



COUNCIL OF THE CITY OF NEW YORK

CALENDAR
OF
THE LAND USE COMMITTEE
FOR THE WEEK OF JUNE 2, 2014 - JUNE 6, 2014

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

MARK WEPRIN, *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, June 3, 2014:**

L.U. No. 61

XAI XAI

MANHATTAN CB - 4

20085578 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 7 Washington Lane Corp., d/b/a Xai Xai, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 369 West 51st Street.

L.U. No. 79

MAISON KAYSER BAKERY

MANHATTAN CB - 5

20145428 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 1800 Broadway Bakery, LLC, d/b/a Maison Kayser Bakery, for a revocable consent to establish, maintain and operate a small unenclosed sidewalk café located at 1800 Broadway.

L.U. NOS. 62, 63, 64 AND 65 ARE RELATED

L.U. No. 62

CLINTON URA SITE 7

MANHATTAN CB - 4

C 140181 ZMM

Application submitted by Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8c:

1. changing from an R8 District to an R8A District property bounded by West 52nd Street, a line 225 feet easterly of 11th Avenue, a line midway between West 52nd Street and West 51st Street, a line 200 feet easterly of 11th Avenue, West 51st Street, and a line 100 feet easterly of 11th Avenue;

2. changing from an R8A District to an R9 District property bounded by a line midway between West 53rd Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and a line 225 feet easterly of 11th Avenue;
3. changing from an M1-5 District to an R9 District property bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd Street and West 52nd Street, a line 225 feet easterly of 11th Avenue, West 52nd Street, and a line 125 feet easterly of 11th Avenue; and
4. establishing within the proposed R9 District a C2-5 District bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and a line 125 feet easterly of 11th Avenue;

as shown on a diagram (for illustrative purposes only) dated December 2, 2013.

**L.U. No. 63
CLINTON URA SITE 7**

MANHATTAN CB - 4

N 140182 ZRM

Application submitted by NYC Department of Housing Preservation and Development pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District) and Appendix F concerning regulations in Western Subarea C2 and Inclusionary Housing designated areas.

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 IX – Special Purpose Districts

* * *

* * *

96-30
OTHER AREAS

* * *

96-31
Special Regulations in R8 Districts

* * *

(b) In R8A districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A districts, the following special regulations shall apply:

(1) Inclusionary Housing Program

(i) R8A Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

~~(2) Maximum #floor area ratio#~~

Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 5.4, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 7.2 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90. However, any units for which a #floor area# increase has been earned, pursuant to Section 23-90 shall be located within the #Special Clinton District#.

(ii) Optional provisions for #affordable housing#

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, 11th Avenue, West 53rd Street and

10th Avenue, the special optional regulations as set forth in paragraph (b)(1)(ii) of this Section, may modify the provisions of Section 23-952 (Floor area compensation in Inclusionary Housing designated areas).

The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-952. However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph, (b)(1)(ii), #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

~~(3)~~(2) Special #use# and #bulk# regulations for existing electrical utility substations

Electrical utility substations, operated for public utility purposes, existing on June 14, 2011, and located wholly or partially

within the portion of Western Subarea C2 east of 11th Avenue, shall be considered conforming #uses# that are subject to the #bulk# regulations of the underlying district and the #use# regulations of an M1-5 District. Any change of #use# on a #zoning lot# occupied by any such electrical utility substation shall be permitted only pursuant to the regulations of the underlying district. In the event any such electrical utility substation is damaged or destroyed, in whole or in part, by any means, including demolition, the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall not apply and such electrical utility substation may be reconstructed, provided that such reconstruction shall not create a new #non-compliance# nor increase the degree of #non-compliance# with the applicable #bulk# regulations. However, in the event there is a complete cessation of #use# of the #zoning lot# as an electrical utility substation for a continuous period of five years, such electrical utility substation shall no longer be considered a conforming #use# on such #zoning lot#.

96-32

Special Regulations in R9 Districts

In R9 Districts in Western Subarea C2, the provisions of Section 23-633 (Street wall location and height and setback regulations in certain districts) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.

(a) Inclusionary Housing Program

- (1) R9 Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23- 90, inclusive, applicable as modified within the Special District.

~~(b) Maximum #floor area ratio#~~

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 6.0, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 8.0 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90. However, any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be located within the #Special Clinton District#.

(2) Optional provisions for #large-scale general developments# within Western Subarea C2

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, 11th Avenue, West 53rd Street and 10th Avenue, the special optional regulations as set forth in paragraph (a)(2) of this Section, may modify the provisions of Section 23-952 (Floor area compensation in Inclusionary Housing designated areas).

The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-952. However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income households# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph, (a)(2), #low income floor area#

may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(b) #Uses# in Western Subarea C2 located within a #large scale general development#

(1) Within a C2-5 District mapped within an R9 District within Western Subarea C2, the following #uses#, when located wholly within a #large-scale general development#, shall be considered permitted #uses#:

From Use Group 8:

Lumber stores, with no limitation on #floor area#

From Use Group 10:

Photographic or motion picture production studios

From Use Group 12:

Art galleries, commercial

From Use Group 13:

Theaters

From Use Group 16:

Automotive service establishments

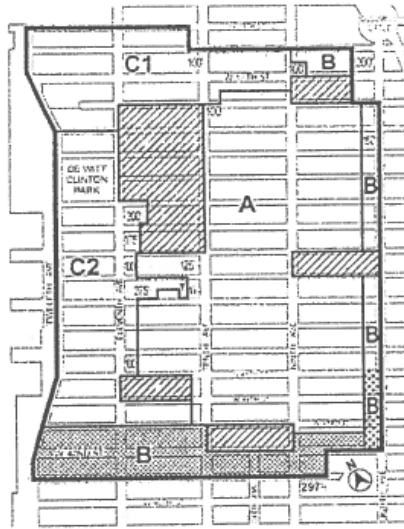
From Use Group 17:

Scenery construction.

(2) #Uses# permitted pursuant to paragraph (b)(1) shall be subject to the #commercial bulk# regulations of Article III, that are applicable to a C2-5 District mapped within an R9 District.

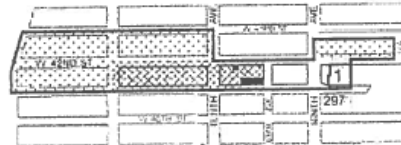
(3) The supplemental #use# provisions of Section 32-421 shall not apply to #commercial uses# located in a #building# with frontage on West 52nd Street.

EXISTING (TO BE DELETED) APPENDIX A – SPECIAL CLINTON DISTRICT MAP

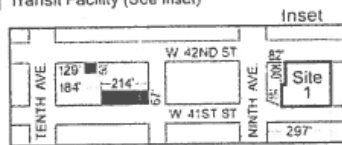


- Special Clinton District Boundary
- Area Boundary
- A** Preservation Area
- B** Perimeter Area
 - Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (See map below)
 - Portion of Perimeter Area B also subject to Article VIII, Chapter I (Special Midtown District)
- C** Other Areas (Northern Subarea C1, Western Subarea C2)
- Excluded Area

42nd Street Perimeter Area



- Subarea 1 of 42nd Street Perimeter Area
- Subarea 2 of 42nd Street Perimeter Area
- Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies
- Where Special Parking Regulations apply (See Inset)
- Transit Facility (See Inset)



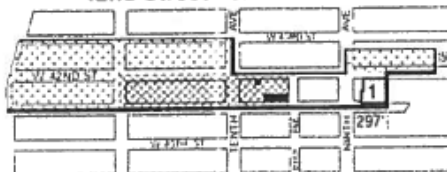
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PROPOSED (TO REPLACE EXISTING) APPENDIX A – SPECIAL CLINTON DISTRICT MAP

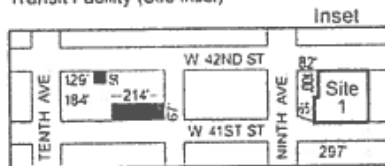


- Special Clinton District Boundary
- Area Boundary
- A** Preservation Area
- B** Perimeter Area
 - Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations (See map below)
 - Portion of Perimeter Area B also subject to Article VIII, Chapter I (Special Midtown District)
- C** Other Areas (Northern Subarea C1, Western Subarea C2)
- Excluded Area

42nd Street Perimeter Area



- Subarea 1 of 42nd Street Perimeter Area
- Subarea 2 of 42nd Street Perimeter Area
 - Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies
- Site 1 Where Special Parking Regulations apply (See Inset)
- Transit Facility (See Inset)



* * *

APPENDIX F

Inclusionary Housing Designated Areas

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

* * *

Manhattan Community District 4

Map 2. (6/14/11)

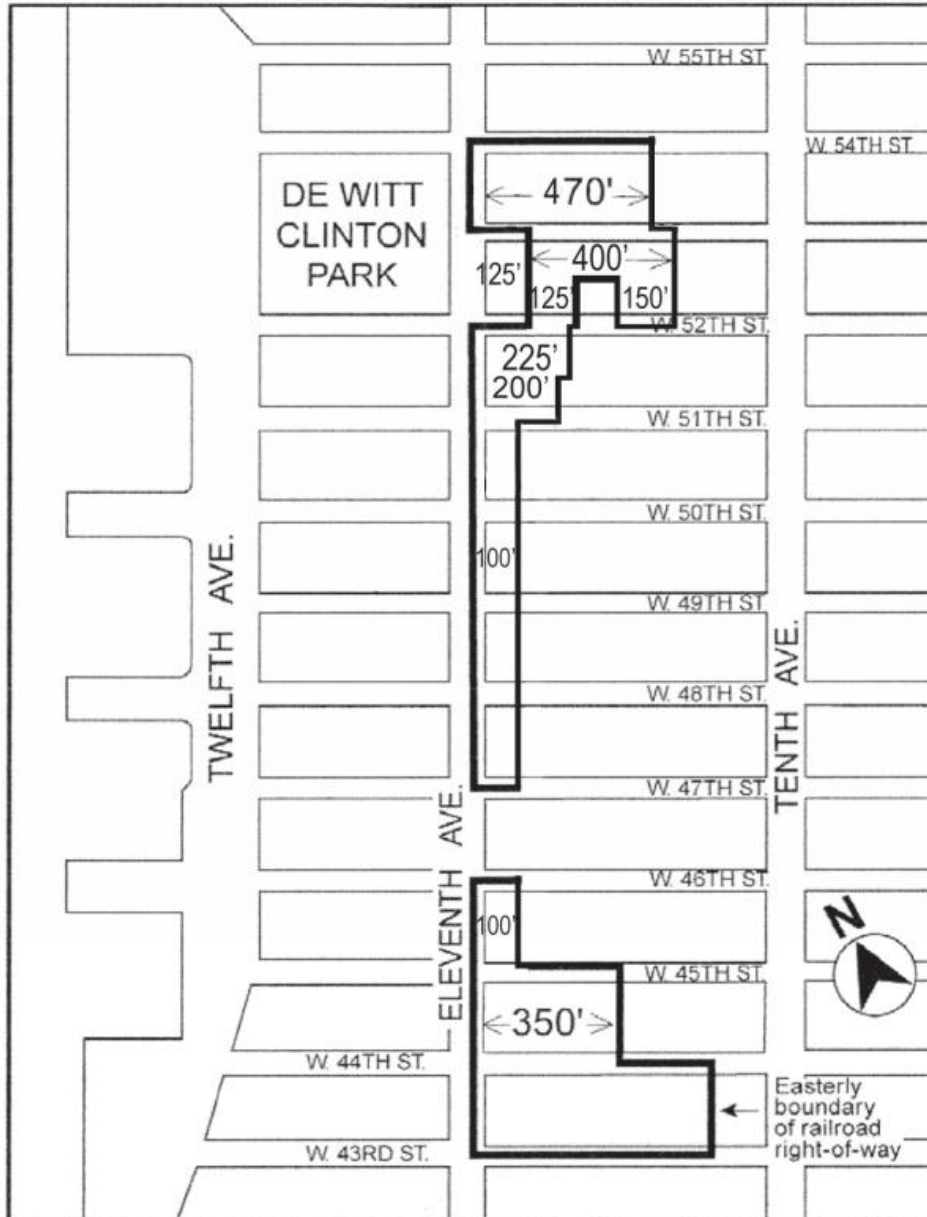
Special Clinton District – see Sections 96-31, 96-32, 96-81 and 96-82

EXISTING (TO BE DELETED) APPENDIX F – MAP 2



Portion of Community District 4, Manhattan

**PROPOSED
(TO REPLACE EXISTING)
APPENDIX F – MAP 2**



Portion of Community District 4, Manhattan

* * *

L.U. No. 64
CLINTON URA SITE 7

MANHATTAN CB - 4

C 140183 ZSM

Application submitted by NYC Department of Housing Preservation and Development and 525 West 52nd Street Property Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of total allowable floor area under the applicable district regulations without regard for zoning district boundaries; and
2. Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) and 23-663 (Required rear setbacks for tall buildings in other districts);

in connection with a proposed mixed use development on property bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and 11th Avenue (Block 1081, Lots 1, 60 and 1000-1008), within a Large-Scale General Development, in an R9/C2-5 District, within the Special Clinton District.

L.U. No. 65
CLINTON URA SITE 7

MANHATTAN CB - 4

C 140185 HAM

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

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 530-548 West 53rd Street (Block 1081, Part of Lot 1), 543-551 West 52nd Street (Block 1081, Part of Lot 1) and 556-560 West 52nd Street (Block 1080, Part of Lot 103) 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 property located at 530-548 West 53rd Street (Block 1081, Part of Lot 1), unused development rights at 543-551 West 52nd Street (Block 1081, Part of Lot 1) and property located at 556-560 West 52nd Street (Block 1080, Part of Lot 103) to a developer to be selected by HPD;

to facilitate development of development of two new buildings with a total of approximately 530 dwelling units, including approximately 206 affordable units, approximately 58,709 gross square feet of commercial floor area, and three community gardens on portions of two blocks bounded by West 51st Street and West 53rd Street between Tenth and Eleventh avenues.



SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES

The Subcommittee on Landmarks, Public Siting and Maritime Uses public hearing scheduled for **Tuesday, June 3, 2014 at 11:00 A.M. in the Council Committee Room, 16th Floor, 250 Broadway, New York City, New York 10007, has been DEFERRED.**



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, June 3, 2014:**

L.U. No. 70 DEAN ATLANTIC

BROOKLYN CB - 16

20145542 HAK

Application by the New York City Department of Housing Preservation and Development for a modification to a previously approved project to grant a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located on Tax Block 1435, Lots 26, 42, 47; Tax Block 1444, Lots 1, 29 and 49; Tax Block 1468, Lot 9, Borough of Brooklyn.

L.U. No. 71 MAPLE COURT

MANHATTAN CB - 11

20145543 HAM

Application by the New York City Department of Housing Preservation and Development for a modification to a previously approved project to grant a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 51 East 122nd Street (Block 1748, Lot 1), Borough of Manhattan.

L.U. NOS. 75 AND 76 ARE RELATED

L.U. No. 75

492 ST. NICHOLAS AVENUE

MANHATTAN CB - 10

C 140233 HAM

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 492 St. Nicholas Avenue (Block 1959; Lot 54) 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 (Block 1959, Lot 54) to a developer selected by HPD;

to facilitate development of a ten-story mixed-use building, with up to 14 residential units and approximately 2,400 square feet of commercial space.

L.U. No. 76

492 ST. NICHOLAS AVENUE

MANHATTAN CB - 10

C 140238 PQM

Application submitted by the Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 492 St. Nicholas Avenue (Block 1959, Lot 54).

L.U. No. 80
127TH STREET CLUSTER

MANHATTAN CB - 11

20145598 HAM

Application by the New York City Department of Housing Preservation and Development for a modification to a previously approved project granting a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 4 East 125th Street (Block 1749, Lot 66), 22 East 125th Street (Block 1749, Lot 160); 18 East 125 Street (Block 1750, Lot 65), 11 East 125 Street (Block 1750, Lot 104); 1974 Madison Avenue (Block 1751, Lot 14), 1988 Madison Avenue (Block 1751, Lot 57), 22 East 127 Street (Block 1751, Lot 63), 1986 Madison Avenue (Block 1751, Lot 156); 19 East 127 Street (Block 1752, Lot 10), 2071 Fifth Avenue (Block 1752, Lot 70), 49 East 130th Street (Block 1755, Lot 22), 9 East 131 Street (Block 1756, Lot 8), in the Borough of the Manhattan. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

L.U. No. 81
FS DEVELOPMENT

MANHATTAN CB - 10

20145604 HAM

Application by the New York City Department of Housing Preservation and Development for a grant of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 2394 Adam Clayton Powell Blvd (Block 2025, Lot 34), and 224-228 West 140th Street (Block 2025, Lots 55, 56 and 58), Borough of Manhattan. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

L.U. No. 82
CENTRAL HARLEM MHA

MANHATTAN CBs - 9 and 10

20145590 HAM

Application by the New York City Department of Housing Preservation and Development for a grant of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 2150 Frederick Douglass Blvd (Block 1922, Lot 1), 201 West 144th Street (Block 2030, Lot 29), 234 Bradhurst Avenue (Block 2047, Lot 20), 377 Edgecombe Avenue (Block 2054, Lot 22), in the Borough of Manhattan. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

L.U. No. 83

2015 MONTEREY AVENUE

BRONX CBs - 3 and 6

20145589 HAX

Application by the New York City Department of Housing Preservation and Development for a grant of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 2005, 2015 and 2027 Monterey Avenue (Block 3061, Lots 22, 24, 28, 30 and 32); 1715, 1693, 1665, 1671 and 1687 Vyse Avenue (Block 2990, Lots 27, 34, 37, 43 and 50); and 547 and 551 East 178th Street (Block 2990, Lots 34 and 36), in the Borough of the Bronx. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

L.U. Nos. 57 and 72

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

1. Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and

5. Approve an exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law for L.U. Nos. 58 and 72.

L.U. No.	Non-ULURP No.	Address	Block/Lot	Program	CB	Tax Exemption
57	20145480 HAK	611 Pennsylvania Avenue Brooklyn	3840/3	LIHTC Portfolio Preservation (Year 15)	05	
72	20145539 HAK	2425 Mermaid Avenue 2427 Mermaid Avenue 3216 Mermaid Avenue 2816 West 16 Street 3566 Canal Avenue Brooklyn	7014/52 7014/53 7048/6 7021/16 6978/22	New Foundations	13	Section 696



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 Monday, June 9, 2014**, and will consider all items reported out of the Subcommittees at the meetings held on Tuesday, June 3, 2014, and conduct such other business as may be necessary.