



CITY PLANNING COMMISSION

June 20, 1990/Calendar No. 6

N 900614 ZRM

IN THE MATTER OF amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of New York relating to Sections 96-00, 96-03, 96-10, 96-107, 96-109, 96-111, 96-20, 96-21, 96-211, 96-213, 96-22, 96-23, 96-30, 96-301, 96-302, 96-40 of the Special Clinton District (SCD) and Appendix A (Special Clinton Map).

An application for amendments to Article IX, Chapter 6 the Zoning Resolution (Special Clinton District [SCD]) (N 900614 ZRM) was filed by the Department of City Planning on March 5, 1990. The amendments consist primarily of minor text revisions. However, two significant changes include alteration of the District Map and elimination of Section 96-211 (Floor area bonus for park).

RELATED ACTIONS

In addition to the amendment to the Zoning Resolution which is the subject of this report (N 900614 ZRM), the City Planning Commission and the Board of Estimate are concurrently considering the following related actions (C 900613 ZMM, N 900615 ZRM, N 900616 ZRM, N 900628 ZRM, and C 900180 ZSM) which are independent:

C 900613 ZMM

An application to amend the Zoning Map, to rezone from an M1-5 district to an R8 district, property bounded by a line drawn on the N/S/O West 45th Street to the S/S/O West 47th Street, between the

easterly boundary of the railroad cut west of 10th Avenue and a line drawn 450 feet west of 10th Avenue; the N/S/O West 48th Street, between the easterly boundary of the railroad cut west of 10th Avenue and a line drawn 450 feet west of 10th Avenue; and the N/S/O West 49th Street to the S/S/O West 50th Street, between the easterly boundary of the railroad cut west of 10th Avenue and a line drawn 175 feet east of 11th Avenue.

The same application would eliminate C1-5 overlays in a R8 district on the S/S/O West 46th Street between a line drawn 100 feet west of 9th Avenue and a line drawn 100 feet east of 10th Avenue; S/S/O West 47th Street, between a line drawn 100 feet west of 9th Avenue and 100 feet east of 10th Avenue; S/S/O West 53rd Street, between a line drawn 100 feet west of 9th Avenue and a line drawn 100

feet east of 10th Avenue; and the S/S and N/S/O West 51st Street, between a line drawn 150 feet west of 8th Avenue and a line drawn 100 feet east of 9th Avenue.

N 900615 ZRM

An application to amend Section 96-108 of the Zoning Resolution to allow, by special permit, the demolition more than 20 percent of a building's residential floor area in the Preservation Area of the Special Clinton District when a building is: (a) not eligible for rehabilitation under any active publicly-aided program under which funds are available; or (b) being demolished for the purpose of implementing a publicly-assisted program for the construction of housing units for lower-income households, provided the sponsor shows that either funds may not lawfully be used to rehabilitate the building or that programmatic restraints preclude the use of a funding source; or (c) to be substantially preserved and requires

an alteration permit to remove more than 20 percent of the residential floor area. The application would also amend Section 96-110 of the Zoning Resolution to provide an optional, alternative means of curing prior harassment of residential tenants.

N 900616 ZRM

An application to amend Section 96-20 of the Zoning Resolution to establish urban design guidelines for developments or enlargements in commercial districts along West 42nd Street in the Perimeter Area of the Special Clinton District. The guidelines would establish street wall, ground floor retail continuity, ground floor transparency, and setback requirements.

N 900628 ZRM

An application to amend Section 96-105 of the Zoning Resolution to waive the 168 square foot lot area per dwelling unit and the 20 percent two-bedroom unit distribution requirements when alterations include installation of code-complying bathrooms in publicly-

assisted buildings administered by a not-for-profit agent. The amendment would also waive, by special permit, the 168 square foot lot area per dwelling unit and the 20 percent two-bedroom unit distribution requirements for a not-for-profit residence for the elderly or for a residence substantially for the elderly handicapped under jurisdiction of a State or City agency.

C 900180 ZSM

An application submitted by the New York Foundation for Senior Citizens, Inc. for the grant of a special permit pursuant to Sections 96-104, 96-105 and 96-108 of the Zoning Resolution to construct a 90-foot (10-story) high, 100 unit residence for the elderly and elderly handicapped on a portion of a zoning lot located on the block between West 53rd and West 54th streets, and 9th and 10th avenues. The zoning lot is presently owned by DCK, an affiliate of Con Edison Inc., and it contains five vacant tenement buildings that would be demolished under this proposal.

BACKGROUND

The Special Clinton District

The SCD was established in 1975 to preserve the scale and character of the core residential area of Clinton and to redirect future development to the community's perimeter. The general boundaries of the SCD extend from Eighth to Twelfth Avenues, between West 41st Street and West 58th Street (Appendix A). The SCD is divided into four subdistricts: Preservation, Perimeter, Mixed Use and Other. There are also five areas within the SCD which are largely excluded from the requirements of the District. These areas are depicted in grey on the District Map. The boundaries of these areas are: (a) the Clinton Urban Renewal Area, bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue; (b) the former Madison Square Garden site, which now houses the World Wide Plaza project bounded by West 49th Street, Eighth Avenue, West 50th Street and Ninth Avenue; (c) the site of the proposed Educational Construction Fund P.S. 51 project bounded by West 45th Street, the easterly right-of-way of the railroad, West 44th Street and Eleventh Avenue; (d) the Manhattan Plaza project site bounded by West 42nd Street, Ninth Avenue, West 43rd Street and Tenth Avenue; and (e) the Parc Vendome project site bounded by West 56th Street, Ninth Avenue, West 57th Street and a line 200 feet west of Eighth Avenue.

The Preservation Area is represented by the "A" Area on the Special Clinton District Map. This area was created to preserve the existing low-scale character of the residential core area of the SCD. Special regulations apply to use, alterations and/or demolition of buildings containing residential uses, floor area, lot coverage, yards, building height and dwelling unit distribution. Although the Preservation Area is zoned R8 and C6-2 (zoning designations which normally have an FAR of 6.02), the maximum FAR in the Preservation Area is 4.2 for residential, Community Facility and commercial uses.

The Perimeter Area is depicted as "B1" and "B2" on the District Map. It was established to encourage development along the eastern (8th Avenue) and southern (41st and 42nd Streets) edges of the District. The Perimeter Area is zoned C6-4 which allows a base FAR of 10.0 for residential, commercial and mixed-use developments, bonusable to 12.0 FAR through either the provisions of Section 23-90, Inclusionary Housing of the Zoning Resolution or Section 26-211, Floor area bonus for a park of the Zoning Resolution, or a combination of the two.

The Mixed Use Area, letter "C" on the District Map, was intended to allow residential buildings which contain dwelling units to exist as legal complying buildings with conforming uses in a manufacturing district. The zoning in the Mixed Use Area is

M1-5. It allows an FAR of 5.0 for manufacturing uses.

The Other Area, letter "D" on the District Map, was established with the intent to allow the underlying zoning to determine the use and bulk. The Other Area contains the following zones: R8 (maximum FAR 6.02); C2-7 (2.0 FAR for commercial, 10.0 FAR for community facility, and a maximum 7.52 for residential); C6-4 (10.0 FAR for commercial, community facility and residential); M1-6 (10.0 FAR for manufacturing and commercial); M1-5 (5.0 FAR for commercial and 6.5 for community facility); M1-6 (10.0 FAR for commercial and community facility) M3-2 (2.0 FAR for manufacturing).

Most of the proposed amendments included under application N 900614 ZRM consist of minor text revisions. They also include, however, the elimination of Section 96-211 (Floor area for a park), and changes to the District Map. There are two District Map changes. One would eliminate the Mixed Use Area designation (currently Area "C") and the "C" area would be re-designated as part of the "Other Area" on the District Map. Section 96-40, currently entitled "Other Area", would become Section 96-30 in the zoning text. The letter "D" would be dropped from the District Map.

The Mixed Use Area would be eliminated because the portion of the Mixed Use Area which is predominantly residential in character would be rezoned to R8 from M1-5 (under related action C 900613 ZMM) would become part of the existing Preservation Area. All buildings added to the Preservation Area become complying and all uses become conforming. Therefore, for example, if a manufacturing building were demolished, it could be reconstructed to its prior bulk and use.

That portion of the Mixed Use Area which is zoned M1-5 would become part of Area "C" and would not have any special requirements. The only regulations that will apply are the requirements of the underlying zoning.

The other District Map change would expand the Eastern Perimeter Area to 12th Avenue and combine the Eastern and Western Perimeter subdistricts as one area. They would be redesignated with the letter "B" instead of the current designations, "B1" and "B2".

ENVIRONMENTAL REVIEW

This application (C 900614 ZMM) was reviewed by the Departments of Environmental Protection and City Planning pursuant to the New York State Environmental Quality Review Act (SEQRA), the SEQRA regulations set forth in Volume 6 of the New York Code of Rules

and Regulations, Section 617.00 et seq., and the New York City Environmental Quality Review (CEQR) procedures set forth in Executive Order No. 91 of 1977. The designated CEQR number is 87-092M.

The Department of Environmental Protection and the Department of City Planning submitted to the Commission for its consideration the results of their study of the potential environmental impacts of the proposed action. A negative declaration was issued on September 27, 1989.

UNIFORM LAND USE REVIEW

As a text change, this application (N 900614 ZRM) is not subject to the Uniform Land Use Review Procedure (ULURP), but was sent by the City Planning Commission to Community Board 4 for information and review together with the related non-ULURP text change applications for amendments to the Zoning Resolution (N 900615 ZRM, N 900616 ZRM, N 900628 ZRM) and related ULURP applications for amendments of the Zoning Map (C 900613 ZMM) and a special permit application (C 900180 ZSM), which were certified as complete by the City Planning Commission on March 12, 1990.

Community Board Public Hearing

Community Board 4 held a public hearing on April 2, 1990 on this application and on April 4, 1990, and, by an unanimous vote of 22 in favor with no abstentions adopted a resolution recommending approval of the application. However, in its resolution the Board recommended additional language changes and expressed its opposition to the removal of that portion of the Mixed Use Area which would not be rezoned under C 900613 ZMM; it opposed the designation of the new "C" area as "Other", stating that it would prefer the designation "Manufacturing Area"; and it recommended the retention of Sections 96-301 (Special regulations for buildings containing residential uses) and 96-302 (Development or conversions) of the Zoning Resolution.

City Planning Commission Public Hearing

On May 16, 1990 (Calendar No. 8), the City Planning Commission scheduled May 30, 1990 for a public hearing on this application (N 900614 ZRM). The hearing was duly held on May 30, 1990 (Calendar No. 7), in conjunction with the public hearings on the applications for other related actions (C 900613 ZMM, N 900615 ZRM, N 900616 ZRM, N 900628 ZRM, and C 900180 ZSM). The speakers did not raise issues relating to N 900613 ZRM, N 900615 ZRM, N 900616 ZRM and this application, N 900614 ZRM).

Instead, they focused their testimony on the special permit application (C 900180 ZSM) and the amendment to Sections 96-108 and 96-110 of the Zoning Resolution (N 900615 ZRM). There were 31 speakers in favor of the applications, and 14 speakers in opposition.

Those who spoke in favor of the two applications consisted of a representative of the Member of Congress for the 17th Congressional District; a representative of the Senator for the 28th Senatorial District; representatives of the applicant; a representative of Con Edison and residents of another New York Foundation for Senior Citizens project called Brown Gardens, located on East 93rd Street in Manhattan. Most of those who spoke emphasized the critical need in the City for affordable, safe and decent housing for low- and moderate-income persons, including those who are elderly. One of the residents from Brown Gardens told the Commission that she would have been homeless if it had not been for this project. Another person described Brown Gardens as a multi-ethnic, multi-religious and multi-racial residence where the seniors enjoy many social programs and activities and where they feel safe in an environment which creates a very desirable quality of life.

Those who spoke against the special permit and text amendments to Sections 96-108 and 96-110 of the Zoning Resolution primarily

consisted of individual residents of the Community District and representatives from local organizations and block associations.

Most stated that they are not opposed to housing for senior citizens; however, they are opposed to the demolition of sound buildings in the SCD. They fear that to allow such demolition would undermine the SCD's goal to maintain rent levels in the

area for a mixture of income groups. In addition, some speakers

alleged that Con Edison warehoused apartments in the vacant tenements on the proposed site. They further stated that the

proposed Land Cure text is tantamount to giving Con Edison a reward, and landlords who harass should not be rewarded with demolition permits. Finally, many who spoke in opposition stated that the Foundation should explore an alternative site in Clinton where the SCD controls do not apply. Several sites in the Clinton Urban Renewal Area were recommended. The Clinton Urban Renewal Area is an excluded parcel within the SCD; therefore, it is not subject to SCD controls.

The hearing was closed.

The hearing was closed.

CONSIDERATION

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The City Planning Commission believes these amendments are appropriate. These changes evolved out of several years of discussion between the Department of City Planning and the

Community Board and other interested parties. The changes consist primarily of a series of language revisions which will add clarity and/or bring the text up to date. The only significant changes to the text involves the elimination of Section 96-211 of the Zoning Resolution (Floor area bonus for a park) and the elimination of the Mixed Use Area.

Currently, a developer in the Perimeter Area of the SCD can qualify for a bonus of 2 FAR under either the Inclusionary Housing bonus (Section 23-90 of the Zoning Resolution) or the park bonus (Section 96-211 of the Zoning Resolution). However, the park bonus has not been used since the inception of the SCD text in 1975, and seems unlikely to be utilized to produce a useful park in the future. Moreover, the removal of Section 96-211 of the Zoning Resolution will not negatively affect development since the Inclusionary Housing bonus would still be available in the Perimeter Area.

With respect to the District Map changes, the Mixed Use Area includes predominantly residential uses in its central and eastern portions and manufacturing uses in the western portion. The central and eastern portions are more appropriately incorporated into the Preservation Area because of the residential character of those blocks. The western portion, by contrast, is best suited for inclusion in the "Other Area" which

is subject to underlying zoning regulations. Hence, pursuant to this change there would be three subareas (Preservation Area, Perimeter Area and Other Area) where currently there are four (Preservation Area, Perimeter Area, Mixed Use Area and Other Area).

The Community Board unanimously supported these changes but asked that the western portion of the Mixed Use Area be designated "Manufacturing Area". Since there is a predominance of manufacturing uses in the western portion, and since other portions of the Other Area contain manufacturing, residential or commercial uses, with each portion being subject to the underlying zoning, the Commission believes that the "Other Area" designation is more appropriate than to redesignate it solely as "Manufacturing."

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant effect on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in Underline is new, to be added;

Matter in ~~Strikeout~~ is old, to be omitted;

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

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

Article IX

Special Purpose Districts

Chapter 6 Special Clinton District

96-00 GENERAL PURPOSES

The "Special Clinton District" (hereinafter also referred to as the "Special District") established in this resolution is designed to promote and protect public health, safety, general welfare and amenity. Because of the unique geographical location situation of the Clinton community, situated between ~~the Convention Center and its related activities and~~ the waterfront on the west and ~~by~~ a growing central business district on the east, it is necessary to provide propose specific programs and regulations which will assure realization of community and city-wide goals.

These goals ~~which are part of the plan for the Clinton Area~~ include, among others, the following:

- (a) To preserve and strengthen the residential character of the community;
- (b) To permit rehabilitation and new construction within the area in character with the community and which will not substantially alter the mixture of income groups present in the community;
- (c) To preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;
- (d) To provide amenities such as ~~public open space~~ and street trees to improve the physical environment;
- (e) To restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and

(f) To promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

* * *

96-03

District Map

The District Map for the Special Clinton District (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the Special Clinton District. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

Area A -- PRESERVATION AREA --

Section 96-10

Area B -- PERIMETER AREA --

Section 96-20

Area C -- ~~MIXED USE AREA~~ --

OTHER AREAS

Section 96-30

Area D OTHER AREAS

Section 96-40

96-10 PRESERVATION AREA

* * *

96-107

Special regulations for community facility uses

#Developments#, #enlargements# or #extensions# of #community# facility uses# or conversions of an existing #building# to a #community facility use# are permitted on #zoning lots# containing existing #buildings# with #residential# uses only pursuant to the provisions of this Section. The City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may permit #developments#, #enlargements#, or #extensions# of #community facility uses# provided that the Commission makes the following findings:

(a) That the existing #building# is not eligible for rehabilitation under any active publicly aided program under which funds are available;

(b)That, prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the developer shall have notified the Commissioner of Housing Preservation and Development ~~Administrator of Housing and Development~~ of his or her intention to demolish the #building#;

(c)That the eviction and relocation practices followed by the owner of the #building# satisfy all applicable legal requirements and that no harassment has occurred or if it has been determined by the applicable governmental agency that legal relocation or eviction requirements have not been satisfied or that harassment has occurred, that the owner has complied with Section 96-110.

This special permit shall be in addition to any special permits required for nursing homes, health related facilities and domiciliary care facilities for adults pursuant to the provisions of Section 74-90.

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

~~All applications for special permits under the provisions of this Section shall be referred to Borough of Manhattan, Community Board #4 for its~~

~~recommendation in accordance with the provisions of Section 84(d) of the New York City Charter.~~

* * *

96-109

Alterations of buildings

Prior to the issuance of an alteration permit by the Department of Buildings for an alteration other than an incidental alteration for a #building# containing #residential uses# within the Preservation Area, the Commissioner of Housing Preservation and Development ~~Administrator of Housing and Development~~ shall certify to the Department of Buildings:

(a) That prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration, the owner shall have notified the Commissioner of Housing Preservation and Development ~~Administrator of Housing and Development~~ of his intention to alter the #building#;

(b) That the eviction and relocation practices followed by the owner of the #building# satisfy all applicable legal requirements and that no harassment has occurred, or if it has been determined by the

applicable governmental agency that legal relocation or eviction requirements have not been satisfied or that harassment has occurred, that the owner has complied with Section 96-110.

96-111

Off-street parking regulations

#Accessory# off-street parking spaces, #public parking lots# or #public parking garages# are not permitted within the Preservation Area except by special permit as set forth in Section 13-461 (Accessory off-street parking garages and public parking lots) and Section 13-462 (Public parking garages and public parking lots). In addition, the Commission shall find that:

(a)the property has been or will be vacated pursuant to the provisions of Section 96-108;

(b)the applicant has followed the relocation procedures set forth in Section 96-23.

96-20 PERIMETER AREA

N 900614 ZRM

~~The Perimeter Area shall consist of the Western Perimeter Area (B1) and the Eastern Perimeter Area (B2).~~

#Developments# within the ~~entire~~ Perimeter Area shall be eligible for ~~bonuses~~ increased ~~#floor area#~~ pursuant to Section 96-21. Because of increased pressures for ~~#development# attributable to the plan for the Clinton area in the Western Perimeter Area~~ the relocation and demolition provisions of Section 96-23 shall apply therein for all demolition, ~~#development#, #enlargement# or #extensions#~~ on lots containing ~~#residential uses#~~. All existing legal ~~#uses#~~ in enclosed ~~#buildings#~~ shall be considered conforming ~~#uses#~~. Except as otherwise ~~as~~ provided in this Chapter, any existing ~~#commercial# or #manufacturing uses#~~ may be changed ~~subject to the applicable underlying district regulations pursuant to the change of #nonconforming use# to another #non-conforming use#~~ only in accordance with the provisions of Sections 52-31, 52-33, 52-34, 52-35 and 52-36.

96-21

Floor Area Bonus Increase

For any ~~#development#~~ the ~~#floor area ratio#~~ permitted by the underlying district may be increased from 10.0 to 12.0 only by complying with ~~either~~ the provisions of Section 23-90 (INCLUSIONARY HOUSING). ~~or Section 96-212 (Floor area bonus for a park) or a combination of these two sections. For every .1~~

~~increase of permitted #floor area ratio# above 10.00, the #lot area per room# requirements as set forth in Section 23-22 (Required Lot Area Per Dwelling Unit or Per Room) may be reduced by .255 square feet. In no event shall such reduction exceed 17 percent of the applicable #lot area# requirements set forth in Section 23-22.~~ A permanent certificate of occupancy for any #building# incorporating ~~bonus~~ #floor area# increase pursuant to this section shall not be issued by the Department of Buildings until the issuance of a permanent certificate of occupancy for lower income housing ~~and/or park~~ hereunder. In addition to the requirements of Section 23-90 (Inclusionary Housing), any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#.

96-211

~~Floor area bonus for a park~~

~~For each square foot of park provided in the Preservation Area, the total #floor area# permitted on a #zoning lot# in the Perimeter Area may be increased by 7.5 square feet, providing that the Chairman of the City Planning Commission certifies to the Department of Buildings that the following conditions are met:~~

~~(a) That the proposed park site must have been vacant or developed as a parking lot on July 1, 1974;~~

~~(b) That the park is located on a #zoning lot# separate from the bonused #zoning lot#;~~

~~(c) That the park shall have direct access to a #street# and shall be open to the public each day between the hours of 6:00 a.m. and 12:00 midnight;~~

~~(d) That no dimension of the park shall be less than 40 feet and that the park shall not at any point be more than 5 feet below or 5 feet above #curb level# of the street providing access to the park;~~

~~(e) That the park shall be developed as a passive and active recreational area with lighting, seating, landscaping including trees and shrubs, and active recreation facilities. The following types of usage are illustrative of acceptable active recreational facilities: Basketball or handball courts where bounding walls of adjoining development have no lot line windows, bocce courts, children's playgrounds and tot lots;~~

~~(f) That the park shall be maintained in accordance with a maintenance program approved by the Chairman of the City Planning Commission specifying the character and frequency of maintenance;~~

~~(g) That the owner of the park has entered into a restrictive declaration filed with the City Register covenanting that the park shall be used only as a park and maintained in accordance with the approved maintenance program, and that no floor area and rooms shall be attributable thereto;~~

~~(h) That within 30 days of the filing of an application for certification under the provisions of this Section, notification of filing of such application shall be given by the Chairman of the City Planning Commission to Borough of Manhattan, Community Board #4.~~

96-213 96-22

Special Permit for Modification of Height and Setback Regulations

The City Planning Commission by special permit after public notice and hearing and subject to Board of Estimate action, may permit modifications of height and setback regulations for developments which have generated ~~a~~ an increase in the ~~floor area bonus ratio~~ of not more than 2.0 under the provisions of ~~Sections~~ Section 96-211 or 96-212 ~~96-21~~ provided that such modification is necessary to achieve better site planning. The Commission may prescribe

additional conditions and safeguards to minimize adverse effects on the character of the surrounding area. ~~All applications for special permits under the provisions of this Section shall be referred to Borough of Manhattan, Community Board #4 for its recommendation in accordance with the provisions of Section 84(d) of the New York City Charter.~~

96-22

~~Demolition of Buildings in the Eastern Perimeter Area~~

~~Prior to the issuance of a demolition permit by the Department of Buildings for a #building# containing residential uses# within the Eastern Perimeter Area (B2) the Administrator of Housing and Development shall certify to the Department of Buildings:~~

- ~~(a) That prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the developer shall have notified the Housing and Development Administration of his intention to demolish the #building#;~~
- ~~(b) That the eviction and relocation practices followed by the developer satisfy all applicable legal requirements and that no harassment has occurred.~~

96-23

Relocation and Demolition of Buildings Provision in the Western Perimeter Area

Prior to the issuance by the Department of Buildings of a demolition permit or a permit for any #development#, #enlargement# or #extension# on any #zoning lot# containing #residential uses# within the ~~Western Perimeter Area-(B1), B, the Administrator of Housing and Development~~ Commissioner of Housing Preservation and Development shall certify to the Department of Buildings:

(a)That prior to evicting or otherwise terminating the occupancy of any tenant in connection with vacating any #building#, the developer shall have notified the ~~Housing and Development~~ Administration Department of Housing Preservation and Development of his plan for the relocation of tenants which shall:

(i)to the extent possible provide for the relocation of tenants within the Clinton area District;

(ii) provide for the satisfaction of all the requirements for the issuance of a certificate of eviction under ~~Part V of the Rent and Eviction Regulations of the Housing and Development Administration Office of Rent Control, including all currently effective amendments.~~ applicable rent control and rent stabilization regulations of the State of New York.

(b) That the developer has complied with the relocation plan submitted pursuant to paragraph (a) above and that no harassment has occurred, or if it has been determined by the applicable governmental agency that legal relocation or eviction requirements have not been satisfied or that harassment has occurred, that the owner has complied with Section 96-110.

~~96-30 MIXED USE AREA~~

~~All existing #residential buildings# within the Mixed Use Area shall be considered #complying buildings# for all purposes including but not limited to alterations, #enlargements# or #extensions#. Any existing #building# which is damaged or destroyed by any means may be~~

~~reconstructed to its bulk prior to such damage or destruction. All existing #residential uses# shall be considered conforming #uses#.~~

96-301

~~Special regulations for buildings containing residential uses~~
~~Enlargements not involving an increase in #lot coverage# of more than 20 percent, #extensions# and #alterations# of all existing #residential buildings# or any existing #buildings# containing #dwelling units# or #rooming units# within the Mixed Use Area of the Special District are permitted and shall be governed by the #bulk# regulations of an R8 District except as modified in this Section:~~

~~(a) Where any existing #building# containing #dwelling units# or #rooming units# is enlarged for #residential uses#, the open space and #floor area# provisions of Section 23-142 shall not apply and the maximum #floor area ratio# of the #zoning lot# shall not exceed 4.2;~~

~~(b) The minimum required rear yard for the #enlarged# portion of such #building# shall be 30 feet;~~

~~(c) The #lot area per room# requirements of Article II Chapter 3 shall not apply;~~

The average number of rooms in a #dwelling unit# in the #enlarged# or #extended# portion of such #building# shall be at least 3 1/2 rooms. In the case of an alteration there shall be no increase in the number of #dwelling units# existing prior to alteration. No new #rooming units# shall be permitted within the Mixed Use Area.

(d) Any non #residential uses# permitted by the underlying district regulations shall be located below the level of the lowest #story# containing a #residential use#.

96-302

Development or conversions

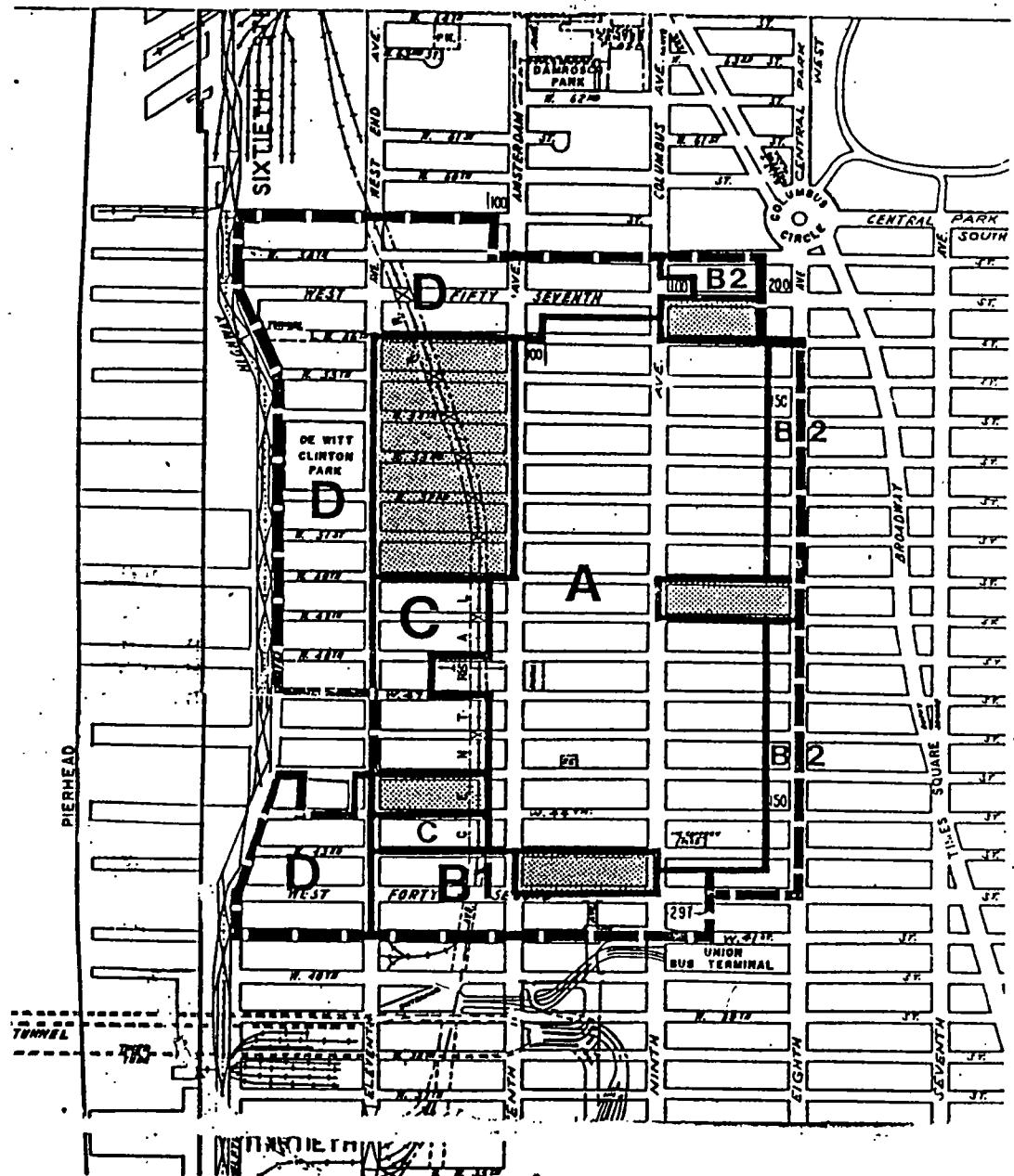
No new building containing #residential uses# or conversions of any existing completely non #residential building# to #residential uses# shall be permitted with the Mixed Use Area.

96-40 96-30 OTHER AREAS

~~In areas other than the Preservation Area, the Perimeter Area or the Mixed Use Area. In Area C, the regulations of the underlying Districts shall apply, except as otherwise set forth in this Chapter.~~

APPENDIX A

EXISTING DISTRICT MAP



DISTRICT MAP

- A** PRESERVATION AREA
- B** PERIMETER AREA
- C** MIXED USE AREA
- D** OTHER AREAS



EXCLUDED AREA
DISTRICT BOUNDARY

The above resolution, duly adopted by the City Planning Commission on June 20, 1990 (Calendar No. 6), is filed with the Secretary of the Board of Estimate, in accordance with the requirements of Section 200 of the New York City Charter.

RICHARD L. SCHAFFER, Chairman
DENISE M. SCHEINBERG, Vice-Chairperson
SALVATORE C. GAGLIARDO, RAFAEL MARTINEZ,
Wm. GARRISON McNEIL, DANIEL T. SCANNELL, Commissioners