



**COUNCIL OF THE CITY OF NEW YORK**

**CALENDAR**

**OF**

**THE LAND USE COMMITTEE**

**FOR THE WEEK OF MAY 21, 2012 - MAY 25, 2012**

**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

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

## **SUBCOMMITTEE ON ZONING AND FRANCHISES**

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the **Council Committee Room, 16<sup>th</sup> Floor, 250 Broadway**, New York City, New York 10007, commencing at **9:30 a.m. on Tuesday, May 22, 2012:**

**L.U. No. 603**

**MAMAJUANA CAFÉ**

**MANHATTAN CB - 12**

**20125338 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 Café, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 247 Dyckman Street.

### **L.U. NOS. 604 AND 605 ARE RELATED**

**L.U. No. 604**

**EASTERN RAIL YARD TEXT AMENDMENT**

**MANHATTAN CB - 4**

**N 120176 ZRM**

Application submitted by ERY Tenant 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 3 (Special Hudson Yards District).

Matter in underline is new, to be added;

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

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

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

### **Article IX – Special Purpose Districts**

#### **Chapter 3**

#### **Special Hudson Yards District**

\* \* \*

**Ground Floor Level Requirements**

\* \* \*

- (a) Retail continuity along designated streets in Subdistricts A, B, C, D and E

\* \* \*

A #building's street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways, entrances to subway stations, or other subway-related #uses# as described in Section 93-65 (Transit Facilities) or as follows within the Eastern Rail Yards Subarea A1 where such retail continuity requirements are applicable to #building# walls facing certain public access areas described in Section 93-71:

- (1) for #building# walls facing the outdoor plaza described in Section 93-71(b): the through block connection described in Section 93-71(d) and the connection to the public plaza described in Section 93-71(e);
- (2) for #building# walls facing the through block connection described in Section 93-71(d), the outdoor plaza described in Section 93-71(b);
- (3) for #building# walls facing the connection to the public plaza described in Section 93-71(e), the outdoor plaza described in Section 93-71(b) and the public plaza described in Section 93-71(c): or
- (4) a combination of retail #uses# and public access areas so as to satisfy the 50 foot depth requirement for retail continuity.

In no event shall the length of #street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less, except that (1) the width of a lobby need not be less than 20 feet, and (2) within the Eastern Rail Yards Subarea A1, the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less.

\* \* \*

**Modification of Sign Regulations**

(a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Furthermore, The following additional modifications to the underlying #sign# regulations shall apply in the Eastern Rail Yard Subarea A1:

- (1) ~~#flashing~~ #Flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required ~~in the Eastern Rail Yard Subarea A1~~, pursuant to Section 93-71.
  
- (2) For #signs# facing Tenth Avenue or on a portion of a #building# within 100 feet of Tenth Avenue, in addition to #signs# permitted under the underlying #sign# regulations, (i) up to four #signs# may exceed the maximum height limitations of the underlying #sign# regulations, provided that no such #sign# exceeds 95 feet in height and (ii) up to five #signs# may be located without regard to the maximum #surface area# limitations of the underlying #sign# regulations, provided that (a) the aggregate #surface area# of such #signs# does not exceed 4,400 square feet; and (b) each such #sign# shall have a maximum #surface area# of 650 square feet except for one #sign# that may have a maximum #surface area# of 1,800 square feet. Any #sign # which exceeds the maximum height permitted by the underlying sign regulations shall direct attention to no more than one business conducted on the #zoning lot# and no such #signs# shall be #flashing signs#. Additionally, no more than two of the additional #signs# permitted under this paragraph (a)(2) , if located below the maximum height permitted by the underlying #sign# regulations, shall be #flashing signs#.

Erection of one or both of the additional #flashing signs# permitted under this paragraph shall be conditioned upon and subject to additional limitations upon flashing effects for all #flashing signs# located on a #building# wall facing Tenth Avenue or on a #building# wall within 100

feet of Tenth Avenue, as prescribed by the Commission pursuant to a restrictive declaration. Recordation of such restrictive declaration in the Office of the Register and compliance with the terms thereof with respect to any previously erected #flashing signs# permitted under the underlying #sign# regulations shall be a precondition to the issuance of permits by the Commissioner of Buildings for an additional #flashing sign# permitted under this paragraph.

- (3) Along the #ERY High Line#, the #sign# regulations as set forth in Section 93-17(b)(1) shall apply. In addition, no #flashing signs# above the level of the #High Line bed# shall be located within 150 feet of and facing the #ERY High Line#.

\* \* \*

## **93-70**

### **PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES**

\* \* \*

The Chairperson shall allow for the phased #development# of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. Such plan may provide for the outdoor plaza described in Section 93-71(b) to be constructed in phases. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future #development# of such public access area at the time that the adjacent #zoning lot# is #developed#.

\* \* \*

## **93-71**

### **Public Access Areas in the Eastern Rail Yards Subarea A1**

\* \* \*

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f) of this Section. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61.

All public access areas listed in this Section, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall be accessible to the public as follows: (i) unenclosed public access areas shall be accessible between the hours of 6:00 and 1:00 am, except that any portions of the outdoor plaza described in paragraph (b) designed and constructed for purposes of vehicular use shall be accessible at all times except as necessary to perform maintenance and repairs or address hazardous or emergency conditions; (ii) enclosed portions of the through block connection and connection to the public plaza described in paragraphs (d) and (e) shall be accessible to the public between the hours of 8:00 am and 10:00 pm; and (iii) upon completion of the Tenth Avenue bridge described in paragraph (g), access between the bridge and the outdoor plaza shall be provided through the through block connection between the hours of 6:00 am to 1:00 am.

All public access areas, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall include public space signage at erected at conspicuous locations. Such signs shall include the statement “Open to the Public”, followed by the hours of operation specified under this subsection.

\* \* \*

(b) Outdoor plaza

\* \* \*

Such open area may extend beyond such boundaries and have necessary grade changes, and up to ten percent of the area of such outdoor plaza may be covered by a #building or other structure#.

In addition, a #building# containing eating or drinking places and #uses# listed in Use Groups 6A and 6C may be located within the outdoor plaza (but shall not be included as public access area pursuant to Section 93-71(a)), provided that any such #building#:

- (i) is located within the area west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 400 feet of West 30th Street;
- (ii) covers no more than 3,600 square feet of the lot at the level of the outdoor plaza and above;
- (iii) contains no more than 7,200 square feet of #floor area# at the level of the outdoor plaza and above, and no more than 3,600 square feet of #floor area# below the level of the outdoor plaza;
- (iv) has a maximum north-south dimension of 85 feet at the level of the outdoor plaza and above;
- (v) is located such that the maximum east/west dimension measured along a line 355 feet from West 30th Street is 40 feet at the level of the outdoor plaza and above. For portions of the #building# located north or south of such line, the maximum east/west dimension shall increase at a rate of 1 foot in the east/west dimension for every 4 feet in the north/south dimension from such line, up to a maximum east/west dimension of 60 feet; and
- (vi) has a maximum perimeter wall height of 24 feet, and a maximum #building# height of 30 feet. Above a height of 24 feet, no portion of a #building# may penetrate a #sky exposure plane# that begins at a height of 24 feet above the perimeter walls and rises over the #building# at a slope of 2.5 feet of horizontal distance for each foot of vertical distance. Such heights shall be measured from the highest level of the adjoining portions of the outdoor plaza.

\* \* \*

(c) Public plaza

A publicly accessible space, (hereinafter referred to as a “public plaza”), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such public plaza shall have a minimum area of 12,000 square feet with a minimum frontage of ~~200~~ 180 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street; ~~and be provided in accordance with the standards for #public plazas# set forth in Section 37-70 (PUBLIC PLAZAS).~~ Such public plaza shall be open to the sky except that such space may be covered by the ~~existing or reconstructed~~ #ERY High Line# structure, including any connections to the #ERY High Line# or other design features, as well as a #building# or portion of a #building# as allowed pursuant to Section 93-514(a)(4), except that no #building# or portion of a #building# may encroach within the area that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street. In addition, no more than 50 percent of the public plaza shall be covered by the permitted obstructions described in Section 37-726(a) as well as any vents or shafts that are placed by the Department of Environmental Protection within the portion of the public plaza that is subject to an access easement.

Such public plaza shall contain the following amenities: (i) no less than 120 linear feet of fixed seating; (ii) no less than 12 moveable tables and 48 moveable chairs; and (iii) no less than four trees or multi-stemmed equivalents measuring at least 4 inches in caliper at the time of planting, which trees or multi-stemmed equivalents may be planted in a planting bed. In addition, such public plaza shall contain at least two of the following additional amenities: (i) artwork; (ii) water features; or (iii) food service located in a retail space directly accessible from the public plaza.

The ~~retail and~~ glazing requirements of Section 93-14(c) shall apply to at least 70 percent of the length of all building walls, other than the building walls of any facility operated by the Long Island Rail Road or its successor, facing each side of the urban public plaza. In addition, 25 percent of the frontage of all #building# walls facing the portion of the public plaza that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street shall be occupied by #uses# listed in Use Groups 6A and 6C or the connection to the public plaza described in paragraph (e).

\* \* \*



(d) Through block connection

~~A publicly accessible through block connection shall be provided connecting the outdoor plaza with the Tenth Avenue bridge required pursuant to paragraph (g) of this Section.~~ with the Tenth Avenue sidewalk within 50 feet or anywhere north of the center line of West 32nd Street. Public access shall also be provided between such through block connection ~~and the Tenth Avenue sidewalk within 50 feet of the center line of West 32nd Street.~~ and the Tenth Avenue bridge at the time such bridge is constructed pursuant to paragraph (g) of this Section, and may connect to other public access areas or sidewalks. Such through block connection may be open to the sky or enclosed, need not be linear, and may have necessary grade changes.

Such through block connection shall have a minimum width of 30 feet. ~~If such through block connection is and any enclosed portion, it shall have a minimum height of 30 feet.~~ As an alternative, if an enclosed atrium space adjacent to the outdoor plaza is provided as part of the through block connection that meets all the following dimensional requirements: (1) comprises no less than 4,000 square feet with a minimum height of 60 feet and a minimum depth of 50 feet as measured by a line parallel from the #building# wall facing the outdoor plaza; (2) is free of #building# structural obstructions other than vertical circulation and other elements occupying no more than 500 square feet in the aggregate; and (3) contains interior walls facing such area that comply with the ground floor retail #use# requirements of Section 93-14(a), then such through block connection may (i) have a minimum width of 24 feet and (ii) have a minimum height of 34 feet for at least 70 percent of the aggregate enclosed area of the through block connection (including the atrium), provided that no portion of the through block connection shall have a minimum height less than 17 feet.

The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of the through block connection (or, if enclosed, the interior walls facing the through block connection). The through block connection may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that (i) such permitted obstructions shall not occupy more than 20 percent of the through block connection and (ii) a single path of travel no less than 24 feet in width is maintained. Vertical circulation elements traversing the grade changes of the through block connection shall be considered a part of the through block connection and not an obstruction.

(e) Connection to public plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the public plaza. Such connection need not be linear and may have necessary grade changes. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of such connection (or, if enclosed, the interior walls facing the connection). The minimum clear width of such public way shall be 20 feet. ~~For any portions that are enclosed, the minimum clear height shall be 30~~ 34 feet within at least 50 percent of the enclosed area of the connection to the public plaza, provided that no portion of the connection to public plaza shall have a minimum height less than 17 feet. The connection to the public plaza may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that (i) such permitted obstructions shall not occupy more than 20 percent of the connection to the public plaza and (ii) a single path of travel no less than 20 feet in width is maintained. Vertical circulation elements traversing the grade changes of the connection to the public plaza shall be considered a part of the connection to the public plaza and not an obstruction.

(f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza shall be provided that has a minimum width, measured parallel to the High Line, of 80 feet. If any portion is covered, the average clear height of such connection shall be at least 60 feet. ~~The retail and glazing requirements of Section 93-14(c) shall apply to at least 50 percent of the length of all building walls facing such connection. , except that such retail requirements shall not apply to any #building# containing only #uses# in Use Group 3 or 4 located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street.~~

(g) Tenth Avenue Bridge

A publicly-accessible pedestrian bridge shall be provided over Tenth Avenue linking the through block connections required pursuant to paragraph (d) of this Section and paragraph (a) of Section 93-72 (Public Access Areas at 450 West 33rd Street). Such bridge need not be constructed until the 450 West 33rd Street through block connection has been completed.

\* \* \*

# L.U. No. 605

## HIGH LINE TEXT AMENDMENT

MANHATTAN CB - 4

N 120171 ZRM

Application submitted by the New York City 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, concerning Article IX, Chapter 3 (Special Hudson Yards District).

Matter in underline is new, to be added;

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

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

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

### Article IX - Special Purpose Districts

#### Chapter 3

#### Special Hudson Yards District

\* \* \*

#### 93-01

#### DEFINITIONS

##### **High Line**

For the purpose of this Chapter, the “High Line” shall refer to the elevated rail line structure, including without limitation sidetracks and spurs, located between Gansevoort Street and West 34th Street in the north-south direction, and between Washington Street/Tenth Avenue and Twelfth Avenue in the east-west direction.

##### **ERY High Line**

For the purpose of this Chapter, the #ERY High Line# shall refer to the portion of the #High Line# between the western #street line# of Tenth Avenue and the western #street line# of Eleventh Avenue north of West 30th Street.

##### **Tenth Avenue Spur**

For the purpose of this Chapter, the #Tenth Avenue Spur # shall refer to the portion of the #High Line# above the intersection of Tenth Avenue and West 30th Street.

### **High Line Rehabilitation Deposit**

For the purpose of this Chapter, the #High Line Rehabilitation Deposit# shall be in the amount of \$ \$9,580,763 for the #ERY High Line#, and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section 93-71, in the amount of \$12,203,234 , as adjusted by changes in the construction cost index published by ENR for New York City commencing as of January, 2012. Payment of the #High Line Rehabilitation Deposit# shall be in the form of cash or other form of immediately available funds if plans and specifications for rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed as of the time of the #High Line Rehabilitation Deposit# is required, and if such plans and specifications have not been substantially completed at the time the #High Line Rehabilitation Deposit# is required, in the form of cash or a cash equivalent, such as letter of credit, in a form acceptable to the City. The #High Line Rehabilitation Deposit# shall be held by the City or an instrumentality of the City as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the rehabilitation of the #ERY High Line# and , if applicable, the #Tenth Avenue Spur# .

### **High Line Landscape Improvement Deposit**

For the purpose of this Chapter, the # High Line Landscape Improvement Deposit# shall be in the amount of \$18,214,507 for the #ERY High Line#, and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section 93-71, in the amount of \$23,200,228, as adjusted by changes in the construction cost index published by ENR for New York City commencing as of January 2012. Payment of the #High Line Landscape Improvement Deposit# shall be in the form of cash or other form of immediately available funds. The #High Line Landscape Improvement Deposit# shall be held by the City or an instrumentality of the City as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the to the improvement for public use of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur# .

### **High Line Maintenance Funding**

For the purpose of this Chapter, #High Line Maintenance Funding# shall mean funding sufficient for the maintenance and ordinary repair of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur# in an amount acceptable to the city, as adjusted on an annual basis.

## 93-10

### USE REGULATIONS

The #use# regulations of the underlying districts are modified as set forth in this Section, inclusive.

The only permitted change of #use# for the #High Line# shall be to provide publicly accessible open space in accordance with the provisions of Section 93-71 (Public Access Areas in the Eastern Rail Yards Subarea A1) and Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

\* \* \*

## 93-51

### Special Height and Setback Regulations in the Large-Scale Plan Subdistrict A

\* \* \*

## 93-514

### Eastern Rail Yards Subarea A1

(a) Location of #buildings#

#Buildings# shall be located only in the following areas:

- (1) east of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;
- (2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street; and
- (3) west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street, provided that either:
  - (i) such area contains only #uses# in Use Groups 3 and 4; or

- (ii) where such area includes residential use:
  - (a) such residential use is permitted only in a building located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such building may also include uses in Use Groups 3, 4, 6A and 6C; and
  - (b) a building containing only uses in Use Groups 3 or 4 may be located not closer than 50 feet east of such prolongation.
- (4) for any building located at or above the elevation of the High Line bed which faces the ERY High Line, the street wall shall not be located closer than five feet to the edge of the ERY High Line and such five foot separation shall remain unobstructed, from the level of the High Line bed adjacent to such building to the sky. Notwithstanding the foregoing, for any building located partly within 335 feet of the Tenth Avenue street line, any portion thereof of up to 280 feet in width, as measured parallel to West 30th Street, may be located above the High Line bed at a height of 60 feet or more measured from the High Line bed provided such portion has a maximum width of 200 feet along the West 30th Street street line and a maximum average width of 240 feet. Structural columns and related architectural features placed within the maximum width of 200 feet along the West 30th Street street line supporting such portion of the building may be located within five feet of the southern edge of the ERY High Line, and such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 50 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street street line, from the mean level of the adjoining public sidewalk to a height of 60 feet above the level of the High Line bed. A maximum of thirty percent of such measured area may be constructed of opaque materials. Additionally, such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 45 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30<sup>th</sup> Street street line, from the level of the High Line bed to a height of 25 feet above the level of the High Line bed.

\* \* \*

## 93-70

### **PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES**

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, ~~and~~ a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, as set forth in 93-71(h), the requirements set forth in such section shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open

to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in 93-71(h).

## **93-71**

### **Public Access Areas in the Eastern Rail Yards Subarea A1**

Any #development# in the Eastern Rail Yards Subarea A1 shall provide public access areas in accordance with the following requirements:

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f), and (h), of this Section. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61 and, at the option of the owner, the Tenth Avenue Spur.

(h) ERY High Line and Tenth Avenue Spur

The #ERY High Line# shall be provided as a publicly accessible open area. The #Tenth Avenue Spur# may, at the option of the owner, also be provided as a publicly-accessible open area.

In order to meet the public access area requirements of 93-71(a) and this paragraph (h), the following shall be provided for the #ERY High Line#, and



shall , if owner has elected to include the #Tenth Avenue Spur# as a public access area, be further provided for the #Tenth Avenue Spur#:

- (i) (aa) Payment of the #High Line Rehabilitation Deposit# or (bb) subject to entry into construction-related agreements with the city or its designee, completion of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, not later than March 31, 2013 , subject to a determination of force majeure by the city in accordance with the terms thereof. If owner has elected to perform the rehabilitation work set forth in clause (bb), then all such work shall be completed in accordance with plans and specifications prepared by or on behalf of the city .
- (ii) Payment of the #High Line Landscape Improvement Deposit#.
- (iii) Provision of #High Line Maintenance Funding#.
- (iv) An easement agreement allowing use of the #ERY High Line# for public space in accordance with the requirements of this paragraph (h), as well as for use and access for rehabilitation, improvement, maintenance and repair purposes, acceptable to the city .

Such requirements, shall be set forth in agreements or instruments in a form acceptable to the city, including such provisions as are necessary to ensure compliance with the provisions of this Section. The execution of such agreements by owner, and mortgagees and parties in interest of owner, and, where appropriate, the filing and recordation of such instruments in the Borough Office of the City Register of the City New York, indexed against the property, shall be a precondition to the Chairperson's certification to the Department of Buildings for a building permit under Section 93-70. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 shall be permitted unless the #ERY High Line# is included as a public access area for the initial phase in accordance with the provisions of this paragraph (h).

No crane permit shall be granted for construction of a #development# or #enlargement# in such initial phase until the Chairperson certifies to the Department of Buildings that: (a) either the #High Line Rehabilitation Deposit# has been made or all construction documents and instruments necessary for accomplishment of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, in accordance with (i)(bb) above in this paragraph (h) have been executed and delivered; and (b) the #High Line Landscape Improvement Deposit# has been made .

No temporary or permanent certificate of occupancy for a #development# or #enlargement# in such initial phase shall be granted unless the Chairperson certifies to the Department of Buildings that (a) either the #High Line Rehabilitation Deposit# has been previously furnished or the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur# , have been completed in accordance with the construction documents and instruments; (b) the initial installment of #High Line Maintenance Funding# has been delivered , provided and to the extent that the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed and are open for use by the public , and (c) the easement agreement described in (iv) above is in effect for the #ERY High Line#. The requirement for a certification of substantial completion of public access areas before the granting of a temporary certificate of occupancy for the #development# or #enlargement# within such phase pursuant to Section 93-70 shall not apply with respect to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

Nothing herein shall be construed to affect any obligation of owner to make the #High Line Rehabilitation Deposit# at an earlier date, in accordance with the terms of agreements or instruments entered into by the parties, or to complete rehabilitation work for the #ERY High Line# and, if applicable, the #Tenth Avenue Spur# by March 31, 2013, subject to a determination of force majeure by the city in accordance with the terms of such agreements.

Use by the city of the #High Line Landscape Improvement Deposit# for improvement of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, shall be subject to approval by the Chairperson, based upon a determination that the design and location of access points to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been arranged such that public use thereof will not result in any significant adverse impacts with respect to transit or pedestrians.

(i) Certifications for Phased Development Pursuant to Section 93-70 Granted Before [insert the effective date of this amendment]:

If a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before [insert the effective date of this amendment], such certification shall expire 45 days following such date and shall thereupon no longer be in force and effect. Within said 45 day period, a new application for certification pursuant to Section 93-70 and 93-71(h) shall be filed by the owner which shall include the #ERY High Line# and, if applicable, the #Tenth Avenue Spur# as public access areas associated with the initial phase, in addition to any other public access areas previously so certified. The expiration of any certification under Section 93-70 granted before the [insert the effective date of amendment], shall not affect the validity of any permit issued by the Department of Buildings prior to the expiration of such 45 day period, provided the new application under 93-70 and 93-71(h) is made within such 45 day period.

In the event that a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before [insert the effective date of amendment], and a crane permit for the construction of a #development# or #enlargement# within such initial phase was granted prior to 45 days after [insert the effective date of this amendment], the preconditions to issuance of a crane permit set forth in 93-71(h) shall be prerequisites for the grant of any new certification for phased development made under this paragraph (i).

\* \* \*

**L.U. NO. 606**

**SPECIAL TRIBECA TEXT AMENDMENT**

**MANHATTAN CB - 1**

**N 120166 ZRM**

Application submitted by Laight Street Project Owner, 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 the extension of a variance approved by the Board of Standards and Appeals concerning the modification of bulk regulations in the Special Tribeca Mixed Use District.

Matter in underline is new, to be added;

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

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

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

\* \* \*

## **Article XI: Special Purpose Districts**

### **Chapter 1: Special Tribeca Mixed Use District**

111-20

SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

\* \* \*

(d) Area A4, A5, A6 and A7

Except as set forth herein, the #bulk# regulations of the underlying district shall apply.

\* \* \*

(6) Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), the #development# of a #building# pursuant to a variance granted by the Board of Standards and Appeals under Calendar No. 231-09-BZ to modify #bulk# regulations, may be continued provided that a building permit has been issued, in accordance with the terms of said variance, within ~~two~~ six years of the original granting of ~~grant of~~ said variance.

\* \* \*



## **SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES**

The Subcommittee on Landmarks, Public Siting and Maritime Uses public hearing scheduled for **Tuesday, May 22, 2012 at 11:00 a.m.** in the Council Committee Room, 16th Floor, 250 Broadway, New York City, New York 10007, **has been DEFERRED.**



## **SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS**

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the **Council Committee Room, 16<sup>th</sup> Floor, 250 Broadway**, New York City, New York 10007, commencing at **1:00 p.m. on Tuesday, May 22, 2012:**

### **L.U. NOS. 608 AND 609 ARE RELATED**

#### **L.U. No. 608**

#### **CROSSROADS PLAZA**

**BRONX CB - 1**

**C 120164 HAX**

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 500/539 Union Avenue (Block 2582, Lots 47, 64 and 65) 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 an eight-story building, a thirteen-story building and a fifteen-story building with a total of approximately 428 dwelling units, 20,910 square feet of community facility space, 36,770 square feet of commercial space and 155 accessory parking spaces.

**L.U. No. 609**  
**CROSSROADS PLAZA**

**BRONX CB - 1**

**C 120165 ZMX**

Application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, changing from an R7-2 District to an R8X District property bounded by East 149th Street, Prospect Avenue, Southern Boulevard, East 147th Street, and Union Avenue and its southerly centerline prolongation, as shown on a diagram (for illustrative purposes only) dated January 23, 2012.

**L.U. NOS. 564, 565 AND 610**

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 Projects are consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and

5. Approve an exemption of the projects from real property pursuant to Section 696 of the General Municipal Law:

<b>L.U. No.</b>	<b>Non-ULURP No.</b>	<b>Address</b>	<b>Block/Lot</b>	<b>Program</b>	<b>CB</b>	<b>Tax Exemption</b>
<b>564</b>	20125330 HAX	1664 Davidson Avenue 1694 Davidson Avenue 1702 Davidson Avenue Bronx	2861/10 2861/21 2861/50	Negotiated Sale	05	Section 696
<i>Laid over from the meeting of the Subcommittee on Planning, Dispositions and Concessions on February 8, 2012, March 6, 2012, March 20, 2012, April 3, 2012, April 24, 2012 and May 8, 2012.</i>						
<b>565</b>	20125331 HAK	Bushwick East 62 Troutman Street 11 Dodworth Street 1132 DeKalb Avenue 84 Stanhope Street 1175 Greene Avenue 103 Bleecker Street 207 Palmetto Street 205 Palmetto Street 203 Palmetto Street Brooklyn	3183/31 3229/41 3241/01 3265/32 3285/71 3296/58 3342/41 3342/42 3342/43	New Foundations	04	Section 696
<i>Laid over from the meeting of the Subcommittee on Planning, Dispositions and Concessions on February 8, 2012, March 6, 2012, March 20, 2012, April 3, 2012, April 24, 2012 and May 8, 2012.</i>						
<b>610</b>	20125592 HAM	63-65 West 137 <sup>th</sup> Street 132 West 133 <sup>rd</sup> Street 125 West 133 <sup>rd</sup> Street 123 West 133 <sup>rd</sup> Street 119 West 133 <sup>rd</sup> Street 235-37 West 116 <sup>th</sup> Street 231 West 121 <sup>st</sup> Street 229 West 121 <sup>st</sup> Street Manhattan	1735/8 1917/45 1918/20 1918/21 1918/23 1922/13 1927/15 1927/16	Multifamily Preservation Loan	10	Section 696

## **LAND USE COMMITTEE**

The Land Use Committee will hold a meeting in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **10:00 A.M. on Thursday, May 24, 2012**, and will consider all items reported out of the Subcommittees at the meetings held on Tuesday, May 22, 2012, and conduct such other business as may be necessary.