

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, SEPTEMBER 7, 2016
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK, NY 10007**

**Yvette V. Gruel, Calendar Officer
120 Broadway, 30th Floor
New York, New York 10271
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
1	C 160038 PQX	4	LABOR BATHGATE COMMUNITY CHILD CARE CENTER	Scheduled to be Heard 9/21/16
2	C 160133 PQK	5	NUESTROS NINOS CHILD CARE CENTER	" "
3	C 160336 ZMM	11	LEXINGTON GARDENS II	" "
4	N 160337 ZRM	11	" "	" "
5	C 160338 ZSM	11	" "	" "
6	C 160339 ZSM	11	" "	" "
7	C 160340 HAM	11	" "	" "
8	N 170027 PXX	5	ADMINISTRATION FOR CHILDREN'S SERVICES OFFICE SPACE	Favorable Report Adopted
9	C 160335 PCX	10	WESTCHESTER SQUARE BRANCH LIBRARY	" "
10	N 160250 ZRX	1	EAST 147 TH STREET REZONING	" "
11	C 160251 ZMX	1	" "	" "
12	C 160030 ZMK	2	141 WILLOUGHBY STREET REZONING	" "
13	C 160054 MMK	2	" "	" "
14	N 160029 ZRK	2	" "	" "
15	C 160199 ZSM	2	248 LAFAYETTE STREET	" "
16	C 160148 ZSM	5	217 WEST 29 TH STREET	" "
17	N 160147 ZRM	5	" "	Fav. Report Adopted as Modified

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		8	9	10	11	12	13	14	15	16	17	18	19	20	
Carl Weisbrod, Chairman	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	
Rayann Besser	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Irwin G. Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Alfred C. Cerullo, III	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Michelle R. De La Uz	P	Y	Y	Y	Y	AB	AB	AB	Y	Y	Y	Y	Y	Y	
Joseph I. Douek	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Richard W. Eaddy	A														
Cheryl Cohen Efron	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Hope Knight	A														
Anna Hayes Levin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Orlando Marin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Larisa Ortiz, Commissioners	P	Y	Y	Y	Y	Y	Y	Y	Y	AB	AB	AB	Y	Y	

MEETING ADJOURNED AT: 12:25 P.M.

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, SEPTEMBER 7, 2016
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK, NY 10007**

**Yvette V. Gruel, Calendar Officer
120 Broadway, 30th Floor
New York, New York 10271
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
18	N 160149 ZAM	5	217 WEST 29TH STREET	Authorization Approved
19	M 840260(E)ZMM	2	95 HORATIO STREET	Favorable Report Adopted
20	N 160187 ZAR N 160188 ZAR	2	55 FOUR CORNERS ROAD	Authorizations Approved
21	C 160306 ZMQ	12	MERRICK BOULEVARD REZONING	Hearing Closed
22	C 160332 ZMX	11	1614 WILLIAMSBIDGE ROAD	" "
23	C 150312 ZMX	4	CONCOURSE VILLAGE WEST REZONING	" "
24	N 150313 ZRX	4	" "	" "
25	C 160365 ZMX	6	1932 BRYANT AVENUE	" "
26	N 160366 ZRX	6	" "	" "
27	C 160367 ZSX	6	" "	" "
28	C 160368 ZSX	6	" "	" "
29	N 160254 ZRM	4, 5	THEATER SUBDISTRICT FUND TEXT AMENDMENT	" "
30	N 160254(A)ZRM	4, 5	" "	" "

COMMISSION ATTENDANCE: Present (P) Absent (A)		COMMISSION VOTING RECORD: In Favor - Y Oppose - N Abstain - AB Recuse - R
Calendar Numbers:		
Carl Weisbrod, Chairman		
Kenneth J. Knuckles, Esq., Vice Chairman		
Rayann Besser		
Irwin G. Cantor, P.E.		
Alfred C. Cerullo, III		
Michelle R. De La Uz		
Joseph I. Douek		
Richard W. Eaddy		
Cheryl Cohen Efron		
Hope Knight		
Anna Hayes Levin		
Orlando Marin		
Larisa Ortiz, Commissioners		

MEETING ADJOURNED AT:

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

CITY PLANNING COMMISSION

WEDNESDAY, SEPTEMBER 7, 2016

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



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

[No. 17]

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

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).

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
120 Broadway – 31st Floor
New York, New York 10271

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

B
CITY PLANNING COMMISSION

120 Broadway, 31st Floor, New York, N.Y. 10271

CARL WEISBROD, *Chairman*
KENNETH J. KNUCKLES, *Esq., Vice Chairman*
RAYANN BESSER
IRWIN G. CANTOR, P.E.
ALFRED C. CERULLO, III
MICHELLE R. DE LA UZ
JOSEPH I. DOUEK
RICHARD W. EADDY
CHERYL COHEN EFFRON
HOPE KNIGHT
ANNA HAYES LEVIN
ORLANDO MARIN
LARISA ORTIZ, *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.

TABLE OF CONTENTS

WEDNESDAY SEPTEMBER 7, 2016

Roll Call	1
I. Matters to Be Scheduled for Public Hearing on September 21, 2016.....	1
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**Community Board Public Hearing Notices are available in the
Calendar Information Office, 31st Floor, 120 Broadway,
New York, N.Y. 10271**

The next regular public meeting of the City Planning Commission is scheduled for September 21, 2016.

C

GENERAL INFORMATION

HOW TO PARTICIPATE:

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

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

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

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

CITY PLANNING COMMISSION
Calendar Information Office – 31st Floor
120 Broadway, New York, N.Y. 10271

Subject _____

Date of Hearing _____ Calendar No. _____

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

Position: Opposed _____

 In Favor _____

Comments:

Name: _____

Address: _____

Organization (if any) _____

SEPTEMBER 7, 2016

APPROVAL OF THE MINUTES OF the Regular Meeting of August 24, 2016

**I. PUBLIC HEARING OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR
WEDNESDAY, SEPTEMBER 21, 2016
STARTING AT 10:00 A. M. AT SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK**

BOROUGH OF THE BRONX

No. 1

LABOR BATHGATE COMMUNITY CHILD CARE CENTER

CD 4

C 160038 PQX

IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1638 Anthony Avenue (Block 2888, Lot 21) for continued use as a child care center.

Resolution for adoption scheduling September 21, 2016 for a public hearing.

BOROUGH OF BROOKLYN

No. 2

NUESTROS NINOS CHILD CARE CENTER

CD 5

C 160133 PQQ

IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 384 South 4th Street (Block 2451, Lot 8) for continued use as a child care center.

Resolution for adoption scheduling September 21, 2016 for a public hearing.

BOROUGH OF MANHATTAN

Nos. 3-7

LEXINGTON GARDENS II

No. 3

CD 11

C 160336 ZMM

IN THE MATTER OF an application submitted by Lexington Gardens Owners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3b:

1. eliminating from within an existing R7-2 District a C1-5 District bounded by a line 100 feet westerly of Lexington Avenue, East 108th Street, Lexington Avenue, and East 107th Street;
2. changing from an R7-2 District to an R9 District property bounded by a line 100 feet easterly of Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street;
3. changing from a C8-4 District to an R9 District property bounded by the easterly boundary line of the New York Central Railroad Right-of-Way, East 108th Street, a line 100 feet easterly of Park Avenue, and East 107th Street; and
4. establishing within the proposed R9 District a C2-4 District bounded by the easterly boundary line of the New York Central Railroad Right-of-Way, East 108th Street, Lexington Avenue, and East 107th Street;

as shown on a diagram (for illustrative purposes only) dated June 6, 2016

Resolution for adoption scheduling September 21, 2016 for a public hearing.

No. 4

CD 11

N 160337 ZRM

IN THE MATTER OF an application submitted by New York City Department of Housing Preservation and Development and Lexington Gardens Owners, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter in underline is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

Manhattan

* * *

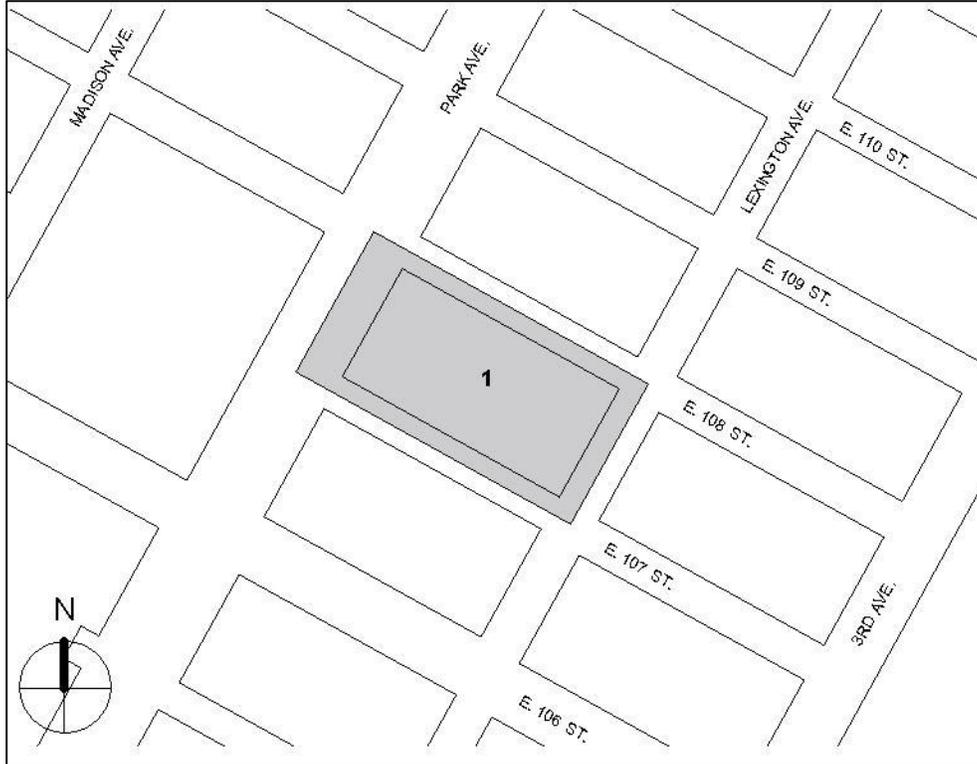
Manhattan Community Districts 9, 10 and 11

* * *

In the R9 District within the areas shown on the following Map 3:

Map 3. (date of adoption)

[PROPOSED MAP]



Mandatory Inclusionary Housing area see Section 23-154(d)(3)
Area 1 (date of adoption) – MIH Program Option 2

Portion of Community District 11, Manhattan

Resolution for adoption scheduling September 21, 2016 for a public hearing.

No. 5

CD 11

C 160338 ZSM

IN THE MATTER OF an application submitted by Lexington Gardens Owners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of

Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 35-65 (Height and Setback Requirements for Quality Housing Buildings), and the Street wall location requirements of Section 35-651 (Street Wall Location), in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street (Block 1635, Lots 1, 7, 16 & 17), in an R9/C2-4* District, within a Large-Scale General Development.

* Note: The site is proposed to be rezoned by changing existing R7-2, R7-2/C1-5 & C8-4 Districts to an R9/C2-4 District under a concurrent related application (C 160336 ZMM).

Plans for this proposal are on file with the City Planning Commission and 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

Resolution for adoption scheduling September 21, 2016 for a public hearing.

No. 6

CD 11

C 160339 ZSM

IN THE MATTER OF an application submitted by Lexington Gardens Owners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive 103 required off-street parking spaces including 25 required off-street parking spaces for an existing development on the zoning lot, in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street (Block 1635, Lots 1, 7, 16 & 17), in an R9/C2-4* District, within the Transit Zone, in a Large-Scale General Development.

* Note: The site is proposed to be rezoned by changing existing R7-2, R7-2/C1-5 & C8-4 Districts to an R9/C2-4 District under a concurrent related application (C 160336 ZMM).

Plans for this proposal are on file with the City Planning Commission and 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

Resolution for adoption scheduling September 21, 2016 for a public hearing.

No. 7

CD 11

C 160340 HAM

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

- 1) pursuant to Article 160 of the General Municipal Law of New York State for:
 - a) the designation of property located at 1461 Park Avenue (Block 1635, Lot 1) as an Urban Development Action Area; and
 - b) 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 to be selected by HPD:

to facilitate an affordable housing development containing approximately 390 dwelling units, approximately 3,201 square feet of commercial space and approximately 38,053 square feet of community facility space.

Resolution for adoption scheduling September 21, 2016 for a public hearing.

II. REPORTS

BOROUGH OF THE BRONX

No. 8

ADMINISTRATION FOR CHILDREN'S SERVICES OFFICE SPACE

CD 5

N 170027 PXX

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 1775 Grand Concourse (Block 2822, Lot 7501) as office space (Administration for Children's Services offices).

(On August 10, 2016, the Commission duly advertised August 24, 2016, for a public hearing. On August 24, 2016, Cal. No. 17, the hearing was closed.)

For consideration.

No. 9

WESTCHESTER SQUARE BRANCH LIBRARY

CD 10

C 160335 PCX

IN THE MATTER OF an application submitted by the New York Public Library and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 9 Westchester Square (Block 3981, p/o Lot 2) for use as a library.

(On July 27, 2016, Cal. No. 8, the Commission scheduled August 10, 2016 for a public hearing. On August 10, 2016, Cal. No. 46, the hearing was closed.)

For consideration.

Nos. 10 & 11

EAST 147TH STREET REZONING

No. 10

CD 1

N 160250 ZRX

IN THE MATTER OF an application submitted by MLK Plaza, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 1, Borough of the Bronx.

Matter in underline is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

THE BRONX

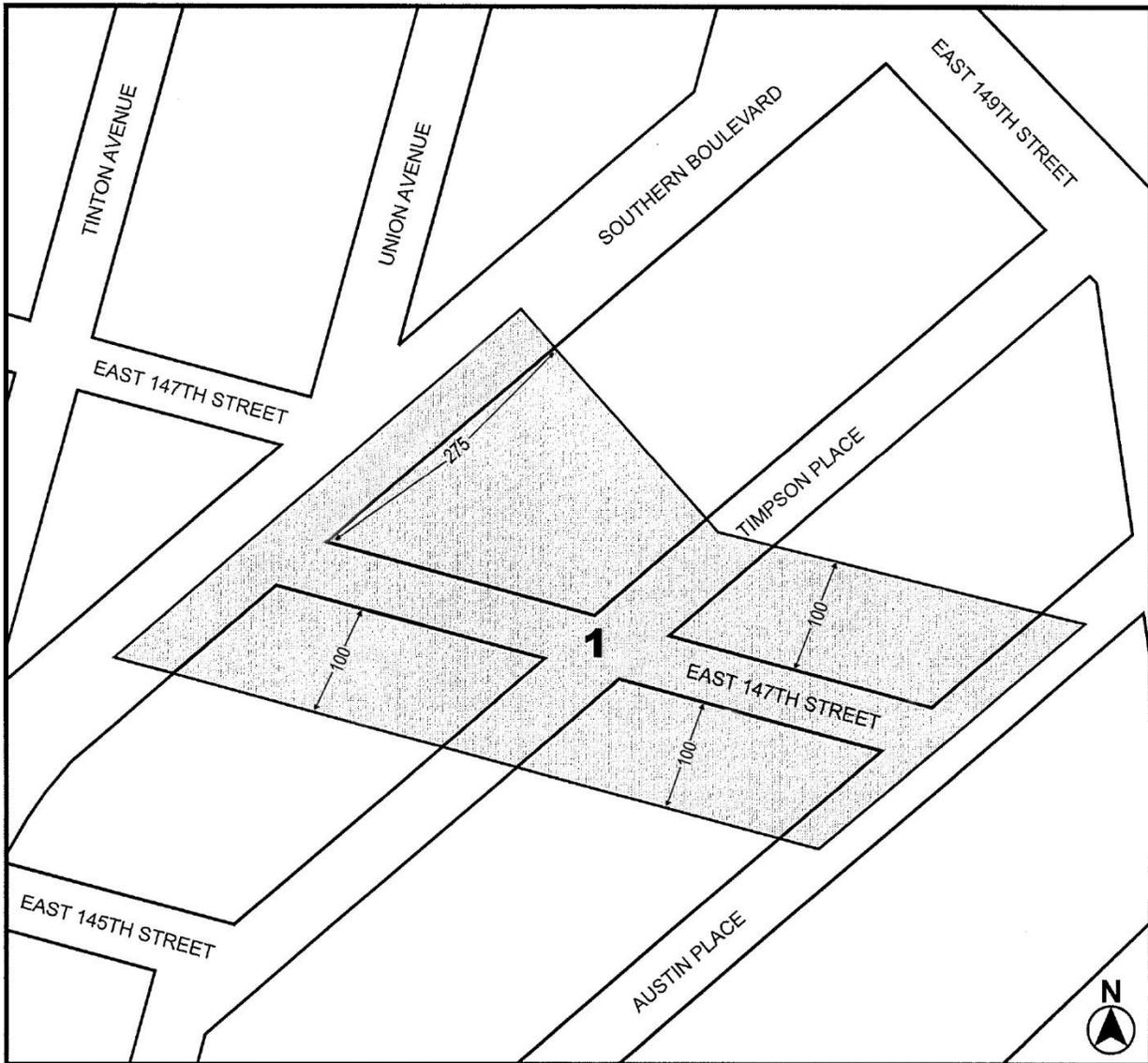
The Bronx Community District 1

In the #Special Harlem River Waterfront District# (see Section 87-20) and in the R7A, R7X and R8A Districts within the areas shown on the following Maps 1 and 3:

* * *

Map 3 – [date of adoption]

[PROPOSED MAP]



 Mandatory Inclusionary Housing area — see Section 23-154(d)(3)
Area 1 [date of adoption] — MIH Program Option 1 and Option 2

* * *

(On July 27, 2016, Cal. No. 9, the Commission scheduled August 10, 2016 for a public hearing. On August 10, 2016, Cal. No. 47, the hearing was closed.)

For consideration.

No. 11

CD 1

C 160251 ZMX

IN THE MATTER OF an application submitted by MLK Plaza LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6c:

1. changing from an M1-2 District to an R7X District property bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147th Street, a line 100 feet northeasterly of East 147th Street, Austin Place, East 147th Street, Timpson Place, and a line 100 feet southwesterly of East 147th Street;
2. changing from an M1-3 District to an R7X District property bounded by Timpson Place, East 147th Street, Austin Place, and a line 100 feet southwesterly of East 147th Street; and
3. establishing within a proposed R7X District a C1-4 District bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147th Street, a line midway between Southern Boulevard and Timpson Place, and a line 100 feet southwesterly of East 147th Street.

as shown on a diagram (for illustrative purposes only) dated May 9, 2016, and subject to the conditions of CEQR Declaration E-385.

(On July 27, 2016, Cal. No. 10, the Commission scheduled August 10, 2016 for a public hearing. On August 10, 2016, Cal. No. 48, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

Nos. 12, 13 & 14

141 WILLOUGHBY STREET REZONING

No. 12

CD 2

C 160030 ZMK

IN THE MATTER OF an application submitted by 385 Gold Property Investors IIA, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from a C6-1 District to a C6-6 District property bounded by Willoughby Street, Gold Street, a line 200 feet northerly of Willoughby Street, and Flatbush Avenue Extension; and
2. changing from a C6-4 to a C6-6 District property bounded by Gold Street and its northerly prolongation, a line 320 feet northerly of Willoughby Street, Flatbush Avenue Extension, and a line 200 feet northerly of Willoughby Street;

as shown on a diagram (for illustrative purposes only) May 9, 2016.

(On July 13, 2016, Cal. No. 1, the Commission scheduled July 27, 2016 for a public hearing. On July 27, 2016, Cal. No. 31, the hearing was closed.)

For consideration.

No. 13

CD 2

C 160054 MMK

IN THE MATTER OF an application, submitted by The New York City Department of Housing Preservation and Development and The New York City Economic Development Corporation, LLC 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 a portion of Flatbush Avenue Extension at its intersection with Gold Street; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2745 and X-2746 dated April 1, 2016 and signed by the Borough President.

(On July 13, 2016, Cal. No. 2, the Commission scheduled July 27, 2016 for a public hearing. On July 27, 2016, Cal. No. 32, the hearing was closed.)

For consideration.



No. 14

CD 2

N 160029 ZRK

IN THE MATTER OF an application submitted by 385 Gold Property Investors IIA, 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 Section 101-00 (Special Downtown Brooklyn District) adding a C6-6 District and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter in underline is new, to be added;

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

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

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

* * *

**ARTICLE X:
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Downtown Brooklyn District**

* * *

**101-21
Special Floor Area and Lot Coverage Regulations**

R7-1 C6-1 C6-4.5 C6-6

* * *

(d) In C6-6 Districts

In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0.

* * *

**101-222
Standard height and setback regulations**

C2-4/R7-1 C6-1 C6-4.5 C6-6

In the districts indicated, except C6-1A Districts, a #building or other structure# shall not exceed the applicable maximum #building# height set forth in the table in this Section. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

**MAXIMUM BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS
IN C2-4/R7-1, C6-1, ~~AND~~ C6-4.5 AND C6-6 DISTRICTS**

District	Maximum Base Height		Maximum #Building# Height	
	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#
* * *	* * *	* * *	* * *	* * *
C6-4.5 <u>C6-6</u>	125	150	250	250

* * *

**101-223
Tower regulations**

C5-4 C6-1 C6-4 C6-6

In the districts indicated, except C6-1A Districts, the provisions of this Section shall apply as an alternative to the provisions of Section 101-222 (Standard height and setback regulations).

* * *

(b) Setback requirements for #commercial# or #community facility# towers

For #buildings# that contain #commercial# or #community facility floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet.

For #zoning lots# that do not exceed a #lot area# of 15,000 square feet, such portions of buildings# shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#. For #zoning lots# that exceed an area of 15,000 square feet, such portions shall be set back at least 20 feet from any #street line#.

However, setbacks shall not be required for any portion of a #building# fronting upon the south side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, or upon that portion of the Flatbush Avenue Extension between Willoughby Street and DeKalb Avenue within 250 feet of Willoughby Street, or for any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, provided that this exemption shall not be applicable to portions of #buildings# above 85 feet that contain #residential floor area#.

* * *

(d) Maximum #building# height

In C6-1 Districts, the maximum height of a #building or other structure# shall be 495 feet. No height limit shall apply within a C5-4, ~~or~~ C6-4 or C6-6 District.

* * *

**101-40
MANDATORY DISTRICT PLAN ELEMENTS**

**101-41
Special Street Wall Location Regulations**

Map 4 (Street Wall Continuity and Mandatory Sidewalk Widening) in Appendix E of this Chapter specifies locations where the special #street wall# location regulations of this Section apply. However, such regulations shall not apply along the #street# frontage of that portion of any #zoning lot# occupied by existing #buildings# to remain.

* * *

(d) All other areas

On all other #streets# shown on Map 4, at least 70 percent of the #aggregate width of street walls# of any #building# shall be located within eight feet of the #street line# and extend to at least a height of 40 feet in R7-1 Districts mapped within C2-4 Districts and at least a height of 60 feet in all other districts, or the height of the #building#, whichever is less, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. However, such regulations shall not apply to any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

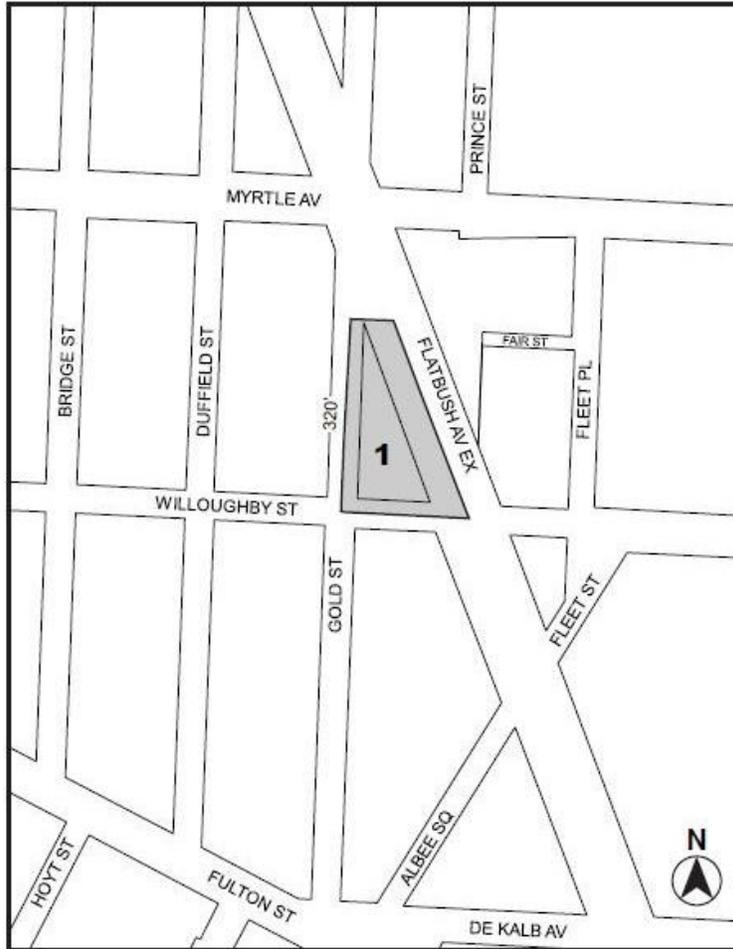
Brooklyn Community District 2

* * *

In the R10 District within the areas shown on the following Map 5:

Map 5 – [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing area see Section 23-154(d)(3)
Area 1 [date of adoption] – MIH Program Option 2

Portion of Community District 2, Brooklyn

* * *

(On July 13, 2016, Cal. No. 3, the Commission scheduled July 27, 2016 for a public hearing. On July 27, 2016, Cal. No. 33, the hearing was closed.)

For consideration.

BOROUGH OF MANHATTAN

No. 15

248 LAFAYETTE STREET

CD 2

C 160199 ZSM

IN THE MATTER OF an application submitted by Jarv LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify use regulations of Section 42-14D(2)(b) to allow retail uses (Use Group 6) on portions of the ground floor and cellar of an existing 6-story building, located at 248 Lafayette Street (Block 496, Lot 5), 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 at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

(On July 27, 2016, Cal. No. 11, the Commission scheduled August 10, 2016 for a public hearing. On August 10, 2016, Cal. No. 49, the hearing was closed.)

For consideration.

No. 16, 17 & 18

217 WEST 29TH STREET

No. 16

CD 5

C 160148 ZSM

IN THE MATTER OF an application submitted by 221 W29 Residential LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended accessory off-street parking garage with a maximum capacity of 45 spaces on portions of the ground floor and sub-cellar of a proposed mixed-use building on property located at 217 West 29th Street (Block 779, Lots 27 and 28), in an M1-6D District.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

(On July 13, 2016, Cal. No. 4, the Commission scheduled July 27, 2016 for a public hearing. On July 27, 2016, Cal. No. 34 the hearing was closed.)

For consideration.



No. 17

CD 5

N 160147 ZRM

IN THE MATTER OF an application submitted by the 221 W29 Residential LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing Section 42-486 relating to streetscape provisions in M1-6D districts.

Matter in underline is new, to be added;

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

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

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

**ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS**

* * *

**Chapter 2
Use Regulations**

* * *

**42-40
SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISION APPLYING
ALONG DISTRICT BOUNDARIES**

* * *

**42-48
Supplemental Use Regulations in M1-6D Districts**

* * *

**42-485
Streetscape provisions**

On #narrow streets#, for #zoning lots# with #street# frontage of 50 feet or more, ground floor #uses# limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B shall have a depth of at least 30 feet from the #street wall# and shall extend along a minimum of 50 percent of the width

of the #street# frontage of the #zoning lot#. The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies, or entrances to parking spaces, except that lobbies shall be limited to a total width of 40 feet. No minimum 30 foot depth requirement shall apply where a reduction in such depth is necessary in order to accommodate a #residential# lobby or vertical circulation core.

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

For any #development# or #enlargement# that includes a ground floor #street wall#, each ground floor #street wall# occupied by #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparency shall occupy at least 50 percent of the surface area of that portion of the ground floor #street wall# located between a height of two feet and twelve feet, or the height of the ground floor ceiling, whichever is higher, above the level of the adjoining sidewalk. The lowest point of any such required transparency shall not be higher than four feet above the level of the adjoining sidewalk, with the exception of transom windows, and the minimum width of any such required transparency shall be two feet. In addition, the maximum width of a portion of the ground floor level #street wall# without transparency shall not exceed ten feet. However, the transparency requirements of this Section shall not apply to that portion of the ground floor level #street wall# occupied by an entrance to a parking facility.

42-486

Authorization for modification of streetscape provisions

For #zoning lots# that have a #street# frontage of less than 75 feet, where entrances or exits to off-street parking or loading facilities are located along such #street# frontage, the City Planning Commission may modify the dimensions of the frontage and depth requirements for ground floor #commercial uses# set forth in Section 42-485 (Streetscape provisions), provided that the Commission finds that such modifications:

- (a) are necessary to provide sufficient space for access to off-street parking or loading facilities; and
- (b) will not adversely affect the streetscape experience or impact the viability of such #uses#, and the resulting ground floor frontages will effectively contribute to a vibrant mixed-use district.

* * *

(On July 13, 2016, Cal. No. 5, the Commission scheduled July 27, 2016 for a public hearing. On July 27, 2016, Cal. No. 35 the hearing was closed.)

For consideration.

No. 18

CD 5

N 160149 ZAM

IN THE MATTER OF an application submitted by 221 W29 Residential LLC for the grant of an authorization pursuant to Section 42-486 of the Zoning Resolution to modify the dimensions of the frontage and depth requirements of Section 42-485 (Streetscape provisions) for ground floor commercial uses on a zoning lot with less than 75 feet of street frontage and has an entrance and exit to an accessory parking garage on such street frontage, in connection with a proposed mixed-use building on property located at 217 West 29th Street (Block 779, Lots 27 and 28), in an M1-6D District.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

For consideration.

No. 19

95 HORATIO STREET

CD 2

M 840260 (E) ZMM

IN THE MATTER OF an application submitted by 95-97 Horatio LLC for the modification of Restrictive Declaration D-93, which was previously approved as part of an application for a Zoning Map amendment (M 840260 ZMM), to remove certain use restrictions and marketing requirements on property located at 95 Horatio Street (Block 643, Lot 1), in a C6-2A District.

For consideration.

BOROUGH OF STATEN ISLAND

No. 20

55 FOUR CORNERS ROAD

CD 2

**N 160187 ZAR
N 160188 ZAR**

IN THE MATTER OF applications submitted by Dr. Sai Raja Kolla for grant of authorization pursuant to Sections 105-422, 105-431 and 105-432 of the Zoning Resolution to authorize development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer, modification of lot coverage controls and modification of yard, height and setback regulations to facilitate construction of three horizontal enlargement areas on an existing house at 55 Four Corners Road (Block 870, Lot 53) within the Special Natural Area District (NA-1).

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, 6th Floor, Staten Island, New York, 10301.

For consideration.

III. PUBLIC HEARING

BOROUGH OF QUEENS

No. 21

MERRICK BOULEVARD REZONING

CD 12

C 160306 ZMQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by 125-22 Owners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19a, by establishing within an existing R3A District a C2-3 District bounded by a line midway between 125th Avenue and 126th Avenue, a line 785 feet northeasterly of 174th Place, 126th Avenue, and a line 730 feet northeasterly of 174th Place, as shown on a diagram (for illustrative purposes only) dated May 23, 2016.

(On August 24, 2016, Cal. No. 10, the Commission scheduled September 7, 2016 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF THE BRONX

No. 22

1614 WILLIAMSBRIDGE ROAD

CD 11

C 160332 ZMX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Dominick Calderoni, Fred T. Santucci, Jr. & Jeffrey D. Klein pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4b:

1. establishing within an existing R4 District a C2-2 District bounded by Pierce Avenue, a line 150 feet southwesterly of Yates Avenue, a line 75 feet southeasterly of Pierce Avenue, Williamsbridge Road, a line 50 feet southeasterly of Pierce Avenue, and a line 50 feet northeasterly of Tomlinson Avenue; and

2. establishing within an existing R4A District a C2-2 District bounded by a line 100 feet northwesterly of Pierce Avenue, Williamsbridge Road, a line 225 feet northwesterly of Pierce Avenue, a line 110 feet southwesterly of Yates Avenue, Pierce Avenue, and a line 50 feet northeasterly of Tomlinson Avenue;

as shown on a diagram (for illustrative purposes only) dated May 23, 2016.

(On August 24, 2016, Cal. No. 1, the Commission scheduled September 7, 2016 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 23 & 24

CONCOURSE VILLAGE WEST REZONING

No. 23

CD 4

C 150312 ZMX

PUBLIC HEARING:

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

1. changing from a C8-3 District to an R7D District property bounded by a line 100 feet northwesterly of Concourse Village West, East 156th Street, Concourse Village West, East 153rd Street, the centerline of the easterly portion of Grand Concourse, and a line 525 feet southwesterly of East 156th Street;
2. changing from a C8-3 District to an R8 District property bounded by the centerline of the easterly portion of Grand Concourse, a line 450 feet southwesterly of East 156th Street, a line 100 feet northwesterly of Concourse Village West, and a line 525 feet southwesterly of East 156th Street; and
3. establishing within the proposed R7D District a C1-4 District bounded by a line 100 feet northwesterly of Concourse Village West, East 156th Street, Concourse Village West, and a line 200 feet southwesterly of East 156th Street;

as shown on a diagram (for illustrative purposes only) dated May 23, 2016.

(On August 24, 2016, Cal. No. 2, the Commission scheduled September 7, 2016 for a public hearing which has been duly advertised.)

Close the hearing.



No. 24

CD 4

N 150313 ZRX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Upper Manhattan 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, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter in underline is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

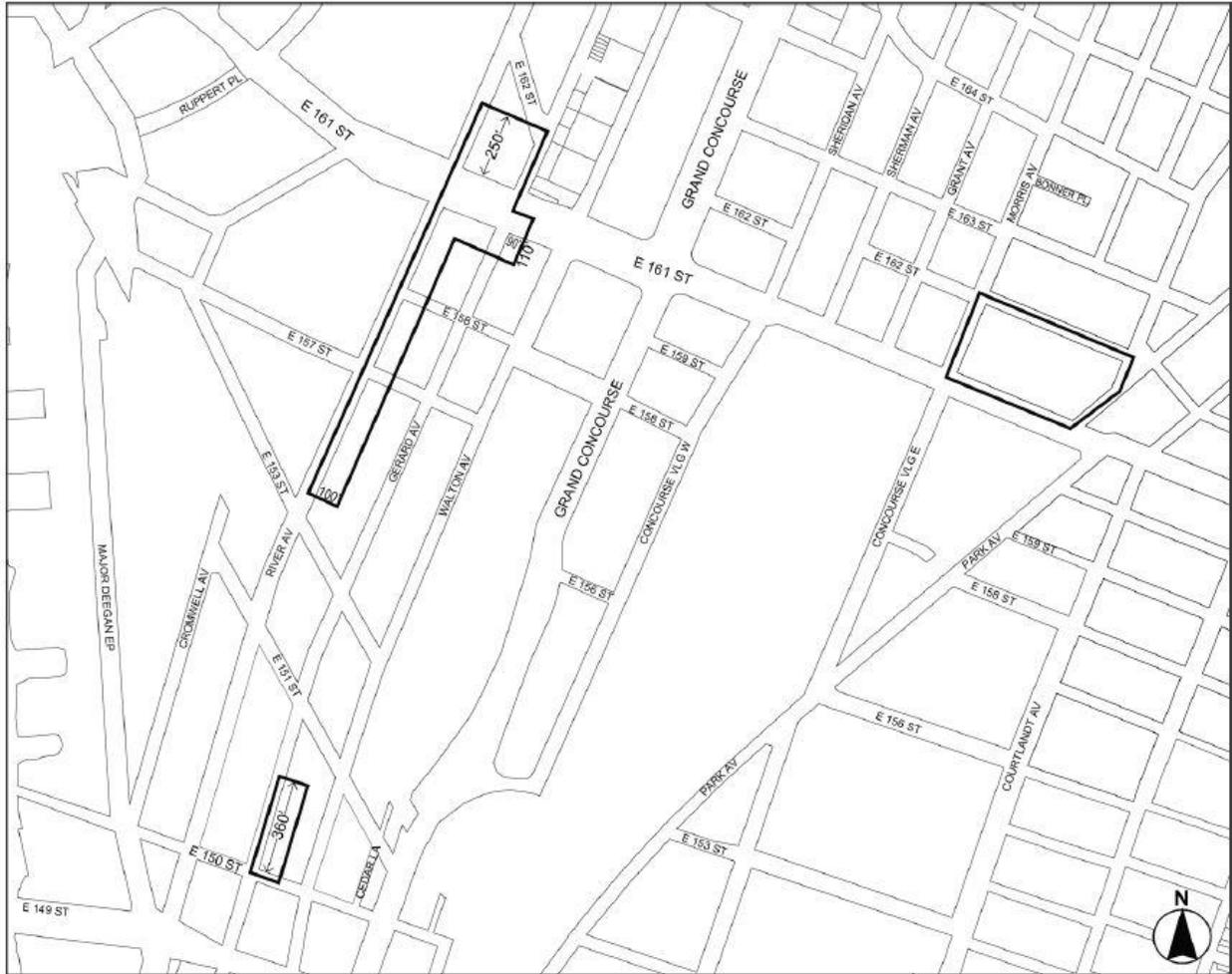
THE BRONX

The Bronx Community District 4

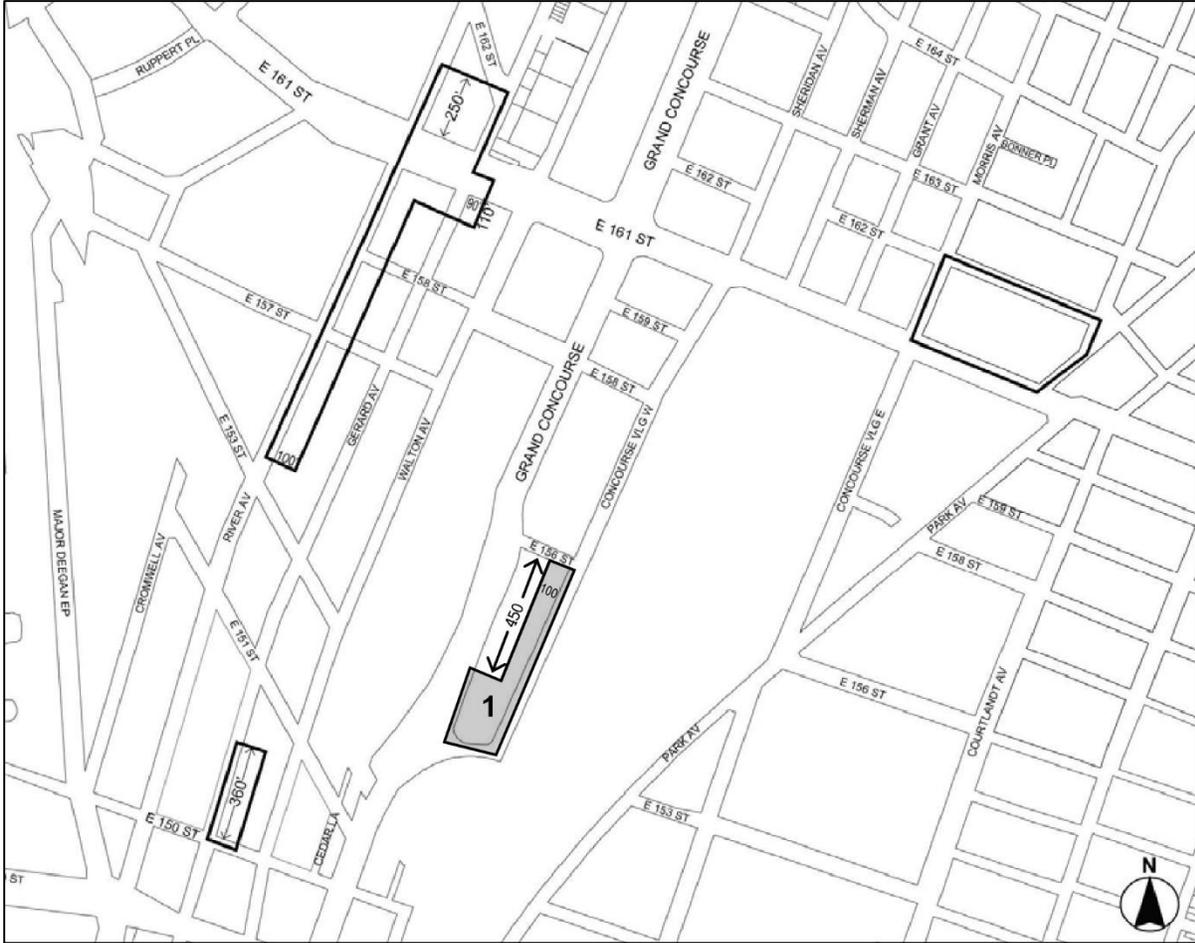
In portions of the #Special Grand Concourse Preservation District# and in the R7A, R7D, R8, R8A and R9D Districts within the areas shown on the following Map 1:

Map 1 – [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing area — see Section 23-154(d)(3)
- Area 1 [date of adoption] — MIH Program Option 2

Portion of Community District 4, The Bronx

* * *

(On August 24, 2016, Cal. No. 3, the Commission scheduled September 7, 2016 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 25-28

1932 BRYANT AVENUE

No. 25

CD 6

C 160365 ZMX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Second Farms Neighborhood, HFDC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3d:

1. changing from an R7-1 District to an R8 District property bounded by Bryant Avenue, a line 80 feet southwesterly of East Tremont Avenue, a line perpendicular to the southwesterly street line of East Tremont Avenue distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of East Tremont Avenue and the northwesterly street line of Boston Road, East Tremont Avenue, and Boston Road.
2. establishing within the proposed R8 District a C2-4 District bounded by a line 100 feet northwesterly of Boston Road, a line 80 feet southwesterly of East Tremont Avenue, a line perpendicular to the southwesterly street line of East Tremont Avenue distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of East Tremont Avenue and the northwesterly street line of Boston Road, East Tremont Avenue, Boston Road, and Bryant Avenue;

as shown on a diagram (for illustrative purposes only) dated June 6, 2016.

(On August 24, 2016, Cal. No. 4, the Commission scheduled September 7, 2016 for a public hearing which has been duly advertised.)

Close the hearing.

No. 26

CD 6

N 160366 ZRX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Second Farms Neighborhood HDFC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter in underline is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

THE BRONX

* * *

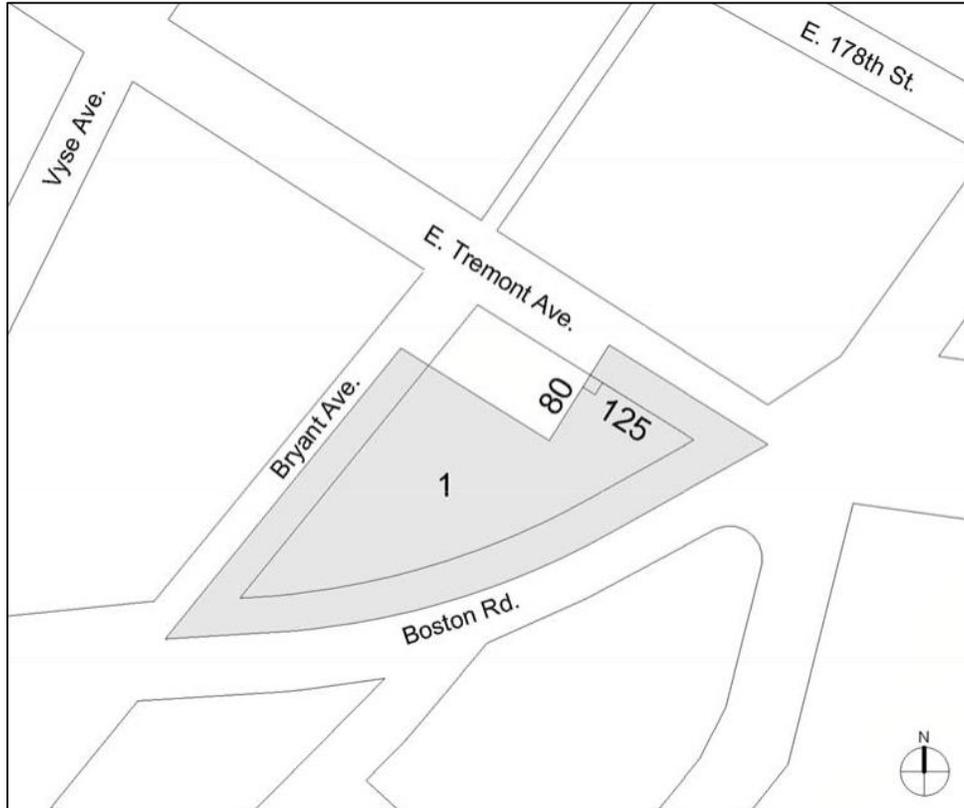
Bronx Community District 6

In the R7A, R7D, R7X, R8, R8A and R8X Districts within the areas shown on the following Maps 1, 2, 3, 4, ~~and~~ 5 and 6:

* * *

Map 6 – [date of adoption]

[PROPOSED MAP]



- Mandatory Inclusionary Housing area see Section 23-154(d)(3)
- Area 1 [date of adoption] – MIH Program Option 1 and Option 2

Portion of Community District 6, The Bronx

* * *

(On August 24, 2016, Cal. No. 5, the Commission scheduled September 7, 2016 for a public hearing which has been duly advertised.)

Close the hearing.



No. 27

CD 6

C 160367 ZSX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Second Farms Neighborhood, HFDC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive the required off-street parking spaces for the existing developments on zoning lots Parcel 6 (Block 3131, Lot 20), Parcel 7 (Block 3136, Lot 1) and Parcel 8a (Block 3130, Lot 20), in connection with a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in an R8* and R8/C2-4* Districts, within the Transit Zone, in an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178th Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179th Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101),) in R7-1, R8* and R8/C2-4* Districts.

*Note: The site is proposed to be rezoned by changing an existing R7-1 to R8 and R8/C2-4 Districts under a concurrent related application (C 160365 ZMX).

Plans for this proposal are on file with the City Planning Commission and 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

(On August 24, 2016, Cal. No. 6 the Commission scheduled September 7, 2016 for a public hearing which has been duly advertised.)

Close the hearing.

No. 28

CD 6

C 160368 ZSX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Second Farms Neighborhood, HFDC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. 78-312(c) to modify the rear yard requirements of Section 23-47 (Minimum Required Rear Yards), to allow minor variations in required rear yards on the periphery: and

- 2. 78-312(d) to modify height and setback requirements of Section 23-64 (Basic Height and Setback Requirements) to allow minor variations in the front height and setback regulations on the periphery;

of a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in R8* and R8/C2-4* Districts, within an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178th Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179th Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101),) in R7-1, R8* and R8/C2-4* Districts.

*Note: The site is proposed to be rezoned by changing an existing R7-1 to R8 and R8/C2-4 Districts under a concurrent related application (C 160365 ZMX).

Plans for this proposal are on file with the City Planning Commission and 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

(On August 24, 2016, Cal. No. 7, the Commission scheduled September 7, 2016 for a public hearing which has been duly advertised.)

Close the hearing.



BOROUGH OF MANHATTAN

Nos. 29 & 30

THEATER SUBDISTRICT FUND TEXT AMENDMENT

No. 29

CD 4, 5

N 160254 ZRM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article 8, Chapter 1 (Special Midtown District), to modify the regulations governing the transfer of development rights from listed theaters.

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

Article VIII - Special Purpose Districts

**Chapter 1
Special Midtown District**

* * *

**81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

* * *

**81-744
Transfer of development rights from listed theaters**

For the purposes of the Theater Subdistrict:

A “listed theater” shall mean a theater designated as listed pursuant to Section 81-742 (Listed theaters).

A “granting site” shall mean either a #zoning lot# or that portion of a #zoning lot# occupied by a “listed theater” and comprised of those block and lot numbers specified for such theater pursuant to the table in Section 81-742, as such block and lots existed on January 12, 1998. However, a “granting site” shall not include any #zoning lot# occupied by a “listed theater” located within the geographical area covered by the 42nd Street Development Land Use Improvement Project, adopted by the New York State Urban Development Project in 1984, as such Project has and may be subsequently amended.

A “receiving site” shall mean a #zoning lot# or the portion of a #zoning lot# located within the Theater Subdistrict to which development rights of the “granting site” are transferred. However, no portion of a “receiving site” shall be located within the 42nd Street Development Project Area. In addition, for #zoning lots# containing “listed theaters,” that portion of the #zoning lot# occupied by the “listed theater” and comprised of the block and lot numbers specified for such theater, pursuant to the table in Section 81-742, shall not be included in the “receiving site.”

Any “receiving site” divided by a district boundary or Theater Subdistrict Core boundary may locate #bulk# in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries).

The “floor price” is a value per square foot of transferable development rights in the Theater Subdistrict, which shall provide a basis for establishing a minimum contribution to the Theater Subdistrict Fund established pursuant to paragraph (i) of Section 81-741 (General provisions), as provided in this Section. When establishing or adjusting the “floor price”, the City Planning Commission shall consider an appraisal study conducted by qualified professionals utilizing industry best practices. The City Planning Commission shall, by rule, review and adjust this amount pursuant to the City Administrative Procedure Act no more than once every three years and no less than once every five years.

(a) **Transfer of development rights by certification**

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from a “granting site” to a “receiving site,” except that any “granting site,” or portion thereof, located outside the Theater Subdistrict, may not transfer development rights to any portion of a “receiving site” within the Special Clinton District, provided that:

- (1) the maximum amount of #floor area# transferred from a “granting site” is the basic maximum #floor area ratio# established pursuant to Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) or 81-213 (Special provisions for transfer of development rights from listed theaters within the Special Clinton District), as applicable, for such “granting site” as if it were undeveloped, less the total #floor area# of all existing #buildings# or portions of #buildings# on the “granting site” and #floor area# attributed to the “granting site” that has been previously used or transferred;
- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be #developed# or #enlarged# on the #zoning lot# containing the “granting site” by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a “receiving site” shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 for such “receiving site” by more than 20 percent;
- (4) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met; and
- (5) appropriate legal documents are executed and recorded and that, thereafter, and prior to certification, ensuring that a contribution in an amount equal to ten dollars* per square foot of transferred #floor area# be deposited in the Theater Subdistrict Fund established pursuant to paragraph (i) of Section 81-741 (General provisions) ~~at the earlier of either the time of closing on the transfer of development rights pursuant to this Section or the filing for any building permit for any #development#~~

~~or #enlargement# that anticipates using such development rights. Such contribution shall be equal to the greater of:~~

- ~~(i) twenty percent of the sales price of the transferred #floor area#; or~~
- ~~(ii) an amount equal to 20 percent of the “floor price” multiplied by the amount of transferred #floor area#.~~

~~The City Planning Commission shall review such amount no more than once every three years and no less than once every five years and shall adjust the amount to reflect any change in assessed value of all properties on #zoning lots# wholly within the Theater Subdistrict.~~

(b) Transfer of development rights by authorization

The City Planning Commission shall allow, by authorization, an additional transfer of development rights beyond the amount of #floor area# transfer permitted by certification in paragraph (a) of this Section from a “granting site” to any portion of a “receiving site” located within the Eighth Avenue Corridor, except that any “granting site,” or portion thereof, located outside the Theater Subdistrict may not transfer development rights to any portion of a “receiving site” within the Special Clinton District, subject to the following conditions:

- (1) the maximum amount of such additional #floor area# transfer to that portion of a “receiving site” located within such Corridor shall not exceed the maximum total #floor area ratio# with as-of-right #floor area# allowances in the Theater Subdistrict set forth in Section 81-211 by more than 20 percent; and
- (2) such transfer complies with the conditions and limitations set forth for the transfer of development rights in paragraph (a) of this Section.

In order to grant such authorization, the City Planning Commission shall find that such #development# or #enlargement#:

- (i) relates harmoniously to all structures and #open space# in its vicinity in terms of scale, location and access to light and air in the area; and
- (ii) serves to enhance or reinforce the general purposes of the Theater Subdistrict.

Any application pursuant to paragraphs (a) and/or (b) of this Section shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. The Chairperson of the City Planning Commission shall not grant any such certification or authorization prior to sixty days after such referral and sixty days after the date any reports required to be submitted to the Landmarks Preservation Commission pursuant to Section 81-743, paragraph (b), or the Theater Subdistrict Council pursuant to Section 81-71 (General Provisions) have been so submitted.

(c) Requirements for Application

An application filed with the Chairperson of the City Planning Commission for the transfer of development rights by certification pursuant to paragraph (a) of this Section, or with the City Planning Commission for the transfer of development rights by authorization pursuant to paragraph (b) of this Section, shall be made jointly by the owners of the "granting site" and the "receiving site" and shall include:

- (1) a site plan and #floor area# zoning calculations for the "granting site" and the "receiving site"; for certifications, documentation acceptable to the Chairperson indicating the sales price of the transferred floor area; and, for authorizations ~~and~~/or special permit applications, any such other information as may be required by the City Planning Commission;
- (2) a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with a notice of the restrictions limiting further #development# or #enlargement# of the "granting site" and the "receiving site." The notice of restrictions shall be filed by the owners of the respective lots in the Borough Office of the Register of the City of New York, indexed against the "granting site" and the "receiving site," a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. Receipt of the certified copy shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the "receiving site."

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

- (3) demonstrations of compliance with the requirements of Section 81-743 and paragraph (a)(5) of this Section, including all necessary legal documents. Issuance of any building permit, including any foundation or alteration permit, shall be conditioned upon the filing of such legal documents in the Borough Office of the Register of the City of New York and receipt by the Chairperson of the City Planning Commission of certified copies of same as required pursuant to Section 81-743.

A separate application shall be filed for each transfer of development rights to an independent "receiving site."

~~* The contribution of ten dollars per square foot of transferred #floor area# was adjusted by rule on November 15, 2006, to \$14.91 per square foot and on December 10, 2011, to \$17.60 per square foot~~

(On August 24, 2016, Cal. No. 8, the Commission scheduled September 7, 2016 for a public hearing which has been duly advertised.)

Close the hearing.



No. 30

THEATER SUBDISTRICT FUND TEXT AMENDMENT

CD 4, 5

N 160254(A) ZRM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article 8, Chapter 1 (Special Midtown District), to modify the regulations governing the transfer of development rights from listed theaters.

Matter in underline is new, to be added;

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

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

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

Article VIII - Special Purpose Districts

Chapter 1

Special Midtown District

* * *

81-70

SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

* * *

81-70**SPECIAL REGULATIONS FOR THEATER SUBDISTRICT****81-71****General Provisions**

The regulations of Sections 81-72 to 81-75, inclusive, relating to Special Regulations for the Theater Subdistrict, are applicable only in the Theater Subdistrict, of which the Theater Subdistrict Core and the Eighth Avenue Corridor are parts, except that any listed theater designated in Section 81-742, or portion thereof, located outside of the Theater Subdistrict shall be deemed to be a “granting site” pursuant to Section 81-744 (Transfer of development rights from listed theaters).

The Theater Subdistrict is bounded by West 57th Street, Avenue of the Americas, West 40th Street, Eighth Avenue, West 42nd Street, a line 150 feet west of Eighth Avenue, West 45th Street and Eighth Avenue.

The Theater Subdistrict Core is bounded by West 50th Street, a line 200 feet west of Avenue of the Americas, West 43rd Street and a line 100 feet east of Eighth Avenue.

The Eighth Avenue Corridor is bounded by West 56th Street, a line 100 feet east of Eighth Avenue, West 43rd Street, Eighth Avenue, West 42nd Street, a line 150 feet west of Eighth Avenue, West 45th Street and Eighth Avenue.

The west side of Eighth Avenue between 42nd and 45th Streets is also subject to the provisions of the Special Clinton District to the extent set forth in Article IX, Chapter 6, subject to Section 81-023 (Applicability of Special Clinton District regulations).

These boundaries are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter. The regulations of Sections 81-72 to 81-75, inclusive, supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District# of which the Subdistrict is a part.

In order to preserve and protect the character of the Theater Subdistrict as a cultural, theatrical and entertainment showcase as well as to help ensure a secure basis for the useful cluster of shops, restaurants and related amusement activities, special incentives and controls are provided for the preservation and rehabilitation of existing theaters and special restrictions are placed on ground floor #uses# within the Subdistrict. In order to preserve and protect the special scale and character of the Theater Subdistrict Core, which includes Times Square, special #building street wall# height and setback controls and requirements for the inclusion of #illuminated signs# and entertainment and entertainment-related #uses# apply within the Subdistrict Core. In order to ensure the orderly growth and development of the Eighth Avenue Corridor and its transition to the scale and character of adjoining midblocks, special #building street wall#, height and setback controls apply within the Corridor. In order to preserve and maintain the character of the western edge of the Theater Subdistrict as both an integral part of the Theater Subdistrict and as a transition to the Clinton neighborhood, the west side of Eighth Avenue between 42nd and 45th Streets is also subject to the provisions of the Special Clinton District.

A Theater Subdistrict Council shall be created and comprised of the Mayor, three (3) representatives appointed by the Mayor from the performing arts, theatrical related industries, the Director of the Department of City Planning, the Speaker of the City Council and his or her designee, and the Manhattan Borough President. The members shall choose a Chair from among themselves. The Theater Subdistrict Council shall be a not-for-profit corporation whose organizational purpose shall be limited solely to promoting theater and theater-related use and preservation within the Theater Subdistrict and promoting the welfare of the Theater Subdistrict generally. The goals of the Theater Subdistrict Council shall include:

- (a) enhancing the long-term viability of Broadway by facilitating the production of plays and small musicals within the Theater Subdistrict, with consideration given to small theatrical organizations;
- (b) developing new audiences for all types of theatrical productions;
- (c) monitoring preservation and use covenants in Broadway's "listed theaters"; and
- (d) assisting activities that support and strengthen the New York City theater industry within the Subdistrict.

The Theater Subdistrict Council shall adopt a plan every three years for the sale, distribution and marketing of reduced price tickets to new and undeveloped audience groups. Such plan shall include locations outside of the Theater Subdistrict where such reduced price tickets will be available. The plan shall also include a way to evaluate yearly its effectiveness by:

- (a) — the number of tickets sold; and
- (b) — the penetration of the new identified markets which shall be reported to the Chairperson of the City Planning Commission and filed with the Council of the City of New York.

The Theater Subdistrict Council shall advise the Chairperson of the City Planning Commission concerning applications for any special permit, authorization or certification pursuant to the special regulations for the Theater Subdistrict and shall be the holder and administrator of the funds received in connection with transfers of development rights from "listed theaters" pursuant to Section 81-744 in accordance with the provisions for the Theater Subdistrict Fund set forth in paragraph (h) of Section 81-741 (General provisions).

* * *

81-74 Special Incentives and Controls in the Theater Subdistrict

81-741 General provisions

* * *

(i) Theater Subdistrict Fund

In furtherance of the purposes of this Section, the Theater Subdistrict Council shall establish a separate interest-bearing account (the "Theater Subdistrict Fund" or "Fund") for the deposit and administration of the revenues received by the Theater Subdistrict Council generated by the transfer of development rights pursuant to Section 81-744. Upon receipt of any revenue generated pursuant to such Section, the Theater Subdistrict Council shall notify the Comptroller, the Speaker and the Department of City Planning, and promptly deposit such revenues into the Theater Subdistrict Fund and shall expend such revenues and any interest accumulated thereon in the following manner:

- (1) a portion of any such revenues shall be reserved, sufficient in the judgment of the Theater Subdistrict Council ~~but in no event less than 20 percent of such revenues, to undertake the ongoing periodic inspection and maintenance report requirements pursuant to paragraph (d)(e) of Section 81-743. The Theater Subdistrict Council may petition the City Planning Commission for a reduction in the percentage of such reserve and the Commission may grant such reduction if, in its judgement, a lesser percentage will be sufficient to carry out the purposes of this paragraph;~~ and
- (2) the remainder of such revenue shall be used for activities chosen by the Theater Subdistrict Council furthering the objectives and purposes of this Section, which activities may include judicial or administrative proceedings instituted by the Theater Subdistrict Council against any property owner or lessee to enforce the obligations of such owner or lessee pursuant to any restrictive declaration entered into in connection with a transfer of development rights pursuant to Section 81-744. Notwithstanding the foregoing, funds shall not be used for the physical repair and preservation of theaters.

The Theater Subdistrict Council shall provide an annual report to the Department of City Planning, the Comptroller, the Speaker and the City Planning Commission indicating the amounts and dates of any deposits to the Theater Subdistrict Fund in the immediately preceding calendar year, the balance of the Theater Subdistrict Fund at the close of the calendar year, the amounts expended on activities within the Theater Subdistrict and the nature of those activities. The Theater Subdistrict Council shall maintain complete, accurate and detailed records, with supporting documentation, in respect to all deposits to and withdrawals from the Theater Subdistrict Fund, and shall make such records available to the City of New York, the Department of City Planning, the Comptroller, the Speaker and the City Planning Commission upon reasonable notice and during business hours for inspection and copying.

* * *

81-744**Transfer of development rights from listed theaters**

For the purposes of the Theater Subdistrict:

A “listed theater” shall mean a theater designated as listed pursuant to Section 81-742 (Listed theaters).

A “granting site” shall mean either a #zoning lot# or that portion of a #zoning lot# occupied by a “listed theater” and comprised of those block and lot numbers specified for such theater pursuant to the table in Section 81-742, as such block and lots existed on January 12, 1998. However, a “granting site” shall not include any #zoning lot# occupied by a “listed theater” located within the geographical area covered by the 42nd Street Development Land Use Improvement Project, adopted by the New York State Urban Development Project in 1984, as such Project has and may be subsequently amended.

A “receiving site” shall mean a #zoning lot# or the portion of a #zoning lot# located within the Theater Subdistrict to which development rights of the “granting site” are transferred. However, no portion of a “receiving site” shall be located within the 42nd Street Development Project Area. In addition, for #zoning lots# containing “listed theaters,” that portion of the #zoning lot# occupied by the “listed theater” and comprised of the block and lot numbers specified for such theater, pursuant to the table in Section 81-742, shall not be included in the “receiving site.”

Any “receiving site” divided by a district boundary or Theater Subdistrict Core boundary may locate #bulk# in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries).

The “floor price” is a value per square foot of transferable development rights in the Theater Subdistrict, which shall provide a basis for establishing a minimum contribution to the Theater Subdistrict Fund established pursuant to paragraph (i) of Section 81-741 (General provisions), as provided in this Section. As of (date of enactment) the “floor price” is equal to \$347 per square foot. When establishing or adjusting the “floor price”, the City Planning Commission shall initiate an appraisal study conducted by qualified professionals utilizing industry best practices. The City Planning Commission shall, by rule, review and adjust this amount pursuant to the City Administrative Procedure Act no more than once every three years and no less than once every five years.

An applicant for transferable development rights, upon written request to the City Planning Commission, may ask for an appraisal study to determine any recent changes in market conditions within the Subdistrict. The appraisal study must be paid for by the applicant and completed within a one-year timeframe. The Department of City Planning shall initiate the appraisal study conducted by qualified professionals utilizing industry best practices and the City Planning Commission shall, by rule, review and adjust this amount pursuant to the City Administrative Procedure Act.

(a) **Transfer of development rights by certification**

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from a “granting site” to a “receiving site,” except that any “granting site,” or portion thereof, located outside the Theater Subdistrict, may not transfer

development rights to any portion of a “receiving site” within the Special Clinton District, provided that:

- (1) the maximum amount of #floor area# transferred from a “granting site” is the basic maximum #floor area ratio# established pursuant to Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) or 81-213 (Special provisions for transfer of development rights from listed theaters within the Special Clinton District), as applicable, for such “granting site” as if it were undeveloped, less the total #floor area# of all existing #buildings# or portions of #buildings# on the “granting site” and #floor area# attributed to the “granting site” that has been previously used or transferred;
- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be #developed# or #enlarged# on the #zoning lot# containing the “granting site” by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a “receiving site” shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 for such “receiving site” by more than 20 percent;
- (4) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met; and
- (5) appropriate legal documents are executed and recorded and that, thereafter, and prior to certification, ensuring that a contribution in an amount equal to ten dollars* per square foot of transferred #floor area# be deposited in the Theater Subdistrict Fund established pursuant to paragraph (i) of Section 81-741 (General provisions) at the earlier of either the time of closing on the transfer of development rights pursuant to this Section or the filing for any building permit for any #development# or #enlargement# that anticipates using such development rights. Such contribution shall be equal to the greater of:
 - (i) twenty percent of the sales price of the transferred #floor area#; or
 - (ii) an amount equal to 20 percent of the “floor price” multiplied by the amount of transferred #floor area#.

~~The City Planning Commission shall review such amount no more than once every three years and no less than once every five years and shall adjust the amount to reflect any change in assessed value of all properties on #zoning lots# wholly within the Theater Subdistrict.~~

(b) **Transfer of development rights by authorization**

The City Planning Commission shall allow, by authorization, an additional transfer of development rights beyond the amount of #floor area# transfer permitted by certification in paragraph (a) of this Section from a “granting site” to any portion of a “receiving site” located within the Eighth Avenue Corridor, except that any “granting site,” or portion thereof, located outside the Theater Subdistrict may not transfer development rights to any portion of a “receiving site” within the Special Clinton District, subject to the following conditions:

- (1) the maximum amount of such additional #floor area# transfer to that portion of a “receiving site” located within such Corridor shall not exceed the maximum total #floor area ratio# with as-of-right #floor area# allowances in the Theater Subdistrict set forth in Section 81-211 by more than 20 percent; and
- (2) such transfer complies with the conditions and limitations set forth for the transfer of development rights in paragraph (a) of this Section.

In order to grant such authorization, the City Planning Commission shall find that such #development# or #enlargement#:

- (i) relates harmoniously to all structures and #open space# in its vicinity in terms of scale, location and access to light and air in the area; and
- (ii) serves to enhance or reinforce the general purposes of the Theater Subdistrict.

Any application pursuant to paragraphs (a) and/or (b) of this Section shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. The Chairperson of the City Planning Commission shall not grant any such certification or authorization prior to sixty days after such referral and sixty days after the date any reports required to be submitted to the Landmarks Preservation Commission pursuant to Section 81-743, paragraph (b), or the Theater Subdistrict Council pursuant to Section 81-71 (General Provisions) have been so submitted.

(c) Requirements for Application

An application filed with the Chairperson of the City Planning Commission for the transfer of development rights by certification pursuant to paragraph (a) of this Section, or with the City Planning Commission for the transfer of development rights by authorization pursuant to paragraph (b) of this Section, shall be made jointly by the owners of the “granting site” and the “receiving site” and shall include:

- (1) a site plan and #floor area# zoning calculations for the “granting site” and the “receiving site”; for certifications, documentation acceptable to the Chairperson indicating the sales price of the transferred floor area; and, for authorizations ~~and/or~~ special permit applications, any such other information as may be required by the City Planning Commission;

- (2) a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with a notice of the restrictions limiting further #development# or #enlargement# of the “granting site” and the “receiving site.” The notice of restrictions shall be filed by the owners of the respective lots in the Borough Office of the Register of the City of New York, indexed against the “granting site” and the “receiving site,” a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. Receipt of the certified copy shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the “receiving site.”

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

- (3) demonstrations of compliance with the requirements of Section 81-743 and paragraph (a)(5) of this Section, including all necessary legal documents. Issuance of any building permit, including any foundation or alteration permit, shall be conditioned upon the filing of such legal documents in the Borough Office of the Register of the City of New York and receipt by the Chairperson of the City Planning Commission of certified copies of same as required pursuant to Section 81-743.

A separate application shall be filed for each transfer of development rights to an independent “receiving site.”

~~*——The contribution of ten dollars per square foot of transferred #floor area# was adjusted by rule on November 15, 2006, to \$14.91 per square foot and on December 10, 2011, to \$17.60 per square foot~~

(On August 24, 2016, Cal. No. 9, the Commission scheduled September 7, 2016 for a public hearing which has been duly advertised.)

Close the hearing.

IV CITY PLANNING COMMISSION 2016 SCHEDULE OF MEETINGS

	SUN	MON	TUE	WED	THU	FRI	SAT
JANUARY						1 NEW YEAR'S DAY	2
	3	4 REVIEW SESSION	5	6 CPC PUBLIC MEETING	7	8	9
	10	11	12	13	14	15	16
	17	18 MARTIN LUTHER KING, JR. DAY	19 REVIEW SESSION	20 CPC PUBLIC MEETING	21	22	23
	24	25	26	27	28	29	30
	31						
	FEBRUARY		1 REVIEW SESSION	2 CPC PUBLIC MEETING	3	4	5
7		8 CHINESE NEW YEAR	9	10 ASH WEDNESDAY	11	12 LINCOLN'S BIRTHDAY	13
14		15 PRESIDENTS' DAY	16	17	18	19	20
21		22 MARTIN LUTHER KING, JR. BIRTHDAY	23	24 CPC PUBLIC MEETING	25	26	27
28		29					
MARCH			1	2	3	4	5
	6	7 REVIEW SESSION	8	9 CPC PUBLIC MEETING	10	11	12
	13	14	15	16	17 ST. PATRICK'S DAY	18	19
	20	21	22	23	24 PALM SUNDAY	25	26
	27	28 EASTER	29	30 CPC PUBLIC MEETING	31 GOOD FRIDAY		
APRIL						1	2
	3	4	5	6	7	8	9
	10	11 REVIEW SESSION	12	13 CPC PUBLIC MEETING	14	15	16
	17	18	19	20	21	22	23
MAY	24	25 REVIEW SESSION	26	27 CPC PUBLIC MEETING	28	29	30 PASSOVER
	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
JUNE	29	30 MEMORIAL DAY	31				
				1	2	3	4
	5	6 REVIEW SESSION	7 1ST DAY RAMADAN	8 CPC PUBLIC MEETING	9	10	11
	12	13	14	15	16	17	18
	19	20 REVIEW SESSION	21	22 CPC PUBLIC MEETING	23	24	25
JULY	26	27	28	29	30		
						1	2
	3	4 INDEPENDENCE DAY	5	6	7	8	9
	10	11 REVIEW SESSION	12	13 CPC PUBLIC MEETING	14	15	16
	17	18	19	20	21	22	23
AUGUST	24	25 REVIEW SESSION	26	27 CPC PUBLIC MEETING	28	29	30
	31						
		1	2	3	4	5	6
	7	8 REVIEW SESSION	9	10 CPC PUBLIC MEETING	11	12	13
	14	15	16	17	18	19	20
SEPTEMBER	21	22 REVIEW SESSION	23	24 CPC PUBLIC MEETING	25	26	27
	28	29	30	31			
					1	2	3
	4	5 LABOR DAY	6 REVIEW SESSION	7 CPC PUBLIC MEETING	8	9	10
	11	12	13	14	15	16	17
OCTOBER	18	19 REVIEW SESSION	20	21 CPC PUBLIC MEETING	22	23	24
	25	26	27	28	29	30	
	2	3 ROSH HASHANAH	4 REVIEW SESSION	5 CPC PUBLIC MEETING	6	7	8 1
	9	10 COLUMBUS OBSERVED	11	12 YOM KIPPUR	13	14	15
NOVEMBER	16	17 REVIEW SESSION	18	19 CPC PUBLIC MEETING	20	21	22
	23	24	25	26	27	28	29
	30	31 REVIEW SESSION					
				1 CPC PUBLIC MEETING	2	3	4
	6	7	8 ELECTION DAY	9	10 DIWALI	11 VETERANS' DAY	12
DECEMBER	13	14 REVIEW SESSION	15	16 CPC PUBLIC MEETING	17	18	19
	20	21	22	23	24	25	26
	27	28 REVIEW SESSION	29	30 CPC PUBLIC MEETING			
					1	2	3
	4	5	6	7	8	9	10
DECEMBER	11	12 REVIEW SESSION	13	14 CPC PUBLIC MEETING	15	16	17
	18	19	20	21	22	23	24
	25	26 1ST DAY KWANZAA	27	28	29	30	31 HANUKKAH

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