



CITY PLANNING COMMISSION

December 17, 2008 / Calendar No. 19

N 080184(B) ZRM

IN THE MATTER OF a revised application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 (Special Clinton District), Community District 4, Borough of Manhattan.

The original application for a zoning text amendment to amend the provisions of the Hudson Yards Special District (N 080184 ZRM) was filed by the Department of City Planning (DCP) on November 20, 2007. On June 20, 2008, a revised application (N 080184(A) ZRM) was filed, containing all the proposed text amendments set forth in N 080184 ZRM except for those relating to Section 96-25 of the Zoning Resolution (“Floor Area Bonus for New Legitimate Theater Use”). Application N 080184(A) was adopted by the City Planning Commission on July 2, 2008 and by the City Council on September 4, 2008. On October 20, 2008, a modified application (N 080184(B) ZRM) was filed pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure containing the proposed amendments to Section 96-25 of the Zoning Resolution originally set forth in application N 080184 ZRM, and additional amendments to that provision.

BACKGROUND

On January 19, 2005, several applications related to Hudson Yards and intended to revitalize Manhattan's Far West Side were approved by the City Council. The applications included establishing a new Special Hudson Yards District to facilitate the expansion of Midtown's central business district, expand residential neighborhoods, and regulate development adjacent to new parks and open space and connections to a proposed expansion of the Number 7 subway line. Those original approvals included a proposal to create a “theater bonus” applicable to a portion of the 42nd Street Perimeter Area of the Special Clinton District (ZR Section 96-25, “Floor Area Bonus for New Legitimate Theater Use”). During the public review and after the promulgation of the Special Hudson Yards District the need for text amendments to clarify the original text, eliminate inaccurate references in the text, and add new provisions consistent with the intent of the Special District were also identified, including modifications to the Clinton

District theater bonus. To address some of these issues, follow-up text amendments (N 060046(A) ZRM) were approved by City Council on December 21, 2005

To deal with additional issues, including the Clinton District theater bonus, an application for text amendments was filed by DCP on November 20, 2007 (N 080184 ZRM). On June 20, 2008, after the Commission's public hearing on May 21, 2008, and in response to concerns about the Clinton District theater bonus that were raised during the public review process, the application was split into two parts, N 080184 ZRM and N 080184(A) ZRM which did not include the text amendments relating to the Clinton District theater bonus. Application N 080184(A) continued through the review process and was approved by the Commission on July 2, 2008 and the City Council on September 4, 2008 while the proposed amendments to Section 96-25 remained pending before the Commission for further consideration. On October 20, 2008, an application (N 080184(B) ZRM) containing the proposed amendments to Section 96-25 of the Zoning Resolution originally set forth in application N 080184 ZRM, with other proposed amendments to that section was filed by DCP pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure. This application (N 080184(B) ZRM), containing amendments to Section 96-25, is the subject of this report.

The area affected by the proposed text amendments includes a one and a half block area within the Special Clinton District bordered by West 42nd Street, West 41st Street, Dyer Avenue and Eleventh Avenue. This area is within a C6-4 district which has a maximum base FAR of 10.0. Residential developments may achieve an FAR of 12.0 via an inclusionary housing bonus. Use of the theater bonus could add an additional 3.0 FAR for a maximum FAR of 15.0.

The subject block-and-a-half area is developed with residential buildings, vacant lots and commercial warehouses on the western block. The eastern half-block (between 10th & Dyer Avenues) is a cleared vacant lot. The surrounding area is developed with a mixture of residential towers, ground floor retail uses, and transportation related uses including Lincoln Tunnel approaches and ramps from the Tunnel to the Port Authority Bus Terminal.

PROPOSED THEATER BONUS AMENDMENTS

These amendments would 1). revise the provisions governing the bonus for new legitimate theater use in the 42nd Street Perimeter Area of the Special Clinton District (ZR 96-25) and 2). revise the map of the Special Clinton District (SCD) to show where this bonus is available.

The floor area bonus can be obtained by providing new floor area in a development for legitimate theater. Three square feet of additional floor area (which includes the theater space) can be obtained for each one square foot of new legitimate theater space. Currently, Section 96-25 allows the Chair of the Commission to certify that:

- The total floor area ratio on the lot does not exceed 15.0
- The venue's performance space has at least 99 fixed seats
- The operator/owner of the space must agree to operate the theater for five years
- There is a written commitment from the owner:
 - i. of its financial resources available to timely complete the space,
 - ii. that it will allow inspection and ongoing maintenance to ensure the space's availability for theatre use, and
 - iii. that it will use the space's floor area as legitimate theater for the life of the bonused floor area

The proposed amendments would add the following:

- Clarify that for every three square feet of bonused floor area, one square foot of such bonused floor area shall be used for the new performance space.
- Permit a bonus to be received for the provision of "non-profit performing arts use" as well as legitimate theater. This would expand the potential performance space capable of generating the bonus.
- Include rehearsal space as a use that generates the bonus but limit uses not listed in the text to 25% of the space that generates the bonus. This would expand the uses that could generate the bonus to include rehearsal space, while limiting the overall amount of floor area used for purposes accessory to the performance space that can generate a bonus.
- Limit the performance space to at least 100 seats and no more than 299. This would set a size range that would be similar to what currently and historically has been the range of

theater sizes for this portion of 42nd Street, known as “Theater Row”.

- Prohibit the use of the performance space for “adult uses”.
- Create a role for the Commissioner of NYC Dept. of Cultural Affairs (DCA) to consult with the Chair of the Commission and to supply a letter certifying that:
 - i. A lease has been provided from the operator or owner that the space will be used as legitimate theater or non-profit performing arts use for at least five years pursuant to a plan and program.
 - ii. The proposed operator of the performance space has the fiscal and managerial capacity to operate the space successfully.
 - iii. Preliminary design plans have been provided detailing aspects of the performance space construction that are necessary for its operation.
 - iv. A written commitment has been provided ensuring sufficient financial resources available for the timely completion of the work.
 - v. The operator will have a program of regularly scheduled presentations

This amendment would take advantage of the expertise of the DCA to determine the sufficiency of the performance space and its operator.

The modified application (N 080184(B) ZRM) includes the following additional amendments to Section 96-25:

- The map of the SCD in the Appendix of the SCD text is modified to clearly show where the theater bonus applies.
- Currently a development cannot receive a temporary certificate of occupancy (TCO) until the theater space is “substantially complete” which is defined in the current text as being “usable by the public”. The proposal would offer an opportunity to waive this requirement, for both temporary and permanent certificates of occupancy, provided that, at the time the applicant seeks temporary or permanent certificates of occupancy for the bonused space:
 - i. the Commissioner of the DCA has certified that the “core and shell” of the performance space has been completed in accordance with a core and shell agreement accepted by the Commissioner; and

- ii. ownership of the performance space has been transferred to the prospective operator.

This amendment would offer another way for a developer to obtain TCOs while at the same time ensuring the completion and quality of the performance space.

- Non-profit performing arts use will only generate the bonus if at least two of the theaters in the development are exclusively used for “legitimate theater”. This would help ensure that “Theater Row” on 42nd Street would retain its character as a theater venue.
- Inspection and ongoing maintenance reports on the performance space must be sent every five years from a licensed engineer or architect to not only the Chair of DCP, as under the current text, but also to the Commissioner of DCA and the Community Board.
- To help ensure the continuing viability of the theater space, when there is a change in the operator of the performance space the new operator must obtain a new letter from the Commissioner of the DCA certifying that relevant standards, e.g., the existence of a lease; that the operator has the requisite financial and managerial capacity to operate the space, are met.

A number of the proposed amendments in N 080184(B) ZRM respond to comments received on the original application. The proposed amendments to the standards for issuance, under certain circumstances, of TCOs, would facilitate the development of a new theater complex for the Signature Theater Company at 440 West 42nd Street, located between 9th and 10th Avenues, pursuant to the theater bonus (Application No. N 090156 ZCM, bonus certified November 20, 2008).

ENVIRONMENTAL REVIEW

Application N 080184(B) ZRM was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and 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) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 03DCP031M. The lead agency is the City Planning Commission.

A Notice of Minor Modification was issued on February 11, 2008, which determined that the text changes set forth in application N 080184 ZRM would not result in any new or additional significant adverse impact not already set forth in the Final Generic Environmental Impact Statement for the Hudson Yards. A modified Notice of Minor Modifications was issued on June 27, 2008 to reflect Application N 080184(A) ZRM, which does not include proposed amendments to the SCD theater bonus (ZR Section 96-25). A modified Notice of Minor Modifications was issued on October 27, 2008 to reflect Application N 080184(B) ZRM, which includes the proposed amendments to ZR Section 96-25. The modified Notice of Minor Modifications determined that the text changes set forth in Application N 080184(B) ZRM would not result in any new or additional significant adverse impact not already set forth in the Final Generic Environmental Impact Statement for the Hudson Yards.

PUBLIC REVIEW

On February 11, 2008, the original application (N 080184 ZRM) was duly referred to Manhattan Community Board 4 and the Manhattan Borough President in accordance with the Commission's policy for non-Uniform Land Use Review Procedure (ULURP) items. On October 27, 2008, the modified application (N 080184 (B) ZRM) was duly referred to Manhattan Community Board 4 and the Manhattan Borough President in accordance with Section 2-06(c)(1) of the ULURP Rules.

Community Board Review

Community Board 4 held a public hearing on the original application (N 080184 ZRM) on April 2, 2008 and on April 7, 2008 issued a recommendation approving the application, with conditions. The excerpts below highlight the chief comments on the theater bonus amendment which are fully described in the attached recommendation.

- The portion of Subarea P2 of the 42nd Street Perimeter within which the bonus is available should be shown on the Appendix A (the map) of the Special Clinton District text, to eliminate the frequent misinterpretation that the bonus is available throughout Subarea P2.
- The (theater) bonus should require a special permit, not certification, with required findings concerning the effect on the surrounding area.

- The five-year inspection reports must be publically available, by delivery of a copy to this board or some other means.
- Non-profit performing arts space should qualify for the bonus only if the development also includes two theaters. This is consistent with the original intent of the theater bonus, which was, in part, to replace the two small theaters that were demolished...

Community Board 4 issued a recommendation, on November 6, 2008 that approved of the modified application (N 080184(B) ZRM), subject to certain conditions. The excerpts below highlight the chief comments which are fully described in the attached recommendation.

- (the) core and shell agreement accepted by the Commissioner (of the DCA)...the proposed text does not provide sufficient detail about what is required for core and shell; it must include all the mechanical systems that are fundamental to operation of the theater – a complete HVAC system, boiler, elevators, etc. Alternatively, the modified declaration of restrictions must commit the owner to provide these systems at the owner's expense.
- The process for changing the operator, is a desirable change, provided that Commissioner of the DCA is required to consult Manhattan Community Board 4 before issuing the letter of certification
- We continue to feel strongly that the CB4 community should be consulted before a theater bonus is approved...(w)e therefore request that the text be further modified to include this community referral process.

Borough President Review

The original application (N 080184 ZRM) was considered by the Manhattan Borough President who issued a recommendation on April 10, 2008 approving the application, subject to the following conditions related to the theater bonus. The excerpts below highlight the chief comments on the theater bonus amendment which are fully described in the attached recommendation.

- It should be made explicit that the theater bonus applies only on the south side of 42nd Street between Dyer and Eleventh Avenues in Subarea 2 of the Special Clinton District map.
- The theater bonus should be held to specific findings as part of a special permit, not only to the City Planning Chair's certification (with findings) consistent with those on ZR Sec. 81-745 (the Special Midtown District's Theater Subdistrict).
- Five-year inspection reports must be made publicly available, by delivery of a copy to Community Board 4, the local City Council member and the Manhattan Borough President.

The modified application (N 080184(B) ZRM) was considered by the Manhattan Borough President (BP) who issued a recommendation on November 17, 2008 approving the application. The BP recommended that “the text could contain a clearer description of what qualifies as sufficient core and shell buildout” and with regards to a change in operator of the performance space “DCA consult with the local community board before submitting a letter in order to ensure the appropriateness of the new operator.”

City Planning Commission Public Hearing

On May 7, 2008 (Calendar No. 5), the City Planning Commission scheduled May 21, 2008, for a public hearing on the original application N 080184 ZRM. The hearing was duly held May 21, 2008 (Calendar No. 16). There were 2 speakers in favor and none in opposition to the proposed theater bonus amendments.

The Chair of Community Board 4’s Clinton/Hell’s Kitchen Land Use Committee, noted that the Board supported most of the proposed amendments and reiterated the Board’s objections and recommendations to the proposal.

A representative from the Manhattan Borough President also reiterated the Borough President’s objections and recommendations.

There were no other speakers and the hearing was closed.

On October 29, 2008 (Calendar No. 4), the City Planning Commission scheduled November 19, 2008, for a public hearing on the modified application (N 080184B ZRM). The hearing was duly held November 19, 2008 (Calendar No. 20). There were 4 speakers in favor and none in opposition.

The Chair of Community Board 4’s Clinton/Hell’s Kitchen Land Use Committee noted that the Board supported the proposed amendments, while reiterating the Board’s recommendation that the new provision governing issuance of TCO’s should include more detail about what is required for an acceptable core and shell.

A representative from the Manhattan Borough President also reiterated the Borough President's recommendations.

Representatives of the Related Companies and Signature Theater Company spoke in favor of the amendments.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this application for an amendment to the Zoning Resolution (N 080184(B) ZRM), as modified herein, is appropriate. The Commission believes that the provisions which expand the types of space that can generate a bonus, while ensuring that legitimate theater remains the predominant bonused use, reflect a zoning policy appropriate to Theater Row.

The Commission also believes that having the Commissioner of the DCA play a role in certification process will help to ensure that the spaces are well designed and will operate efficiently for their intended use and that operators are qualified to manage and program the spaces.

Finally, the Commission notes that the amendments that allow for an alternative method of obtaining temporary certificates of occupancy for bonus floor area would add flexibility for certain developments whose performance spaces are not completed at the time that bonus floor area becomes TCO-eligible. These amendments, however, still provide a high degree of assurance that the performance spaces will be completed. The Commission understands that these provisions would be made applicable to the theater bonus application made by the Related Companies to establish a home for the Signature Theater Company at the development located at 440 West 42nd Street (N 090156 ZCM), which was approved by the Chair on November 20, 2008.

In response to issues raised during the public review, the Commission hereby modifies the proposed text amendments to: (1) require a referral to Community Board 4, the local Council Member and the Borough President of any application for the Clinton District theater bonus, for a period of forty-five days; and (2) require, in the event of a change of operator of the performance space, that the plan and program and other aspects of the change be referred to Community Board 4 for advisory input prior to the Commissioner of DCA advising the Chair as to the new proposed operator and any substantial renovation, if applicable. Other modifications made by the Commission herein would clarify: (1) that the preliminary design plans for a performance space provided to the DCA for review need to include details regarding core, shell, structural, and mechanical systems only as necessary for DCA to determine that the performance space will operate efficiently; and (2) that the requirement that applicant supply a five-year lease with the prospective theater operator does not apply in the event that applicant proposes to transfer ownership of the theater under the alternate provisions governing issuance of TCOs.

The Commission acknowledges the views of the Community Board and Borough President that core and shell work qualifying for the alternate method of TCO issuance should be described in greater detail in the text. The Commission believes, however, that the language of the proposed text amendment requiring that core and shell work be performed under a Core and Shell Agreement acceptable to the Commissioner of the DCA provides assurance that the core and shell work will be substantial and promote final completion of the space, while allowing for flexibility to meet specific project needs and requirements.

The Commission is pleased to approve these modifications to the theater bonus provisions, which it believes will promote the development of “Theater Row” on 42nd Street between Dyer and Eleventh Avenues as a center for the performing arts.

RESOLUTION

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

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, and based on the environmental determination and the consideration described in this report, the Zoning Resolution 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 deleted;

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

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

96-25

Floor Area Bonus for New ~~Legitimate~~ Theater Use

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix A of this Chapter, for ~~#developments#~~ or ~~#enlargements#~~ located within the area bounded by West 42nd Street, Dyer Avenue, West 41st Street and Eleventh Avenue that have fully utilized a ~~#floor area#~~ increase pursuant to Section 23-90 (INCLUSIONARY HOUSING), ~~three additional square feet of #floor area# may be provided for each square foot of new legitimate theater #use#,~~ the #floor area ratio# may be increased from 12.0 to a maximum of 15.0, provided that for every three square feet of bonused #floor area#, one square foot of such bonused #floor area# shall be used for new “performance space”, which, for the purposes of this Section 96-25 shall mean space to be used as a legitimate theater or for non-profit performing arts use. Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, after referral for review and receipt of recommendations from the applicable Community Board, that the following conditions ~~shall exist~~ have been met:

(a) ~~the total #floor area ratio# on the #zoning lot# shall not exceed 15.0;~~

(b)(a) all ~~#floor area#~~ for any performance space for which a bonus is received pursuant to this Section shall be limited to floor space exclusively associated with legitimate theater or non-profit performing arts #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, rehearsal space, lobbies, ~~lounges~~, ticket offices, rest rooms, and circulation space. Any other use of the bonused performance space shall not comprise more than 25% of the total #floor area# of such performance space;

(c)(b) ~~the theater~~ such performance space shall be designed, arranged and used ~~exclusively~~ for live performances and rehearsals of drama, music or dance and shall have at least ~~99~~ 100 ~~fixed seats and no more than 299 seats.~~ If there is more than one performance space, each shall have at least 100 seats, and adjacent performance spaces may be designed in a

manner that allows for their combination into a single performance space provided such combined space has no more than 299 seats. Performance space for which a bonus is received pursuant to this Section shall only be used for non-profit performing arts use provided the #development# or #enlargement# contains at least two performance spaces used exclusively for performances of legitimate theater;

(c) a letter from the Department of Cultural Affairs shall be submitted certifying that:

~~(d)~~(1) a signed lease shall be has been provided from a the prospective theater operator of the performance space, or a written commitment from the owner of the theater performance space if such owner is also the operator, for occupancy of the theater performance space and its operation as a legitimate theater or non-profit performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;

(2) the proposed operator of the performance space has the fiscal and managerial capacity to successfully operate such space;

(3) preliminary design plans have been provided to the Department of Cultural Affairs for the performance space, which include sufficient detail regarding core, shell, structural, and mechanical systems, as necessary to ensure that such performance space will operate efficiently for its intended use, and

~~(e)~~(4) a plan and program shall be accompanied by written commitment from such owner of the financial resources available to ensure timely completion of the identified scope of work; a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work, and

(5) the proposed operator of the performance space will have a program of regularly scheduled presentations that are open to the public.

~~(f)~~(d) a legal commitment shall be has been provided for inspection and ongoing maintenance of the theater performance space to ensure its continued availability for theater #use# as a legitimate theater or non-profit performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Chairperson of the City Planning Commission, and the Commissioner of the Department of Cultural Affairs and the applicable Community Board. and notice of such report shall be published in the City Record. Such report shall describe the condition of the theater performance space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the theater performance space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and

~~(g)~~(e) a legal commitment shall be has been provided for continuance of the #use# of all #floor area# in the bonused performance space for which a bonus has been received pursuant to this

Section as a legitimate theater or non-profit performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of subparagraphs (1), (2) and (3) of paragraph (c) of this Section have been met as to the proposed operator and, where substantial renovation of the performance space, as defined by the Commissioner of the Department of Cultural Affairs, is being proposed in conjunction with the change of operator, that the provisions of subparagraphs (3) and (4) have been met as to such substantial renovation. Any application or submission with respect to a change in operator made pursuant to the provisions of such legal commitment shall be referred to the affected Community Board. The Commissioner of the Department of Cultural Affairs shall not issue a letter with respect to such application prior to forty-five days after such referral. Such legal commitment shall also prohibit #use# as an #adult establishment# for the life of the related #development#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the ~~theater~~ performance space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the Chairperson of the City Planning Commission under the terms of such declaration, and receipt of ~~such a~~ certified copy of such declaration, shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the ~~Chairperson~~ Commissioner of the Department of Cultural Affairs has certified that the ~~theater~~ performance space is substantially complete, which shall, for this purpose, mean that such ~~theater~~ performance space is usable by the public.

The owner shall not apply for or accept a permanent certificate of occupancy for ~~such portion of~~ the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for ~~such portion~~, the #development# or #enlargement# until the ~~theater~~ performance space has been finally completed in accordance with the approved plans and such final completion has been certified by the ~~Chairperson~~ Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any Temporary or Final Certificate of Occupancy for the #building#.

Notwithstanding the foregoing, the Chairperson of the City Planning Commission may accept a declaration of restrictions, or, in the case of a certification issued by the Chairperson of the City Planning Commission prior to [effective date of text amendment], a modified declaration of restrictions, which shall allow the owner to apply for and accept, and the Department of Buildings to issue, temporary and permanent certificates of occupancy for the portion of the #development# or #enlargement# which utilizes the increased #floor area# permitted pursuant to this Section prior to substantial or final completion of the performance space, as the case may be, provided that, under the terms of such declaration of restrictions or modified declaration of

restrictions, the owner shall not apply for or accept temporary certificates of occupancy for any such portion of the #development# or #enlargement# unless and until:

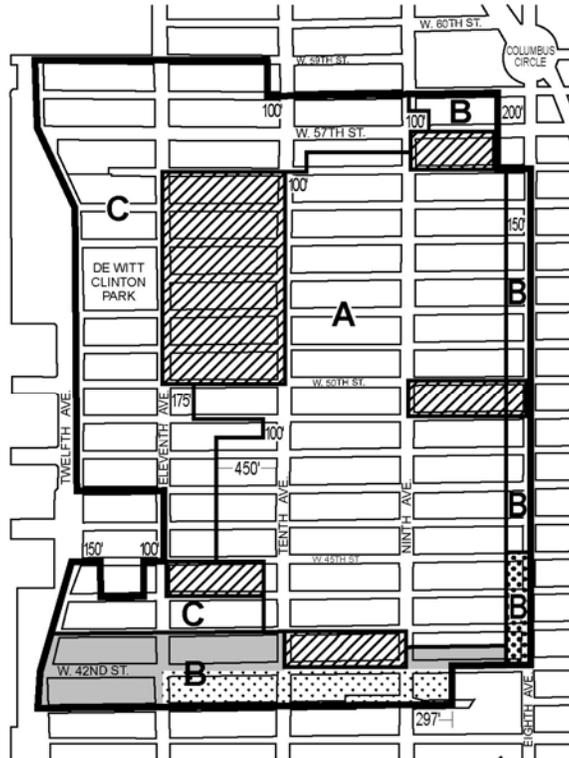
(a) the Commissioner of the Department of Cultural Affairs has certified that the core and shell of the performance space has been completed in accordance with a core and shell agreement accepted by the Commissioner; and

(b) ownership of the performance space has been transferred to the prospective operator. In the event of a transfer of ownership of the performance space, certification pursuant to subparagraph (1) of paragraph (c) of this Section shall not require the provision of the signed lease or written commitment described therein, and the operating plan and program for the performance space shall be provided by the prospective owner.

Any application for certification of a floor area bonus for theater use pursuant to this Section shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. The Chairperson shall not grant any such certification prior to forty-five days after such referral.

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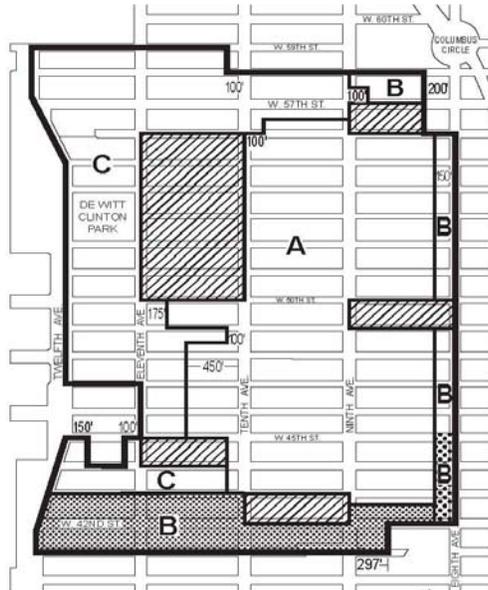
EXISTING MAP
Special Clinton District



-  Special Clinton District Boundary
-  Area Boundary
-  Preservation Area
-  Perimeter Area
-  Portion of Perimeter Area also subject to Article VIII, Chapter I (*Special Midtown District*)
-  Subarea 1 of 42nd St. Perimeter Area
-  Subarea 2 of 42nd St. Perimeter Area
-  Other Area
-  Excluded Area

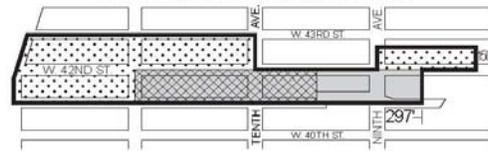
PROPOSED MAP
Special Clinton District

Special Clinton District



- Special Clinton District Boundary
- Area Boundary
- A** Preservation Area
- B** Perimeter Area
- Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (See map below)
- Portion of Perimeter Area B also subject to Article VIII, Chapter I (Special Midtown District)
- C** Other Area
- Excluded Area

42nd Street Perimeter Area



- Subarea 1 of 42nd St. Perimeter Area
- Subarea 2 of 42nd St. Perimeter Area
- Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies

* * *

The above resolution (N 080184(B) ZRM), duly adopted by the City Planning Commission on December 17, 2008 (Calendar No. 19), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. McRAE
JOHN MEROLO, Commissioners

KAREN A. PHILLIPS, Commissioner, RECUSED