

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, FEBRUARY 5, 2014
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK, NY 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 140157 ZSM	8	ROCKEFELLER UNIVERSITY EXPANSION	Scheduled to be Heard 2/19/14
2	C 140068 MMM	8	" "	" "
3	C 140068(A) MMM	8	" "	" "
4	N 140191 ZRM	4	MANHATTAN WEST TEXT AMENDMENT	" "
5	C 120178 ZMQ	8	UNION TURNPIKE REZONING	Favorable Report Adopted
6	C 140089 PPX	6	DISPOSITION OF CITY-OWNED PROPERTY	" "
7	N 140099 ZRK	1	EAST RIVER TEXT AMENDMENT	" "
8	C 140122 PPK	18	YESHIVA RAMBAM	" "
9	N 140208 RCR	3	434 & 440 DARLINGTON AVENUE	Certification Approved
10	C 140037 ZMQ	13	BRADDOCK-HILLSIDE REZONING	Hearing Closed
11	N 140213 HKM	2	SOUTH VILLAGE HISTORIC DISTRICT	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:												
		In Favor - Y Oppose - N Abstain - AB Recuse - R												
Calendar Numbers:		5	6	7	8	9								
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y	Y	Y								
Angela M. Battaglia	P	Y	Y	Y	Y	Y								
Rayann Besser	P	Y	Y	Y	Y	Y								
Irwin G. Cantor, P.E.	A													
Alfred C. Cerullo, III	P	Y	Y	Y	Y	Y								
Betty Y. Chen	P	Y	Y	Y	Y	Y								
Michelle R. De La Uz	P	Y	Y	Y	Y	Y								
Maria M. Del Toro	P	Y	Y	Y	Y	Y								
Joseph I. Douek	P	Y	Y	Y	Y	Y								
Richard W. Eaddy	P	Y	Y	Y	Y	Y								
Anna Hayes Levin	P	Y	Y	Y	Y	Y								
Orlando Marin, Commissioners	A													

MEETING ADJOURNED AT: 10:40 A.M.

**COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York**

CITY PLANNING COMMISSION

WEDNESDAY, FEBRUARY 5, 2014

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



**Bill de Blasio, Mayor
City of New York**

[No. 3]

Prepared by Yvette V. Gruel, Calendar Officer

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

CITY PLANNING COMMISSION

**GENERAL 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).

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below.

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

For Additional Calendar Information: call (212) 720-3370.

B

CITY PLANNING COMMISSION

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

KENNETH J. KNUCKLES, *Esq.*, Vice Chairman

ANGELA M. BATTAGLIA

RAYANN BESSER

IRWIN G. CANTOR, P.E.

ALFRED C. CERULLO, III

BETTY Y. CHEN

MICHELLE R. DE LA UZ

MARIA M. DEL TORO

JOSEPH I. DOUEK

RICHARD W. EADDY

ANNA HAYES LEVIN

ORLANDO MARIN, *Commissioners*

YVETTE V. GRUEL, *Calendar Officer*

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

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

The next regular public meeting of the City Planning Commission is scheduled for February 19, 2014 at 10:00 a.m.

GENERAL INFORMATION

HOW TO PARTICIPATE:

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

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

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

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

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

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

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ ULURP No.: _____ CD No.: _____

Position: Opposed _____

 In Favor _____

Comments:

Name: _____

Address: _____

Organization (if any) _____

Address: _____ Title: _____

FEBRUARY 5, 2014

APPROVAL OF MINUTES OF the Regular Meeting of January 22, 2014

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR
WEDNESDAY, FEBRUARY 19, 2014
STARTING AT 10:00 A. M. AT SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK**

BOROUGH OF MANHATTAN

Nos. 1, 2 & 3

ROCKEFELLER UNIVERSITY EXPANSION

No. 1

CD 8

C 140157 ZSM

IN THE MATTER OF an application submitted by the Rockefeller University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-682 of the Zoning Resolution to allow the development of a building within the demapped air space above the Franklin D. Roosevelt Drive*, and in conjunction therewith, modify the rear yard requirements of Section 24-36 (Minimum required Rear Yards), in connection with the proposed expansion of an existing university, within a large-scale community facility development bounded by York Avenue, the easterly centerline prolongation of East 68th Street, the U.S. Pierhead and Bulkhead line and East 62nd Street and its easterly centerline prolongation (Block 1480, Lots 10 & 9010; and Block 1475, Lots 5 & 9005), within R9 and R10 Districts.

*Note: Air space above the Franklin D. Roosevelt Drive is proposed to be demapped under a concurrent related application (C 140068 MMM) for a change in the City 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.

Resolution for adoption scheduling February 19, 2014 for a public hearing.

No. 2

CD 8

C 140068 MMM

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

- the elimination, discontinuance and closing of volumes of the FDR Drive between East 64th and East 68th streets; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30242 dated November 1, 2013 and signed by the Borough President.

Resolution for adoption scheduling February 19, 2014 for a public hearing.

No. 3

CD 8

C 140068(A) MMM

IN THE MATTER OF an application submitted by Rockefeller University pursuant to Sections 197-c and 199 of the New York City Charter, Section 5-430 *et seq.* of the New York City Administrative Code and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for an amendment to the City Map involving:

- the elimination, discontinuance and closing of volumes of the FDR Drive between East 64th and East 68th streets; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30243 dated February 28, 2014 and signed by the Borough President.

Resolution for adoption scheduling February 19, 2014 for a public hearing.

NOTICE

On Wednesday, February 19, 2014, at 10:00 a.m., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning a modification to an existing Large Scale Community Facility Development (“LSCFD”) plan, City Map amendments and a special permit, as well as other discretionary approvals, affecting a “superblock” (Block 1480, Lots 10 and 9010; Block 1475, Lots 5 and 9005) bounded by East 62nd Street and the centerline of demapped East 68th Street, between York Avenue and the bulkhead east of the Franklin Delano Roosevelt (FDR) Drive in Manhattan, Community District 8. The proposed actions would facilitate a proposal by the applicant to develop three new community facility buildings comprising a total of approximately 180,000 gross-square-feet (gsf) and privately accessible open space. Written comments on the DEIS are requested and would be received and considered by the Lead Agency through Monday, March 3, 2014. This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 14DCP019M.

 No. 4
MANHATTAN WEST TEXT AMENDMENT

CD 4

N 140191 ZRM

IN THE MATTER OF an application submitted by BOP West 31st Street LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), Borough of Manhattan, Community District 4.

Matter in underline is new, to be added;

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

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

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

Article IX: Special Purpose Districts
Chapter 3: Special Hudson Yards District

* * *

93-221

Maximum floor area ratio in the Farley Corridor Subdistrict B

- (a) Western Blocks Subarea B1

In the Western Blocks Subarea B1 of the Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial floor area ratio# of 12.0 or more, or as provided for phased developments in Section 93-122 Certification for residential use in Subdistricts A, B and E).

- (b) Central Blocks Subarea B2

In the Central Blocks Subarea B2 of Farley Corridor Subdistrict, #residential use# shall only be permitted on a #zoning lot# with a #commercial floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122.

- (c) Farley Post Office Subarea B3

In the Farley Post Office Subarea B3 of Farley Corridor Subdistrict B, no #floor area# increases shall be permitted.

- (d) Pennsylvania Station Subarea B4

In the Pennsylvania Station Subarea B4 of Farley Corridor Subdistrict B, any increase in the #floor area ratio# specified in Row A in the table in Section 93-22 shall be permitted only pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea) and Section 74-79 (Transfer of Development Rights from Landmark Sites), as modified by paragraph (b) of Section 93-054 (Applicability of Chapter 4 of Article VII).

- (e) Transfer of #floor area#

Notwithstanding any other provision of this Resolution, #floor area# may not be transferred between a #zoning lot# located north of West 31st Street in the Western Blocks Subarea B1 and a #zoning lot# located north of West 31st Street in the Central Blocks Subarea B2.

* * *

93-70

PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, as set forth in 93-71, paragraph (h), the requirements set forth in such ~~Section~~ Sections shall apply. For certifications relating to 450 West 33rd Street, the requirements set forth in Section 93-72(e) shall apply. For certifications relating to the Ninth Avenue Rail Yard, the requirements set forth in Section 93-732 shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. ~~Such plan may provide for the outdoor plaza described in Section 93-71, paragraph (b), to be constructed in phases.~~ Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#. For the Eastern Rail Yard Subarea A1, such phased development plan may provide for the outdoor plaza described in paragraph (b) of Section 93-71 to be constructed in phases. For 450 West 33rd Street and the Ninth Avenue Rail Yard, such phased development plan shall comply with additional provisions set forth in Sections 93-722 and 93-732.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until

the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in Section 93-71, paragraph (h) and Section 93-731.

* * *

93-72

Public Access Areas at 450 West 33rd Street

The provisions of this Section shall apply to any #development# or #enlargement# ~~in the area on the #zoning lot#~~ bounded by the eastern #street line# of Tenth Avenue, the northern #street line# of West 31st Street, the Lincoln Tunnel Approach a line 302 feet east of the eastern #street line# of Tenth Avenue and the southern #street line# of West 33rd Street. However, if a special permit has been granted for the #development# of an arena pursuant to Section 74-41 in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 498 feet west of the western #street line# of Ninth Avenue ~~the Lincoln Tunnel Approach~~ and the southern #street line# of West 33rd Street, the provisions of this Section may be waived or modified in conjunction with such special permit.

(a) Through block connection

A publicly-accessible through block connection shall be provided within 10 feet of the prolonged center line of West 32nd Street, at an elevation that connects the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) in Section 93-71 with the ~~Lincoln Tunnel Approach bridge~~ Dyer Avenue platform required pursuant to paragraph (b) of this Section and paragraph (e) of Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard). Public access shall also be provided between such through block connection and the Tenth Avenue sidewalk.

For #developments# or #enlargements# where 75 percent or less of the total #floor area# existing on the #zoning lot# on January 19, 2005, has been demolished, such through block connection shall be open or enclosed and have a minimum clear width of 30 feet. If enclosed, at least 75 percent of such through block connection shall have a minimum clear height of 30 feet, and the remainder shall have a minimum clear height of 20 feet.

For #developments# or #enlargements# where more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, such through block connection shall have a minimum width of 60 feet and a minimum clear path of 20 feet, and have retail uses fronting upon at least 50 percent of its northern and southern boundaries. At least 60 percent of such through block connection shall be enclosed, with an average clear height of 60 feet and a roof of transparent material that allows for natural daylight to enter. Direct access shall be provided to any #building# adjacent to such through block connection. The maximum height of a #building# wall along the southern boundary of the through block connection shall not exceed the average height of the enclosed portion, or the height at which an arched or angled ceiling of the enclosed through block connection begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the through block connection. Any portion of such through block connection that is open to the sky shall comply with the provisions for #public plazas# set forth in Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743, 37-744, 37-75, 37-76 and 36-77.

Notwithstanding the foregoing, an #enlargement# which does not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, shall not be considered an #enlargement# for purposes of this paragraph (a).

(b) Lincoln Tunnel Approach bridge-Dyer Avenue platform

~~A publicly accessible pedestrian bridge shall be provided over the Lincoln Tunnel Approach linking the through block connection required pursuant to paragraph (a) of this Section with the through block passageway required pursuant to Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard) or the covered pedestrian space required pursuant to Section 93-731 (Special requirements for zoning lots with floor area ratios greater than 10). Such bridge may be open or enclosed, and shall have a minimum width of 30 feet. If enclosed, such bridge shall have a minimum clear height of 15 feet.~~

A permanent easement shall be provided along the eastern edge of the #zoning lot# with a minimum width of 33 feet for the purposes of constructing the Dyer Avenue platform required pursuant to paragraph (d) of Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard). Any amenities required by paragraph (d) of Section 93-73 may be located within such easement.

(c) West 31st Street Passageway

A publicly accessible passageway space, (hereinafter referred to as the "West 31st Street passageway") shall be provided connecting the Tenth Avenue podium required pursuant to paragraph (d) of this Section to the Dyer Avenue platform required paragraph (d) of Section 93-73. The West 31st Street passageway shall be located at the same elevation as

the Dyer Avenue platform. Such space shall be located within 35 feet of West 31st Street, have a minimum clear path of ten feet and be visually open to West 31st Street except for structural elements of the #building# at 450 West 33rd Street.

(d) Tenth Avenue podium

(1) Location and minimum dimensions

A publicly accessible area located at the corner of Tenth Avenue and West 31st Street shall be provided (hereinafter referred to as the "Tenth Avenue podium"). The Tenth Avenue podium shall have a minimum area of 1800 square feet, be located at the same elevation as the Dyer Avenue platform required pursuant to paragraph (d) of Section 93-73, and shall connect to the West 31st Street passageway required pursuant to paragraph (c) of this Section.

(2) Required amenities

The Tenth Avenue podium shall contain a minimum of four trees and be directly accessible from West 31st Street by a staircase and elevator. The stair and the adjoining area shall be open to West 31st Street except for columns and structural elements of the 450 West 33rd Street building.

93-721

Design Criteria for Public Access Areas on 450 West 33rd Street

(a) Design reference standards

The public access areas required by paragraphs (c) and (d) of this Section 93-72 shall comply with the applicable minimum design standards set forth in this paragraph (f) as a minimum design standard.

(i) The aggregate number of litter receptacles in such public access areas shall be two.

(ii) All open spaces within the public access areas shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public Space signage system. A minimum of two directional signs shall be provided.

(iii) The minimum level of illumination shall be 1.5 horizontal foot candles (lumens per foot).

(iv) For the purposes of applying the #sign# regulations to building walls facing

public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner or owners shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

93-722

Construction of public access areas

For #enlargements# that do not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, in accordance with the provisions of Section 93-732 (Phasing), no temporary or permanent certificate of occupancy shall be issued from the Department of Buildings for more than 3,204,000 square feet of #floor area developed# or #enlarged# on the Ninth Avenue Rail Yard until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a phasing plan has been submitted requiring the West 31 Street Passageway required pursuant to paragraph (c) of Section 93-72 and the Tenth Avenue Podium required pursuant to paragraph (d) of Section 93-72 to be substantially complete and open to and useable by the public.

93-73

Public Access Areas on Ninth Avenue Rail Yard

~~The provisions of this Section shall apply to any #development# or #enlargement# on a #zoning lot# in the area bounded by Ninth Avenue, West 31st Street, the western boundary of the Lincoln Tunnel Approach and West 33rd Street. For such #zoning lots# with a #floor area ratio# greater than 2.0, the following easements shall be required:~~

- ~~(a) — a permanent easement shall be provided within 10 feet of and over the Lincoln Tunnel Approach for the purposes of facilitating the construction of the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72; and~~
- ~~(b) — a permanent easement with a minimum width of 60 feet shall be provided within 10 feet of the prolonged center line of West 32nd Street connecting the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72 with Ninth Avenue.~~

~~Where the #floor area ratio# on the #zoning lot# exceeds 4.0 but is not greater than 10.0, a publicly accessible through block passageway with a minimum width of 60 feet shall be~~

~~provided within 10 feet of the prolonged center line of West 32nd Street. Such passageway shall be structurally designed to accommodate and connect the Lincoln Tunnel Approach bridge, required pursuant to paragraph (b) of Section 93-72, with Ninth Avenue.~~

~~No #rear yard# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.~~

Any #development# on a #zoning lot# bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line located 498 feet west of western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street shall provide public access areas in accordance with the provisions of this Section.

Public access areas

Public access on the Ninth Avenue Rail Yard shall be comprised of the types of public access areas listed in this Section 93-73. Public access areas shall also include the area of the sidewalk widenings along Ninth Avenue and West 33rd Street required pursuant to Section 93-61 (Pedestrian Circulation Space). All public access areas listed in this Section shall be accessible to the public between the hours of 6:00 am and 1:00 am.

(a) Entry Plaza

(1) Location and, Minimum Dimensions

A publicly accessible space, open to the sky (hereinafter referred to as the “entry plaza”), shall be located within the area bounded by the western #street line# of Ninth Avenue, the southern #street line# of West 33rd Street, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street and a line 60 feet west of and parallel to the western #street line# of Ninth Avenue. The entry plaza shall have a minimum area of 10,080 square feet, shall have a minimum frontage along Ninth Avenue of 168 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section. No more than 50 percent of the entry plaza shall be covered by the permitted obstructions described in paragraph (a) of Section 37-726.

(2) Required Amenities

The entry plaza shall have the following amenities:

- (i) a minimum of eight trees (or other amounts equivalent to a minimum of 32 caliper inches);
- (ii) at least 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables. At least 50 percent of the seating, including movable seats, shall have backs and no more than 50 percent of the seating with backs shall be movable seating;
- (iii) two or more planting beds which, in the aggregate, occupy an area of at least 800 square feet. No more than 35 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;
- (iv) ground floor transparency, in accordance with the provisions of paragraph (c) of Section 93-14 (Ground Floor Level Requirements), shall apply to at least 70 percent of the length of all #building# walls facing the entry plaza; and
- (v) One clear pedestrian circulation path with a minimum width of 12 feet shall be provided adjacent to the #building# facing the entry plaza and shall extend for the full length of the #building# frontage.

(b) Central Plaza

(1) Location and Minimum Dimensions

A publicly accessible space (hereinafter referred to as the “central plaza”), shall be located within an area bounded by the western #street line# of Ninth Avenue, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street, a line 187 feet north of and parallel to the northern #street line# of West 31st Street and a line 478 west of and parallel to the western #street line# of Ninth Avenue. Except as provided in paragraph (b)(3) of this Section, the central plaza shall have a minimum area of 47,800 square feet, and shall have a minimum north-south dimension as measured from the #building# walls of the #buildings# facing onto the central plaza of 100 feet. The central plaza shall be open to the sky, except for the area occupied by the pavilion permitted by paragraph (b)(2)(vii) of this Section.

(2) Required Amenities

The central plaza shall contain the following features and amenities:

(i) Landscaped Area

A landscaped area shall be provided and shall contain a minimum of 44 trees (or other amounts equivalent to a minimum of 176 caliper inches), planting beds which, in the aggregate, occupy an area of at least 7500 square feet.

a. Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 1,000 square feet shall be occupied by planting beds.

(ii) Seating

A minimum of 725 linear feet of seating shall be provided, with 120 moveable chairs and 30 moveable tables. At least 50 percent of the required seating shall have backs.

b. Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 50 linear feet of seating shall be provided of which 50 percent shall have backs.

(iii) Event space

The portion of the central plaza located beyond a line drawn 295 feet west and parallel to western #street line# of Ninth Avenue may be used for events (hereinafter referred to as the "event space"). Such event space shall have a maximum area of 4,500 square feet and may contain a temporary stage or platform and temporary seating associated with events. When such event space is not being used for an event, it shall contain a minimum of 96 moveable chairs and 24 moveable tables and, during the period April 1 to November 15, 2 moveable food carts within the event space or on the periphery thereof. Such tables and chairs shall be in addition to the amount required for the landscaped area in paragraph (b)(2)(ii) of this Section.

(iv) Circulation Paths

Circulation paths in the central plaza shall meet the following minimum requirements:

- a. pedestrian circulation paths extending the full length of the central plaza with an aggregate width of not less than 30 feet shall be provided.
- b. At least two of the required circulation paths shall be located within 20 feet of the facade of each #building# facing the central plaza with a minimum clear width of twelve feet.
- c. In addition to the circulation paths required by paragraph (b)(2)(iv)a of this section, at least two circulation paths shall be provided through the landscaped area required by paragraph (b)(2)(i).of this section and which connect with the circulation paths required by paragraph (b)(2)(iv)b of this section.
- d. All circulation paths shall be unobstructed during events held in the event space permitted by paragraph (b)(2)(iii) of this section.
- e. A clear path with a minimum aggregate width of at least 20 feet shall be maintained where the entry plaza required pursuant to paragraph (a) of this section and the central plaza required by paragraph (b) of this section intersect and where the art plaza required pursuant to paragraph (c) of this section and the central plaza required by paragraph (a) of this section intersect, provided that up to eight feet of such required clear path may be located within the entry plaza and within the art plaza respectively.

(v) Transparency

The transparency requirements of paragraph (c) of Section 93-14 (Ground Floor Level Requirements) shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing each side of the central plaza.

(vi) Retail Continuity

At least 40 percent of the frontage of any #building# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 (Ground Floor Level Requirements) and at least 50 percent of the aggregate

frontage of all buildings fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 (Ground Floor Level Requirements). Such retail space shall have a minimum depth of 30 feet measured perpendicular to the wall adjoining the central plaza.

(vii) Pavilion

A #building# (hereinafter referred to as a "pavilion") containing #uses# listed in Use Groups 6A and 6C may be located within the central plaza, provided that such pavilion (and any seating associated with a use in the pavilion) shall be located at least ten feet west of the prolongation of the east face of the building fronting on the north side of the central plaza. The pavilion shall have a minimum #lot coverage# of 1,000 square feet and a maximum #lot coverage# of 3,000 square feet with a maximum width of 40 feet parallel to Ninth Avenue. Such pavilion shall be no more than one story (except that a story containing only mechanical equipment shall be permitted) or 25 feet in height, provided that permitted obstructions pursuant to Section 33-42 (Permitted Obstructions), restrooms and a food preparation kitchen aggregating no more than 200 square feet in area and no more than ten feet in height may penetrate such height limit. Seating may be provided for the #uses# in the pavilion provided that the total area occupied by the pavilion and such associated seating does not exceed a maximum #lot coverage# of 3,600 square feet and that such associated seating shall not count towards meeting the seating requirements set forth in paragraphs (b)(2)(ii) and (iii) of this Section. Floor space within the pavilion shall not be considered #floor area#. At least 60% of the exterior walls of the pavilion shall be transparent except for structural membranes provided that 100 percent of the east facing wall of the pavilion shall be transparent except for structural membranes.

(3) Alternative Design Option

Notwithstanding the provisions of paragraph (b)(1) of this Section, the minimum north-south width of the central plaza may be reduced to no less than 80 feet for at least 50 percent of the aggregate frontage of the #buildings# fronting on the central plaza, provided that such narrowed portion begins no further than 150 feet from the western #street line# of Ninth Avenue and 295 feet west of the western #street line# of Ninth Avenue provided that the minimum size of the central plaza is not less than 41,382 square feet. The minimum height of a #building# wall

fronting upon such narrowed portion shall be 45 feet, and the maximum height of such #building# wall shall not exceed 85 feet. Above a height of 85 feet, the minimum setback distance shall be 10 feet and the minimum distance between #buildings# fronting on the central plaza shall be 100 feet.

(4) Closing of Event space

The City Planning Commission may allow the closing of the event space for up to 12 events per year pursuant to a restrictive declaration acceptable to the City and recorded in the office of the City Register for New York County and indexed against the property.

(c) Art Plaza

(1) Location and Minimum Dimensions

A publicly accessible space open to the sky (hereinafter referred to as the “art plaza” shall be located in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 40 feet west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street. The art plaza shall have a minimum area of 7,480 square feet, a minimum east-west dimension of 40 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section.

(i) Required amenities

The art plaza shall contain the following features and amenities:

- a. a minimum of four trees (or other amounts equivalent to a minimum of 16 caliper inches);
- b. planting beds which, in the aggregate, occupy an area of at least 410 square feet;
- c. a minimum of 45 linear feet of seating;
- d. one or more pieces of artwork. Such artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#; and

- e. the transparency requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing the art plaza.

(d) Dyer Avenue Platform

(1) Location and Minimum Dimensions

A publicly accessible platform shall be constructed over Dyer Avenue connecting West 33rd Street and West 31st Street (hereinafter referred to as the “Dyer Avenue Platform”). Except for any portion of the Dyer Avenue platform which on [insert effective date of text amendment], was covered by the #building# located at 450 West 33rd Street, the Dyer Avenue platform shall be open to the sky and provide direct access to the West 31st Street connector required pursuant to paragraph (e) of this Section. The Dyer Avenue platform shall have a total area of 24,115 square feet, a minimum east-west dimension of 53 feet and shall include the easement area described in paragraph (b) of Section 93-72, and shall directly connect with the central plaza required by paragraph (b) of this section.

(i) Required Amenities

The Dyer Avenue platform shall contain the following features and amenities which may be located on the portion of the Dyer Avenue platform located within the easement provided under Section 93-72(b)(Public Access Areas at 450 West 33rd Street):

- a. a minimum of sixteen trees (or other amounts equivalent to a minimum of 64 caliper inches), provided that a minimum of twelve trees (or other amounts equivalent to a minimum of 48 caliper inches) shall be located south of the center line of the prolongation of 32nd Street;
- b. planting beds, which in the aggregate, occupy an area of at least 1500 square feet, provided that a minimum of 450 square feet of planting beds shall be located south of the center line of the prolongation of 32nd Street and a minimum of 250 square feet of planting beds shall be located within 30 feet of the southern street line of 33rd Street. No more than 25 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;

- c. a minimum of 350 linear feet of seating shall be provided, of which 50 percent shall consist of seats with backs and with at least 210 linear feet of seating located south of the center line of the prolongation of 32nd Street and a minimum of 50 linear feet of seating located within 30 feet of the southern street line of 33rd Street.
- d. the glazing requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls fronting on the eastern edge of the Dyer Avenue platform; and
- e. at least two pedestrian circulation paths with a minimum clear path of 8 feet or one circulation path with a minimum clear path of 12 feet shall be provided along the full length of the Dyer Avenue platform, from West 31st to West 33rd Street.

Vertical circulation elements traversing the grade changes of the Dyer Avenue platform shall be considered a part of the Dyer Avenue platform and not an obstruction.

(e) West 31st Street Connector

(1) Location and Minimum Dimensions

A publicly accessible connection (hereinafter referred to as the “West 31st Street connector”) between the Dyer Avenue platform required pursuant to paragraph (e) of this Section and West 31st Street shall be provided. The West 31st Street connector shall be located on West 31st Street adjoining the eastern boundary of the Dyer Avenue platform and shall have a minimum area of 450 square feet.

(2) Required Amenities

The West 31st connector shall be directly accessible from West 31st Street by a staircase with a minimum width of 8 feet and by an elevator.

(6) Connection to below-grade passage

Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the west side of Ninth Avenue has been constructed, an entrance within the #development# shall be constructed that connects with such

passage.

93-731

Design Criteria for Public Access Areas on Ninth Avenue Rail Yard

(a) Design Criteria

Public access areas on the Ninth Avenue Rail Yard shall comply with the applicable minimum design standards set forth in this Section as a minimum design standard.

- (i) Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating), inclusive.
- (ii) Where planting areas are provided, they shall meet the soil depth, continuous area, permeable surface and irrigation requirements of Section 37-742 (Planting and trees). Where trees are provided, they shall meet the tree caliper standards (or permitted equivalents), soil requirements and irrigation standards set forth in Section 37-742 (Planting and trees).
- (iii) Steps shall meet the minimum dimensional standards set forth in Section 37-725 (Steps).
- (iv) Kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes) and shall not occupy in the aggregate more than 20 percent of the public access areas required by Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard). Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard).
- (v) All open spaces within the public access areas shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public Space signage system). A minimum of two directional signs shall be provided.
- (vi) Where #buildings# front onto public access areas, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions).
- (vii) The aggregate number of litter receptacles in such public access areas shall be 21.
- (viii) For the purposes of applying the #sign# regulations to building walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner or owners shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

(c) Rear Yards

No #rear yard# or #rear yard equivalent# regulations shall apply to any #building# #developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, Dyer Avenue and West 33rd Street.

93-731**~~Special requirements for zoning lots with floor area ratios greater than 10~~**

~~The provisions of this Section shall apply to any #development# or #enlargement# on #zoning lots# in the area bounded by Ninth Avenue, West 31st Street, the western boundary of the Lincoln Tunnel Approach and West 33rd Street. Where the #floor area ratio# for any such #zoning lot# exceeds 10.0, paragraphs (a) through (d) of this Section shall apply:~~

(a) ~~Covered pedestrian space~~

~~A publicly accessible covered pedestrian space shall be provided within 10 feet of the prolonged center line of West 32nd Street. Such pedestrian space shall be structurally designed to accommodate and connect the Lincoln Tunnel Approach bridge required, pursuant to paragraph (b) of Section 93-72, with Ninth Avenue. Such covered pedestrian space shall:~~

- ~~(1) be enclosed, with an average clear height of 60 feet, a minimum width of 60 feet and a minimum clear path of 20 feet;~~
- ~~(2) have a roof of transparent material that allows for natural daylight to enter;~~
- ~~(3) provide direct access to any #building# adjacent to such covered space; and~~
- ~~(4) have retail uses fronting upon at least 50 percent of its northern and southern walls.~~

~~The maximum height of a #building# wall along the southern boundary of the covered pedestrian space shall not exceed the average height of the covered pedestrian space, or the height at which an arched or angled ceiling of the covered pedestrian space begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the covered pedestrian space.~~

~~Notwithstanding the provisions of this paragraph, (a), up to 40 percent of the area of a covered pedestrian space required pursuant to this paragraph, (a), may be open, provided such open area fronts upon Ninth Avenue and is directly accessible to the plaza required pursuant to paragraph (c) of this Section. Such open area shall be provided in accordance with the standards for #public plazas# set forth in Section 37-70, inclusive.~~

~~In the event that such covered pedestrian space is not provided pursuant to this paragraph, (a), concurrently with a #development# or #enlargement# north of such covered pedestrian space, both shall be designed to allow for compliance with the provisions of this Section upon completion.~~

~~(b) — Through block connection~~

~~A publicly accessible through block connection, open to the sky, shall be provided along the eastern edge of the Lincoln Tunnel Approach. Such connection shall have a minimum width of 20 feet and provide a direct connection with the covered pedestrian space required pursuant to paragraph (a) of this Section.~~

~~(c) — Plaza~~

~~A publicly accessible plaza, open to the sky, shall be provided at the intersection of Ninth Avenue and West 33rd Street. Such plaza shall have a minimum area of 11,280 square feet with a minimum frontage of 60 feet along West 33rd Street, and provide a direct connection to the covered pedestrian space or open area required pursuant to paragraph (a) of this Section. Such plaza shall be provided in accordance with the standards for #public plazas# set forth in Section 37-70, inclusive.~~

~~(d) — Connection to below-grade passage~~

~~Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the west side of Ninth Avenue has been constructed, an entrance within the #development# or #enlargement# shall be constructed that connects with such passage.~~

~~No #rear yard# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.~~

93-732
Phasing

No certification for the phased development of public access areas on the Ninth Avenue Rail Site shall be permitted until a plan has been submitted that provides for the completion of public access areas in accordance with the provisions of this Section. Such plan shall provide, at a minimum, that the entry plaza, required pursuant to paragraph (a) of Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard) will be provided in connection with the construction of a #building# located on the northeast corner of the #zoning lot#, that the art plaza, required pursuant to paragraph (c) of Section 93-73, will be provided in connection with the construction of a #building# located on the southeast corner of the #zoning lot# and that in connection with the construction of a #building# on the southwest corner of the #zoning lot#, the West 31st Street connector required by section (e) of Section 93-73 and a 20-foot wide paved area along the eastern edge of Dyer Avenue and extending for the north-south dimension of such #building# will be provided.

An application for certification under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include: a site plan indicating the area and dimensions of the public access area, or portions thereof and a detailed plan or plans demonstrating compliance with the requirements of Section 93-73 (Public Access Areas in the Ninth Avenue Rail Yard).

Plans for the public access areas shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Office of the City Register of the City of New York for New York County and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and that such public access area, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the plans for public access area, or portions thereof associated with such phase.

No temporary or permanent certificates of occupancy from the Department of Buildings may be issued for more than 3,204,000 square feet #developed# or #enlarged# on the #zoning lot# until

the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that all public access areas on 450 West 33rd Street required by Section 93-72 (Public Access Areas at 450 West 33rd Street) and that all public access areas on the Ninth Avenue Rail Yard required by Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard) have been substantially completed and are open and usable by the public.

No temporary certificate of occupancy from the Department of Buildings may be issued for more than 3,204,000 square feet #developed# or #enlarged# on the Ninth Avenue Rail Yard #zoning lot# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access areas at 450 West 33rd Street required by paragraphs (c) and (d) of Section 93-72 (Public Access Areas at 450 West 33rd Street) and that all public access areas on the Ninth Avenue Rail Yard required by Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard) have been substantially completed and are open and usable by the public. Notwithstanding the foregoing, the Chairperson may, with respect to the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 at 450 West 33rd Street, certify to the Commissioner of Buildings that such temporary certificate of occupancy may be issued absent their substantial completion upon finding that:

(1) the owner of 450 West 33rd Street has submitted proof that all or portions of the area of the 31st Street passageway required by paragraph (c) of Section 93-72 was subject to a lease with an expiration date of December 31, 2019 and that it was not able to obtain control of the areas subject to such lease in time to complete the 31st Street passageway as required by December 31, 2022.

(2) a letter of credit has been posted in accordance with City requirements, and such letter of credit:

(i) is in an amount equal to 150 percent of the estimated cost to construct the public access area required by paragraphs (c) and the elevator required by paragraph (d) of Section 93-72 at 450 West 33rd Street as set forth in a cost estimate prepared by a professional engineer based upon construction documents prepared by a registered architect and submitted with the application; and

(ii) authorizes the City to draw upon the letter of credit if such public access area and elevator have not been substantially completed and are not open and usable by the public by December 31, 2022; and

(3) that an easement agreement has been recorded granting the City access to 450 West 33rd Street and the Ninth Avenue Rail Yard, as may be necessary for purposes of constructing the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 if they are not completed by the owner by December 31, 2022.

93-733**Certification to modify general requirements of public access areas for ventilation demands**

The Chairperson of the City Planning Commission may modify the general requirements of the public access areas listed in Section 93-73 (Public Access Areas in the Ninth Avenue Rail Yard), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Ninth Avenue Rail Yard. In addition to the site plan required pursuant to Section 93-731 (Site Plan for Public Access Areas in Ninth Avenue Rail Yard), a mechanical plan shall be provided demonstrating the need to modify such general requirements.

93-734**Certification to temporarily modify public access areas for construction staging**

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that a public access area will be required for construction staging or similar activities in a future phase of #development#, the application for the site plan approval may be accompanied by a request for approval of a temporary public area which may include fewer than the amenities and other features required as part of a phase of #development# of such public access area pursuant to Section 93-731 (Site Plan for Public Access Areas in Ninth Avenue Rail Yard), as necessary to accommodate such future construction staging or similar activities. Such temporary public access area plan shall be subject to review and approval in the same manner as the site plan pursuant to Section 93-731 and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site plan shall be implemented.

* * *

93-821**Permitted parking when the reservoir surplus is greater than or equal to zero**

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

- (a) For #residences#, #accessory# off-street parking spaces may be provided for not more than 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in Section 23-911, #accessory# off-street parking

spaces may be provided for not more than eight percent of the total number of such #dwelling units#.

- (b) For Use Group 5 #transient hotels#, the provisions of Section 13-131 shall apply with respect to the number of permitted #accessory# off-street parking spaces, provided that the number of such spaces does not exceed 0.16 for every 1,000 square feet of #floor area#.
- (c) For Use Group 6B offices, not more than 0.16 #accessory# offstreet parking spaces may be provided for every 1,000 square feet of #floor area#.
- (d) In the Eastern Rail Yard Subarea A1, paragraphs (a) through (c) of this Section shall not apply, and any #accessory# off-street parking shall comply with the provisions of this paragraph, (d):
 - (1) for #residences#, #accessory# off-street parking spaces may be provided for not more than 40 percent of the total number of #dwelling units#;
 - (2) for #commercial# and #community facility uses#, not more than 0.325 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#, provided that in no event shall the number of off-street parking spaces #accessory# to #commercial# or #community facility uses# exceed 350 spaces; and
 - (3) in no event shall the total number of #accessory #offstreet parking spaces for all #uses# exceed 1,000.
- (e) The Department of Buildings shall not issue a building permit for any #accessory# off-street parking pursuant to paragraphs (a) through (c) of this Section, unless the Chairperson has certified that:
 - (1) the sum of the following is less than or equal to 5,084 spaces:
 - (i) the #reservoir surplus# or zero;
 - (ii) the #Hudson Yards development parking supply#; and
 - (iii) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought; and
 - (2) the sum of the following is less than or equal to 5,905 spaces:
 - (i) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized, in accordance with the definition in

Section 93-81, as part of the #reservoir parking supply#, less any such off-street parking spaces that have been categorized as decreasing the #reservoir surplus# in accordance with paragraph (a) of the second part of the definition of #reservoir surplus# in Section 93-81;

- (ii) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized as increasing the #reservoir surplus# in accordance with paragraphs (b) and (c) of the first part of the definition of #reservoir surplus# in Section 93-81;
 - (iii) the #Hudson Yards development parking supply#; and
 - (iv) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought.
- (3) Notwithstanding paragraphs (e)(1) and (2) of this Section, if the Chairperson determines that final certificates of occupancy have been issued by the Department of Buildings for all #buildings# shown in the site plan for the Eastern Rail Yard Subarea A1 as required by the provisions of Section 93-70, and that upon the completion of all such #buildings#, fewer than 1,000 #accessory# off-street parking spaces have been provided in such subarea, any difference between the number of #accessory# off-street parking spaces provided in the Eastern Rail Yard Subarea A1, and 1,000, may be added to the limits of 5,084 and 5,905 spaces set forth in paragraphs (e)(1) and (e)(2), respectively.
- (4) Any certification granted by the Chairperson, pursuant to this Section, shall lapse after two years if #substantial construction# of the #development# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6 as shown on Map 6 of Appendix A, any such certification shall lapse after six years if #substantial construction# of the new #building# which includes the subject #accessory# off-street parking spaces, has not occurred.

93-822

Permitted parking when a reservoir deficit exists

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1.

- (a) The number of permitted #accessory# off-street parking spaces for Use Group 5 hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by Section 13-131.
- (b) The number of permitted #accessory# off-street parking spaces for Use Group 6B offices may be increased by up to 33 percent of the number permitted pursuant to Section 93-821, paragraph (b).
- (c) The Department of Buildings shall not issue a building permit for any additional #accessory# off-street parking spaces permitted pursuant to this Section unless the Chairperson has certified that:
 - (1) a #reservoir deficit# exists;
 - (2) the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# for which certification is sought, does not exceed such #reservoir deficit#; and
 - (3) such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821.
- (d) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6 as shown on Map 6 of Appendix A, any such certification shall lapse after six years if #substantial construction# of the new #building# which includes the subject #accessory# off-street parking spaces, has not occurred.

Resolution for adoption scheduling February 19, 2014 for a public hearing.

II. REPORTS

BOROUGH OF QUEENS

No. 5

UNION TURNPIKE REZONING

CD 8

C 120178 ZMQ

IN THE MATTER OF an application submitted by Zirk Union Tpke, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14c:

1. eliminating from within an existing R3-2 District a C1-2 District bounded by 79th Avenue, a line 100 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard;
2. changing from an R3-2 District to an R5D District property bounded by 79th Avenue, a line 540 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard; and
3. establishing within a proposed R5D District a C1-3 District bounded by 79th Avenue, a line 540 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard;

as shown on a diagram (for illustrative purposes only) dated September 23, 2013 and subject to the conditions of CEQR Declaration E-321.

(On December 18, 2013, Cal. No. 4, the Commission scheduled January 8, 2014 for a public hearing. On January 8, 2014, Cal. No. 29, the hearing was closed.)

For consideration.

BOROUGH OF THE BRONX

No. 6

DISPOSITION OF CITY-OWNED PROPERTY

CD 6

C 140089 PPX

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of two (2) city-owned properties located on Block 3055, Lot 8 and Block 3113, Lot 8, pursuant to zoning.

(On December 18, 2013, Cal. No. 1, the Commission scheduled January 8, 2014 for a public hearing. On January 8, 2014, Cal. No. 26, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 7

EAST RIVER TEXT AMENDMENT

CD 1

N 140099 ZRK

IN THE MATTER OF an application submitted by the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, pertaining to the regulations governing ferry and water taxi docking facilities.

The proposed text amendment may be seen in the Comprehensive City Planning Calendar of January 8, 2014 (Cal. No. 27) and at the Department of City Planning web site: (www.nyc/planning).

(On December 18, 2013, Cal. No. 2, the Commission scheduled January 8, 2014 for a public hearing. On January 8, 2014, Cal. No. 27, the hearing was closed.)

For consideration.

No. 8

YESHIVA RAMBAM

CD 18

C 140122 PPK

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 3340 Kings Highway (Block 7669, Lot 17), pursuant to zoning.

(On January 8, 2014, Cal. No. 5, the Commission scheduled January 22, 2014 for a public hearing. On January 22, 2014, Cal. No. 7, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 9

434 & 440 DARLINGTON AVENUE

CD 3

N 140208 RCR

IN THE MATTER OF an application submitted by Marisa Pascuita for the grant of certification pursuant to Section 107-08 of the Zoning Resolution for the future subdivision of one existing zoning lot into two separate zoning lots at 434 & 440 Darlington Avenue (Block 6869, Existing Lot 17, Tentative Lots 17 & 20) to facilitate the construction of (2) single-family homes within the Special South Richmond Development District.

For consideration.

III. PUBLIC HEARINGS

BOROUGH OF QUEENS

No. 10

BRADDOCK-HILLSIDE REZONING

CD 13

C 140037 ZMQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by DERP Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15a:

1. eliminating from an existing R3-2 District a C2-2 District bounded by a line perpendicular to the northeasterly street line Braddock Avenue distant 200 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Braddock Avenue and the northwesterly street line of Hillside Avenue, a line 300 feet northeasterly of Braddock Avenue, a line 280 feet southeasterly of the first named course, Hillside Avenue, and Braddock Avenue; and
2. changing from an R3-2 District to a C4-1 District property bounded by a line perpendicular to the northeasterly street line Braddock Avenue distant 225 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Braddock Avenue and the northwesterly street line of Hillside Avenue, a line 300 feet northeasterly of Braddock Avenue, a line 285 feet southeasterly of the first named course, a line perpendicular to the northwesterly street line of Hillside Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Hillside Avenue and the northeasterly street line of Braddock Avenue, Hillside Avenue, and Braddock Avenue;

as shown in a diagram (for illustrative purposes only) dated October 21, 2013.

(On January 22, 2014, Cal. No. 1, the Commission scheduled February 5, 2014 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN**No. 11*****SOUTH VILLAGE HISTORIC DISTRICT*****CD 2****N 140213 HKM****PUBLIC HEARING:**

IN THE MATTER OF a communication dated December 26, 2013, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the South Village Historic District which consists of the properties bounded by a line beginning at the northwest corner of West Houston Street and LaGuardia Place, extending westerly along the northern curblines of West Houston Street, northerly along the eastern curblines of MacDougal Street to a point on a line extending westerly from the northern property line of 146-148 West Houston Street (aka 70-72 MacDougal Street), easterly along said line and the northern property lines of 146-148 West Houston Street (aka 70-72 MacDougal Street) through 130 West Houston Street (aka 164-168 Sullivan Street) to a point on a line running through the center of Sullivan Street, northerly along said line running through the center of Sullivan Street to a point on a line extending easterly from the southern property line of 170-172 Bleecker Street (aka 190 Sullivan Street), westerly along said line and the southern property lines of 170-172 Bleecker Street (aka 190 Sullivan Street) through 176 Bleecker Street and a portion of the southern property line of 178 Bleecker Street, northerly along a portion of the western property line of 178 Bleecker Street, westerly along a portion of the southerly property line of 178 Bleecker Street and along the southern property lines of 180 Bleecker Street through 184-186 Bleecker Street (aka 98 MacDougal Street) to a point on a line running through the center of MacDougal Street, southerly along said line running through the center of MacDougal Street to a point on a line extending easterly from the southern property line of 69 MacDougal Street, westerly along said line and the southern property line of 69 MacDougal Street, northerly along the western property lines of 69 and 71 MacDougal Street and a portion of the western property line of 73-77 MacDougal Street, westerly along the southern property line of 260-262 Sixth Avenue to the eastern curblines of Sixth Avenue, northerly along the eastern curblines of Sixth Avenue to the southern curblines of Minetta Street, northeasterly along the southern curblines of Minetta Street to a point on a line extending southeasterly from the southwestern property line of 290 Sixth Avenue (aka 6-10 Minetta Street), northwesterly along said line and southwestern property line of 290 Sixth Avenue (aka 6-10 Minetta Street), northerly along the western property line of 290 Sixth Avenue (aka 6-10 Minetta Street), northeasterly along the northern property line of 290 Sixth Avenue (aka 6-10 Minetta Street), northwesterly along a portion of the southwestern property line of 19-25 Minetta Lane (aka 16-22 Minetta Street), northerly along the western property line of 19-25 Minetta Lane (aka 16-22 Minetta Street) to the southern curblines of Minetta Lane, easterly along the southern curblines of Minetta Lane to a point on a line extending southerly from the western property line of 24 Minetta Lane, northerly along said line and the western property line of 24 Minetta Lane, easterly along the northern property line of 24 Minetta

Lane, southerly along a portion of the eastern property line of 24 Minetta Lane, easterly along a portion of the northern property line of 18 Minetta Lane, northerly along the western property line of 130-132 West 3rd Street to the northern curbline of West 3rd Street, westerly along the northern curbline of West 3rd Street to a point on a line extending southerly from the western property line of 135 West 3rd Street, northerly along said line and the western property line of 135 West 3rd Street, westerly along a portion of the southern property line of 146 West 4th Street, northerly along a portion of the western property line of 146 West 4th Street, westerly along the southern property line of 148 West 4th Street, northerly along a portion of the western property line of 148 West 4th Street, westerly along the southern property line of 150 West 4th Street, northerly along the western property line of 150 West 4th Street to a point on a line running through the center of West 4th Street, easterly along said line running through the center of West 4th Street and Washington Square South to a point on a line extending northerly from the eastern property line of 50 Washington Square South (aka 249-255 Sullivan Street), southerly along said line and the eastern property line of 50 Washington Square South (aka 249-255 Sullivan Street), westerly along the southern property line of 50 Washington Square South (aka 249-255 Sullivan Street) to the western curbline of Sullivan Street, southerly along the western curbline of Sullivan Street, easterly along the southern curbline of West 3rd Street to a point on a line extending northerly from the eastern property line of 68 West 3rd Street, southerly along said line and a portion of the eastern property line of 68 West 3rd Street, easterly along a portion of the northern property line of 550 LaGuardia Place to the western curbline of LaGuardia Place, and southerly along the western curbline of LaGuardia Place to the point of beginning, by the Landmarks Preservation Commission on December 17, 2013 (List No. 470, LP-2546).

(On January 23, 2014, the Commission duly advertised February 5, 2014 for a public hearing.)

Close the hearing.

IV. CITY PLANNING COMMISSION 2014 SCHEDULE OF MEETINGS

	SUN	MON	TUE	WED	THU	FRI	SAT
JANUARY				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 Martin Luther King Jr. Day	20	21 Review Session	22 CPC Public Meeting	23	24	25
	26	27	28	29	30	31 Observed Winter Day	
FEBRUARY							1
	2	3 Review Session	4	5 CPC Public Meeting	6	7	8
	9	10	11	12	13	14	15
	16 President Day	17	18 Review Session	19 CPC Public Meeting	20	21	22 Washington's Birthday
23	24	25	26	27	28		
MARCH							1
	2	3 Review Session	4	5 CPC Public Meeting	6	7	8
	9	10	11	12	13	14	15
	16	17 Review Session	18	19 CPC Public Meeting	20	21	22
23	24	25	26	27	28	29	
30	31 St. Patrick's Day						
APRIL				1 CPC Public Meeting	2	3	4
	5	6	7	8	9	10	11
	12	13 Good Friday	14	15	16	17	18
	19 Easter Sunday	20	21 Review Session	22	23 CPC Public Meeting	24	25
26	27	28	29	30			
MAY					1	2	3
	4	5 Review Session	6	7 CPC Public Meeting	8	9	10
	11	12	13	14	15	16	17
	18	19 Review Session	20	21 CPC Public Meeting	22	23	24
25	26 Mother's Day Observed	27	28	29	30	31	
JUNE	1	2	3	4	5	6	7
	8	9 Review Session	10	11 CPC Public Meeting	12	13	14
	15	16	17	18	19	20	21
	22	23 Review Session	24	25 CPC Public Meeting	26	27	28
	29	30					31 Canada Day
JULY				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	21 Review Session	22	23 CPC Public Meeting	24	25
	26	27 Emancipation Day	28	29	30	31	
AUGUST						1	2
	3	4 Review Session	5	6 CPC Public Meeting	7	8	9
	10	11	12	13	14	15	16
	17	18 Review Session	19	20 CPC Public Meeting	21	22	23
24	25	26	27	28	29	30	
31							
SEPTEMBER		1 Labor Day	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 Earl Warren Day	26	27
28	29	30					
OCTOBER				1 CPC Public Meeting	2	3	4 Town Day
	5	6	7	8	9	10	11
	12	13 Columbus Day	14	15	16	17	18
	19	20 Review Session	21	22 CPC Public Meeting	23	24	25
26	27	28	29	30	31		
NOVEMBER							1
	2	3 Review Session	4 Martin Luther King Jr. Day	5 CPC Public Meeting	6	7	8
	9	10	11 Veteran's Day	12	13	14	15
	16	17 Review Session	18	19 CPC Public Meeting	20	21	22
23	24	25	26	27	28	29	
30							
DECEMBER		1 Review Session	2	3 CPC Public Meeting	4	5	6
	7	8	9	10	11	12	13
	14	15 Review Session	16 Thanksgiving	17 CPC Public Meeting	18	19	20
	21	22	23	24	25 Christmas	26 Kwanzaa	27
28	29	30	31				

Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 PM
 Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 AM