southwesterly service road of Whitestone Expressway;
  
  - b. 12<sup>th</sup> Road, 152<sup>nd</sup> Street, 12<sup>th</sup> Avenue, a line 100 feet westerly of 154<sup>th</sup> Street, 10<sup>th</sup> Avenue, 154<sup>th</sup> Street, Powell's Cove Boulevard, a line 100 feet easterly of 154<sup>th</sup> Street, 9<sup>th</sup> Avenue,

160<sup>th</sup> Street, Powell's Cove Boulevard, 162<sup>nd</sup> Street, a line 100 feet southerly of 9<sup>th</sup> Avenue, a line 100 feet westerly of 160<sup>th</sup> Street, 14<sup>th</sup> Avenue, a line midway between 157<sup>th</sup> Street and 158<sup>th</sup> Street, a line perpendicular to the westerly street line of 158<sup>th</sup> Street distant 100 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of 158<sup>th</sup> Street and the northwesterly street line of Cryders Lane, 158<sup>th</sup> Street, Cryders Lane, 161<sup>st</sup> Street, a line perpendicular to the easterly street line of 161<sup>st</sup> Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of 161<sup>st</sup> Street and the southeasterly street line of Cryders Lane, a line midway between 161<sup>st</sup> Street and 162<sup>nd</sup> Street, the northerly service road of Cross Island Parkway, a line 100 feet westerly of 154<sup>th</sup> Street, 14<sup>th</sup> Road, and Clintonville Street;

- c. a line 100 feet northerly of 12<sup>th</sup> Avenue, 166<sup>th</sup> Street, 12<sup>th</sup> Avenue, Utopia Parkway, the northerly service road of Cross Island Parkway, 164<sup>th</sup> Street, a line 100 feet southerly of 14<sup>th</sup> Road, a line 100 feet westerly of 165<sup>th</sup> Street, a line 100 feet northerly of Cross Island Parkway, 165<sup>th</sup> Street, a line 95 feet northerly of Cross Island Parkway, 166<sup>th</sup> Street, Cryders Lane, Totten Street, a line 100 feet northwesterly of Cryders Lane, a line 100 feet northeasterly of 166<sup>th</sup> Street, 14<sup>th</sup> Avenue, and 162<sup>nd</sup> Street; and
- d. 24<sup>th</sup> Avenue, Murray Street, a line midway between 23<sup>rd</sup> Avenue and 24<sup>th</sup> Avenue, a line 200 feet westerly of 154<sup>th</sup> Street, 23<sup>rd</sup> Avenue, 154<sup>th</sup> Street, Willets Point Boulevard, 157<sup>th</sup> Street, a line 100 feet northerly of 22<sup>nd</sup> Avenue, a line 100 feet southwestly of Clintonville Street, 22<sup>nd</sup> Avenue, a line 100 feet easterly of 160<sup>th</sup> Street, a line 95 feet southwestly of Clintonville Street, 23<sup>rd</sup> Avenue, 166<sup>th</sup> Street, 21<sup>st</sup> Road, 163<sup>rd</sup> Street, 20<sup>th</sup> Road, a line 150 feet northeasterly of Francis Lewis Boulevard, 20<sup>th</sup> Avenue, a line 150 feet southeasterly of Willets Point Boulevard, 19<sup>th</sup> Avenue, 163<sup>rd</sup> Street and its northerly centerline prolongation, a line 100 feet northerly of 19<sup>th</sup> Avenue, 166<sup>th</sup> Street, a line 100 feet northerly of 20<sup>th</sup> Avenue, 169<sup>th</sup> Street, 20<sup>th</sup> Avenue, a line 100 feet southwestly of Utopia Parkway, a line midway between Utopia Parkway and 169<sup>th</sup> Street, 21<sup>st</sup> Avenue, a line 150 feet southwestly of Utopia Parkway, 22<sup>nd</sup> Avenue and its easterly centerline prolongation, the southeasterly and southwestly boundary line of Clearview Park and its southeasterly prolongation, 26<sup>th</sup> Avenue, a line 150 feet northeasterly of Francis Lewis Boulevard, 169<sup>th</sup> Street, a line 150 feet northeasterly of Francis Lewis Boulevard, 24<sup>th</sup> Road,

166<sup>th</sup> Street, 25<sup>th</sup> Avenue, and a line 100 feet westerly of Murray Street;

**8. changing from an R3-1 District to an R2A District property bounded by:**

- a. 17<sup>th</sup> Avenue, 147<sup>th</sup> Street, 18<sup>th</sup> Avenue, and Parsons Boulevard;
- b. 21<sup>st</sup> Avenue, a line 100 feet easterly of 154<sup>th</sup> Street, Willets Point Boulevard, 154<sup>th</sup> Street, 23<sup>rd</sup> Avenue, a line 200 feet westerly of 154<sup>th</sup> Street, a line midway between 23<sup>rd</sup> Avenue and 24<sup>th</sup> Avenue, and Murray Street ;
- c. 17<sup>th</sup> Avenue, Francis Lewis Boulevard, 160<sup>th</sup> Street, 20<sup>th</sup> Road, 157<sup>th</sup> Street, 20<sup>th</sup> Avenue, a line 530 feet westerly of 160<sup>th</sup> Street, 19<sup>th</sup> Avenue, a line 280 feet southwesterly of Francis Lewis Boulevard, 18<sup>th</sup> Avenue, a line 265 feet southwesterly of Francis Lewis Boulevard, 17<sup>th</sup> Road, and 157<sup>th</sup> Street; and
- d. 20<sup>th</sup> Road, 163<sup>rd</sup> Street, 21<sup>st</sup> Avenue, and a line 100 feet northeasterly of Francis Lewis Boulevard;

**9. changing from an R3-2 District to an R2A District property bounded by:**

- a. 14<sup>th</sup> Avenue, 144<sup>th</sup> Place, 15<sup>th</sup> Avenue, and the easterly service road of the Whitestone Expressway;
- b. the northerly service road of Cross Island Parkway, a line 125 feet westerly of 159<sup>th</sup> Street, a line 200 feet northerly of 16<sup>th</sup> Avenue, 159<sup>th</sup> Street and its southerly centerline prolongation, 17<sup>th</sup> Avenue, and Francis Lewis Boulevard and its northwesterly centerline prolongation;
- c. the northerly service road of Cross Island Parkway, 166<sup>th</sup> Street, 16<sup>th</sup> Avenue, Willets Point Boulevard, 16<sup>th</sup> Road, and 163<sup>rd</sup> Street;
- d. a line 100 feet northerly of 19<sup>th</sup> Avenue, 163<sup>rd</sup> Street and its northerly centerline prolongation, 19<sup>th</sup> Avenue, a line 150 feet southeasterly of Willets Point Boulevard, 20<sup>th</sup> Avenue, a line 100 feet southeasterly of Willets Point Boulevard, 19<sup>th</sup> Avenue, and Willets Point Boulevard;

- e. 20<sup>th</sup> Avenue, a line 150 feet northeasterly of Francis Lewis Boulevard, 20<sup>th</sup> Road, and a line 100 feet northeasterly of Francis Lewis Boulevard, and
  - f. 21<sup>st</sup> Avenue, a line midway between Utopia Parkway and 169<sup>th</sup> Street, a line 100 feet southwesterly of Utopia Parkway, 22<sup>nd</sup> Avenue, and a line 150 feet southwesterly of Utopia Parkway;
10. **changing from an R3-1 District to an R3A District property bounded by** 16<sup>th</sup> Avenue, 147<sup>th</sup> Street, 15<sup>th</sup> Avenue, 148<sup>th</sup> Street, 14<sup>th</sup> Avenue, the northerly service road of Cross Island Parkway, Clintonville Street, the southerly service road of Cross Island Parkway, 15<sup>th</sup> Drive, Murray Street, 17<sup>th</sup> Avenue, Clintonville Street, 157<sup>th</sup> Street, Willets Point Boulevard, a line 100 feet easterly of 154<sup>th</sup> Street, 21<sup>st</sup> Avenue, Murray Street, 24<sup>th</sup> Avenue, Willets Point Boulevard, a line 95 feet easterly of 150<sup>th</sup> Street, a line midway between 18<sup>th</sup> Avenue and 19<sup>th</sup> Avenue, a line 95 feet westerly of 150<sup>th</sup> Street, 22<sup>nd</sup> Avenue, 149<sup>th</sup> Street, a line 110 feet southerly of 23<sup>rd</sup> Avenue, 146<sup>th</sup> Street, 20<sup>th</sup> Avenue, and Parsons Boulevard;
11. **changing from an R3-2 District to an R3A District property bounded by:**
- a. a line 150 feet southerly of 21<sup>st</sup> Avenue, 146<sup>th</sup> Street, a line 110 feet southerly of 23<sup>rd</sup> Avenue, a line 75 feet westerly of 146<sup>th</sup> Street, a line 100 feet southerly of 24<sup>th</sup> Avenue, a line 150 feet easterly of Parsons Boulevard, 24<sup>th</sup> Avenue, and Parsons Boulevard; and
  - b. Willets Point Boulevard, 24<sup>th</sup> Avenue, a line 100 feet westerly of Murray Street, a line midway between 24<sup>th</sup> Avenue and 24<sup>th</sup> Road, and a line 100 feet easterly of 150<sup>th</sup> street;
12. **changing from an R2 District to an R3X District property bounded by** Clintonville Street, 163<sup>rd</sup> Street, 23<sup>rd</sup> Avenue, a line 95 feet southwesterly of Clintonville Street, and a line 100 feet easterly of 160<sup>th</sup> Street;
13. **changing from an R3-1 District to an R3X District property bounded by** 20<sup>th</sup> Road, Francis Lewis Boulevard, 163<sup>rd</sup> Street, Clintonville Street, and 160<sup>th</sup> Street;
14. **changing from an R3-2 District to an R3X District property bounded by** the southerly service road of Cross Island Parkway, 202<sup>nd</sup> Street, the southwesterly prolongation of the northwesterly boundary line of Clearview Park, the southwesterly boundary line of Clearview

Park, 19<sup>th</sup> Avenue and its northeasterly centerline prolongation, 201<sup>st</sup> Street, 17<sup>th</sup> Avenue, 100<sup>th</sup> Street, 16<sup>th</sup> Avenue, Utopia Parkway, a line 80 feet northerly of 17<sup>th</sup> Road, a line 95 feet southwesterly of Utopia Parkway, 17<sup>th</sup> Road, and 166<sup>th</sup> Street;

- 15. changing from an R2 District to an R3-1 District property bounded by:**
- a. Willets Point Boulevard, Clintonville Street, 22<sup>nd</sup> Avenue, a line 100 feet southwesterly of Clintonville Street, a line 100 feet northerly of 22<sup>nd</sup> Avenue, and 157<sup>th</sup> Street; and
  - b. 21<sup>st</sup> Road, 166<sup>th</sup> Street, 23<sup>rd</sup> Avenue, and 163<sup>rd</sup> Street;
- 16. changing from an R3-2 District to an R3-1 District property bounded by:**
- a. 21<sup>st</sup> Avenue and its westerly centerline prolongation, Parsons Boulevard, 24<sup>th</sup> Avenue, a line 150 feet easterly of Parsons Boulevard, a line 100 feet southerly of 24<sup>th</sup> Avenue, a line 75 feet westerly of 146<sup>th</sup> Street, a line 110 feet southerly of 23<sup>rd</sup> Avenue, 146<sup>th</sup> Street, Willets Point Boulevard, 25<sup>th</sup> Road and its westerly centerline prolongation, and the westerly service road of the Whitestone Expressway; and
  - b. Willets Point Boulevard, a line 100 feet easterly of 150<sup>th</sup> Street, a line midway between 24<sup>th</sup> Avenue and 24<sup>th</sup> Road, a line 100 feet westerly of Murray Street, and 25<sup>th</sup> Avenue;
- 17. changing from an R2 District to an R3-2 District property bounded by:**
- a. 11<sup>th</sup> Avenue, a line 100 feet southwesterly of Clintonville Street, a line midway between 11<sup>th</sup> Avenue and 12<sup>th</sup> Avenue, and a line 250 feet northeasterly of 150<sup>th</sup> Street; and
  - b. 11<sup>th</sup> Avenue, 152<sup>nd</sup> Street, 12<sup>th</sup> Road, Clintonville Street, a line midway between 12<sup>th</sup> Avenue and 12<sup>th</sup> Road;
- 18. changing from an R3-1 District to an R3-2 District property bounded by** Francis Lewis Boulevard, 20<sup>th</sup> Road, and 160<sup>th</sup> Street;

19. **establishing within a proposed R2A District a C1-2 District bounded by** 13<sup>th</sup> Avenue, a line 100 feet northeasterly of Clintonville Street, 14<sup>th</sup> Road, and Clintonville Street;
20. **establishing within a proposed R2A District a C1-3 District bounded by:**
- a. 14<sup>th</sup> Avenue, 145<sup>th</sup> Place, a line 100 feet southeasterly of 14<sup>th</sup> Avenue, and Parsons Boulevard; and
  - b. 12<sup>th</sup> Road, a line 100 feet northeasterly of Clintonville Street, 14<sup>th</sup> Avenue, and Clintonville Street;
21. **establishing within an existing R3-2 District a C1-3 District bounded by:**
- a. 19<sup>th</sup> Avenue, a line 100 feet southeasterly of Willets Point Boulevard, 20<sup>th</sup> Avenue, a line 100 feet northeasterly of Francis Lewis Boulevard, 20<sup>th</sup> Road, Francis Lewis Boulevard, and Willets Point Boulevard; and
  - b. 21<sup>st</sup> Road, Utopia Parkway, 22<sup>nd</sup> Avenue, and a line 100 feet southwesterly of Utopia Parkway;
22. **establishing within a proposed R3-2 District a C2-2 District bounded by:**
- a. 11<sup>th</sup> Avenue, a line 100 feet southwesterly of Clintonville Street, a line midway between 11<sup>th</sup> Avenue and 12<sup>th</sup> Avenue, and a line 250 feet northeasterly of 150<sup>th</sup> Street; and
  - b. a line midway between 12<sup>th</sup> Avenue and 12<sup>th</sup> Road, a line 100 feet northeasterly of Clintonville Street, 12<sup>th</sup> Road, and Clintonville Street;
23. **establishing within an existing R4 District a C1-3 District bounded by** 24<sup>th</sup> Road, a line 100 feet northeasterly of Francis Lewis Boulevard, 169<sup>th</sup> Street, a line 100 feet northeasterly of Francis Lewis Boulevard, 26<sup>th</sup> Avenue, and Francis Lewis Boulevard;

as shown on a diagram (for illustrative purposes only) dated August 22, 2005, and subject to the conditions of CEQR Declaration E-153.

(On October 19, 2005, Cal. No. 17, the Commission scheduled November 2, 2005 for a public hearing. On November 2, 2005, Cal. No. 17, the hearing was closed.)

**For consideration.**

**BOROUGH OF STATEN ISLAND**

**No. 12**

**CASTLETON REZONING**

**CD 1**

**C 060061 ZMR**

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

1. **changing from a C4-2 District to an R3-2 District** property bounded by a line 200 feet northerly of Castleton Avenue, Alaska Street, Castleton Avenue, Elizabeth Street, a line 200 feet southerly of Castleton Avenue, Roe Street, a line 240 feet southerly of Castleton Avenue, Taylor Street, a line 200 feet southerly of Castleton Avenue, Dongan Street, a line 150 feet northerly of Castleton Avenue, Taylor Street, a line 100 feet northerly of Castleton Avenue, and a line 160 feet westerly of Barker Street;
2. **changing from a C4-2 District to an R3A District** property bounded by a line 200 feet northerly of Castleton Avenue, a line 160 feet westerly of Barker Street, a line 100 feet northerly of Castleton Avenue, Taylor Street, a line 150 feet northerly of Castleton Avenue, and Dongan Street; and
3. **establishing within a proposed R3-2 District a C2-2 District bounded** by a line 200 feet northerly of Castleton Avenue, Alaska Street, Castleton Avenue, Elizabeth Street, a line 200 feet southerly of Castleton Avenue, Roe Street, a line 240 feet southerly of Castleton Avenue, Taylor Street, a line 200 feet southerly of Castleton Avenue, Dongan Street, a line 150 feet northerly of Castleton Avenue, Taylor Street, a line 100 feet northerly of Castleton Avenue, and a line 160 feet westerly of Barker Street;

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated August 22, 2005.

(On October 19, 2005, Cal. No. 18, the Commission scheduled November 2, 2005 for a public hearing. On November 2, 2005, Cal. No. 18, the hearing was continued. On November 16, 2005, Cal. No. 21, the hearing was closed.

**For consideration.**

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No. 13

*NEW DORP LANE REZONING*

CD 2

C 060062 ZMR

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map**, Section No. 27b:

1. **changing from a C4-2 District to an R3-2 District** property bounded by Jacques Avenue, Edison Street, a line midway between Jacques Avenue and New Dorp Lane, a line 100 feet northwesterly of Hylan Boulevard, a line midway between New Dorp Lane and Coddington Avenue, 10<sup>th</sup> Street, a line 200 feet southwesterly of New Dorp Lane, New Dorp Plaza South, Jacques Avenue, a line 140 feet southeasterly of New Dorp Plaza South, a line midway between Jacques Avenue and New Dorp Lane, and a line 100 feet northwesterly of Edison Street;
2. **changing from a C4-2 District to an R3X District** property bounded by Jacques Avenue, a line 100 feet northwesterly of Edison Street, a line midway between Jacques Avenue and New Dorp Lane, and a line 140 feet southeasterly of New Dorp Plaza South; and
3. **establishing within a proposed R3-2 District a C2-2 District bounded** by Jacques Avenue, Edison Street, a line midway between Jacques Avenue and New Dorp Lane, a line 100 feet northwesterly of Hylan Boulevard, a line midway between New Dorp Lane and Coddington Avenue, 10<sup>th</sup> Street, a line 200 feet southwesterly of New Dorp Lane, New Dorp Plaza South, Jacques Avenue, a line 140 feet southeasterly of New Dorp Plaza South, a line midway between Jacques Avenue and New Dorp Lane, and a line 100 feet northwesterly of Edison Street;

as shown on a diagram (for illustrative purposes only) dated August 22, 2005.

(On October 19, 2005, Cal. No. 19, the Commission scheduled November 2, 2005 for a public hearing. On November 2, 2005, Cal. No. 19, the hearing was closed.)

**For consideration.**

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**No. 14**

***ARTHUR KILL ROAD/RICHMOND AVENUE REZONING***

**CD 3**

**C 060063 ZMR**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map**, Section Nos. 26d and 33c:

1. **eliminating from within an existing R3-2 District a C2-1 District** bounded by Richmond Avenue, Arthur Kill Road and a line 330 feet northerly of Gurley Avenue;
2. **eliminating from within an existing R3-2 District a C2-2 District** bounded by Arthur Kill Road, Ridgewood Avenue, the easterly center line prolongation of Gurley Avenue, and Getz Avenue;
3. **changing from an R3-2 District to a C4-1 District** property bounded by Arthur Kill Road, Ridgewood Avenue, the easterly center line prolongation of Gurley Avenue, Getz Avenue, a line 330 feet northerly of Gurley Avenue, and Richmond Avenue; and
4. **changing from a C4-2 District to a C4-1 District** property bounded by a line 330 feet northerly of Gurley Avenue, Getz Avenue, Gurley Avenue, Bartlett Avenue, a line 200 feet southerly of Gurley Avenue, and Richmond Avenue;

as shown on a diagram (for illustrative purposes only) dated August 22, 2005.

(On October 19, 2005, Cal. No. 20, the Commission scheduled November 2, 2005 for a public hearing. On November 2, 2005, Cal. No. 20, the hearing was closed.)

**For consideration.**

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**No. 15**

***LOWER DENSITY COMMERCIAL TEXT AMENDMENT***

**CD 1, 2, 3**

**N 060066 ZRR**

**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 amendments to the**

**Zoning Resolution** of the City of New York, relating to Article I, Chapter 2, (Definitions), Article III, Chapter 2 (Use Regulations), Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), Chapter 7 (Special Regulations), Article VII, Chapter 4 (Use Permits), concerning regulations for commercial development in Lower Density Growth Management Areas in the Borough of Staten Island:

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10 (DEFINITIONS);

\* \* \*

indicates where unchanged text appears in the Resolution

**ARTICLE 1**

\* \* \*

**Section 12-10  
DEFINITIONS**

\* \* \*

**Lower Density Growth Management Area**

A #lower density growth management area# is any R1, R2, R3, R4A, R4-1 or C3A District in the following designated areas, and any #development# accessed by #private roads# in R1, R2, R3, R4, R5 or C3A Districts within such areas:

The Borough of Staten Island  
Community Board 10 in the Borough of the Bronx

In the Borough of Staten Island, #lower density growth management areas# shall also include any C1, C2 or C4 District.

\* \* \*

**ARTICLE III**

**Chapter 2  
Use Regulations**

\* \* \*

**32-11**  
**Use Groups 1 and 2**

C1 C2 C3 C4 C5 C6

Use Groups 1 and 2, as set forth in Section 22-11 and Section 22-12. However, in C3A Districts, Use Group 2 shall be limited to #single#-or-#two-family detached# or #zero lot line residences#.

In #lower density growth management areas# in the Borough of Staten Island, except C3A Districts, Use Groups 1 and 2 shall only be permitted within #mixed buildings# except that in C4-1 Districts that occupy at least four acres within a #block#, and in other C4-1 Districts# for #zoning lots# that, on (effective date of amendment) were greater than 20,000 square feet, #residences# shall be allowed only by special permit of the City Planning Commission pursuant to Section 74-49 (Residential Use in C4-1 Districts in The Borough of Staten Island).

\* \* \*

**32-43**  
**Ground Floor Uses in Certain Locations**

~~The following regulations shall apply to ground floor use in certain contextual districts and within Community Board 7, Borough of Manhattan~~

**32-431**  
**Ground floor use in C1-8A, C1-9A, C2-7A, C2-8A, C4-6A and C4-7A Districts**

C1-8A C1-9A C2-7A C2-8A C4-6A C4-7A

(a) In the districts indicated, and in C1 and C2 Districts mapped within R9A and R10A Districts ....

The provisions of ~~paragraph (a)~~ of this Section shall not apply within Community Board 7, Borough of Manhattan.

**32-432**  
**Ground floor use in Community Board 7, Borough of Manhattan**

(b) ~~Community Board 7, Borough of Manhattan~~

Within the boundaries of Community Board 7 in the Borough of Manhattan.....

**32-433**

**Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island**

In all C1, C2 and C4 Districts in the Borough of Staten Island, #uses# on the ground floor of a #building# shall be limited to non-#residential uses#. The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

Non-#residential uses# shall have a depth of at least 30 feet from the #street wall# of the #building# and extend along the entire width of the #building# except for lobbies and entrances to #accessory# parking spaces provided such lobbies and entrances do not occupy more than 25 percent of the #street wall# width of the #building#. Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences# shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.

\* \* \*

**Chapter 5  
Bulk Regulations for Mixed Buildings in Commercial Districts**

\* \* \*

**35-23**

**Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

- (a) In the districts indicated, the #bulk# regulations for #residential# portions of #mixed buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply to such #mixed building#.

~~Furthermore,~~ The provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall not apply in C4-4, C4-5, C4-2F, C4-6, C4-7, C5 or C6 Districts, unless the #residential# portion of a #mixed building# in such district is #developed# or #enlarged# pursuant to the Quality Housing Program.

Furthermore, in C4-2 Districts in the Borough of Staten Island, the #residential# portion of a #mixed building# shall be #developed# or #enlarged# only pursuant to the Quality Housing Program.

Applicable #Residence District#	District#
R3-2	C3
R3A	C3A
R5	C4-1
R6	C4-2 C4-3 C6-1A
R7	C1-6 C2-6 C4-4 C4-5 C6-1
R8	C1-7 C4-2F C6-2
R9	C1-8 C2-7 C6-3
R10	C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

\* \* \*

**Chapter 7  
Special Regulations**

\* \* \*

**37-20  
Special Regulations for Lower Density Growth Management Areas in the Borough of Staten Island**

**37-21  
Special screening requirements between residential and non-residential uses**

In all C1, C2 and C4 Districts in the Borough of Staten Island, all #developments# or #enlargements# containing non-#residential uses# shall be screened from adjoining #zoning lots# containing only #residential uses# by a planting strip at least five feet wide and densely planted with evergreen shrubs at least four feet high at time of

planting, and of a variety expected to reach a height of six feet within three years, or by both. No chain link fences shall be permitted.

**37-22**

**Street Tree Planting Requirements in C1, C2 and C4 Districts**

In all C1, C2 and C4 Districts in the Borough of Staten Island, the #street# tree planting requirements of Section 26-40 (STREET TREE PLANTING REQUIREMENTS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.

\* \* \*

**74-40**

**AMUSEMENT ESTABLISHMENTS  
USE PERMITS**

\* \* \*

**74-49**

**Residential Use in C4-1 Districts in Staten Island**

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block# and in other C4-1 Districts for #zoning lots# that, on (effective date of amendment) were greater than 20,000 square feet, the City Planning Commission may permit #residences# provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article 2 Chapter 3, or, for #mixed buildings#, Article 3, Chapter 5.

In order to grant such permit, the Commission shall find that such #residences# are part of a superior site plan, such #residences# are compatible with the character of the surrounding area, and that the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate safeguards and conditions to minimize the adverse effect of any #residences# permitted under this Section on the character of the surrounding area.

(On October 19, 2005, Cal. No. 21, the Commission scheduled November 2, 2005 for a public hearing. On November 2, 2005, Cal. No. 21, the hearing was closed.)

**For consideration.**

\_\_\_\_\_

**Nos. 16 & 17**

**OMNIPOINT TELECOMMUNICATIONS TOWER**

**No. 16**

**CD 3**

**C 050494 ZSR**

**IN THE MATTER OF** an application submitted by Omnipoint Communications, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 107-73 of the Zoning Resolution **to modify the height and setback regulations of Section 107-43 of the Zoning Resolution to allow an 82 foot-high telecommunications tower in connection with a proposed wireless communications facility on property located at 122 Arthur Kill Road** (Block 4475, Lots 1 and 175), in an R3-2 District, within the Special South Richmond Development District.

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

(On October 19, 2005, Cal. No. 22, the Commission scheduled November 2, 2005 for a public hearing. On November 2, 2005, Cal. No. 22, the hearing was closed.)

**For consideration.**

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**No. 17**

**CD 3**

**N 050495 RAR**

**IN THE MATTER OF** an application submitted by Omnipoint Communications, Inc. **for grant of authorization** pursuant to Section 107-65 of the Zoning Resolution for the modification of existing topography to facilitate development of a proposed wireless communications facility on property located at 122 Arthur Kill Road (Block 4475, Lots 1 and 175), within the Special South Richmond Development District.

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

**For consideration.**

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**No. 18**

***DUANE READE/VICTORY BOULEVARD***

**CD 1**

**N 030507 ZAR**

**IN THE MATTER OF** an application submitted by Block 247, LLC. **for the grant of authorizations** pursuant to Sections 119-311 and 119-312 of the Zoning Resolution involving the development and site alteration on a zoning lot having a steep slope of 25% or more and for certain uses within the hillsides district (commercial) **to allow for the construction of a one story commercial building at 1161 Victory Boulevard (Block 247, Lot 38) within the Special Hillsides Preservation District.**

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

(On November 2, 2005, Cal. No. 10, the item was laid over. On November 16, 2005, Cal. No. 17, the item was laid over.)

**For consideration.**

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**III. PUBLIC HEARINGS**

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**BOROUGH OF THE BRONX**

**No. 19**

***VILLAGE OF BAYCHESTER REZONING***

**CD 10**

**C 060108 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 No. 4a:**

- 1. changing from an R3-2 District to an R3A District property bounded by Hutchinson River Parkway West, Boller Avenue and its northwesterly centerline prolongation, Stillwell Avenue, Hunter Avenue and its southeasterly centerline prolongation, the northwesterly boundary line of New York, New Haven & Hartford Rail Road Right-of Way, Bruckner Expressway and its northwesterly centerline prolongation, Stillwell Avenue and its southwesterly centerline prolongation, and Palmer Avenue and its northwesterly centerline prolongation; and**
- 2. changing from an R6 District to an R3A District property bounded by Hunter Avenue, a line 95 feet northeasterly of Boller Avenue, Stillwell Avenue, and Boller Avenue;**

as shown on a diagram (for illustrative purposes only) dated September 12, 2005.

(On November 16, 2005, Cal. No. 1, the Commission scheduled December 7, 2005 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

No. 20

**BRUSH AVENUE REZONING**

CD 10

C 060109 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 No. 7a changing from an R4 District to an R4A District property bounded by** Wenner Place, the westerly service road of the Hutchinson River Expressway, Senger Place, Jay Place, and Brush Avenue, as shown on a diagram (for illustrative purposes only) dated September 12, 2005.

(On November 16, 2005, Cal. No. 2, the Commission scheduled December 7, 2005 for a public hearing which has been duly advertised.)

**Close the hearing.**

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No. 21

**WOODLAWN REZONING**

CD 12

C 060110 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. 1c and 2a:**

1. **changing from an R4-1 District to an R4A District property bounded by** Van Cortlandt Park East, the boundary line of the City of New York, Vireo Avenue and its northerly centerline prolongation, a line perpendicular to the easterly street line of Vireo Avenue, distant 200 feet (as measured along the street line) from the point of intersection of the easterly street line of Vireo Avenue and the southerly street line of McLean Avenue, a line bisecting the angle formed by the northerly prolongations of the easterly street line of Vireo Avenue and the westerly street line of Webster Avenue, East 234<sup>th</sup> Street, Peters Place, a line 100 feet southerly of east 234<sup>th</sup> Street, a line 285 feet easterly of Katonah Avenue, East 234<sup>th</sup> Street, a line 100

feet easterly of Katonah Avenue, East 240<sup>th</sup> Street, a line 100 feet westerly of Katonah Avenue, a line midway between East 238<sup>th</sup> Street and east 239<sup>th</sup> Street, a line 325 feet westerly of Katonah Avenue, East 238<sup>th</sup> Street, a line 300 feet westerly of Katonah Avenue, a line midway between East 237<sup>th</sup> Street and East 238<sup>th</sup> Street, a line 350 feet westerly of Katonah Avenue, East 237<sup>th</sup> Street, a line 425 feet westerly of Katonah Avenue, a line midway between East 236<sup>th</sup> Street and East 237<sup>th</sup> Street, a line 100 feet westerly of Katonah Avenue, east 235<sup>th</sup> Street, Oneida Avenue, a line 150 feet southerly of east 235<sup>th</sup> Street, Napier Avenue, East 236<sup>th</sup> Street, and a line 100 feet westerly of Oneida Avenue;

2. **changing from an R5 District to an R4A District property bounded by** Van Cortlandt Park East, a line 100 westerly of Oneida Avenue, East 236<sup>th</sup> Street, Napier Avenue, and East 235<sup>th</sup> Street; and
3. **changing from an R4-1 District to an R5B District property bounded by** a line midway between East 238<sup>th</sup> Street and East 239<sup>th</sup> Street, a line 100 feet westerly of Katonah Avenue, a line midway between East 236<sup>th</sup> Street and East 237<sup>th</sup> Street, a line 425 feet westerly of Katonah Avenue, east 237<sup>th</sup> Street, a line 350 feet westerly of Katonah Avenue, a line midway between East 237<sup>th</sup> Street and east 238<sup>th</sup> Street, a line 300 feet westerly of Katonah Avenue, East 238<sup>th</sup> Street, and a line 325 feet westerly of Katonah Avenue;

as shown on a diagram (for illustrative purposes only) dated September 12, 2005.

(On November 16, 2005, Cal. No. 3, the Commission scheduled December 7, 2005 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 22**

***WILLIAMSBRIDGE NAACP DAY CARE CENTER***

**CD 12**

**C 050471 PQX**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 670-680 East 219<sup>th</sup> Street (Block 4651, Lot 44), Bronx, for continued use as a child care center.

(On November 16, 2005, Cal. No. 4, the Commission scheduled December 7, 2005 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**BOROUGH OF MANHATTAN**

**No. 23**

***CORNERSTONE SITE 1***

**CD 10**

**C050435HAM**

**PUBLIC HEARING:**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 150 West 111<sup>th</sup> Street (Block 1820; Lot 58) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area;
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such lots to a developer to be selected by HPD.

to facilitate the development of a 6-story building, tentatively known as Cornerstone Site 1, with approximately 18 residential units under the Department of Housing Preservation and Development's Cornerstone Program.

(On November 16, 2005, Cal. No. 5, the Commission scheduled December 7, 2005 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 24**

**HRA OFFICE SPACE**

**CD 12**

**N 060232 PXM**

**PUBLIC HEARING:**

**IN THE MATTER OF** a Notice of Intent to acquire Office Space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 4055 10<sup>th</sup> Avenue (Block 2213, Lot 1) (HRA Job Center ).

On November 28, 2005, the Commission duly advertised December 7, 2005 for a public hearing.

**Close the hearing.**

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**BOROUGH OF STATEN ISLAND**

**No. 25**

***VERIZON MONOPOLE***

**CD 3**

**C 050088 ZSR**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by New York SMSA Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 107-73 of the Zoning Resolution **to modify the height and setback regulations of Section 107-43 of the Zoning Resolution to allow a 100 foot-high telecommunication tower in connection with a proposed wireless communication facility on property located at 3250 Richmond Avenue** (Block 5613, Lot 400), in an R3-2 District, within the Special South Richmond Development 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.

(On November 16, 2005, Cal. No. 6, the Commission scheduled December 7, 2005 for a public hearing which has been duly advertised.)

**Close the hearing.**

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

	SUN	MON	TUE	WED	THU	FRI	SAT	Notes
<b>JULY</b>						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	
<b>AUGUST</b>		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					
<b>SEPTEMBER</b>					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			
<b>OCTOBER</b>	2	3	4 <small>ROSH HASHANAH</small>	5	6	7	8 1	
	9	10 <small>COLUMBUS DAY OBSERVED</small>	11	12	13	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>						
<b>NOVEMBER</b>			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	19	
	20	21	22	23	24	25	26	
	27	28	29	30 <small>THANKSGIVING</small>				
<b>DECEMBER</b>					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 <small>CHRISTMAS</small>	26 <small>KWANZAA 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.*

**V. CITY PLANNING COMMISSION 2006 SCHEDULE OF MEETINGS**  
**January 1 to June 30**

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