



COUNCIL OF THE CITY OF NEW YORK

CALENDAR
OF THE
LAND USE COMMITTEE
FOR THE WEEK OF AUGUST 10, 2015 - AUGUST 14, 2015

DAVID G. GREENFIELD, *Chair*, Land Use Committee

DONOVAN J. RICHARDS, *Chair*, Subcommittee on Zoning and Franchises

PETER KOO, *Chair*, Subcommittee on Landmarks, Public Siting
and Maritime Uses

INEZ DICKENS, *Chair*, Subcommittee on Planning, Dispositions
and Concessions

<http://legistar.council.nyc.gov/Calendar.aspx>

SUBCOMMITTEE ON ZONING AND FRANCHISES

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **9:30 A.M. on Tuesday, August 11, 2015:**

L.U. No. 257 TONIC

MANHATTAN CB - 06

20155525 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 411 Rest Corp, d/b/a Tonic, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 411 3rd Avenue.

L.U. No. 258 BANC CAFÉ

MANHATTAN CB - 06

20155693 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Third Ave Café, LLC, d/b/a Banc Café, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 431 3rd Avenue.

L.U. No. 259 LA VILLETTA

MANHATTAN CB - 06

20155689 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Jonilu LLC, d/b/a La Villetta, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 398 East 52nd Street.

L.U. NOS. 260, 261, 262 AND 263 ARE RELATED

L.U. No. 260

TRES PUENTES/285 EAST 138TH STREET

BRONX CB - 01

N 150287 ZRX

Application submitted by the West Side Federation for Senior and Supportive Housing pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York involving provisions for large-scale general developments relating to a special permit by which the City Planning Commission may reduce or waive parking requirements for non-profit residences for the elderly in Community District 1 in the Borough of the Bronx.

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

74-74

Large-Scale General Development

* * *

74-745

Accessory parking spaces and loading berths

Modifications of parking and loading regulations

For a #large-scale general development# the City Planning Commission may permit:

- (a) Modification of location requirements

When a #large-scale general development# includes two or more #zoning lots#, the City Planning Commission may permit required or permitted #accessory# off-street parking spaces, bicycle parking spaces or loading berths to be located anywhere within a #large-scale general development# without regard for #zoning lot lines#, provided that the Commission shall find:

- (1) such off-street parking spaces, bicycle parking spaces and loading berths will be

conveniently located in relation to the #use# to which such spaces or berths are #accessory#;

- (2) such location of off-street parking spaces, bicycle parking spaces and loading berths will result in a better site plan; and
- (3) such location of off-street parking spaces, bicycle parking spaces and loading berths will not unduly increase the number of spaces in any single #block#, draw excessive traffic through local #streets#, or otherwise adversely affect traffic conditions in the surrounding area.

Whenever required off-street parking spaces, bicycle parking spaces and loading berths are permitted to be located without regard for #zoning lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# shall be kept available for such #building# throughout its life.

(b) Waiver or reduction of loading berth requirements

For #zoning lots# in a #large-scale general development#, located within a waterfront area pursuant to paragraph (b) of Section 62-132, in Community District 1 in the Borough of Brooklyn, that contains one or more #retail or service uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 10A, 12B, 14A or 16A, and where no single such establishment exceeds 8,500 square feet in #floor area#, the City Planning Commission may waive or reduce the number of required loading berths, provided that:

- (1) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#;
- (2) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment;
- (3) such modification allows for a better relationship between the #street walls# of the #building# containing such establishment and the adjacent sidewalk and surrounding area; and

- (4) such modification will not impair or adversely affect the development of the surrounding area.

(c) Reduction of parking requirements

For #buildings# on #zoning lots# in a #large-scale general development#, within R7-2 Districts in Community District 1 in the Borough of the Bronx, that contain a #non-profit residence for the elderly#, the City Planning Commission may waive or reduce the number of required #accessory# off-street parking spaces, including any spaces previously required for an existing #building# provided that the Commission finds:

- (1) that the anticipated automobile ownership patterns for residents of such #non-profit residence for the elderly# are minimal and that such waiver or reduction is warranted;
- (2) that such waiver or reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area; and
- (3) that such waiver or reduction of parking spaces will result in a better site plan with better quality open areas.

In determining the amount of parking spaces to waive or reduce, the Commission may take into account current automobile ownership patterns for an existing #non-profit residence for the elderly# on the #zoning lot#, as applicable.

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

L.U. No. 261

TRES PUENTES/285 EAST 138TH STREET

BRONX CB - 01

C 150288 ZMX

Application submitted by the West Side Federation for Senior and Supportive Housing pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

1. changing from an R6 to an R7-2 District property bounded by East 139th Street and its northwesterly prolongation, a line 150 feet northwesterly of Alexander Avenue, a line midway between East 139th Street and East 138th Street, a line 100 feet northwesterly of Alexander Avenue, East 138th Street, Morris Avenue, Third Avenue, and Morris Avenue;
2. establishing within an existing R6 District a C1-4 District bounded by a line midway between East 139th Street and East 138th Street, Alexander Avenue, East 138th Street, and a line 100 feet northwesterly of Alexander Avenue;
3. establishing within a proposed R7-2 District a C1-4 District bounded by a line midway between East 139th Street and East 138th Street, a line 100 feet northwesterly of Alexander Avenue, East 138th Street, and a line 100 feet southeasterly of Third Avenue; and
4. establishing within a proposed R7-2 District a C2-4 District bounded by East 139th Street and its northwesterly prolongation, a line 100 feet southeasterly of Third Avenue, East 138th Street, Morris Avenue, Third Avenue, and Morris Avenue;

as shown on a diagram (for illustrative purposes only), dated April 20, 2015.

L.U. No. 262

TRES PUENTES/285 EAST 138TH STREET

BRONX CB - 01

C 150289 ZSX

Application submitted by the West Side Federation for Senior and Supportive Housing pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 (Front setbacks in districts where

front yards are not required), the yard requirements of Section 24-33 (Permitted Obstructions in required Yards in Rear yard Equivalent), distance between building requirements of Section 23-711 (Standard minimum distance between buildings) and court requirements of Section 23-842 (Wide outer courts), in connection with a proposed mixed-use development on property located at 285 East 138th Street (Block 2314, Lot 1), in R7-2, R7-2/C1-4 and R7-2/C2-4 Districts, within a large-scale general development.

L.U. No. 263

TRES PUENTES/285 EAST 138TH STREET

BRONX CB - 01

C 150344 ZSX

Application submitted by the West Side Federation for Senior and Supportive Housing pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 74-745(c) of the Zoning Resolution to waive the number of required accessory off-street parking spaces, including a reduction of required accessory off-street parking spaces previously required for an existing building, in connection with a proposed mixed-use development on property located at 285 East 138th Street (Block 2314, Lot 1), in R7-2, R7-2/C1-4 and R7-2/C2-4 Districts, within a large-scale general development.

L.U. NOS. 264 AND 265 ARE RELATED

L.U. No. 264

76 GREENWICH AVENUE/ST. VINCENT'S PARK

MANHATTAN CB - 02

C 150203 MMM

Application submitted by West Village Residences LLC and The New York City Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the establishment of a park within the area bounded by Seventh Avenue, Greenwich Avenue and West 12th Street; and
- the modification of block dimensions and legal grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto in the Borough of Manhattan, Community District 2, in accordance with Map No. 30250 dated March 27, 2015 and signed by the Borough President.

L.U. No. 265

76 GREENWICH AVENUE/ST. VINCENT'S PARK

MANHATTAN CB - 02

N 150267 ZRM

Application submitted by West Village Residences LLC and The New York City Department of Parks and Recreation, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York to allow for open space being developed within the West Village Residences Large Scale General Development to be mapped as park and conveyed to the City of New York.

Matter in underline is new, to be added;

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

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

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

**ARTICLE VII
ADMINISTRATION**

**CHAPTER 4
Special Permits by the City Planning Commission**

* * *

**74-741
Requirements for application**

An application to the City Planning Commission for the grant of a special permit pursuant to Section 74-74 for a #large-scale general development# shall include a site plan showing the boundaries of the #large-scale general development# and the proposed location and #use# of all #buildings or other structures# on each #zoning lot# comprising the #large-scale general development#.

However, for applications proceeding pursuant to the ownership provisions of paragraph (e) of Section 74-742, such site plan need only show the applicable portion of the #large-scale general development# as set forth in paragraph (e)(1) or (e) (2) of Section 74-742.

Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

* * *

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

* * *

(d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Halletts Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:

- (1) tracts of land in State or City ownership; or
- (2) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the #bulkhead# line-; or

(e) within Manhattan Community District 2, where the Commission has approved a special permit under Section 74-74 (Large-Scale General Development) for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then the consent or authorization of any owner or party in interest:

(1) to such #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to property within the #large-scale general development# other than the #public park#; and

(2) to property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#.

However, the consent or authorization of the owners and any party in interest to the other property shall be required if the proposed modification would impose an additional obligation or increase the degree of an obligation existing as of the date of the application for the modification on any such owner or any such party in interest.

74-743

Special provisions for bulk modification

(a) For a #large-scale general development#, the City Planning Commission may permit:

* * *

(b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

* * *

Within Manhattan Community District 2, within the former Washington Square Southeast Urban Renewal Area, ~~within Manhattan Community District 2,~~ where the Commission has approved a #large-scale general development#, and a #lot line# of

such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

In addition, within Manhattan Community District 2, where the Commission has approved a #large-scale general development# located partially within a C2-7 District, if any #open space# approved pursuant to paragraph (a) (4) of Section 74-743 is subsequently mapped as a park and transferred to City ownership, the #open space# requirement approved for such #large-scale general development# pursuant to paragraph (a) (4) of Section 74-743 shall be reduced by the area of such #public park#.

Within Community District 1 in the Borough of Queens, the Commission may prescribe additional conditions to ensure that the purpose of the Inclusionary Housing program as set forth in Section 23-92 (General Provisions) is achieved in a #large-scale general development#. The Commission may establish procedures resulting in limiting the amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (b)(1) of Section 23-953. Any such procedures established by the Commission shall be set forth in the restrictive declaration required in connection with the grant of a special permit for such #large-scale general development#.

For a phased construction program of a multi-#building# complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #large-scale general development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

* * * END * * *

L.U. No. 266

BRIGHT HORIZONS CHILDREN’S CENTER

QUEENS CB - 01 and 02

N 150141 ZRQ

Application submitted by Bright Horizons Children’s Center, LLC, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 7, to change the ground floor use provisions in Section 117-03, Appendix C and related sections of the Special Long Island City Mixed Use District.

Matter Underlined is new, to be added;

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

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

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

* * *

117-03

District Plan and Maps

* * *

Appendix C Queens Plaza Subdistrict Plan Maps:

Map 1 - Designated Districts within the Queens Plaza Subdistrict

Map 2 - Ground Floor Use and Frontage

Map 3 - Sidewalk Widening, and Street Wall Location ~~and Ground Floor Use.~~

* * *

117-502

Queens Plaza Subdistrict Plan

* * *

Map 3 (Sidewalk Widening, and Street Wall Location ~~and Ground Floor Use~~) of the Queen Plaza Subdistrict Plan specifies the locations where special #street wall#, and Mandatory sidewalk widening ~~and ground floor #use#~~

regulations, as set forth in Sections 117-531 ~~and 117-553~~, apply applies.

* * *

117-531

Street wall location

* * *

- (e) In the locations specified on Map 3 (Sidewalk Widening, and Street Wall Location ~~and Ground Floor Use~~) of Appendix C of this Chapter, a #building# shall comply with the provisions of paragraphs (a) through (d) of this Section, as applicable, except that #street walls# shall be located as specified on Map 3. The #street wall# of a #building# may be set back only in the areas indicated on Map 3 as "Permitted #Street Wall# Setback Locations," provided that the additional sidewalk widening resulting from such setback is accessible to the public, in accordance with the provisions of Section 117-554, and located adjacent to a public sidewalk or mandatory sidewalk widening.

* * *

117-551

General provisions

* * *

The provisions of Sections 117-553 (Mandatory sidewalk widening ~~and ground floor uses~~) and 117-554 (Mandatory sidewalk widening design requirements) apply to those locations identified on Map 3 in Appendix C of this Chapter.

* * *

117-553

Mandatory sidewalk widening ~~and ground floor uses~~

The sidewalk widening ~~and ground floor use~~ provisions of this Section shall apply to all #developments# or #enlargements# with ground floor #street walls# with a ratio of #floor area# to #lot area# of 3.0 or more.

- (a) Sidewalk widening accessible to the public must be provided in the locations specified on Map 3 (Sidewalk Widening, and Street Wall Location and Ground Floor Use) of Appendix C of this Chapter. Such mandatory sidewalk widening is subject to the design requirements of Section 117-554.
- (b) ~~Ground floor #commercial use# restriction~~

~~For any #building# or portion of a #building developed# or #enlarged# after July 26, 2001, fronting on the mandatory sidewalk widening required in paragraph (a) of this Section, #uses# within #stories# on the ground floor or with a floor level within five feet of #curb# level shall be limited to #commercial uses# listed in Use Groups 5, 6A, 6C, 7A, 7B, 8A, 8B, 9, 10, 11A, 12A and 12B, where such #uses# are permitted by the special #use# regulations of Section 117-51 (Queens Plaza Subdistrict Special Use Regulations). Any such #building#, or portion thereof, fronting on such mandatory sidewalk widening shall be allocated exclusively to such #uses#, except for lobby space, entrance space or frontage used for subway access.~~

* * *

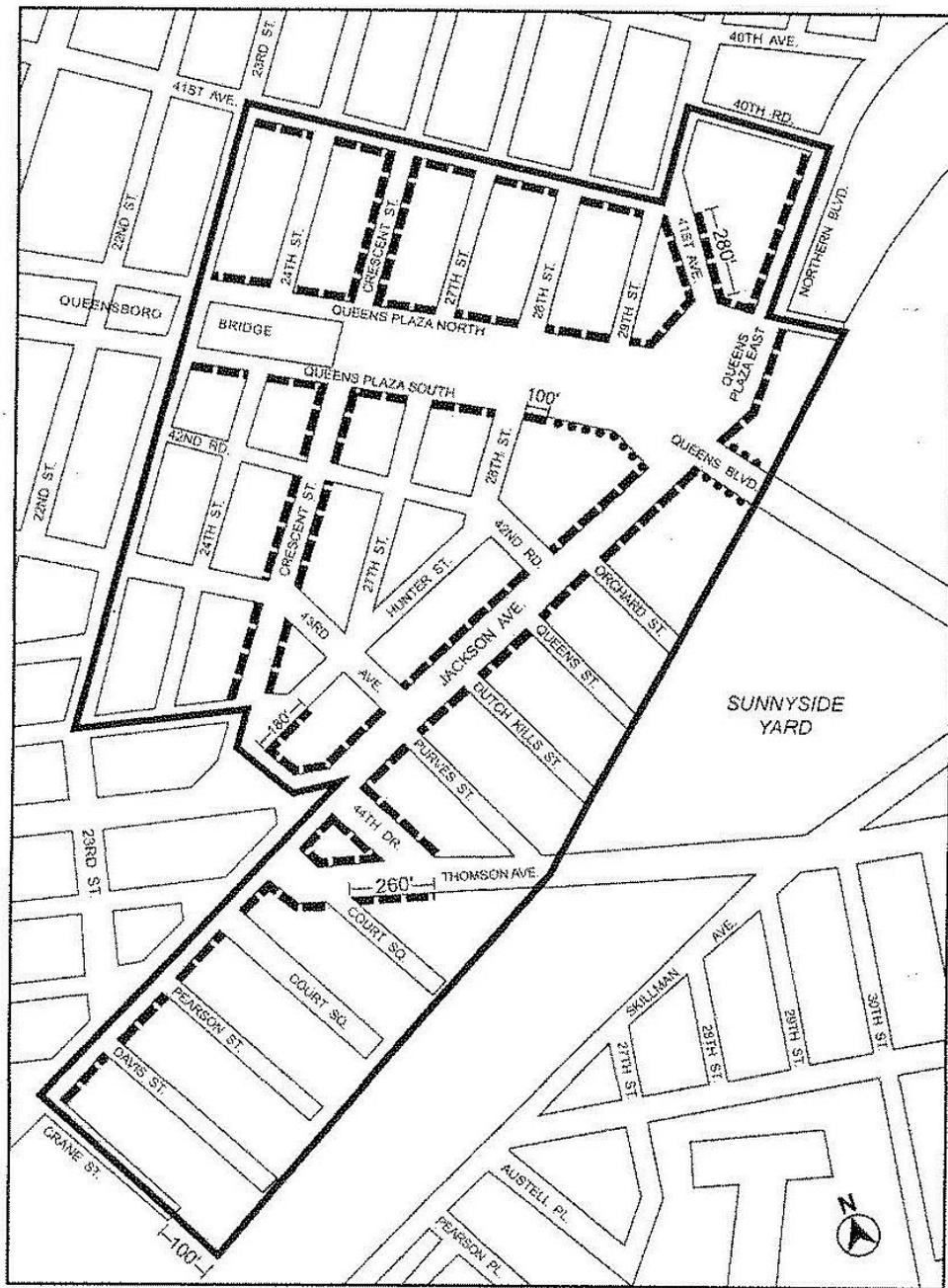
Appendix C

Queens Plaza Subdistrict Plan Maps

* * *

EXISTING

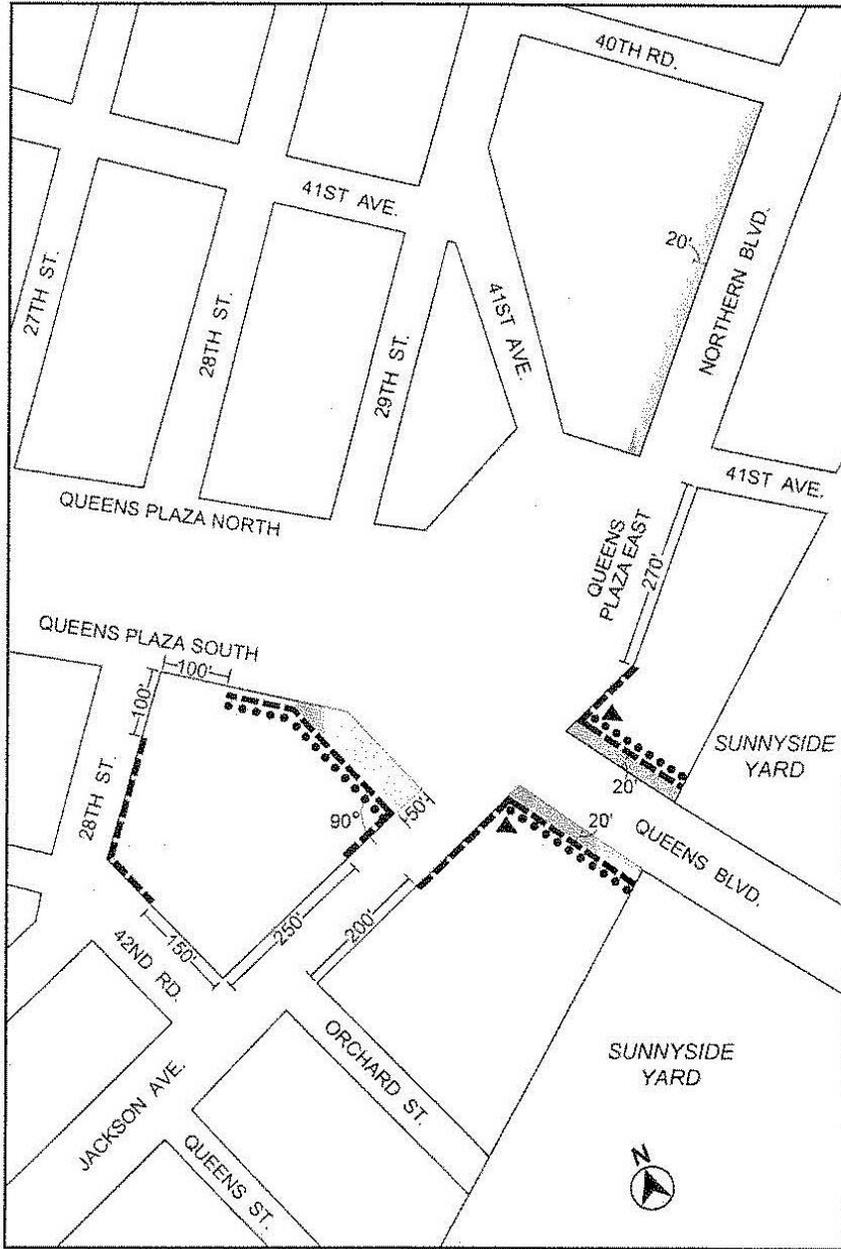
Map 2: Ground Floor Use and Frontage



- Queens Plaza Subdistrict Boundary
- - - Street Frontages where Ground Floors are Restricted to Non-Residential Uses
- Street Frontages where Ground Floors are Restricted to Commercial Uses

EXISTING

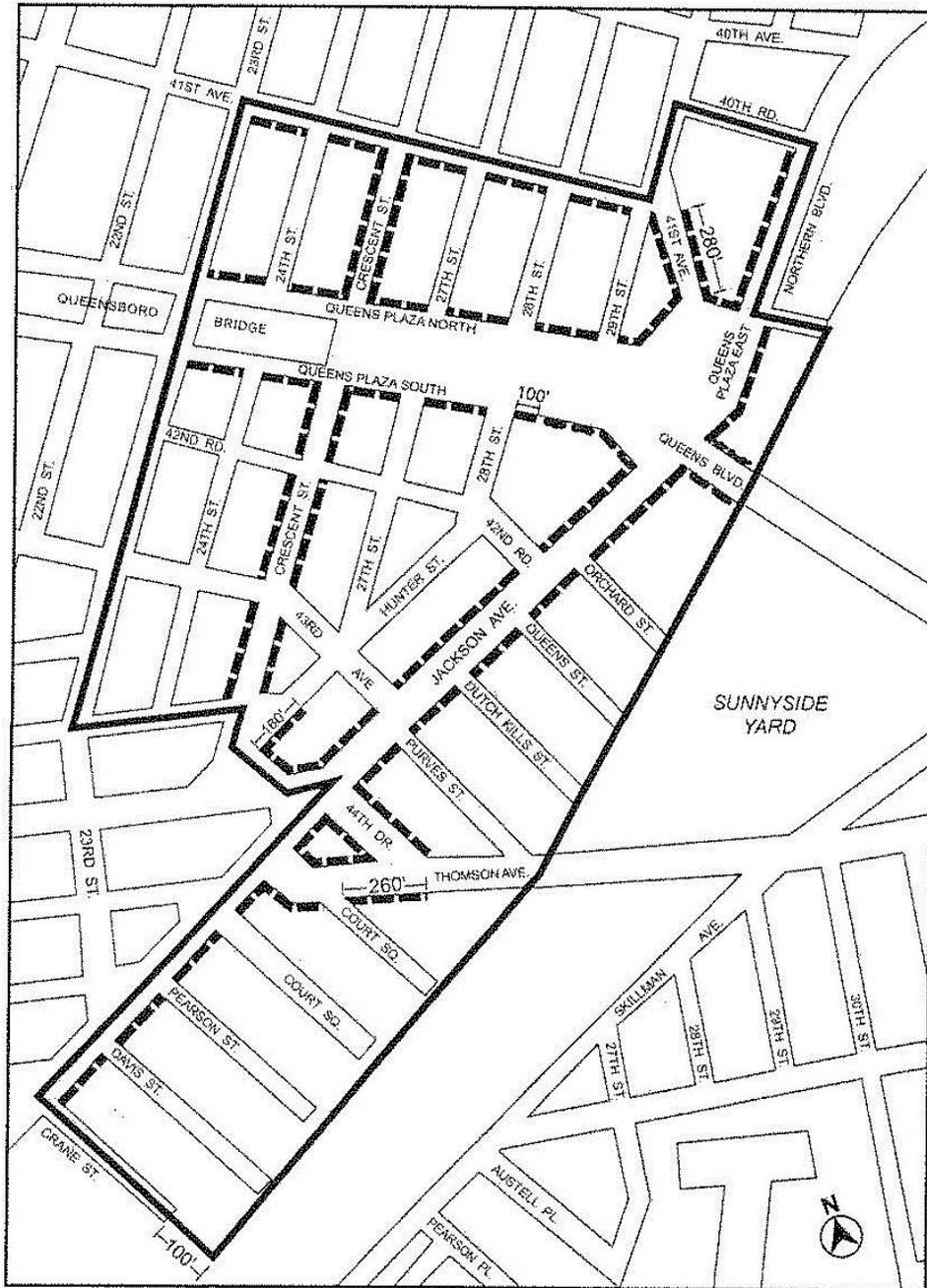
Map 3: Sidewalk Widening, Street Wall Location and Ground Floor Use



-  Mandatory Sidewalk Widening
-  Permitted Street Wall Setback Locations
-  Ground Floor Commercial Use only
-  Additional 1,500 sq. ft. of sidewalk widening to be located within 100' of the intersection.

PROPOSED

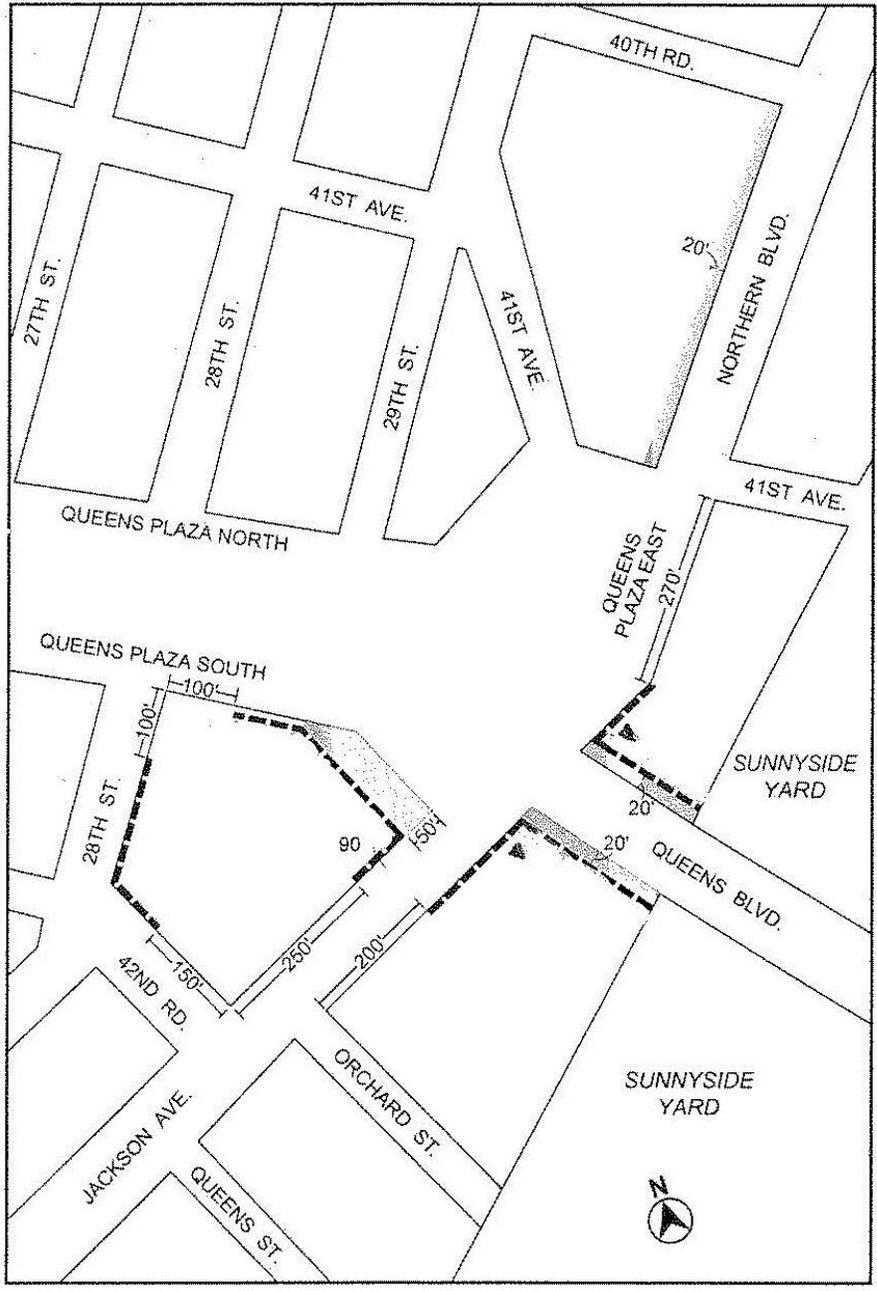
Map 2: Ground Floor Use and Frontage



- Queens Plaza Subdistrict Boundary
- - - Street Frontages where Ground Floors are Restricted to Non-Residential Uses

PROPOSED

Map 3: Sidewalk Widening and Street Wall Location



-  Mandatory Sidewalk Widening
-  Permitted Street Wall Setback Locations
-  Additional 1,500 sq. ft. of sidewalk widening to be located within 100' of the intersection.

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **11:00 A.M. on Tuesday, August 11, 2015:**

PRECONSIDERED L.U. NO.

345-SEAT ANNEX TO CURTIS HIGH SCHOOL

STATEN ISLAND CB - 01

20155364 SCR

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 345-Seat Annex Building to Curtis High School to be located at St. Marks Place west of Nicholas Street (Block 22, Lot 1, in portion), Borough of Staten Island, in Community School District No. 31.

PRECONSIDERED L.U. NO.

450-SEAT PRIMARY SCHOOL

QUEENS CB - 03

20155589 SCQ

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 450-Seat Primary School facility to be located on the north side of 34th Avenue between 69th and 70th Streets (Block 1242, Lot 32), Borough of Queens, in Community School District No. 30.

PRECONSIDERED L.U. NO.

240-SEAT PRE-KINDERGARTEN

BROOKLYN CB - 10

20155388 SCK

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 240-Seat Pre-Kindergarten School facility to be located on the north side of 93rd Street between 3rd and 4th Avenues (Block 6103, Lots 42 and 43), Borough of Brooklyn, in Community School District No. 20.

**PRECONSIDERED L.U. No.
504-SEAT PRIMARY SCHOOL**

QUEENS CB - 10

20155170 SCQ

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 504-Seat Primary School facility to be located on the south side of Albert Road between Raleigh Street and 99th Place (Block 11558, Portion of Lot 1 and Block 11560, Portion of Lot 1), and the intervening Bed of Huron Street, Borough of the Queens, in Community School District No. 27.



SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **1:00 P.M. on Tuesday, August 11, 2015:**

L.U. Nos. 267 AND 268 ARE RELATED

L.U. No. 267

MELROSE COMMONS NORTH SITE B

BRONX CB - 03

C 150303 ZSX

Application submitted by NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed-use development, on property located at Elton Avenue between E. 162nd Street and E. 163rd Street (Block 2384, Lots 20, 25, 28, 32, 33, 34, 38, 48, 8900, 8901, ARO Lot 23, and portions of demapped Brook Avenue, Melrose Crescent and E. 162nd Street), in R8 and R8/C1-4 Districts, within the Melrose Commons Urban Renewal Area.

L.U. No. 268

MELROSE COMMONS NORTH SITE B

BRONX CB - 03

C 150306 HAX

Application submitted by the New York City Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at Elton Avenue between East 162nd Street and East 163rd Street (Block 2384, Lots 20, 23, 25, 28, 32, 33, 34, 38, 48, 8900 and 8901), including the de-mapped street-beds of Brook Avenue between East 163rd and Elton Avenue, a portion of East 162nd Street at Elton Avenue, and a portion of Melrose Crescent, as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a twelve-story mixed-use building with approximately 277 units of affordable housing, 25,390 square feet of community facility space, and 26,700 square feet of ground-floor retail space.

L.U. No. 269
269 HENRY STREET

MANHATTAN CB - 03

N 150317 HAM

Application submitted by the New York City Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 269 Henry Street (Block 288, Lot 80), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area:

to facilitate the rehabilitation of a former firehouse to be used as a community facility.



LAND USE COMMITTEE

The Land Use Committee will hold a meeting in the **Committee Room, City Hall**, New York City, New York 10007, commencing at **11:00 A.M. on Wednesday, August 12, 2015**, to consider all items reported out of the Subcommittees at the meetings held on Tuesday, August 11, 2015, and conduct such other business as may be necessary.