

COUNCIL OF THE CITY OF NEW YORK

CALENDAR
OF
THE LAND USE COMMITTEE
FOR THE WEEK OF OCTOBER 26 – OCTOBER 30, 2009

MELINDA R. KATZ, *Chair*, Land Use Committee

TONY AVELLA, *Chair*, Subcommittee on Zoning and Franchises

JESSICA S. LAPPIN, *Chair*, Subcommittee on Landmarks, Public Siting
and Maritime Uses

DANIEL R. GARODNICK, *Chair*, Subcommittee on Planning, Dispositions
and Concessions

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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, City Hall, New York City, New York 10007, commencing at 9:30 a.m. on Monday, October 26, 2009.

L.U. No. 1232

TABOON

MANHATTAN CB - 4

20095520 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Taboon Restaurant Corp., d/b/a Taboon, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café at 773 Tenth Avenue.

L.U. No. 1236

SOUTH CONDUIT AVENUE

QUEENS CB - 13

C 060419 ZMQ

Application submitted by Parkway Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19b, by establishing within an existing R3-1 District a C1-3 District bounded by South Conduit Avenue, Lansing Avenue, a line perpendicular to the southwesterly street line of Lansing Avenue distant 75 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of South Conduit Avenue and the southwesterly street line of Lansing Avenue, and a line 100 feet northeasterly of Edgewood Avenue, as shown on a diagram (for illustrative purposes only) dated April 20, 2009.

L.U. No. 1244

FRESH FOODS ZONING TEXT

CITYWIDE

N 090412 ZRY

Application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) concerning provisions related to the establishment of FRESH Food Stores.

Article VI

Special Regulations Applicable to Certain Areas

* * *

Special Regulations Applying to FRESH Food Stores

63-00

GENERAL PURPOSES

The provisions of this Chapter establish special regulations that guide the development of FRESH food stores to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) encourage a healthy lifestyle by facilitating the development of FRESH food stores that sell a healthy selection of food products;
- (b) provide greater incentives for FRESH food stores to locate in neighborhoods underserved by such establishments;
- (c) encourage FRESH food stores to locate in locations that are easily accessible to nearby residents; and
- (d) strengthen the economic base of the City, conserve the value of land and buildings, and protect the City's tax revenues.

63-01 Definitions

FRESH food store

A "FRESH food store" is a food store #use# as listed in Section 32-15 (Use Group 6), where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization. Such retail space utilized for the sale of a general line of food and non-food grocery products shall be distributed as follows:

- a) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and
- b) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be utilized for the sale of perishable goods that shall include dairy, fresh produce, and frozen foods and may include fresh meats, poultry and fish, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce.

A food store shall be certified as a #FRESH food store# by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR FRESH FOOD STORE).

63-02 Applicability

(a) The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

(b) The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing

Districts# in the following #FRESH food store# designated areas, except as provided in paragraph (c) of this Section:

- (1) In the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6 and 7 except portions of Community District 7, as shown on Map 1 in Appendix A of this Chapter;
- (2) In the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17 except portions of Community District 8, as shown on Map 2 in Appendix A;
- (3) In the Borough of Manhattan, Community Districts 9, 10, 11 and 12 except portions of Community District 9 and 12, as shown on Maps 3 and 4 in Appendix A; and
- (4) In the Borough of Queens, the₃ #Special Downtown Jamaica

District#.

(c) The provisions of this Chapter shall not apply to the following Special Purpose Districts:

#Special Madison Avenue Preservation District#; #Special Manhattanville Mixed Use District#; #Special Park Improvement District#; and #Special Hunts Point District#.

63-10

SPECIAL USE REGULATIONS

63-11

Special Use Regulations for FRESH Food Stores in M1 Districts

In M1 Districts, the regulations of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) are modified to permit #FRESH food stores# with up to 30,000 square feet of #floor area#. The provisions of this Section shall not apply where the regulations of the underlying district permit Use Group 6A food stores with #floor area# greater than 30,000 square feet.

63-12

Special Sign Regulations

All permitted #signs# shall be subject to the provisions of the #sign# regulations of the underlying districts. In addition, a #FRESH food store# shall provide signage pursuant to this Section.

A #sign# comprised of the #FRESH food store# graphic as shown on the Department of City Planning website (www.nyc.gov) shall be mounted on an exterior #building# wall adjacent to and no more than five feet from the principal entrance of the #FRESH food store#. The #sign# shall be placed so that it is directly visible, without any obstruction, to customers entering the #FRESH food store#, and at a height no less than three feet and no more than five feet above the adjoining grade. Such #FRESH food store# graphic shall be no less than 12 inches by 12 inches and no more than 16 inches by 16 inches in size and shall be fully opaque, non reflective and constructed of permanent, highly durable materials.

63-20

SPECIAL BULK AND PARKING REGULATIONS

63-21

Special Floor Area Regulations

63-211

For mixed buildings in Commercial Districts containing FRESH food stores

The provisions of Section 35-31 (Maximum Floor Area Ratio for Mixed Buildings) relating to the maximum permitted #floor area ratio# for each permitted #use# shall apply, and the provisions relating to the total of all such #floor area ratios# shall be modified in accordance with the provisions of this Section. Where all non-#residential uses# in such #mixed building# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use#, the total #floor area# permitted for such #mixed building# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet.

63-212

For mixed use buildings in Special Mixed Use Districts containing FRESH food stores

The provisions of Section 123-64 (Maximum Floor Area₄ Ratio and Lot Coverage Requirements For Mixed Use

Buildings) relating to the maximum permitted #floor area ratio# for each permitted #use# shall apply, and the provisions relating to the total of all such #floor area ratios# shall be modified in accordance with the provisions of this Section. Where all non-#residential uses# in such #mixed use building# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use#, the total #floor area# permitted for such #mixed use building# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet.

63-22

Authorization to Modify Maximum Building Height

For #mixed buildings# or #mixed use buildings# containing a #FRESH food store#, the City Planning Commission may authorize modifications to Sections 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) and 123-66 (Height and Setback Regulations) to allow the applicable maximum building height to be increased by up to 15 feet, provided that the first #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet, and provided that such finished ceiling height is at least 14 feet above the #base plane# or #curb level#, as applicable.

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

- (a) such modifications are necessary to accommodate a first #story# utilized as a #FRESH food store#;
- (b) the proposed modifications shall not adversely affect the essential scale and character of the adjacent buildings and any adjacent historic resources; and
- (c) the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

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

63-23

Special Transparency Requirements

For all #FRESH food stores#, the ground floor level of the #street wall# fronting upon a principal #street# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk. No less than 50 percent of the area of such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

Furthermore, for #buildings# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this

Section shall only be applicable to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson of the City Planning Commission may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #mixed building# or #mixed use building# is a recipient of #public funding# as defined in Section 23-911 (General Definitions). Such reduced glazing may occupy no less than 50 percent of the area of such ground floor level #street wall# and shall be glazed with transparent materials.

63-24

Security Gates

All security gates installed between the #street wall# and the #street line# (after effective date of amendment), that are

swung, drawn or lowered to secure #FRESH food store# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

63-25

Required Accessory Off-street Parking Spaces in Certain Districts

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3, and C4-3 Districts, the #accessory# off-street parking regulations in Section 3 6-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store#.
- (b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, a #FRESH food store# shall provide #accessory# off-#street# parking spaces as required for #uses# in parking category B in the applicable #Commercial# and #Manufacturing Districts#.
- (c) In C8-1, C8-2, M1-1, M1-2, and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 3 6-20 or 44-20 shall apply to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.
- (d) The provisions of this Section shall not apply to:
 - (1) In the Borough of the Bronx, portions of Community District 7 and in the Borough of Manhattan, portions of Community District 12, as shown on Map 1 in Appendix B of this Chapter;
 - (2) In the Borough of Brooklyn, portions of Community District 5, as shown on Map 2 in Appendix B;
 - (3) In the Borough of Brooklyn, portions of Community Districts 16 and 17, as shown on Map 3 in Appendix B; and
 - (4) In the Borough of Queens, the #Special Downtown Jamaica District#.

63-30

CERTIFICATION FOR A FRESH FOOD STORE

Upon application, the Chairperson of the City Planning Commission shall certify that a food store #use # is a #FRESH food store#, provided that:

- (a) drawings have been submitted to the Chairperson that clearly specify:
 - (1) all #floor area# or #cellar# space utilized as a #FRESH food store#, showing in the form of an illustrative layout, that such designated space is designed and arranged to meet the requirements for food and non-food grocery products, pursuant to Section 63-01;
 - (2) all #floor area# that will result from any permitted increase in #floor area#, pursuant to Section 63-21, including the location of such #floor area#;
 - (3) the size, format and location of the required #sign#, pursuant to Section 63-12, including detailed information about dimensions of the #sign#, lettering, color and materials;
 - (4) the location of the ground floor level #street wall# fronting upon a principal #street#, pursuant to Section 63-23;
- (b) a signed lease or written commitment from the prospective operator of the #FRESH food store# has been provided in a form acceptable to the Chairperson for utilization of such #floor area# or #cellar# space and its operation as a #FRESH food store#; and
- (c) a legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable to

the Department of City Planning, binding upon the owner and its successor and assigns, and providing for continued utilization of all #floor area# or #cellar# space as a #FRESH food store#, the operation of which shall commence within a reasonable period following the issuance of a temporary certificate of occupancy for the #floor area# or #cellar# space to be utilized by the #FRESH food store#.

Such declaration of restrictions shall provide that the legal commitment for continued occupancy of the #floor area# or #cellar space# as a #FRESH food store# shall not apply during any:

- (1) six (6) month period from the date such #floor area# or #cellar# space is vacated by the operator, provided that the owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; or
- (2) event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Office of the City Register of the City of New York against all tax lots comprising the #FRESH food store#, and receipt of proof of recordation of such declaration in a form acceptable to the Department, shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# under this Chapter.

In granting the certification, the Chairperson may specify that minor changes in store layout consistent with the definition of a #FRESH food store# in Section 63-01 shall not warrant further certification pursuant to this Section.

No later than the date on which an application for certification pursuant to this Section is first submitted, a copy of the drawings submitted pursuant to paragraph (a) of this Section shall be submitted by the applicant to the affected Community Board, which shall have 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted to the Chairperson comments regarding such proposal or informs the Chairperson that the Community Board has no comments.

63-31

Requirements for Certificate of Occupancy

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (a) (2) of Section 63- 30 until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in such drawings until the #FRESH food store# space has been completed in accordance with the drawings submitted pursuant to paragraph (a) (1) of Section 63-30 and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#.

63-40

CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE

A #FRESH food store# for which a certification has been issued pursuant to Section 63-30 may be changed to any #use# permitted by the underlying district upon certification by the Chairperson of the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in reduction in the number of required #accessory# off-street parking spaces under the applicable district regulations.

If a certification pursuant to this Section is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section 63-30 shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

63-50

AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS

The City Planning Commission may, by authorization, permit modifications to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts, when a change of #use# of a #FRESH food store# for which a certification has been issued pursuant to Section 63- 30, would create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in reduction in the number of required #accessory# off- street parking spaces under the applicable district regulations, provided that such #use# is permitted by the underlying districts.

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

- (e) due to the market conditions prevalent at the time of the application, there is no reasonable possibility that the operation of a #FRESH food store# will bring a reasonable return;
- (f) the applicant, the operator or a prior operator of such #FRESH food store# has not created, or contributed to, such unfavorable market conditions;
- (g) the applicant, the operator or a prior operator of such #FRESH food store# has undertaken commercially reasonable efforts to secure a new operator, and demonstrates to the City Planning Commission that such efforts have been unsuccessful;
- (h) any proposed #non-compliance# or increase in the degree of #non-compliance# will not be incompatible with or adversely affect adjacent #uses# including #uses# within the building; and
- (i) any reduction of required #accessory# off-street parking shall not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian movement.

If such authorization is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section 63-30, shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

In issuing authorizations under this Section, the Commission may impose conditions and safeguards, to minimize adverse impacts on the character of the surrounding area.

63-60 COMPLIANCE

No later than June 30 of the year, beginning in the first calendar year following the calendar year in which certification was made and at three year intervals thereafter, the Chairperson shall be provided with an affidavit, in a form acceptable to the Department of City Planning, regarding compliance with the requirements of the declaration of restrictions and the regulations of this Chapter, as of a date of inspection which shall be no earlier than June 1st of the year in which the affidavit is filed. Such affidavit shall be provided by the owner(s) of the tax lot(s) on which the #FRESH food store# is located. Such affidavit shall include, without limitation.

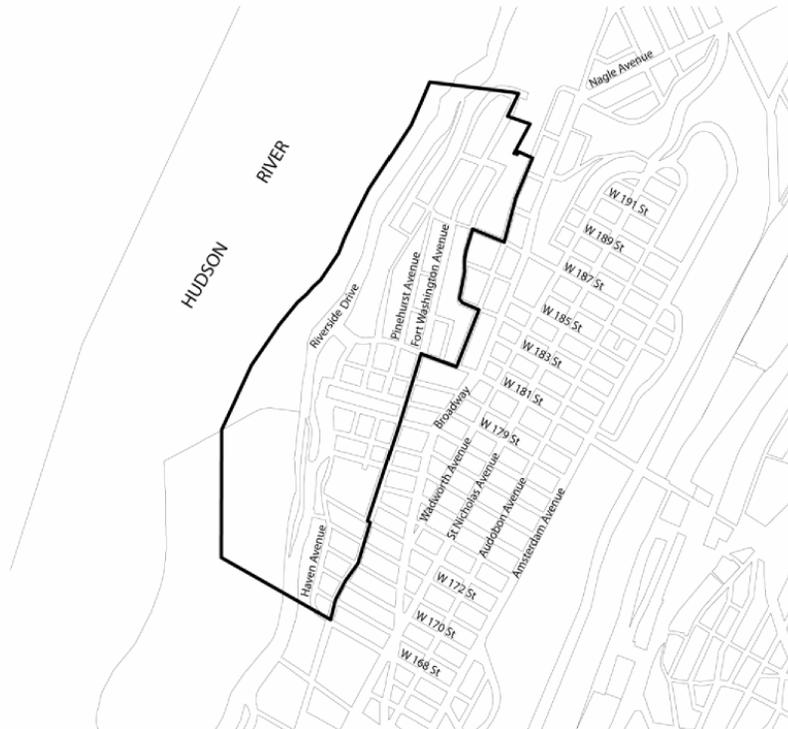
- (a) A copy of the original #FRESH food store# certification letter and if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;
- (b) A statement that the #floor area# or #cellar# space that was certified to be operated as a #FRESH food store# continues to be operated as such in accordance with the declaration of restrictions; and
- (c) Photographs documenting the condition of the #FRESH food store# at the time of inspection, sufficient to clearly show all #floor area# or #cellar# space operated as #FRESH food store #.

Failure to comply with a condition or restriction in an authorization or certification granted pursuant this Chapter or with approved plans related thereto, or failure to submit a required compliance report, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation or such authorization or certification, and for all other applicable remedies.

Map 3. Excluded Portions of Community District 9, Manhattan

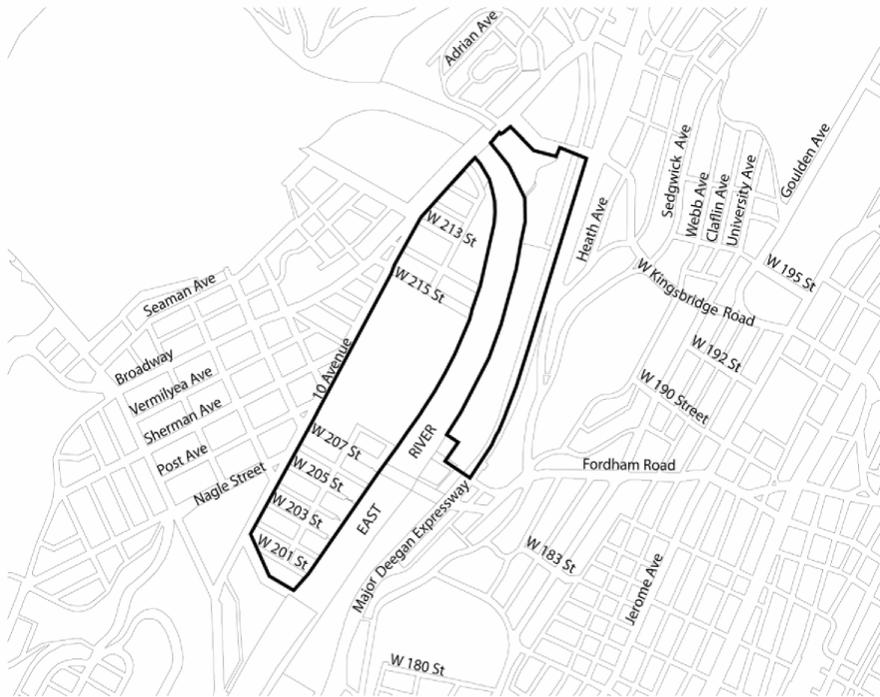


Map 4. Excluded Portions of Community District 12, Manhattan



**APPENDIX B
REQUIRED OFF-STREET ACCESSORY PARKING EXCEPTIONS**

Map 1. Excluded portions of Community District 12, Manhattan and portion of Community District 7, Bronx



Map 2. Excluded portions of Community District 5, Brooklyn



2. eliminating from within an existing R6 District a C2-3 District bounded by:
 - g. Sackett Street, Columbia Street, Carroll Street, a line 150 feet southeasterly of Columbia Street, Woodhull Street, Columbia Street, Summit Street, a line 100 feet northwesterly of Columbia Street, Union Street, a line 150* feet northwesterly of Columbia Street, a line midway between Sackett Street and Union Street, and a line 100 feet northwesterly of Columbia Street;
 - h. Butler Street, a line 150 feet southeasterly of Smith Street, President Street, and a line 150 feet northwesterly of Smith Street;
 - i. a line 100 feet southwesterly of 3rd Street, a line 100 feet southeasterly of Smith Street, a line midway between 4th Street and 5th Street, and Smith Street;
 - j. 4th Place, Court Street, Nelson Street, a line 150 feet southeasterly of Court Street, Huntington Street, Court Street, a line 110 feet northeasterly of West 9th Street, a line 65 feet southeasterly of Court Street, West 9th Street, a line 100 feet southeasterly of Court Street, a line midway between Garnet Street and Centre Street, a line 275 feet northwesterly of Smith Street, Centre Street, Hamilton Avenue (northeast portion), Court Street, Garnet Street, Hamilton Avenue (northeast portion), a line 100 feet northeasterly of Garnet Street, a line 100 feet northwesterly of Court Street, Huntington Street, and a line 150 feet northwesterly of Court Street;
 - k. Huntington Street, a line perpendicular to the southwesterly street line of Huntington Street distant 115 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Huntington Street and the northeasterly street line of Hamilton Avenue (northeast portion), a line midway between Huntington Street and West 9th Street, a line perpendicular to the northeasterly street line of West 9th Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of West 9th Street and the northeasterly street line of Hamilton Avenue (northeast portion), and Hamilton Avenue (northeast portion); and
 - l. a line 105 feet northeasterly of West 9th Street, Smith Street, Garnet Street, and a line 80 feet northwesterly of Smith Street;

3. changing from an R6 District to an R6A District property bounded by:
 - a. Kane Street, Tiffany Place, Degraw Street, a line 100 feet southeasterly of Columbia Street, Woodhull Street, Columbia Street, Union Street, a line 150 feet northwesterly of Columbia Street, a line midway between Sackett Street and Union Street, a line 100 feet northwesterly of Columbia Street, Sackett Street, and Columbia Street
 - b. Degraw Street, a line 100 feet southeasterly of Henry Street, Union Street, Henry Street, President Street, a line 100 feet southeasterly of Henry Street, Carroll Street, Henry Street, a line 75 feet northeasterly of Carroll Street, a line 100 feet northwesterly of Henry Street, President Street, Brooklyn-Queens Connecting Highway, Union Street, a line 100 feet northwesterly of Henry Street, a line midway between Degraw Street and Sackett Street, and Henry Street; and
 - c. Warren Street, a line 100 feet southeasterly of Court Street, Butler Street, a line 80 feet southeasterly of Court Street, President Street, Court Street, Carroll Street, a line 50 feet southeasterly of Court Street, 1st Place, a line 100 feet southeasterly of Court Street, a line 100 feet northeasterly of 2nd Place, a line 50 feet southeasterly of Court Street, 3rd Place, a line 80 feet southeasterly of Court Street, 4th Place, a line 100 feet southeasterly of Court Street, Nelson Street, a line 80 feet southeasterly of Court Street, Huntington Street, Smith Street, West 9th Street, a line 100 feet southeasterly of Court Street, a line midway between Garnet Street and Centre Street, a line 275 feet northwesterly of Smith Street, Centre Street, Hamilton Avenue (northeast portion), a line 80 feet northwesterly of Court Street, West 9th Street, a line 125 feet northwesterly of Court Street, a line midway between Huntington Street and West 9th Street, a line 80 feet northwesterly of Court Street, Luquer Street, a line 50 feet northwesterly of Court Street, 4th Place, a line 80 feet northwesterly of Court Street, a line midway between 3rd Place and 4th Place, Court Street, 3rd Place, a line 50 feet northwesterly of Court Street, a line midway between 1st Place and 2nd Place, Clinton Street, 1st Place, a line 80 feet northwesterly of Clinton Street, a line 50 feet southwesterly of Degraw Street, Clinton Street, Degraw Street, a line 100 feet southeasterly of Clinton Street, Sackett Street, a line 190 feet southeasterly of Clinton Street, Union Street, a line 100 feet southeasterly of Clinton Street, President Street, a line 265 feet southeasterly of Clinton

Street, a line midway between President Street and Carroll Street, a line 100 feet southeasterly of Clinton Street, a line midway between Carroll Street and 1st Place, a line 50 feet northwesterly of Court Street, Carroll Street, a line 100 feet northwesterly of Court Street, a line midway between President Street and Carroll Street, a line 50 feet northwesterly of Court Street, President Street, a line 100 feet northwesterly of Court Street, Degraw Street, and Court Street;

4. changing from an R6 District to an R6B District property bounded by:
 - c. Warren Street, a line 150 feet southeasterly of Columbia Street, Baltic Street, Hicks Street (easterly portion), Kane Street, and Columbia Street;
 - d. Union Street, Columbia Street, Summit Street, a line 100 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 200 feet northwesterly of Columbia Street, Summit Street, a line 350 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 260 feet northwesterly of Columbia Street, Carroll Street, a line 240 feet northwesterly of Columbia Street, a line midway between President Street and Carroll Street, a line 367 feet northwesterly of Columbia Street, President Street, a line 350 feet northwesterly of Columbia Street, a line midway between Union Street and President Street, a line 120 feet northwesterly of Columbia Street, a line 130 feet northeasterly of President Street, and a line 100 feet northwesterly of Columbia Street,
 - c. Degraw Street, Henry Street, a line midway between Degraw Street and Sackett Street, a line 100 feet northwesterly of Henry Street, Union Street, Brooklyn-Queens Connecting Highway, President Street, a line 100 feet northwesterly of Henry Street, a line 75 feet northeasterly of Carroll Street, Henry Street, Carroll Street, a line 100 feet southeasterly of Henry Street, President Street, Henry Street, Union Street, a line 100 feet southeasterly of Henry Street, Degraw Street, Clinton Street, a line 50 feet southwesterly of Degraw Street, a line 80 feet northwesterly of Clinton Street, 1st Place, Clinton Street, a line midway between 1st Place and 2nd Place, a line 50 feet northwesterly of Court Street, 3rd Place, Court Street, a line midway between 3rd Place and 4th Place, a line 80 feet northwesterly of Court Street, 4th Place, a line 50 feet northwesterly of Court Street, Luquer Street, a line 80 feet northwesterly of Court Street, a line midway between Huntington Street and West 9th Street, a line 125 feet northwesterly of Court Street, West 9th Street, a line 80 feet northwesterly of Court Street, Hamilton Avenue (northeast portion), Clinton Street, Hamilton Avenue (northeast portion), Henry Street, Coles Street, Hamilton Avenue (northeast portion), Hicks Street (westerly portion), Woodhull Street, and a line 100 feet southeasterly of Columbia Street;
 - d. Degraw Street, a line 100 feet northwesterly of Court Street, President Street, a line 50 feet northwesterly of Court Street, a line midway between President Street and Carroll Street, a line 100 feet northwesterly of Court Street, Carroll Street, a line 50 feet northwesterly of Court Street, a line midway between Carroll Street and 1st Place, a line 100 feet southeasterly of Clinton Street, a line midway between President Street and Carroll Street, a line 265 feet southeasterly of Clinton Street, President Street, a line 100 feet southeasterly of Clinton Street, Union Street, a line 190 feet southeasterly of Clinton Street, Sackett Street, and a line 100 feet southeasterly of Clinton Street;
 - e. Street, Hoyt Street, Douglass Street, Bond Street, 3rd Street, Hoyt Street, a line midway between 3rd Street and 4th Street, a line perpendicular to the northeasterly street line of 4th Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4th Street and the northwesterly street line of Hoyt Street, 4th Street, a line perpendicular to the northeasterly street line of 5th Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5th Street and the northwesterly street line of Hoyt Street, a line midway between 4th Street and 5th Street, Smith Street, Huntington Street, a line 80 feet southeasterly of Court Street, Nelson Street, a line 100 feet southeasterly of Court Street, 4th Place, a line 80 feet southeasterly of Court Street, 3rd Place, a line 50 feet southeasterly of Court Street, a line 100 feet northeasterly of 2nd Place, a line 100 feet southeasterly of Court Street, 1st Place, a line 50 feet southeasterly of Court Street, Carroll Street, Court Street,

- President Street, a line 80 feet southeasterly of Court Street, Butler Street, and a line 100 feet southeasterly of Court Street; and
 - f West 9th Street, Smith Street, Garnet Street, a line 100 feet northwesterly of Smith Street, a line midway between Garnet Street and Centre Street, and a line 100 feet southeasterly of Court Street;
- 5. changing from an R6 District to an R7A District property bounded by Kane Street, Hicks Street (easterly portion), Degraw Street, and Tiffany Place;
- 6. establishing within a proposed R6A District a C2-4 District bounded by:
 - f Kane Street, a line 100 feet southeasterly of Columbia Street, Woodhull Street, Columbia Street, Union Street, a line 150 feet northwesterly of Columbia Street, a line midway between Sackett Street and Union Street, a line 100 feet northwesterly of Columbia Street, Sackett Street, and Columbia Street;
 - g. a line midway between Degraw Street and Sackett Street, Henry Street, Sackett Street, a line 100 feet southeasterly of Henry Street, Union Street, Henry Street, a line 100 feet southwesterly of Union Street, and a line 100 feet northwesterly of Henry Street;
 - h Union Street, a line 120 feet southeasterly of Hicks Street, President Street, and Hicks Street (easterly portion);
 - i Warren Street, a line 100 feet southeasterly of Court Street, Butler Street, a line 80 feet southeasterly of Court Street, President Street, Court Street, Carroll Street, a line 50 feet southeasterly of Court Street, 1st Place, a line 100 feet southeasterly of Court Street, a line 100 feet northeasterly of 2nd Place, a line 50 feet southeasterly of Court Street, 3rd Place, a line 80 feet southeasterly of Court Street, 4th Place, a line 100 feet southeasterly of Court Street, Luquer Street, Court Street, Nelson Street, a line 80 feet southeasterly of Court Street, Huntington Street, Court Street, a line 110 feet northeasterly of West 9th Street, a line 65 feet southeasterly of Court Street, West 9th Street, a line 100 feet southeasterly of Court Street, a line midway between Garnet Street and Centre Street, a line 275 feet northwesterly of Smith Street, Centre Street, Hamilton Avenue (northeast portion), Court Street, Garnet Street, a line 80 feet northwesterly of Court Street, West 9th Street, a line 125 feet northwesterly of Court Street, a line midway between Huntington Street and West 9th Street, a line 80 feet northwesterly of Court Street, Luquer Street, a line 50 feet northwesterly of Court Street, 4th Place, a line 80 feet northwesterly of Court Street, a line midway between 3rd Place and 4th Place, Court Street, 3rd Place, a line 50 feet northwesterly of Court Street, Carroll Street, a line 100 feet northwesterly of Court Street, a line midway between President Street and Carroll Street, a line 50 feet northwesterly of Court Street, President Street, a line 100 feet northwesterly of Court Street, Degraw Street, and Court Street; and
 - j. a line 105 feet northeasterly of West 9th Street, Smith Street, West 9th Street, and a line 80 feet northwesterly of Smith Street;
- 7. establishing within a proposed R6B District a C2-4 District bounded by:
 - l. Union Street, Columbia Street, Summit Street, and a line 100 feet northwesterly of Columbia Street;
 - m. a line midway between Sackett Street and Union Street, Hicks Street (westerly portion), a line midway between Union Street and President Street, and a line 100 feet southeasterly of Columbia Street;
 - n. Degraw Street, Henry Street, a line midway between Degraw Street and Sackett Street, and a line 100 feet northwesterly of Henry Street;
 - o. Union Street, a line 100 feet southeasterly of Henry Street, a line 100 feet southwesterly of Union Street, and Henry Street;
 - p. Carroll Street, a line 100 feet southeasterly of Henry Street, a line midway between Carroll Street and 1st Place, and Henry Street;
 - q. Summit Street, a line 100 feet southeasterly of Hicks Street (easterly portion), Woodhull Street, and Hicks Street (easterly portion);

- r. Huntington Street, a line perpendicular to the southwesterly street line of Huntington Street distant 115 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Huntington Street and the northeasterly street line of Hamilton Avenue (northeast portion), a line midway between Huntington Street and West 9th Street, a line perpendicular to the northeasterly street line of West 9th Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of West 9th Street and the northeasterly street line of Hamilton Avenue (northeast portion), and Hamilton Avenue (northeast portion);
- s. a line 100 feet northeasterly of Garnet Street and its northwesterly prolongation, a line 80 feet northwesterly of Court Street, Garnet Street, and Hamilton Avenue (northeast portion);
- t. West 9th Street, Smith Street, Garnet Street, and a line 80 feet northwesterly of Smith Street;
- u. Warren Street, a line 100 feet southeasterly of Smith Street, Baltic Street, a line 80 feet southeasterly of Smith Street, 2nd Street, a line 50 feet southeasterly of Smith Street, 3rd Street, a line perpendicular to the southwesterly street line of 3rd Street distant 50 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of 3rd Street and the southeasterly street line of Smith Street, a line 80 feet southwesterly of 3rd Street, a line perpendicular to the northeasterly street line of 4th Street distant 80 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4th Street and the southeasterly street line of Smith Street, 4th Street, a line 100 feet southeasterly of Smith Street, a line midway between 4th Street and 5th Street, Smith Street, 2nd Place, a line 100 feet northwesterly of Smith Street, a line midway between 1st Place and 2nd Place, Smith Street, President Street, a line 100 feet northwesterly of Smith Street, a line midway between Union Street and President Street, a line 50 feet northwesterly of Smith Street, Union Street, a line 80 feet northwesterly of Smith Street, Sackett Street, a line 50 feet northwesterly of Smith Street, Butler Street, and a line 100 feet northwesterly of Smith Street; and
- v. Warren Street, Hoyt Street, Douglass Street, a line 80 feet northwesterly of Hoyt Street, Butler Street, and a line 50 feet northwesterly of Hoyt Street;

as shown on a diagram (for illustrative purposes only) dated June 1, 2009.

L.U. NOS. 1246 AND 1247 ARE RELATED

L.U. No. 1246

ELDERT LANE RESIDENTIAL DEVELOPMENT

BROOKLYN CB - 5

C 090307 MMK

Application submitted by Eldert Lane Development Ltd. 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 and realignment of Eldert Lane between Conduit Boulevard and Sutter Avenue;
- the elimination of a portion of Robert Venable Park;
- the extinguishment of a permanent access easement;
- the adjustment of grades necessitated thereby,

and any acquisition or disposition of real property related thereto all within an area generally bounded by Belmont Avenue, Conduit Boulevard, Forbell Street, Sutter Avenue and Sheridan Avenue, in accordance with Map No. X-2714, dated June 5, 2009, and signed by the Borough President.

L.U. No. 1247

ELDERT LANE RESIDENTIAL DEVELOPMENT

BROOKLYN CB - 5

C 090308 ZMK

Application submitted by Eldert Lane Residential Development, Ltd. and the Department of Parks and Recreation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 1 8a changing from an R5 District to an R6A District property bounded Belmont Avenue, South Conduit Avenue, Eldert Lane, Sutter Avenue, and Sheridan Avenue, as shown on a diagram (for illustrative purposes only) dated June 15, 2009.

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, City Hall, New York City, New York 10007, commencing at 11:00 a.m. on Monday, October 26, 2009.

L. U. No. 1240 POLICE ACADEMY

QUEENS CB - 7

C 090403 PSQ

Application submitted by the New York City Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for site selection of property generally bounded by 28th Avenue, Ulmer Street, 31st Avenue and College Point Boulevard:

BLOCK	LOTS
4301	p/o 1
4321	48
4323	19
4324	1
4325	1
4326	1
4327	p/o 1
4328	p/o 1
4329	1, 7, 10, 75
4359	p/o 1
4358	p/o 1
4357	p/o 1
4356	p/o 30
4354	50

including all portions of the former streets located within the boundaries of the project site that are shown on the available tax maps (including portions of the following streets which were demapped on City Map 4700 as of February 28, 1977: 124th Street, 125th Street, 126th Street, 127th Street, 128th Street, 129th Street/20th Street, 130th Street/21st Street, 22nd Street) for use as a police academy.

L. U. No. 1248
P.S. 292-BRONX

BRONX - 11

20095703 SCX

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 380-Seat Primary School Facility, to be located on the block generally bounded by Barnes Avenue, Lydig Avenue, Brady and Matthews Avenue in the Morris Park section of the Bronx (Block 4293, Lot 31), Borough of the Bronx, Community School District No. 11.

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, City Hall, New York City, New York 10007, commencing at 1:00 p.m. on Monday, October 26, 2009.

L.U. No. 1225

RIVERWAY APARTMENTS

BROOKLYN CB - 16

C 090447 HAK

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 228 Riverdale Avenue (Block 3603, Lot 25) 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 seven-story building, tentatively known as Riverway Apartments, with approximately 115 residential units, commercial and community facility space, to be developed under the Department of Housing Preservation and Development Supportive Housing Program.

L.U No. 1226

THE DEMPSEY

MANHATTAN CB - 10

C 090374 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 138-150 West 128th Street (Block 1912, p/o Lot 12), as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for property; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a six-story building, tentatively known as The Dempsey, with approximately 80 dwelling units.

L.U. No. 1231

CORETTA SCOTT KING APARTMENTS

BROOKLYN CB - 5

C 090467 HAK

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 660 Jerome Street and 741 Barbey Street (Block 4309, Lots 1 and 46) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate a four-story, 51-unit development, tentatively known as Coretta Scott King Apartments, to be developed under the U.S. Department of Housing and Urban Development's Section 202 Supportive Housing Program for the Elderly.

L.U. Nos. 1221, 1223, 1241, 1242 AND PRE.

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 requirement 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. No. 1221, 1241, 1242 and Preconsidered; and pursuant to Section 577 of the Private Housing Finance Law for L.U. No. 1223.

L.U. No.	Non-ULURP No.	Address	Block/Lot	Program	CB	Tax Exemption
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1221	20105058 HAK	480-482 Warwick Street Brooklyn	4030/19, /20	New Foundations	05	Section 696
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Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on September 22, 2009 and October 6, 2009.

1223	20105060 HAM	3603-3605 Broadway Manhattan	2095/31, /32	Tenant Interim Lease	09	Section 577
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Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on September 22, 2009 and October 6, 2009.

1241	20105079 HAK	177 Hull Street 1185 Jefferson Avenue 190 Cornelia Street 126 Ridgewood Avenue 2485 Pitkin Avenue 282 Eldert Lane Brooklyn	1534/55 3382/59 3383/13 3927/27 4005/38 4152/51	Asset Control Area	4,5, 16	Section 696
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Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on October 6, 2009.

1242	20105080 HAK	279 Clifton Place 412 Gates Avenue 469 Monroe Street Brooklyn	1788/72 1813/17 1634/78	Asset Control Area	3	Section 696
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Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on October 6, 2009.

L.U. No.	Non-ULURP No.	Address	Block/Lot	Program	CB	Tax Exemption
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Pre.		64 Harman Street 1231 Putnam Avenue 69 Cornelia Street Brooklyn	3285/22 3368/51 3374/57	Asset Control Area	3	Section 696
Pre.		551 Bay Street 571 Bay Street (Private Lot) Staten Island	491/11 491/1	Amendment	1	

LAND USE COMMITTEE

The Land Use Committee will hold a meeting in the Council Committee Room, City Hall, New York City, New York, commencing at 10:00 a.m. on Tuesday, October 27, 2009, and will consider all items reported out of the Subcommittees at the meetings held on Monday, October 26, 2009 and conduct such other business as may be necessary.