

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:**  
**WEDNESDAY, OCTOBER 3, 2007**  
**9:00 A.M. AARON DAVIS HALL**  
**138 CONVENT AVENUE, N.Y., N.Y. 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 080019 HAX	2	LONGWOOD GARDENS	Scheduled to be Heard 10/17/07
2	C 080020 PQX	2	" "	" "
3	C 070355 PQK	8	HAITIAN AMERICAN DAY CARE CENTER	" "
4	C 070105 ZSM	2	50 HOWARD STREET	" "
5	C 060372 ZMM	5	132 EAST 32 <sup>ND</sup> STREET	" "
6	C 060373 ZSM	5	" "	" "
7	N 070515 ZRM	2	SPECIAL LITTLE ITALY TEXT AMENDMENT	" "
8	C 050302 MMQ	11	UDALLS RAVINE	" "
9	C 070506 HAX	1	MELROSE COMMONS SITE B-1	Favorable Report Adopted
10	C 070507 ZSX	1	" "	" "
11	C 080002 ZMX	1	" "	" "
12	C 070203 ZMK	10	CENTURY 21	" "
13	C 070204 ZSK	10	" "	" "
14	C 000198 ZMM	8	61 <sup>ST</sup> STREET-YORK AVENUE REZONING/GARAGE	" "
15	C 070441ZSM	8	" "	" "
16	N 080068 HKM	12	HIGHBRIDGE PLAY CENTER LANDMARK	Forward Report to City Council
17	N 080022 ZRQ	12	JAMAICA PLAN-FOLLOW-UP TEXT	Favorable Report Adopted

COMMISSION ATTENDANCE:	Present (P)	Absent (A)	COMMISSION VOTING RECORD:													
			In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:	9	10	11	12	13	14	15	16	17	18	19	20	21	22		
Amanda M. Burden, AICP, Chair	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Kenneth J. Knuckles, Esq., Vice Chairman	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Angela M. Battaglia	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Irwin Cantor, P.E.	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Angela R. Cavaluzzi, R.A.	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Alfred C Cerullo, III	A															
Betty Y. Chen	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Richard W. Eaddy	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Lisa Gomez	P		R	R	R	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Nathan Leventhal	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
John Merolo	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Karen A. Phillips	P		Y	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	Y	

MEETING ADJOURNED AT: 6:00 P.M.



**COMPREHENSIVE  
CITY PLANNING CALENDAR**

**of  
The City of New York**

---

**CITY PLANNING COMMISSION**

---

**WEDNESDAY, OCTOBER 3, 2007**

---

**MEETING AT 9:00 A.M. CITY COLLEGE OF NEW YORK**

**AARON DAVIS HALL, 138 CONVENT AVENUE**

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

**NEW YORK, NEW YORK**



**Michael R. Bloomberg, Mayor**

**City of New York**

**[No. 19]**

**Prepared by Yvette V. Gruel, Calendar Officer**

To view the Planning Commission Calendar and/or the Zoning Resolution on the Internet,  
visit the Department of City Planning (DCP) home page at:

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

A

**CITY PLANNING COMMISSION**

---

GENERAL RULES OF PROCEDURE AS PERTAINING TO  
PUBLIC MEETINGS

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

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

---

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

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

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

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

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

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

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

- AMANDA M. BURDEN, AICP, Chair**
- KENNETH J. KNUCKLES, Esq., Vice Chairman**
- ANGELA M. BATTAGLIA**
- IRWIN G. CANTOR, P.E.**
- ANGELA R. CAVALUZZI, R.A.**
- ALFRED C. CERULLO, III**
- BE TTY Y. CHEN**
- RICHARD W. EADDY**
- LISA A. GOMEZ**
- NATHAN LEVENTHAL**
- 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.

**TABLE OF CONTENTS**

**WEDNESDAY, SEPTEMBER 19, 2007**

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

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

II. Reports..... 8

III. Public Hearings ..... 18

IV. Schedule Of Meetings: July 1, 2007 - December 31, 2007.....68

V. Schedule Of Meetings: January 1, 2008 - June 30, 2008.....69

VI. Schedule Of Meetings: July 1, 2008 - December 31, 2008.....70

**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 October 17, 2007 at Spector Hall 22 Reade Street, York at 10:00 a.m.

C

**Special Procedures for City Planning Commission Hearing on October 3, 2007**

On Wednesday, October 3, 2007, at 9:00 a.m., at the City College of New York, in Aaron Davis Hall, 138 Convent Avenue at West 135th Street, in Manhattan, a public hearing will be held by the City Planning Commission on:

1. Land use applications for a zoning map amendment (C 070495 ZMM), and a zoning text amendment (N 0704976 ZRM) and a related Draft Environmental Impact Statement (DEIS) (06DCP032M) submitted by Columbia University in the City of New York. The project area is generally bounded by the Hudson River to the west, West 133rd and West 135th streets to the north, Broadway to the east, including several parcels located east of Broadway between West 131st and West 135th streets, and West 125th Street and St.Claire Place to the south; and
2. an application submitted by Manhattan Community Board 9 pursuant to Section 197-a of the New York City Charter for a proposed plan called "Community Board 9 Manhattan 197-a Plan" concerning Community District 9, an area generally bounded by West 110th Street, West 155th Street, the Hudson River and St. Nicholas, Jackie Robinson and Morningside parks.

The City Planning Commission will be conducting the hearing using procedures that are different than its usual public hearing procedures:

1. The hearing will begin at 9 am.
2. Presentations lasting not more than 15 minutes will be made by each applicant. After each presentation, the Commission will question each applicant.
3. After the above presentations and question period, the Commission will hear speakers in the order in which they have registered on the day of the hearing. The Commission will hear elected officials first, followed by the general public.
4. All speakers may testify for a maximum of 3 minutes and may speak on either or both proposals during that 3 minute period.
5. The Commission will hear all speakers who have registered. Lateness of the hour may require that the hearing be recessed until 9 am, Thursday October 4 at Spector Hall, 22 Reade Street in Manhattan. Only those speakers who registered on October 3 will be able to speak on October 4.

Those wishing to speak must fill out a speaker's slip which will be available at Aaron Davis Hall on the day of the hearing. Doors will open at 8:30 am. Since speakers may testify on either or both items, they will only be required to indicate their name, and affiliation if any, on the slip. Speakers who bring written material for distribution to the Commission should bring 17 sets of such material.

Aaron Davis Hall is located on the east side of Convent Avenue, just south of W. 135 Street. It may be reached by taking the #1 train to 137<sup>th</sup> Street and Broadway, then walking two blocks south to W. 135<sup>th</sup> Street and then two blocks east to Convent Avenue.

Persons who cannot testify on October 3rd may submit written testimony to:

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

**OCTOBER 3, 2007**

---

**APPROVAL OF MINUTES OF the Regular Meeting of September 19, 2007, and  
Special Meeting on October 1, 2007**

---

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, OCTOBER 17, 2007  
STARTING AT 10:00 A.M.  
IN SPECTOR HALL, 22 READE STREET  
NEW YORK, NEW YORK**

---

**BOROUGH OF THE BRONX**

**Nos. 1 & 2**

***LONGWOOD GARDENS***

**No. 1**

**CD 2**

**C 080019 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 860 East 161<sup>st</sup> Street (Block 2689, Lot 9) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a six-story residential building tentatively known as Longwood Gardens, with approximately 25 units, to be developed under the Housing Development Corporation's New Housing Opportunities Program and the Department of Housing Preservation and Development's Participation Loan New Construction Program.

**Resolution for adoption scheduling October 17, 2007 for a public hearing.**

---

**No. 2**

**CD 2**

**C 080020 PQX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 860 East 161<sup>st</sup> Street (Block 2689, Lot 9).

**Resolution for adoption scheduling October 17, 2007 for a public hearing.**

---

**BOROUGH OF BROOKLYN**

**No. 3**

***HAITIAN AMERICAN DAY CARE CENTER***

**CD 8**

**C 070355 PQK**

**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 acquisition of property located at 1491 Bedford Avenue (Block 1253, lot 7), for continued use as a day care center.

**Resolution for adoption scheduling October 17, 2007 for a public hearing.**

---

**BOROUGH OF MANHATTAN**

**No. 4**

***50 HOWARD STREET***

**CD 2**

**C 070105 ZSM**

**IN THE MATTER OF** an application submitted by Roag, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of Section 42-14(D)(2)(b) to allow Use Group 6 uses on portions of the ground floor and cellar of an existing 5-story building and proposed penthouse on property located at 50 Howard Street a.k.a. 16 Mercer (Block 231, Lot 16), in an M1-5B District, within the SoHo Cast Iron Historic District.

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

**Resolution for adoption scheduling October 17, 2007 for a public hearing.**



**Nos. 5 & 6**

***132 EAST 32<sup>ND</sup> STREET***

**No. 5**

**CD 5**

**C 060372 ZMM**

**IN THE MATTER** an application submitted by 126 East 32<sup>nd</sup> Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d, changing from a C4-5A District to a C6-2A District property bounded by East 32<sup>nd</sup> Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 31<sup>st</sup> Street and East 32<sup>nd</sup> Street, and a line 150 feet easterly of Park Avenue South, as shown on a diagram (for illustrative purposes only) dated August 20, 2007 and subject to the conditions of CEQR Declaration E-195.

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 October 17, 2007 for a public hearing.**



**No. 6**

**CD 5**

**C 060373 ZSM**

**IN THE MATTER OF** an application submitted by 126 East 32<sup>nd</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 Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 44 spaces on portions of the ground floor, cellar and subcellar of a proposed mixed use building on property located at 122 East 32<sup>nd</sup> Street (Block 887, Lots 84 and 87), in a C6-2A\* District.

\* Note: The site is proposed to be rezoned from a C4-5A District to a C6-2A District under a concurrent related application (C 060372 ZMM).

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

**Resolution for adoption scheduling October 17, 2007 for a public hearing.**

---

**No. 7**

***SPECIAL LITTLE ITALY TEXT AMENDMENT***

**CD 2**

**N 070515 ZRM**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article X, Chapter 9 (Special Little Italy District), to modify the provisions of Sections 109-132 and 109-332 (Treatment of the Ground Level Wall) and to delete Section 109-25 (Mandatory Sidewalk Improvements), Community District 2, Borough of Manhattan.

Matter in underline is new, to be added;

Matter in ~~strike out~~ is old, to be deleted;

Matter within # # is defined in Section 12-10 (DEFINITIONS)

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

**Article X - Special Purpose Districts**

**Chapter 9**

**Special Little Italy District**

\* \* \*

~~2/3/77~~

**109-132**

**Treatment of the ground level wall**

At least 25 percent of the total surface area of the entire front wall of a #development# up to a height of 12 feet above #curb level# or to the ceiling of the ground #story#, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 109-50. Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of 2 feet. In addition, any portion of such building wall 20 feet or more in length, which contains no transparent areas at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, ~~or contain art work approved by the New York City Art Commission,~~ or be treated so as to provide visual relief from large expanses of blank walls. Planting shall

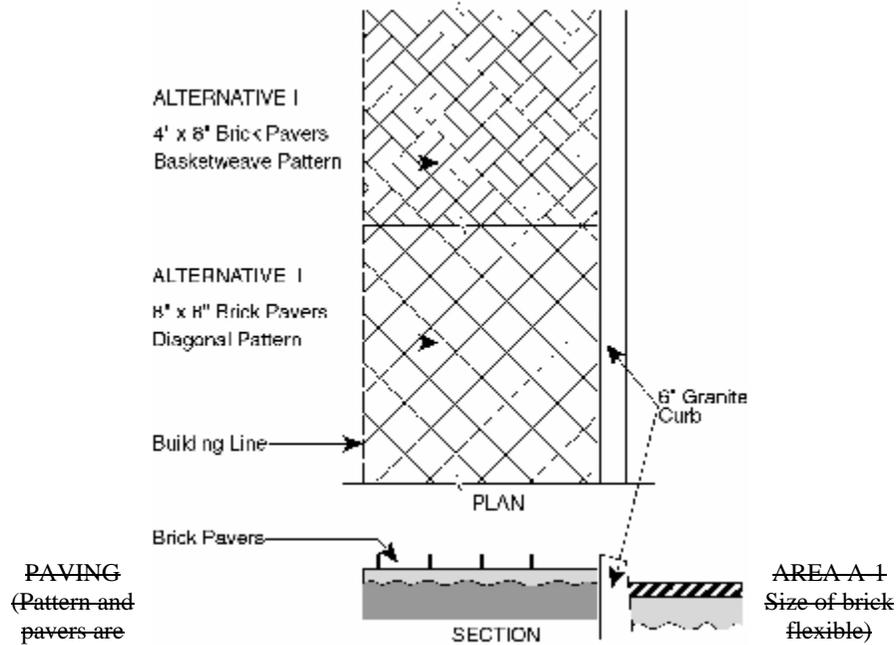
consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. Approval by the New York City Art Commission for any such artwork shall be obtained prior to the issuance of a building permit for the #development#.

\* \* \*

**109-25  
Mandatory Sidewalk Improvements**

All new #developments#, #enlargements#, changes of #use# within the same or to other #use# groups of at least 50 percent of the #floor area# of an existing #building#, or an alteration above 30 percent of the building value of an existing #building#, pursuant to the applicable articles of the Building Code of the City of New York, within Area A-1 shall provide, extending for the entire length of the #street# frontage of the #zoning lot#, sidewalk paving consisting of brick pavers and granite curbs as illustrated herein and approved by the Department of Transportation. The provisions of Section 109-17 (Mandatory Street Trees) shall not apply in Area A-1.

*[DRAWING TO BE ELIMINATED]*



2/3/77

**109-332****Treatment of the ground level wall**

For a building wall facing a #narrow street#, at least 25 percent of the total surface area of such building wall up to a height of 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 109-50 (SPECIAL REVIEW PROVISIONS). Door or window openings within such surface areas shall be considered transparent. Such openings shall have a minimum width of two feet.

In addition, any portion of such building wall 20 feet or more in length, which contains no transparent area at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, ~~or contain artwork approved by the New York City Art Commission,~~ or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet 6 inches, and a minimum width of 24 inches. ~~Approval by the New York City Art Commission for any such artwork shall be obtained prior to the issuance of a building permit for the #development#.~~

\* \* \*

**Resolution for adoption scheduling October 17, 2007 for a public hearing.**

---

**BOROUGH OF QUEENS**

**No. 8**

*UDALLS RAVINE*

**CD 11**

**C 050302 MMQ**

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

- the establishment of a Park addition;
- the elimination of 43<sup>rd</sup> Avenue between 246<sup>th</sup> and 247<sup>th</sup> streets;
- the delineation of a sewer corridor and a sewer easement;
- adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 11, Borough of Queens, in accordance with Map No. 4984 dated January 12, 2007 and signed by the Borough President.

**Resolution for adoption scheduling October 17, 2007 for a public hearing.**

---

**II. REPORTS**

---

**BOROUGH OF THE BRONX**

**Nos. 9, 10 & 11**

**MELROSE COMMONS SITE B-1**

**No. 9**

**CD 1**

**C 070506 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 3100 3<sup>rd</sup> Avenue (Block 2364, Lot 45), 3120 3<sup>rd</sup> Avenue (Block 2364, p/o the air rights over lot 58), 3106 3<sup>rd</sup> Avenue (Block 2364, Lot 49), and 507 East 158<sup>th</sup> Street (Block 2364, Lot 70) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of an eight-story mixed-use building, tentatively known as Melrose Commons RFP Site B-1, with approximately 96 residential units, with commercial and community facility uses, to be developed under the Department of Housing Preservation and Development's Cornerstone Program.

(On September 5, 2007, Cal. No. 1, the Commission scheduled September 19, 2007 for a public hearing. On September 19, 2007, Cal. No. 22, the hearing was closed.)

**For consideration.**

---

**No. 10**

**CD 1**

**C 070507 ZSX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681(a)(2) of the Zoning Resolution to allow a portion of a railroad or transit right-of-way that has been permanently discontinued or terminated to be included in the lot area for a proposed eight-story mixed building on property located north of East 158<sup>th</sup> Street between Third Avenue and Brook Avenue (Block 2364, Lots 45, 49, 70 and part of Lot 58), in R8\* and R8/C1-4 Districts.

\*Note: A portion of the site is proposed to be rezoned by eliminating a C1-4 District from an existing R8 District, under a related application (C 080002 ZMX) for a change in the zoning map.

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 September 5, 2007, Cal. No. 2, the Commission scheduled September 19, 2007 for a public hearing. On September 19, 2007, Cal. No. 23, the hearing was closed.)

**For consideration.**



**No. 11**

**CD 1**

**C 080002 ZMX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, eliminating from within an existing R8 District a C1-4 District bounded by a line 125 feet northeasterly of East 158<sup>th</sup> Street, Brook Avenue, East 158<sup>th</sup> Street and a line 100 feet southeasterly of Third Avenue, as shown on a diagram (for illustrative purposes only), dated July 9, 2007.

(On September 5, 2007, Cal. No. 3, the Commission scheduled September 19, 2007 for a public hearing. On September 19, 2007, Cal. No. 24, the hearing was closed.)

**For consideration.**



**BOROUGH OF BROOKLYN**

**Nos. 12 & 13**

***CENTURY 21***

**No.12**

**CD 10**

**C 070203 ZMK**

**IN THE MATTER OF** an application submitted by the Century 21 Department Stores LLC and Michael Sonnaband LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22b changing from a C8-2 District to a C4-2A District property bounded by 87th Street, a line 200 feet northwesterly of 5<sup>th</sup> Avenue, 88<sup>th</sup> Street, and a line 200 feet southeasterly of 4<sup>th</sup> Avenue as shown on a diagram (for illustrative purposes only) dated July 9, 2007.

(On August 22, 2007, Cal. No. 1, the Commission scheduled September 5, 2007 for a public hearing. On September 5, 2007, Cal. No. 23, the hearing was closed.)

**For consideration.**

---

**No. 13**

**CD 10**

**C 070204 ZSK**

**IN THE MATTER OF** an application submitted by the Century 21 Department Stores LLC and Michael Sonnaband LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a seven-level unattended public parking garage with a maximum capacity of 279 spaces and to permit floor space on three levels (part of 1<sup>st</sup> and 3<sup>rd</sup> levels and the 2<sup>nd</sup> level) up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (Definitions) of the Zoning Resolution and to permit public parking spaces to be located on the roofs (part of 5<sup>th</sup> level and 7<sup>th</sup> level) of the public parking garage to facilitate the enlargement of a commercial development at 416 to 450 87<sup>th</sup> Street and 415 to 435 88<sup>th</sup> Street (Block 6050, Lots 15, 19, 51 and 59), in a C4-2A District\*.

\*Note: C4-2A District is proposed to be mapped under a related application for an amendment of the Zoning Map ( C 070203 ZMK ).

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 August 22, 2007, Cal. No. 2, the Commission scheduled September 5, 2007 for a public hearing. On September 5, 2007, Cal. No. 24, the hearing was closed.)

**For consideration.**

---

**BOROUGH OF MANHATTAN**

**Nos. 14 & 15**

***61<sup>ST</sup> STREET-YORK AVENUE REZONING/GARAGE***

**No. 14**

**CD 8**

**C 000198 ZMM**

**IN THE MATTER OF** an application submitted by 1113 York Avenue Realty Company, L.L.C. and 60<sup>th</sup> Street Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 8c and 8d:

- 1) changing from a C6-2 District to a C6-3 District property bounded by East 61<sup>st</sup> Street, a line 100 feet westerly of York Avenue, a line midway between East 61<sup>st</sup> Street and East 60<sup>th</sup> Street, and a line 300 feet easterly of First Avenue; and
- 2) changing from a C8-4 District to a C4-7 District property bounded by East 61<sup>st</sup> Street, York Avenue, East 60<sup>th</sup> Street, and a line 100 feet westerly of York Avenue;

as shown on a diagram (for illustrative purposes only) dated May 21, 2007, and subject to the conditions of CEQR Declaration E- 187.

(On August 22, 2007, Cal. No. 3, the Commission scheduled September 5, 2007 for a public hearing. On September 5, 2007, Cal. No. 25, the hearing was closed.)

**For consideration.**

---

**No. 15**

**CD 8**

**C 070441 ZSM**

**IN THE MATTER OF** an application submitted by 1113 York Avenue Realty Company, LLC and 60<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 Sections 13-562 and 74-52

of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 195 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 1113 York Avenue a.k.a. 420 East 61<sup>st</sup> Street (Block 1455, Lots 13, and 21), in C6-3\* and C4-7\* Districts.

\* Note: Portions of the site are proposed to be rezoned from C6-2 and C8-4 Districts to C6-3 and C4-7 Districts under a concurrent related application (C 000198 ZMM).

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

(On August 22, 2007, Cal. No. 4, the Commission scheduled September 5, 2007 for a public hearing. On September 5, 2007, Cal. No. 26, the hearing was closed.)

**For consideration.**

---

**No. 16**

***HIGHBRIDGE PLAY CENTER LANDMARK***

**CD 12**

**N 080068 HKM**

**IN THE MATTER OF** a communication dated August 21, 2007, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Highbridge Play Center, Amsterdam Avenue between West 172<sup>nd</sup> and West 173<sup>rd</sup> Street, (Block 2106, p/o Lot 1), by the Landmarks Preservation Commission on August 14, 2007 (List No. 395/LP-2237).

**For consideration.**

---

**BOROUGH OF QUEENS**

**No. 17**

***JAMAICA PLAN-FOLLOW-UP TEXT***

**CD 12**

**N 080022 ZRQ**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 5 (Special Downtown

Jamaica District) concerning Section 115-22 (Modification of Rear Yard Regulations) and Section 115-234 (Maximum Building Height), Community District 12, Borough of Queens.

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

**115-22**  
**Modification of Rear Yard Regulations**

**#Rear yard# requirements shall not apply to non-#residential uses# along such portion of a #lot line# that coincides with a boundary of a railroad right-of-way, or in any portion of a C6-4 District.**

**115-23**  
**Height and Setback Regulations**

\* \* \*

**115-22-31**  
**Permitted obstructions**

\* \* \*

**115-22-32**  
**Street wall location**

\* \* \*

**115-22-33**  
**Street wall height**

\* \* \*

**115-22-34**  
**Maximum building height**  
**C4 C6**

In C4-4A Districts, no #building or other structure# shall exceed a height of 80 feet.

In C4-5X Districts, no #building or other structure# shall exceed a height of 125 feet.

In ~~all~~ C6-2 and C6-3 Districts, no #building or other structure# shall exceed a height of 250 feet. In C6-4 Districts, no #building or other structure# shall exceed a height of 290

feet. However, no maximum building height limitation shall apply on Block 9993, shown on Map 5 (Maximum Building Height) in the Appendix to this Chapter, if such #block# is developed pursuant to the Jamaica Gateway Urban Renewal Plan.

**115-22-35**  
**Transition area**

\* \* \*

(On September 5, 2007, Cal. No. 4, the Commission scheduled September 19, 2007 for a public hearing. On September 19, 2007, Cal. No. 25, the hearing was closed.)

**For consideration.**



**No. 18**

***FOREST HILLS SOUTH REZONING***

**CD 6**

**C 070521 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 No. 14b:

1. eliminating from within an existing R3-2 District a C1-2 District bounded by a line 150 feet northerly of Metropolitan Avenue, 70<sup>th</sup> Avenue, Olcott Street, 71<sup>st</sup> Avenue, a line 150 feet northerly of Metropolitan Avenue, Nansen Street, 72<sup>nd</sup> Avenue, Metropolitan Avenue, 71<sup>st</sup> Avenue, a line 150 feet southerly of Metropolitan Avenue, a line 100 feet westerly of 69<sup>th</sup> Avenue, Metropolitan Avenue, and Selfridge Street;
2. eliminating from within an existing R3-2 District a C2-2 District bounded by a line 150 feet northerly of Metropolitan Avenue, 74<sup>th</sup> Avenue, Metropolitan Avenue, 72<sup>nd</sup> Road, a line 150 feet southerly of Metropolitan Avenue, 71<sup>st</sup> Avenue, Metropolitan Avenue, and 72<sup>nd</sup> Avenue;
3. changing from an R3-2 District to an R3-1 District property bounded by Kessel Street, Union Turnpike, 75<sup>th</sup> Road, a line 100 feet northerly of Metropolitan Avenue, a line midway between 75<sup>th</sup> Avenue and 75<sup>th</sup> Road, a line 75 feet southerly of Kessel Street, and 75<sup>th</sup> Road;
4. changing from an R3-2 District to an R3A District property bounded by:

- a. a line midway between Kessel Street and Loubet Street, 71<sup>st</sup> Avenue, a line midway between Juno Street and Kessel Street, a line 100 feet northwesterly of Ascan Avenue, Manse Street, 72<sup>nd</sup> Road, a line 100 feet northerly of Metropolitan Avenue, 71<sup>st</sup> Avenue, Olcott Street, a line 100 feet northerly of Metropolitan Avenue, and 69<sup>th</sup> Avenue; and
  - b. a line 100 feet southerly of Metropolitan Avenue, 74<sup>th</sup> Avenue, Union Turnpike, 71<sup>st</sup> Avenue, a line 175 feet northerly of Sybilla Street, a line midway between 70<sup>th</sup> Drive and 70<sup>th</sup> Road, a line 235 feet northerly of Sybilla Street, a line midway between 70<sup>th</sup> Road and 70<sup>th</sup> Avenue, Sybilla Street and its westerly centerline prolongation, a southwesterly street line of Sybilla Street, and its northwesterly prolongation, and a line 100 feet westerly of 69<sup>th</sup> Avenue;
5. changing from an R3-2 District to an R3X District property bounded by Kessel Street, 75<sup>th</sup> Road, a line 75 feet southerly of Kessel Street, a line midway between 75<sup>th</sup> Avenue and 75<sup>th</sup> Road, a line 100 feet northerly of Metropolitan Avenue, a line 100 feet westerly of 74<sup>th</sup> Avenue, a line midway between 74<sup>th</sup> Avenue and Ascan Avenue, a line 75 feet southerly of Kessel Street, and Ascan Avenue;
  6. establishing within an existing R3-2 District a C1-3 District bounded by a line 100 feet northerly of Metropolitan Avenue, Olcott Street, 71<sup>st</sup> Avenue, a line 100 feet northerly of Metropolitan Avenue, 72<sup>nd</sup> Avenue, Metropolitan Avenue, 71<sup>st</sup> Avenue, a line 100 feet southerly of Metropolitan Avenue, a line 100 feet westerly of 69<sup>th</sup> Avenue, Metropolitan Avenue, and Selfridge Street; and
  7. establishing within an existing R3-2 District a C2-3 District bounded by a line 100 feet northerly of Metropolitan Avenue, 74<sup>th</sup> Avenue, Metropolitan Avenue, 72<sup>nd</sup> Road, a line 100 feet southerly of Metropolitan Avenue, 71<sup>st</sup> Avenue, Metropolitan Avenue, and 72<sup>nd</sup> Avenue;

as shown on a diagram (for illustrative purposes only) dated June 18, 2007.

(On September 5, 2007, Cal. No. 5, the Commission scheduled September 19, 2007 for a public hearing which has been duly advertised. On September 19, 2007, Cal. No. 26, the hearing was closed.)

**For consideration.**

---

**No. 19**

***HAMILTON BEACH MAP CHANGE***

**CD 10**

**N 050191(A) MMQ**

**IN THE MATTER OF** a resolution pursuant to Section 5-430 *et seq.* of the New York City Administrative Code involving the discontinuance and closing of portions of 102<sup>nd</sup> Street, 103<sup>rd</sup> Street (aka 104<sup>th</sup> Street), 163<sup>rd</sup> Avenue and 165<sup>th</sup> Avenue, Community District 10, Borough of Queens, in accordance with Map No. 4999 dated September 27, 2007 and signed by the Borough President.

**For consideration.**

---

**BOROUGH OF STATEN ISLAND**

**No. 20**

***LIGHTHOUSE AVENUE***

**CD 2**

**N 070183 ZAR**

**IN THE MATTER OF** an application submitted by Abe Zylberberg for the grant of authorizations pursuant to Sections 105-421 and 105-425 of the Zoning Resolution involving the modification of topographic features on Tier I sites and modification of botanic environment and tree preservation and planting requirements to facilitate the construction of a one-family detached house and an in-ground swimming pool located at 511 Lighthouse Avenue (Block 2290, Lot 83) within the Special Natural Area District (NA-1).

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

**For consideration.**

---

**No. 21**

***VICTORY BOULEVARD***

**CD 1**

**N 070148 ZAR**

**IN THE MATTER OF** an application submitted by Reggie Balanca for the grant of an authorization pursuant to Section 119-312 of the Zoning Resolution involving certain uses (commercial) within the Special Hillside Preservation District to allow the construction of four mixed-use buildings located at Victory Boulevard, Fiedler Avenue and Willis Avenue (Block 575, Lot 32 (Tentative Lots 32, 33, 34, 35)) within the Special Hillside Preservation District.

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

**For consideration.**

---

**No. 22**

***RICHMOND ROAD***

**CD 2**

**N 060456 ZAR**

**IN THE MATTER OF** an application submitted by SCFR, LLC for the grant of an authorization pursuant to Section 105-422 of the Zoning Resolution involving the development, enlargement or site alteration on a Tier II zoning lot or portion of a zoning lot having a steep slope or steep slope buffer to facilitate the construction of a two story retail and office building located at 1657 Richmond Road (Block 883, Lots 20, 23 & 27) within the Special Natural Area District (NA-1).

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

**For consideration.**

---

**III. PUBLIC HEARINGS**

---

**BOROUGH OF MANHATTAN**

**Nos. 23 & 24**

***COLUMBIA UNIVERSITY/SPECIAL MANHATTANVILLE DISTRICT***

**No. 23**

**CD 9**

**C 070495 ZMM**

**PUBLIC HEARING:**

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

1. changing from an M1-2 District to an R8A District property bounded by West 135<sup>th</sup> Street, a line 200 feet easterly of Broadway, West 134<sup>th</sup> Street, and Broadway;
2. changing from an M1-1 District to a C6-1 District property bounded by West 135<sup>th</sup> Street, 12<sup>th</sup> Avenue, West 133<sup>rd</sup> Street, and the U.S. Bulkhead Line;
3. changing from an M1-2 District to a C6-1 District property bounded by West 134<sup>th</sup> Street, a line 200 feet easterly of Broadway, West 133<sup>rd</sup> Street, Old Broadway, West 131<sup>st</sup> Street, Broadway, West 125<sup>th</sup> Street/Dr. Martin Luther King Jr. Boulevard, St. Clair Place and its westerly centerline prolongation, the U.S. Bulk Line, West 130<sup>th</sup> Street and its westerly centerline prolongation, a line 200 feet easterly of 12<sup>th</sup> Avenue, West 132<sup>nd</sup> Street, a line 250 feet easterly of 12<sup>th</sup> Avenue, West 133<sup>rd</sup> Street, and Broadway;
4. changing from an M2-3 District to a C6-1 District property bounded by West 133<sup>rd</sup> Street, 12<sup>th</sup> Avenue, West 132<sup>nd</sup> Street, a line 200 feet easterly of 12<sup>th</sup> Avenue, West 130<sup>th</sup> Street and its westerly centerline prolongation, and the U.S. Bulkhead Line;
5. changing from an M3-1 District to a C6-1 District property bounded by West 133<sup>rd</sup> Street, a line 250 feet easterly of 12<sup>th</sup> Avenue, West 132<sup>nd</sup> Street, and 12<sup>th</sup> Avenue;
6. changing from an M1-2 District to a C6-2 District property bounded by a line midway between West 135<sup>th</sup> Street and West 134<sup>th</sup> Street and its westerly prolongation, a line 125 feet easterly of 12<sup>th</sup> Avenue, West 133<sup>rd</sup> Street, and 12<sup>th</sup> Avenue;

7. changing from an M1-2 District to an M1-1 District property bounded by the westerly centerline prolongation of West 130<sup>th</sup> Street, the U.S. Bulkhead Line, the westerly centerline prolongation of St. Clair Place, and the U.S. Pierhead Line;
8. changing from an M2-3 District to an M1-1 District property bounded by the westerly centerline prolongation of West 133<sup>rd</sup> Street, the U.S. Bulkhead Line, the westerly centerline prolongation of West 130<sup>th</sup> Street, and the U.S. Pierhead Line;
9. establishing within a proposed R8A District a C1-4 District bounded by West 135<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 134<sup>th</sup> Street, and Broadway; and
10. establishing a Special Manhattanville Mixed Use District (MMU) bounded by West 135<sup>th</sup> Street, 12<sup>th</sup> Avenue, a line midway between West 135<sup>th</sup> Street and West 134<sup>th</sup> Street and its westerly prolongation, a line 125 feet easterly of 12<sup>th</sup> Avenue, West 133<sup>rd</sup> Street, Broadway, West 135<sup>th</sup> Street, a line 200 feet easterly of Broadway, West 133<sup>rd</sup> Street, Old Broadway, West 131<sup>st</sup> Street, Broadway, West 125<sup>th</sup> Street/Dr. Martin Luther King Jr. Boulevard, St. Clair Place and its westerly centerline prolongation, the U.S. Pierhead Line, the westerly centerline prolongation of West 133<sup>rd</sup> Street, and the U.S. Bulkhead Line;

as shown on a diagram (for illustrative purposes only) dated June 18, 2007, and subject to the CEQR Declaration E-188.

( On September 19, 2007, Cal. 1, the Commission scheduled October 3, 2007 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

**No. 24**

**CD 9**

**N 070496 ZRM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by Columbia University in the City of New York pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article X, Chapter 4 (Special Manhattanville Mixed Use District), establishing a special district in Borough of Manhattan, Community District 9, and modifying related regulations.

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

**11-12  
Establishment of Districts**

\* \* \*

Establishment of the Special Madison Avenue Preservation District

\* \* \*

Establishment of the Special Manhattanville Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 4, the #Special Manhattanville Mixed Use District# is hereby established.

\* \* \*

**12-10  
Definitions**

\* \* \*

Special Madison Ave Preservation District

\* \* \*

The “Special Manhattanville Mixed Use District” is a Special Purpose District designated with the letters “MMU” in which regulations set forth in Article X, Chapter 4, apply. The #Special Manhattanville Mixed Use District# appears on #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed.

\* \* \*

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

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within

special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Manhattan		
Battery Park City District	Yes	Yes
Clinton District	Yes	Yes
Limited Commercial District	No	No*
Lincoln Square District	No	Yes
Little Italy District	No	Yes
Lower Manhattan District	No	Yes**
<u>Manhattanville Mixed Use District</u>	<u>No***</u>	<u>Yes</u>
Transit Land Use District	Yes	Yes
Tribeca Mixed Use District	Yes	Yes
United Nations Development District	No	Yes

-----  
\* #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue

\*\* #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway

\*\*\* #Enclosed sidewalk cafes# are allowed in Subdistrict B only.

\* \* \*

**Article X: SPECIAL PURPOSE DISTRICTS**

**(NOTE: ALL TEXT IN ARTICLE X CHAPTER 4 IS NEW – TO BE ADDED)**

**Chapter 4  
Special Manhattanville Mixed Use District**

**104-00  
GENERAL PURPOSES**

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

- (a) encourage the development of a mixed use neighborhood that complements a revitalized community-oriented waterfront;
- (b) support a variety of community facility, commercial and manufacturing uses;
- (c) provide opportunities for the expansion of large academic, scientific and mixed use facilities in a manner that benefits the surrounding community;
- (d) strengthen the retail and service character and economic vitality of the neighborhood by encouraging active ground floor uses along Broadway, West 125th Street and 12th Avenue;
- (e) facilitate the maximum amount of design flexibility while fulfilling the goals of the mixed use district;
- (f) improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design;
- (g) strengthen the visual corridors along West 125th Street and other east-west corridors that connect the community to the waterfront;
- (h) expand local employment opportunities;
- (i) recognize, preserve and promote the existing historic transportation infrastructure of the neighborhood;
- (j) promote the most desirable use of land in this area and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

**104-01  
Definitions**

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

**Lower street wall**

“Lower street wall” is that portion of the #street wall# of a #building# that extends from grade to a minimum prescribed height above the highest elevation of the #street# frontage of the #building# on each #street#.

#### **Mandatory widened sidewalk**

A “mandatory widened sidewalk” is a paved area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. Mandatory widened sidewalks are shown on Map 3 (Widened Sidewalk Lines) in Appendix A to this Chapter.

#### **Mandatory widened sidewalk line**

A “mandatory widened sidewalk line” is the boundary line of the #mandatory widened sidewalk# shown on Map 3 in Appendix A of this Chapter.

#### **Upper street wall**

“Upper street wall” is that portion of the #street wall# of a #building# that extends from the #lower street wall# to the maximum #building# height set forth for each Parcel in the Base Plane and Building Height Table in Appendix B of this Chapter, or the height of the #building#, whichever is less.

### **104-02**

#### **General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Manhattanville Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

### **104-03**

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

The regulations of this Chapter are designed to implement the #Special Manhattanville Mixed Use District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendix A of this Chapter:

- Map 1      Special Manhattanville Mixed Use District and Subdistricts
- Map 2      Subdistrict A Block Plan

Map 3	Widened Sidewalk Lines
Map 4	Street Wall Types and Locations
Map 5	Parcel Designation and Maximum Building Heights
Map 6	Ground Floor Use and Frontage
Map 7	Mandatory Open Areas

The District Plan includes the following table in Appendix B of this Chapter:

Base Plane and Building Height Table

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

**104-04  
Subdistricts**

In order to carry out the provisions of this Chapter, three subdistricts are established, as follows:

Subdistrict A – Academic Mixed Use Area

Subdistrict B – Waterfront Area

Subdistrict C – Mixed-Use Development Area

The location of the Subdistricts of the #Special Manhattanville Mixed Use Special District# are specified on Map 1 in Appendix A of this Chapter.

**104-05  
Applicability of Article I, Chapter 1**

Within the #Special Manhattanville Mixed Use District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in

compliance with the environmental requirements related to the (E) designation.

**104-10  
SPECIAL USE REGULATIONS**

The #use# regulations of the underlying C6 Districts are modified in Sections 104-11 through 104-18, inclusive:

**104-11  
Residential Use Modifications**

The #residential use# regulations of the underlying C6-1 District are modified as follows:

- (a) In Subdistrict A, a #residential use# may locate in, or share a common wall with, a #building# containing a #use# listed in Section 104-132 (Use Groups 16, 17 and 18) only in accordance with the certification provisions of Section 104-14; and
- (b) In Subdistrict B, no #residential use# shall be permitted.

**104-12  
Community Facility Use Modifications**

The #community facility use# regulations of the underlying C6-1 District are modified as follows:

- (a) In Subdistrict A, a #community facility use# with sleeping accommodations, as listed in this Section, may locate in, or share a common wall with, a #building# containing a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), only in accordance with the certification provisions of Section 104-14:
  - College or school student dormitories or fraternity or sorority student houses
  - Domiciliary care facilities for adults
  - Nursing homes and health-related facilities
  - Philanthropic or non-profit institutions with sleeping accommodations
  - Monasteries, convents or novitiates
  - Non-profit hospital staff dwellings without restriction as to location on the same #zoning lot#
  - Non-profit or voluntary hospitals and related facilities;
- (b) In Subdistrict B, #uses# listed in Use Groups 3 and 4 are limited to 5,000 square feet of #floor area# per establishment.

**104-13**  
**Commercial and Manufacturing Use Modifications**

In Subdistricts A, B and C, the #commercial# and #manufacturing use# regulations of the underlying C6 Districts are modified as set forth in Sections 104-131 (Use Group 14) and 104-132 (Use Groups 16, 17 and 18):

**104-131**  
**Use Group 14**

In Subdistrict B, #uses# listed in Use Group 14 are permitted.

**104-132**  
**Use Groups 16, 17 and 18**

In Subdistricts A, B and C, the following #uses# in Use Groups 16, 17 and 18 are permitted, subject to the performance standards for an M1 District set forth in Section 42-20 (PERFORMANCE STANDARDS).

Such #uses# may locate in, or share a common wall with, a #building# containing a #residential use# or a #community facility use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications), only in accordance with the certification provisions of Section 104-14:

From Use Group 16A:

- Animal hospitals or kennels
- Automobile, motorcycle, trailer or boat sales, enclosed only
- Carpentry, custom woodworking or custom furniture making shops
- Motorcycle or motor scooter rental establishments, enclosed only
- Trade schools for adults

From Use Group 16B:

- Automobile, truck, motorcycle or #trailer# repairs
- Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than ten automobiles per washing lane
- #Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a completely enclosed building

From Use Group 16C:

- Commercial or public utility vehicle storage, open or enclosed, including accessory motor fuel pumps
- Public transit yards, open or enclosed, including accessory motor fuel pumps

From Use Group 16D:

Moving or storage offices, with no limitation as to storage or #floor area# per establishment

Warehouses

Wholesale establishments, with no limitation on #accessory# storage

From Use Group 17A:

Produce or meat markets

From Use Group 17B:

Advertising displays

Apparel or other textile products, from textiles or other materials, including hat bodies or similar products

Ceramic products, including pottery, small glazed tile or similar products

Food products, except slaughtering of meat or preparation of fish for packing

Leather products, including shoes, machine belting or similar products

Luggage

Musical instruments, including pianos or organs

Optical equipment, clocks or similar precision instruments

Perfumes or perfumed soaps, compounding only

Printing or publishing, with no limitation on #floor area# per establishment

Scenery construction

Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage

Toys

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works or similar products

From Use Group 17C:

Public transit, railroad or electric utility substations, open or enclosed, with no limitation as to size

From Use Group 18A:

Manufacturing of beverages, alcoholic or breweries

#### **104-14**

#### **Certification Requirements**

In Subdistrict A, a #use# listed in Section 104-132 (Use Groups 16, 17 and 18) and a #residential use# or a #community facility use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications) may locate in the same #building# or share a common building wall only upon certification by a licensed architect or a professional engineer to the Department of Buildings stating that the #commercial# or #manufacturing use#:

- (a) does not have a New York City or New York State environmental rating of "A," "B" or "C" under Section 24-153 of the New York City

Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and

- (b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

**104-15  
Ground Floor Use and Frontage Regulations**

For the purposes of this Section, ground floor level shall mean the floor of a #building#, the level of which is located at, or within five feet of, the finished level of the adjacent sidewalk. In the locations specified on Map 6 (Ground Floor Use and Frontage) in Appendix A of this Chapter, the ground floor #use# and frontage regulations of this Section shall apply to any #development# or change of #use# located on the ground floor level of a #building or other structure#, or any #enlargement# that increases the #floor area# of the ground floor level of a #building# by more than 25 percent.

A minimum of 75 percent of the length of a #street wall# on the ground floor level measured to a depth of at least 30 feet, or the depth of the #building#, whichever is less, shall be limited to #uses# listed in Section 104-16 (Use Group MMU). Such #uses# shall be located at the #street wall#. In no event shall the length of #street# frontage occupied solely by lobby space or entryways exceed, in total, 40 feet.

All such #developments#, #enlargements# and changes of #use# on the ground floor of a #building or other structure# (other than a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 in Appendix A) shall comply with the transparency requirements of Section 104-41.

**104-16  
Use Group MMU**

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

From Use Group 3  
Libraries, museums or non-commercial art galleries

From Use Group 4A  
Community centers or settlement houses  
Ambulatory diagnostic or treatment health care facilities  
Non-commercial recreation centers

From Use Group 6A

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment

Barber shops

Beauty parlors

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified show time

Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores

Hardware stores

Laundry establishments, hand or automatic self-service

Liquor stores, package

Post offices

Shoe or hat repair shops

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 10,000 square feet of #floor area# per establishment

From Use Group 6B

Veterinary medicine for small animals, provided all activities are conducted within a completely #enclosed building#

From Use Group 6C

Antique stores

Art galleries, commercial

Artists' supply stores

Automobile supply stores, with no installation or repair services

Banks

Bicycle sales

Book stores

Candy or ice cream stores

Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment

Cigar or tobacco stores

Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment

Clothing rental establishments, limited to 10,000 square feet of #floor area# per establishment

Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment

Eating or drinking establishments with entertainment, but not dancing, with a capacity of 200 persons or less

Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or less

Electrolysis studios  
 Fishing tackle or equipment, rental or sales  
 Florist shops  
 Furniture stores, limited to 10,000 square feet of #floor area# per establishment  
 Furrier shops, custom  
 Gift shops  
 Interior decorating establishments, provided that #floor area# used for processing,  
 servicing or repairs shall be limited to 750 square feet per establishment  
 Jewelry or art metal craft shops  
 Leather goods or luggage stores  
 Loan offices  
 Locksmith shops  
 Medical or orthopedic appliance stores  
 Millinery shops  
 Music stores  
 Newsstands, open or enclosed  
 Optician or optometrist establishments  
 Paint stores  
 Pet shops  
 Photographic equipment or supply stores  
 Photographic studios  
 Picture framing shops  
 Record stores  
 Seed or garden supply stores  
 Sewing machine stores, selling household machines only  
 Shoe stores  
 Sporting or athletic stores  
 Stamp or coin stores  
 Telegraph offices  
 Television, radio, phonograph or household appliance stores, limited to 10,000 square feet  
 of #floor area# per establishment  
 Toy stores  
 Travel bureaus  
 Typewriter stores  
 Wallpaper stores  
 Watch or clock stores or repair shops

From Use Group 7B

Bicycle rental or repair shops  
 Moving or storage offices, with storage limited to items for retail sale and to 1,500 square  
 feet of #floor area# per establishment  
 Refreshment stands  
 Sign painting shops, limited to 2,500 square feet of #floor area# per establishment  
 Venetian blind, window shade or awning shops, custom, limited to 2,500 square feet of  
 #floor area# per establishment

## Use Group 8A (all uses)

## From Use Group 8B

Lumber stores, limited to 5,000 square feet of #floor area# per establishment, exclusive of that #floor area# used for office and display area, and provided that not more than 400 square feet of #floor area# shall be used for cutting of lumber to size

Television, radio, phonograph or household appliance repair shops

Upholstering shops dealing directly with consumers

## From Use Group 9A

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

Clothing or costume rental establishments

Musical instrument repair shops

Plumbing, heating or ventilating equipment showrooms, without repair facilities

Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production

Public auction rooms

Studios, art, music, dancing or theatrical

Typewriter or other small business machine sales, rental or repairs

Umbrella repair shops

## From Use Group 10A

Clothing or clothing accessory stores, limited to 20,000 square feet of floor area per establishment

Office or business machine stores, sales or rental

Variety stores, limited to 20,000 square feet of floor area per establishment

## From Use Group 12B

Antique stores

Art gallery, commercial

Book stores

Candy or ice cream stores

Cigar and tobacco stores

Delicatessen stores

Drug stores

Gift shops

Jewelry or art metal craft shops

Music stores

Newsstands

Photographic equipment stores

Record stores

Stationery stores

Toy stores

## From Use Group 17A

Produce or meat markets, wholesale

From Use Group 17B

Ceramic products, including pottery, small glazed tile, or similar products

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

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

#### **104-17**

#### **Modification of Article VII, Chapter 4 (Special Permits by the City Planning Commission)**

The provisions of Section 74-48 (Scientific Research and Development Facility) shall not apply in the #Special Manhattanville Mixed Use District#.

#### **104-20**

#### **SPECIAL BULK REGULATIONS**

In Subdistricts A, B and C, the #bulk# regulations of the underlying C6 Districts, as modified in this Chapter, shall apply to any #development#, #enlargement# and change of #use# pursuant to Section 104-26 (Change of Use).

The #floor area ratio#, #open space ratio# and #lot coverage# regulations applicable in the underlying C6 Districts are modified as set forth in Sections 104-21 through 104-25. No #floor area# bonuses shall be permitted.

Special provisions regulating change of #use# in #non-complying buildings# are set forth in Section 104-26.

The height and setback regulations of the underlying C6 Districts are superseded as set forth in Sections 104-30 through 104-34, inclusive.

#### **104-21**

#### **Maximum Floor Area Ratio, Open Space Ratio and Lot Coverage for Residential Uses**

In Subdistricts A and C, the #bulk# regulations for #residential use# are modified in accordance with the provisions of this Section.

For all #zoning lots#, or portions thereof, the maximum #floor area ratio#, #open space ratio# and #lot coverage# regulations shall not apply. In lieu thereof, the provisions of this Section shall apply:

In Subdistrict A, the maximum #floor area ratio# for #residential use# shall be 3.44.

In Subdistrict C, the maximum #floor area ratio# for #residential use# shall be 6.02

For #interior# or #through lots#, or portions thereof, the maximum #lot coverage# shall not exceed 70 percent. For #corner lots#, the maximum #lot coverage# shall not exceed 80 percent. However, there shall be no maximum #lot coverage# for any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

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

#### **104-22**

##### **Maximum Floor Area Ratio and Lot Coverage for Community Facility Uses**

In Subdistricts A and C, the maximum #floor area ratio# permitted for #community facility uses# shall be 6.0.

In Subdistrict B, the maximum #floor area ratio# permitted for #community facility uses# shall be 2.0.

#Lot coverage# requirements for #community facility uses# shall not apply.

#### **104-23**

##### **Maximum Floor Area Ratio for Commercial Uses**

In Subdistricts A and C, the maximum #floor area ratio# permitted for #commercial uses# shall be 6.0, except that the maximum #floor area ratio# for #uses# in Use Group 16 listed in Section 104-32 (Use Groups 16, 17 and 18) shall be 2.0.

In Subdistrict B, the maximum #floor area ratio# permitted for #commercial uses# shall be 2.0.

#### **104-24**

##### **Maximum Floor Area Ratio for Manufacturing Uses**

In Subdistricts A, B, and C, the maximum #floor area ratio# permitted for #manufacturing uses# shall be 2.0.

#### **104-25**

##### **Maximum Floor Area Ratio for Mixed Buildings**

When more than one #use# is located on a #zoning lot#, the maximum #floor area ratio# permitted for any #use# on a #zoning lot# shall not exceed the maximum permitted for such #use# as set forth in Sections 104-21 through 104-24, inclusive, provided the total of

all such #floor area ratios# does not exceed the maximum #floor area ratio# permitted for any such #use# on the #zoning lot#.

## **104-26**

### **Change of Use**

#### **(a) Change to Residential**

Notwithstanding the provisions set forth in Section 34-222 (Change of use) and in the last paragraph of Section 35-31 (Maximum Floor Area Ratio for Mixed Buildings) regarding the applicability of #floor area ratio# and #open space ratio# regulations to a change from a non-#residential use# to a #residential use# in a #building# in existence on December 15, 1961, such conversions of non-#residential buildings# shall be permitted only if such #buildings# comply with all of the #bulk regulations for #residential# or #mixed buildings#.

#### **(b) Change to Non-Residential**

In Subdistrict A, the provisions of Section 54-31 (General Provisions) shall not apply. In lieu thereof, a #use# listed in Use Groups 16, 17 or 18 located in a #non-complying building or other structure# may be changed to:

- (1) a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), subject to the performance standards for an M1 District set forth in Section 42-20 (PERFORMANCE STANDARDS), and subject to Section 104-14 (Certification Requirements), if applicable, or
- (2) a #community facility use# or an office #use# listed in Use Group 6B.

The #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the regulations set forth in Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS) shall not apply to the changes of #use# set forth in paragraph (b) of this Section.

The provisions of paragraph (b) of this Section, shall apply to Blocks A and C, as shown on Map 2 (Subdistrict A Block Plan) in Appendix A to this Chapter and to Parcel D4, as shown on Map 5 (Parcel Designation and Maximum Building Height) through December 31, 2015, and to all other Parcels and Blocks in Subdistrict A through December 31, 2030. Beginning on January 1, 2016, with respect to Blocks A and C and Parcel D4, and beginning on January 1, 2031, with respect to Parcels D1, D2, and D3, as shown on Map 5, and Blocks E, F, G, and H, as shown on Map 2, the provisions of paragraph (b) of this Section shall lapse, and the #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the requirements set forth in Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS), shall apply to the changes of #use# set forth in paragraph (b) of this Section.

**104-30  
SPECIAL HEIGHT AND SETBACK REQUIREMENTS**

In the #Special Manhattanville Mixed Use District#, the height and setback regulations of the underlying C6 Districts shall not apply. In lieu thereof, the height and setback provisions of this Section 104-30, inclusive, shall apply in C6 Districts.

In Subdistrict A, the height of all #buildings or other structures# shall be measured from #base planes#. However, the provisions for establishing #base planes# set forth in Section 12-10 (DEFINITIONS) shall not apply. In lieu thereof, #base planes# are specified for each Parcel as shown on Map 5 (Parcel Designation and Maximum Building Height), in Appendix A of this Chapter. The level of the #base plane# is designated for each such Parcel in Appendix B.

Wherever a #mandatory widened sidewalk line# is shown on Map 3 (Widened Sidewalk Lines), such line shall be used instead of the #street line# for all purposes of Section 104-30 et seq.

The City Planning Commission may modify, by special permit, the special height and setback requirements of this Section pursuant to Section 104-60 (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT).

**104-31  
Maximum Building Height**

In Subdistrict A, the maximum #building# height, by Parcel, is shown on Map 5 in Appendix A and specified in Appendix B. In Subdistricts B, C and the Other Area East of Broadway, the maximum #building# heights are shown on Map 5 in Appendix A. No #building# shall exceed the maximum #building# height set forth in such Map or Appendix B.

**104-32  
Rooftop Regulations**

**104-321  
Mechanical equipment**

Mechanical equipment, open or enclosed, may be located on the roof of a #building# in accordance with the following provisions:

- (a) Mechanical equipment shall not exceed the maximum height of mechanical equipment specified for each Parcel as set forth in Appendix B to this Chapter and shall be measured from the roof level of the highest #story# of the #building#. Such

mechanical equipment may penetrate the maximum #building# height specified for each Parcel as set forth in Appendix B.

- (b) Such mechanical equipment shall be set back at least 10 feet from the #upper street wall# of the #building#. In addition, such equipment shall not penetrate a #sky exposure plane# that begins at the point of intersection of the roof and the #upper street wall# of the #building#, and rises over the #building# at a slope of 2.7 feet of vertical distance for each foot of horizontal distance, except for permitted obstructions set forth in Section 104- 322. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#.
- (c) Such mechanical equipment shall not overhang any recess in the #building wall# that is open to the sky.

#### **104-322**

##### **Permitted Obstructions**

The following shall not be considered obstructions and thus may penetrate the applicable maximum #building# height and the applicable maximum height for mechanical equipment set forth in Appendix B to this Chapter, and may also penetrate the #sky exposure plane# set forth in Section 104-311 (Mechanical equipment). Within 50 feet of the #upper street wall#, the width of such obstructions shall be limited in total to 10 percent of the #aggregate width of street walls# of a #building#, per #street# frontage, at any level above the maximum level of mechanical equipment as set forth in Section 104-311. Beyond 50 feet from the #upper street wall#, the permitted obstructions may occupy an area not to exceed 30 percent of the #building# coverage at the ground level. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#. However, in no event shall such obstructions be located within 10 feet of the #upper street wall#.

Flagpoles or aerials;

House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such #sky exposure plane#;

Parapet walls, not more than four feet high;

Spires or belfries;

Wire, chain link or other transparent fences;

Antennae and structural support thereto;

Railings;

Chimneys, flues, intake and exhaust vents limited to a #lot coverage# of 900 square feet with neither length nor width of any single such obstruction, nor the total length or width of all such obstructions, greater than 30 feet ;

Pipes and supporting structures;  
 Window washing equipment; and,  
 Elevator and stair bulkheads to a maximum height of 15 feet above the permitted maximum height of mechanical equipment.

**104-33**  
**Mandatory Street Walls**

Eight types of mandatory #street walls# are established in the #Special Manhattanville Mixed Use District#, the regulations for which are set forth in Sections 104-331 through 104-338. Map 4 (Street Wall Types and Locations) and Map 5 (Parcel Designation and Maximum Building Height), in Appendix A to this Chapter, specify locations where such regulations apply. The mandatory #street wall# requirements shall apply to any #development# and the #enlarged# portion of an existing #building#, except as set forth in paragraph (c) of this Section.

In Subdistrict A, the mandatory #street walls# specified as Street Wall Types 1, 3 and 4 consist of a #lower street wall# and an #upper street wall#, except that for #buildings# fronting on a #wide street# that do not exceed a height of 85 feet, and for #buildings# fronting on a #narrow street# that do not exceed a height of 60 feet , such #street wall# may in its entirety comply with the rules for an #upper street wall# .

(a) #Lower Street Wall#

- (1) For Parcels D1, E1, F1, G1, G2 and H, the #lower street wall# is that portion of the #street wall# that extends from grade to a minimum height of 15 feet above the highest elevation of the #street# frontage of the #building# on Broadway and a maximum height of 55 feet above such elevation for each #street# frontage. For #buildings# without frontage on Broadway, the #lower street wall# shall be measured from the highest elevation of each such #street# frontage of such #building#;
- (2) For Parcels A, C1, C4, D4, E4 and F4, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 55 feet above the highest elevation of such #street# frontage of such #building#;
- (3) For Parcels C2, C3, D2, E2, E3, F2 and F3, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 45 feet above the highest elevation of such #street# frontage of such #building#. For the purposes of this Section, Parcel C2 shall be considered to have frontage only on West 130<sup>th</sup> Street.

(b) #Upper Street Wall#

For all Parcels, the #upper street wall# is that portion of the #street wall# that extends from the #lower street wall# to the maximum #building# height set forth in Appendix B, or the height of the #building#, whichever is less.

- (c) The mandatory #street wall# requirements shall not apply to vertical #enlargements# of one #story# not exceeding 15 feet in height.

#### **104-331**

##### **Type 1 Street Wall Location**

Type 1 #street walls#, as shown on Map 4, shall comply with the provisions of this Section:

- (a) The #upper street wall# shall be located anywhere within five feet of the #street line# for at least 70 percent of the #street frontage# of the Parcel and shall rise without setback to a minimum height of 85 feet above #curb level#, or the height of the #building#, whichever is less.
- (b) The #lower street wall# shall be set back at least 2 feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 70 percent of the #street# frontage of the Parcel. For Parcels D1, E1, F1, G1, G2 and H, the height of the #lower street wall# shall be not less than twice the depth of the setback of the #lower street wall# from the #upper street wall#, but not less than 15 feet.
- (c) No #street wall# location regulation shall apply to that portion of the #street# frontage that exceeds 70 percent of the #street# frontage of a Parcel.
- (d) At least 20 percent of the area of an #upper street wall# facing Broadway shall be recessed to a minimum depth of 10 feet.
- (e) The #street wall# provisions of this Section 104-331, may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

#### **104-332**

##### **Type 2 Street Wall Location**

Type 2 #street walls#, as shown on Map 4, shall comply with the provisions of either paragraphs (a) or (b) of this Section:

- (a) For #street walls# fronting on #wide streets# , the #street wall# shall be located within five feet of the #street line# or the #mandatory widened sidewalk line#, whichever is applicable. For #street walls# fronting on #narrow streets#, the #street wall# shall be located between two and five feet of the #mandatory widened sidewalk line#. All such #street walls# shall rise without setback to a minimum height of 45 feet, or the height of the #building#, whichever is less,

and shall extend along at least 70 percent of the length of the #street line# or the #mandatory widened sidewalk line# of the Parcel, as applicable; or

- (b) Where the #lower street wall# is set back from the #upper street wall#, the provisions of Section 104-334 (Type 4 Street Wall Location) shall apply to #street walls# facing West 130th Street, and the provisions of Section 104-331 (Type 1 Street Wall Location) shall apply to #street walls# facing West 125<sup>th</sup> Street.
- (c) No #street wall# location regulations shall apply to that portion of the #street# frontage that exceeds 70 percent of the #street# frontage of the Parcel.

### **104-333**

#### **Type 3 Street Wall Location**

Type 3 #street walls#, as shown on Map 4, shall comply with the provisions of this Section:

- (a) The #upper street wall# shall be located within two feet of the 12<sup>th</sup> Avenue #mandatory widened sidewalk line#, and shall extend along no more than 70 percent of the length of the #mandatory widened sidewalk line# of the Parcel. Any #upper street wall# located on the remaining portion of the #street# frontage of the Parcel shall be set back from the 12<sup>th</sup> Avenue #widened sidewalk line# by a minimum distance of either:
  - (1) 20 feet, if such setback area faces both 12<sup>th</sup> Avenue and a #narrow street#, or
  - (2) 10 feet if such setback area faces only 12<sup>th</sup> Avenue.
- (b) The #lower street wall# shall be located at the same distance from the #mandatory widened sidewalk line#, or set back not more than ten feet from the #upper street wall# required pursuant to paragraph (a) of this Section, and shall extend along at least 80 percent of the length of such required #upper street wall#. No #street wall# location regulations shall apply to that portion of the #lower street wall# frontage that exceeds 56 percent of the #street# frontage of a Parcel.
- (c) The #street wall# provisions of this Section 104-333, may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

### **104-334**

#### **Type 4 street wall location**

Type 4 #street walls#, as shown on Map 4, shall comply with the provisions of this Section:

- (a) The #upper street wall# shall be located within five feet of the #street line# or #mandatory widened sidewalk line#, as applicable. Such #street wall# shall extend along at least 50 percent of the length of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable and shall rise without setback to a minimum height of 60 feet above #curb level#, or the height of the #building#, whichever is less.
- (b) The #lower street wall# shall be set back at least two feet but no more than ten feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 50 percent of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable.
- (c) No #street wall# location regulation shall apply to that portion of the #street# frontage that exceeds 50 percent of the #street# frontage of a Parcel.

#### **104-335**

##### **Type 5 street wall location**

Type 5 #street walls#, as shown on Map 4, shall comply with the provisions of paragraphs (a) or (b) of this Section:

- (a) The #street wall# shall be located within two feet of the #street line# or the #mandatory widened sidewalk line#, as applicable, and shall rise without setback to a minimum height of 45 feet or the height of the #building# whichever is less. Such required #street walls# shall extend along at least 50 percent of the length of the #street line# or the #mandatory widened sidewalk line# of the Parcel, as applicable; or
- (b) Where the #lower street wall# is set back from the #upper street wall#, the provisions of Section 104-334 (Type 4 Street Wall Location) shall apply.
- (c) No #street wall# location regulations shall apply to that portion of the #street# frontage that exceeds 50 percent of the #street# frontage of a Parcel.

#### **104-336**

##### **Type 6 street wall location**

#Street wall# Type 6 shall be located at or within three feet of the #street line# and shall extend along at least 70 percent of the length of the #street line# of the Parcel, and may rise to a maximum height of 60 feet. No #street wall# location regulations shall apply to that portion of the #street# frontage that exceeds 70 percent of the #street# frontage of a Parcel.

**104-337****Type 7 street wall location**

On Parcel 1 in Subdistrict B, #street wall# Type 7 shall be located at or within three feet of the #street line# and shall extend along at least 70 percent of the length of the #street line# of the Parcel, and may rise to a maximum height of 130 feet. No #street wall# location regulations shall apply to that portion of the #street# frontage that exceeds 70 percent of the #street# frontage of a Parcel.

**104-338****Type 8 street wall location**

#Street wall# Type 8 shall be located at or within 10 feet of the #street line# and shall extend along at least 70 percent of the length of the #street line# of the Parcel, and may rise to a maximum height of 120 feet. No #street wall# location regulations shall apply to that portion of the #street# frontage that exceeds 70 percent of the #street# frontage of a Parcel.

**104-34****Street Wall Recesses**

Recesses are permitted for architectural, decorative or functional purposes, provided that such recesses comply with the provisions of this Section:

For portions of the #lower street wall# required pursuant to the provisions of Section 104-33, the maximum area of recesses shall not exceed 30 percent of the area of such required #lower street wall# and the maximum depth of such recesses shall not exceed three feet.

For that portion of the #upper street wall# required pursuant to the provisions of Section 104-33, and located below a height of 85 feet on a #wide street# and 60 feet on a #narrow street#, the maximum area of recesses shall not exceed 30 percent of the area of such portion of the #upper street wall# and the maximum depth of such recesses shall not exceed three feet. However, the regulation limiting the maximum depth of such recesses to three feet set forth in this paragraph, shall not apply to the recesses required in paragraph (d) of Section 104-331.

**104-40****SPECIAL URBAN DESIGN REGULATIONS**

The special urban design regulations of this Chapter include ground floor transparency requirements, and requirements for six different types of open areas that are accessible to the public, as described below, and shown on Maps 3 (Widened Sidewalk Lines) and 7 (Mandatory Open Areas), in Appendix A of this Chapter.

#### **104-41 Street Wall Transparency Requirements**

Within Subdistricts A and B, the transparency requirements of paragraph (a) of this Section, subject to the modifications of paragraph (b) of this Section, as applicable, shall apply to #developments#, changes of #use# on the ground floor of a #building or other structure#, and #enlargements# that increase the #floor area# of the ground floor by more than 25 percent, but shall not apply to a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 in Appendix A of this Chapter.

- (a) On all #streets#, at least 70 percent of the surface of the #street wall# shall be glazed, and at least 50 percent of the area of each such #street wall# shall be transparent to a minimum height of the ceiling of the ground floor, or not less than 15 feet above the finished level of the adjacent sidewalk, whichever is lower. The glazing material shall be highly transparent, with low reflectivity. Above this height, and to the top of the #lower street wall#, the #street wall# surface shall be 50 percent glazed and 30 percent transparent. Door or window openings within such walls shall be considered as transparent. Each such opening shall have a minimum width of two feet.
- (b) For #street walls# where the provisions of Section 104-332 (Type 2 Street Wall Location) apply, the required glazing at the ground floor shall apply to the minimum height of the ceiling of the ground floor, or not less than 20 feet above the finished level of the adjacent sidewalk, whichever is lower.
- (c) For #street walls# in Subdistrict B, the transparency requirements of paragraph (a) of this Section shall apply to a height not more than 15 feet above the finished level of the adjacent sidewalk.

#### **104-42 Open Areas**

All mandatory open areas as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter and all open areas adjacent thereto up to the #street wall# required pursuant to the provisions of Section 104-33 (Mandatory Street Walls) shall comply with the urban design regulations of Section 104-42 through 104-43, inclusive, and shall be open and unobstructed except as specified.

#### **104-421 Mandatory widened sidewalks and adjacent areas**

- (a) Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter, specifies the locations of #mandatory widened sidewalks#. The depth of such #mandatory widened sidewalks# shall be as indicated on Map 3 and specified in this Section, and shall be measured perpendicular to the #street line#. #Mandatory widened

sidewalks# shall be constructed at the same level as the adjoining public sidewalks and shall be accessible to the public at all times. The portions of all #mandatory widened sidewalks# used for pedestrian circulation shall be improved as sidewalks to Department of Transportation standards.

- (b) Within #mandatory widened sidewalks#, landscaping and other amenities shall be permitted. However, no fences shall be permitted, no planters shall be higher than 2½ feet above the finished level of the adjacent sidewalk, and all trees shall be planted flush to grade.
- (c) Adjacent area at grade between lower street wall and sidewalk

Where the #lower street wall#, or the #street wall# if no #lower street wall# is required, is set back from the #mandatory widened sidewalk line# or the #street line#, whichever is applicable, the entire surface area of the ground located between the #street wall# and the public sidewalk shall comply with the standards of paragraphs (a) and (b) of this Section. Such areas may be covered and may include columns and other elements not specifically excluded pursuant to paragraph (b) of this Section.

- (d) Additional regulations shall apply to the following areas and conditions:

- (1) Narrow #streets#

The #mandatory widened sidewalks# located along #narrow streets# shall be five feet wide. A paved walking path not less than 10 feet wide, which may include the public sidewalk, shall be provided. The paving surface shall be of a non-skid material, whether wet or dry.

- (3) 12<sup>th</sup> Avenue

The #mandatory widened sidewalks# located along 12th Avenue, as shown on Map 7, shall be 30 feet wide and include a 15 foot wide area adjacent to the #street line# for the provision of an open market and a walking surface with a minimum clear path of 15 feet adjacent to the market area. The walking surface shall be of a non-skid material, whether wet or dry.

- (i) Permanent, fixed elements, such as landscaping and seating, with a minimum coverage of five percent of the market area, shall be required.

- (ii) The following obstructions shall be permitted:

Temporary, moveable elements with a maximum coverage of 30 percent of the market area per #zoning lot#, such as:

Market umbrellas;

Carts, kiosks or pavilions, open or enclosed;  
Retail structures, open;  
Seating and other street furniture.

**104-422****Midblock Open Areas**

Midblock Open Areas shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. However, no Midblock Open Area is required on any #block# that is not developed as a single #zoning lot#. The Midblock Open Areas shall have a minimum width of 50 feet clear and open to the sky, except that the Midblock Open Area located adjacent to Parcel C3 may have a width of 45 feet above a height of 20 feet above the grade of such Midblock Open Area. Below a height of 20 feet, awnings attached to #buildings# may project up to five feet into the Midblock Open Area.

All Midblock Open Areas shall have a minimum clear path of 15 feet and shall be improved as paved surfaces of a non-skid material, whether wet or dry. A minimum of ten percent and a maximum of 50 percent of each Midblock Open Area shall be improved with landscape treatment, including planting and other amenities. No fences shall be permitted. No walls or planters shall be higher than 2 ½ feet above the finished level of the adjacent sidewalk.

The full width of each Midblock Open Area shall be improved and open to the public prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to such area. However, up to 10 feet of the length of a Midblock Open Area may be temporarily enclosed within a construction fence for the shortest period of time reasonably necessary to permit construction in the adjacent area.

For #buildings# adjacent to the Midblock Open Areas, other than a #building# located on Parcel E2 as shown on Map 5 in Appendix A, building walls fronting on such Open Areas shall be transparent for 50 percent of the area of each such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#. Door or window openings within such wall shall be considered as transparent. Each such opening shall have a minimum width of two feet.

**104-423****East/West Open Area**

An East/West Open Area shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. The East /West Open Area shall have:

- (a) a minimum width of 60 feet and shall be open to the sky;
- (b) a minimum clear path of 15 feet, which shall be improved as a paved surface of a

non-skid material, whether wet or dry; and

- (c) a minimum of ten percent of its area improved with landscape treatment, including planting and other amenities. No walls or planters shall be higher than 2 ½ feet above the finished level of the adjacent sidewalk.

Exhaust shafts with a minimum height of 15 feet, and stair bulkheads with a maximum height of 20 feet, shall be permitted, provided such obstructions do not exceed 10 percent of the area of the East/West Open Area.

The full width of the East/West Open Area shall be improved and open to the public, prior to applying for and receiving a temporary certificate of occupancy for any new #development# adjacent to such area.

#### **104-424 The Square**

##### **Area of the Square**

If Block D is developed as a single #zoning lot#, an open area known as “the Square,” with a minimum area of 40,000 square feet, shall be provided, connecting West 130th and West 131st Streets, as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. This minimum area shall not include either the Midblock Open Area on Block D, or the area of the #mandatory widened sidewalks# on the West 130<sup>th</sup> and 131<sup>st</sup> Street frontages adjacent to the Square.

The Square shall be used for open space accommodating both passive recreation and limited active recreation.

##### **Building Transparency**

The bounding building wall on the west side of the Square shall be transparent for 50 percent of the area of such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#. Door or window openings within such wall shall be considered as transparent. Each such opening shall have a minimum width of two feet.

##### **Circulation and Access**

No fences or gates shall be permitted anywhere in the Square.

An unimpeded pedestrian access, with a minimum width of 15 feet, shall be provided across the Square in a generally diagonal direction in the north/south orientation, connecting the two narrow streets, with both ends located a minimum of 100 feet from the Midblock Open Area on Block D.

The Square shall provide minimum unobstructed access from the adjoining sidewalks for at least 50 percent of the length of each street frontage of the Square. No single fixed

element, within 15 feet of the #street line# of the Square, shall have a dimension greater than 15 feet or be higher than 30 inches, measured from the finished level of the adjacent sidewalk. The clear path between obstructions shall be at least three feet; however, to qualify as an unobstructed access that contributes to the 50 percent requirement set forth in this paragraph, a minimum width of five feet is required.

#### **Elevation of the Square**

The elevation of the Square shall generally follow the adjacent topography. Within fifteen feet of the #street line#, the elevation of the Square, for a minimum of 50 percent of the length of each frontage on a #street#, shall have a maximum slope of 1:15. Beyond fifteen feet from the #street line#, all open areas in the Square, including rolling or bermed lawn areas, may vary but shall not be more than five feet above or one foot below the level of the adjoining sidewalk or natural topography. Paved areas shall not be higher than 2½ feet above the level of the nearest adjoining sidewalk.

#### **Permitted Obstructions**

No walls or planters shall be higher than 2½ feet above the finished level of the adjacent sidewalk. No planters or planter walls shall be higher than 18 inches above the level of the adjacent grade.

Permanent structures, such as food or information kiosks, pavilions or public restrooms, may be placed in the Square, provided they do not exceed a height of 20 feet, or occupy more than three percent of the area of the Square.

Temporary or movable amenities, including elements such as trellises, movable tables, game tables, play equipment and performance facilities, are permitted, not to exceed 10 percent of the area of the Square.

#### **Seating**

Seating shall be provided for no fewer than 200 people. A minimum of 75 percent of the required seating shall be fixed; up to 25 percent may be movable. Every 2½ linear feet of fixed seating shall be considered as seating for one person.

The following standards shall apply to all required seating:

- (a) fixed seating may be provided in the form of double-sided benches;
- (b) 50 percent of the fixed seats shall have backs; such backs shall be not less than 14 inches high;
- (c) fixed seating shall be between 16 inches and 18 inches in height, with a minimum depth of 18 inches measured from the edge to the back; and
- (d) All seating shall be made of durable material and shall be comfortable to sit on, with rounded edges of at least 1 inch radius.

However, other types of seating, such as the top of natural stones and rocks and edges of planters and fountains, may count toward the required amount of seating if such seating has a minimum depth of 22 inches and is between 16 and 18 inches in height.

At least 20 percent of the required seating shall be provided within 15 feet of the #street line# of the Square fronting all #streets# and the adjacent Midblock Open Area, and arranged to encourage a variety of uses. If such Midblock Open Area is provided with seating, that frontage of the Square may be exempt from this requirement. Seating provided in the adjacent Midblock Open Area may count towards the required seating for the Square.

#### **General Requirements for Trees and Planting**

A minimum of 50 percent of the Square shall be landscaped with soft ground cover. Soft ground cover shall include trees, grasses, shrubs and other ornamental planting material. The remaining 50 percent of the Square may be paved as hard surface.

At least 30 percent of the area of the Square shall contain a continuous planting area, with minimum soil depth of five feet. Berming is allowed provided that the height of the berm is not greater than five feet above the level of the adjoining sidewalk.

#### **Trees**

A minimum of 30 trees is required. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet. Trees shall be planted in continuous planted areas that have a minimum depth of four feet and a minimum area of 500 square feet of soil. All trees shall be planted flush to grade.

#### **Planting**

Seasonal planting is encouraged but not required. When planting beds are provided, they can be counted towards meeting the requirement for soft ground cover. Planting beds shall have a minimum soil depth of two feet for grass or other similar ground cover and three feet for shrubs.

#### **Other Required Amenities**

Racks shall be provided for a minimum of 100 bicycles. Such racks shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Four drinking fountains, two of which shall be fully accessible for children and people with disabilities, shall be provided in the Square or on the sidewalks, #mandatory widened sidewalks# or Midblock Open Area adjacent to the Square.

Not less than 40 cubic feet of trash receptacles shall be provided. Individual containers shall not be smaller than 2½ cubic feet each. However, there shall be no fewer than ten containers, at least three of which shall be for used for recycling paper, plastic and metal

waste. Such recycling containers shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

**Permitted Amenities**

Permitted amenities include such elements as artwork and water features, which may occupy up to 10 percent of the area of the Square.

**Public Space Signage**

At least four entry and two information plaques shall be provided. The content and design of such #signs# shall comply with the standards for public space #signs# set forth in the Zoning Resolution. Information about the Square may be provided on the entry plaques.

**Vents Facing the Square**

On any building wall adjacent to and facing the Square, exhaust or air intake vents shall be located higher than 15 feet above the level of the Square.

**Vents and Stairs in the Square**

Exhaust or air intake vents and stair bulkheads shall not be permitted in the Square, except as authorized by the City Planning Commission, subject to the following conditions:

- (a) The top of the exhaust or intake vent shall be a minimum of 20 feet above the
- (b) No single element shall be more than 200 square feet; and
- (c) The aggregate area occupied by all vents and stair bulkheads shall not exceed one percent of the area of the Square.

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

- (1) placement of such elements cannot be reasonably accommodated elsewhere on the #zoning lot#; and
- (2) such vents and stair bulkheads are located so as to minimize impact on the visibility, accessibility and public use and enjoyment of the Square.

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

**104-425**

**The Small Square**

If Block C is developed as a single #zoning lot#, an open area known as the “Small Square,” with a minimum area of 10,000 square feet, shall be provided as a passive open space, connecting West 129<sup>th</sup> and West 130<sup>th</sup> Streets. It shall be improved with paved surfaces of a non-skid material, whether wet or dry. No fences or walls shall be permitted in the Small Square.

The bounding building walls on all #buildings# abutting the Small Square shall be transparent for 50 percent of the area of the portion of each such wall measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

The Small Square shall be landscaped with a minimum of eight trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum depth of four feet. All trees shall be planted flush to grade.

A minimum of 30 moveable seats shall be provided at all times; additional moveable or fixed seating may be provided.

**104-426**  
**The Grove**

If Block A is #developed# as a single #zoning lot#, an open area known as “the Grove,” with a minimum area of 400 square feet, shall be provided as a passive open space connecting West 125<sup>th</sup> and West 129<sup>th</sup> Streets. It shall contain a grove of trees and seating at the western portion of the Block.

The Grove shall be improved with paved surfaces of a non-skid material, whether wet or dry. It shall be landscaped with trees planted flush to grade and may include additional planting. The Grove may contain fixed or moveable seating.

No fences, walls, or planters are permitted in the Grove.

**104-43**  
**Open Area Standards**

**104-431**  
**Access and hours of public accessibility**

All open areas shall be accessible directly from an adjoining public sidewalk, except as otherwise provided in this Chapter. No fences or gates shall be permitted anywhere within the open areas, except as permitted in this Section.

All open areas except the Square and the East West Open Area shall be accessible to the public twenty-four hours per day, seven days a week. The Square and the East West Open Area shall be accessible to the public seven days per week, from the hours of 7:00 a.m. to 7:00 p.m., from November through April, and from 7:00 a.m. to 11:00 p.m. from May through October. All open areas may be closed not more than one day each year, on a non-holiday weekend day in January, to preserve the private ownership of such areas, except the Square and the East West Open Area may each be closed by its respective owner for private events and activities for a maximum of 12 days in each calendar year, which days shall not include public holidays. Advance notice of such closing shall be posted at the

perimeter of the Square and the East West Open Area and shall be provided to the Chair of the City Planning Commission not less than 24 hours prior to each such closing.

**104-432**  
**Lighting**

All paved areas shall be illuminated with a minimum level of illumination not less than two horizontal foot candles (lumens per foot) throughout. All other areas shall have a minimum level of illumination not less than 0.5 horizontal foot candles (lumens per foot). Such level of illumination shall be maintained from sunset to sunrise. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of the open space.

**104-433**  
**Maintenance and operation**

The owner of each open area within Subdistrict A shall be responsible for its maintenance and operation. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner of an open area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent Parcels. The owner may establish and enforce rules of conduct for the use of the open areas and standards for permits for events and activities in an open area. Rules and regulations for the open areas will be subject to review and approval by the Chairperson of the City Planning Commission.

No vehicles shall be stored on any of the open areas.

**104-44**  
**Street Trees on Narrow Streets and Broadway**

On #narrow streets# and Broadway, #street trees# with a minimum caliper of four inches, or, for trees which are multi-stem varieties, with a minimum height of eight feet, shall be provided for the entire length of the #street# frontage of the #zoning lot#, except adjacent to the Square, the Small Square and the Midblock Open Areas. Such trees shall be planted at maximum intervals of 25 feet on center, except where the Commissioner of Parks and Recreation determines that such tree planting would be infeasible. All trees shall be planted flush to grade and in accordance with the applicable standards of the Department of Parks and Recreation, and shall be located within a soft surface, landscaped strip at least five feet wide adjacent to the curb, which landscape strips need not be continuous. Other planted landscape treatment and amenities may be permitted within such planting strip. Such trees shall be maintained by the owner of the adjacent #development# or #enlargement#.

**104-50  
PERMITTED TRANSFER OF FLOOR AREA**

Transfers of #floor area# may be made from granting sites to receiving sites, within Subdistrict A, subject to the requirements of this Section.

For the purposes of this Section, a “granting site” shall mean any #zoning lot# in Subdistrict A that comprises a #block# as identified by letter on Map 2 in Appendix A, or the portion of the #block# identified as Block H on Map 2 (Subdistrict A Block Plan) in Appendix A in this Chapter, from which #floor area# is to be transferred pursuant to the provisions of this Section, and a “receiving site” shall mean a #zoning lot# in Subdistrict A that comprises a #block#, as identified by letter on Map 2, or the portion of the #block# identified as Block H on Map 2, to which #floor area# is transferred.

#Floor area# may be transferred as follows:

- (a) by Notice, in accordance with the provisions of Section 104-52 (Transfer of Floor Area by Notice);
- (b) by authorization, in accordance with the provisions of Section 104-53 (Transfer of Floor Area by Authorization); or
- (c) by special permit in accordance with the provisions of Section 104-60 (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT), provided that the proposed #development# on the receiving site requires modification of the #bulk# regulations of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS).

**104-51  
General Requirements for Transfer**

For any transfer of #floor area# by notice or by authorization pursuant to Section 104-50, inclusive, the requirements of this Section shall apply:

- (a) Notification

Prior to any transfer of #floor area#, pursuant to Sections 104-52 (Transfer of Floor Area by Notice) or 104-53 (Transfer of Floor Area by Authorization), the owners of the granting site and the receiving site(s) shall jointly notify or apply to the Department of City Planning, as applicable, in writing, of such intent to transfer #floor area#. Such notification or application shall be signed by the owners of the granting site and the receiving site(s) and shall include site plans.

- (b) Notices of Restriction

Notices of restrictions shall be filed by the owners of the granting site and the receiving site(s) in the Office of the Register of the City of New York, indexed

against the granting site and the receiving site(s), certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a condition to issuance by the Commissioner of Buildings of a building permit for a #building# on the receiving site containing any such transferred #floor area#.

(c) #Floor area#

**The amount of #floor area# to be transferred from a granting site shall not exceed the maximum amount of #floor area# permitted on the #block# containing the granting site for #community facility uses#, pursuant to Section 104-12 (Community Facility Use Modifications), less the total floor area of all existing buildings on such #block#. The transfer of #floor area#, once completed, shall irrevocably reduce the maximum #floor area# permitted on the granting site for any #use# by the amount of #floor area# transferred.**

(d) #Use#

#Floor area# transferred pursuant to the provisions of Section 104-50 through 104-53, inclusive, shall only be used for #community facility uses# and shall be in addition to the #floor area# permitted for #community facility uses# on the receiving site.

(e) Height and Setback

Any #building# on a receiving site that uses the #floor area# so transferred shall comply with the special #bulk# regulations of this Chapter.

**104-52**

**Transfer of Floor Area by Notice**

For any transfer of #floor area# from a granting site which comprises any of Blocks A, C or D to one or more receiving sites on Blocks B, E, F, G or H, the general requirements of Sections 104-50 and 104-51 shall apply as well as the following:

- (a) the site plan submitted for the granting site under the provisions of paragraph (a) of Section 104-51 shall show the conditions and #floor area# calculations for the granting site and the receiving site, before and after the transfer;
  
- (b) no building permit shall be issued by the Department of Buildings for a #building# on a receiving site containing any such transferred #floor area# until the Chairperson of the City Planning Commission has certified to the Department of Buildings that plans submitted to the Department of City Planning for the Square, the Small Square or the Grove, as applicable, on the granting site, conform with the requirements of Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS); and
  
- (c) no temporary certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public open area which is required to be provided on the granting site pursuant to the provisions of Sections 104-424 (The Square), 104-425 (The Small Square) or 105-426 (The Grove), as applicable, has been constructed substantially in accordance with the plan certified by the Chairperson of the City Planning Commission pursuant to paragraph (a) of this Section and is substantially complete and may be opened to the public, and no permanent certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson of the City Planning Commission certifies to the Department of Buildings that construction of the public open space which is required to be provided on the granting site is complete.

**104-53****Transfer of Floor Area by Authorization**

Within Subdistrict A, the City Planning Commission may authorize the transfer of #floor area# from a granting site other than Blocks A, C or D to a receiving site, subject to the general requirements of Sections 104-50 and 104-51, provided the Commission finds that:

- (a) such transfer will permit better site planning; and
- (b) such transfer will not unduly increase the #bulk# of #buildings# in any #block#, to the detriment of the occupants or users of #buildings# on #blocks# outside Subdistrict A.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**104-60  
MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF  
FLOOR AREA BY SPECIAL PERMIT**

The City Planning Commission may, by special permit,

- (a) modify the special height and setback requirements of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS) inclusive, provided the Commission finds that such modifications are necessary to:
  - (1) meet programmatic and mechanical requirements;
  - (2) achieve a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, streets, #buildings# and properties;
  - (3) provide flexibility of architectural design and encourage more attractive building forms; and
  - (4) result in a #development# or #enlargement# that is compatible with #development# in the surrounding area.
- (b) permit the transfer of #floor area# from any granting site to a receiving site for a #development# that requires modification of the special height and setback requirements of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS), inclusive, provided the Commission finds:
  - (1) such transfer complies with the general requirements set forth in paragraphs (a), (b), (c) and (d) of Section 104-51;
  - (2) the distribution of #floor area# on the receiving site does not adversely affect the character of the surrounding area by unduly concentrating #floor area# in any portion of Subdistrict A; and

- (3) where such transfer is from a granting site on Blocks A, C or D, it shall also comply with the provisions of paragraphs (b) and (c) of Section 104-52 (Transfer of Floor Area by Notice).

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

#### **104-70**

#### **PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS**

In the #Special Manhattanville Mixed Use District#, the #accessory# off-street parking and loading regulations of the underlying zoning districts shall apply except as set forth in this Section, inclusive.

#### **104-71**

#### **Accessory Off-Street Parking**

In Subdistrict A, the #accessory# off-street parking and loading regulations in Article III, Chapter 6, pertaining to the underlying C6 District shall be modified, as follows:

- (a) #accessory# parking spaces at or above grade shall be completely enclosed;
- (b) #accessory# parking garages at or above grade shall not be located:
- (1) within sixty (60) feet of the #lot line# on Broadway of any #zoning lot# or within ninety (90) feet of the #lot line# on 12<sup>th</sup> Avenue of any #zoning lot;
  - (2) on Parcels E2 or G2; or
  - (3) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter or within ten (10) feet of any such Mandatory Open Area; and
- (c) Section 36-12 (Maximum Size of Accessory Group Parking Facilities) shall not apply to parking spaces provided below grade.

#### **104-711**

#### **Accessory parking below grade**

Required and permitted #accessory# off-street parking spaces may be located below grade, without regard to #zoning lot lines#.

- (a) Such #accessory# group parking facilities shall not exceed the following maximum number of spaces:
- For Blocks C, D and E combined up to 1,800 spaces in total
  - For Block F up to 1,000 spaces in total
  - For Blocks G and H combined up to 600 spaces in total
- (b) Such #accessory# group parking facilities are subject to the following requirements:

- (1) the location of the curb cuts is subject to the provisions of Section 104-73 ;
- (2) such #accessory# off-street parking spaces shall not be located further than 1,000 feet from the nearest boundary of the #zoning lot# to which they are accessory; and
- (3) such #accessory# off-street parking facilities shall provide adequate reservoir spaces at the vehicular entrances to accommodate either ten automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir spaces be required for more than 50 automobiles at each entrance.

#### **104-72**

##### **Public Parking Garages**

In Subdistrict A, public parking garages shall not be located:

- (a) within sixty (60) feet of the #lot line# on Broadway of any #zoning lot# or within ninety (90) feet of the #lot line# on 12<sup>th</sup> Avenue of any #zoning lot#;
- (b) on Parcels E2 or G2; or
- (c) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter or within ten (10) feet of any such Mandatory Open Area..

#### **104-73**

##### **Permitted Curb Cut Locations**

The following curb cut regulations shall apply to any #development# or #enlargement#:

- (a) Existing curb cuts on #wide streets# may remain until such time as a #community facility use# is located on that portion of the #zoning lot#.
- (b) No new curb cuts are permitted on #wide streets# or within 50 feet of the intersection of any two #street lines#. Furthermore, no curb cuts are permitted on Block B. However, curb cuts may be permitted in such areas where the Commissioner of Buildings determines there is no alternative means of access to off-street parking spaces or required loading berths from other streets bounding the #block# or #zoning lot#.
- (c) New curb cuts shall not be greater than 30 feet in width.
- (d) There shall be no more than two new curb cuts per #street# frontage on a #zoning lot#, except on Block F where three curb cuts per #street# frontage are permitted, and except as provided in paragraph (f) of this Section;

- (e) There shall be a minimum distance of 30 feet between curb cuts on a #street# frontage of a #zoning lot#.
- (f) In order to access the Square, as described in Section 104-425, one curb cut, not to exceed 15 feet in width, shall be permitted along each #street# frontage of the sidewalk adjacent to the Square. Such curb cuts shall be in addition to the two curb cuts permitted on Block D, pursuant to paragraph (d) of this Section.

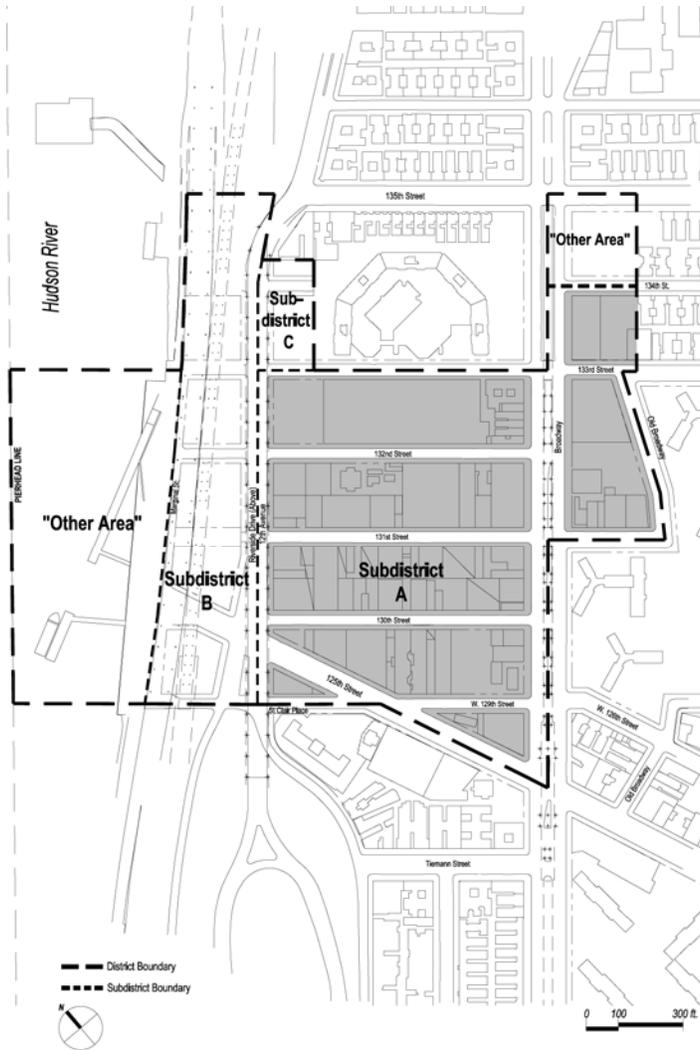
**Special Manhattanville Mixed Use District**

**Appendix A  
District Maps**

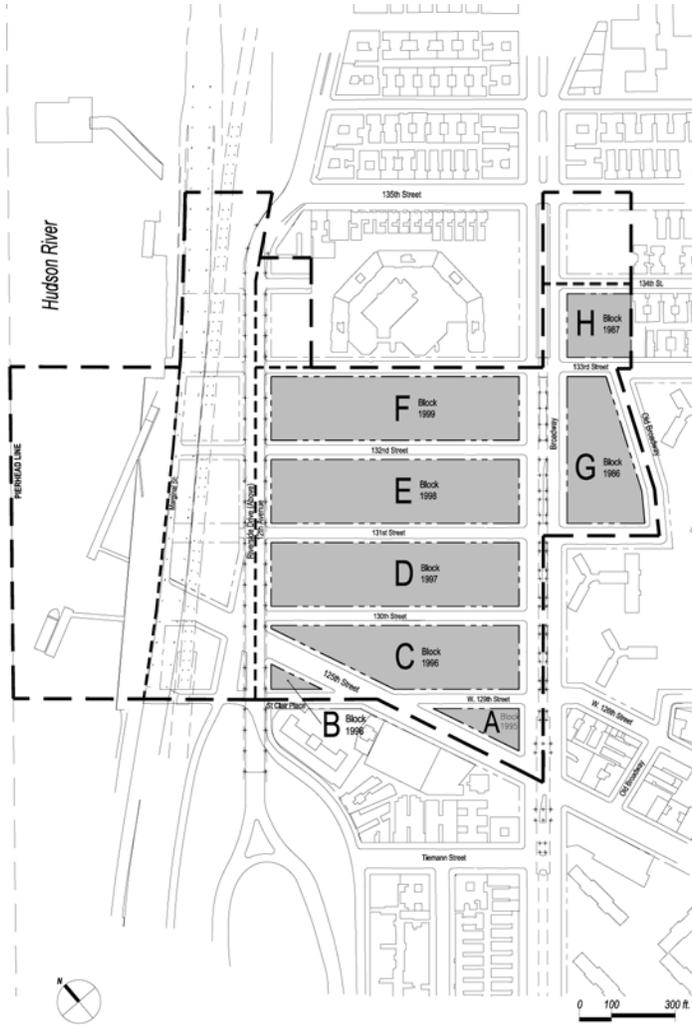
- Map 1 Special Manhattanville Mixed Use District and Subdistricts
- Map 2 Subdistrict A Block Plan
- Map 3 Widened Sidewalk Lines
- Map 4 Mandatory Street Walls
- Map 5 Parcel Designation and Maximum Building Heights
- Map 6 Ground Floor Use and Frontage
- Map 7 Mandatory Open Areas

**Appendix B**

**Base Plane and Building Height Table**

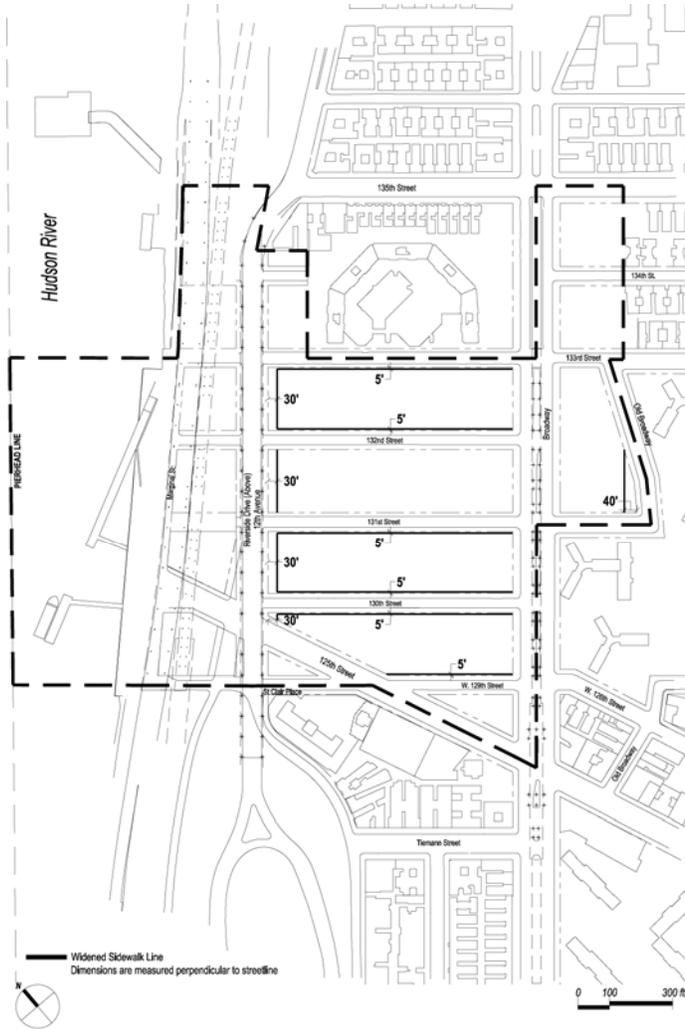


**Map 1. Special Manhattanville Mixed Use District and Subdistricts** May 14, 2007



Special Manhattanville Mixed Use District and Subdistricts  
**Map 2. Subdistrict A Block Plan**

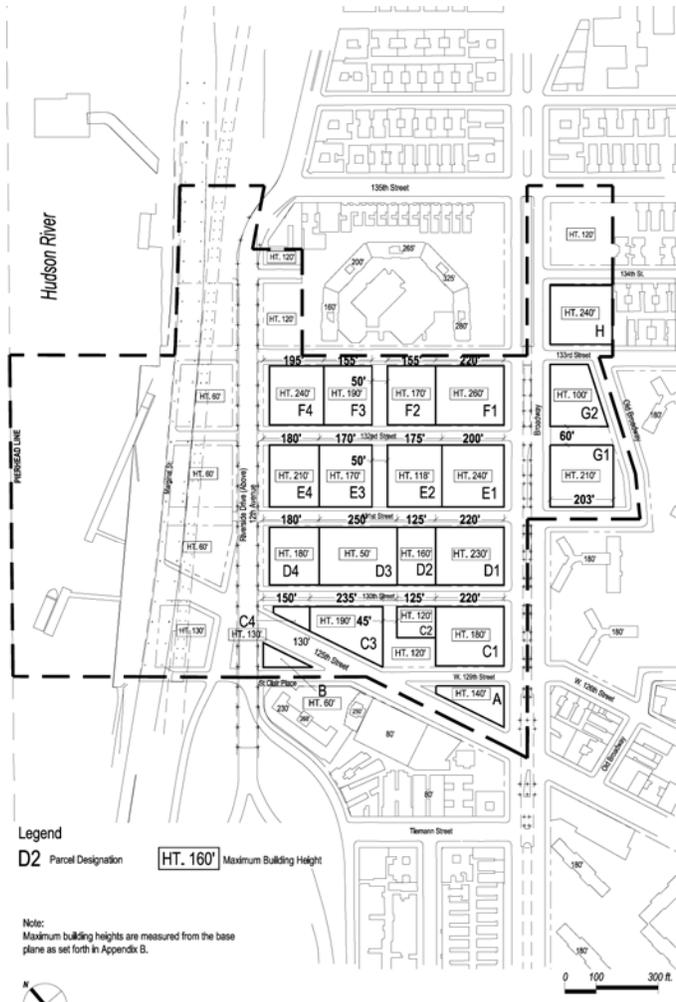
May 14, 2007



Special Manhattanville Mixed Use District and Subdistricts  
**Map 3. Widened Sidewalk Lines**

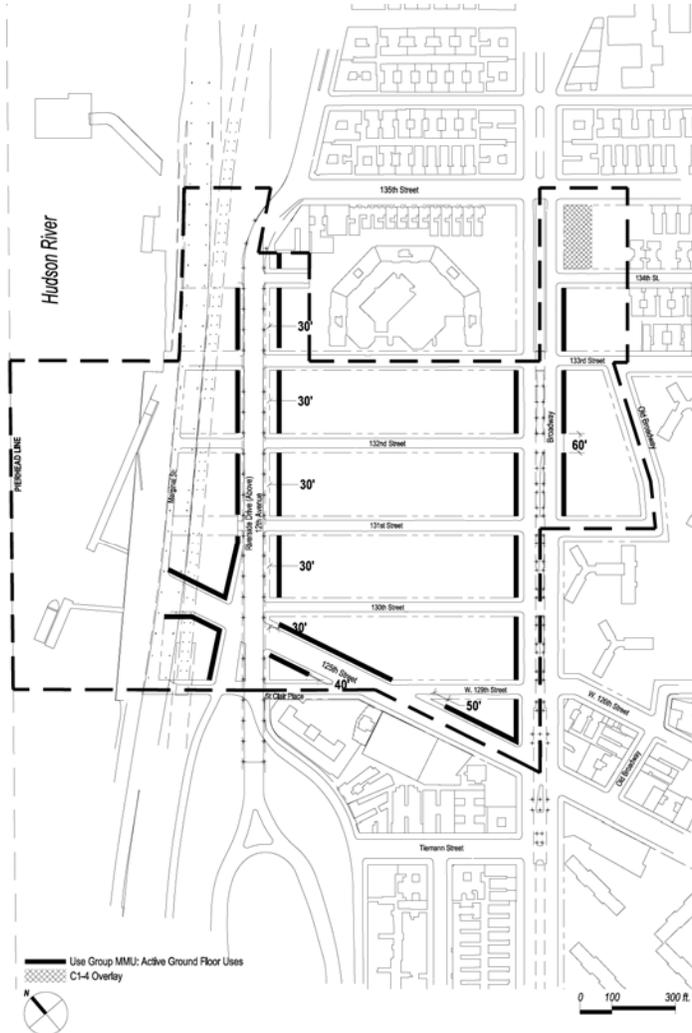
May 14, 2007





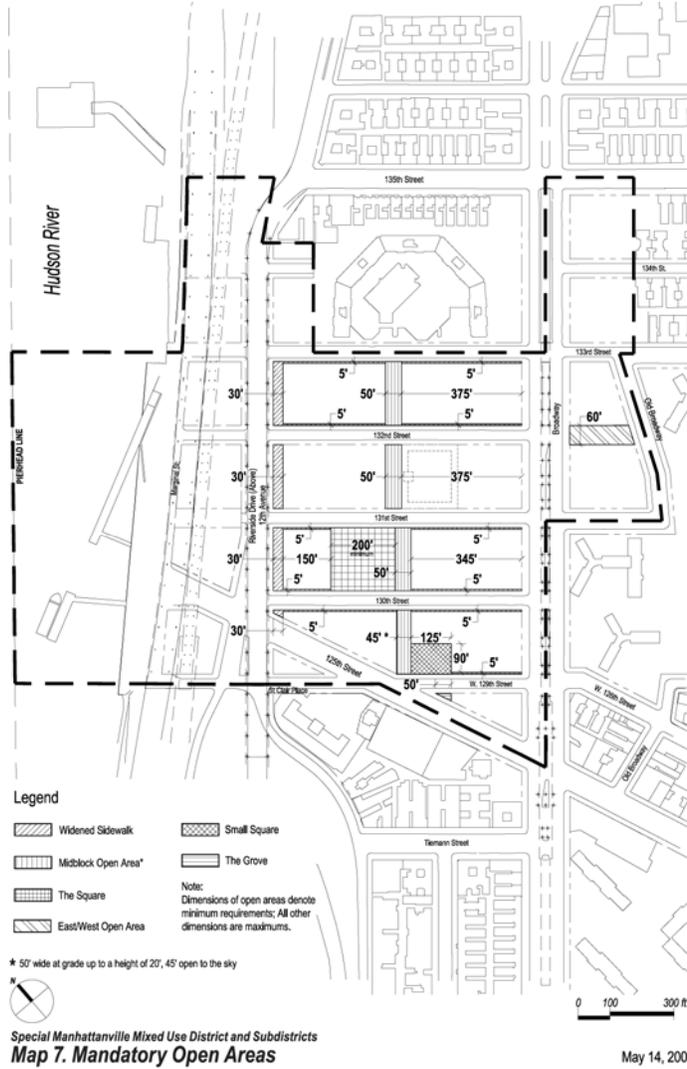
Special Manhattanville Mixed Use District and Subdistricts  
**Map 5. Parcel Designation and Maximum Building Heights**

May 14, 2007



Special Manhattanville Mixed Use District and Subdistricts  
**Map 6. Ground Floor Use and Frontage**

May 14, 2007



**APPENDIX B**

<b>Parcel*</b>	<b>Base Plane</b>	<b>Maximum Building Height, Above Base Plane</b>	<b>Maximum Height of Mechanical Equipment</b>
A	21.6'	140'	40'
B	10.37'	60'	20'
C1	20.74'	180'	60'
C2	19.29'	120'	40'
C3	15.19'	190'	40'
C4	9.36'	130'	40'
D1	26.68'	230'	60'
D2	23.25'	160'	60'
D3	15.85'	50'	NA
D4	9.05'	180'	40'
E1	32.42'	240'	60'
E2	23.38'	118'	40'
E3	14.82'	170'	60'
E4	10.11'	210'	60'
F1	43.25'	260'	60'
F2	34.92'	170'	60'
F3	25.63'	190'	60'
F4	11.97'	240'	60'
G1	44.92'	210'	60'
G2	55.62'	100'	40'
H	66.61'	240'	60'

**Base Plane and Building Height**

**NOTE:** These numbers reflect measurement in feet above Manhattan Datum, which is 2.75' above Sea Level.

\* Parcels shown on Map 5, Appendix A

(On September 19, 2007, Cal. No. 2, the Commission scheduled October 3, 2007 for a public hearing which has been duly advertised.

**Close the hearing.**

---

**NOTICE**

On Wednesday, October 3, 2007, at 9:00 a.m., at the City College of New York, in Aaron Davis Hall, 138 Convent Avenue at West 135<sup>th</sup> Street, in Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning zoning map amendments, and a zoning text amendment to establish a special mixed-use district, and related land use actions to facilitate the Manhattanville in West Harlem Rezoning and Academic Mixed-Use Development project in an approximately 35-acre area of Manhattanville in the West Harlem neighborhood of Manhattan Community District 9. The Project Area is roughly bounded by the Hudson River to the west, West 133<sup>rd</sup> and West 135<sup>th</sup> Streets to the north, Broadway to the east, including several parcels located east of Broadway between West 131<sup>st</sup> and West 135<sup>th</sup> Streets, and West 125<sup>th</sup> Street and St. Claire Place to the south. The proposed action would facilitate the development of approximately 6.8 million gross square feet of new academic facilities and related uses by Columbia University on approximately 17 acres within the 35-acre Project Area, as well as commercial and residential development in other portions of the Project Area.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 06DCP032M.

---

No. 25

***COMMUNITY BOARD 9 MANHATTAN 197-a PLAN***

**CD 9**

**N 060047 NPM**

**PUBLIC HEARING:**

**IN THE MATTER OF** a plan submitted by Manhattan Community Board 9 concerning Community District 9, an area generally bounded by West 110<sup>th</sup> Street, West 155<sup>th</sup> Street, the Hudson River and St. Nicholas, Jackie Robinson and Morningside parks, for consideration pursuant to Section 197-a of the New York City Charter. The proposed plan for adoption is called "Community Board 9 Manhattan 197-a Plan."

(On September 19, 2007, Cal. No. 3, the Commission scheduled October 3, 2007 for a public hearing which has been duly advertised.

**Close the hearing.**

---

**IV. CITY PLANNING COMMISSION 2007 SCHEDULE OF MEETINGS  
July 1 to December 31**

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

**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 2008 SCHEDULE OF MEETINGS**  
**January 1 to June 30**

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

**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.

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

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

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