



COUNCIL OF THE CITY OF NEW YORK

CALENDAR
OF
THE LAND USE COMMITTEE
FOR THE WEEK OF JULY 26 - JULY 30, 2010

LEROY G. COMRIE, *Chair*, Land Use Committee

MARK WEPRIN, *Chair*, Subcommittee on Zoning and Franchises

BRAD LANDER, *Chair*, Subcommittee on Landmarks, Public Siting
and Maritime Uses

STEPHEN LEVIN, *Chair*, Subcommittee on Planning, Dispositions
and Concessions

WWW.COUNCIL.NYC.GOV

SUBCOMMITTEE ON ZONING AND FRANCHISES

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at **9:30 a.m. on Tuesday, July 27, 2010:**

L.U. NOS. 136-145 ARE RELATED

L.U. No. 136

FLUSHING COMMONS

QUEENS CB - 7

C 100206 PPQ

Application submitted by NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 38-15 138th Street (Block 4978, p/o Lot 25), pursuant to zoning.

L.U. No. 137

FLUSHING COMMONS

QUEENS CB - 7

C 100207 ZMQ

Application submitted by Flushing Commons LLC and the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a, by changing from a C4-3 District to a C4-4 District property bounded by Congressman Rosenthal Place, Union Street, 39th Avenue, and 138th Street, as shown on a diagram (for illustrative purposes only) dated January 25, 2010, and subject to the conditions of CEQR Declaration E-247.

L.U. No. 138
FLUSHING COMMONS

QUEENS CB - 7

C 100208 ZSQ

Application submitted by Flushing Commons LLC and the NYC Economic Development Corporation 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)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 23-632, 33-432 and 35-60, the rear yard requirements of Sections 23-532 and 35-53, the rear yard setback requirements of Section 23-663, the minimum distance between buildings and minimum distance between legally required windows and building walls regulations of Section 23-711;
2. Section 74-743(a)(4) - to allow the maximum floor area ratio permitted pursuant to Section 23-142 without regard for height factor or open space ratio requirements;
3. Section 74-744(b) - to allow residential and non-residential uses to be arranged within buildings without regard for the requirements of Section 32-42.

to facilitate a proposed mixed use development, on property located at 38-15 138th Street a.k.a. 37-10 Union Street (Block 4978, p/o Lot 25), in a C4-4 District, within a General Large Scale Development.

L.U. No. 139
FLUSHING COMMONS

QUEENS CB - 7

C 100209 ZSQ

Application submitted by Flushing Commons LLC and the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking facility with a maximum capacity of 1600 spaces, including 908 self-park spaces and 692 attended parking spaces, on portions of the ground floor, 1st level cellar, 2nd level cellar and the 3rd level cellar, in connection with a proposed mixed use development, on property located at 38-15 138th Street a.k.a. 37-10 Union Street (Block 4978, p/o Lot 25), in a C4-4 District, within a General Large-Scale Development.

FLUSHING COMMONS

QUEENS CB - 7

N 100210 ZRQ

Application submitted by Flushing Commons LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 74-743 (Special provisions for bulk modification), relating to open space, in General Large Scale Developments in C4-4 Districts in the Borough of Queens.

Matter in underline is new, to be added;

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

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

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

3/26/98

74-743

Special provisions for bulk modification

- (a) For a #general large-scale development#, the City Planning Commission may permit.
- (1) Distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #general large-scale development# without regard for #zoning lot lines# or district boundaries subject to the following limitations:
- (i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;
- (ii) when a #general large-scale development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of commercial #floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted;
- (2) Location of #buildings#₃ without regard for the applicable

#yard#, #court#, distance between #buildings#, or height and setback regulations;\

- (3) Variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #general large-scale development# without regard to regulations applicable near #Residence District# boundaries; and
- (4) The maximum #floor area ratio# permitted pursuant to Section 23-142 (In R6, R7, R8 or R9 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements provided that the #general large-scale development# is located partially in a C6-1, C6-2, or C6-3 District within the boundaries of Community District 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #general large-scale development#. Required #open space# for the purposes of paragraph (a) (4) of this Section shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio# pursuant to Section 23-142 for the applicable district.
- (5) In an #Inclusionary Housing designated area# in a C4-6 or C5 District:
 - (i) a portion of the #lot area# that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#; or
 - (ii) community facility #floor area# located above the ground floor to be excluded from the calculation of the amount of #lower income housing# required pursuant to Section 23-942;

* * *

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

* * *

- (6) Where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a) (4) of this

Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #general-large scale development# shall include superior landscaping for #open space# of the new or #enlarged buildings#.

* * *

L.U. No. 141
FLUSHING COMMONS

QUEENS CB - 7

N 100211 ZRQ

Application submitted by Flushing Commons LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the Downtown Flushing Waterfront Access Plan (WAP Q-2) to allow public parking lots as-of-right and to exempt such parking from requirements for public access and visual corridors pursuant to Section 62-952 of the Zoning Resolution in the Borough of Queens.

Matter in underline is new, to be added;

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

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

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

62-952

Waterfront Access Plan Q-2; Downtown Flushing

Maps Q-2a through Q-2c in paragraph (e-) (f) of this Section show the boundaries of the area comprising the Downtown Flushing Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on September 17, 1998, as follows:

(b) Special public access provisions by parcel

The requirements for #waterfront public access areas# of Sections 62-53 through 62-57 inclusive, and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, are modified at the following designated locations which are shown on Map Q-2b in paragraphs ~~(e)~~(f) of this Section:

(2) Parcel 2

(i) #Shore public walkway#

The requirements of Section 62-53 are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. The quantity of public access area eliminated from the #shore public walkway# as a result of this width reduction shall be provided adjoining the intersection of the required #upland connection# and the #shore public walkway# and shall be improved pursuant to the standards for a #supplemental public access area#, as set forth in Section 6262.

(ii) #Upland connection#

An #upland connection# shall be located between College Point Boulevard and the #shore public walkway#, either: (1) within the flexible location zone indicated on Map Q-2b in paragraph (e)(D of this Section, having as its northerly boundary the straight-line extension of that portion of the boundary between Parcels 1 and 2 which intersects with College Point Boulevard and, as its southern boundary, the prolongation of the southerly #street line# of 37th Avenue; or (2) continuously adjoining the boundary between Parcels 1 and 2.

(iii) No public access shall be required for any #public parking lot#, provided such #public parking lot# was approved pursuant to Section 74-512 (In other Districts) and is an interim use that is limited to a term of not more than ten years.

(c) Special visual corridor provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan shall be as follows and are shown on Map Q-2c in paragraph ~~(e)~~(f) of this Section:

(1) Parcel 1

A #visual corridor# shall be provided through Parcel 1 to the pierhead line as the prolongation of the #street lines# of 36th Road. Any #building or other structure# existing on September 17, 1998, shall be a permitted

obstruction.

(2) Parcel 2

A #visual corridor# shall be provided through Parcel 2 to the pierhead line as the prolongation of the #street lines# of 37th Avenue. However, no #visual corridor# shall be required for any #public parking lot#, provided such #public parking lot# was approved pursuant to Section 74-512 provided that the parking facility is an interim use limited to a term of not more than ten years.

* * *

(e) Special use provisions by parcel

(1) Parcel 2

The City Planning Commission may permit #public parking lots# on #waterfront blocks# in accordance with applicable district regulations and Section 74-512 provided that the parking facility is an interim #use# limited to a term of not more than ten years.

(e)(f) Downtown Flushing Waterfront Access Plan Maps

* * *

L.U. No. 142

FLUSHING COMMONS

QUEENS CB - 7

C 100212 ZSQ

Application submitted by Fulton/Max International (Holdings) Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking lot with a maximum capacity of 647 spaces, including 201 self-park spaces and 446 attended parking spaces, on property located at 133-41 39th Avenue (Block 4972, Lots 8, 23 and 65), in a C4-2 District.

L.U. No. 143

FLUSHING COMMONS

QUEENS CB - 7

C 100213 ZSQ

Application submitted by Fulton/Max₇-International (Holdings) Inc. pursuant to

Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 62-835 and 74-512 of the Zoning Resolution to allow a public parking lot with a maximum capacity of 309 spaces, including 207 self-park spaces and 102 attended parking spaces, on property located at 37-02 College Point Boulevard (Block 4963, Lots 85), in a C4-2 District.

L.U. No. 144
FLUSHING COMMONS

QUEENS CB - 7

C 100214 ZSQ

Application submitted by NYC Department of Transportation and the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking lot with a maximum capacity of 275 spaces, on property located at 135-17 39th Avenue (Block 4975, Lot 15), in a C4-2 District.

L.U. No. 145
MACEDONIA PLAZA

QUEENS CB - 7

C 100216 HAQ

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 37-10 37th Avenue (Block 4978, part of 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 14-story building, tentatively known as Macedonia Plaza with approximately 140 residential units.

Application submitted by C&G Empire Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a:

1. Changing from an M1-1 district to an R6 District property bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue; and
2. Establishing within the proposed R6 District a C2-2 District bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue;

as shown on a diagram (for illustrative purposes only) dated January 25, 2010 and subject to the conditions of CEQR Declaration E-246.

L.U. No. 150

94TH STREET - CORONA AVENUE REZONING

Application submitted by 45-10 94th Street, LLC and 91st Place Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d:

1. changing from an M1-1 District to an R7B District property bounded by the southerly boundary line of the Long Island Rail Road right-of-way (North side Division), 94th Street, Corona Avenue, a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place, a line 100 feet northerly of Corona Avenue, and a line 100 feet northeasterly of 91st Place; and
2. establishing within the proposed R7B District a C2-3 District bounded by a line 100 feet northerly of Corona Avenue, 94th Street, Corona Avenue, and a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place;

as shown in a diagram (for illustrative purposes only) dated February 22, 2010 and subject to the conditions of CECR Declaration E-248.

L.U. No. 135
MAMAJUANA

MANHATTAN CB - 12

20085322 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Vida Café Inc., d/b/a Mamajuana, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 247 Dyckman Street.

L.U. No. 154
PICANTE

MANHATTAN CB - 9

20105450 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Picante Inc., d/b/a Picante, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 3424 Broadway.

L.U. No. 155
CAFÉ SELECT

MANHATTAN CB - 2

20105580 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates, LLC, d/b/a Café Select, for a revocable consent to establish, maintain and operate an unenclosed small sidewalk café located at 212 Lafayette Street.



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 16th Floor Hearing Room, 250 Broadway, New York City, New York, 10007, commencing at **11:00 a.m. on Tuesday, July 27, 2010:**

L.U. No. 151

HIGH LINE

MANHATTAN CB - 4

C 100180 PCM

Application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of the High Line rail structure and easements (Blocks 676, 679, and 702), generally bounded by West 30th Street, Tenth and Twelfth avenues, and West 34th Street, for use as public open space.

L.U. No. 153

SPRINGS MILLS BUILDING

MANHATTAN CB - 5

20105584 HKM (N 100318 HKM)

Designation (List No. 428/LP-No. 2385) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Springs Mills Building, located at 104 West 40th Street (aka 102-106 West 40th Street, 107-115 West 39th Street), (Block 815, Lot 21), as an historic landmark.



SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at **1:00 p.m. on Tuesday, July 27, 2010:**

L.U. No. 148

BATHGATE URBAN RENEWAL PLAN

BRONX CB - 3

C100259HUX

Application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the fourth amendment to the Bathgate Urban Renewal Plan for the Bathgate Renewal Area.

L.U. NOS. 71-73, 75, 76, 106 AND PRECONSIDERED

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 577 of the Private Housing Finance Law for L.U. Nos. 75 and 76; and pursuant to Section 696 of the General Municipal Law for L.U. No. 106 and Non-ULURP No. 20115018 HAK.

L.U. No.	Non-ULURP No.	Address	Block/Lot	Program	CB	Tax Exemption
71	20105417 HAX	100 West 163 rd Street 954 Anderson Avenue Bronx	2511/64 2504/59	NRP	04	
<i>Laid over from the meeting of the Subcommittee on Planning, Dispositions and Concessions on April 7, 2010; April 20, 2010; May 4, 2010; May 17, 2010; June 1, 2010 and June 15, 2010.</i>						
72	20105418 HAX	783 East 168 th Street Bronx	2673/1	NRP	03	
<i>Laid over from the meeting of the Subcommittee on Planning, Dispositions and Concessions on April 7, 2010; April 20, 2010; May 4, 2010; May 17, 2010; June 1, 2010 and June 15, 2010.</i>						
73	20105419 HAX	190 Brown Place Bronx	2264/1	NRP	01	
<i>Laid over from the meeting of the Subcommittee on Planning, Dispositions and Concessions on April 7, 2010; April 20, 2010; May 4, 2010; May 17, 2010; June 1, 2010 and June 15, 2010.</i>						
75	20105421 HAM	565 West 125 th Street Manhattan	1982/63	Tenant Interim Lease	09	Section 577
<i>Laid over from the meeting of the Subcommittee on Planning, Dispositions and Concessions on April 7, 2010; April 20, 2010; May 4, 2010; May 17, 2010; June 1, 2010 and June 15, 2010.</i>						
76	20105422 HAM	626 West 136 th Street Manhattan	2002/95	Tenant Interim Lease	09	Section 577
<i>Laid over from the meeting of the Subcommittee on Planning, Dispositions and Concessions on April 7, 2010; April 20, 2010; May 4, 2010; May 17, 2010; June 1, 2010 and June 15, 2010.</i>						
106	20105624 HAK	312 Hendrix Street Brooklyn	3978/34	Asset Control Area	05	Section 696
<i>Laid over from the meeting of the Subcommittee on Planning, Dispositions and Concessions on May 17, 2010; June 1, 2010 and June 15, 2010.</i>						
Pre.	20115017 HAK	996 East 46 th Street Brooklyn	5022/p/o 2	Tenant Ownership	17	
Pre.	20115018 HAK	1812 St. John's Place 474 Saratoga Avenue Brooklyn	1474/37 1474/14	New Foundations	16	Section 696

LAND USE COMMITTEE

The Land Use Committee will hold a meeting in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at **10:00 a.m. on Wednesday, July 28, 2010**, and will consider all items reported out of the Subcommittees at the meetings held on Thursday, July 15, 2010 and Tuesday, July 27, 2010, and conduct such other business as may be necessary.