



COUNCIL OF THE CITY OF NEW YORK

CALENDAR
OF THE
LAND USE COMMITTEE
FOR THE WEEK OF JULY 17, 2017 - JULY 21, 2017

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

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

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

RAFAEL SALAMANCA, JR., *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 Chambers, City Hall**, New York City, New York 10007, commencing at **9:30 A.M., Monday, July 17, 2017:**

L.U. NOS. 694 THROUGH 699 ARE RELATED

L.U. No. 694

BAYCHESTER SQUARE

BRONX CB - 12

C 170217 PPX

Application submitted by the New York City Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property located on Block 4804, p/o Lot 100, pursuant to zoning.

L.U. No. 695

BAYCHESTER SQUARE

BRONX CB - 12

C 170218 ZMX

Application submitted by Gun Hill Square, LLC pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4a, changing from an M1-1 District to a C4-3 District property bounded by East Gun Hill Road, a line 320 feet southeasterly of Allerton Avenue and its southwesterly prolongation, a line 490 feet southwesterly of Edson Avenue, a line 465 feet southeasterly of Allerton Avenue and its northeasterly prolongation, and Edson Avenue.

L.U. No. 696

BAYCHESTER SQUARE

BRONX CB - 12

N 170219 ZRX

Application submitted by Gun Hill Square, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VII, Chapter 4 (Special Permits by the City Planning Commission) and related sections to modify the use regulations to allow a physical

culture or health establishment and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

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

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

**ARTICLE VII
ADMINISTRATION**

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

* * *

**74-74
Large-Scale General Development**

* * *

**74-744
Modification of use regulations**

(a) #Use# modifications

* * *

(4) #physical culture or health establishments#

Within community district 12 in the borough of the bronx, #physical culture or health establishment# shall be allowed in conjunction with an application for a #large-scale general development# in #commercial districts#, and the provisions of sections 32-31 (by the board of standards and appeals) and 73-36 (physical culture or health establishments) shall be inapplicable. Prior to obtaining a temporary certificate of occupancy from the department of buildings for any #building# containing a #physical culture or health establishment#, the applicant shall demonstrate to the satisfaction of the commissioner of buildings that a vibration and noise control plan has been established for such #building#.

(b) Location of #commercial uses#

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

Table of
Inclusionary Housing Designated Areas
and
Mandatory Inclusionary Housing Areas
By Zoning Map

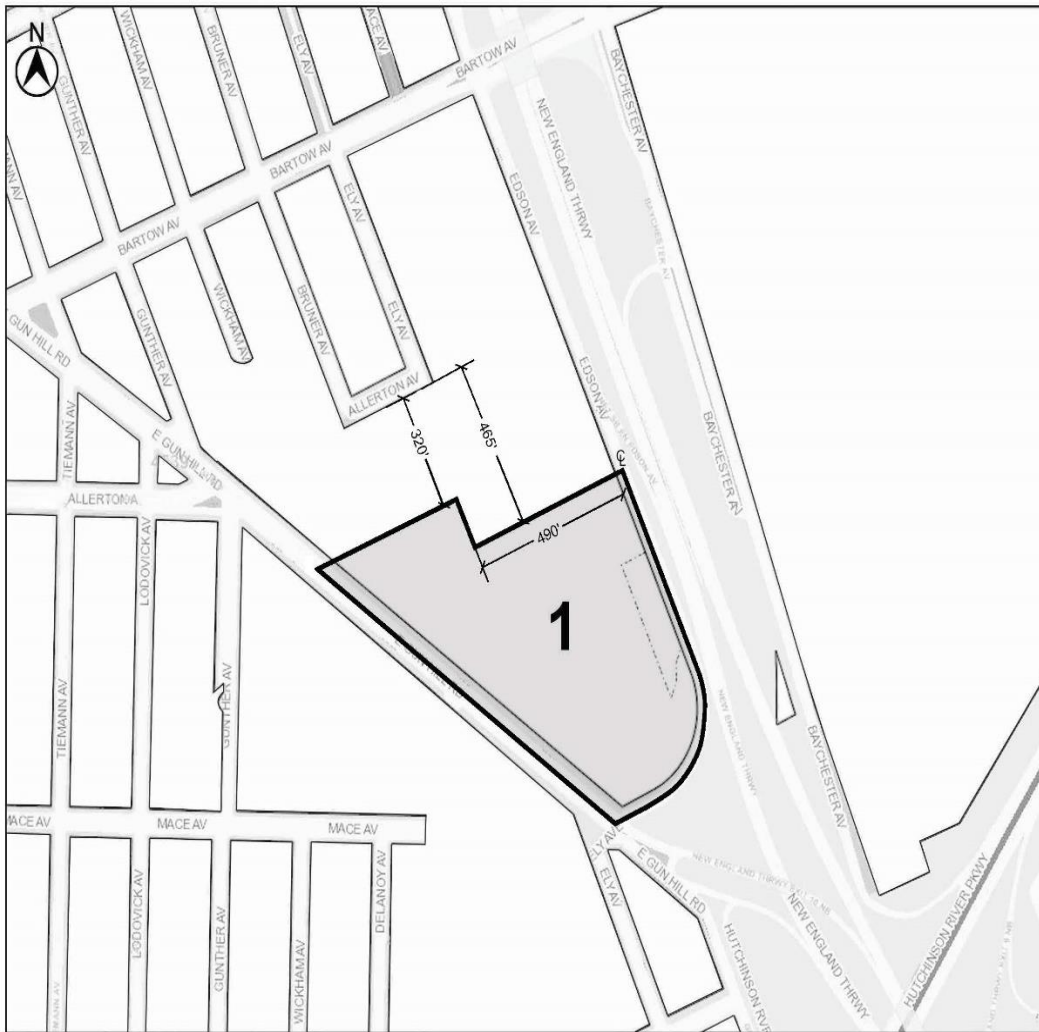
Zoning Map	Community District	Maps of Inclusionary Housing Designated Areas	Maps of Mandatory Inclusionary Housing Areas
1d	Bronx CD 7	Map 1	
3b	Bronx CD 4	Map 1	
3c	Bronx CD 6	Maps 1 - 3	
3c	Bronx CD 7	Map 1	
3d	Bronx CD 3	Map 1	
3d	Bronx CD 6	Maps 2 - 5	
<u>4a</u>	<u>Bronx CD 12</u>		<u>Map 1</u>


The Bronx

The Bronx Community District 12

In the C4-3 District (R6 residential equivalent) within the area shown on the following Map 1:

[PROPOSED MAP]



 Mandatory Inclusionary Housing area see *Section 23-154(d)(3)*

Area 1 - [date of adoption] MIH Program Option 1

Portion of Community District 12, The Bronx

* * *

L.U. No. 697
BAYCHESTER SQUARE

BRONX CB - 12

C 170221 ZSX

Application submitted by Gun Hill Square, LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Section 23-64 (Basic Height and Setback Requirements) and the rear yard requirements of Sections 23-47 (Minimum Required Rear Yards) and 33-26 (Minimum Required Rear Yards), in connection with a proposed mixed-use development on a property located at 1769-1771 East Gun Hill Road (Block 4804, part of Lot 100), in a C4-3 District, within a large-scale general development.

L.U. No. 698
BAYCHESTER SQUARE

BRONX CB - 12

C 170222 ZSX

Application submitted by Gun Hill Square, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the signage regulations of Sections 32-641 (Total Surface Area of Signs), 32-642 (Non-Illuminated Signs), 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts), 32-655 (Height of signs in all other Commercial Districts), 32-656 (Height of signs above roof) and 32-657 (Roof signs), in connection with a proposed mixed-use development on a property located at 1769-1771 East Gun Hill Road (Block 4804, part of Lot 100), in a C4-3 District, within a large-scale general development.

L.U. No. 699
BAYCHESTER SQUARE

BRONX CB - 12

C 170223 ZSX

Application submitted by Gun Hill Square, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-531 of the Zoning Resolution to modify the requirements of:

1. Section 36-12 (Maximum Size of Accessory Group Parking Facilities) to allow an accessory group parking facility with a maximum capacity of 1169 spaces; and

2. Section 36-11 (General Provisions) to allow some of such off-street parking spaces to be located on the roof of a building;

in connection with a proposed mixed-use development on a property located at 1769-1771 East Gun Hill Road (Block 4804, part of Lot 100), in a C4-3 District, within a large-scale general development.

L.U. NOS. 700 THROUGH 703 ARE RELATED

L.U. No. 700

ECF EAST 96TH STREET

MANHATTAN CB - 11

C 170226 ZMM

Application submitted by the NYC Educational Construction Fund and AvalonBay Communities, Inc. pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b:

1. changing from an R7-2 District to a C2-8 District property bounded by Second Avenue, East 97th Street, a line 100 feet easterly of Second Avenue, and a line midway between East 97th Street and East 96th Street;
2. changing from an R7-2 District to an R10 District property bounded by a line 100 feet easterly of Second Avenue, East 97th Street, First Avenue, and a line midway between East 97th Street and East 96th Street;
3. changing from an R10A District to a C2-8 District property bounded by Second Avenue, a line midway between East 97th Street and East 96th Street, a line 100 feet easterly of Second Avenue, and East 96th Street; and
4. changing from an R10A District to an R10 District property bounded by a line 100 feet easterly of Second Avenue, a line midway between East 97th Street and East 96th Street, First Avenue, and East 96th Street.

L.U. No. 701

ECF EAST 96TH STREET

MANHATTAN CB - 11

N 170227 ZRM

Application submitted by the NYC Educational Construction Fund and AvalonBay Communities, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area.

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

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

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

* * *

**ARTICLE VII
ADMINISTRATION**

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

* * *

**74-75
Educational Construction Fund Projects**

In R5, R6, R7, R8, R9 or R10 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, or in C1-6, C1-7, C1-8,C1-9, C2-6, C2-7, C2-8, C4, C5, C6 or C7 Districts, for combined #school# and #residences# including air rights over #schools# built on a #zoning lot# owned by the New York City Educational Construction Fund, the City Planning Commission may permit utilization of air rights; modify the requirements that open area be accessible to and usable by all persons occupying a #dwelling unit# or #rooming unit# on the #zoning lot# in order to qualify as #open space#; permit ownership, control of access and maintenance of portions of the #open space# to be vested in the New York City Educational Construction Fund or City agency successor in title; permit modification of #yard# regulations and height

and setback regulations; permit the distribution of #lot coverage# without regard for #zoning lot lines# for a #zoning lot# containing the Co-op Tech High School in Manhattan Community District 11; authorize the total #floor area#, #open space#, #dwelling units# or #rooming units# permitted by the applicable district regulations on such site to be distributed without regard for district boundaries; and authorize an increase of 25 percent in the number of #dwelling units# or #rooming units# permissible under the applicable district regulations. For the purposes of this Section, a #zoning lot# owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10, when such tract of land includes a parcel which was the site of a public school listed in the following table.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

Manhattan

* * *

Manhattan Community District 11

* * *

In the R10 and C2-8 Districts within the areas shown on the following Map 2:

Map 2 – [date of adoption]

[PROPOSED MAP]



■ Mandatory Inclusionary Housing Program Area *See Section 23-154(d)(3)*
Area 2 - [date of adoption] MIH Program Option 1

Portion of Community District 11, Borough of Manhattan

* * *

L.U. No. 702

ECF EAST 96TH STREET

MANHATTAN CB - 11

C 170228 ZSM

Application submitted by NYC Educational Construction Fund and AvalonBay Communities, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 74-75 of the Zoning Resolution to modify the height and setback requirements of Sections 23-64 (Basic Height and Setback Requirements), 23-65 (Tower Regulations), 23-651 (Tower-on-a-base) and 24-50 (Height and Setback Regulations), and to modify the requirements of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage), in connection with a proposed mixed-use development, on property bounded by East 97th Street, First Avenue, East 96th Street and Second Avenue (Block 1668, Lot 1), in R10 and C2-8 Districts, within a Large-Scale General Development.

L.U. No. 703

ECF EAST 96TH STREET

MANHATTAN CB - 11

C 170229 ZSM

Application submitted by NYC Educational Construction Fund and AvalonBay Communities, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property bounded by East 97th Street, First Avenue, East 96th Street and Second Avenue (Block 1668, Lot 1), in R10 and C2-8 Districts, within a Large-Scale General Development.

L.U. NOS. 682 AND 683 ARE RELATED

The public hearing on this item was held on June 20, 2017 and closed. It was laid over by the Subcommittee on Zoning and Franchises

L.U. No. 682

WHITLOCK AND 165TH STREET REZONING

BRONX CB - 2

C 170087 ZMX

Application submitted by The Ader Group LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6c:

1. changing from an M1-1 District to an R8A District property bounded by East 165th Street, Whitlock Avenue, and a line 100 feet easterly of Longfellow Avenue; and
2. establishing within the proposed R8A District a C2-4 District bounded by East 165th Street, Whitlock Avenue, and a line 100 feet easterly of Longfellow Avenue.

L.U. No. 683

The public hearing on this item was held on June 20, 2017 and closed. It was laid over by the Subcommittee on Zoning and Franchises

WHITLOCK AND 165TH STREET REZONING

BRONX CB - 2

N 170088 ZRX

Application submitted by The Ader Group, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter struck out is to be deleted;

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

THE BRONX

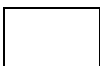
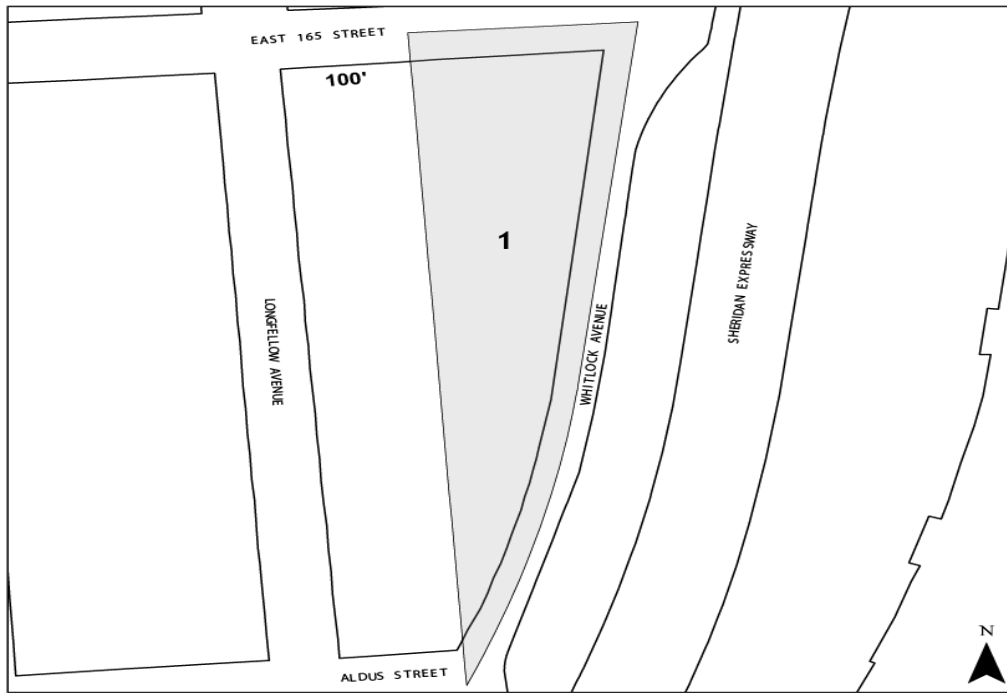
* * *

The Bronx Community District 2

In the R8A District within the area shown on the following Map 1:

Map 1 – [date of adoption] 8

[PROPOSED MAP]



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

Portion of Community District 2, The Bronx

* * *

L.U. No. 684

*The public hearing on this item was held on June 20, 2017
and closed. It was laid over by the Subcommittee on
Zoning and Franchises*

LOWER MANHATTAN PLAZA APPLICABILITY

MANHATTAN CB - 1

N 170286 ZRM

Application submitted by Lightstone Acquisitions X, 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 Article IX, Chapter 1 (Special Lower Manhattan District) relating to regulations allowing a floor area bonus for public plazas.

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

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

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

ARTICLE III

COMMERCIAL DISTRICT REGULATIONS

* * *

Chapter 7

Special Urban Design Regulations

* * *

37-713

Locational restrictions

No #public plaza#, or portion thereof, shall be located within 175 feet of an existing #publicly accessible open area# or #public park# as measured along the #street line# on which the existing amenity fronts if the #public plaza# is to be located on the same side of the #street#, or as measured along the directly opposite #street line# if the #public plaza# is to be located on the other side of the #street#. Such distance shall include the width of any #street# that intersects the #street# on which the amenity fronts. However, such location restriction may be waived if the #public plaza# is located directly across the #street# from the existing #publicly accessible open area# or #public park# and if the Chairperson of the City Planning Commission finds that the location of the #public

plaza# at such location would create or contribute to a pedestrian circulation network connecting the two or more open areas.

Additional provisions regarding the location of a #public plaza# are set forth in the #Special Midtown District#, the #Special Lower Manhattan District# and the #Special Downtown Brooklyn District#.

* * *

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 1 Special Lower Manhattan District

* * *

91-24 Floor Area Bonus for Public Plazas

The maximum permitted #floor area# on a #zoning lot# may be increased, in accordance with the following regulations, where a #public plaza# is provided that meets the requirements of Section 37-70 (PUBLIC PLAZAS):

- (a) A #floor area# bonus for a #public plaza# shall not only be permitted for any a #development# or #enlargement# that is located within:
 - (1) outside the Historic and Commercial Core;
 - (2) outside the South Street Seaport Subdistrict; or
 - (3) beyond 50 feet of a #street line# of a designated #street#, except in C6-4 Districts, on which:
 - (i) retail continuity is required, pursuant to Section 91-41 (Regulations for Designated Retail Streets); or

(ii) #street wall# continuity is required, pursuant to the regulations for Type 1 or Type 2A #street walls# pursuant to Section 91-31 (Street Wall Regulations).

(b) Within a C6-4 District, paragraph (a)(3) of this Section shall not apply to the location of a #development# or #enlargement#; however, a #floor area# bonus for a #public plaza# shall be permitted, provided that such #public plaza# is located beyond 50 feet of the designated #streets# referenced in paragraph (a)(3) of this Section.

~~(b)~~(c) For each square foot of a #public plaza#, the basic maximum #floor area# permitted by Section 91-22 (Floor Area Increase Regulations) may be increased, in C6-4 Districts, by six square feet, to a maximum #floor area# ratio of 12.0 and, in C5-3, C5-5 and C6-9 Districts, by ten square feet, to a maximum #floor area# ratio of 18.0.

~~(c)~~(d) When a #public plaza# that meets the requirements for a #floor area# bonus is located on a #zoning lot# divided by a district boundary, the bonusable #floor area# may be credited to either portion of the #zoning lot#, notwithstanding the location of the #public plaza# or the date of the creation of the #zoning lot#. The amount of bonusable #floor area# permitted on either portion of the #zoning lot# shall not exceed the maximum amount of #floor area# permitted on such portion if it were a separate #zoning lot# subject to all other provisions of Article VII, Chapter 7.

* * *

L.U. No. 689

*The public hearing on this item was held on June 20, 2017
and **closed**. It was laid over by the Subcommittee on
Zoning and Franchises*

SECTION 93-122 TEXT AMENDMENT

MANHATTAN CB - 4

N 170251 ZRM

Application submitted by 517 West 35th LLC, pursuant to Section 201 of the New York City Charter for an amendment to Section 93-122 of Article IX, Chapter 3 (Special Hudson Yards District) of the New York City Zoning Resolution.

Certification for residential use in Subdistricts A, B and E

Within the large-scale plan subdistrict a, subareas b1 and b2 of the farley corridor subdistrict b, and the south of port authority subdistrict e, #residential use# shall be permitted only upon certification of the chairperson of the city planning commission that the #zoning lot# on which such #residential use# is located contains the minimum amount of #commercial floor area# required before #residential use# is allowed, as specified in section 93-21 (floor area regulations in the large-scale plan subdistrict a) or 93-22 (floor area regulations in subdistricts b, c, d, e and f), as applicable, and that for #zoning lots# in subareas a2 through a5 of the large-scale plan subdistrict a, a certification pursuant to section 93- 34 (distribution of floor area in the large-scale plan subdistrict a) has been made.

* * *

However, special regulations shall apply to #zoning lots# with phased developments, as follows:

- (a) Except as provided in paragraph (c) of this section, for ~~for~~ #zoning lots# with less than 69,000 square feet of #lot area#, the chairperson shall allow for phased development, upon certification that a plan has been submitted whereby the ratio of #commercial floor area# to #residential floor area#, in buildings in each phase, is no smaller than the ratio of the minimum amount of #commercial floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential floor area# permitted on the #zoning lot# as specified in section 93-21 or 93-22, as applicable, ~~and~~;
- (b) For #zoning lots# with at least 69,000 square feet of #lot area#, the chairperson shall allow for one or more #buildings# containing #residences# to be #developed# or #enlarged# without the minimum amount of #commercial floor area# required before #residential use# is allowed, as specified in section 93-21 or 93-22, as applicable, upon certification that a plan has been submitted whereby one or more regularly-shaped portions of the #zoning lot# with a minimum area of 50,000 square feet are reserved for future development of not more than two million square feet of #commercial floor area# on each such portion, and that, upon full development of such #zoning lot#, the ratio of #commercial floor area# to #residential floor area# shall be no smaller than the ratio of the minimum amount of #commercial floor area# required on

the #zoning lot# before #residential use# is allowed, to the maximum #residential floor area# permitted on the #zoning lot#, as specified in section 93-21 or 93-22, as applicable.; and

- (c) For #zoning lots# with at least 55,000 square feet but less than 69,000 square feet of #lot area# within subarea a3 of the large scale subdistrict a, the chairperson shall allow for one or more #buildings# containing #residences# to be #developed# or #enlarged# without the minimum amount of #commercial floor area# required before #residential use# is allowed, as specified in paragraph (a) section 93-21, upon certification that a plan has been submitted whereby one or more regularly-shaped portions of the #zoning lot# with a minimum area of 35,000 square feet are reserved for future development, and that, upon full development of such #zoning lot#, the ratio of #commercial floor area# to #residential floor area# shall be no smaller than the ratio of the minimum amount of #commercial floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential floor area# permitted on the #zoning lot#, as specified in section 93-21.

All #developments# or #enlargements# so certified shall be permitted only in accordance with the provisions of this chapter.

* * *

L.U. No. 690

The public hearing on this item was held on June 20, 2017

*and **closed**. It was laid over by the Subcommittee on*

Zoning and Franchises

BEDFORD ARMS

BROOKLYN CB - 1

20175520 HAK

Application submitted by the New York City Department of Housing Preservation and Development for approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 1205, p/o Lot 28 (Tentative Lot 127); in Community District 1, Borough of Brooklyn, Council District 35.

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 **Committee Room, City Hall, New York City, New York 10007**, commencing at **11:00 A.M., Monday, July 17, 2017:**

PRECONSIDERED L.U.

332-SEAT PRIMARY SCHOOL FACILITY - 8TH AVENUE

BROOKLYN CB - 12

20175217 SCK

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 332-Seat Primary School Facility to be located at 4525 8th Avenue (Block 751, Lot 1), Borough of Brooklyn, Community School District 15.

PRECONSIDERED L.U.

332-SEAT PRIMARY SCHOOL FACILITY - 4TH AVENUE

BROOKLYN CB - 7

20165647 SCK

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 332-Seat Primary School Facility to be located at 4302 4th Avenue and 364 43rd Street (Block 728, Lots 34 and 36), Borough of Brooklyn, Community School District 15.



SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the **Committee Room, City Hall**, New York City, New York 10007, commencing at **1:00 P.M., Monday, July 17, 2017:**

L.U. No. 704

HABITAT FOR HUMANITY

SINGLE FAMILY HOMES – PHASE 3

QUEENS CB - 12

20175521 HAQ

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project, a real property tax exemption, and waiver of the area designation requirements and Sections 197-c and 197-d of the New York City Charter for property located at 99-19 203rd Street (Block 10850, Lot 29), 202-02 111th Avenue (Block 10960, Lot 604) and 190-17 109th Road (Block 10923, Lot 26), Borough of Queens, Community District 12, Council District 27.

L.U. No. 705

233 STUYVESANT AVENUE

BROOKLYN CB - 10

20175523 HAK

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Law for approval of a real property tax exemption for property located at 233 Stuyvesant Avenue (Block 1646, Lot 10), Borough of Brooklyn, Community District 3, Council District 36.



LAND USE COMMITTEE

The Land Use Committee will hold a meeting in the **Committee Room, City Hall, New York City, New York 10007**, commencing at **11:00 A.M. on Wednesday, July 19, 2017**, to consider all items reported out of the Subcommittees at the meetings held on Monday, July 17, 2017, and conduct such other business as may be necessary.