

CITY PLANNING COMMISSION

Minutes of Meeting of City Planning Commission Held in Room 16, City Hall, Wednesday, August 12, 1970

Present—Donald H. Elliott, Chairman; Gerald R. Coleman, Martin Gallent, Walter McQuade, Ivan A. Michael, Chester Rapkin, Beverly Moss Spatt, Commissioners.

The Commission met pursuant to adjournment.

(Roll Call at 10 a. m.)

No. 1

APPROVAL OF MINUTES of Special Meeting of March 30, 1970, and Regular Meeting of April 8, 1970, as printed in THE CITY RECORD of June 10, 1970, and June 13, 1970, respectively.

On motion, unanimously approved.

I. SCHEDULING WEDNESDAY, SEPTEMBER 9, 1970, AT 10 A. M. FOR FUTURE PUBLIC HEARINGS

CITY MAP CHANGES

BOROUGH OF RICHMOND

No. 2

(CP-21321)

COMMUNICATION, dated July 15, 1970, from the President, Borough of Richmond, submitting Map No. 3775 **eliminating the lines and grades of Shiloh Street from Richmond Avenue to Steinway Avenue**, Borough of Richmond.

(On July 23, 1970, Cal. No. 190, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to Section 199b of the New York City Charter, hereby schedules Wednesday, September 9, 1970, at 10 a. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a map eliminating the lines and grades of Shiloh Street from Richmond Avenue to Steinway Avenue, Borough of Richmond. The modifications are detailed on Map No. 3775, signed by the Borough President and dated July 14, 1970. This report is submitted to the Board of Estimate in response to its referral of July 23, 1970 (Cal. No. 190).

BOROUGH OF BROOKLYN

No. 3

(CP-21313)

COMMUNICATION, dated July 13, 1970, from the Acting President, Borough of Brooklyn, submitting Map No. V-2061 showing a **change in the lines and grades**, establishing the lines of three parks, and establishing permanent sewer easements **within the area bounded by Livonia Avenue, Stone Avenue, Linden Boulevard and Rockaway Avenue**, Borough of Brooklyn.

On July 23, 1970, Cal. No. 181, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to Section 199b of the New York City Charter, hereby schedules Wednesday, September 9, 1970, at 10 a. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a map in 6 sheets modifying the lines and grades, establishing the lines of three parks, and establishing permanent sewer easements within the territory bounded by Livonia Avenue, Stone Avenue, Linden Boulevard and Rockaway Avenue, Borough of Brooklyn. The modifications are detailed on Map No. V-2061, signed by the Borough President and the Commissioner of Parks and dated July 10, 1970. This report is submitted to the Board of Estimate in response to its referral of July 23, 1970 (Cal. No. 181).

No. 4 (CP-21314)

COMMUNICATION, dated July 13, 1970, from the Acting President, Borough of Brooklyn, submitting **Map No. V-2062 showing the discontinuing and closing of Osborn Street from Livonia Avenue to Riverdale Avenue, Thatford Avenue from Livonia Avenue to a point about 222 feet southerly therefrom, Watkins Street from Riverdale Avenue to Newport Street, and Osborn Street and Thatford Avenue from Newport Street to Lott Avenue**, Borough of Brooklyn.

(On July 23, 1970, Cal. No. 182, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to Section 199b of the New York City Charter, hereby schedules Wednesday, September 9, 1970, at 10 a. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a map discontinuing and closing several streets within the territory bounded by Lott Avenue, Rockaway Avenue, Livonia Avenue and Stone Avenue, Borough of Brooklyn. The modifications are detailed on Map No. V-2062, signed by the Borough President and dated July 10, 1970. This report is submitted to the Board of Estimate in response to its referral of July 23, 1970 (Cal. No. 182).

BOROUGH OF THE BRONX

No. 5 (CP-21315)

COMMUNICATION, dated June 23, 1970, from the President, Borough of The Bronx, submitting **map eliminating the lines and showing the discontinuing and closing of East 179th Street from Valentine Avenue to Webster Avenue** and the adjustment of grades necessitated thereby, Borough of The Bronx.

(On July 23, 1970, Cal. No. 183, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to Section 199b of the New York City Charter, hereby schedules Wednesday, September 9, 1970, at 10 a. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a map eliminating, discontinuing and closing East 179th Street from Valentine Avenue to Webster Avenue and the adjustment of grades necessitated thereby, Borough of The Bronx. The modifications are detailed on Map No. 11866, signed by the Borough President and dated June 23, 1970. This report is submitted to the Board of Estimate in response to its referral of July 23, 1970 (Cal. No. 183).

No. 6 (CP-21316)

COMMUNICATION, dated June 23, 1970, from the President, Borough of The Bronx, submitting **map showing the change of grades in Edson Avenue from Edenswald Avenue to Bussing Avenue**, Borough of The Bronx.

(On July 23, 1970, Cal. No. 184, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to Section 199b of the New York City Charter, hereby schedules Wednesday, September 9, 1970, at 10 a. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a map modifying the grades of Edson Avenue from Edenswald Avenue to Bussing Avenue, Borough of The Bronx. The modifications are detailed on Map No. 11867, signed by the Borough President and dated June 23, 1970. This report is submitted to the Board of Estimate in response to its referral of July 23, 1970 (Cal. No. 184).

No. 7 (CP-21317)

COMMUNICATION, dated July 2, 1970, from the President, Borough of The Bronx, submitting **map showing the elimination of Blair Avenue from Miles Avenue** to approximately 146 feet **northwesterly** therefrom and the adjustment of grades necessitated thereby, Borough of The Bronx.

(On July 23, 1970, Cal. No. 186, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to Section 199b of the New York City Charter, hereby schedules Wednesday, September 9, 1970, at 10 a. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a map eliminating the lines of Blair Avenue from Miles

Avenue to approximately 146 feet northwesterly therefrom and the adjustment of grades necessitated thereby, Borough of The Bronx. The modifications are detailed on Map No. 11868, signed by the Borough President and dated July 2, 1970. This report is submitted to the Board of Estimate in response to its referral of July 23, 1970 (Cal. No. 186).

No. 8**(CP-21318)**

COMMUNICATION, dated July 15, 1970, from the President, Borough of The Bronx, submitting **map eliminating the lines of and showing the discontinuing and closing Varian Avenue from Conner Street to Harper Avenue** and adjusting of legal grades therein, Borough of The Bronx.

(On July 23, 1970, Cal. No. 187, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to Section 199b of the New York City Charter, hereby schedules Wednesday, September 9, 1970, at 10 a. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a map eliminating, discontinuing and closing Varian Avenue from Conner Street to Harper Avenue and the adjusting of legal grades therein, Borough of The Bronx. The modifications are detailed on Map No. 11870, signed by the Borough President and dated July 15, 1970. This report is submitted to the Board of Estimate in response to its referral of July 23, 1970 (Cal. No. 187).

BOROUGH OF QUEENS

No. 9**(CP-21319)**

COMMUNICATION, dated July 14, 1970, from the President, Borough of Queens, submitting **Map No. 4589 showing a change in the street grades heretofore established on 54th Avenue from 61st Street to a point 268 feet west of Maurice Avenue; Maurice Avenue from Queens Midtown Expressway to 53d Drive, Borough of Queens.**

(On July 23, 1970, Cal. No. 188, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to Section 199b of the New York City Charter, hereby schedules Wednesday, September 9, 1970, at 10 a. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a map modifying the grades of 54th Avenue from 61st Street to a point 268 feet west of Maurice Avenue, Maurice Avenue from Queens Midtown Expressway to 53d Drive, Borough of Queens. The modifications are detailed on Map No. 4589, signed by the Borough President and dated June 24, 1970. This report is submitted to the Board of Estimate in response to its referral of July 23, 1970 (Cal. No. 188).

ZONING**No. 10****(CP-21307)**

IN THE MATTER OF an **amendment**, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, **relating to Section 74-75 concerning educational construction fund projects.**

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission hereby schedules Wednesday, September 9, 1970, at 10 a. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on amendment, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, relating to Section 74-75 concerning educational construction fund projects, as follows:

Matter in **bold type** is new; matter in brackets [], is old, to be omitted; matter in *italics* is defined in Section 12-10.

74-75

EDUCATIONAL CONSTRUCTION FUND PROJECTS

In R5, R6, R7, R8, R9, or R10 Districts, in C1 or C2 Districts mapped with 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** [utilizing] **including** air rights over *schools* built on [land] **a zoning lot** owned by the New York City Educational Construction Fund, the Commission may permit [such] utilization of air rights; [and may] 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*; [and may] 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 the height and setback regulations; authorize the total floor area, open space, dwelling units or rooms permitted by the applicable district regulations on such site to be distributed without regard for district boundaries; and authorize an increase of 25 per cent in the number of rooms permissible under the applicable district regulations.**

The total number of Zoning rooms and residential floor area shall not exceed that permissible for a residential building on the same Zoning lot.

The distribution of the bulk of the total development shall permit adequate access of light and air to the surrounding streets and properties.

As further conditions for such modifications,

* * *

No. 11

(CP-21327)

IN THE MATTER OF an **amendment**, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, **relating to Section 32-15 concerning clothing rental establishments.**

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, hereby schedules Wednesday, September 9, 1970, at 10 a. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on amendment, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, relating to Section 32-15 concerning clothing rental establishments as follows:

Matter in **bold type** is new; matter in *italics* is defined in Section 12-10.

32-15

Use Group 6

Parking
Requirement
Category

* * * *

C. Retail or Service Establishments

* * * *

Clothing or clothing accessory stores, limited to 10,000 square feet of *floor area* per establishment. B

Clothing rental establishments, limited to 10,000 square feet of floor area per establishment. B

* * * *

BOROUGH OF RICHMOND

No. 12

(CP-20631A)

PETITION, of Klondike Realty Corp., pursuant to Section 201 of the New York City Charter, requesting an **amendment of the Zoning Map**, Section No. 26c, **establishing within an existing R3-2 District, a C1-2 District** bounded by **Richmond Avenue**, a line 300 feet north of **Shiloh Street**, Steinway Avenue and Nome Avenue, Borough of Richmond.

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to Section 201 of the New York City Charter, hereby schedules Wednesday, September 9, 1970, at 10 a. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on petition, of Klondike Realty Corp., for the amendment of the Zoning Map, Section No. 26c, establishing within an existing R3-2 District, a C1-2 District bounded by Richmond Avenue, a line 300 feet north of Shiloh Street, Steinway Avenue and Nome Avenue, Borough of Richmond, as shown on a diagram dated August 12, 1970.

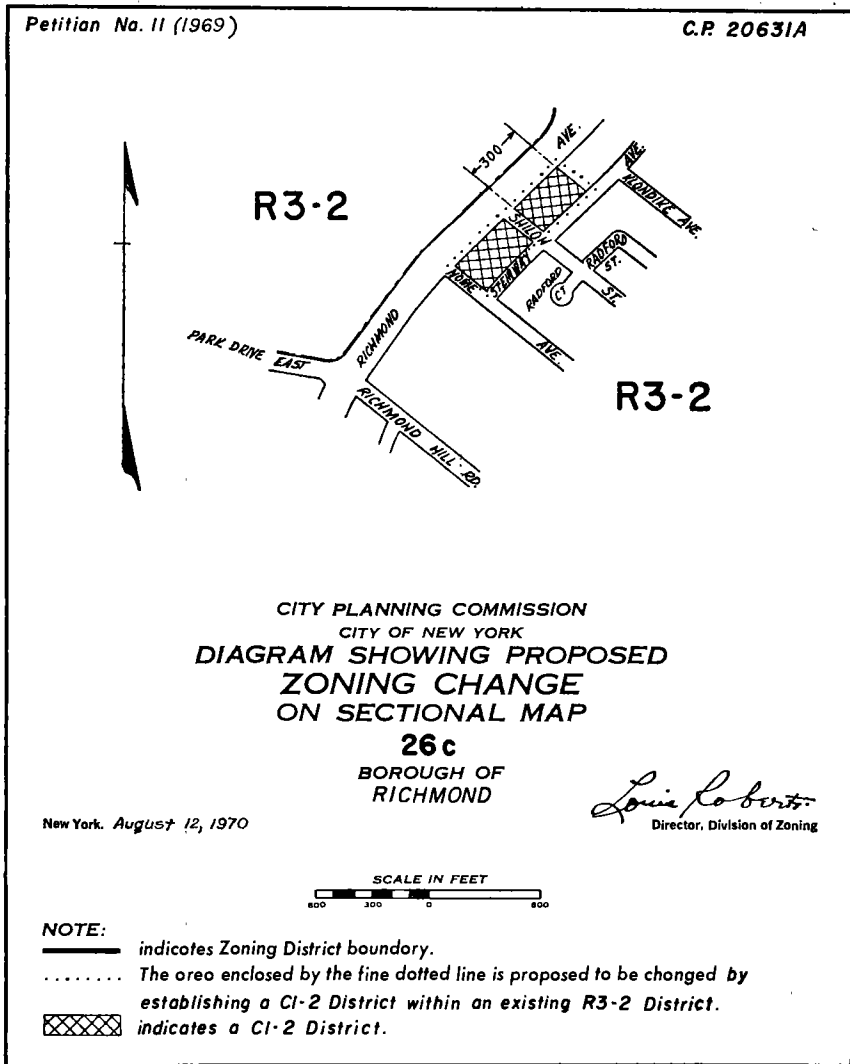
(See diagram on page 536.)

BOROUGH OF THE BRONX

No. 13

(CP-21325)

IN THE MATTER OF a zoning change, pursuant to Section 200 of the New York City Charter, involving an **amendment of the Zoning Map**, Section No. 3d, **changing from an M1-1 District to an R7-1 District** property bounded by **Webster**



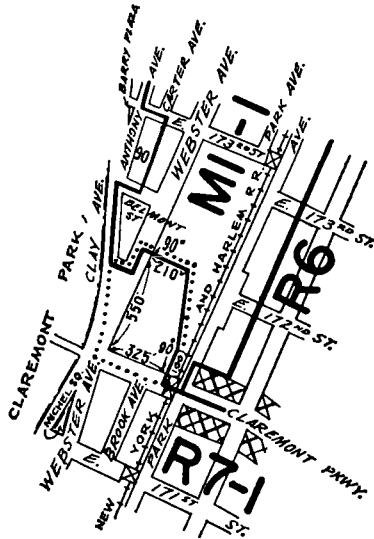
Avenue, a line 550 feet north of Claremont Parkway, a line passing through a point on the latter course 210 feet east of Webster Avenue and through another point 325 feet east of Webster Avenue and 100 feet north of Claremont Parkway, a line 325 feet east of Webster Avenue and Claremont Parkway, Borough of The Bronx.

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to Section 200 of the New York City Charter, hereby schedules Wednesday, September 9, 1970, at 10 a. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on amendment of the Zoning Map, Section No. 3d, changing from an M1-1 District to an R7-1 District property bounded by Webster Avenue, a line 550 feet north of Claremont Parkway, a line passing through a point on the latter course 210 feet east of Webster Avenue and through another point 325 feet east of Webster Avenue and 100 feet north of Claremont Parkway, a line 325 feet east of Webster Avenue and Claremont Parkway, Borough of The Bronx, as shown on a diagram dated August 12, 1970.

(See diagram on page 537.)

C.P. 21325



CITY PLANNING COMMISSION
 CITY OF NEW YORK
**DIAGRAM SHOWING PROPOSED
 ZONING CHANGE
 ON SECTIONAL MAP**

3d

BOROUGH OF
THE BRONX

New York, August 12, 1970

Louis Roberti
 Director, Division of Zoning



NOTE:

- indicates Zoning District boundary.
- The area enclosed by the fine dotted line is proposed to be changed from an MI-1 District to an R7-1 District.
- indicates a CI-4 District.

II. REPORTS

URBAN RENEWAL AND HOUSING

BOROUGH OF RICHMOND

No. 14

(CP-21175)

IN THE MATTER OF communication, dated March 18, 1970, from Local 2, United Federation of Teachers for Castleton Park Housing, Inc., submitting for **approval**, pursuant to Article II of the Private Housing Finance Law (Limited-Profit Housing Companies Law) of the State of New York, a **plan for a State-Aided Limited-Profit Cooperative Housing Project, designated as Castleton Park**, proposed

to be constructed on a portion of the block bounded by **Nicholas Street, Richmond Terrace, Stuyvesant Place, Hamilton Avenue and St. Marks Place**, Block 13, Lot 8, Borough of Richmond.

(On April 16, 1970, Cal. No. 331, the Board of Estimate referred this matter to the Commission; on June 24, 1970, Cal. No. 2, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 33, the hearing was closed.)

On motion, the following favorable report was adopted, receiving six affirmative votes, Walter McQuade, Commissioner, dissenting:

A State-aided project called Castleton Park, pursuant to Article 2 of the New York State Private Housing Finance Law, proposed to be constructed on a portion of the block bounded by Nicholas Street, Richmond Terrace, Stuyvesant Place, Hamilton Avenue and St. Marks Place, Block 13, Lot 8, Borough of Richmond. This project was referred to the City Planning Commission by the Board of Estimate on April 16, 1970 Cal. No. 331.

August 12, 1970.

The Castleton Park project provides for the construction of 454 apartments in two 19-story buildings. The site is about five acres located on a hill, overlooking Upper New York Bay, in the St. George section of Staten Island.

The development is expected to house approximately 1,500 people at a density of 300 persons per acre.

Apartment distribution is to be as follows:

Type of Unit	No. of Dwelling Units
0 bedrooms	6
1 bedroom	190
2 bedrooms	224
3 bedrooms	34

Monthly rentals per room are anticipated to be \$47.44 excluding utilities. Rent for a 4½ room, two bedroom apartment without balcony, would be about \$213 per month. Estimated equity per rental room is \$330.

The project would include a two story underground garage providing space for 389 cars and 65 outdoor parking spaces for a 100 per cent ratio of parking spaces to dwelling units. The development will include landscaped green areas with sitting and playground space.

The sponsor of the project is the United Federation of Teachers. It is proposed that a 95 per cent mortgage loan pursuant to Article 2 of the Private Housing Finance Law be provided. Request is made for 60 per cent exemption from real estate taxes on both land and improvements for a period of 30 years.

Community Facilities—

Schools—It is expected that the project will contribute between 100 and 120 students in grades K-4 and between 50 and 75 students in grades 5-8 to the areas public schools. Public School 16 at Victory Boulevard and Monroe Avenue is currently underutilized and could accommodate the students from the Castleton Park project. Intermediate School 27 at Forest Avenue and Clove Lake Place is currently overutilized, but Intermediate School 61 scheduled for completion in 1971-1972 at Castleton Avenue and Brighton Avenue would provide the additional capacity needed at the intermediate school level. Curtis High School is located immediately across the street.

Transportation—The site is four blocks from the Staten Island Ferry Terminal, the Staten Island Rapid Transit System, and bus lines serving all parts of the Island which originate at the ferry terminal. Several bus lines also are routed on Richmond Terrace in front of the site.

Health—The Richmond District Health Center and Child Health Center is one block away at Hamilton Avenue and Stuyvesant Place. Staten Island Hospital at Webster and Castleton Avenues about one mile away is accessible by bus.

Cultural—The St. George Library at Hyatt Street and Central Avenue, is three blocks away. The Staten Island Community College is accessible to the site. Also within walking distance is the Staten Island Institute of Arts and Sciences. Numerous landmark sites are located a short driving distance to the west of the site.

Recreational—In the five year Capital Improvement Plan for Richmond a park is planned one block away from the project site. The Curtis High School Field and Michael Mahoney Playground are within walking distance. Silver Lake Park which contains extensive recreational grounds is about a fifteen minute drive from the site. The beach-front and other parks are also conveniently accessible.

Shopping—There are a number of small commercial establishments including several

stores, restaurants and an automobile service station along Stuyvesant Place, south of Wall Street, about two blocks away.

Employment—The Staten Island Civic Center including City, State and Federal offices, as well as private office buildings, is close to the site.

Public Hearing—

On June 24, 1970, Cal. No. 2, the City Planning Commission scheduled a hearing on this item. The hearing was held on July 15, 1970, Cal. No. 33.

Speakers in favor of the project included representatives of the New York State Division of Housing and Community Renewal, the United Federation of Teachers and the Citizens Housing and Planning Council.

A representative of Community Planning Board No. 2 requested time to permit the Board to conduct hearings and prepare a statement for the Commission.

The Commission agreed not to consider this project prior to its August meeting and closed the hearing.

Subsequently, Planning Board No. 2 submitted a letter to the Commission expressing approval of the concept of Mitchell-Lama housing in its area; but expressing opposition to this particular project on the grounds of inadequacy of community facilities, traffic conditions and unsatisfactory design. The Planning Board also suggests specific improvements, called attention to general planning problems in the area, and noted unsatisfactory community consideration and lack of discussion with City agencies in the early design stages.

Consideration—

The Commission has given careful consideration to the matters brought to our attention by the local Planning Board, as well as to the concerns expressed by our own staff. The general planning problems relating to this section of Richmond, noted by the Planning Board, will be studied further as part of overall studies for Staten Island.

The site of this project provides a special opportunity for the development of outstanding attractive housing. It has commanding views of New York Bay, The Narrows and the Manhattan skyline. It is close to St. George Civic and Business Center, the ferry to lower Manhattan and the Narrows Bridge. It is within easy reach of Richmond's attractive recreational facilities and its new community college.

When this site was first submitted to the Planning Commission in July of 1967, we recognized the importance of the buildings both to the State Division of Housing and Community Renewal and to the future tenants, and gave preliminary site approval subject to three requirements which were communicated both to the sponsor and to the New York State Agency charged with overseeing the program under which this type of housing is financed. The requirements were: that additional land be added to the parcel; that there be a 100 per cent parking ratio; that the building be of a quality of design appropriate to this outstanding site.

The following month, September, 1967, the sponsor informed us he had not been able to acquire the additional land. We waived that requirement on practical necessity, but not the others.

In April of 1970, the final design, dated December 1968, was submitted to the Planning Commission with a request for approval. The result was disappointing. Our requirements had clearly not been met. The project was of standard design. Building placement did not take proper advantage of the site. We were informed that working drawings were under way and any necessity for redesign would not only delay the project, but—in a rising mortgage market—add considerably to the cost.

Faced with a desperate housing situation in New York City, we will approve this project, but under protest, and with the emphasis to both the sponsors and State administrative agencies that we will not tolerate further mishandling of opportunities to take advantage of unique sites in New York City, rather than simply filling them with standard housing.

Conclusion—

The Commission has reviewed the plans and material relating to the development. New housing in this area is appropriate and corresponds to the Land Use Plan for Richmond as found in the proposed Master Plan.

The Commission finds that the project meets the requirements of Section 26, Sub-division 1 (a) and 1 (d) of Article 2 of the New York State Private Housing Finance Law.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLENT, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

WALTER McQUADE, Commissioner, dissenting.

BOROUGH OF MANHATTAN

No. 15

(CP-21224)

IN THE MATTER OF communication, dated May 7, 1970, from the New York City Housing Authority, requesting approval, pursuant to Section 150 of the New York State Public Housing Law of a **Plan and Project for a Federally-aided public housing project tentatively designated as Site 4, within the West Side Urban Renewal Area**, on the westerly side of **Columbus Avenue between West 97th and West 96th Streets**, Block 1851, Lot 37, Borough of Manhattan.

On June 24, 1970, Cal. No. 3, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 34, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

A plan for a Federal-aided public housing project tentatively designated as Site 4 in the West Side Urban Renewal Area, Borough of Manhattan, proposed to be constructed on the westerly side of Columbus Avenue between West 97th and West 96th Streets, Block 1851, Lot 37 (740-754 Columbus Avenue, 101-109 West 96th Street and 100 West 97th Street). This Plan and Project was submitted to the Commission by the New York City Housing Authority on May 7, 1970.

August 12, 1970

The project would provide 264 apartments, about 108 of which are expected to be designed for occupancy by the elderly on a 0.93-acre site. It is anticipated that one building will be built with 26 residential stories. The project is expected to house about 900 people at a density of 975 persons per acre.

The Housing Authority would provide community facility space of about 4,400 square feet within the building.

Off-street parking would be provided in accordance with the requirements of the Zoning Resolution.

In a letter dated July 10, 1970, the Housing and Development Administration submitted a minor change in West Side Renewal Plan changing the land use of Site 4 from fully tax paying housing to community facility and public housing use. This minor change was approved by the Commission on August 10, 1970.

The housing project is to be built as part of an Educational Construction Fund project which will also include Public School 209. The school was approved by the Mayor on September 25, 1969.

Community Facilities—

Schools— It is anticipated that the housing development would contribute 66 students in grades K-4 and 40 students in grades 5-8 to public schools in the area.

Primary schools in the vicinity of the project at this time are slightly underutilized. Adequate school space will be available to provide for this development and other new housing planned or under construction in the area with the completion of this Educational Construction Fund project (P-209) and another planned Educational Construction Fund project (P-212). The site for P-212 at Amsterdam Avenue and West 100th Street was approved by the Site Section Board (SS-538) on September 23, 1969.

Intermediate schools in the area are currently overutilized. Removal of 9th grades to the high schools and their replacement by smaller 6th grades, should provide capacity adequate to serve the intermediate level student population.

*Transportation—*The AA and CC, IND line locals, stop at the 96th Street Station on Central Park West, one block from the project site. The IRT Broadway local and 7th Avenue express lines, stop at West 96th Street and Broadway two blocks from the project site. Bus lines are routed along all major avenues and crosstown along West 96th Street through Central Park.

*Health Facilities—*Mount Sinai Hospital on 5th Avenue and East 100th Street is available by bus as is St. Lukes Hospital at Amsterdam Avenue and East 114th Street.

*Recreation—*Central Park is one block east of the project site. Riverside Park is four blocks to the west. Various sitting areas and playgrounds are located throughout the West Side Urban Renewal Area.

*Cultural—*A branch of the New York Public Library system is located at West 100th Street and Amsterdam Avenue.

*Shopping—*Shopping facilities are available at West 97th Street and Columbus Avenue and West 100th Street and Columbus Avenue within the Park West Village development. Shops are also available to the project below 97th Street on Amsterdam and Columbus Avenues. Broadway, two blocks west, is a major retail street.

Public Hearing—

On June 24, 1970 the City Planning Commission scheduled a public hearing on this matter. The hearing was duly held on July 15, 1970.

Speakers in opposition to the project stated that the West Side Area contained a sufficient number of public housing developments and the construction of another was inappropriate. They also claimed that additional low income units would further aggravate the crime problem. Those opposing recommended that low and moderate income cooperative units be built on this site, so that tenants could own their own apartments.

Speakers in favor including the principal of P-179 cited the urgent necessity for a replacement facility for Public School 179, an obsolete building which cannot meet the educational needs of its students. While the proposed new school would not include a full-sized playground, community leaders and parents felt that park and playground facilities in the vicinity would be adequate substitutes.

Proponents also stated that the greatest need was for low rent housing on this site.

The Commission recognizes as did many speakers at the public hearing the urgent need for low rent housing particularly for the elderly and large families. This project would provide such housing on a site the Commission considers appropriate.

The development is to be built as an Educational Construction Fund project in conjunction with P-209, a needed replacement facility for obsolete P-179.

The Commission has been concerned with respect to the lack of more adequate playground space for this school. While the school will have a limited playground area, the site is too small to provide satisfactory play space immediately adjacent to the building. However, community leaders, the principal of P-179 and parents of school children testified at the public hearing that considering the availability of Central Park, only one block away, and other playgrounds in the neighborhood, and considering the urgent need for a new school building, the school as proposed would satisfactorily meet the needs of this community.

Findings and Approval—

The City Planning Commission finds that the plan and project of the New York City Housing Authority conforms to the Master Plan.

The City Planning Commission hereby approves pursuant to Section 150 of the Public Housing Law, the Plan and Project hereinbefore described and tentatively designated as Site 4 in the West Side Urban Renewal Area, Borough of Manhattan.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

No. 16

(CP-21255)

IN THE MATTER OF communication, dated May 29, 1970, from the Housing and Development Administration transmitting for **approval**, pursuant to Article V of the Private Housing Finance Law (Redevelopment Companies Law) of the State of New York, a **plan for a redevelopment project designated as St. Lucy's Apartments**, proposed to be located within the block bounded by **East 104th Street, 1st Avenue, East 103d Street and 2d Avenue**, Block 1675, Lot 11, Borough of Manhattan.

(On June 24, 1970, Cal. No. 4, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 35, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

A Plan for a redevelopment project, designated as St. Lucy's Apartments, within the Metro-North Urban Renewal Area pursuant to Article 5 of the Private Housing Finance Law of the State of New York proposed to be constructed within a part of the block bounded by East 104th Street, 1st Avenue, East 103d Street and 2d Avenue (Block 1675, Lot 11), Borough of Manhattan. This report is submitted to the Board of Estimate in response to its referral of July 23, 1970, Cal. No. 150.

August 12, 1970.

The project provides for the construction of 100 rental apartments in two 6-story buildings on a site of about 0.7 acre.

The estimated population of the buildings would be approximately 308 people with a corresponding population density of 443 persons per acre.

Apartment distribution is to be as follows:

Type of Unit	No. of Dwelling Units
0 bedrooms	4
one bedroom	42
two bedrooms	54
	<hr/> 100

The average rent is estimated at about \$36 per rental room, based upon a Federal 221(d)(3) below market interest rate mortgage. However, the sponsors have been directed by F.H.A. to convert financing to Section 236. This would result in a significant reduction in rentals.

Twenty per cent of the units are to be made available for families of low income under the Federal rent supplement program.

The project is to include a common sitting and play area in the rear of the buildings and laundry and storage facilities in the basements.

The development conforms to the land use plan for the Neighborhood Development (Urban Renewal) Plan approved by the City Planning Commission on November 20, 1968 (CP-20526).

Community Facilities—

Schools—The project is expected to contribute 35, K-4 students and 15, 5-8 students. The project is within the present service district of P-168 at East 104th Street across the street. Although this school is currently overutilized, construction of P-50 at the Franklin D. Roosevelt Drive and East 101st Street, plus eventual implementation of the 4-4-4 grade plan and concomitant removal of grades 5 and 6 from primary schools in the area will create sufficient primary school space to serve both this project and other proposed new housing in East Harlem.

Intermediate schools in the project area are also overutilized. Relief will be provided when Intermediate School 29, now under construction at East 94th Street and Park Avenue is completed. The additional capacity will be sufficient to serve new housing in the area.

Transportation—The 103d Street station of the Lexington Avenue IRT subway is two blocks from the housing site. Buses are routed north along 1st Avenue, south along 2d Avenue and crosstown on East 96th Street and East 106th Street.

Health Services—Metropolitan Hospital is located at 2d Avenue and East 99th Street and Mount Sinai Hospital at Madison Avenue and East 98th Street, both within walking distance of the site.

Recreation—Various recreational areas are to be developed as part of the Metro-North Neighborhood Development Project in the immediate area of the development site. Vest pocket parks and playgrounds are located nearby in George Washington Houses.

Central Park is about six blocks west of the project. The Franklin D. Roosevelt Drive promenade along the East River is within walking distance. The pedestrian bridge over the river at East 103d Street provides access to the park on Wards Island.

Shopping—Shopping facilities are located on the major avenues near the housing site.

Public Hearing—

On June 24, 1970 the City Planning Commission scheduled a public hearing on this matter. The hearing was held on July 15, 1970. There were no speakers and the hearing was closed.

Findings and Approval—

The City Planning Commission hereby finds that:

1. The plan and project, including provisions for height and bulk of structures, density of population and percentage of land coverage by structures conform to the purposes of the Redevelopment Companies Law of the State of New York (Article 5 of the Private Housing Finance Law) and to the Master Plan of The City of New York insofar as adopted. The density of population contemplated by the project bears appropriate relationship to the distribution of population in other parts of the City; and

2. Adequate provision has been made for commercial facilities appurtenant to the project. Existing and planned public facilities, planned street, public facilities, provisions for light and air and cultural and recreational facilities are adequate for the density of population contemplated by the project and conform to the purposes of the Redevelopment Companies Law (Article 5 of the Private Housing Finance Law).

The City Planning Commission hereby approves the plan for a redevelopment project on the site hereinbefore described in the Borough of Manhattan, and adopts the following resolution:

Resolved, That the City Planning Commission, pursuant to the provisions of Article 5 of the Private Housing Finance Law of the State of New York, after public hearing and due consideration, does hereby issue its unqualified certificate of approval of the plan for the Redevelopment Project designated as St. Lucy's Apartments submitted by M.S.B. Building, Inc. and transmitted to the Commission by the Housing and Development Administration on May 29, 1970.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

BROOUGH OF BROOKLYN

No. 17 (CP-21165)

IN THE MATTER OF communication, dated March 25, 1970, from the Regina Pacis Housing Corporation submitting for **approval**, pursuant to Article II of the Private Housing Finance Law (Limited-Profit Housing Companies Law) of the State of New York, a **plan for State-aided limited-profit rental housing project for the elderly designated as Regina Pacis**, proposed to be developed on the southerly portion of the block bounded by **24th Avenue, Cropsey Avenue, Bay 37th Street and Shore Parkway** (Block 6927, Lots 56, 58 and 155), Borough of Brooklyn.

(On June 24, 1970, Cal. No. 5, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 36, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

A Plan for a State-aided housing project to be known as Regina Pacis, pursuant to Article 2 of the New York State Private Housing Finance Law. It is proposed to be constructed on the southerly portion of the block bounded by 24th Avenue, Cropsey Avenue, Bay 37th Street and Shore Parkway (Block 6927, Lots 56, 58 and 155) Borough of Brooklyn. The Regina Pacis Housing Corporation submitted a project plan summary and financial estimates, together with a site plan and building plans revised to March 12, 1970. The project was referred to the City Planning Commission by the Board of Estimate on May 7, 1970, Cal. No. 77.

August 12, 1970.

The proposed project would provide rental housing for approximately 232 elderly persons in 166 units, excluding the superintendent's apartment, which are to be constructed in one 18-story building. The site is 37,303 square feet (.86 acres) in area and is currently owned by the sponsor.

The apartment distribution is to be as follows:

Type of Apartment	No. of Apartments
0 bedroom	100
1 bedroom	66
Superintendent's apartment	1
	167

The average rental per room is estimated to be \$51.37, excluding utilities.

A total of 7,706 square feet of community facility space is to be provided on the 1st, 2d and 18th floors. Most of this space (5,546 square feet) is to be located on the first floor and is to include a community room, library, medical offices, barber shop, meeting room and beauty parlor.

Outdoor parking spaces for 38 cars are to be provided at street level.

The site of the proposed project is within an R6 Zoning District. It is understood that the project will conform to the requirements of an R6 District and to the zoning requirements as proposed to be amended with respect to community facility space in housing projects for the elderly. An amendment to the Zoning Resolution, which would reduce the requirement for community space from 8 percent to 4 percent of the total floor area, is the subject of a separate report by this Commission (CP-21247, August 12, 1970). Approval of the project in its present form is subject to the approval of this amendment by the Board of Estimate.

Community Facilities—

*Shopping—*Neighborhood shopping facilities are available a few blocks from the project site on the westerly side of Shore Parkway.

*Transportation—*The West End Line of the BMT subway has an express station located at 25th Avenue and 86th Street, five blocks from the project site.

Bus lines are routed on Bath Avenue and Bay Parkway.

*Health—*Coney Island Hospital is located approximately two miles from the project site.

*Recreation—*Bensonhurst Park is approximately one-half of a mile away.

Public Hearing

On June 24, 1970, the City Planning Commission scheduled July 15 as the date for a public hearing on this matter. On July 15 the hearing was duly held. There were no appearances and the hearing was closed.

Findings and Approval—

The Commission has reviewed the plans and material relating to the Regina Pacis development. The proposed site is an appropriate location for housing for the aged.

The Commission finds that the project meets the requirements of Section 26, subdivision 1(a) and 1(d) of Article 2 of the New York State Private Housing Finance Law.

The City Planning Commission hereby approves, pursuant to Article 2 of the New York State Private Housing Finance Law, the plan for the proposed project to be known as Regina Pacis in the Borough of Brooklyn on the site hereinbefore described.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

No. 18

(CP-21202)

IN THE MATTER OF communication, dated April 20, 1970, from the Housing and Development Administration, submitting for **approval**, pursuant to Article 15 of the General Municipal Law of the State of New York, an **Amended Urban Renewal Plan for the Atlantic Terminal Urban Renewal Project** in the area bounded generally by **Vanderbilt Avenue, Pacific Street, 4th Avenue, Atlantic Avenue**, 3d Avenue, State Street, the westerly line of Lots 23 and 24 in Block 174, Flatbush Avenue, Lafayette Avenue, Ashland Place, Hanson Place and **Greene Avenue**, Borough of Brooklyn.

The Amended Plan calls for the acquisition of the following additional property: Property on the westerly side of South Portland Avenue between Hanson Place and Atlantic Avenue, Block 2003, Lots 45, 46, 47, 48 (158-164 South Portland Avenue).

(On April 29, 1970, Cal. No. 4, the Commission scheduled May 13, 1970, for a hearing; on May 13, 1970, Cal. No. 28, the hearing was closed.)

On motion, the following favorable report, as modified, was unanimously adopted: *An Amended Urban Renewal Plan for the Atlantic Terminal Urban Renewal Area, pursuant to Article 15 of the General Municipal Law of the State of New York and Title I of the Housing Act of 1949, as Amended. This Amended Plan was submitted to the City Planning Commission on April 20, 1970, by the Housing and Development Administration.**

August 12, 1970.

The amended plan supersedes the plan approved by the City Planning Commission on June 12, 1968 (CP-20324, Cal. No. 8). On March 13, 1963 (CP-17760) and June 12, 1968 (CP-20320) the Commission designated the Atlantic Terminal Area as Appropriate for Urban Renewal.

The amended plan as submitted provides for the following modifications:

1. Acquisition of four additional lots—Property on the westerly side of South Portland Avenue between Hanson Place and Atlantic Avenue, Block 2003, Lots 45, 46, 47, 48 (158-164 South Portland Avenue).

2. Revision of the street system to provide streets between South Elliott Place and South Portland Avenue within parcels 2 and 3 instead of originally proposed cul-de-sacs, for more efficient traffic circulation.

3. Revision of land use designation—

Parcel 4 use is changed from residential to residential/institutional to provide for the construction of three grade schools as well as housing.

Parcel 9 use is changed from industrial to institutional to provide for the construction of the new Brooklyn High School.

4. Air Rights: Appropriate language has been added to the Plan to provide for acquisition of air rights as an eligible project cost. It is anticipated that acquisition of air rights will be necessary to provide for Bernard Baruch College and the High School.

*The Housing and Development Administration submitted the following documents comprising the Amended Plan:

1. Amended Atlantic Terminal Urban Renewal Plan, revised to April 1, 1970.
2. Boundary Map, revised to April 1, 1970.
3. Land Use Plan, revised to April 1, 1970.

Public Hearing—

On April 29, 1970, Cal. No. 4, the City Planning Commission scheduled a Public Hearing on this matter.

The hearing was duly held on May 13, 1970, Cal. No. 28.

Speakers in opposition to the amended plan included representatives of the Atlantic Terminal Community Liaison Committee, the State Assemblyman from the 52d Assembly District and residents of the local community.

Controversy centered on the proposal to acquire four additional lots along South Portland Avenue. It was contended that these residences are well maintained in good condition and should not be demolished. It was suggested that time be given to develop an alternative plan permitting the preservation of the four buildings.

Speakers in favor of the amended plan included representatives of the Housing and Development Administration, the Fort Greene Non-Profit Improvement Corporation and members of the community.

Those in favor of the proposal stated that delay in the relocation of the Fort Greene Meat Market made it necessary to shift Stage I housing to a portion of Parcel 2 along four lots would create a feasible site for the 200 units of housing planned for early construction in this part of the renewal area as a relocation resource.

After reviewing the testimony at the public hearing the Commission agreed that every effort should be made to preserve these four buildings with respect to which the community made strong objections. The Housing and Development Administration restudied the site and concluded that it would be feasible to develop the proposed 200 housing units at this location and eliminate the four buildings in question as well as the previously proposed street between South Elliott Place and South Portland Avenue. In a letter dated July 17, 1970, the Housing and Development Administration agreed to these modifications of the plan.

The amended urban renewal plan for the Atlantic Terminal Area is therefore hereby amended as follows:

1. Acquisition of Lots 45, 46, 47, 48 within Block 2003 is eliminated.

2. The proposal for a street between South Elliott Place and South Portland Avenue is eliminated, replacing it with the cul-de-sac on South Elliott Place provided in the original urban renewal plan dated May 15, 1968.

The plan provides for a number of institutional sites between Atlantic Avenue and Pacific Street. It is understood that Site 7, between 5th and 6th Avenues, and Site 8 between 6th and Carlton Avenues are to be used as part of the site for Baruch College, and that Site 9, between Carlton and Vanderbilt Avenues is to be utilized for new Brooklyn High School. Our approval of this plan is based on the understanding that additional property is to be obtained for the high school, so that it may have its own separate athletic field.

Findings and Approval

The City Planning Commission finds that the proposed amended urban renewal plan as modified is an appropriate plan for the area involved.

The City Planning Commission hereby certifies that the Amended Urban Renewal Plan as modified for the Atlantic Terminal Urban Renewal Area complies with the provisions of Section 502, Article 15 of the General Municipal Law of the State of New York and conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives.

The Commission certifies that the amended urban renewal plan as modified is in conformity with the findings and designation of the Atlantic Terminal Urban Renewal Area under Section 504, Article 15 of the General Municipal Law as adopted by the City Planning Commission on March 13, 1963 and June 12, 1968 (CP-17760, Cal. No. 3 and CP-20320, Cal. No. 7).

The City Planning Commission hereby certifies its unqualified approval of the amended urban renewal plan as modified for the Atlantic Terminal Urban Renewal Area, pursuant to Section 505, Article 15 of the General Municipal Law of the State of New York as submitted by the Housing and Development Administration on April 20, 1970.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

No. 19

(CP-21261)

IN THE MATTER OF: (1) **Designation** pursuant to Section 504, Article 15 of the General Municipal Law of the area generally bounded by Myrtle Avenue, Prince Street, Fair Street, Fleet Place, Willoughby Street, DeBevoise Place, DeKalb Avenue, Ashland Place, Fulton Street, Lafayette Avenue, Schermerhorn Street, Nevins Street, Livingston Street, Hanover Place, Fulton Street, Albee Square, Willoughby Street and Flatbush Avenue Extension, Borough of Brooklyn as an **Urban Renewal Area (Brooklyn Center Urban Renewal Area)**.

(2) **Adoption**, pursuant to Section 197 of the City Charter, of a modification of the Master Plan of Sections Containing Areas Suitable for Development and Redevelopment comprising the addition of new Section BN-36, a Section Containing Predominantly Non-Residential Areas Characterized by Blight and Suitable for Clearance, Replanning, Reconstruction or Rehabilitation for Predominantly Non-Residential use comprising the area hereinbefore described, Borough of Brooklyn.

(On June 24, 1970, Cal. No. 6, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 37, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

- (1) *Designation, pursuant to Section 504, Article 15 of the General Municipal Law of the area generally bounded by Myrtle Avenue, Prince Street, Fair Street, Fleet Place, Willoughby Street, DeBevoise Place, DeKalb Avenue, Ashland Place, Fulton Street, Lafayette Avenue, Schermerhorn Street, Nevins Street, Livingston Street, Hanover Place, Fulton Street, Albee Square, Willoughby Street and Flatbush Avenue Extension, Borough of Brooklyn as an Urban Renewal Area (Brooklyn Center Urban Renewal Area).*
- (2) *Adoption, pursuant to Section 197 of the City Charter, of a modification of the Master Plan of Sections Containing Areas Suitable for Development and Redevelopment comprising the addition of new Section BN-36, a Section Containing Predominantly Non-Residential Areas Characterized by Blight and Suitable for Clearance, Replanning, Reconstruction or Rehabilitation for Predominantly Non-Residential use comprising the area hereinbefore described, Borough of Brooklyn.*
- This action supersedes all previous designations relating to this area.*

August 12, 1970

The proposed designation and Master Plan modification are intended to provide for the Brooklyn Center Urban Renewal Project—an industrial, institutional, and commercial renewal plan submitted by the Housing and Development Administration. The project provides for the renewal of a 40-acre deteriorating area in Downtown Brooklyn, and is designed to: strengthen and expand the commercial and retail core by improving the shopping and working environment; provide major additional areas for the expansion of office space; assist expansion of Downtown Brooklyn educational and cultural institutions and provide new open space; provide additional manufacturing areas for existing manufacturers; rationalize the circulation system in the commercial-retail area; create a lively, safe environment for pedestrians; and achieve a desirable, consistent level of contemporary architectural design throughout the area.

The urban renewal plan notes the following types of deficiencies which presently and adversely affect economic conditions in the project area, and which thus necessitate the comprehensive nature of the plan:

- a. Vacant and underutilized commercial properties and loft space on Flatbush Avenue.
- b. Traffic bottlenecks along Flatbush Avenue.
- c. Incompatible scattered residential dwellings over businesses.
- d. Deteriorated vacant buildings, poor building maintenance resulting in litter and refuse on Fair Street, Prince Street and Lafayette Avenue, the existence of which constitutes a negative influence on adjacent properties impairing their economic soundness and stability, thereby threatening the source of public revenue.
- e. Abandoned, obsolete and unsanitary structures on Fulton Street and Rockwell Place.
- f. Inadequate commercial uses in converted residential buildings.
- g. Incompatible uses as a result of nonconforming uses and unplanned, uncontrolled commercial development.
- h. Multiplicity of ownership which inhibits proper assemblage and development of land.
- i. Multiplicity of unplanned parking lots in area, contributing to poor traffic conditions.
- j. Very poor traffic and pedestrian circulation in area.

Sections of this area, north of DeKalb Avenue and east of Flatbush Avenue Extension were previously included in Section BN6 of the Master Plan of sections containing areas suitable for development and redevelopment (CP-14582, April 22, 1959). The present action supersedes the previous actions with respect to this area.

On June 24, 1970, the City Planning Commission scheduled a public hearing on these matters, which was duly held on July 15, 1970. Statements made at these hearings and a discussion of the issues raised are included in the Commission's report on the urban renewal plan (CP-21262, August 12, 1970).

Findings and Approval—

The City Planning Commission finds that the area generally bounded by Myrtle Avenue, Prince Street, Fair Street, Fleet Place, Willoughby Street, DeBevoise Place, DeKalb Avenue, Ashland Place, Fulton Street, Lafayette Avenue, Schermerhorn Street, Nevins Street, Livingston Street, Hanover Place, Fulton Street, Albee Square, Willoughby Street and Flatbush Avenue Extension, Borough of Brooklyn, is an area appropriate for urban renewal.

The City Planning Commission hereby designates, pursuant to Section 504, Article 15 of the General Municipal Law of the State of New York, the hereinbefore described area as an area appropriate for urban renewal. The Commission recommends that the reuse of the area be predominantly commercial and industrial.

The City Planning Commission, pursuant to Section 197 of the New York City Charter, hereby adopts a modification of the Master Plan of sections containing areas suitable for development and redevelopment, comprising the addition of new Section BN-36, a section containing predominantly non-residential areas characterized by blight and suitable for clearance, replanning, reconstruction or rehabilitation for predominantly non-residential use, comprising the hereinbefore described area, Borough of Brooklyn.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLENLANT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

No. 20

(CP-21262)

IN THE MATTER OF communication, dated June 15, 1970, from the Housing and Development Administration requesting approval, pursuant to Article 15 of the General Municipal Law (Urban Renewal Law) of the State of New York of an **Urban Renewal Plan for the Brooklyn Center Area, generally bounded by Myrtle Avenue, Prince Street, Fair Street, Fleet Place, Willoughby Street, De Bevoise Place, De Kalb Avenue, Ashland Place, Fulton Street, Lafayette Avenue, Schermerhorn Street, Nevins Street, Livingston Street, Hanover Place, Fulton Street, Albee Square, Willoughby Street and Flatbush Avenue Extension**, Borough of Brooklyn.

(On June 24, 1970, Cal. No. 7, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 38, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

Urban Renewal Plan for the Brooklyn Center Urban Renewal Area, pursuant to Article 15 of the General Municipal Law (Urban Renewal Law), submitted by the Housing and Development Administration on June 15, 1970.

August 12, 1970.

The Brooklyn Center Renewal Plan provides for the renewal of a deteriorating area in Downtown Brooklyn, located on both sides of Flatbush Avenue from Lafayette Avenue to Myrtle Avenue, as an unassisted urban renewal project.

The plan is designed to provide for the revitalization and redevelopment of the area; strengthen and expand the commercial and retail core by improving the shopping and working environment; provide major additional areas for the expansion of office space; assist expansion of Downtown Brooklyn educational and cultural institutions and provide new open space; provide additional manufacturing areas for existing manufacturers; rationalize the circulation system in the commercial-retail area; create a lively, safe environment for pedestrians; and achieve a desirable, consistent level of contemporary architectural design throughout the area.

The renewal area comprises approximately 40 acres, bounded by Myrtle Avenue, Prince Street, Fair Street, Fleet Place, Willoughby Street, DeBevoise Place, DeKalb Avenue, Ashland Place, Fulton Street, Lafayette Avenue, Schermerhorn Street, Nevins Street, Livingston Street, Hanover Place, Fulton Street, Albee Square, Willoughby Street, and Flatbush Avenue Extension, Borough of Brooklyn.

The first phase of the project is to be completed within the next ten years and will be privately financed and constructed. It will include new retail stores, offices, and industrial space in a unified design including a pedestrian mall over Flatbush Avenue connecting the existing Fulton Street shopping district to the west with the new development east of Flatbush Avenue.

The following parcels will be acquired in Phase I:

Block	Lot	Block	Lot
2095	1	149	25
2095	9	149	24
2095	10	149	23
2095	16	149	22
2095	25	149	21
2095	26	149	20
2095	27	149	19
2095	28	149	17
2095	29	149	15
2095	38	149	14
2095	39	149	50
2095	40	2093	56
2095	42	2093	1
2095	43	162	6
2095	45	162	5

Block	Lot	Block	Lot
2095	53	162	3
2095	57	162	1
2095	59	2106	1
2107	1	2106	4
2107	2	2106	5
2107	15	2106	6
2107	24	2106	7
2107	30	2106	9
2107	41	2106	16
2107	40	2106	19
161	18	2106	40
161	43	2106	26
161	47	2106	29
161	50		

Structures on all acquired parcels will either be rehabilitated or demolished and replaced by new construction for commercial, industrial, institutional, and public purposes. Vacant land will be improved for similar use.

The following properties are to be acquired in Phase II of the Urban Renewal Plan:

Block	Lot	Block	Lot
2060	22	161	1
2060	23	161	3
2060	24	161	64
2060	25	161	63
2060	26	161	62
2060	27	161	61
2060	32	161	60
2060	34	161	59
2060	36	161	58
2060	122	161	57
		161	56
2062	1	161	55
2062	3	161	54
2062	5	161	53
2062	6	161	52
2062	17	161	50
2062	18	161	37
2062	19	161	27
2062	21	161	33
2062	23	161	30
2062	24		
2062	25	2108	17
2062	26	2108	18
		2108	19
149	12	2108	20
149	49	2108	21
		2108	25
2079	21		
		2109	1
2080	1	2109	5
2080	5	2109	6
2080	13	2109	7
		2109	8
149	26	2109	9
149	30	2109	10
149	31	2109	11
149	32	2109	12
149	33		
149	34		
167	16		
167	26		

Block	Lot	Block	Lot
167	27		
167	28		
167	36		
2084	26		
2084	31		

The following parcels within the boundaries of the renewal area are not to be acquired:

Block	Lot
2094	1, 35
2107	36
167	1, 2, 3, 8, 9, 13, 15, 42, 50, 51, 52 and 53
149	1

On June 24, 1970, Cal. Nos. 6 and 7, the City Planning Commission scheduled hearings on the plan and on the urban renewal designation and master plan modification for the area. The hearings were duly held on July 15, 1970.

Speakers in favor of the proposed plan included the Economic Development Administrator of New York City, the Commissioner of the Department of Commerce and Industry, representatives of the Downtown Brooklyn Business Corporation, the Kings County Boards of Trade, Inc., Brooklyn Academy of Music, the Brooklyn Chamber of Commerce, Brooklyn Civic Council, the Citizens Housing and Planning Council, and Long Island University.

A State assemblyman and the Chairman of Community Planning Board No. 2 requested that the Commission delay decision in this matter until the community could hold a meeting to discuss the plan.

Local businessmen and residents spoke in opposition, contending that the community had not received adequate information and had not had time to study the plan; that local residents and businessmen were not adequately involved in the plan; that local residents were not being served and that jobs created would not be for them; that the pedestrian bridge would cause crime and would make the ground floor level of an adjacent existing commercial development useless; and that the renewal area should be enlarged. A representative of a warehouse in the renewal area requested that the plan be changed to exclude that property.

Community Planning Board No. 2 held meetings on the plan on July 29, 1970 and on August 10, 1970. At the latter meeting the Board approved the Brooklyn Center Plan and made a number of recommendations. The Economic Development Administration has discussed these recommendations with the Board and will communicate further with the Community Planning Board with reference to effectuating those recommendations which are feasible.

In response to the concerns expressed by the Community Planning Board and residents of the local area, the Commission affirms and will seek to strengthen the residential character of the Fort Greene area. It is our intention to have our staff undertake a comprehensive study of the Fort Greene area with the participation of representative community groups. We shall review the present zoning and recommend adjustments which may be necessary. Particular attention will be given to the two blocks adjacent to the Academy of Music on St. Felix Street and Fort Greene Place between Hanson Place and Lafayette Avenue and to the feasibility of action to assist in the renovation of the so-called "strip"—the blockfront of rundown buildings occupied by a number of bars on Lafayette Avenue between Fort Greene Place and South Elliott Place.

Opposition by Downtown Brooklyn retailers related to the second level mall concept, which it was contended would create a dark, dangerous street level situation. Business representatives of both the Downtown Brooklyn Association and the Downtown Brooklyn Development Committee have met with the architects of Phase I of the project, who recommended a design treatment of the bridges which has satisfied the objections. In addition, the Brooklyn Office of Planning will continue to review the plans for the project as they are presented by the developer. The business representatives have been assured that strict design controls will be enforced on the bridge design.

The Brooklyn Center Urban Renewal area is intended to be a major step in the program of the City to improve Downtown Brooklyn. It will replace a decayed, under-utilized commercial area with a revitalized commercial, industrial, and institutional complex adding new job training and career opportunities, businesses, and community facilities to the Borough's Downtown area. Existing businesses in the area will be given preferences in the renewed area. It will allow for growth of minority enterprises and

local contractors will be given preference in the renewal work. In the lease agreements with potential tenants in the first phase of the project will be clauses requiring job training and career ladder opportunities.

The City Planning Commission endorses this project as the first of a series of steps in the process of revitalizing Downtown Brooklyn, which will bring important benefits to the surrounding areas as well as the City as a whole.

Findings and Approval—

The City Planning Commission finds that the proposed urban renewal plan is an appropriate plan for the area involved.

The City Planning Commission hereby certifies that the urban renewal plan for the Brooklyn Center Urban Renewal Area complies with the provisions of Section 502, Article 15 of the General Municipal Law of the State of New York and conforms to the comprehensive Community Plan for the development of the municipality as a whole and is consistent with local objectives.

The Commission hereby certifies that the urban renewal plan, is in conformity with the findings and designation of the Brooklyn Center Urban Renewal Area under Section 504, Article 15 of the General Municipal Law as adopted by the City Planning Commission on August 12, 1970, CP-21261.

The City Planning Commission hereby certifies its unqualified approval of the urban renewal plan for the Brooklyn Center Renewal Area pursuant to Section 505, Article 15 of the General Municipal Law of the State of New York.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

ASSIGNMENT

BOROUGH OF THE BRONX

No. 21

(CP-21277)

COMMUNICATION, dated April 1, 1970, from the Commissioner, Department of Water Resources requesting the **assignment of City-owned property located at Westchester Creek between Bruckner Expressway and Quimby Avenue** (Block 3706, Lot 20), Borough of The Bronx, **for the rebuilding of the East Bronx Repair Yard.**

(On April 18, 1970, Cal. No. 154, the Committee on Acquisition and Disposition of City Property of the Board of Estimate referred this matter to the Commission.)

On motion, the following favorable report was unanimously adopted:

Assignment of property at Westchester Creek between Bruckner Expressway and Quimby Avenue (Block 3706, Lot 20), to the Department of Water Resources for the rebuilding of the East Bronx Repair Yard. Assignment of the site was requested by the Commissioner, Department of Water Resources, in a communication dated April 1, 1970. This matter was referred to the City Planning Commission by the Committee on Acquisition and Disposition of City property on April 8, 1970, Cal. No. 154.

August 12, 1970.

The property to be assigned is an irregularly shaped parcel extending 207 feet on Westchester Creek and approximately 38 feet on the Bruckner Expressway and Quimby Avenue. The desired parcel is necessary because a portion of the East Bronx Repair Yard (Part of Lot 1 in the same block) was taken for the construction of the Bruckner Expressway. The building in which offices, shops, storage facilities and locker rooms are housed is to be demolished and replaced by a new building. The addition of the requested lot will therefore afford a more efficient operation of the repair yard.

consideration (Block 3706, Lot 20), to the Department of Water Resources as an addition to the East Bronx Repair Yard be approved.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

LANDMARKS PRESERVATION

BOROUGH OF MANHATTAN AND BROOKLYN

No. 22

(CP-21311)

COMMUNICATION, dated July 21, 1970, from the Landmarks Preservation Commission forwarding pursuant to Section 207-2.0 of the Administrative Code, a

list of five Landmarks and Landmark Sites designated by the Landmarks Preservation Commission as follows:

1. **CARTIER, INC.** (formerly the Morton F. Plant House), 651-653 Fifth Avenue, including 4 East 52d Street, Borough of Manhattan.
2. **BOWLING GREEN FENCE**, Bowling Green Park, Borough of Manhattan.
3. **313 EAST 58th STREET HOUSE**, Borough of Manhattan.
4. **DUNBAR APARTMENTS**, 149th Street to 150 Street, between 7th Avenue and 8th Avenue, Borough of Manhattan.
5. **440 CLINTON STREET HOUSE**, Borough of Brooklyn.

Communication, dated July 21, 1970, from the Acting Secretary of the Board of Estimate, transmitting these matters to the City Planning Commission for reports. On motion, the following report was unanimously adopted:

Report pursuant to Section 207-2.0 of the Administrative Code on five landmarks and landmark sites designated by the Landmarks Preservation Commission in the Boroughs of Manhattan and Brooklyn.

August 12, 1970.

On July 21, 1970, the Acting Secretary of the Board of Estimate transmitted to the City Planning Commission for report, pursuant to Section 207-2.0 of the Administrative Code, a communication dated July 21, 1970, from the Landmarks Preservation Commission submitting a list of five landmarks and landmark sites designated on July 14, 1970 by the Landmarks Preservation Commission.

Under Section 207-2.0 of the Administrative Code the City Planning Commission is required to report to the Board of Estimate with respect to the relation of designations by the Landmarks Preservation Commission to the Master Plan, the Zoning Resolution, projected public improvements and any plans for the renewals of the area involved.

The following is the report of the City Planning Commission on the five landmarks and landmark sites designated by the Landmarks Preservation Commission on July 14, 1970.

LANDMARKS AND LANDMARK SITES

Borough of Manhattan

1. Cartier, Inc. (formerly the Morton F. Plant House), 651-653 5th Avenue, including 4 East 52d Street, Borough of Manhattan (LP-0271).

Landmark site—Tax Map Block 1287, Lot 69 in part, consisting of a parcel beginning on the southeast corner of 5th Avenue and East 52d Street, with a frontage of about 50 feet on 5th Avenue (known as 651-53 5th Avenue), thence easterly from said corner 130 feet on the southerly side of East 52d Street (known as 2 & 4 East 52d Street) to a point, thence southerly about 35 feet to a point, thence westerly about 99 feet to a point, thence southerly about 15 feet to a point, thence westerly about 30 feet to the east side of 5th Avenue.

This site is located in a C5-3 Zoning District.

This site is not affected by the Master Plan so far as adopted, projected public improvements or any plans for the renewal of the area involved.

2. Bowling Green Fence, Bowling Green Park, Borough of Manhattan (LP-0548).
Landmark site—Borough of Manhattan Tax Map, Block 12, Lot 28 in part, consisting of the land on which the described improvement is situated.

Since the Bowling Green Fence is located within a mapped park, it is not zoned.

The Bowling Green Fence is located in an area where extensive subway improvements are proposed. The Transit Authority informs the proposed subway station improvement at Bowling Green will provide for the preservation and restoration of the fence as part of the contract work involved.

Except as is noted above, this site is not affected by the Master Plan so far as adopted, projected public improvements or any plans for the renewal of the area involved.

3. 313 East 58th Street House, Borough of Manhattan (LP-0584).

Landmark site—Borough of Manhattan Tax Map, Block 1351, Lot 6.

This site is located in an R8 Zoning District. The site is located near an approach to the Queensboro Bridge. A study is now under way for improvement of the bridge approaches. However, it is not anticipated that this improvement would affect the proposed landmark.

Except as noted above, this site is not affected by the Master Plan so far as adopted, projected public improvements or any plans for the renewal of the area involved.

4. Dunbar Apartments, 149th Street to 150th Street, between 7th Avenue and 8th Avenue, Borough of Manhattan (LP-0708).

Landmark site—Borough of Manhattan Tax Map, Block 2035, Lot 1.
This site is located in R7-2 and C1-4 Zoning Districts.
This site is not affected by the Master Plan so far as adopted, projected public improvements or any plans for the renewal of the area involved.

Borough of Brooklyn

5: 440 Clinton Street House, Borough of Brooklyn (LP-0628).
Landmark site—Borough of Brooklyn Tax Map, Block 355, Lot 22.
This site is located in an R6 Zoning District.

This site is not affected by the Master Plan so far as adopted, projected public improvements or any plans for the renewal of the area involved.

This report on the five landmarks and landmark sites designated by the Landmarks Preservation Commission on July 14, 1970 is hereby submitted to the Board of Estimate pursuant to Section 207-2.0 of the Administrative Code.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

CITY MAP CHANGES

BOROUGH OF MANHATTAN

No. 23

(CP-21226)

IN THE MATTER OF communication, dated May 13, 1970, from the President, Borough of Manhattan, submitting map (Acc. No. 29990) showing a **change in the street system by adjusting the dimensions in the block bounded by Broome Street, Essex Street, Delancey Street and Norfolk Street**, Borough of Manhattan.

(On May 21, 1970, Cal. No. 123, the Board of Estimate referred this matter to the Commission; on June 24, 1970, Cal. No. 8, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 40, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

A map adjusting the dimensions in the block bounded by Broome Street, Essex Street, Delancey Street and Norfolk Street, Borough of Manhattan. The modifications are detailed on Map Acc. No. 29990, signed by the Borough President and dated May 12, 1970. This report is submitted to the Board of Estimate in response to its reference of May 21, 1970, Cal. No. 123.

August 12, 1970.

The map relates to one block in the Lower East Side section of the Borough and provides for correcting certain block dimensions and angles within the block. The adjustments of the block dimensions are the result of a more accurate determination obtained from a recent survey in connection with the proceedings to acquire title for the Seward Park Extension Houses. No actual change in the street lines is intended by these adjustments.

On June 24, 1970, Cal. No. 8, the City Planning Commission scheduled a public hearing on the map change. The hearing was duly held on July 15, 1970, Cal. No. 40. There were no appearances and the hearing was closed.

The Commission considers that the proposed map change, designed to adjust block dimensions and angles in the area under consideration constitutes an appropriate modification of the City Map.

Therefore, the Commission recommends to the Board of Estimate that the map change under consideration be adopted.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

BOROUGH OF BROOKLYN

No. 24

(CP-21227)

IN THE MATTER OF communication, dated May 11, 1970, from the President, Borough of Brooklyn, transmitting Map No. Y-2055 **eliminating the lines of Bay 41st Street from Shore Parkway** to a point about 1,383 feet **southwesterly therefrom**, Borough of Brooklyn.

(On May 21, 1970, Cal. No. 124, the Board of Estimate referred this matter to the Commission; on June 24, 1970, Cal. No. 11, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 43, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

August 12, 1970

A map eliminating the lines of Bay 41st Street from Shore Parkway to a point about 1383 feet southwesterly therefrom, Borough of Brooklyn. The modifications are detailed on Map No. Y-2055, signed by the Borough President and dated May 18, 1970. This report is submitted to the Board of Estimate in response to its reference of May 21, 1970, Cal. No. 124.

August 12, 1970.

The map provides for eliminating the lines of Bay 41st Street from Shore Parkway to a point about 1,383 feet southwesterly therefrom in order to consolidate the major portion of the street area with the southwest Brooklyn incinerator plant abutting the northerly side of the street. The balance of the street area is owned by the abutting owner on the southerly side.

The street is not needed for traffic or frontage purposes, and its elimination appears unobjectionable. The map change was requested by the Department of Sanitation so as to reduce security problems on the site, as well as to provide greater flexibility in the redesign of any expanded facilities thereon.

The owner abutting the southerly side of the street participated in the request so as to facilitate expansion of existing waterfront development.

On June 24, 1970, Cal. No. 11, the City Planning Commission scheduled a public hearing on the map change. The hearing was duly held on July 15, 1970, Cal. No. 43. There were no appearances and the hearing was closed.

The Commission considers the map change which proposes to eliminate unnecessary street area, to be an appropriate modification of the City Map and recommends to the Board of Estimate that the map change under consideration be adopted.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GAL-LENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

BOROUGH OF THE BRONX

No. 25

(CP-20563)

IN THE MATTER OF communication, dated November 25, 1968, from the President, Borough of The Bronx, submitting map showing the **elimination of a portion of Anthony J. Griffin Place from East 144th Street to a point approximately 287 feet northerly** therefrom, and the layout of a cul-de-sac and the layout of a sewer easement from East 144th Street to a point approximately 278 feet northerly therefrom and the adjustment of grades necessitated hereby, Borough of The Bronx.

(On December 5, 1968, Cal. No. 95, the Board of Estimate referred this matter to the Commission; on January 15, 1969, Cal. No. 20, the Commission scheduled January 29, 1969, for a hearing; on January 29, 1969, Cal. No. 35, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

A map eliminating a portion of Anthony J. Griffin Place from East 144th Street to a point approximately 287 feet northerly therefrom; laying out a turnaround at the remaining portion; and establishing a sewer easement easterly of and within a portion of the eliminated street, Borough of The Bronx. The modifications are detailed on Map No. 11815, signed by the Borough President and dated November 25, 1968. This report is submitted to the Board of Estimate in response to its referral of December 5, 1968, Cal. No. 95.

August 12, 1970.

The map provides for eliminating a portion of Anthony J. Griffin Place from East 144th Street to a point approximately 287 feet northerly therefrom and establishing an eccentric turnaround at the terminus of the remaining portion of the street extending southerly of East 149th Street.

The map also delineates a 30 foot wide sewer easement easterly of and within a portion of the eliminated street. The easement is required for the operation and maintenance of a 12-inch combined sewer flowing southerly.

The modifications in grade are occasioned by the street elimination and will not adversely affect sewerage and surface drainage requirements. However, a low-point created at the terminus of the cul-de-sac will require additional drainage facilities to handle the storm water flow.

Anthony J. Griffin Place is mapped at a width of 50 feet southerly of East 149th Street and is skewed about midway through the block in a southwesterly direction where it continues to East 144th Street. The street, however, is improved and in use at a narrower width adjacent to the mapped street lines.

The portion of Anthony J. Griffin Place to be eliminated is not required for traffic or frontage purposes and its elimination appears unobjectionable provided the City's

interest is protected by an appropriate agreement between the Park Terminal Corporation, owners of the abutting property, and the City.

This agreement, among other things, should specify that Park Terminal Corporation agrees to restrict the use of the eliminated street area to an open-space curb level parking lot upon which no permanent structure may be built for a period of five years. These restrictions are to benefit the new Lincoln Hospital located on the easterly side of Park Avenue between East 149th and East 144th Streets.

The effective closing of the portion of street proposed to be eliminated will involve the adoption of a closing map submitted for this purpose. Such a map (CP-20564) was referred to the City Planning Commission on December 5, 1968, Cal. No. 96, and is the subject of a separate report dated August 12, 1970.

On January 15, 1969, the City Planning Commission scheduled a public hearing on the map change. The hearing was duly held on January 29, 1969. There were no appearances and the hearing was closed.

The Commission considers the map change, designed to eliminate unnecessary street area, to be an appropriate modification of the City Map.

Therefore, the Commission recommends to the Board of Estimate that the map change under consideration be adopted, after approval of an appropriate agreement by the Corporation Counsel and its acceptance by the Board of Estimate.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

No. 26

(CP-20564)

IN THE MATTER OF communication, dated November 25, 1968, from the President, Borough of The Bronx, submitting map **discontinuing and closing Anthony J. Griffin Place from East 144th Street to a point approximately 287 feet northerly** therefrom, Borough of the Bronx.

(On December 5, 1968, Cal. No. 96, the Board of Estimate referred this matter to the Commission; on January 15, 1969, Cal. No. 21, the Commission scheduled January 29, 1969 for a hearing; on January 29, 1969, Cal. No. 36, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

A map discontinuing and closing a portion of Anthony J. Griffin Place from East 144th Street to a point approximately 287 feet northerly therefrom, Borough of The Bronx. The modification is detailed on Map No. 11816, signed by the Borough President and dated November 25, 1968. This report is submitted to the Board of Estimate in response to its referral of December 5, 1968, Cal. No. 96.

August 12, 1970.

The map provides for the discontinuance and closing of the skewed portion of Anthony J. Griffin Place northerly of East 144th Street. The street area proposed to be discontinued and closed is in City ownership.

Anthony J. Griffin Place is mapped at a width of 50 feet southerly of East 149th Street and is skewed about midway through the block in a southwesterly direction where it continues to East 144th Street. The street, however, is improved and in use at a narrower width adjacent to the mapped street lines.

Approval of the closing map under consideration is predicated upon the prior approval of the related map change (CP-20563) referred to the City Planning Commission on December 5, 1968 (Calendar No. 95) and which is the subject of a separate report dated August 12, 1970.

The report on the map change (CP-20563) states that the portion of the street under consideration is not required for traffic or frontage purposes and its elimination appears unobjectionable provided that the City's interest is fully protected by a suitable agreement between the City and Park Terminal Corporation. This agreement should, among other things, specify that Park Terminal Corporation agrees to limit the use of the eliminated and closed street area to an open space curb level parking lot upon which no permanent structure will be built for a period of five years.

On January 15, 1969, Cal. No. 21, the City Planning Commission scheduled a public hearing on the map change. The hearing was duly held on January 29, 1969, Cal. No. 36. There were no appearances and the hearing was closed.

The Commission considers the map change designed to close a short section of street area no longer required for traffic or frontage purpose to be appropriate and necessary.

Therefore, the Commission recommends to the Board of Estimate that the map change under consideration be approved, after adoption of the related map change (CP-20563) referred on December 5, 1968, Cal. No. 95.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

BOROUGH OF QUEENS

No. 27 (CP-21228)

IN THE MATTER OF communication, dated May 14, 1970, from the President, Borough of Queens, transmitting Map No. 4587 **modifying the grades on Clintonville Street from Cross Island Parkway to 20th Avenue, 19th Avenue and 20th Avenue from Murray Street to Clintonville Street**, 154th Street from 17th Road to 20th Road, Willets Point Boulevard from 24th Avenue to 154th Street including the modification of the lines of 150th Place from 15th Drive to 16th Road, Borough of Queens.

(On May 21, 1970, Cal. No. 125, the Board of Estimate referred this matter to the Commission; on June 24, 1970, Cal. No. 12, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 44, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

A map modifying the grades of Clintonville Street from Cross Island Parkway to 20th Avenue, 19th Avenue and 20th Avenue from Murray Street to Clintonville Street, 154th Street from 17th Road to 20th Road; Willets Point Boulevard from 24th Avenue to 154th Street including the modification of the lines of 150th Place from 15th Drive to 16th Road, Borough of Queens. The modifications are detailed on Map No. 4587, signed by the Borough President and dated May 8, 1970. This report is submitted to the Board of Estimate in response to its reference of May 21, 1970, Cal. No. 125.

August 12, 1970.

The map relates to a limited area in the Whitestone Section of the Borough and provides for modifications in the grades of the street system within the territory bounded by Cross Island Parkway, Clintonville Street, 20th Avenue and Murray Street in order to conform more closely to existing conditions, so that contemplated street improvements may be facilitated.

The map also provides for minor reductions in the width of 150th Place southerly of 15th Drive in order to avoid damaging two existing dwellings and an accessory garage.

Except for Clintonville Street and 154th Street which are mapped at a width of 80 feet and for 20th Avenue which is mapped at a width of 70 feet, the remainder of the streets are mapped at 60 feet, partially improved and abutted generally by one- and two-family dwellings.

On June 24, 1970, Cal. No. 12, the City Planning Commission scheduled a public hearing on the map change. The hearing was duly held on July 15, 1970, Cal. No. 44. There were no appearances and the hearing was closed. The Commission is in receipt of a communication in behalf of a local church in favor of the map change.

The Commission considers the map change which is designed to facilitate street improvements as well as minimize damages to abutting development, to be an appropriate modification of the City Map.

Therefore, the Commission recommends to the Board of Estimate that the map change under consideration be adopted.

DONALD H ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GAL-LENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEV-ERLY MOSS SPATT, Commissioners.

ZONING

No. 28 (CP-21246)

IN THE MATTER OF **amendments**, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, **relating to various sections concerning location of towers and yards** as follows:

Matter in **Bold Type** is new; matter in brackets [], is old to be omitted; matter in *italics* is defined in Section 12-10.

23-533

Required rear yard equivalents

* * *

(b) Two open areas, each adjoining and extending along the full length of a *street line*, and each with a minimum depth of 30 feet measured from such *street line*; **except that in R6, R7, R8, R9 or R10 Districts the depth of such required open area along one *street line* may be decreased provided that a corresponding increase of the depth of the open area along the other *street line* is made.**

* * *

24-382

Required rear yard equivalents

* * *

(b) Two open areas, each adjoining and extending along the full length of a *street line*, and each with a minimum depth of 30 feet measured from such *street line*; except that in R6, R7, R8, R9 or R10 Districts the depth of such required open area along one *street line* may be decreased provided that a corresponding increase of the depth of the open area along the other *street line* is made.

* * *

23-65

Tower Regulations

In the districts indicated, any *building* or *buildings* or portions thereof which in the aggregate occupy not more than 40 per cent of the *lot area* of a *zoning lot* or, for *zoning lots* of less than 20,000 square feet, the per cent set forth in Section 23-651 (Towers on small lots), may penetrate an established *sky exposure plane*. (Such *building* or portion thereof is hereinafter referred to as a tower.) [At any level, such tower may occupy any portion of the *zoning lot* not located less than 15 feet from the *street line* of a *narrow street*, or less than 10 feet from the *street line* of a *wide street*, provided that the aggregate area so occupied within 50 feet of a *narrow street* shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a *wide street* shall not exceed 1,600 square feet.

If the *building* of which such tower is a portion does not occupy at any level more than the maximum per cent of the *lot area* set forth in this Section or Section 23-651 for towers, the tower may occupy any portion of the *zoning lot* not located less than 20 feet from the *street line* of a *narrow street* or less than 15 feet from the *street line* of a *wide street*, provided that the aggregate area so occupied within 50 feet of a *narrow street* shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a *wide street* shall not exceed 2,000 square feet.]

At all levels, such tower shall be located not less than 15 feet from the *street line* of a *narrow street*, and not less than 10 feet from the *street line* of a *wide street*.

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies) are permitted to project into or over open areas not occupied by towers.

The provisions of this Section shall not apply to any *building*, located wholly or partly in a *Residence District*, which is within 100 feet of (a) a *public park* with an area of one acre or more, or (b) a *street line* opposite such a *public park*.

* * *

24-54

Tower Regulations

In the districts indicated, any *building* or *buildings* or portions thereof which in the aggregate occupy not more than 40 per cent of the *lot area* of a *zoning lot* or, for *zoning lots* of less than 20,000 square feet, the per cent set forth in Section 24-541 (Towers on small lots), may penetrate an established *sky exposure plane*. (Such *building* or portion thereof is hereinafter referred to as a tower.) [At any level, such tower may occupy any portion of the *zoning lot* not located less than 15 feet from the *street line* of a *narrow street*, or less than 10 feet from the *street line* of a *wide street*, provided that the aggregate area so occupied within 50 feet of a *narrow street* shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a *wide street* shall not exceed 1,600 square feet.

If the *building* of which such tower is a portion does not occupy at any level more than the maximum per cent of the *lot area* set forth in this Section or Section 24-541 for towers, the tower may occupy any portion of the *zoning lot* not located less than 20 feet from the *street line* of a *narrow street* or less than 15 feet from the *street line* of a *wide street*, provided that the aggregate area so occupied within 50 feet of a *narrow street* shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a *wide street* shall not exceed 2,000 square feet.]

At all levels, such tower shall be located not less than 15 feet from the *street line* of a *narrow street*, and not less than 10 feet from the *street line* of a *wide street*.

Unenclosed balconies, subject to the provisions of Section 24-175 (Balconies) are permitted to project into or over open areas not occupied by towers.

The provisions of this Section shall not apply to any *building*, located wholly or partly in a *Residence District*, which is within 100 feet of (a) a *public park* with an area of one acre or more, or (b) a *street line* opposite such a *public park*.

* * *

33-283

Required rear yard equivalent

* * *

(b) Two open areas, each adjoining and extending along the full length of the *street line*, and each with a minimum depth of 20 feet measured from such *street line*; except that in C1 or C2 Districts the depth of such required open area along one *street line* may be decreased provided that a corresponding increase of the depth of the open area along the other *street line* is made, or

* * *

32-421

Limitation on floors occupied by non-residential uses

* * *

Provided, in the districts indicated, non-residential uses permitted by the applicable district regulations may occupy two stories in any new development in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts.

* * *

32-68

Permitted Signs on Residential or Mixed Buildings.

* * *

Where non-residential uses are permitted to occupy two floors of the building, all signs accessory to non-residential uses located on the second floor shall be non-illuminated business signs, and shall be located below the level of the finished floor of the third story.

* * *

35-10 GENERAL PROVISIONS

Except as otherwise provided in this Chapter, and except as otherwise provided in Article VIII, Chapter 2 (Special Lincoln Square District) the portions of a *mixed building* used for *residential use* are subject to the *bulk* regulations set forth in Article II, Chapter 3, and the portions of a *mixed building* used for commercial or *community facility use* are subject to the *bulk* regulations set forth in Article III, Chapter 3.

Special provisions applying to *mixed buildings* are set forth in Sections 35-21 to 35-23, inclusive, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings; Sections 35-31 to 35-35, inclusive, relating to Applicability of Floor Area and Open Space Regulations to Mixed Buildings; Sections 35-41 and 35-42, relating to Applicability of Lot Area Requirements to Mixed Buildings; Sections 35-51 to 35-54, inclusive, relating to Modification of Yard Regulations for Mixed Buildings; and Sections 35-61 [and 35-62] to 35-63, relating to Modification of Height and Setback Regulations for Mixed Buildings.

* * *

35-63

Special Tower Regulations for Mixed Buildings

35-631

In certain specified commercial districts

In C1 or C2 Districts mapped within R9 or R10 Districts, or in C1-8, C1-9, C2-7, C2-8, C4-6 or C5-1 Districts, the residential portion of a *mixed building* which in the aggregate occupies not more than 40 per cent of the lot area of a zoning lot or, for zoning lots of less than 20,000 square feet, the per cent set in Section 23-651 (Towers on small lots) may be constructed in conformance with the provisions of Section 23-65, provided that no more than two stories of such building are occupied by non-residential uses.

35-632

In other specified commercial districts

In C4-7, C5-2, C5-3, C5-4, C5-5 and C6 districts, the tower regulations applicable to any *mixed building* shall be the regulations set forth in Section 33-45.

* * *

74-88

Special Tower Regulations

In R9 or R10 Districts, in C1 or C2 Districts mapped within such Residence Districts, or in C1-8, C1-9, C2-7 or C2-8 Districts, for a building occupying not more than 40 per cent of the lot area of a zoning lot, the Commission may modify the location of such buildings with respect to street lines as set forth in Sections 23-65, 24-54 and 35-631.

As a condition for granting a special permit for such development, the Commission shall require:

- (1) that the zoning lot front along the entire length of the short dimension of a block; and
- (2) that the development, provide an arcade which abuts the street line along the short dimension of the block and extends along the full length of the building on such frontage; and

(3) that any portion of the zoning lot frontage along the short dimension of the block which is not occupied by an arcade shall be developed as a continuation of the sidewalk at least to the same depth as the arcade; and

(4) that the development provide a public open space of at least 4,500 square feet of lot area in one location at street level preferably on the southerly side of the lot, and a minimum width at any point of 40 feet. The public open space shall contain adequate lighting, landscaping, planting, pedestrian walkways, sitting areas and where appropriate, a play area for children, and shall be accessible to the public at all times. Driveways are not permitted within the public open space.

Such public open space shall be eligible for a plaza bonus to the extent permitted by the applicable district regulations if it otherwise complies with the plaza provisions.

The Commission shall make the following findings:

(a) That such modification will enhance the architectural relationship of the building to nearby buildings and improve the relationship of the open space on the zoning lot to adjacent streets and surrounding development, and will thus benefit both the neighborhood and the City as a whole; and

(b) That such modification will not unduly obstruct access of light and air, to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets.

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

* * *

(On June 24, 1970, Cal. No. 13, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 45, the hearing was closed.)

On motion, the following favorable report, as modified, was unanimously adopted: *Amendments of the Zoning Resolution, pursuant to Section 200 of the New York City Charter, relating to various sections concerning location of towers and yards.*

August 12, 1970

These amendments would change the regulations concerning the location of towers with respect to street lines and would make other minor changes of regulations regarding rear yard requirements and limitations on floors occupied by non-residential uses.

On June 24, 1970, Cal. No. 13, the City Planning Commission scheduled a public hearing on the proposed amendment. The hearing was duly held on July 15, 1970, Cal. No. 45. There were no appearances and the hearing was closed.

The Commission is in receipt of a communication from the Zoning Advisory Council concerning the amendment relating to Section 32-421.

Consideration—

Present regulations restrict towers for residential and community facilities developments to a limited amount of area within 50 feet of the street line on a narrow street, or 40 feet of the street line on a wide street. Consequently, in many cases it would be necessary to locate towers in the rear part of the lot, often resulting in unusable or inadequate open space at the ground floor level.

The proposed amendments in regard to tower regulations would allow residential towers at all levels to be located not less than 15 feet from the street line of a narrow street and 10 feet from the street line of a wide street. This would result in better placement of towers on the site, encouraging buildings to provide more usable open space for residents, and more light and air for surrounding properties. These new provisions would apply to residential and mixed use buildings in certain high density residential and commercial districts.

The amendments would also allow the City Planning Commission and Board of Estimate, by special permit, to modify the requirements relating to the location of the tower in regard to the street line in certain high density residential and commercial districts. The modification would apply to buildings on certain zoning lots fronting along the entire length of the short dimensions of a block; arcades and public open spaces would have to be provided within the development for pedestrian use. Such public amenities would receive the usual floor area ratio bonuses.

Before granting a special permit, the Commission must find: that such modification will enhance the architectural relationship of the building to nearby buildings and improve the relationship of the open space on the zoning lot to adjacent streets surrounding development; and that such modification will not unduly obstruct light and air to the detriment of the occupants of nearby buildings or pedestrians.

These amendments also modify the regulations pertaining to required rear yard

equivalents in C1 and C2 Districts and certain residential districts in order to permit greater flexibility in the placement of buildings.

Another change modifies Section 32-421 to allow two stories of commercial use in certain commercial districts.

The Commission considered the communication from the Zoning Advisory Council recommending that the amendment relating to Section 32-421, concerning location of non-residential uses, be expanded to include C1 and C2 Districts mapped within R8 Districts and to apply to both new and existing development and decided that the changes suggested would be inappropriate.

However, as a result of further study the Commission determined that the text as heard should be modified in the following manner.

Corrections were made to express the intent of the Commission that the special permit provisions of Section 74-88 apply only to zoning lots of not less than 20,000 square feet; Sections 23-533 and 24-382 were corrected to delete R6 Districts which were inadvertently included in the text as heard.

The Commission therefore determined that the amendments, as modified, are appropriate and adopted the following Resolution, which is duly filed with the Secretary of the Board of Estimate:

Resolved, By the City Planning Commission that the Zoning Resolution of The City of New York, effective as of December 15, 1961 and as subsequently amended, is further amended by a change relating to Sections 23-533, 24-382, 23-65, 24-54, 33-283, 32-421, 32-68, 35-10, 35-63, 35-631, 35-632 and 74-88, as follows:

Matter in **Bold Type** is new; matter in brackets [], is old to be omitted; matter in *italics* is defined in Section 12-10.

23-533

Required rear yard equivalents

* * *

(b) **Two open areas each adjoining and extending along the full length of a street line**, and each with a minimum depth of 30 feet measured from such *street line*; **except that in R7, R8, R9 or R10 Districts the depth of such required open area along one street line may be decreased provided that a corresponding increase of the depth of the open area along the other street line is made.**

* * *

24-382

Required rear yard equivalents

* * *

(b) **Two open areas each adjoining and extending along the full length of a street line**, and each with a minimum depth of 30 feet measured from such *street line*; **except that in R7, R8, R9 or R10 Districts the depth of such required open area along one street line may be decreased provided that a corresponding increase of the depth of the open area along the other street line is made.**

* * *

23-65

Tower Regulations

In the districts indicated, any *building* or buildings or portions thereof which in the aggregate occupy not more than 40 per cent of the *lot area* of a *zoning lot* or, for *zoning lots* of less than 20,000 square feet, the per cent set forth in Section 23-651 (Towers on small lots), may penetrate an established *sky exposure plane*. (Such *building* or portion thereof is hereinafter referred to as a tower.) [At any level, such tower may occupy any portion of the *zoning lot* not located less than 15 feet from the *street line* of a *narrow street*, or less than 10 feet from the *street line* of a *wide street*, provided that the aggregate area so occupied within 50 feet of a *narrow street* shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a *wide street* shall not exceed 1,600 square feet.

If the *building* of which such tower is a portion does not occupy at any level more than the maximum per cent of the *lot area* set forth in this Section or Section 23-651 for towers, the tower may occupy any portion of the *zoning lot* not located less than 20 feet from the *street line* of a *narrow street* or less than 15 feet from the *street line* of a *wide street*, provided that the aggregate area so occupied within 50 feet of a *narrow street* shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a *wide street* shall not exceed 2,000 square feet.]

At all levels, such tower shall be located not less than 15 feet from the street line of a narrow street, and not less than 10 feet from the street line of a wide street.

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies) are permitted to project into or over open areas not occupied by towers.

The provisions of this Section shall not apply to any *building*, located wholly or partly in a *Residence District*, which is within 100 feet of (a) a *public park* with an area of one acre or more, or (b) a *street line* opposite such a *public park*.

* * *

24-54

Tower Regulations

In the districts indicated, any *building* or *buildings* or portions thereof which in the aggregate occupy not more than 40 per cent of the *lot area* of a *zoning lot* or, for *zoning lots* of less than 20,000 square feet, the per cent set forth in Section 24-541 (Towers on small lots), may penetrate an established *sky exposure plane*. (Such *building* or portion thereof is hereinafter referred to as a tower.) [At any level, such tower may occupy any portion of the *zoning lot* not located less than 15 feet from the *street line* of a *narrow street*, or less than 10 feet from the *street line* of a *wide street*, provided that the aggregate area so occupied within 50 feet of a *narrow street* shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a *wide street* shall not exceed 1,600 square feet.

If the *building* of which such tower is a portion does not occupy at any level more than the maximum per cent of the *lot area* set forth in this Section or Section 24-541 for towers, the tower may occupy any portion of the *zoning lot* not located less than 20 feet from the *street line* of a *narrow street* or less than 15 feet from the *street line* of a *wide street*, provided that the aggregate area so occupied within 50 feet of a *narrow street* shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a *wide street* shall not exceed 2,000 square feet.]

At all levels, such tower shall be located not less than 15 feet from the *street line* of a *narrow street*, and not less than 10 feet from the *street line* of a *wide street*.

Unenclosed balconies, subject to the provisions of Section 24-175 (Balconies) are permitted to project into or over open areas not occupied by towers.

The provisions of this Section shall not apply to any *building*, located wholly or partly in a *Residence District*, which is within 100 feet of (a) a *public park* with an area of one acre or more, or (b) a *street line* opposite such a *public park*.

* * *

33-283

Required rear yard equivalent

* * *

(b) Two open areas, each adjoining and extending along the full length of the *street line*, and each with a minimum depth of 20 feet measured from such *street line*; except that in C1 or C2 Districts the depth of such required open area along one *street line* may be decreased provided that a corresponding increase of the depth of the open area along the other *street line* is made, or

* * *

32-421

Limitation on floors occupied by non-residential uses

* * *

Provided, in the districts indicated, non-residential uses permitted by the applicable district regulations may occupy two stories in any new development in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts.

* * *

32-68

Permitted Signs on Residential or Mixed Buildings.

* * *

Where non-residential uses are permitted to occupy two floors of the building, all signs accessory to non-residential uses located on the second floor shall be non-illuminated business signs, and shall be located below the level of the finished floor of the third story.

* * *

35-10 GENERAL PROVISIONS

Except as otherwise provided in this Chapter, and except as otherwise provided in Article VIII, Chapter 2 (Special Lincoln Square District) the portions of a *mixed building* used for *residential use* are subject to the *bulk* regulations set forth in Article II, Chapter 3, and the portions of a *mixed building* used for commercial or *community facility use* are subject to the *bulk* regulations set forth in Article III, Chapter 3.

Special provisions applying to *mixed buildings* are set forth in Sections 35-21 to 35-23, inclusive, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings; Sections 35-31 to 35-35, inclusive, relating to Applicability of Floor Area and Open Space Regulations to Mixed Buildings; Sections 35-41 and 35-42, relating

to Applicability of Lot Area Requirements to Mixed Buildings; Sections 35-51 to 35-34, inclusive, relating to Modification of Yard Regulations for Mixed Buildings; and Sections 35-61 [and 35-62] to 35-63, relating to Modification of Height and Setback Regulations for Mixed Buildings.

* * *

35-63

Special Tower Regulations for Mixed Buildings

35-631

In certain specified commercial districts

In C1 or C2 Districts mapped within R9 or R10 Districts, or in C1-8, C1-9, C2-7, C2-8, C4-6 or C5-1 Districts, the residential portion of a *mixed building* which in the aggregate occupies not more than 40 per cent of the *lot area* of a *zoning lot* or, for *zoning lots* of less than 20,000 square feet, the per cent set in Section 23-651 (Towers on small lots) may be constructed in conformance with the provisions of Section 23-65, provided that no more than two *stories* of such *building* are occupied by non-residential uses.

35-632

In other specified commercial districts

In C4-7, C5-2, C5-3, C5-4, C5-5 and C6 districts, the tower regulations applicable to any *mixed building* shall be the regulations set forth in Section 33-45.

* * *

74-88

Special Tower Regulations

In R9 or R10 Districts, in C1 or C2 Districts mapped within such Residence Districts, or in C1-8, C1-9, C2-7 or C2-8 Districts, for a *building* occupying not more than 40 per cent of the *lot area* of a *zoning lot* of not less than 20,000 square feet, the Commission may modify the location of such *buildings* with respect to *street lines* as set forth in Sections 23-65, 24-54 and 35-631.

As a condition for granting a special permit for such *development*, the Commission shall require:

- (1) that the *zoning lot* front along the entire length of the short dimension of a block; and
- (2) that the *development*, provide an *arcade* which abuts the street line along the short dimension of the block and extends along the full length of the *building* on such frontage; and
- (3) that any portion of the *zoning lot* frontage along the short dimension of the block which is not occupied by an *arcade* shall be developed as a continuation of the sidewalk at least to the same depth as the *arcade*; and
- (4) that the *development* provide a public *open space* of at least 4,500 square feet of lot area in one location at *street level* preferably on the southerly side of the lot, and a minimum width at any point of 40 feet. The public *open space* shall contain adequate lighting, landscaping, planting, pedestrian walkways, sitting areas and where appropriate, a play area for children, and shall be accessible to the public at all times. Driveways are not permitted within the public *open space*. Such public *open space* shall be eligible for a *plaza bonus* to the extent permitted by the applicable district regulations if it otherwise complies with the *plaza* provisions.

The Commission shall make the following findings:

- (a) That such modification will enhance the architectural relationship of the *building* to nearby *buildings* and improve the relationship of the *open space* on the *zoning lot* to adjacent *streets* and surrounding *development*, and will thus benefit both the neighborhood and the City as a whole; and
- (b) That such modification will not unduly obstruct access of light and air, to the detriment of the occupants or users of *buildings* in the block or nearby blocks or of people using the public *streets*.

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

* * *

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

No. 29

(CP-21247)

IN THE MATTER OF amendments, pursuant to Section 200 of the New York City Charter of the Zoning Resolution of The City of New York, relating to Sections 12-10 and 74-81 concerning non-profit residences for the elderly, as follows:

Matter in bold type is new; matter in brackets [], is old to be omitted; matter in italics is defined in Section 12-10.

12-10

Non-profit residence for the elderly

A "non-profit residence for the elderly" is a residence occupied at least 90 per cent by elderly families or elderly persons as defined in Section 202 of the Federal Housing Act of 1959 as amended, which:

- (a) Contains housekeeping, semi-housekeeping, or non-housekeeping units especially designed for elderly persons or families, and
- (b) [Is either:

- (1) Owned by the New York City Housing Authority and contains, to the maximum extent permitted by the City, State or Federal agency financing the project, related social and welfare facilities for the residents which may also be made available to the community, such as cafeterias or dining halls, community rooms, workshops, and other essential service facilities provided that these facilities shall occupy floor area or cellar space in an amount not less than 4 per cent of the total floor area of the building,

- or
- (2) Constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, State, or Federal governmental agency, and is constructed and maintained on a non-profit basis by a charitable organization or its wholly-owned subsidiary incorporated pursuant to the provisions of the New York State Membership Corporation Law, and contains related social and welfare facilities for the residents which also may be made available to the community, such as cafeterias or dining halls, community rooms, workshops, and other essential service facilities, provided that these facilities shall occupy floor area or cellar space in an amount not less than 8 per cent of the building.]

Contains related accessory social and welfare facilities primarily for residents which may also be made available to the community, such as cafeterias or dining halls, community rooms, workshops and other essential service facilities provided that these facilities shall occupy floor area or cellar space in an amount not less than 4 per cent of the total floor area of the building. In no event shall the floor space occupied by lobbies, passageways, storage space or other spaces normally provided in usual residential buildings be considered as a part of the floor area attributable to the Social and Welfare facilities, and

(c) is either:

- (1) owned by the New York City Housing Authority, or
- (2) Constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, State, or Federal government agency, and is constructed and maintained on a non-profit basis by a charitable organization or its wholly-owned subsidiary incorporated pursuant to the provisions of the New York State Membership Corporation Law.

However, any non-profit residence for the elderly to which seed money has been advanced under Article II of the State Private Housing Finance Law prior to January 23, 1969 shall have the option to be continued under the provisions of the Zoning Resolution as amended on January 23, 1969 or under the provisions of the Zoning Resolution as effective just prior thereto.

* * *

74-81

Non-profit Residences for the Elderly

The related accessory social and welfare facilities minimum requirement as set forth in Section 12-10, Non-profit Resident for the Elderly [section (1)] may be reduced or waived in any Non-profit Residence for the Elderly as to which the City Planning Commission makes the following findings:

* * *

(On June 24, 1970, Cal. No. 14, the Commission scheduled July 15, 1970 for a hearing; on July 15, 1970, Cal. No. 46, the hearing was closed.)

August 12, 1970

On motion, the following favorable report, as modified, was unanimously adopted:
An amendment of the Zoning Resolution, pursuant to Section 200 of The New York City Charter, relating to Sections 12-10 and 74-81 concerning non-profit residences for the elderly.

August 12, 1970.

The amendment liberalizes the restrictions on the development of non-profit residences for the elderly.

On June 24, 1970, Cal. No. 14, the City Planning Commission scheduled a public hearing on the proposed amendment. The public hearing was held on July 15, 1970, Cal. No. 46. There were no appearances and the hearing was closed.

The Commission is in receipt of a request from the New York City Housing Authority to modify the amendment so that it applies to developments being constructed for them.

The proposed text reduces the floor area for required communal space in non-profit residences for the elderly from 8 per cent of the total floor area of the building to 4 per cent. The experience of the New York City Housing Authority in operating such projects indicates that the 4 per cent figure will provide adequate space for communal facilities.

The Commission has considered the request of the Housing Authority and is of the opinion that a modification of the text, as heard, is appropriate to permit a similar reduction in communal space requirements in projects built for the Housing Authority.

The Commission therefore determined that the amendment, as modified, is appropriate and adopted the following resolution, which is duly filed with the Secretary of the Board of Estimate.

Resolved, By the City Planning Commission that the Zoning Resolution of The City of New York, be amended by a change relating to Sections 12-10 and 74-81 concerning non-profit residences for the elderly, as follows:

Matter in **bold type** is new; matter in brackets [], is old to be omitted; matter in *italics* is defined in Section 12-10.

12-10

Non-profit residence for the elderly

A "non-profit residence for the elderly" is a *residence* occupied at least 90 per cent by elderly families or elderly persons as defined in Section 202 of the Federal Housing Act of 1959 as amended, which:

(a) Contains housekeeping, semi-housekeeping, or non-housekeeping units especially designed for elderly persons or families, and

(b) [Is either:

(1) Owned by the New York City Housing Authority and contains, to the maximum extent permitted by the City, State or Federal agency financing the project, related social and welfare facilities for the resident, which may also be made available to the community, such as cafeterias or dining halls, community rooms, workshops, and other essential service facilities provided that these facilities shall occupy *floor area* or *cellar* space in an amount not less than 4 per cent of the total *floor area* of the *building*,
 or

(2) Constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, State, or Federal governmental agency, and is constructed and maintained on a non-profit basis by a charitable organization or its wholly-owned subsidiary incorporated pursuant to the provisions of the New York State Membership Corporation Law, and contains related social and welfare facilities for the residents which also may be made available to the community, such as cafeterias or dining halls, community rooms, workshops, and other essential service facilities, provided that these facilities shall occupy *floor area* or *cellar* space in an amount not less than 8 per cent of the *building*.]

Contains related accessory social and welfare facilities primarily for residents which may also be made available to the community, such as cafeterias or dining halls, community rooms, workshops and other essential service facilities provided that these facilities shall occupy floor area or cellar space in an amount not less than 4 per cent of the total floor area of the building. In no event shall the floor space occupied by lobbies, passageways, storage space or other spaces normally provided in usual residential buildings be considered as a part of the floor are attributed to the Social and Welfare facilities, and

(c) is either:

(1) owned by or constructed for the New York City Housing Authority, or

(2) Constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, State, or Federal government agency, and is constructed and maintained on a non-profit basis by a charitable organization or its wholly-owned subsidiary incorporated pursuant to the provisions of the New York State Membership Corporation Law.

However, any non-profit residence for the elderly to which seed money has been advanced under Article II of the State Private Housing Finance Law prior to January 23, 1969 shall have the option to be continued under the provisions of the Zoning Resolution as amended on January 23, 1969 or under the provisions of the Zoning Resolution as effective just prior thereto.

* * *

74-81

Non-profit Residences for the Elderly

The related **accessory** social and welfare facilities minimum requirements as set forth in Section 12-10, Non-profit Resident for the Elderly [section (1)] may be reduced or waived in any Non-profit Residence for the Elderly as to which the City Planning Commission makes the following findings:

* * *

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GAL- LENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

No. 30

(CP-21251)

IN THE MATTER OF **amendments**, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, relating to Section 82-10 **concerning bonuses for public amenities** as follows:

Matter in **bold type** is new; matter in *italics* is defined in Section 12-10.

INCREASE IN SQUARE FEET OF FLOOR AREA

	Maximum
(a) for a mandatory <i>arcade</i> (82-09)	7 per square foot of Mandatory <i>Arcade</i>

* * * * *

(g) for subsurface concourse or bridge connections to other buildings or to subways, or on-grade pedestrian oriented improvements and street treatment in the public right of way.	An amount, subject to the limitations set forth in Section 82-08, to be determined by the Commission, after consideration of the amenity by criteria (1) through (4) of this Section.
---	---

* * * * *

(On June 24, 1970, Cal. No. 15, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 47, the hearing was closed.)

On motion, the following favorable report was adopted, receiving six affirmative votes, Beverly Moss Spatt, Commissioner, voting "No."

An amendment of the Zoning Resolution, pursuant to Section 200 of the New York City Charter, relating to Section 82-10 concerning bonuses for public amenities in the Special Lincoln Square District.

August 12, 1970.

The proposed amendment would add "on-grade pedestrian oriented improvements and street treatment in the public right of way" (e.g. widened sidewalks, benches, flower and shrub pots) to the list of amenities eligible for floor area bonuses in the Special Lincoln Square District.

On June 24, 1970, Cal. No. 15, the City Planning Commission scheduled a public hearing on the proposed amendment. The hearing was held on July 15, 1970, Cal. No. 47. There were no appearances and the hearing was closed.

This amendment would encourage the establishment of amenities which would enhance the special character and value of the Lincoln Square District in accordance with the general concept for improvement of this section of the City as expressed in the Commission's report establishing the Lincoln Square District (CP-21365A, March 19, 1969). The City Planning Commission has therefore determined that the amendment is appropriate and adopted the following resolution, which is duly filed with the Secretary of the Board of Estimate:

Resolved, By the City Planning Commission that the Zoning Resolution of The City of New York be amended by a change relating to Section 82-10 concerning bonuses for public amenities in the Special Lincoln Square District as follows:

Matter in **bold type** is new; matter in *italics* is defined in Section 12-10.

- | | | |
|-----|---|---|
| | INCREASE IN SQUARE FEET OF FLOOR AREA | |
| (a) | for a mandatory arcade (82-09) | Maximum
7 per square foot of Mandatory
<i>Arcade</i> |
| (g) | for subsurface concourse or bridge connections to other buildings or to subways, or on-grade pedestrian oriented improvements and street treatment in the public right of way. | An amount, subject to the limitations set forth in Section 82-08, to be determined by the Commission, after consideration of the amenity by criteria (1) through (4) of this Section. |

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, Commissioners.

BEVERLY MOSS SPATT, Commissioner, voting "No."

No. 31

(CP-21257)

IN THE MATTER OF **amendments**, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, relating to Sections 77-02 and 77-04 **concerning special provisions for zoning lots divided by district boundaries**, as follows:

Matter in **bold type** is new; matter in *italics* is defined in Section 12-10.

77-02

Zoning Lots Not Existing Prior to Effective

Date or Amendment of Resolution

Subject to the provisions of Section 77-04, whenever a zoning lot is divided by a boundary between two or more districts and such zoning lot did not exist at the effective date of this resolution or any applicable subsequent amendment thereto, each portion of such **zoning lot** shall be regulated by all the provisions applicable to the district in which such portion of the **zoning lot** is located.

* * * *

77-04

Certain Zoning Lots for Which Building Plans Were Pending as of June 1, 1970

Notwithstanding any other provision of this Chapter, a zoning lot for which building plans were filed and pending with the Department of Buildings as of June 1, 1970, and which is located partly within an R10 District or a commercial district permitting a residential floor area ratio equivalent to that permitted in an R10 District, shall be governed by the provisions of Sections 77-20 to 77-332 applicable to zoning lots which existed at the effective date of this Resolution or any applicable subsequent amendment thereto.

(On June 24, 1970, Cal. No. 16, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 48, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

Amendments of the Zoning Resolution, pursuant to Section 200 of the New York City Charter, relating to Sections 77-02 and 77-04, concerning special provisions for zoning lots divided by district boundaries.

August 12, 1970.

The proposed amendments would permit the Department of Buildings to approve plans and grant building permits for developments on zoning lots located partly in an R10 District or a commercial district permitting residential development equivalent to an R10 District, where such zoning lots did not exist on December 15, 1961 provided plans were filed with the Department of Buildings as of before June 1, 1970.

On June 24, 1970, Cal. No. 16, the City Planning Commission scheduled a public hearing on the proposed amendments.

The public hearing was held on July 15, 1970, Cal. No. 48. There were no appearances and the hearing was closed.

The Commission is in receipt of a communication from the Zoning Advisory Council in favor of the amendments.

As a result of earlier interpretations of the zoning resolution numerous plans were filed for residential developments in R10 or similar Districts. These plans were reviewed, and in some cases approved by the Department of Buildings. Subsequently, it was determined that the interpretation was not consistent with the intent of the zoning resolution

and the approvals were withdrawn. After careful consideration, the Commission is of the opinion that relief is warranted for those cases where plans have been filed prior to June 1, 1970.

The Commission therefore determined that the amendment is appropriate and adopted the following Resolution, which is duly filed with the Secretary of the Board of Estimate:

Resolved, by the City Planning Commission that the Zoning Resolution of The City of the New York be amended by changes relating to Sections 77-02 and 77-04 concerning special provisions for zoning lots divided by district boundaries as follows:

Matter in **bold type** is new; matter in *italics* is defined in Section 12-10.

* * *

77-02

Zoning Lots Not Existing Prior to Effective Date of Amendment of Resolution

Subject to the provisions of Section 77-04, whenever a zoning lot is divided by a boundary between two or more districts and such zoning lot did not exist at the effective date of this resolution or any applicable subsequent amendment thereto, each portion of such **zoning lot** shall be regulated by all the provisions applicable to the district in which such portion of the **zoning lot** is located.

* * *

77-04

Certain Zoning Lots for Which Building Plans Were Pending as of June 1, 1970

Notwithstanding any other provision of this Chapter, a zoning lot for which building plans were filed and pending with the Department of Buildings as of June 1, 1970, and which is located partly within an R10 District or a commercial district permitting a residential floor area ratio equivalent to that permitted in an R10 District, shall be governed by the provisions of Sections 77-20 to 77-332 applicable to zoning lots which existed at the effective date of this Resolution or any applicable subsequent amendment thereto.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GAL-LENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

BOROUGH OF RICHMOND

No. 32

(CP-21105)

IN THE MATTER OF petition, of Rose Battista and Thomas Schimenti, pursuant to Section 201 of the New York City Charter, requesting an **amendment of the Zoning Map, Section No. 21d, establishing within an existing R5 District a C1-1 District**, an irregular area located within and having frontages on all three sides of a triangular block bounded by **Vanderbilt Avenue, Targee Street and Cliffside Avenue**, Borough of Richmond.

(On May 13, 1970, Cal. No. 6, the Commission scheduled May 27, 1970, for a hearing; on May 27, 1970, Cal. No. 28, the hearing was continued to June 10, 1970; on June 10, 1970, Cal. No. 31, the hearing was closed; on July 15, 1970, Cal. No. 25, the matter was laid over.)

On motion, laid over.

BOROUGH OF BROOKLYN

No. 33

(CP-21244)

IN THE MATTER OF a zoning change, pursuant to Section 200 of the New York City Charter, involving an **amendment of the Zoning Map, Section No. 28c, establishing within an existing R5 District, a C1-2 District** bounded by **West 7th Street, 86th Street, West 9th Street** and a line 100 feet northeasterly of 86th Street, Borough of Brooklyn.

(On June 24, 1970, Cal. No. 19, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 50, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

An amendment of the zoning map, (section 28c) establishing within an existing R5 District, a C1-2 District bounded by West 7th Street, 86th Street, West 9th Street and a line 100 feet northeasterly of 86th Street, Borough of Brooklyn, as shown on a diagram dated June 24, 1970.

August 12, 1970.

The rezoning was requested by the owner of a portion of the property involved in order to erect retail stores.

On June 24, 1970, Cal. No. 19, the City Planning Commission scheduled a public hearing on the proposed change. The hearing was duly held on July 15, 1970, Cal. No. 50. A representative of the applicant appeared in favor of the change and stated that statements of consent from affected property owners had been filed with the Commission. There were no appearances in opposition and the hearing was closed.

Most of the properties in the area are developed with stores. The Sea Beach Line station of the New York City Transit Authority is also within the affected area. The applicant owns the only vacant property, a site of approximately 16,000 square feet, in the area to be rezoned.

The establishing of a C1-2 District would permit the applicant to develop his property with retail stores and also make the existing commercial uses conforming.

The Commission has therefore

Resolved, That the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 28c by, establishing within an existing R5 District, a C1-2 District bounded by West 7th Street, 86th Street, West 9th Street and a line 100 feet northeasterly of 86th Street, Borough of Brooklyn, as shown on a diagram dated June 24, 1970.

The above resolution is duly filed with the Secretary of the Board of Estimate.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

No. 34

(CP-21245)

IN THE MATTER OF a zoning change, pursuant to Section 200 of the New York City Charter, involving an **amendment of the Zoning Map**, Section No. 28c, **establishing within an existing R5 District, a C1-2 District** bounded by a line 200 feet southerly of **Avenue W**, a line midway between **West 13th Street and Stillwell Avenue, Avenue X**, and Stillwell Avenue, Borough of Brooklyn.

(On June 24, 1970, Cal. No. 20, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 51, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

An amendment of the zoning map, (Section No. 28c) establishing within an existing R5 District, a C1-2 District bounded by a line 200 feet southerly of Avenue W, a line midway between West 13th Street and Stillwell Avenue, Avenue X, and Stillwell Avenue, Borough of Brooklyn, as shown on a diagram dated June 24, 1970.

August 12, 1970:

The rezoning was requested by Colmar Construction Company, Inc., owner of a portion of the property involved, in order to permit construction of stores on a vacant site.

The scope of the proposed amendment was expanded by the Commission to include all the properties along Stillwell Avenue, which is overshadowed by the BMT elevated structure, to an existing C1-2 District to the north.

On June 24, 1970, Cal. No. 20, the City Planning Commission scheduled a public hearing, on the proposed change. The hearing was duly held on July 15, 1970, Cal. No. 51. There were no appearances and the hearing was closed.

The zoning change under consideration would permit the development of commercial facilities which are suitable for this location at the foot of a BMT station. The Commission therefore considers the rezoning appropriate and adopted the following resolution:

Resolved, That the Zoning Resolution of The City of New York, effective as of December 15, 1961, and subsequently amended, is further amended by an amendment of the Zoning Map, Section No. 28c, establishing within an existing R5 District, a C1-2 District bounded by a line 200 feet southerly of Avenue W, a line midway between West 13th Street and Stillwell Avenue, Avenue X, and Stillwell Avenue, Borough of Brooklyn, as shown on a diagram dated June 24, 1970.

The above resolution is duly filed with the Secretary of the Board of Estimate.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

BOROUGH OF QUEENS

No. 35

(CP-21259)

IN THE MATTER OF a zoning change, pursuant to Section 200 of the New York City Charter, involving an **amendment of the Zoning Map**, Section No. 10d, **changing from an R3-2 District to an R4 District** property bounded by **Parsons Boulevard, 45th Avenue, Burling Street and Delaware Avenue**, Borough of Queens.

(On June 24, 1970, Cal. No. 23, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 54, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

An amendment of the zoning map (Section 10d), changing from an R3-2 district to an R4 district property bounded by Parsons Boulevard, 45th Avenue, Burling Street and Delaware Avenue, Borough of Queens, as shown on a diagram dated June 24, 1970.

August 12, 1970.

The rezoning was requested by Flushing Hospital and Medical Center to facilitate its expansion and modernization program according to a long range master plan approved by the State Hospital Planning Commission and the New York State Department of Health.

The major portion, 77 per cent, of the block under consideration is owned by the hospital and developed with hospital facilities. The remainder of the block is occupied by a number of two-story dwellings. The applicant proposes to erect a five-story hospital wing on the interior portion of the block. The new wing will contain a wide range of medical facilities including space for out-patient, emergency, X-ray, intensive care, surgical and maternity services.

On June 24, 1970, Cal. No. 23, the City Planning Commission scheduled a public hearing on the matter. The hearing was held on July 15, 1970, Cal. No. 54. There were no appearances and the hearing was closed.

The expansion and modernization of the hospital is urgently needed to serve the expanding medical needs of Northern Queens. The rezoning to R4 will permit construction to proceed as contemplated.

The Commission therefore considered the rezoning appropriate and adopted the following resolution:

Resolved, By the City Planning Commission that the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 10d, so as to change from an R3-2 District to an R4 District property bounded by Parsons Boulevard, 45th Avenue, Burling Street and Delaware Avenue, Borough of Queens, as shown on a diagram dated June 24, 1970.

The above resolution is duly filed with the Secretary of the Board of Estimate.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GAL-
LENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEV-
ERLY MOSS SPATT, Commissioners.

BOROUGH OF MANHATTAN

No. 36

(CP-21179)

IN THE MATTER of **amendments**, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, **relating to Section 86-00 concerning the establishment of a Special Lower 3d Avenue Development District as follows:**

Matter in **bold type** is new; matter in *italics* is defined in Section 12-10.

11-12

Establishment of Districts

11-127

Establishment of Special Lower Third Avenue Development District.

In order to carry out a special purpose of this resolution as set forth in Article VIII, Chapter 6, of the *Special Lower Third Avenue Development District* is hereby established.

12-10 Definitions

Special Lower Third Avenue Development District

The "Special Lower Third Avenue Development District" is a Special Purpose District designated by the letters "TA", in which special regulations set forth in Article VIII, Chapter 6 apply to all *developments*. The *Special Lower Third Avenue Development District* appears on the zoning maps superimposed on other districts, and wherever indicated its regulations supplement or supersede those of the districts on which it is superimposed. Low or moderate income housing unit

A low or moderate income housing unit is:

(a) Any dwelling unit receiving financial assistance from the Federal, State or City Government under any program to assist the provision of low or moderate income housing as defined in the applicable statute, built or operated by any public agency, or any non-profit, limited profit or limited dividend organization; or

(b) Any dwelling in a *development* which is rented at a rate no higher than 50 per cent of the average rent or carrying charge of all other similarly sized units in the *development* which are not publicly or privately subsidized.

Public housing sites acquisition contribution within The Special Lower Third Avenue Development District.

The *public housing sites acquisition contribution* applicable to a *development* within the *Special Third Avenue Development District* shall be an amount tendered to the New York City Planning Commission, equal to twice the combined assessed valuation, on the effective date of this chapter, of the two sites designated for public housing by Section 86-063 multiplied by the ratio which the lot area of the *development* bears to the total lot area within the Special District, excluding from this total area the area of all public streets and the area of the two sites designated for public housing by Section 86-063.

ARTICLE VIII—Special Purpose Districts

Chapter 6, Special Lower Third Avenue Development District

86-00 General Purposes

The "Special Lower Third Avenue Development District" established in this resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to promote the character of the Special Lower Third Avenue Development District as a prime location for new housing developed in accordance with a comprehensive plan;
- (b) to insure a balanced and heterogeneous population for the area by providing dwelling units at varied household income levels;
- (c) to conserve and increase the supply of moderate and low-income housing units in the City of New York by requiring new development to assume its fair share of the burden of replacing demolished middle and low-income structures in the area;
- (d) to improve circulation patterns in the area by requiring uniform sidewalk widening and mandatory arcades and encouraging the provision of public open space as a related part of new development;
- (e) to provide an incentive for redevelopment of the area in a manner consistent with the foregoing objectives which are integral elements of the comprehensive plan of the City of New York;
- (f) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

86-01 Definitions (repeated from Section 12-10)

Special Lower Third Avenue Development District

The "Special Lower Third Avenue Development District" is a Special Purpose District designated by the letters "TA", in which special regulations set forth in Article VIII, Chapter 6 apply to all *developments*. The *Special Lower Third Avenue Development District* appears on the zoning maps superimposed on other districts, and wherever indicated its regulations supplement or supersede those of the districts on which it is superimposed.

Low or moderate income housing unit.

A low or moderate income housing unit is:

- (a) Any dwelling unit receiving financial assistance from the Federal, State or City Government under any program to assist the construction of low or moderate income housing as defined in the applicable statute, built or operated by any public agency or any non-profit, limited profit or limited dividend organization; or
- (b) Any dwelling unit in a *development* which is rented at a rate no higher than 50 per cent of the average rent or carrying charge of all other similarly sized units in the *development* which are not publicly or privately subsidized.

Public housing sites acquisition contribution within The Special Lower Third Avenue Development District.

The *Public housing sites acquisition contribution* applicable to a *development* within the *Special Lower Third Avenue Development District* shall be an amount, tendered to the New York City Planning Commission, equal to twice the combined assessed evaluation, on the effective date of this chapter, of the two sites designated for public housing by Section 86-063 multiplied

by the ratio which the lot area of the *development* bears to the total *lot area* within the Special District, excluding from this total area the area of all public streets and the area of the two sites designated for public housing by Section 86-063.

86-02

General Provisions

In accordance with the purposes of the *Special Lower Third Avenue Development District*, certain specified regulations of the districts on which the *Special Lower Third Avenue Development District* is superimposed are made inapplicable and special regulations are substituted therefor. The Commission, by special permit, after public notice and hearing and subject to Board of Estimate action, may grant a special permit authorizing modifications of specified applicable district bulk regulations as set forth in this chapter. Each development within the *Special Lower Third Avenue Development District* shall conform to and comply with all of the applicable regulations of this resolution except as provided in this chapter.

86-03

Action by the Board of Estimate

The resolution of approval by the City Planning Commission, together with a copy of the application for a grant of a special permit, shall be filed with the Secretary of the Board of Estimate, and the Board of Estimate shall act upon such resolution in accordance with the provisions of Section 200 of the New York City Charter.

86-04

Requirements for Applications

An application to the City Planning Commission for the grant of a special permit respecting any *development* under the provisions of this chapter shall include a site plan showing the location and proposed use of all *buildings* or other *structures* on the site; the location of all special facilities that are to be provided under the mandatory provisions; the location of all vehicular entrances and exits and proposed off-street parking spaces and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit is warranted.

86-05

Relationship to Public Improvement Projects

In all cases, the Commission shall deny a special permit application, whenever the *development* will interfere with a public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities) which is approved by or pending before the Board of Estimate, City Planning Commission, or Site Selection Board as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

86-06

Special Use Regulations

86-061

Permitted Commercial Uses

Any *development* within the *Special Lower Third Avenue Development District* may contain *commercial uses* permitted in a C6 District, subject to the limitation on the location of *commercial uses* imposed by Section 86-062.

86-062

Location of Commercial Uses

No *commercial use* shall be located above the ceiling of the second *story* of any *building* or on the same floor as *residential uses* within the *Special Lower Third Avenue Development District*.

86-063

Restriction of Certain Sites to Public Housing and Accessory Commercial Uses

The portion of the *Special Lower Third Avenue Development District* bounded on the east by Third Avenue, on the north by Twelfth Street, on the west by the boundary of the *Special Lower Third Avenue Development District* and on the south by Tenth Street, excluding the area in the bed of Eleventh Street between the Special District boundary and the westerly line of Third Avenue, shall contain no use other than public housing constructed and managed by the New York City Housing Authority, except that such portion of the Special District may also contain *commercial uses accessory* to the public housing *development* and public open space.

Provided, that all owners of property within the portion of the *Special Lower Third Avenue Development District* restricted by this section shall be paid just compensation, as determined in condemnation proceedings initiated by the City of New York within a reasonable time.

86-07 Bulk Regulations

86-071 Bonus for Provision of Low or Moderate Income Housing

The Commission, by special permit issued after public notice and hearing and subject to Board of Estimate action, may permit for any *development* within the *Special Lower Third Avenue Development District* a residential floor area ratio equivalent to that permitted in an R10 District, if it finds:

(a) That the *development* contains no less than 15 per cent of its total residential floor area, excluding from this total any floor area authorized pursuant to the provisions of Section 86-073, Section 86-081, or Section 86-082, as low or moderate income housing units.

(b) That the distribution of zoning rooms contained in the low or moderate income housing units is substantially equivalent to the distribution of zoning rooms contained in other units in the development;

(c) That the size of the rooms contained in the low or moderate income housing units is substantially equivalent to the size of rooms contained in typically publically subsidized low or moderate income housing projects in New York City; and

(d) If the applicant is not the New York City Housing Authority, that the low or moderate housing units are being subsidized by the applicant through the provision without charge of the land necessary to construct the units.

Provided, that following Board of Estimate approval of a *development* qualifying for the bonus authorized by this section, the New York City Department of Rent and Housing Maintenance shall enforce the rental level of all low or moderate income housing units provided pursuant to this section, in accordance with the requirements concerning rental levels imposed by this Chapter.

86-072 Alternate Bonus for Contribution toward acquisition of Public Housing Sites

The Commission, by Special permit issued after public notice and hearing, and subject to Board of Estimate action, may permit for any *development* a residential floor area ratio equivalent to that permitted in an R10 District if the applicant tenders the public housing sites acquisition contribution applicable to his *development* under the provisions of Section 86-01; provided, that following Board of Estimate approval of any *development* qualifying for the bonus authorized by this section, the Commission shall transfer the amount tendered by the applicant under this Section to the New York City Housing Authority, which shall place the amount received in an earmarked fund, which fund shall be applied solely toward the acquisition of the public housing sites designated pursuant to Section 86-063.

86-073

Developments Eligible for R10 Bonuses

Any *development* for which the Commission authorizes, pursuant to Section 86-071 or Section 86-072, a residential floor area ratio equivalent to that permitted in an R10 District, shall also be eligible for a plaza bonus, a plaza connected open area bonus, and an arcade bonus, equivalent to those permitted in an R10 District under the provisions of Sections 23-16, 23-17, and 23-18, and subject to the limit on maximum permitted floor area imposed by Section 86-09; provided that any portion of a plaza, plaza-connected open area, or arcade, which is a part of a mandatory arcade or sidewalk extension area, shall not be eligible for the additional floor area bonus authorized by this Section.

86-08

Mandatory Provisions

All new *developments*, including all public housing projects, within the *Special Lower Third Avenue Development District*, whether or not they are eligible for the R10 residential floor area ratio equivalent authorized by Section 86-071 or Section 86-072, shall comply with the mandatory provisions made applicable by this Section, and shall be eligible for the bonus permitted by this Section. The bonus authorized by this Section shall be additional to any bonus authorized by the Commission pursuant to Section 86-071 or Section 86-072 subject, however, to the limitation on maximum permitted floor area imposed by Section 86-09.

86-081

Mandatory Provision Applicable to developments on the East Side of Third Avenue

Any *development* within the *Special Lower Third Avenue Development District*, which is located on a *zoning lot* with a *lot line* which coincides with the east side of Third Avenue shall contain an *arcade* which complies with these additional requirements:

- (a) The *arcade* shall extend the full length of the *zoning lot* along the *street line* formed by the east side of Third Avenue;
- (b) The exterior face of *building columns* shall lie along the *street line* formed by the east side of Third Avenue;
- (c) The *arcade* shall contain no obstructions for a minimum depth of 10 feet measured perpendicular to the interior face of the *building columns* located on the *street line* formed by the east side of Third Avenue;
- (d) No signs may be affixed to any part of the *arcade* or *building columns* except on a parallel to the *building wall* projecting no more than 18 inches therefrom parallel to the *street line* formed by the east side of Third Avenue;
- (e) The *arcade* shall be illuminated only by incandescent lighting.

For each square foot of mandatory *arcade* provided the *development* shall be eligible for a bonus of 7 square feet of *floor area*, subject, however, to the limitation on maximum permitted *floor area* imposed by Section 86.09.

86-082

Mandatory Provision Applicable to Developments on the West Side of Third Avenue.

Any *development* within the *Special Lower Third Avenue Development District*, which is located on a *zoning lot* with a *lot line* which coincides with the west side of Third Avenue shall contain a sidewalk extension area, which complies with the following requirements;

- (a) It shall be a minimum depth of 10 feet, measured perpendicular to the *street line* of Third Avenue;
- (b) It shall extend the full length of the *zoning lot* along the *street line* of Third Avenue;
- (c) It shall contain no obstructions within the minimum depth prescribed by paragraph (a) of this Section;
- (d) It shall have at all points the same level as the established sidewalk, to which it shall be immediately adjacent throughout its entire length;
- (e) It shall be available for public use at all times;
- (f) It shall have a paved surface.

For each square foot of mandatory sidewalk extension area provided the *development* shall be eligible for a bonus of 6 square feet of *floor area*, subject, however, to the limitation on maximum permitted *floor area* imposed by Section 86.09.

86-09

Maximum Permitted Floor Area in Any Development.

Notwithstanding any other provision of this Chapter, no *development* in the *Special Lower Third Avenue Development District* shall contain a total *floor area* which exceeds by more than 20 per cent the residential *floor area ratio* authorized by the Commission pursuant to Section 86-071 or Section 86-072, or, if the Commission has not made such an authorization, the *floor area ratio* permitted by the bulk regulations of the applicable C6-1 District.

In no event shall the maximum total *floor area ratio* for any *development* exceed 12.0 including the bonuses.

86-10

Modification of Height and Setback Regulations

Height and setback regulations otherwise applicable to any *development* within the *Special Lower Third Avenue Development District* may be modified by the Commission, following public notice and hearing and subject to Board of Estimate action, to the extent necessary to incorporate any increase in permitted *floor area* authorized, pursuant to the provisions of this Chapter, and shall be modified appropriately as to any *building* to which Section 86-081 or Section 86-082 applies. As a condition for such modifications, the Commission shall require that the distribution of the bulk of the total *development* permits adequate access of light and air to surrounding *street* and properties.

86-11

Modification of Lot Area Per Room Regulations.

For any *development* within the *Special Lower Third Avenue Development*

District for which the Commission has authorized a bonus pursuant to any provision of this Chapter the Commission may authorize a decrease in required lot area per room corresponding to the permitted increase in floor area, provided that the decrease in lot area per room shall not exceed 17 per cent of the lot area per room requirement applicable to an R10 District.

86-12

Development Eligible for R10 Equivalent

Any development for which the Commission has authorized pursuant to Section 86-07 or Section 86-072 a residential floor area ratio equivalent to that permitted in an R10 District, must comply with the use, bulk, and off-street parking and loading regulations applicable to R10 districts, except where these regulations are modified by the provisions of this Chapter.

(On April 13, 1970, Cal. No. 4, the Commission scheduled May 13, 1970 for a hearing, on May 13, 1970, Cal. No. 38, the hearing was closed; on June 10, 1970, Cal. No. 20, the matter was laid over.)

On motion, the following favorable report, as modified, was adopted, receiving four affirmative votes, Walter McQuade, Ivan A. Michael, Beverly Moss Spatt, Commissioners, voting "No.":

An amendment to the Zoning Resolution relating to Section 86-00 establishing a Special Lower Third Avenue Development District which provides an incentive for construction of new housing for all income levels.

(CP-21179)

August 12, 1970.

This change in the Zoning Resolution is proposed by the Planning Commission to encourage mixed-income residential development along 3d Avenue, generally from St. Marks Place to 14th Street. (The precise boundaries of the district are described in an accompanying report, Cal. No. 12, CP-21180).

New public housing will be built in the district. This is the first time new public housing is being planned in conjunction with a zoning amendment to assure economically balanced redevelopment.

Background—

The housing shortage in New York is acute. Private apartment construction has all but stopped. Subsidized development has not kept pace with need. The vacancy rate is approximately 1 per cent. Because of the shortage of new private development, the pressure for more high-rent units has been channeled into conversion of present low-income and moderate-income stock to high-rent apartments.

In an effort to stimulate private housing construction, the Department of City Planning in 1968 studied Manhattan to locate sections which could be rezoned to R10, the highest density residential development. The area of this special district was considered because it is underdeveloped, is immediately south of a high-density district and because it fronts on a wide street.

A proposal to rezone the area to R10, without the special provisions now proposed, was the subject of a public hearing on February 3, 1969. There was strong community opposition which maintained it would lead to the private demolition of needed low-rent housing. They raised other issues relating to the proposal's effect on public facilities, the nearby Cooper Square urban renewal area and congestion. Only one speaker appeared to support the proposal.

The Commission took no action on the proposal. It undertook a study to review the basic issues raised at the 1969 public hearing. On April 13, 1970, the Commission announced details of the present proposal and scheduled a public hearing for May 13. The new proposal provides for more low-income and moderate-income dwelling units than presently exist within the Special District area. It calls for the mandatory provision of arcades and widened sidewalks in all new construction to improve pedestrian circulation and the quality of development. A study was undertaken which indicates that the contemplated rezoning would not impede the development of the Cooper Square project, nor overburden community facilities.

Public Hearing—

The proposed amendment to establish the Special Lower 3d Avenue Development District was the subject of a public hearing held by the Commission on May 13.

Representatives of the Community Service Society, the Women's City Club, the Citizens Housing and Planning Council and several individuals appeared in favor of the proposed Special District.

Representatives of the Commerce and Industry Association, the Real Estate Board of New York and the New York Building Congress favored rezoning to a density of R10, but they opposed the proposed Special District because it would allow R10 density only if developers include low-income or moderate-income apartments in their buildings or bear part of the cost of replacing the low-income and moderate-income housing units which would be lost as the result of private redevelopment. They also said the Com-

mission would have too broad a discretionary power in the granting of R10 density bonuses.

Representatives of Congressman Edward Koch, Councilwoman Carol Greitzer, Councilman Carter Burden, District 65 of the Wholesale, Retail, Office and Processing Union, the Metropolitan Council on Housing, and several individuals opposed the Special District on the grounds that it did not provide enough low-income or moderate-income apartments, but rather was a device to promote construction of luxury housing. They favored either maintenance of the status quo or City action to encourage or finance construction solely of non-luxury buildings within the 3d Avenue area. These speakers also opposed the high-density allowed within the Special District.

Several speakers active in planning the Cooper Square urban renewal project, recently approved by the City, again opposed the Special District rezoning on the ground that it would trigger a rise in surrounding land values and thus prevent acquisition of sites needed for the Cooper Square project.

Consideration of Issues—

Essentially, five main issues were raised at the public hearing relative to the merit of the proposal:

1. Can private redevelopment be controlled to insure that there is no loss of low-income and moderate-income units in the area?
2. Are the public facilities in the lower 3d Avenue area sufficient to support high-density residential redevelopment?
3. Will high-density redevelopment of the area result in crowding and congestion?
4. Which sites are most suitable for public housing?
5. Will the creation of the Special District have any significant impact on the cost of acquiring the nearby sites needed to complete the Cooper Square project?

1. Achieving Balanced Redevelopment

The area of the Special District was identified as a likely opportunity for rezoning in part because it is relatively underutilized. It nonetheless is now home for a significant number of people. Within the Special District area are 338 dwelling units which are rented by persons and families of low-income or moderate-income. The area also contains 144 units used for single room occupancy. If the Commission were to rezone this area to R10, it may be assumed that over the course of time, every one of these low-income and moderate-income housing units would be demolished, to be replaced by units renting at open market—that is to say luxury—rental levels.

Such a result would be self-defeating from the standpoint of the City's overall housing policy. The housing shortage in the one rental class of luxury units would be alleviated only at the expense of further aggravating the shortage of low-income and moderate-income housing units throughout the City, and particularly in the lower East Side area. An unguided R10 rezoning would repeat the tragic pattern of the early days of urban renewal: displacement of poor, on site residents to make land available for new uses benefiting the affluent. The City's responsibility for such a result along lower 3d Avenue would not be lessened by the fact that it "merely" stimulated private redevelopment through zoning, rather than directly ousted the area's residents through condemnation.

Thus, if a method could not be found to allow high-density redevelopment without producing a significant loss of low-income and moderate-income housing units, the Commission would leave the existing C6-1 and R7-2 zoning in effect rather than initiate a higher density zoning amendment.

However, the Commission believes that the proposed Special Lower 3d Avenue Development District regulations do succeed in harmonizing the objectives of stimulating private housing construction and preserving the quantity of housing units available to low-income and moderate-income families. The basic technique is to allow high-density redevelopment only by special permit if the applicant assumes his fair share of the burden of replacing the low-income and moderate-income housing units which would be demolished throughout the Special District area as the result of redevelopment.

There are two ways through which an applicant may qualify his development for a floor area ratio equivalent to that permitted in an R10 district. First, the applicant may include in his development "low- and moderate-income housing units" which occupy not less than 15 per cent of the development's residential floor area. Units may qualify as low-income or moderate-income by virtue of receiving financial aid under an appropriate government housing program or if their rental levels are no higher than 50 per cent of the average rent or carrying charge of all equivalent unsubsidized units in the development. After construction of these units, their rental levels are to be regulated by the Housing and Development Administration.

Second, the applicant may pay to the City a portion of the estimated cost of acquiring two sites within the Special District on which the New York City Housing Authority

will construct a public housing project. The acquisition cost is estimated at twice the assessed valuation of the two sites. The applicant may pay a percentage of this cost equal to the percentage of the total area within the Special District, excluding the public housing sites and all streets, which is contained in his development. Thus, if an applicant's parcel contains 10 per cent of the privately developable land within the Special District, the applicant must contribute 10 per cent of the estimated acquisition cost of the public housing sites in order to qualify his development for the R10 density equivalent bonus.

Whichever of the two alternative conditions the applicant satisfies, he will be bearing an appropriate share of the cost of preserving the area's supply of low-income and moderate-income housing. If he satisfies the 15 per cent condition, he will be replacing directly a portion of the low-income and moderate-income units which would otherwise be lost through redevelopment. The figure 15 per cent is chosen because it roughly represents the ratio of the number of existing non-luxury dwelling units within Special District area (284), to the number of units buildable on the eight privately developable sites in the district at R10 density levels, (1,937).*

The applicants electing to qualify by means of contributing toward the acquisition of the public housing sites are indirectly providing replacement units within the Special District. In the absence of these contributions, City policy would prevent construction of a public housing project in this area because of the high cost of acquiring land. The contributions by developers will eliminate this obstacle by enabling the City to acquire the land at virtually no cost, although it will be reimbursed only over the course of time as the Special District is redeveloped. The public housing project will include 418 low-income units, enough to replace all existing non-luxury dwelling units and half the single room occupancies within the Special District.

Even if all developers within the Special District elect to include low-income and moderate-income units in their developments, rather than make their "public housing sites acquisition contribution," the public housing project will be constructed. Under this circumstance the City would have to absorb the total land cost of the project, at the same time a total of 210 moderate-income housing units would be constructed by the developers at no cost to the City. Thus, whichever approach the developers select, the City's housing stock will be supplemented at a proportionately low public cost per unit. Furthermore, this

* The figure for existing units excludes the extra area of the public housing sites, which extends beyond 125 feet of Third Avenue, and which contains an additional 54 units. New private residential construction should lessen the pressures toward the conversion of low- and moderate-income dwelling units to high-rent apartments.

The technique employed in the proposed Special District is an urban application of a familiar suburban planning control. Suburban areas frequently require, through zoning or subdivision regulations, that developers of major tracts of land help meet the needs produced by their development which would otherwise have to be met exclusively out of the public treasury. For example, the New York Court of Appeals has sustained a requirement by a suburban village that a subdivider devote a portion of his land to use as a public park, or in the alternative, pay to the village a sum sufficient to enable it to meet the recreational needs of the subdivision's residents—a burden which the Court noted would otherwise fall on the village treasury. *Jenad Inc. vs. Village of Scarsdale*, 18 N.Y.2d 78, 84 (1966). Similarly, if the developers within the proposed Special Lower Third Avenue Development District were not required to replace the low-income and moderate-income housing units which they demolish during redevelopment, the cost of replacement would fall directly upon the City.

The proposed provisions of the Special District no more involve a sale of zoning rights, as charged by some speakers at the public hearing, than did the park provisions in *Jenad* amount to a sale of subdivision rights. In both instances a city is requiring only that developers bear a fair share of the burden resulting directly from the development they undertake.

2. Public Facilities

Full development of the lower 3d Avenue area under the proposed Special District regulations would result in an increase of approximately 2,000 dwelling units above the number presently existing within the area, and a population increase of about 6,000 persons. Several key public facilities were examined to determine whether they could absorb this increased density and population. The Commission has reached an affirmative conclusion with respect to the capacity of each facility.

a. Schools—

On the basis of guidelines established by the Board of Education, it is predicted that full development of the Special District area will result in an increase above current levels of 225 pupils in the elementary school population (grades K-6), 50 pupils in the intermediate school population (grades 7-9) and 70 pupils in the high school population

(grades 10-12). These figures assume that of the net increase of 2,000 dwelling units in the area, 160 units will be low rental, 210 moderate rental and 1,630 luxury rental.

Any realistic projection of school attendance figures in this general area must also take into account the Cooper Square urban renewal project. That project is expected to add 330 elementary pupils, 75 intermediate pupils and 110 high school pupils to the school population.

Four elementary schools—Public School 19, Public School 40, Public School 63 and Public School 122 and three intermediate schools—Intermediate School 60, Intermediate School 71, and Intermediate School 104 now serve the lower 3d Avenue area, or easily could serve the area with a slight adjustment in the school district feeder lines. Both the elementary school and intermediate school groups now contain sufficient capacity to absorb the increased enrollment which will result from full development of the Special District and the Cooper Square area. Furthermore, the City-wide grade reorganization planned for 1974 will decrease enrollment in elementary and, to a lesser extent, intermediate schools.

The grade reorganization will require the high schools to service grades 9 through 12, as opposed to grades 10 through 12 at present. This change, when coupled with the increased enrollment from the Special District and Cooper Square areas, will overtax the present capacity of the two high schools now serving the Lower East Side—Hughes and Seward Park. However, the capacity of these schools will be greatly increased with the completion in 1972 or 1973 of the 1,500 seat extension to Seward Park High School. An extension to Hughes High School is also planned. Finally, the underutilized Franklin High School can absorb additional pupils from the Special District area, although this should not be necessary.

b. Public Transportation—

The Special District area is located in a passenger "valley" in the subway system portation. This service will be improved with the completion of the 2d Avenue subway, but its present quality and capacity is sufficient to support high-density redevelopment.

There are several bus routes which extend through the proposed Special District area, or within one block of it. Crosstown routes operate on 14th Street and on 8th and 9th Streets. 3d Avenue itself supports both an uptown and a downtown bus route. Another uptown route operates along 4th Avenue, while a downtown bus which terminates at South Ferry can be boarded on 2d Avenue.

The Special District area is located in a passenger "valley" in the subway system between the often overcrowded Midtown and Lower Manhattan areas. In the morning, downtown trains on the Lexington Avenue IRT line have discharged a substantial number of passengers at Grand Central Station before arriving at the 14th Street and Astor Place stations near the Special District. Likewise, the uptown trains originating in Brooklyn have discharged many passengers in the Wall Street area. In both directions the Lexington IRT line will be able to service the increased population projected for the Special District area.

In the evening, there will be ample capacity on the downtown Lexington line to handle area residents returning from Midtown. The uptown local, which originates at the Brooklyn Bridge station, likewise can accommodate many more area residents. For area residents working in the financial district further south, a trip on the grossly overcrowded Lexington express is a fate not lightly to be contemplated. But these workers have available the Sea Beach-Brighton BMT line, which runs along Broadway to within two blocks of the Special District area, and the Jamaica BMT line, which connects with the Lexington local at Brooklyn Bridge.

Finally, the area is close enough to the Financial District to make the uptown bus a feasible transportation alternative for residents during the evening rush hour.

In addition to the uptown and downtown subway lines, the lower 3d Avenue area is served by the 14th Street-Canarsie line, which connects with the 8th Avenue, 6th Avenue and Broadway lines and with several lines in Brooklyn.

c. Recreation—

The proposed Special District area is within easy walking distance of neighborhood parks at Washington Square, Tompkins Square and Stuyvesant Square and is near the extensive complex of recreational facilities located in the East River Park.

However, the desirability of providing at least a modest portion of public open space within the area itself is recognized and is encouraged in the proposed Special District regulations (Section 86-063).

d. Other Public Facilities—

Based on consultations with the appropriate City agencies, the Commission finds that the public facilities and personnel relating to police and fire protection, sanitation, sewerage, water supply, postal service and hospitals and clinics are adequate to serve the increased population which would result from full redevelopment of the proposed Special District area.

While there are presently many retail stores along 14th and 8th Streets in close proximity to the Special District area, the Commission anticipates that redevelopment of the lower 3d Avenue area will include construction of additional shopping facilities. The only supermarket in the area, at 11th Street and 4th Avenue, will not be adequate alone to service the increased population within the Special District.

3. *Needed Public Amenities to Prevent Congestion*

The Commission finds that the high-density redevelopment of the lower 3d Avenue area is also acceptable from the standpoint of physical environment, if certain needed amenities are provided within the Special District.

The density which would be attained upon full development of the lower 3d Avenue area is not greater than that presently permitted in Manhattan along many wide streets and avenues. However, many of these existing high-density areas do suffer from pedestrian congestion on the sidewalks. Therefore, the Commission has mandated provision of additional pedestrian amenities as part of every new development along 3d Avenue within the Special District. On the west side of 3d Avenue, each new development must provide a sidewalk area which is 10 feet wider than normal. On the east side of the avenue, each development must include an arcade at least 10 feet in depth. Thus, along the entire length of the Special District area, pedestrians will be afforded a significantly larger area in which to circulate than would be the case if private redevelopment took place on a parcel-by-parcel, uncoordinated basis. In addition, the arcade will provide protection from the elements on inclement days, and should also increase the attractiveness of the shopping facilities located throughout its length. The Special District allows each developer an additional amount of floor area in consideration of these mandatory design requirements.

The Commission also hopes to encourage provision of some public open space in connection with the public housing projects to be constructed within the Special District. This, too, will add to the attractiveness of the area as a pedestrian precinct and residential neighborhood.

4. *Location of Public Housing Projects*

The location of the sites reserved for public housing has been reviewed in response to suggestions for alternative sites made at the public hearing, but the Commission has determined that the location should not be changed. Of the sites in the area of the Special District which are of a sufficient size for the public housing project, the designated sites between 10th Street and 12th Street, on the west side of 3d Avenue, are the most suitable with respect to the cost of acquisition and the relocation burden.

5. *Effect on Cooper Square Plan*

Contrary to the views expressed at the public hearing by several individuals and groups active in planning the Cooper Square urban renewal project, the Commission does not believe that the proposed Special District rezoning will greatly increase the cost of acquiring the property needed for the Cooper Square project. In any event, however, the City is committed to the completion of this project. The parcels designated for the project will be acquired, regardless of any increase in their value which may result from the proposed Special District amendment.

General Provisions—

The principal provisions of the Special Lower 3d Avenue Development District as published in the Calendar are summarized below:

The Special Lower 3d Avenue Development District regulations supercede or supplement certain regulations of the C6-1 and R7-2 zoning districts upon which the District is superimposed. Except as thus superceded or supplemented, the zoning regulations of the underlying district remain in full effect.

New developments with the Special District which do not qualify for an R10 equivalent floor area ratio bonus do not require a special permit from the Commission. But they must comply with certain mandatory bulk provisions contained in the Special District regulations, and are entitled to the additional floor area specified in these regulations. A special permit from the Commission, subject to Board of Estimate action, is required for each development qualifying for an R10 density bonus and such developments are subject to the additional use and bulk restrictions specified in the Special District regulations.

Use Regulations—

Developments which qualify for a floor area bonus, based on the low-income and moderate-income housing provisions of the Special District regulations, must be devoted exclusively to residential uses above the second story of all buildings. Within the Special District, the two lower floors of any buildings may contain any commercial use permitted in C6-1 District, provided that no residential use may be located on a floor containing commercial uses.

Two sites within the Special District on the west side of 3d Avenue between 10th Street and 12th Street are reserved for a public housing project to be constructed and

managed by the New York City Housing Authority. This project may also contain appropriate commercial uses, community facilities and public open space.

Bulk Regulations—

The commission by special permit, subject to Board of Estimate action, may authorize a floor area ratio equivalent to that permitted in an R10 District for a development in which at least 15 per cent of the residential floor area is devoted to "low- or moderate-income housing units," or with respect to which the appropriate "public housing sites acquisition contribution" has been tendered to the Commission.

A development granted an R10 floor area ratio equivalent by the Commission is eligible as well for the floor area bonuses available in R10 districts for arcades, plazas and plaza-connected open areas. Similarly, it must comply with all the regulations applicable to an R10 district which are not modified by the Special District provisions.

No portion of an arcade or sidewalk extension area mandated by the Special District regulations is also eligible for the R10 equivalent bonuses normally granted for the optional provision of these facilities. And the total floor area ratio of a development granted an R10 equivalent bonus within the Special District may, in no event, exceed 12.0, the current maximum density in R10 districts.

In the case of a development constructed without benefit of the R10 equivalent floor area bonus, the bonus granted for inclusion of a mandatory amenity may not increase the floor area of the development by more than 20 per cent above the floor area ratio permitted by the underlying district regulations.

For a development granted any floor area bonus, the Commission, subject to Board of Estimate action, may modify height and setback regulations to enable utilization of the permitted increase in floor area, provided that distribution of the bulk of the development permits adequate access of light and air to the surrounding streets and properties. The Commission, for the same purpose and again subject to Board of Estimate action, may lower the required lot area per room, but by not more than 17 per cent of the applicable requirement.

Pedestrian Amenities—

Inclusion of a pedestrian amenity is mandated for every new development, whether or not it qualifies for an R10 equivalent floor area ratio. These amenities have been made mandatory since, to achieve fully the objective of preventing pedestrian congestion, they must extend continuously along the Avenue frontage.

The bonus figures listed for each of the amenities are stated in terms of additional square feet of floor area granted for each square foot of area occupied by the mandated portion of the amenity.

a. *Mandatory Pedestrian Arcade—*

Each new development constructed on the east side of 3d Avenue must include an arcade which extends the full length of the zoning lot along 3d Avenue. The arcade must have an unobstructed width of 10 feet at all points, and its building columns must be placed flush with the Third Avenue street line. Restrictions are imposed upon the size of signs which may be affixed to the arcade, and it is required that the arcade be suitably illuminated.

Since the arcade is mandatory a bonus of seven square feet of floor area per square foot of arcade is provided for its inclusion, as opposed to the bonus of three square feet provided in the Resolution for arcades constructed at the developer's option.

b. *Sidewalk Extension Area—*

For all new developments fronting on the west side of Third Avenue, including the public housing projects, the mandated pedestrian amenity is an extension westward of the sidewalk for a distance of 10 feet along the entire length of the zoning lot fronting on the Avenue. This 10-foot area must be a true extension of the sidewalk; that is, it must be unobstructed, paved, available for public use at all times and it must have the same grade as the sidewalk which it extends.

A bonus of six square feet of floor area per square foot of widened sidewalk is provided.

Text Changes After Public Hearing

As a result of comments made at the public hearing and further study, the Commission deems it appropriate that the text as heard be modified in the following manner:

1. The Special District regulations, as heard, provided that the Commission "may" grant a development an R10 District equivalent floor area ratio if the development satisfies one of the low-income and moderate-income housing conditions. To remove any doubt concerning whether such a development is entitled to the R10 floor area bonus, the word "may" has been replaced with the word "shall" with respect to both conditions.

In addition, the responsibility of the Housing and Development Administration to regulate the low-income and moderate-income housing units after construction has been

elaborated as extending to the promulgation of guidelines, similar in substance to those pertaining to publicly subsidized housing projects, with respect to the rental levels and occupancy eligibility of such units.

2. The regulations as heard restricted all new developments with the Special District to no more than two floors of commercial space, even if the development was not eligible for an R10 equivalent density. For such a development, the Commission deems this limitation inappropriate, since the underlying C6-1 regulations extending throughout most of the Special District area permit construction of an entirely commercial building.

Therefore, the Commission has limited application of the commercial floor limitation to those developments which have been granted R10 density equivalent bonus. The use limitation applicable to all other developments shall be those of the underlying C6-1 and R7-2 district regulations.

3. A possible conflict was presented by the regulations as heard with respect to the required size of the non-publicly subsidized low-income and moderate-income units which would qualify a development for an R10 density equivalent bonus. The definitional provision required a comparison with the rental levels of all "similarly sized units" in the remainder of the development, yet Section 86-071 required that units be of a size "substantially equivalent" to units in publicly assisted housing projects. To eliminate any conflict, the latter provision has been eliminated. The non-publicly subsidized low-income and moderate-income units must also contain the same number of rooms, proportionately, as the other units in a development.

4. The regulations applicable to the sites reserved for public housing have been slightly altered since the public hearing. They no longer intimate that the City must acquire the sites through condemnation, since acquisition through negotiated purchase is equally acceptable. The regulations still require that acquisition be consummated within a reasonable time, for prompt completion of the public housing units will maximize the possibility that they can be used as a relocation resource for the tenants evicted in the Special District area by private redevelopment. Prompt acquisition of the public housing sites is also necessary to insure that the present owners of the sites will receive just compensation for their land without undue delay.

The regulations have also been altered to provide the Commission with discretionary control over the commercial uses which may be included as part of the public housing project.

5. The regulations authorizing the Commission to reduce the required lot area per room for developments which have been granted any floor area bonus have been amended to make clear that, in the case of such developments not granted in R10 density equivalent bonus, the Commission may not reduce the requirement by more than 17 per cent of that required by the underlying district regulations.

6. Various other minor modifications in wording have been made in the Special District regulations as indicated, but none of these minor modifications affect the substance of the regulations as heard.

The City Planning Commission determined that the amendments, as heard, and under consideration as modified, would provide appropriate modifications of the Zoning Resolution, and they were thereupon adopted, together with the following resolution, which is herewith filed with the Secretary of the Board of Estimate, in accordance with the provisions of Section 200 of the New York City Charter.

Resolved, By the City Planning Commission that the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, be and the same hereby is amended by changes relating to Section 86-00 establishing a Special Lower Third Avenue Development District as follows:

11-12

Establishment of Districts

11-127

Establishment of Special Lower Third Avenue Development District.

In order to carry out a special purpose of this resolution as set forth in Article VIII, Chapter 6, the Special Lower Third Avenue Development District is hereby established.

12-10 Definitions

Special Lower Third Avenue Development District

The "Special Lower Third Avenue Development District" is a Special Purpose District designated by the letters "TA", in which special regulations set forth in Article VIII, Chapter 6 apply to all developments. The Special Lower Third Avenue Development District appears on the zoning maps superimposed on other districts, and wherever indicated its regulations supplement or supersede those of the districts on which it is superimposed.

Low or moderate income housing unit within the Special Lower Third Avenue Development District.

A "low or moderate income housing unit" within the *Special Lower Third Avenue Development District* is:

- (a) Any *dwelling unit* receiving financial assistance from the Federal, State or City government under any program to assist the provision of low or moderate income housing as defined in the applicable statute, built or operated by any public agency or any non-profit, limited profit or limited dividend organization; or
- (b) Any *dwelling unit* in a development which is rented at a rate no higher than 50 per cent of the average rent or carrying charge of all other similarly sized units in the *development* which are not publicly or privately subsidized.

Public housing sites acquisition contribution within the Special Lower Third Avenue Development District.

The "public housing sites acquisition contribution" applicable to a *development* within the *Special Lower Third Avenue Development District* shall be an amount, tendered in escrow to the New York City Planning Commission, equal to twice the combined assessed valuation, on the effective date of this chapter, of the two sites designated for public housing by Section 86-063 multiplied by the ratio which the portion of the *lot area* of the *development* within the Special District bears to the total *lot area* within the Special District, excluding from this total area the area of all public *streets* and the area of the two sites designated for public housing by Section 86-063.

ARTICLE VIII—Special Purpose Districts

Chapter 6, Special Lower Third Avenue Development District

86-00 General Purposes

The "Special Lower Third Avenue Development District" established in this resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to promote the character of the *Special Lower Third Avenue Development District* as a prime location for new housing developed in accordance with a comprehensive plan;
- (b) to insure a balanced and heterogeneous population for the area by providing dwelling units at varied household income levels;
- (c) to conserve and increase the supply of moderate and low-income housing units in the City of New York by requiring new development to assume its fair share of the burden of replacing demolished moderate and low-income structures in the area;
- (d) to improve circulation patterns in the area by requiring uniform sidewalk widening and mandatory *arcades* and encouraging the provision of public open space as a related part of new development;
- (e) to provide an incentive for redevelopment of the area in a manner consistent with the foregoing objectives which are integral elements of the comprehensive plan of the City of New York;
- (f) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

86-01 Definitions (repeated from Section 12-10)

Special Lower Third Avenue Development District

The "Special Lower Third Avenue Development District" is a Special Purpose District designated by the letters "TA", in which special regulations set forth in Article VIII, Chapter 6 apply to all *developments*. The *Special Lower Third Avenue Development District* appears on the zoning maps superimposed on other districts, and wherever indicated its regulations supplement or supersede those of the districts on which it is superimposed. Low or moderate income housing unit within the Special Lower Third Avenue Development District.

- (a) Any *dwelling unit* receiving financial assistance from the Federal, State or City Government under any program to assist the provisions of low or moderate income housing as defined in the applicable statute, built or operated by any public agency or any non-profit, limited profit or limited dividend organization; or
- (b) Any *dwelling unit* in a *development* which is rented at a rate no

higher than 50 per cent of the average rent or carrying charge of all other similarly sized units in the *development* which are not publicly or privately subsidized.

Public Housing sites acquisition contribution within the Special Lower Third Avenue Development District.

The "public housing sites acquisition contribution" applicable to a *development* within the *Special Lower Third Avenue Development District* shall be an amount tendered to the New York City Planning Commission, equal to twice the combined assessed valuation, on the effective date of this chapter, of the two sites designated for public housing by Section 86-063 multiplied by the ratio which the portion of the *lot area* of the *development* within the Special District bears to the total *lot area* within the Special District, excluding from this total area the area of all public *streets* and the area of the two sites designated for public housing by Section 86-063.

86-02

General Provisions

In accordance with the purposes of the *Special Lower Third Avenue Development District*, certain specified bulk regulations of the districts on which the *Special Lower Third Avenue Development District* is superimposed are made inapplicable and special regulations are substituted therefor. The Commission, by special permit, after public notice and hearing and subject to Board of Estimate action, may grant a special permit authorizing modifications of specified applicable district bulk regulations as set forth in this chapter.

Each development within the *Special Lower Third Avenue Development District* shall conform to and comply with all of the applicable regulations of this resolution except as provided in this chapter.

86-03

Action by the Board of Estimate

The resolution of approval by the City Planning Commission, together with a copy of the application for a grant of a special permit, shall be filed with the Secretary of the Board of Estimate, and the Board of Estimate shall act upon such resolution in accordance with the provisions of Section 200 of the New York City Charter.

86-04

Requirements for Applications

An application to the City Planning Commission for the grant of a special permit respecting any *development* under the provisions of this chapter shall include a site plan showing the location and proposed use of all *buildings* or other *structures* on the site; the location of all special facilities that are to be provided under the mandatory provisions; the location of all vehicular entrances and exits and proposed off-street parking spaces and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit is warranted.

86-05

Relationship to Public Improvement Projects

In all cases, the Commission shall deny a special permit application, whenever the *development* will interfere with a public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities) which is approved by or pending before the Board of Estimate, City Planning Commission, or Site Selection Board as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

86-06

Special Use Regulations

86-061

Location of commercial uses on zoning lot in developments granted R10 bonus

In any *development* for which the Commission has authorized, pursuant to Section 86-071 or Section 86-072 a residential *floor area ratio* equivalent to that permitted in an R10 District, *commercial uses* permitted in a C6 District may be located on any portion of the *zoning lot* which is within the *Special Lower Third Avenue Development District*, subject to the limitation on the location of *commercial uses* within any *building* imposed by Section 86-062.

86-062

Location of commercial uses within buildings in developments granted R10 bonus

In any *development* for which the Commission has authorized, pursuant to Section 86-071 or Section 86-072, a residential *floor area ratio* equivalent to that permitted in an R10 District, no *commercial use* shall be located above the ceiling of the second story of any *building* or on the same floor as *residential uses* within the *Special Lower Third Avenue Development District*.

86-063

Designation of certain sites for public housing and appurtenant uses
The portion of the *Special Lower Third Avenue Development District* bounded on the east by Third Avenue, on the north by Twelfth Street, on the west by the boundary of the *Special Lower Third Avenue Development District*, and on the south by Tenth Street, excluding the area in the bed of Eleventh Street between the Special District boundary and the westerly line of Third Avenue, shall contain only a public housing development constructed and managed by the New York City Housing Authority, together with such appurtenant *community facilities, commercial uses, and public open space* as the Commission finds appropriate, provided that all owners of property within the portion of the *Special Lower Third Avenue Development District* designated by this section shall be paid just compensation upon the acquisition of the property by the City of New York within a reasonable time after the effective date of this chapter, whether such acquisition is achieved through purchase, condemnation proceedings, or otherwise.

86-07**Bulk Regulations****86-071**

Bonus for provision of low or moderate income housing

The Commission, by special permit issued after public notice and hearing and subject to Board of Estimate action, shall authorize for any *development* within the *Special Lower Third Avenue Development District* a residential *floor area ratio* equivalent to that permitted in an R10 District, if it finds:

- (a) That the *development* contains no less than 15 per cent of its total residential *floor area*, excluding from this total any *floor area* authorized pursuant to the provisions of Section 86-073, Section 86-081, or Section 86-082, as *low or moderate income housing units*;
- (b) That the distribution of rooms contained in the *low or moderate income housing units* is substantially equivalent to the distribution of rooms contained in other units in the *development*; and
- (c) If the applicant is not the New York City Housing Authority, that the *low or moderate housing units* are being subsidized by the applicant through the provision without charge of the land necessary to construct the units.

Provided that the Housing and Development Administration shall promulgate and enforce rules and regulations governing the rental levels and occupancy eligibility for all *low or moderate income housing units*, which are not publicly subsidized, provided in *developments* for which the Commission has authorized a bonus pursuant to this Section, which rules and regulations shall incorporate the relevant provisions of this chapter and shall otherwise be substantially equivalent to the rules and regulations governing the rental levels and occupancy eligibility for publicly subsidized *low or moderate income housing units* in New York City.

86-072 Alternate Bonus for Contribution toward Acquisition of Public Housing Sites

The Commission, by special permit issued after public notice and hearing, and subject to Board of Estimate action, shall authorize for any *development* a residential *floor area ratio* equivalent to that permitted in an R10 District if the applicant tenders the *public housing sites acquisition contribution* applicable to his development under the provisions of Section 86-01; provided, that following Board of Estimate approval for any *development* granted the bonus authorized by this section, the Commission shall transfer the amount tendered by the applicant under this section to the New York City Housing Authority, which shall place the

amount received in an earmarked fund, which fund shall be applied solely toward the acquisition of the public housing sites designated pursuant to Section 86-063.

86-073

Developments Eligible for R10 Bonuses

Any *development* for which the Commission authorizes, pursuant to Section 86-071 or Section 86-072, a residential *floor area ratio* equivalent to that permitted in an R10 District, shall also be eligible for a *plaza* bonus, a *plaza-connected open area* bonus, and an *arcade* bonus, equivalent to those permitted in an R-10 District under the provisions of Sections 23-16, 23-17, and 23-18 and subject to the limit on maximum permitted *floor area* imposed by Section 86-09. Provided, that any portion of a *plaza*, *plaza-connected open area*, or *arcade*, which is a part of a mandatory *arcade* or sidewalk extension area, shall not be eligible for the additional *floor area* bonus authorized by this section.

86-08

Mandatory Provisions

All new *developments*, including all public housing projects, within the *Special Lower Third Avenue Development District*, whether or not they are eligible for the R10 residential *floor area ratio* equivalent authorized by Section 86-071 or Section 86-072, shall comply with the mandatory provisions made applicable by this section, and shall be eligible for the bonus permitted by this section. The bonus authorized by this section shall be additional to any bonus authorized by the Commission pursuant to Section 86-071 or Section 86-072 subject, however, to the limitation on maximum permitted *floor area* imposed by Section 86-09.

86-081

Mandatory Provision Applicable to Developments on the East Side of Third Avenue

Any *development* within the *Special Lower Third Avenue Development District* which is located on a *zoning lot* with a *lot line* which coincides with the east side of Third Avenue shall contain an *arcade* which complies with these additional requirements:

- (a) The *arcade* shall extend the full length of the *zoning lot* along the *street line* of Third Avenue;
- (b) The exterior face of *building* columns shall lie along the *street line* of Third Avenue;
- (c) The *arcade* shall contain no obstructions for a minimum depth of 10 feet measured perpendicular to the interior face of the *building* columns located on the *street line* of Third Avenue;
- (d) No signs may be affixed to any part of the *arcade* or *building* columns except on a parallel to the *building* wall projecting no more than 18 inches therefrom parallel to the *street line* of Third Avenue;
- (e) The *arcade* shall be illuminated.

For each square foot of mandatory *arcade* provided the *development* shall be eligible for a bonus of 7 square feet of *floor area*, subject, however, to the limitation on maximum permitted *floor area* imposed by Section 86-09.

86-082

Mandatory Provision Applicable to Developments on the West Side of Third Avenue.

Any *development* within the *Special Lower Third Avenue Development District* which is located on a *zoning lot* with a *lot line* which coincides with the west side of Third Avenue shall contain a sidewalk extension area, which complies with the following requirements:

- (a) It shall have a minimum depth of 10 feet, measured perpendicular to the *street line* of Third Avenue;
- (b) It shall extend the full length of the *zoning lot* along the *street line* of Third Avenue;
- (c) It shall contain no obstructions within the minimum depth prescribed by paragraph (a) of this Section;
- (d) It shall have at all points the same grade as the established sidewalk, to which it shall be immediately adjacent throughout its entire length;
- (e) It shall be available for public use at all times;
- (f) It shall have a paved surface.

For each square foot of mandatory sidewalk extension area provided the *development* shall be eligible for a bonus of 6 square feet of *floor area*, subject, however, to the limitation on maximum permitted *floor area* imposed by Section 86-09.

86-09

Maximum Floor Area Ratio

The maximum *floor area ratio* for any *development* within the *Special Lower Third Avenue Development District* shall be as set forth in Section 86-091 or Section 86-092, whichever is applicable.

86-091

Maximum floor area ratio for developments granted R10 bonus

Notwithstanding any other provision of this Resolution, for any *development* for which the Commission has authorized a *floor area* bonus pursuant to Section 86-071 or Section 86-072, the maximum *floor area ratio* shall not exceed 12.0.

86-092

Maximum floor area ratio for all other developments

For any *development* to which the provisions of Section 86-091 do not apply, the maximum *floor area ratio* permitted by the underlying district or districts may be increased by a maximum of 20 per cent, pursuant to the provisions of Section 86-081 or Section 86-082. This increase in permitted *floor area* may be applied to any portion of a *mixed building*.

86-10

Modification of Height and Setback Regulations

Height and setback regulations otherwise applicable to any *development* within the *Special Lower Third Avenue Development District* may be modified by the Commission, following public notice and hearing and subject to Board of Estimate action, to the extent necessary to incorporate any increase in permitted *floor area* authorized pursuant to the provisions of this Chapter, and shall be modified appropriately as to any *building* to which Section 86-081 or Section 86-082 applies. As a condition for such modifications, the Commission shall require that the distribution of the bulk of the total *development* permits adequate access of light and air to surrounding streets and properties.

86-11

Modification of Lot Area Per Room Regulations.

For any *development* within the *Special Lower Third Avenue Development District* the Commission, by special permit issued after public notice and hearing and subject to Board of Estimate action, may decrease the required *lot area per room* pursuant to the provisions of Section 86-111 or Section 86-112, whichever is applicable.

86-111

Modification of lot area per room regulations for developments granted R10 bonus

For any *development* for which the Commission has authorized pursuant to Section 86-071 or Section 86-072 a *floor area ratio* equivalent to that permitted in an R10 District, the Commission may authorize a decrease in the required *lot area per room* corresponding to the total increase in *floor area* permitted pursuant to this chapter; provided that this decrease in the required *lot area per room* shall not exceed 17 per cent of the *lot area per room* required in an R10 District.

86-112

Modification of lot area per room regulations for all other developments

For any *development* to which the provisions of Section 86-111 do not apply, the Commission may authorize a decrease in the required *lot area per room* corresponding to the total increase in *floor area* permitted pursuant to this chapter; provided that this decrease in the required *lot area per room* shall not exceed 17 per cent of the *lot area per room* required by the regulations of the underlying district or districts.

86-12

Developments Granted R10 Bonus

Any *development* for which the Commission has authorized pursuant to Section 86-071 or Section 86-072, a residential *floor area ratio* equivalent to that permitted in an R10 District, must comply with all regulations of this

resolution applicable to R10 districts, except where these regulations are modified by the provision of this Chapter.

In favor—DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLENT, CHESTER RAPKIN, Commissioners.

In opposition—WALTER McQUADE, IVAN A. MICHAEL, BEVERLY MOSS SPATT, Commissioners.

CONCURRING STATEMENT BY COMMISSIONER MARTIN GALLENT

The Commission has heard testimony on the 3d Avenue Special District from the community involved, experts in Planning, Architecture, and Real Estate; Social Service organizations, City wide and local housing groups, tenants and landlords. The full spectrum of ideas interests, and concerns has been eloquently set forth including the very diverse opinions of the Department of City Planning. In deliberation, the Commission itself has expressed diverse views and is not of one mind on this issue.

The Commission has been accused of "selling zoning" and of "giving zoning away," destroying an existing community and not doing enough to change it. We are condemned and applauded, exhorted to do more and cautioned to leave things as they are.

All of the debate and discussion has had a profound effect on the thinking that has gone into the report the Commission has adopted.

In putting forth the proposed amendment to the zoning resolution the Department of City Planning and the Commission have evaluated the "Third Avenue District," its infrastructure, social structure, characteristics, people and its economy and human ecology, weighed all the factors and their relationship to the needs of the total City.

The proposed amendment is in fact a product of all the aforementioned. The amendment provides alternatives both for the current economic atmosphere and for what may be practical in the future. Amenities are included in the form of wide streets and arcades on the avenue. Significant low-income housing is provided for in order to maintain a desirable community balance.

The total concept while innovative does not depart from the Comprehensive Plan for the City but rather enlarges the City's ability to meet the needs of its people.

Judge Keating, in the case of *Udell v. Haas*, defines the meaning and purpose of zoning:

Zoning is not just an expansion of the common law of nuisance. It seeks to achieve much more than the removal of obnoxious gases and unsightly uses. Underlying the entire concept of zoning is the assumption that zoning can be a vital tool for maintaining a civilized form of existence only if we employ the insights and the learning of the Philosopher, the City Planner, the Economist, the Sociologist, the Public Health expert and all the other professions concerned with urban problems.

This fundamental conception of zoning has been present from its inception. The almost universal statutory requirement that zoning conform to a "well considered plan" or "Comprehensive Plan" is a reflection of that view. (See Standard State Zoning Enabling Act, U.S. Department of Commerce (1926)). The thought behind the requirement is that consideration must be given to the needs of the community as a whole. In exercising their zoning powers, the local authorities must act for the benefit of the community as a whole following a calm and deliberate consideration of the alternatives, and not because of the whims of either an articulate minority or even majority of the community. (*DeSena v. Gulde*, 24 A.D. 2d 165, 265 N.Y.S. 2d 239 (2d Dept., 1965).)

Udell v. Haas, 21 N.Y. 2d 463 235 N.E. 2d 897, 288 N.Y. Supp d 88 (1968)

It is my conviction that this amendment to the zoning resolution expands the frontiers of zoning legislation and more closely relates it to the social goals of Comprehensive City Planning. This legislation, I believe, will be an important milestone against which future legislation will be measured.

MARTIN GALLENT, Commissioner.

DISSENTING STATEMENT OF COMMISSIONER WALTER McQUADE—AUGUST 12, 1970

I vote "No."

It is with some regret, because I agree with the basic intent of the mechanism suggested by my resourceful friends on the Commission and Planning staff. However, I am not convinced this particular contrivance will work, and there are several clear disadvantages to it.

First, as background, we all know there is quite a lot of acreage zoned R-10 on Manhattan on which high rent apartments can be built. There are, of course, three present problems to building on it, financially:

1. The high present interest rates charged for mortgage money.
2. The high asking price by the owners of the land zoned R-10.
3. The very high costs on construction.

The bankers will not budge on their interest rates to builders. The landowners will not come down in their asking prices. The contractors, suppliers, and construction trades certainly will continue to get everything they can.

I do not blame the developers for trying a fourth route, pressing the city government into creating more R-10 land by rezoning. Building lofty apartments is their business. But like the bankers, the owners, and the building trades, I think we have to resist, whatever the political pressure. Zoning should not be bent to solve what is really a cost problem; there is the danger of deforming the city physically and/or socially. Let me try to explain what I mean.

I do not believe the big, dumbly designed new apartment houses now conventional to R-10 improve most New York neighborhoods physically, or in spirit. I share the reaction of other middle class people to these high, undistinguished cliffs filled with apartments renting for nearly a thousand dollars a month. These buildings are excessive, with their rooftop swimming pools and saunas, their prententious little curved driveways, interfering with pedestrian and street traffic. We are told eloquently these buildings are essential to house the executives of the businesses which make Manhattan prosper. I don't believe that. Most of the executives I know avoid them. Instead you find squadrons of airline hostesses, which is fine, and, less good, hardpressed families who cannot really afford these rents.

I, also, lack confidence in the arithmetic of the proposal. Upzoning a site from R-7 to R-10 (or, really, an effective R-12) is worth more than the \$15 per square foot which the City is collecting. If this land is rezoned R-10 I think you will see the asking price jump a multiple of that \$15 per square foot, which may defeat the developers anyway, at least for the present. Granted this may be the usual real estate over-reaction, but that is the game we are getting into.

I think we should avoid the game of rezoning for cash considerations, however well that cash is to be used. I am in favor, certainly, of having the City share the increment of value added when land is rezoned, by insisting that the owner compensate by making investments in amenities which will benefit the city as a whole. These would include such things as subway access, or open space. I also agree that cities properly should condemn land, and resell it for development—at a profit, if possible—making sure the resultant development is to high social and design standards. I do not think the transfer of cash will aid in that.

Finally we come to the character of the neighborhood we are creating. There is a provision in this proposal to create middle-income housing, but it is not going to be used. A developer will much prefer to pay a cash increment than to put his apartment house under any formal rental surveillance by the city. So what we are working to produce here is a residential district of very high density housing only the very rich and the very poor. There will be no middle-income. It is said that Manhattan has been moving in that direction for some time, but I would rather not push it. It is unrealistic, historically, dangerous.

What *can* we do? I would say this particular area is ready to be rezoned to R-8, or even, perhaps, R-9, with careful controls. More important, we should continue forward in several other parts of the City to take over large, underutilized sections, and, with the help of the private builders, create balanced housing neighborhoods including apartments for all incomes. Well done, they can add dimension to the city, not make it flatter, and I think we have the staff talent, and the leadership, to succeed.

WALTER McQUADE, Commissioner.

DISSENTING REPORT OF COMMISSIONER BEVERLY MOSS SPATT
(A MESS OF POTTAGE)

August 12, 1970.

The Indians sold Manhattan Island for \$24. The New York City Planning Commission is selling Manhattan Island for only \$15.30 per square foot. The City's birthright is being sold for a mess of pottage. Anyway it's put, it is selling zoning—unconstitutional, unethical, improper.

I oppose the rezoning from R7 to R10 (R12 plus the mandatory bonus) of 3d Avenue between St. Marks Place and 14th Street, Manhattan for the following reasons:

1. Zoning is being used as the whipping boy to explain the lack of residential construction, when, in actuality, the major contributing factors to the lack of construction are high interest and mortgage rates, land costs, and construction costs.

2. This zoning is one more step in the creation of the City (particularly Manhattan) into a place for the very rich and the very poor. The middle class families,

families necessary for the social, economic, political, and physical well-being of the city, are being driven out of the city.

3. R10 density is excessive and unnecessary. It will make for a dehumanized city with a great quantity of lives but a low quality of living.

4. The selling of zoning, the individual negotiation of zoning changes undermines the very integrity of zoning and opens the City to negotiated spot zoning—for a price.
Zoning For Sale—

The General Manager of Commerce and Industry Association of New York, Inc. stated:

Our opposition is based on the principles involved. We believe in government by laws, not men: We believe in a Zoning Resolution based on the use of objective standards. We are opposed to spot zoning, to the sale of zoning, and to negotiated zoning.

The amendment before you today violates all of these principles.

That this amendment provides zoning at a price is patent and blatant and the price as stated is on its face.

("Statement in Opposition to the Establishment of a Special 3d Avenue Development District in the City's Zoning Resolution" New York, May 13, 1970.)

The selling of zoning opens a Pandora's box. It sets a serious precedent and bodes ill for the future. At another time, another administration, it might very well lead to corruption. Each building in the area will have to seek a separate permit which may or may not result in the granting of R10. This is spot zoning. Even if the applicant meets the text requirements, a special permit need not be granted by the Commission. (Special Permits are subject to Commission discretion.) As Commerce and Industry Association states, "This is government by man and by gamble, not by law." (op. cit.)

Today's approval is a result of numerous attempts by private interests to gain a rezoning of Manhattan to R10. This request goes back many years and was rejected by the previous Chairman and Commission. Then, about a year ago, rezoning to R10 for 3d Avenue, St. Marks Place to 14th Street, Manhattan (plus two other areas) was proposed by the Commission and calendared for hearing. At the public hearing, the 3d Avenue proposal was unanimously opposed by the community, City-wide civic groups, the news media (such as the New York Times), professional planners and the planning department staff. No action was taken. The matter was not filed, denied, or approved. A year later, the rezoning was revived, modified, and again calendared for hearing. The new zoning change was the result of meetings held by the Chairman with those people interested in the change. The Commissioners did not attend these meetings nor were they privy to the proceedings and negotiations.

Already land speculation is taking place in this area in anticipation of the rezoning to R10. Zoning sets the value of land. If land is rezoned from R7 to R10 the value of the land will become R10 in nature. "The only situation where an advantage may redound to the builder is when land already held is zoned upward." ("Memorandum," Chester Rapkin, November 1968). If the R10 regulations are worth \$15.30 per square foot to a developer, it must be because there is a highly speculative element in present land values in the area. In an application to the Board of Standards and Appeals by Rose Associates for variances at 39-45 3d Avenue (549-69BZ), the appraised value of the land was given as \$1.7 million or about \$70 per square foot. No one in his right mind would think of paying anywhere near that much for land he intended to develop at R7 density.

The price tag of \$15.30 per square foot is ludicrous in terms of the private benefit. In order to get this zoning change for high density and luxury housing through the Commission, this gimmick was devised to maintain the image of the Commission's social conscience. The 418 units is merely a token and I have reason to believe may never be built. Not only is the community aware that the token amount is a placebo, but I believe that my colleagues also must be aware that the City is getting an insignificant return compared to the benefit that the private developer will realize over the long run.
City Planning Department Study—No Lack of Available R10 Sites

It should be noted that a planning department study concerning availability of sites for R10 luxury units indicated that there was a great potential for redevelopment and creation of high density, luxury units in already existing R10 (or equivalent to R10) areas. Yet the Planning Commission contradicts its own findings and cites a need for more areas to be rezoned to R10. Since there is already a plethora of sites for luxury units (62,646 potential units, see Table 1) today's approval is unnecessary.

In evaluating this zoning change and its relationship to construction, it is the general belief that zoning is not the cause of the paralysis in construction. In fact one of the principals in the proposed rezoning has conceded at a public citizens' meeting that zoning is not the major constraint, but rather high construction costs and high interest and

mortgage rates. James Felt, former Chairman of the City Planning Commission (The New York Times, June 1970) writes that "the growing shortage of decent housing is one of the City's problems but I do not believe zoning is an important contributing factor."

The unique economic factors which are operative today preclude most conventional, unassisted housing regardless of zoning. A recent study by our own Commission has shown that it is difficult to build at R10 densities, and even with the rezoning it is likely that the developers will wait until the money market loosens up and then take the increment in land value. If housing cannot be built even at R10, then it should be obvious that the answer lies not in continuing increasing zoning (to R- 12, 15 and 20) but in lowering the cost of money and the cost of construction and thereby reducing the cost of housing.

TABLE I
Available sites zoned R-10 or Equivalent

	Total Sites	Total Square Feet	Total Acres	Total D.U.'s
Upper West Side—				
Maximum	224	3,719,000	85 2	37,062
Minimum	150	2,890,000	66 2	28,797
East Midtown—				
Maximum	27	584,000	13 4	5,829
Minimum	21	524,000	12 1	5,264
Murray Hill—				
Maximum	30	392,500	9 0	3,915
Minimum	12	260,500	6 0	2,610
Upper West Side—				
Maximum	30	563,700	13 0	5,655
Minimum	19	437,900	10 0	4,350
Lincoln Square—				
Maximum	20	551,700	12 6	5,481
Minimum	12	425,200	9 7	4,220
8th Avenue—				
Maximum	2	40,000	1 0	435
Minimum
Total—				
Maximum	333	5,850,900	134 2	58,377
Minimum	214	4,537,600	104 0	45,241

Additional Site: Lower Manhattan Waterfront—40 Acres—17,000 Dwelling Units;
Grand Total, 62,646.

Notes—

Maximum—These figures are based on all sites of more than 10,000 square feet.

Minimum—These figures are based on only those sites with more than 20,000 square feet.

Total D.U.'s—These figures are based on the assumption of 453 dwelling units per acre with four zoning rooms per dwelling unit.

East Midtown—Includes portions of 2nd and 3rd Avenues which are zoned C6-4 but which have had significant recent residential development.

Lincoln Square—These figures are based on a recent community planning program which identified assemblages and vulnerable property.

8th Avenue—These figures include only the frontages between 51st and 56th Streets on the west side, as the east side is in the Theater District and is not likely to be developed for residential purposes and the Planning Commission views the area south of 51st Street appropriate for office expansion.

The following were excluded from this survey:

- (a) sites of less than 10,000 square feet
- (b) new-law tenements of more than 50 feet frontage
- (c) public and private institutions
- (d) brownstones and other tenements from field observation were judged to be of high value or recently renovated
- (e) other buildings of more than six stories

Concentration—Genius or Madness—

The amendment states that the purpose is:

... to conserve and increase the supply of moderate and low income housing units in the City of New York by requiring new development to assume its fair share of the burden of replacing demolished moderate and low income structures in the area.

This is a worthy public purpose. However, the granting of a floor area ratio and density bonus for such purposes is indefensible, since accomplishment of the purposes in no way makes the high densities allowed by the bonus any more bearable, in fact, quite the reverse. If R10 densities were appropriate for low-and-middle-income housing it is obvious that all public housing projects should be built at R10 so that three times as many families could be accommodated. (Imagine General Grant Houses with buildings three times their actual size. See Table 2)

The sale of zoning restrictions on densities has many attractions for those whose job it is to save the City money. If the restrictions can be sold to get sites for low income housing, why not for any number of other purposes for which the City finds itself short of funds, such as the building of public schools, health centers, hospitals, libraries, factories, etc. If this kind of thinking were to prevail New York City might well become so overcrowded and congested as to become completely unliveable. In the long run the City would pay the bill for all this overcrowding, both economically and socially. Of all the agencies in the City government, it is surely the City Planning Commission that has the responsibility for taking a long range viewpoint.

The City Planning Commission, in approving this zoning change, is doing the very thing warned against by the National Commission on Urban Problems. The Commission stated:

Zoning often is used for opportunistic reasons. The City officials are persuaded to change not because the new zoning appears to produce the best land-use pattern for the future but because they are anxious to improve the tax base.

An aspect of land-use administration by lay bodies is that decisions which should be made on the basis of technical analysis are made instead through the political process.

The warping of land-use regulations to help solve some public financial problems has been called Fiscal Zoning. In all such cases, the objective of land-use regulation to foster the best pattern of urban growth is subordinated to the cure of a fiscal ailment, and as a result urban pattern suffers.

And it can often be demonstrated that what seems to give an immediate financial advantage actually creates a financial disadvantage in the future.

("Problems of Zoning and Land-Use Regulations"
Research Report No. 2 Washington, D.C. 1968)

The R10 District has usually been thought of as a district suitable only for luxury housing. This amendment would be offering a bonus of unprecedented size, 300 per cent for the inclusion of low-and-moderate-income housing in 15 per cent of the units. The resulting situation should certainly invite legal attack if one considers the Statement of Legislative Intent in Section 21-00 of the Zoning Resolution where provision of open space and protection against congestion by means of density controls are cited as specific purposes. If R10 controls are adequate for these purposes when 15 per cent or more of the units are for low-and-moderate-income families, why must a developer who does not want to take advantage of the incentive be restricted to a building just one-third the size and be required to provide open space at the ratio of 22 square feet per 100 square feet of floor area, or about 220 square feet per family? Do high income families need open space more than low-and-moderate-income families? Of course not. Neither do high income families suffer more from overcrowding than low income families. In the words of Daniel Mandelker, "If the underlying, or residual, zone is suspect, the entire structure is built on shifting sand." ("The New Zoning," Praeger Publishers 1970, p. 18)

The basic question is what kind of City do we want. What shall be the quality of urban life? The zoning restrictions were restrictions with a purpose behind them. James Felt points out that prior to the 1961 Zoning Ordinance, 55 million people could live in New York City. The Zoning Ordinance of 1961 provides for 11.5 million people. The City of New York has now 7.9 million people, so that, already, there exists provision for 3.6 million more people, without this zoning.

The Commission has made no study of the impact of extensive rezoning to R10. Only design studies have been made. What will be the effect on people, on services, on systems? In the areas where the R10 presently exists service is poor. One wonders how the majority report can state that public facilities such as fire, public sanitation, sewage and transit are adequate to service the increased population. The Office of Midtown Planning publicly admits that the infra-structure of Manhattan has already passed the margin of safety. Wolf Von Eckhardt in the "Saturday Review" (May, 1970) questions whether "we really want more crowding in the streets? More bodies crammed into subways? More fighting for taxis and restaurant seats? More brownouts and blackouts and overburdened telephone circuits? More irritation, frustration, and strain?"

TABLE 2
New Densities of Selected Large-Scale Housing Projects in Manhattan

Name	No. of Units	Acreage	Net Density D.U.'s Per Acre
General Grant Houses	1,940	15.1	128
Frederick Douglas Houses	2,057	21.7	95
Lincoln Towers	3,840	19.7	195
Yorkville Apartments	296	.6	493
Stuyvesant Town	8,755	58.1	151
Masaryk Towers	1,109	8.3	134
Franklin Plaza Apartments	1,635	14.4	113
Kips Bay Plaza	1,100	9.0	122
Manhattan House	581	3.5	166
Park West	2,495	17.5	142
Proposed 3d Avenue District			{ 363 +72*
Total			435

* Mandatory Bonus 20 per cent

It should be noted that an increase of about 300 per cent is being given from R7 to R12 (R10 and the mandatory bonus) from 151 dwelling units to 435 units per acre.

Unconstitutionality of the Proposed Zoning Amendment—

The unconstitutionality of this zoning amendment is serious not only in terms of New York City but also because the New York City Zoning Resolution is copied in textual part as well as in technique and spirit in other communities and I should not like a proliferation of legislation which appears to me to have serious basic constitutional defects.

I refer specifically to Section 86-063 which provides that certain lands therein designated "... shall contain no use other than public housing constructed and managed by the New York City Housing Authority ..." (except for incidental uses not relevant here). In the early 1960's the City of Glen Cove amended its zoning ordinance, rezoning certain property as a "municipal high-rise housing district" in which the only permitted use was municipal housing, also to be financed and operated by the Public Housing Authority under the Public Housing Law. Some of the property was owned by the City of Glen Cove, the balance was owned by private persons. The court held that this was unconstitutional stating:

"Clearly, however, plaintiffs Hult, Kulzer & Rant are entitled to judgement on the third cause of action, for the ordinance allows but a single use in the district it creates: municipal housing. The owners are thus deprived of any beneficial use of their property, the classic example of an unconstitutional taking, (citing cases) that the owner may be entitled to continue such use as presently exists does not alter the situation when the property cannot be used by the owner for any purpose permitted by the ordinance (citing cases), nor does it help the city that the properties will ultimately be condemned for public housing use for the promise of condemnation at an indefinite future time is not just compensation. Just compensation requires that the property be valued as of and interest paid from the date of actual taking. The city could have amended the zoning ordinance by creating a floating ordinance zone (Rodgers v. Village of Tarrytown, supra) and then specify the property to be brought within that district at or about the time the property was condemned or it could have first condemned the property and then rezoned it. Instead it rezoned specific property and then for more than six months before this action was brought took no steps to condemn. It may not zone to permit only a use in which the owner may not engage unless it takes the property for such use at or about the same time; it may not confiscate under the guides of exercising its police power without at the same time assuring just compensation from the time of confiscation."

Chase v. City of Glen Cove
246 N.Y.S. 2d 975 at 979; 41
Misc. 2d 889.

Under this case, it is clear that the proviso at the end of Section 86-063 that states that "owners of property within the portion of the Special Lower 3d Avenue Development District restricted by this section shall be paid just compensation within a reasonable time" does not fulfill the constitutional requirement.

I believe that the provisions of Section 86-071 and 86-072 which provide for an increase in the permitted residential floor area ratio for certain properties within the Special Lower 3d Avenue Development District contingent, in the case of 86-071, upon the inclusion in the development of no less than 15 per cent of the total residential floor area for low-or-moderate-income housing units and in the case of 86-072, for an increase in the residential floor area ratio upon payment of monies to enable the New York City Housing Authority to acquire public housing sites in the immediate area are invalid. These are invalid, in my opinion, for a number of reasons. First, the regulations in their application to multiple family dwellings which may be erected in the Lower 3d Avenue District, "... shall be uniform for each class of buildings throughout any district..." (General City Law, Section 20 Subdivision 24). There is a total lack of uniformity when, within the same district, some buildings have the residential floor area ratio permitted in an R10 District while others are restricted to the residential floor area ratio permitted in a C6-1 District. This difference in permissible bulk and density is not based on any zoning concept or to accomplish a zoning purpose but, under either alternative, to provide more housing accommodations for a limited and specified class. Praiseworthy as this aim may be, it is not a purpose of zoning under our present laws. However much the public interest may be involved in an exercise of the police power in its general aspects, it does not furnish the basis for the exercise of the zoning power. The latter is limited to the purposes set out in the enabling act.

The distinction was pointed out by the Court of Appeals in *Westwood Forest Estates v. Village of South Nyack* (23 N.Y. 2d 424). There, the village amended its zoning ordinance so as to bar the new construction of multiple dwellings throughout the village for the purpose of alleviating the burden on the village's sewer disposal plant. The court pointed out that:

There is a distinction between the proper use of the zoning power to carry out the purposes of the enabling statutes (e.g. Village Law, Consol. Laws, c. 64, Section 175, 177), and the improper use of the zoning power to effect the general police powers of a municipality.

A municipality has, of course, the power to take the appropriate steps to deal with sanitation problems, including those created by inadequate biological treatment of sewage. The sanitation problem is, however, general to the community and not caused by the nature of plaintiff's land (see *DeSena v. Gulde*, 24 A.D. 2d 165, 171, 265 N.Y.S. 2d 239, 246). It is, therefore, impermissible to single out this plaintiff to bear a heavy financial burden because of the general condition in the community.

This is the other side of the coin. In case of the Lower 3d Avenue Special District the proper provision of housing for low-and-middle-income groups is a matter of public concern; it is properly a matter of municipal action and interest, and it is a proper use of the police power. However, it has nothing to do with zoning or with the purposes of zoning and it is impermissible to use the zoning power so as to accomplish the result which properly should be achieved by use of the general police power. Similarly, it was permissible for the City of Mount Vernon to establish a public parking place for those desiring to use the railroad. However, it was held impermissible to achieve this public purpose by zoning the plaintiff's land so that it could be used only for the parking of automobiles. (*Vernon Park Realty v. City of Mount Vernon*, 307 N. Y. 493).

As to "contract zoning", there appears to be little question but that the property owner who desires the increased residential floor area ratio is paying for it either by a restriction on the use of a portion of his completed building or by a contribution to the City Housing Authority for the purchase of public housing sites. In either case, the ultimate beneficiary is a person or a class of persons. Zoning does not deal with the personalities who are to use the land, and zoning is not intended to benefit a particular class or classes.

Conclusion—Bad Public Policy, Bad Law

Today's approval is one more step in the redevelopment of Manhattan as an island for the select few. The proposal with its alternatives is a charade. The Commission is well aware that with such a small price to pay, the developer will choose to contribute \$15.30 per square foot rather than erect a building with mixed-income groups. Even if the developers were to choose the alternative of providing 15 per cent of their units at 50 per cent rentals, these units would come in at 60 to 75 dollars per room per month; beyond the renting capability of middle-and-low-income families. Although the majority report states that this would meet the provision for middle-and-low-income units, surely the Planning Commission cannot believe this would meet the needs of middle-and-low-income households. In addition, the escalation of land prices in the surrounding area will cause the elimination of thousands of middle-and-low-income units creating another Yorkville. The housing crisis within New York City is not the crisis of the rich and of an awesome need for luxury units, but a crisis of the poor and of the moderate income people and of a critical need for shelter. Today's approval is a major step

backward in the history of the City and in the annals of the Planning Commission. It reverses Mayor Lindsay's own housing policy and establishes the priority of creating luxury units at the expense of low-and-middle-income people.

Furthermore, the regulations as drawn are full of uncertainties. It is not certain how many developers will choose to give a cash contribution toward the acquisition of public housing sites on the west side of 3d Avenue, whether the Housing Authority will decide to go ahead with a project or how long it will wait, and how long is a reasonable time for owners on the west side of 3d Avenue to wait for their properties to be taken, and if they do not have to wait what becomes of the cash contributions already made, and what becomes of future developers' rights to opt for a cash contribution. But even if all these uncertainties could be cleared away, there is not the slightest doubt in my mind that the basic concept is bad public policy and bad law.

BEVERLY MOSS SPATT, Commissioner.

No. 37

(CP-21180)

IN THE MATTER OF a zoning change, pursuant to Section 200 of the New York City Charter, involving an amendment of the Zoning Map, Section No. 12c, establishing a TA District bounded by St. Marks Place, 3d Avenue, East 10th Street, a line 225 feet west of 3d Avenue, East 11th Street, a line 100 feet west of 3d Avenue, a line midway between East 11th Street and East 12th Street, a line 190 feet west of 3d Avenue, East 12th Street, a line 125 feet west of 3d Avenue, East 14th Street and a line 125 feet east of 3d Avenue, Borough of Manhattan.

(On April 13, 1970, Cal. No. 5, the Commission scheduled May 13, 1970, for a hearing; on May 13, 1970, Cal. No. 39, the hearing was closed; on June 10, 1970, Cal. No. 21, the matter was laid over.)

On motion, the following favorable report was adopted, receiving four affirmative votes. Walter McQuade, Ivan A. Michael, Beverly Moss Spatt, Commissioners, voting "No."

An amendment of the zoning map (section 12c) establishing a TA district bounded by St. Marks Place, 3d Avenue, East 10th Street, a line 225 feet west of 3d Avenue, East 11th Street, a line 100 feet west of 3d Avenue, a line midway between East 11th Street and East 12th Street, a line 190 feet west of 3d Avenue, East 12th Street, a line 125 feet west of 3d Avenue, East 14th Street and a line 125 feet east of 3d Avenue, Borough of Manhattan, as shown on a diagram dated April 13, 1970.

August 12, 1970.

The proposed zoning change provides for the establishment of a TA District on the easterly side of 3d Avenue from St. Marks Place to 14th Street and on the westerly side of 3d Avenue from East 10th Street to East 14th Street. The proposed TA District is a special overlay district, to be superimposed on the existing C6-1 and R7-2 Districts, within the area. This special district is intended to provide for housing development at different income levels including low rent public housing, improved pedestrian circulation and improved quality of development.

On April 13, 1970 the City Planning Commission scheduled a public hearing on the proposed zoning map change, as well as on a change in the text of the Zoning Resolution, Section 86-00, establishing a special lower Third Avenue development district. The zoning text change establishes development controls and provides a bonus to stimulate housing construction at different income levels.

Public hearings were held concurrently on May 13, 1970, on the zoning map change and zoning text change. The appearances at the public hearing and the issues involved are discussed in the Commission's report on the zoning text change (CP-21179, August 12, 1970). The hearing was closed.

For the reasons noted in the Commission's report on the zoning text change, the Commission considers the proposed change in the zoning map to be an appropriate modification of the Zoning Resolution and adopts the following resolution which is herewith filed with the Secretary of the Board of Estimate in accordance with the provisions of Section 200 of the New York City Charter.

Resolved, That the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by establishing a TA District bounded by St. Marks Place, 3d Avenue, East 10th Street, a line 225 feet west of 3d Avenue, East 11th Street, a line 100 feet west of 3d Avenue, a line midway between East 11th Street and East 12th Street, a line 190 feet west of 3d Avenue, East 12th Street, a line 125 feet west of 3d Avenue, East 14th Street and a line 125 feet east of 3d Avenue, Borough of Manhattan, as shown on a diagram dated April 13, 1970.

In favor: DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, CHESTER RAPKIN, Commissioners.

In opposition: WALTER McQUADE, IVAN A. MICHAEL, BEVERLY MOSS SPATT, Commissioners.

(Concurring and dissenting statements attached to report adopted under Calendar No. 36-CP-21179.)

No. 38

(CP-21163)

IN THE MATTER OF a zoning change, pursuant to Section 200 of the New York City Charter, involving an amendment of the Zoning Map, Section No. 6b, **changing from an M1-4 District to an R7-2 District** property bounded by **East 107th Street, 1st Avenue, East 110th Street**, a line 255 feet east of 1st Avenue, East 111th Street and **Franklin D. Roosevelt Drive**, Borough of Manhattan.

(On April 8, 1970, Cal. No. 9, the Commission scheduled April 29, 1970, for a hearing; on April 29, 1970, Cal. No. 51, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

An amendment of the zoning map (Section No. 6b) changing from an M1-4 District to an R7-2 District property bounded by East 107th Street, 1st Avenue, East 110th Street, a line 255 feet east of 1st Avenue, East 111th Street and Franklin D. Roosevelt Drive, Borough of Manhattan, as shown on a diagram dated April 8, 1970.

August 12, 1970.

The proposed rezoning, requested by the Housing and Development Administration, relates to the East River Urban Renewal Project. The plan calls for construction of approximately 1,250 new low and moderate income housing units. However, the area is presently zoned M1-5. Housing cannot be developed in this district.

On April 8, 1970, Cal. No. 9, the City Planning Commission scheduled a public hearing on the proposed change. The hearing was duly held on April 29, 1970, Cal. No. 51. There were no appearances and the hearing was closed.

The East River Urban Renewal Project was approved by the Commission on November 9, 1966 (CP-19582) and by the Board of Estimate on December 9, 1966. The Commission in its report approving the plan agreed that the designated area should be predominantly residential and urged that new housing be developed at moderate density.

In order to allow the development to carry out the approved renewal plan, a request for authorizations, pursuant to Section 78-00 of the Zoning Resolution, was the subject of a public hearing held on May 13, 1970, Cal. No. 43 (CP-21201). Consideration of this phase is withheld pending effectuation of the subject amendment.

The Commission therefore approved the rezoning from a manufacturing District to a Residential District and adopted the following resolution:

Resolved, That the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6b, so as to change from an M1-4 District to an R7-2 District property bounded by East 107th Street, 1st Avenue, East 110th Street, a line 255 feet east of 1st Avenue, East 111th Street and Franklin D. Roosevelt Drive, Borough of Manhattan, as shown on a diagram dated April 8, 1970.

The above resolution is duly filed with the Secretary of the Board of Estimate.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

No. 39

(CP-21218)

IN THE MATTER OF a zoning change, pursuant to Section 200 of the New York City Charter, involving an amendment of the Zoning Map, Section Nos. 5d, 6b, 8c, and 9a, **changing from an R10 District to an R8 District** property bounded by (1) a line 100 feet west of **Madison Avenue**, a line midway between **East 86th Street** and **East 87th Street**, a line 125 feet east of **5th Avenue** and **East 90th Street**; (2) a line 125 feet west of **Park Avenue**, a line midway between **East 86th Street** and **East 87th Street**, a line 100 feet east of **Madison Avenue** and a line midway between **East 90th Street** and **East 91st Street**; (3) a line 125 feet east of **Park Avenue**, a line midway between **East 93d Street** and **East 94th Street**, a line 100 feet east of **Madison Avenue** and a line midway between **East 95th Street** and **East 96th Street**; and (4) a line 100 feet west of **Madison Avenue**, a line midway between **East 94th Street** and **East 95th Street**, a line 125 feet east of **Fifth Avenue** and a line midway between **East 95th Street** and **East 96th Street**, Borough of Manhattan.

(On May 27, 1970, Cal. No. 5, the Commission scheduled June 10, 1970, for a hearing; on June 10, 1970, Cal. No. 34, the hearing was closed; on July 15, 1970, Cal. No. 23, the matter was laid over; on June 20, 1970, Cal. No. 2, the matter was laid over.)

On motion, the following favorable report, as modified, was unanimously adopted: *An amendment of the zoning map (Sections Nos. 5d, 6b, 8c, and 9a) changing from an R10 district to an R8 district property bounded by (1) a line 100 feet west of Madison Avenue, a line midway between East 86th Street and East 87th Street, a line 125 feet east of 5th Avenue and East 90th Street; (2) a line 125 feet west of Park Avenue, a line midway between East 86th Street and East 87th Street, a line 100 feet east of Madison Avenue and a line midway between East 90th Street and East 91st Street; (3) a line 125 feet west of Park Avenue, a line midway between East 93d Street and East 94th Street, a line 100 feet east of Madison Avenue and a line midway between East 95th Street and East 96th Street; and (4) a line 100 feet west of Madison Avenue, a line midway between East 94th Street and East 95th Street, a line 125 feet east of 5th Avenue and a line midway between East 95th Street and East 96th Street, Borough of Manhattan, as shown on a diagram dated May 27, 1970.*

August 12, 1970.

The rezoning was requested by the Carnegie Hill Neighborhood Association to maintain the present character of the neighborhood.

The area requested to be rezoned involves midblocks which are presently developed generally with brownstones and apartment buildings of low and medium density.

On May 27, 1970, Cal. No. 5, the City Planning Commission scheduled a public hearing on the proposed change. The hearing was held on June 10, 1970, Cal. No. 34.

The proposed rezoning was supported by the Congressman from the district and local legislators. It also drew wide support from residents of the area and was endorsed by the Chairman of Community Planning Board No. 8. Representatives of various civic groups also spoke in favor of the rezoning.

The change was opposed by the executive director of the Citizens Housing and Planning Council, property owners and their representatives, and a local civic group.

Those in favor said that the change would protect good housing from being demolished and preserve the attractive residential character of the neighborhood. They quoted from the City's *Plan for New York City* which generally supports lower density development along the side streets in Manhattan and higher density on avenues and crosstown thoroughfares.

Those opposed argued that existing buildings would be made non-complying because of the change. They said the new apartments were needed for executives of corporations the city wanted to attract. Property owners sought exemptions for their parcels.

Consideration—

We have reviewed the testimony and material presented at our public hearing as well as numerous communications.

We have examined the area and surveyed the buildings. We have met with representatives of various groups.

Our surveys indicate that two-thirds of the 42 residential buildings within the area proposed to be rezoned are developed at a density of an R8 District or less. The 10 community facilities in the area—mainly churches and schools—are all developed at a density of R8 or less.

Of those buildings developed at R10 densities, none within the area exceeds 17 stories. The most recent example of R10 development in the immediate neighborhood is a 40-story structure—a prototype of what might be built on the side streets if the zoning were unchanged.

The Commission is in full sympathy with the need to provide new residential development for all income levels. However, high-density luxury development which displaces good housing along the side streets does not serve the City's overall interests.

The problems of density and space, relevant to the proposal to rezone this section of Carnegie Hill, are discussed in detail in *Plan for New York City*:

"Since 1960, R10 zoning has been limited to the big north-south avenues and major crosstown streets in luxury residential areas of Manhattan. In these locations buildings of great bulk are tolerable. The high level of services and transportation access and the relative roominess of the apartments are compensation for the high degree of stacking. Elbow room is provided by the surroundings. Thanks to the width of the avenues, masses of buildings that elsewhere would be claustrophobic can be put up without cutting out all space and sunlight.

"To fill up whole neighborhoods with this kind of building, however, would clearly be wrong. The service load, for one thing, would be intolerable. There would be neither space nor sense of space. Most of the buildings would be in perpetual shadow.

"The creation of such luxury tenement districts would be an act of cannibalization. The smaller scale of the side streets is one of the major reasons why New York's most pleasant neighborhoods are pleasant—and why big towers on the avenues and corners can work as well as they do. The towers borrow space and sunlight from the lower buildings on the side streets.

"It is one thing to borrow space, quite another to obliterate it. It was to prevent such obliteration that the Planning Commission in 1961 placed the side streets of the Upper East Side, Murray Hill and Greenwich Village under the protection of lower-density zoning. The maximum permitted was R8. It was good that this was done; good for the people in the tree-lined blocks that have been saved and good for the people in the big buildings on the avenue. The protection has enhanced, not diminished, the over-all values as well as the livability of the neighborhoods, and the reasons for continuing it are more compelling than ever."

The accompanying map graphically depicts how zoning for the east side of Manhattan follows this pattern—except for Carnegie Hill. The proposed change would make the zoning agree with adopted policy.

However, the parcel between Madison and Park Avenues running through the block from East 88th Street to East 89th Streets, which was assembled for private development, involves additional considerations. Relying on the established R10 zoning, confirmed by this Commission on August 12, 1969, the builder has over the course of several years assembled the site, relocated tenants, prepared plans which have been approved by the Department of Buildings, and begun demolition and excavation.

In order to minimize any adverse effect on the neighborhood the builder has agreed to modify his approved plans. The builder's declaration concerning this change of plan will be filed in the County Clerk's office. The re-designed structure will be 32 instead of 42 stories, will provide a large plaza and include a series of townhouse-like structures as part of the overall development along 88th Street.

Because of the housing shortage, our analysis of the area, the state of progress of this project and the developer's agreement to modify his plans, as well as the fact that the builder has proceeded in good faith and expended considerable funds after a similar request to rezone was denied a year ago, we believe it would be unwise to stop this project now. None of these reasons alone would have been sufficient; but, the combination of these factors warrants the exclusion of this parcel from the zoning amendment.

In view of all these facts, the City Planning Commission deemed it appropriate to exclude the interior of the block between Madison and Park Avenues, from East 88th to East 89th Streets and adopted the following resolution which is herewith filed with the Secretary of the Board of Estimate, in accordance with the provisions of Section 200 of the New York City Charter:

Resolved, By the City Planning Commission that the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 5d, 6b, 8c and 9a, so as to change from an R10 District to an R8 District property bounded by: (1) a line 100 feet west of Madison Avenue, a line midway between East 86th Street and East 87th Street, a line 125 feet east of 5th Avenue and East 90th Street; (2) a line 125 feet west of Park Avenue, a line midway between East 86th Street and East 87th Street, a line 100 feet east of Madison Avenue and East 88th Street; (3) a line 125 feet west of Park Avenue, East 89th Street, a line 100 feet east of Madison Avenue and a line midway between East 90th Street and East 91st Street; (4) a line 125 feet west of Park Avenue, a line midway between East 93d Street and East 94th Street, a line 100 feet east of Madison Avenue and a line midway between East 95th Street and East 96th Street; and (5) a line 100 feet west of Madison Avenue, a line midway between East 94th Street and East 95th Street, a line 125 feet east of 5th Avenue and a line midway between East 95th Street and East 96th Street, Borough of Manhattan, as shown on a diagram dated May 27, 1970, and modified August 12, 1970.

DONALD H. ELLIOTT, Chairman; MARTIN GALLENT, IVAN A. MICHAEL, GERALD R. COLEMAN, CHESTER RAPKIN, WALTER McQUADE, BEVERLY MOSS SPATT, Commissioners.

No. 40

(CP-21271)

IN THE MATTER OF a zoning change, pursuant to Section 200 of the New York City Charter, involving an amendment of the Zoning Map, Section No. 8d, changing from C1-8, C2-5, R8 and R9 Districts to a C1-9 District property bounded by East 33d Street, 2d Avenue, East 37th Street and a line 125 feet east of 2d Avenue, Borough of Manhattan.

(On June 24, 1970, Cal. No. 51, the Commission scheduled July 15, 1970, for a hearing; on July 15, 1970, Cal. No. 49, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:
An amendment of the Zoning Map, Section No. 8d, changing from C1-8, C2-5, R8 and R9 Districts to a C1-9 District property bounded by East 33d Street, 2d Avenue, East 37th

Street, and a line 125 feet east of 2d Avenue, Borough of Manhattan, as shown on a diagram dated June 24, 1970.

August 12, 1970.

This rezoning was initiated by the Commission in connection with a request of a property owner to rezone a parcel of land at the southeast corner of East 34th Street and 2d Avenue. To provide an appropriate zoning pattern the Commission included property on the east side of 2d Avenue from East 33d Street to East 37th Street.

On June 24, 1970, Cal. No. 51, the City Planning Commission scheduled a public hearing on the proposed change. The hearing was duly held on July 15, 1970, Cal. No. 49. There was one appearance in opposition to, and several in favor of, the proposed amendment. The hearing was closed.

The parcel at the southeast corner of East 34th Street and 2d Avenue is especially suitable for high density development because of its frontage on two wide streets and the character of adjacent uses. The owner of this parcel has agreed to provide for a future entrance to the new 2d Avenue subway on this property and to provide for other appropriate amenities.

The Commission therefore approved the rezoning and adopted the following resolution:

Resolved, That the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8d, so as to change from C1-8, M2-5, R8 and R9 Districts, to a C1-9 District property bounded by East 33d Street, 2d Avenue, East 37th Street, and a line 125 feet east of 2d Avenue, Borough of Manhattan, as shown on a diagram dated June 24, 1970.

The above resolution is duly filed with the Secretary of the Board of Estimate.

DONALD H ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

III. PUBLIC HEARINGS

URBAN RENEWAL AND HOUSING

BOROUGH OF MANHATTAN

No. 41 (CP-21217)

PUBLIC HEARING in the matter of communication, dated May 11, 1970, from the New York City Housing Authority, requesting **approval**, pursuant to Section 150 of the New York State Public Housing Law, of a **Plan and Project for a Federally-aided public housing project tentatively designated as 3d Avenue-East 11th Street Area comprising two sites located on the west side of 3d Avenue between East 10th Street and East 12th Street** (Tax Block 556, Lots 14, 18, 20-23, 26, 28-31, 52, 54, 57-65), Borough of Manhattan. These sites are **within the proposed Special 3d Avenue Development District.**

(On May 13, 1970, Cal. No. 53, the Commission scheduled May 27, 1970, for a hearing; on May 27, 1970, Cal. No. 21, the hearing was continued to June 10, 1970; on June 10, 1970, Cal. No. 26, the hearing was closed; on June 24, 1970, Cal. No. 50, the hearing was reopened and continued to August 12, 1970.)

There were no appearances.

On motion, it was unanimously voted to continue the hearing to September 9, 1970.

No. 42 (CP-21254)

PUBLIC HEARING in the matter of communication, dated June 4, 1970, from the New York City Housing Authority, requesting **approval**, pursuant to Section 150 of the New York State Public Housing Law, of a **Plan and Project for a Federally-aided public housing project, tentatively designated as the Manhattan Avenue-West 104th Street Area, within the Manhattan Valley I Community Development Area**, on the westerly portion of the block bounded by West 105th Street, Central Park West, West 104th Street and Manhattan Avenue (Block 1840, Lots 18, 24 and 26 110 Manhattan Avenue, 25-35 West 104th Street), Borough of Manhattan.

(On July 15, 1970, Cal. No. 2, the Commission scheduled this day for a hearing, which has been duly advertised.)

Appearances—Saul Lishinsky, representing Manhattan Avenue Neighborhood Association; Conrad Levenson, Chairman, Manhattan Avenue Neighborhood Association; Corine Pettey, Democratic District Leader, 69th A. D.

On motion, it was unanimously voted to close the hearing.

No. 43

(CP-21278)

PUBLIC HEARING in the matter of communication, dated June 25, 1970, from the Housing and Development Administration, requesting **approval**, pursuant to Section 505, Article 15 of the General Municipal Law (Urban Renewal Law) of the State of New York, of a **Revised Neighborhood Development Plan** (Urban Renewal Plan) for the **Harlem-East Harlem Neighborhood Development Area**, Borough of Manhattan. (Amends CP-21074.)

The Amended Plan provides for the acquisition of the following additional property: Property on the northerly side of East 127th Street between Lexington and Park Avenues, Block 1776A, Lot 13; (121 East 127th Street).

(On July 15, 1970, Cal. No. 3, the Commission scheduled this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing.

No. 44

(CP-21279)

PUBLIC HEARING in the matter of communication, dated June 25, 1970, from the Housing and Development Administration, requesting **approval** pursuant to Section 505, Article 15 of the General Municipal Law (Urban Renewal Law) of the State of New York, of a **Revised Neighborhood Development Plan** (Urban Renewal Plan) for the **St. Nicholas Park Neighborhood Development Area**, Borough of Manhattan. (Amends CP-21072.)

The Amended Plan provides for the acquisition of the following additional properties:

Southerly side of West 145th Street between Bradhurst and 8th Avenues, Block 2044, Lots 137 and 38; (310 and 312 West 145th Street).

Westerly side of 8th Avenue between West 137th and West 138th Streets, Block 2041, Lots 16 through 23; (2571-2585 8th Avenue, 301 West 137th Street and 300 West 138th Street).

Westerly side of 8th Avenue between West 136th and West 137th Streets, Block 1960, Lots 44 through 51; (2543-2557 8th Avenue and 300 West 137th Street.)

(On July 15, 1970, Cal. No. 4, the Commission scheduled this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing.

No. 45

(CP-21280)

PUBLIC HEARING in the matter of communication, dated June 25, 1970, from the Housing and Development Administration, requesting **approval**, pursuant to Section 505, Article 15 of the General Municipal Law (Urban Renewal Law) of the State of New York, of a **Revised Neighborhood Development Plan** (Urban Renewal Plan) for the **Metro-North Neighborhood-Development Area**, Borough of Manhattan. (Amends CP-20526.)

The Amended Plan provides for acquisition of the following additional properties:

(1) The easterly portion of the block bounded by **East 103d Street, 1st Avenue, East 102d Street and 2d Avenue**, Block 1674, Lots 19, 23, 31, 35 (322-340 East 103d Street, 1981-2001 1st Avenue, 321-343 East 102d Street).

(2) The easterly side of **2d Avenue between East 100th and East 101st Streets**, Block 1672, Lots 1 through 4, 49 through 52 (300 East 101st Street, 1946-1960 2d Avenue, 301-303 East 100th Street).

(On July 15, 1970, Cal. No. 5, the Commission scheduled this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing.

BOROUGH OF BROOKLYN

No. 46**(CP-21132)**

PUBLIC HEARING in the matter of communication, dated March 2, 1970, from the New York City Housing Authority, requesting **approval**, pursuant to Section 150 of the New York State Public Housing Law, of a **Project for Federally-aided public housing** proposed to be developed **within the Marcus Garvey Park Village Urban Renewal Area** and comprising eight sites as follows:

Site 1—Major Portion of the block bounded by East New York Avenue, Herzl Street, Pitkin Avenue and Straus Street, Block 3494, Lots 5, 6, 106, 7-10, 14, 16, 18, 22-27.

Site 2—Major portion of the block bounded by East New York Avenue, Amboy Street, Pitkin Avenue and Herzl Street, Block 3495, Lots 3-9, 11, 12, 16, 22-24, 26, 28.

Site 3—Northerly portion of the block bounded by East New York Avenue, Hopkinson Street, Pitkin Avenue and Amboy Street, Block 3496, Lots 13-18, 20, 21, 23-25, 28, 29.

Site 7—Westerly side of Grafton Street between Pitkin and Sutter Avenues, Block 3512, Lots 51, 52, 56, 60, 65, 70, 73-90.

Site 8—Major portion of the block bounded by Pitkin Avenue, Legion Street, Sutter Avenue and Grafton Street, Block 3513, Lots 1-17, 19-31, 43-48, 50, 53, 56, 59, 62, 64, 67, 70, 72, 75, 77, 80, 83, 87, 89, 91.

Site 17—Westerly side of Bristol Street between Dumont and Livonia Avenues and northerly side of Livonia Avenue between Hopkins Avenue and Bristol Street, Block 3573, Lots 1, 5, 6, 106, 7-9, 40-59, 62, 65.

Site 18—Entire block bounded by Dumont Avenue, Chester Street, Livonia Avenue and Bristol Street, Block 3574.

Site 19—Major portion of the block bounded by Dumont Avenue, Rockaway Avenue, Livonia Avenue and Chester Street, Block 3575, Lots 11, 13, 15, 17, 19, 21, 23-36, 133, 134, 38, 40, 42-44, 46-49.

(On July 15, 1970, Cal. No. 6, the Commission scheduled this day for hearing, which has been duly advertised.)

Appearance: Angel Rivera, Chairman, Community Planning Board No. 16, Brooklyn.

On motion, it was unanimously voted to close the hearing.

No. 47**(CP-21219)**

PUBLIC HEARING in the matter of communication, dated May 13, 1970, from the Housing and Development Administration requestion **approval**, pursuant to Article II of the New York State Private Finance Housing Law, of a **City-Aided limited-profit cooperative housing project to be known as Harbour Village and proposed to be developed on a site bounded by Avenue M, East 72d Street, Avenue N, Royce Street, Avenue T, East 70th Street, Avenue N, East 69th Street, Avenue T, East 68th Street, Avenue N and East 66th Street, Borough of Brooklyn.**

(On July 27, 1970, Cal. No. 1, the Commission scheduled this day for a hearing, which has been duly advertised.)

Appearance: Assemblyman Stanley Fink, 39th A. D.

On motion, it was unanimously voted to continue the hearing to September 9, 1970.

No. 48**(CP-21296)**

PUBLIC HEARING in the matter of (1) **Designation** pursuant to Section 504, Article 15 of the General Municipal Law of the northern part of the block bounded by **Park Avenue, Nostrand Avenue, Myrtle Avenue and Sanford Street** (Block 1737, Lot 1), Borough of Brooklyn, as an **Urban Renewal Area (Park Avenue—Nostrand Avenue Urban Renewal Area)**.

(2) **Adoption**, pursuant to Section 197 of the City Charter, of a **modification of the Master Plan of Sections Containing Areas Suitable for Development and Redevelopment** comprising the addition of new Section BN-37, a Section Containing Predominantly Non-Residential Areas Characterized by Blight and Suitable for Clearance, Replanning, Reconstruction of Rehabilitation for **Predominantly Non-Residential use comprising the area hereinbefore described**, Borough of Brooklyn.

(On July 27, 1970, Cal. No. 2, the Commission scheduled this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing.

No. 49

(CP-21297)

PUBLIC HEARING in the matter of communication, dated July 9, 1970, from the Housing and Development Administration requesting approval pursuant to Article 15 of the General Municipal Law (Urban Renewal Law) of an **Urban Renewal Plan for the Park Avenue-Nostrand Avenue Urban Renewal Area comprising the northern part of the block bounded by Park Avenue, Nostrand Avenue, Myrtle Avenue and Sandford Street** (Block 1737, Lot 1), Borough of Brooklyn.

(On July 27, 1970, Cal. No. 3, the Commission scheduled this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing.

BOROUGH OF THE BRONX

No. 50

(CP-21287)

PUBLIC HEARING in the matter of communication, dated June 29, 1970, from the New York City Housing Authority, requesting approval, pursuant to Section 150 of the New York State Public Housing Law, of a **Plan and Project for a Federally-aided public housing project designated as the Colgate Avenue-Watson Avenue Area** (1471 Watson Avenue), **on the northerly side of Watson Avenue between Colgate and Evergreen Avenues**, Block 3737, Lot 1, Borough of The Bronx.

(On July 15, 1970, Cal. No. 7, the Commission scheduled this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing.

On motion, Rule 105 was waived and the following favorable report was unanimously adopted:

A Federally-aided public housing project designated as Colgate-Watson Avenue Area, 1471 Watson Avenue, Borough of The Bronx, pursuant to Section 150 of the Public Housing Law. The project site is a portion of the block bounded by Westchester, Evergreen, Watson and Colgate Avenues, Block 3737, Lot 1. This Plan and Project was submitted to the Commission by the New York City Housing Authority on June 29, 1970.

August 12, 1970.

The plan calls for the acquisition of a 90 unit, six-story building now under construction by a private developer. The project is being built on a 0.92 acre site. Estimated population is 256.

About 44 apartments (approximately 50 per cent) are specifically designed for the aged.

Community Facilities—

*Schools—*The project is expected to contribute 22 students at the primary level and seven students at the intermediate level. While the schools in the neighborhood are currently overcrowded, this relatively small number of pupils would have a minimal effect on the area's public schools.

The school situation will be relieved by the opening of a 900 seat leased space school facility on Rosedale Avenue between Story Avenue and Bruckner Boulevard this fall and the eventual construction of Public School 182 and Intermediate School 174.

On May 31, 1968 title was vested in a site for Intermediate School 174 at White Plains Road and Lacombe Avenue. A site for Public School 182 is now being sought in the vicinity of the project.

*Transportation—*The Elder Avenue-Westchester Avenue station of the Pelham Bay Park IRT line is three blocks from the project site. Buses are routed along Westchester Avenue and Bruckner Boulevard.

*Health—*The Bronx Lebanon Hospital Center, Fulton Division, a voluntary institution, is located at East 169th Street and Fulton Avenue over one mile away.

The Bronx Municipal Hospital Center at Pelham Parkway and Eastchester Road is located about 2½ miles away.

These two hospital facilities can be reached from the project site by accessible bus lines. The Soundview Neighborhood Family Care Center, to serve the area in which the project is located, has been proposed. Site acquisition funds have been authorized for this project.

Recreation—Soundview Park and its extension along the Bronx River Parkway is about a seven block walking distance from the project site. Other parks are located at East 172d Street and Evergreen Avenue, three blocks away, and at Colgate Avenue and Bruckner Boulevard one block away. The athletic field of James Monroe High School at Boynton Avenue and East 172d Street is also within walking distance. A municipal swimming pool at Watson Avenue and Rosedale Avenue is under construction and could be reached by bus.

On July 15, 1969, title was vested in a site for a branch of the New York Public Library at Morrison Avenue and Westchester Avenue seven blocks from the project site and construction is expected to begin shortly.

Shopping—Commercial facilities are available along Westchester Avenue and Watson Avenue within walking distance of the site.

On July 15, 1970, Cal. No. 7, the City Planning Commission scheduled a public hearing on this site. The hearing was duly held on August 12, 1970, Cal. No. 50. There were no speakers and the hearing was closed.

Findings and Approval—

The City Planning Commission finds that the plan and project of the New York City Housing Authority conforms to the Master Plan.

The City Planning Commission hereby approves, pursuant to Section 150 of the Public Housing Law, the plan and project hereinbefore described and designated as the Colgate-Watson Avenue Area, (1471 Watson Avenue), Borough of The Bronx.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

No. 51

(CP-21288)

PUBLIC HEARING in the matter of communication, dated June 29, 1970, from the New York City Housing Authority, requesting **approval**, pursuant to Section 150 of the New York State Public Housing Law, of a **Plan and Project for a Federally-aided public housing project tentatively designated as the Hoe Avenue-East 173d Street Area**, on the easterly side of Hoe Avenue between East 173d Street and East 174th Street, Block 2990, northerly portion of Lot 11, Borough of The Bronx.

(On July 15, 1970, Cal. No. 8, the Commission scheduled this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing.

On motion, Rule 105 was waived and the following favorable report was unanimously adopted:

A Plan for a Federally-aided public housing project, pursuant to Section 150 of the New York State Public Housing Law, tentatively designated as Hoe Avenue-East 173d Street Area, on the easterly side of Hoe Avenue between East 173d and East 174th Street, Block 2990, northerly portion of Lot 11, Borough of The Bronx. On June 29, 1970, the New York City Housing Authority submitted the Plan and Project.

August 12, 1970.

The project would provide 65 apartments in one 6-story building. Approximately 29 (or 45 per cent) of the apartments are designed for the elderly. The building is currently under construction by a private developer and is to be acquired by the New York City Housing Authority upon completion.

The project site is 22,000 square feet (0.51) acres in area. It is adjacent to Early Childhood Center No. 4, also currently under construction. The site lies within an R7-1 Zoning District and is to be developed in accordance with existing zoning regulations.

Community Facilities—

Transportation—The East 174th Street Station of the IRT Subway line is located one block west of the site. Bus transportation is available on Boston Road and Southern Boulevard.

Shopping—Local shopping is available along East 174th Street and Southern Boulevard.

Schools—The primary and intermediate schools in this community are overcrowded at present. However, the school situation will eventually be relieved by the opening of Public School 202 and Intermediate School 84. The intermediate school should shortly be under construction and site selection is under way for Public School 202.

Hospital—Bronx-Lebanon Hospital, Fulton Division, is located on Fulton Avenue and East 169th Street and can be reached by buses routed on Boston Road.

Parks—Crotona Park is located about four blocks west of the site. A large recreational area approximately 12 acres in size is located six blocks east of the site. Bronx Park is about one mile from the site.

Public Hearing—

At its July 15 meeting, the City Planning Commission scheduled August 12, 1970 as the date for a public hearing. On August 12, 1970, Cal. No. 51, the hearing was duly held. There were no speakers and the hearing was closed.

Findings and Approval—

The City Planning Commission finds that the plan and project of the New York City Housing Authority conforms to the general plan for the City's future growth and to the relevant Parts of the Master Plan so far as adopted.

The City Planning Commission hereby approves pursuant to Section 150 of the Public Housing Law, the plan and project hereinbefore described and tentatively designated as the Hoe Avenue-East 173d Street Area, Borough of Manhattan.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

CITY MAP CHANGES

BOROUGH OF MANHATTAN

No. 52 (CP-21324)

PUBLIC HEARING in the matter of a map initiated by the City Planning Commission pursuant to the provisions of Section 199c of the City Charter, signed by the Chairman of the City Planning Commission and the Borough President and dated July 20, 1970 (Accession No. 29991) showing a **change in the City Map by eliminating, discontinuing and closing Cedar Street** between Washington Street and Greenwich Street and by establishing grades and roadway treatment therefor, Borough of Manhattan.

(On July 27, 1970, Cal. No. 4, the Commission scheduled this day for a hearing, which has been duly advertised.)

Appearances—Abram Shlefstein, property owner; Emil Leedson, Esq., representing 90 West Street Associates; Frank Meehan, speaking on behalf of owners of 130 Cedar Street Associates.

On motion, it was unanimously voted to close the hearing.

BOROUGH OF THE BRONX

No. 53 (CP-21268)

PUBLIC HEARING in the matter of communication, dated June 10, 1970, from the President, Borough of The Bronx, submitting **map eliminating, discontinuing and closing portions of East 183d Street and Ford Street from Tiebout Avenue** to a point 100 feet west of **Webster Avenue** and the adjusting of legal grades therein **in connection with Twin Parks West 1 Urban Renewal Project**, Borough of The Bronx.

(On June 18, 1970, Cal. No. 371, the Board of Estimate referred this matter to the Commission; on July 15, 1970, Cal. No. 9, the Commission scheduled this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing.

BOROUGH OF QUEENS

No. 54 (CP-21274)

PUBLIC HEARING in the matter of communication, dated June 17, 1970, from the President, Borough of Queens, submitting **Map No. 4583 showing a change in the street system** heretofore laid out including the layout of sewer easements **within the territory bounded by Christie Avenue, 101st Street, Radcliff Avenue, 102d Street, Martense Avenue, 100th Street, Lewis Avenue and 99th Street** and discontinuing and closing 101st Street between Radcliff Avenue and Martense Avenue, Strong Avenue between 101st Street and 102d Street and between 99th Street and former 100th Street, Lewis Avenue between 101st Street and 102d Street and a portion of the easterly side of 99th Street located 356.76 feet south of Christie Avenue, Borough of Queens.

(On June 18, 1970, Cal. No. 423, the Board of Estimate referred this matter to the Commission; on July 15, 1970, Cal. No. 10, the Commission scheduled this day for a hearing, which has been duly advertised.)

Appearances—Assemblyman Vito Battista, 38th A. D., representing property owners; Assemblyman Joseph F. Lisa, 31st A. D., representing property owners; Steven R. Trimboli; Michael F. Parrino, representing Italians of American Descent, Inc.; Gene Crescenzi, Esq.; Mario Matthew Cuomo, Esq.; Ralph Dellacona, representing Corona Coordinating Committee; Ellen Samuels; Marino P. Jeantet, Chairman, Community Planning Board No. 3; Michael G. Dowd, Chairman, Community Planning Board No. 4; Edna Olevnick, member of Co-ordinating Committee of Schools—Rego Park, Forest Hills and Kew Gardens; Cosmo J. DiTucci, representing Corona Homeowners Civic Association; Elena Atlas; Mrs. Albert Fetta; John Manasseri, property owner; John Brady; Lillian Manasseri; Robert J. McMahon, property owner.

On motion, it was unanimously voted to close the hearing.

ZONING

No. 55

(CP-21308)

PUBLIC HEARING in the matter of amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, relating to Section 74-72 concerning **Height and Setback and Yard Regulations**, as follows:

Matter in **bold type** is new; matter in *italics* is defined in Section 12-10.

74-72

Height and Setback and Yard Regulations

In C4-7, C5-2, C5-3, C5-4, C6-4, C6-5, C6-6, C6-7 or M1-6 Districts of the City Planning Commission may permit modification of the height and setback regulations for developments or enlargements located on a zoning lot having a minimum area of 40,000 square feet or occupying an entire block.

In the case of a development which shares an aggregate lot line with a landmark building site for a distance of at least 90 feet, the Commission may permit modification of the height and setback and yard regulations regardless of the lot size, provided that the following findings are made:

- (a) **there is a harmonious architectural relationship between the landmark and the new structure, and such relationship is approved by the Landmarks Preservation Commission, and**
- (b) **pedestrian amenities are contained in the new structure including, where appropriate, retail stores, and substantial pedestrian space at the principal levels of circulations, such as wider sidewalks, arcades, covered pedestrian space, subsurface concourses and convenient subway connections.**

(On July 27, 1970, Cal. No. 5, the Commission scheduled this day for a hearing, which has been duly advertised.)

Appearance: Samuel Kisseloff, representing Samuel Rudin and Sons.

On motion, it was unanimously voted to close the hearing.

On motion, Rule 105 was waived and the following favorable report was unanimously adopted:

An amendment of the Zoning Resolution, pursuant to Section 200 of the New York City charter, relating to Section 74-72 concerning Height and Setback and Yard regulations.

(CP-21308)

August 12, 1970.

The amendment relates to properties abutting landmark sites.

On July 27, 1970, Cal. No. 5, the City Planning Commission scheduled a public hearing on the proposed amendment. The public hearing was held on August 12, 1970, Cal. No. 55. There was an appearance in favor of the amendment and the hearing was closed.

The proposed text allows the Commission and the Board of Estimate to authorize modifications of the height and setback and yard regulations for developments on zoning lots which abut a landmark site for a length of at least 90 feet provided there is an harmonious architectural relationship to the landmark and further that suitable public amenities are provided in the development.

The Commission determined that the amendment is appropriate and adopted the following resolution which is duly filed with the Secretary of the Board of Estimate.

Resolved, By the City Planning Commission that the Zoning Resolution of the City of New York, be amended by a change relating to Section 74-72 concerning Height and Setback regulations.

Matter in **bold type** is new; matter in *italics* is defined in Section 12-10.

74-72

Height and Setback and Yard Regulations

In C4-7, C5-2, C5-3, C5-4, C6-4, C6-5, C6-6, C6-7 or M1-6 Districts of the City Planning Commission may permit modification of the height and setback regulations for developments or enlargements located on a zoning lot having a minimum area of 40,000 square feet or occupying an entire block.

In the case of a *development* which shares an aggregate *lot line* with a landmark *building site* for a distance of at least 90 feet, the Commission may permit modification of the height and setback and yard regulations regardless of the lot size, provided that the following findings are made:

- (a) there is a harmonious architectural relationship between the landmark and the new structure, and such relationship is approved by the Landmarks Preservation Commission, and
- (b) pedestrian amenities are contained in the new structure including, where appropriate, retail stores, and substantial pedestrian space at the principal levels of circulation, such as wider sidewalks, *arcades*, *covered pedestrian space*, subsurface concourses and convenient subway connections.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GAL-
LENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN,
BEVERLY MOSS SPATT, Commissioners.

BOROUGH OF BROOKLYN

No. 56

(CP-21310)

PUBLIC HEARING in the matter of a zoning change pursuant to Section 200 of the New York City Charter involving an amendment of the Zoning Map, Section No. 12d, **establishing within an existing R6 District, a C1-3 District bounded by Hope Street, Havemeyer Street, South 1st Street, and a line 150 feet west of Havemeyer Street, Borough of Brooklyn.**

(On July 27, 1970, Cal. No. 6, the Commission scheduled this day for a hearing, which has been duly advertised.)

Appearance: Senator Edward S. Lentol, representing 14th Senatorial District.

On motion, it was unanimously voted to close the hearing.

No. 57

(CP-21322)

PUBLIC HEARING in the matter of a zoning change, pursuant to Section 200 of the New York City Charter, involving an **amendment of the Zoning Map, Section No. 17c, establishing within an existing R6 District, a C2-3 District bounded by Dean Street, Rockaway Avenue, Bergen Street, and a line 100 feet west of Rockaway Avenue, Borough of Brooklyn**

(On July 27, 1970, Cal. No. 7, the Commission scheduled this day for a hearing, which has been duly advertised.)

Appearance: Angel Rivera, Chairman, Community Planning Board No. 16, Brooklyn.

On motion, it was unanimously voted to close the hearing.

On motion, Rule 105 was waived and the following favorable report was unanimously adopted:

An amendment of the zoning map (section 17c), establishing within an existing R6 district, a C2-3 district bounded by Dean Street, Rockaway Avenue, Bergen Street, and a line 100 feet west of Rockaway Avenue, Borough of Brooklyn, as shown on a diagram dated July 27, 1970.

August 12, 1970.

Rezoning of a portion of the property involved was requested by the Fire Department of The City of New York, the owner of the property, in order to permit the construction of a temporary firehouse in the Brownsville area of Brooklyn. The scope of the request was enlarged by the Commission.

On July 27, 1970, Cal. No. 7, the City Planning Commission scheduled a public hearing on the proposed change. The hearing was duly held on August 12, 1970, Cal. No. 57. There was no opposition and the hearing was closed.

The zoning change under consideration would permit the utilization of the only readily available site in the area suitable for a firehouse. Brownsville has one of the highest fire incident rates in the City. Additional fire fighting facilities are desperately needed. The Commission therefore considered the rezoning appropriate and adopted the following resolution:

Resolved, That the Zoning Resolution of The City of New York, effective as of December 15, 1961, and subsequently amended, is further amended by changing the Zoning Map, Section No. 17c, establishing within an existing R6 District, a C2-3 District bounded by Dean Street, Rockaway Avenue, Bergen Street, and a line 100 feet west of Rockaway Avenue, Borough of Brooklyn, as shown on a diagram dated July 27, 1970.

The above resolution is duly filed with the Secretary of the Board of Estimate.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

BOROUGH OF THE BRONX

No. 58

(CP-21282)

PUBLIC HEARING in the matter of a zoning change, pursuant to Section 200 of the New York City Charter, involving amendment of the Zoning Map, Section No. 1c:

(a) changing from an R4 District to an R3-1 District property bounded by West 259th Street, Delafield Avenue and its northerly prolongation, the boundary line of the City of New York and a line 100 feet west of Broadway; and

(b) establishing within an existing R4 District, a C1-2 District bounded by Mosholu Avenue, a line 150 feet west of Post Road, a line 100 feet south of Mosholu Avenue and the southerly prolongation of a line midway between Spencer Avenue and Huxley Avenue, Borough of The Bronx.

(On July 15, 1970, Cal. No. 11, the Commission scheduled this day for a hearing, which has been duly advertised.)

Appearance: Joseph Gunn, Vice President, North Riverdale Civic Association.

On motion, it was unanimously voted to continue the hearing to September 9, 1970.

No. 59

(CP-21299)

PUBLIC HEARING in the matter of an application pursuant to Article VII, Chapter 8 of the Zoning Resolution, from the Housing and Development Administration, for the approval of proposed special permit authorizations involving a large-scale residential development within the Bronx Park South Urban Renewal Area, on property within the area bounded generally by Bronx Park South, Boston Road, East 180th Street, Bronx River, East Tremont Avenue, Boston Road, Bryant Avenue, East Tremont Avenue, and Vyse Avenue, Borough of The Bronx.

Plans for this proposed large-scale residential development are on file with the City Planning Commission and may be seen in Room 1500, 2 Lafayette Street, New York, N. Y.

(On July 27, 1970, Cal. No. 8, the Commission scheduled this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing.

On motion, Rule 105 was waived and the following favorable report was unanimously adopted:

Special permit authorizations, pursuant to Article VII, Chapter 8 of the Zoning Resolution, involving a large-scale residential development within the Bronx Park South Urban Renewal Area within the area bounded generally by Bronx Park South, Boston Road, East 180th Street, Bronx River, East Tremont Avenue, Boston Road, Bryant Avenue, East Tremont Avenue, and Vyse Avenue, Borough of The Bronx.

August 12, 1970.

The application for the special permit authorizations involving this large-scale residential development was filed by the Housing and Development Administration.

An amended urban renewal plan for the area was the subject of a report (CP-20694), approved by the Commission on April 30, 1969, Cal. No. 22, and by the Board of Estimate on June 26, 1969, Cal. No. 16.

The application seeks special permit authorizations, pursuant to various sections of Article VII, Chapter 8 of the Zoning Resolution to allow the development of local shopping facilities, carry out the approved renewal plan and to waive certain parking requirements. The specific authorizations follow:

1. Section 78-22. To authorize accessory commercial uses listed in Use Group 6A or 6F which in the aggregate occupy not more than two per cent of the total floor area of the development, to be located on Parcel 9 as shown on the General Site Plan submitted with and made part of the application;

Section 78-311(a). To authorize the total rooms within the development to be distributed without regard for zoning lot lines;

3. Section 78-311(e). To authorize the location of buildings without regard for the height and setback regulations which would otherwise apply along portions of streets wholly within the development, as shown on the General Site Plan submitted with and made part of the application;

4. Section 78-41. To authorize required accessory off-street parking spaces to be located without regard for zoning lot lines; and

5. Section 78-42. To waive the requirement of 34 parking spaces which would otherwise be required as accessory to the accessory commercial uses located on Parcel 9 as shown on the General Site Plan submitted with and made part of the application.

On July 27, 1970, Cal. No. 8, the Commission scheduled a public hearing on this application. The hearing was duly held on August 12, 1970, Cal. No. 59. There were no appearances and the hearing was closed.

As a result of investigation and study, the Commission has determined that the application conforms with the findings required under Sections 78-22, 78-313, and 78-41 of the Zoning Resolution, and that the application warrants approval subject to the conditions enumerated in the following resolution:

Resolved, By the City Planning Commission, that the application of the Housing and Development Administration, for the approval of proposed special permit authorizations for a large-scale residential development to be built within the area bounded generally by Bronx Park South, Boston Road, East 180th Street, Bronx River, East Tremont Avenue, Boston Road, Bryant Avenue, East Tremont Avenue, and Vyse Avenue, Borough of The Bronx, be and hereby is approved, pursuant to Sections 78-22, 78-311(a), 78-311(e), 78-41 and 78-42 of the Zoning Resolution, subject to the following conditions:

1. The site shall be developed in size and arrangement as proposed and as shown on the General Site Plan filed with the application; and

2. The site shall be developed in accordance with all the use, bulk, off-street parking and all other regulations of the Zoning Resolution except as specifically authorized by this resolution.

3. The approvals herein granted apply only to Parcels 6, 7, 8a, 8b and 9.

The above resolution duly adopted by the City Planning Commission on August 12, 1970, Cal. No. 59, is herewith filed with the Secretary of the Board of Estimate, together with a copy of the application and site plan, pursuant to Section 78-042 of the Zoning Resolution.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLEN, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

BOROUGH OF QUEENS

No. 60 (CP-21276)

PUBLIC HEARING in the matter of a zoning change, pursuant to Section 200 of the New York City Charter, involving an amendment of the Zoning Map, Section No. 14c, changing from an R2 District to an R4 District property bounded by 81st Avenue, a line 100 feet west of 164th Place, Goethals Avenue, a line midway between 162d Street and 164th Street and the westerly prolongation of 81st Avenue, Borough of Queens.

(On July 15, 1970, Cal. No. 12, the Commission scheduled this day for a hearing, which has been duly advertised.)

Appearance: J. Kevin Meneilly, et al., representing United Cerebral Palsy of Queens.

On motion, it was unanimously voted to close the hearing.

CAPITAL BUDGET

No. 61 (CB-70-3)

PUBLIC HEARING in the matter of proposed amendments of the Capital Budgets, under Economic Development Administration (Ports and Terminals), as follows:

1969-1970 Capital Budget

Add New Line, Project D-315, "Acquisition of Waterfront Property in the Vicinity of 40th Street to 50th Street, Brooklyn", in the amounts of \$2,125,000 and \$6,375,000ER.

1968-1969 Capital Budget

Decrease Line 7d, Project D-10, "Consolidated Passenger Terminal, 46th to 50th Streets, North River, Manhattan", from \$15,125,000 and \$45,375,000ED to \$13,000,000 and \$39,000,000ER.

(On July 15, 1970, Cal. No. 57, the Commission scheduled this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to continue the hearing to September 9, 1970.

No. 62

(CB-70-4)

PUBLIC HEARING in the matter of proposed amendment of the 1970-1971 Capital Budget, under the Department of Correction, to add a new line, 465e, Project C-95, "Supplementary Housing and Service Facilities, Riker's Island, The Bronx" in the amount of \$650,000.

(On August 5, 1970, Cal. No. 1, the Commission scheduled this day for a hearing, which has been duly advertised.)

Appearance—Congressman Mario Biaggi, representing 24th Congressional District.

On motion, it was unanimously voted to close the hearing.

On motion, Rule 105 was waived and the following favorable report was adopted, receiving six affirmative votes, Ivan A. Michael, Commissioner, voting "No."

Amendment of the 1970-1971 Capital Budget, requested by the Commissioner of the Department of Correction on July 29, 1970, to add Line 465e, Project C-95, "Supplementary Housing and Service Facilities, Riker's Island, The Bronx," in the amount of \$650,000.

August 12, 1970.

The purpose of this amendment is to make funds available for the preparation of architectural and engineering drawings for a proposed expansion of the penal facilities on Riker's Island.

The New York City Correctional system is operating at approximately 156 per cent of capacity with several institutions operating at almost 200 per cent capacity. This severe overcrowding creates undue hardships on inmates and seriously impairs vital rehabilitation programs.

In order to alleviate this critical situation, a plan has been proposed which would rapidly and economically provide new housing and support facilities for 1,260 inmates on Riker's Island thereby reducing the total system population to a manageable 127 per cent of capacity.

The plan basically calls for the construction of new housing wings and supporting service buildings. The plan essentially comprises:

(a) Construction of a housing addition and supplementary support services building at the existing reformatory which will allow the housing of 1,550 adolescent detention inmates.

(b) Construction of a new institution to house 950 sentenced adult inmates which will consist of a new housing wing and a new support services building.

(c) Alterations and renovations to existing support facilities in the Reformatory to provide expanded visiting and inmate processing areas.

(d) Construction of a new "Mini-school" of the type used by the New York City Board of Education. This addition, comprising 26 classrooms will be located at the existing New York City Correctional Institution for Men and will provide space for 400 inmates of mandatory school age. This addition, together with classroom space now existing or under construction will provide sufficient classroom capacity for all of the mandatory school age population inmates in the correction system.

(e) New athletic fields will be constructed to replace those fields upon which the new facilities will be built.

Following is a cost analysis of this project based upon estimated cost:

Plans and Specifications	\$650,000 00
Construction (including contingencies)	17,000,000 00
Furniture and equipment	700,000 00

Total Estimated Cost \$18,350,000 00

On August 5, 1970, Cal. No. 1, the City Planning Commission scheduled August 12, 1970, as the date for a public hearing on the proposed amendment.

The matter was the subject of a public hearing duly held by the Commission on August 12, 1970, Cal. No. 62. There was one appearance in favor.

The Commission approved the amendment and adopted the following recommendation: That the Capital Budget for 1970-1971, under the Department of Correction, be amended as follows:

Column No.	Column Heading	Column Entry
1	Line	465e
2	Project	{C-95
3	Title	}3041
		Supplementary Housing and Service Facilities, Riker's Island, The Bronx
4	Total Estimated Cost	\$18,350,000 00
5	Total Authorizations as of April 1, 1970	0
6	Available Sums from Mayor's Prior Certifications as of December 31, 1969	0
8	Required to Complete	650,000 00
7	1970-1971 Capital Budget	17,700,000 00
9	Period of Probable Usefulness and Annual Debt Service and Maintenance and Operation	{ 30 (11a) 67,000 0

Footnotes—

Column 9—The figure shown in parenthesis after the statutory period of usefulness refers to the particular paragraph of Section 11.00 of the Local Finance Law applied in determining such term of years.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GAL-LENT, WALTER McQUADE, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

IVAN A. MICHAEL, Commissioner, voting "No."

No. 63

(CB-70-5)

PUBLIC HEARING in the matter of proposed amendment of the 1970-1971 Capital Budget, under the Police Department, to add new line, Project PO-105, "New 30th Precinct Station House, 455 West 151st Street, Manhattan, Including Site", in the amount of \$748,200.

(On August 5, 1970, Cal. No. 2, the Commission scheduled this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing.

On motion, Rule 105 was waived and the following favorable report was unanimously adopted:

Amendment of the 1970-1971 Capital Budget, requested by the Commissioner of the Department of Public Works, on behalf of the Police Department, on May 29, 1970, to add a New Line 510x, Project PO-105, "New 30th Precinct Station House, 455 West 151st Street, Manhattan, Including Site," in the amount of \$748,200.

August 12, 1970.

On June 18, 1970, bids were taken for this project with the following results:

	Contract No. and Description	Low Bid	No. of Bidders
1.	General construction	\$1,473,500 00	5
2.	Plumbing	274,800 00	4
3.	Heating and Ventilation	368,055 00	3
4.	Electrical	427,621 00	4
		\$2,543,976 00	

The following is a cost analysis of the project to date:

Land	\$24,600 00
Plans	96,000 00

Construction (low bids + 5 per cent contingencies).....	2,671,174 00
Furniture and Equipment	55,866 00
Total	\$2,847,640 00
Total Authorized	2,099,440 00

Additional amount required \$748,200 00

Additional funds are necessary because of recent sharp increases in construction costs which have similarly affected a number of other projects. However, considering that adequate competition has been received in the bidding of this contract, and in view of the continued spiralling of construction prices, it is felt that to readvertise this project will result in higher bids and further delay.

The current fiscal status of the project is as follows:

Total estimated cost	\$2,847,640 00
Funds available from previous authorizations	2,099,440 00

Balance required \$748,200 00

Review of the amount of the bids in relation to the final plans is a responsibility of the Department of Public Works and the Bureau of the Budget. The Commission is relying on the recommendations of these agencies in approving this Capital Budget amendment.

On August 5, 1970, Cal. No. 2, the City Planning Commission scheduled August 12, 1970, as the date for a public hearing on the proposed amendment.

The matter was the subject of a public hearing duly held by the Commission on August 12, 1970, Cal. No. 63. There were no appearances.

The Commission approved the amendment and adopted the following recommendation:

That the Capital Budget for 1970-1971, under the Police Department, be amended as follows:

Column Number	Column Heading	Column Entry
1	Line	510x
		{ PO-105
2	Project	{ 2955
3	Title	New 30th Precint Station House, 455 West 151st Street, Manhat- tan, Including Site
4	Total Estimated Cost	\$2,847,640 00
5	Total Authorizations as of April 1, 1970	2,099,440 00
6	Available Sums from Mayor's Prior Certifications as of December 31, 1969	1,643,703 09
7	1970-1971 Capital Budget	748,200 00
8	Required to Complete	0
9	Period of Probable Usefulness and Annual Debt Service and Maintenance and Operation	{ 30(11a) 73,000 0

Footnotes—

Column 9—The figure shown in parenthesis after the statutory period of usefulness refers to the particular paragraph of Section 11.00 of the Local Finance Law applied in determining such term of years.

DONALD H. ELLIOTT, Chairman; GERALD R. COLEMAN, MARTIN GALLENT, WALTER McQUADE, IVAN A. MICHAEL, CHESTER RAPKIN, BEVERLY MOSS SPATT, Commissioners.

On motion, the Commission adjourned at 2:50 p. m., to meet Wednesday, September 9, 1970 at 10 a. m., in Room 16, City Hall, Manhattan.

GAIL BUXBAUM, Secretary